

# THE CITY COUNCIL OF NORTH ROYALTON, OHIO

ORDINANCE NO. 15-11

INTRODUCED BY: Nickell, Kasaris, Antoskiewicz  
Langshaw, Marnecheck

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF THE CITY OF NORTH ROYALTON, PART 14 BUILDING AND HOUSING CODE, BY CREATING A NEW CHAPTER 1467 ENTITLED FENCES, AND BY AMENDING PART 12 PLANNING AND ZONING CODE, CHAPTER 1270 RESIDENTIAL DISTRICTS (OTHER THAN SENIOR CITIZEN AND RURAL RESIDENTIAL DISTRICTS) SECTION 1270.14 LANDSCAPE FEATURES, FENCES, WALLS, AND SECTION 1270.27 SWIMMING POOLS, AND BY AMENDING CHAPTER 1273 RURAL RESIDENTIAL DISTRICTS, SECTION 1273.03 ACCESSORY STRUCTURES AND USES, AND SECTION 1273.11 LANDSCAPING AND FENCES IN RR-2 AND RR-3 DISTRICTS, AND DECLARING AN EMERGENCY

WHEREAS: It has been determined to be necessary to establish regulations controlling the use of fences and to incorporate all of these regulations under one Chapter within the Codified Ordinances in order to ensure an efficient method in which to locate these regulations; and

WHEREAS: It is therefore necessary to amend the Codified Ordinances of the City of North Royalton, Part 14 Building and Housing Code, by creating a new Chapter 1467 entitled Fences, and by amending Part 12 Planning and Zoning Code, Chapter 1270 Residential Districts (Other than Senior Citizen and Rural Residential Districts) Section 1270.14 Landscape Features, Fences, Walls, and Section 1270.27 Swimming Pools, and by amending Chapter 1273 Rural Residential Districts, Section 1273.03 Accessory Structures and Uses, and Section 1273.11 Landscaping and Fences in RR-2 and RR-3 Districts; and

WHEREAS: Council desires to provide for these amendments.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH ROYALTON, COUNTY OF CUYAHOGA AND STATE OF OHIO, THAT:

Section 1. Part 14 Building and Housing Code of the Codified Ordinances of the City of North Royalton is hereby amended by creating a new Chapter 1467 entitled Fences, a copy of which is attached hereto as Exhibit A and incorporated herein as if fully rewritten.

Section 2. Part 12 Planning and Zoning Code, Chapter 1270 Residential Districts (Other than Senior Citizen and Rural Residential Districts) Section 1270.14 Landscape Features, Fences, Walls of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1270.14 ~~LANDSCAPE FEATURES, FENCES, WALLS.~~

***(a) Fences. Fences and walls are permitted subject to the requirements of Chapter 1467.***

Landscape features, such as hedges, trees, shrubs and yard structures such as fences, trellises, walls, pools and outdoor fireplaces, may be permitted in a required front, side or rear yard as follows:

(a) — Front Yard. Fences, walls and hedges shall not be permitted along a side lot line or front lot line that extends past the required front setback of building line.

(1) — Exception: The following fences — split rail (two rail type), picket with not less than two inch spacing nor more than two inch spacing between pickets, decorative wrought iron fencing not exceeding three inch maximum spacing between spindles, decorative walls or hedges that do not exceed forty two inches in height and does not impede vision.

(b) — Front Yard, Corner Lot. Landscape features, fences and walls within a triangle formed between points on the front and side lot lines within thirty five feet of their intersection (see Illustration F) shall be maintained to a height not exceeding two and one half feet above curb level.  
ILLUSTRATION F

(c) — Side and Rear Yards. Fences, walls and hedges shall be permitted along a side and rear yard lot line to a height of not more than six feet above finished grade. For corner lots, such fencing shall not extend into the yard area of the front or side street past the primary building set back line of either street. Such walls, fences and hedges shall be maintained, neatly trimmed and kept in a state of good repair and kept free of trash, windblown debris and graffiti.

(d) — Fences located in Rural Residential zoned areas shall comply with the fencing requirements for Rural Residential areas provided in Section 1273.11(c), (d), and (e).

(1) — Privacy fencing and/or decorative walls may be constructed along the perimeter of the building envelope or within such building envelope.

(2) — Fencing outside the building envelope shall be permitted providing it is of a split rail or similar style that does not impair vision.

(3) — Perimeter privacy fencing of lot is not permitted.

(e) — Permits. Fences and walls over four feet high, and all accessory buildings, shall require the issuance of a zoning certificate and/or building permit.

~~(f) — Business Districts. Fencing in Business Districts shall not be permitted without the approval of Planning Commission.~~

~~(1) — Exception: Fences used as screening from residential areas or for decorative landscaping as approved by Planning Commission.~~

~~(g) — Industrial Districts/Research Office/Commercial.~~

~~(1) — Fences in Industrial Districts shall be permitted along all property lines but shall not extend into front yard areas that extend to the front of the building line.~~

~~(2) — Such fences shall be permitted to be in height not less than six feet nor more than eight feet.~~

~~(3) — Such fences shall be solid in construction and constructed of standard fence materials. A chain link fence shall be permitted providing it is equipped with inserted vision impairing slats in the chain lengths per the manufacturer's instructions.~~

~~(4) — Such fences shall be installed inside the twenty foot landscape screen or buffer adjoining Residential Districts as required per Section 1278.14(c).~~

~~(h) — Swimming Pools.~~

~~(1) — All fences enclosing swimming pools, whether in ground or above ground, shall have a minimum height of four feet above grade and not to exceed a maximum height of six feet above grade. Such fences shall have lockable gates that deny access in the absence of a responsible person.~~

~~(2) — In the case of an above ground pool, the walls of the pool may be determined to meet the fencing requirements providing all such side walls are a minimum four feet above grade. Such an above ground pool shall be equipped with a lockable fold up ladder or removable ladder that would deny access in the absence of a responsible person. Such removable ladders shall be stored a minimum of ten feet from the pool in the absence of a responsible person.~~

~~(i) — Fences in cluster developments are limited to sectional privacy fences, not to exceed six feet in height. Such sectional fences shall not be permitted in front or side yards of cluster developments. Such sectional fences are limited to deck or patio areas.~~

Section 3. Part 12 Planning and Zoning Code, Chapter 1270 Residential Districts (Other than Senior Citizen and Rural Residential Districts) Section 1270.27 Swimming Pools, paragraph (b) (1) B of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

1270.27 Swimming Pools

(b)(1) B. All fences enclosing swimming pools shall be in accordance with Section ~~1467~~ 1270.14(h) and Section 1482.06(a).

Section 4. Part 12 Planning and Zoning Code, Chapter 1273 Rural Residential Districts, Section 1273.03 Accessory Structures and Uses, paragraph (e)(2) of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

(2) Upon the issuance of a permit by the Building Commissioner, not more than ten horses, mules or donkeys (not for commercial use) per parcel of land will be permitted in the Rural Residential District. No piles or accumulations of refuse and/or manure from any animals will be permitted within 250 feet of any street or highway or within 150 feet of any dwelling. Minimum lot size for one horse is two acres and one additional acre for each horse. The grazing of horses must be confined to an area that is fenced and meets the requirements outlined in Section ~~1467~~ 1270.14.

Section 5. Part 12 Planning and Zoning Code, Chapter 1273 Rural Residential Districts, Section 1273.03 Accessory Structures and Uses, paragraph (h) of the Codified Ordinances of the City of North Royalton is hereby amended to hereinafter read as follows:

~~(h) Fences and Decorative Walls. Fences and decorative walls are permitted subject to Section 1273.11. Fences. Fences and walls are permitted subject to the requirements of Chapter 1467.~~

Section 6. Part 12 Planning and Zoning Code, Chapter 1273 Rural Residential Districts, Section 1273.11 Landscaping and Fences in RR-2 and RR-3 Districts of the Codified Ordinances of the City of North Royalton is hereby amended by deleting paragraphs (c), (d) and (e) and creating a new paragraph (c) to hereinafter read as follows:

(c) ***Fences. Fences and walls are permitted subject to the requirements of Chapter 1467.***

~~(e) Perimeter privacy fencing of lots is not permitted. (See Figure 7 following the text of this chapter.)~~

~~(d) Privacy fencing and/or decorative walls may be constructed along the perimeter of the building envelope or within the building envelope area of lots. (See Figure 7 following the text of this chapter.)~~

~~(e) Fencing outside the building envelope shall be of a split rail or similar style that does not materially impede vision.~~

Section 7. Part 14 and Chapters 1270 and 1273 of the Codified Ordinances of the City of North Royalton are hereby amended as provided for herein and all other provisions of Part 14 and Chapters 1270 and 1273 shall remain in full force and effect.

Section 8. This Ordinance shall supersede all previously adopted Ordinances in direct conflict herewith.

Section 9. 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.

Section 10. This Ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare of the city, and for the further reason that it is immediately necessary to amend Part 14 and Chapters 1270 and 1273 of the Codified Ordinances of the City of North Royalton to establish regulations controlling the use of fences and to incorporate all of these regulations under one Chapter within the Codified Ordinances in order to ensure an efficient method in which to locate these regulations.

THEREFORE, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, from and after the earliest period allowed by law.

/s/ Larry Antoskiewicz  
PRESIDENT OF COUNCIL

APPROVED: /s/ Robert Stefanik  
MAYOR

DATE PASSED: January 20, 2015

DATE APPROVED: January 21, 2015

ATTEST: /s/ Laura J. Haller  
DIRECTOR OF LEGISLATIVE SERVICES

First reading suspended  
Second reading suspended  
Third reading January 20, 2015

YEAS: Antoskiewicz, Nickell, Petrusky, Langshaw,  
Marnecheck, Muller, Kasaris

NAYS: none

**\*\*01/21/2016 – American Legal found mistake – Ordinance No. 15-11 new Chapter 1465 was titled Donations Bins/Boxes 07/01/14. Changed legislation 01/21/2016 from Chapter 1465 to 1467 per American Legal/Haller/Kultchytsky.**