

**AN ORDINANCE AMENDING SECTION 1181.13 OF THE VILLAGE'S
PLANNING AND ZONING CODE TO AMEND THE SETBACK
REGULATIONS GOVERNING FENCES ON RESIDENTIAL
PROPERTIES SITUATED ADJACENT TO INTERSTATE HIGHWAYS**

WHEREAS, the current version of Planning and Zoning Code ("Zoning Code") Section 1181.13 establishes standards for fences, walls, columns, and hedges in the Village; and

WHEREAS, through tree clearing activities by the Ohio Department of Transportation in its right-of-way on its interstate highways have dramatically increased noise and light pollution throughout the Village, particularly on residential properties adjacent to interstate highways, and

WHEREAS, the proposed text amendment would amend Zoning Code Section 1181.13 to allow residential property owners to take steps to mitigate the damages caused by ODOT's tree clearing activities by constructing certain fences in certain yards adjacent to interstate highways at the property line without regard to any setback requirements; and

WHEREAS, this Council conducted a public hearing on the proposed amendments.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Village of Richfield, County of Summit, State of Ohio that:

SECTION 1. That Section 1181.13, Fences, Walls, Columns and Hedges, of the Codified Ordinances of the Village of Richfield be amended to read as follows:

“1181.13 FENCES, WALLS, COLUMNS AND HEDGES.

Fences, walls, columns and/or hedges may be permitted in any required yard, or along the edge of any yard, subject to zoning permit requirements provided in this Code.

(a) Front and Front Sides. Fences, walls, columns and/or hedges along the sides (but not the front edge), of any front yard shall not be over three (3) feet in height from the property edge closest to the road or street to the front building line of the principal building, when located perpendicular to the road or street. When a fence located along the front edge of the front lot line connects to a fence located along the side edge of a side yard, the front yard fence along the road shall transition to three (3) feet in height at the connection with the side yard fence.

Fences, wall, columns and/or hedges that are erected as a landscape/design feature and located along front edge of a yard, and parallel to the road or street, can be up to six (6) feet in height so long as they do not create a sight obstruction as determined by the Director of Planning and Zoning or his/her designee. Generally, the diagram below provides example of a scenario in which a fence may be deemed a sight obstruction.

Columns and access gates (inclusive of lights, ornamental features and structural elements) located on either side of a driveway can be up to eight (8) feet tall as a means to demarcate the entrance to the property, so long as they do not create a sight obstruction as determined by the Director of Planning and Zoning or his/her designee.

(b) Rear and Rear Sides. Fences, wall, columns and/or hedges may be permitted along the rear, side and/or rear lot lines to a height of not more than six (6) feet above the grade in residential zones, and ten (10) feet above the grade in all other zones, provided that at least twenty-five percent (25%) of the vertical surface of any fence or wall shall be open to light and air, that any fence, wall, column and/or hedge shall be well maintained, harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and not be hazardous or disturbing to existing or future neighboring uses. However, informal planting may be higher than six (6) feet. Solid walls, columns, and fences that do not maintain at least twenty-five percent (25%) of the vertical surface open to light and air shall conform to all required setback lines for yards.

All lighting associated with fences, walls, columns and/or hedges must be shielded and located in such a manner as to not intrude onto the public road or streets and adjacent/nearby properties. Said lighting shall also be compliant with the International Dark-Sky Association, or equivalent. The Director of Planning and zoning is authorized to require a photometrics plan if he/she believes the lighting is intrusive and does not comply with this requirements of this Code.



(c) Specific Regulations Applicable to Residential Properties

Adjacent to Interstate Highways. Notwithstanding anything set forth in subsections (a) and (b) of this section, **fences on properties adjacent to any interstate highway can be located on a rear or side property line in accordance with the following:**

- (1) Fences parallel to the interstate highway may be built no higher than eight (8) feet.
- (2) Fences can be solid panel and scallop tops are not permitted.
- (3) **Fences that do not maintain at least twenty-five percent (25%) of the vertical surface open to light and air are not required to conform to the required setbacks in subsection (a) and (b) of this section.**
- (4) Fences must be treated wood or vinyl.

- (5)** Fences must be an earth-tone color to simulate natural wood.
- (6)** No white fences.
- (7)** No fencing shall be permitted on vacant lots regardless of ownership or a primary house lot.
- (8)** No finials at posts.
- (9)** A combination of mounding and fencing can be used, but the overall height cannot exceed eight (8) feet. Mounding is subject to all grading excavation, and embankment provisions of the Planning and Zoning Code.

The foregoing regulations do not apply to any portion of a property adjacent to an interstate highway that is perpendicular to the highway and/or in a front yard; those portions of such properties must adhere to subsections (a) and (b) of this section.”

SECTION 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: _____

President of Council

Mayor

Dated: _____

ATTEST:

Clerk of Council