



City of Grand Island

Tuesday, September 26, 2006

Council Session

Item F4

#9080 - Consideration of Amendments to Chapter 32-2 of the Grand Island City Code Relative to Trees and Shrubs Projecting into the Street

Staff Contact: Steven P. Riehle, Public Works Director

Council Agenda Memo

From: Steven P. Riehle, Public Works Director

Meeting: September 26, 2006

Subject: Consideration of Amendments to Chapter 32-2 of the Grand Island City Code Relative to Trees and Shrubs Projecting into the Street

Item #'s: F-4

Presenter(s): Steven P. Riehle, Public Works Director

Background

The City Code requires trees that overhang the street or sidewalk maintain a minimum of 14' clearance.

The City Code also restricts hedges and foliage, continuous of 5' or more, to a height of no more than 36 inches in the required front yard set back; however the City Code does not have a similar height restriction in the right-of-way.

Discussion

Administration is recommending the overhang clearance to a sidewalk be reduced from 14' to 8'.

To be consistent with height restrictions in the required front yard set back, administration is recommending adding a height restriction to the City Code for landscaping in the Right-of-Way.

The recommended changes for Section 2 of Chapter 32 are underlined:

§32-2. Trees and Shrubs Projecting Into Street

It is hereby declared unlawful for any property owner or any lessee or occupant of any property to permit the limbs, branches or foliage of any tree or shrub upon such property to project into or extend over any street, lane, or sidewalk in such manner that there shall be a clearance of less

than fourteen feet between the surface of such street, lane, or less than seven between the sidewalk and such limbs, branches, or foliage.

Administration is recommending the following be added.

It is also declared unlawful for any property owner or any lessee or occupant of any property to plant, grow, keep or maintain, or cause to be planted, grown, kept, or maintained, any hedge, bush, or shrubbery of any kind or nature, within the Public Right-of-Way to be continuous of five or more and of a height over three feet above the roadway surface measured from the nearest top of the roadway surface or the centerline grade of the roadway, whichever is higher.

Alternatives

It appears that the Council has the following alternatives concerning the issue at hand. The Council may:

1. Move to approve an Ordinance amending the City Code.
2. Refer the issue to a Committee.
3. Postpone the issue to future date.
4. Take no action on the issue.

Recommendation

City Administration recommends that the Council approve an Ordinance to restrict overhanging trees to a minimum of 8' above the sidewalk and restrict shrub height to 36" within the Right-of-Way.

Sample Motion

Motion to approve the Ordinance on trees and shrubs projecting into the street.

ORDINANCE NO. 9080

An ordinance to amend Chapter 32 of the Grand Island City Code; to amend Section 32-2 pertaining to trees and shrubs projecting into the street; to repeal Section 32-2 as now existing, and any ordinance or parts of ordinances in conflict herewith; and to provide for publication and the effective date of this ordinance.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF GRAND ISLAND, NEBRASKA:

SECTION 1. Section 32-2 of the Grand Island City Code is hereby amended to read as follows:

§32-2

It is hereby declared unlawful for any property owner or any lessee or occupant of any property to permit the limbs, branches or foliage of any tree or shrub upon such property to project into or extend over any street, lane, or sidewalk in such manner that there shall be a clearance of less than fourteen feet between the surface of such street, lane, or less than eight feet between the sidewalk and such limbs, branches, or foliage.

It is also declared unlawful for any property owner or any lessee or occupant of any property to plant, grow, keep or maintain, or cause to be planted, grown, kept, or maintained, any hedge, bush or shrubbery of any kind or nature, within the public right-of-way to be continuous of five feet (5') or more and of a height over three feet (3') above the roadway surface measured from the nearest top of the roadway surface or the centerline grade of the roadway, whichever is higher.

SECTION 2. Section 32-2 as now existing, and any ordinances or parts of ordinances in conflict herewith be, and hereby are, repealed.

SECTION 3. That this ordinance shall be in force and take effect from and after its passage and publication, within fifteen days in one issue of the Grand Island Independent as provided by law.

Enacted: September 26, 2006.

Jay Vavricek, Mayor

Attest:

RaNae Edwards, City Clerk

Approved as to Form	☐ _____
September 21, 2006	☐ City Attorney