

AN ORDINANCE AMENDING SECTION 1181.13, TITLED “FENCES, WALLS, HEDGES”, OF THE VILLAGE PLANNING AND ZONING CODE

WHEREAS, the Planning Commission initiated a proposed text amendment at its October 12, 2021 meeting with respect to Section 1181.13 of the Planning and Zoning Code (the “Code”); and

WHEREAS, the proposed text amendment would amend Section 1181.13 of the Code to clarify the height and treatment of front-yard fences on properties located in all Zoning Districts throughout the Village; and

WHEREAS, Council passed Resolution 126-2021 referring the proposed text amendment to Planning Commission for a report and recommendation as required by Section 9.06 of the Charter and Section 1109.07 of the Code; and

WHEREAS, the Planning Commission held an informal hearing on the proposed text amendment and subsequently issued a favorable recommendation on the proposed text amendment at its February 9, 2022 meeting; and

WHEREAS, Council received the Planning Commission recommendation to amend Section 1181.13 of the Code at its February 15, 2022 regular meeting and scheduled a Public Hearing on the proposed text amendment for April 5, 2022 as required by Section 1109.11 of the Code; and

WHEREAS, Council held the required Public Hearing on April 5, 2022; and

WHEREAS, based upon the report and recommendation of the Planning Commission, Council determines that it is in the best interest of the health, safety, and welfare of the Village and its residents to amend Section 1181.13 of the Code as described in the report and recommendation of the Planning Commission dated February 9, 2022.

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

SECTION 1. Section 1181.13, titled “Fences, Walls, and Hedges” of the Planning and Zoning Code is hereby amended to read as set forth in Exhibit “A” attached hereto and expressly incorporated herein by reference.

SECTION 2. All other provisions of Section 1181.13 of the Planning and Zoning Code not amended herein, as they existed prior to the effective date of this Ordinance, shall remain in full force and effect.

SECTION 3. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution 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 4. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: 5-17-22

Robert Basler
President of Council

Michael Welch
Mayor

Dated: 5/17/2022

ATTEST:

Jeff Gorn
Clerk of Council

Exhibit A
9-2022

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 or-front edge) of any front yard shall not be over three feet in height from the property edge closest to the road or street to the front line of the first building building line of the principal building when located perpendicular or (non-parallel) 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 feet in height at the connection with the side yard fence.

Fences, walls, columns and/or hedges that are erected as a landscape/design feature and located along front edge of a yard, but and parallel to the road or street, can be up to six 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 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, walls, columns and/or hedges may be permitted along the rear side and/or rear lot lines to a height of not more than six feet above the grade in residential zones, and ten feet above the grade in all other zones, provided that at least 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 feet. Solid walls, columns, hedges and fences that do not maintain at least 25% of the vertical surface open to light and air shall conform to all required setback lines for yards.

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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 street 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 the requirements in this Code.



