

ORDINANCE NO. 03-2026

**AN ORDINANCE TO AMEND CHAPTER 151: ZONING CODE OF THE ORDINANCES OF
THE VILLAGE OF RIVERLEA**

Introduced by _____.

WHEREAS, the Council for the Village has determined that an update is needed to Chapter 151 of the Code of Ordinances, and that this Ordinance will clarify the zoning regulations and benefit the residents of the Village.

**BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF RIVERLEA, STATE OF
OHIO:**

SECTION 1. That Chapter 151.040 FENCES, WALLS, HEDGES, SHRUBS, AND ACCESSORY BUILDINGS AND STRUCTURES, et. Seq., shall be amended to read as follows:

**FENCES, WALLS, HEDGES, SHRUBS, AND ACCESSORY BUILDINGS AND STRUCTURES
PURPOSE AND SCOPE.**

The purpose of these provisions is to establish regulations controlling the use and type of fences or walls. This is for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, and the improvement of the visual environment. This includes the provision of a neat and orderly appearance consistent with the neighborhood and community character.

§ 151.040 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

ACCESSORY BUILDINGS. As used in § 151.044, shall mean all structures greater than 10 feet in width or 10 feet in length either attached or unattached to the ground, and up to 100 square feet in size, or larger as approved by the Planning Commission, with setbacks as defined in § 151.022, or as approved by the Planning Commission. Such definition shall include but not be limited to garages, houses and sheds.

HEDGES AND SHRUBS. Shall not be considered fences but are regulated in § 151.044.

STREET LINE. The boundary line between a lot and the area dedicated for highway purposes along the front or side of such lot.

FRONT YARD or SIDE YARD. Refers to the area between 10 feet from the front or side wall of the dwelling house on any lot and the “street line” as defined above in this section.

FENCE and WALL. The word **FENCE** shall in general terminology mean any structure composed of wood, metal, stone, brick, plastic, cellular vinyl, or other natural or non-natural material erected and positioned as to enclose, partially enclose or divide any premises or any part of any premises. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises shall be included within the definition of the word **FENCE**.

- (A) **SOLID FENCE.** A fence designed to limit public view and closed off to light and air. Not permitted.
- (1) **BOARD ON BOARD or ALTERNATING BOARD ON BOARD.** A fence constructed of vertical or horizontal wood boards or other natural and permanent material with one-inch nominal size boards between, or upon, a frame of 2-inch nominal members and 4x4 nominal posts. Not Permitted.
- (2) **LOUVER or VENTILATING FENCE.** A fence made of a series of wood slats or other natural and permanent placed at an angle or positioned to provide air but to deflect light perpendicular to its vertical plane. Not Permitted.
- (3) **SOLID PICKET FENCE.** A fence made up of upright one-inch by two-inch nominal wooden boards or other natural and permanent material, that abuts one another, side by side with no openings. The top of the fence may be pointed or blunt. Not Permitted.
- (4) **STOCKADE or PALISADE FENCE.** A fence constructed with a row of large, pointed stakes of wood or other natural and permanent material placed upright against each other having more than 50 percent of the area of its vertical plane closed to light or air. Not Permitted.
- (5) **WALL, STONE or BRICK.** A solid fence constructed of stone or brick. Not Permitted.

- (B) **PARTIALLY OPEN FENCE.** A fence designed to offer a vertical, but not totally blocked, visual separation. This fence is used where a low level of screening is adequate to soften the impact of the use or where partial visibility between areas is more important than a total visual screen. Partially open fences include:
- (1) **PICKET FENCE.** A partially open fence made of upright poles or slats. This fence may be an open fence if the space between the vertical boards is equal to or greater than the width of the boards. Picket fences should not have pointed ends exposed but may have panels with blunt ends.
 - (2) **ARBOR or TRELLIS.** A fence of latticework used as a screen or as a support for climbing plants.
- (C) **OPEN FENCE.** A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, having not less than 50 percent of its vertical surface area open to light and air.
- (1) **SECURITY or INDUSTRIAL FENCE.** A fence made with metal wire having sharp points, barbs, edges or other attached devices designed to discourage physical contact along its length. Not Permitted.
 - (2) **CHAIN LINK FENCE.** A fence usually made of metal, loops of wire interconnected in a series of joined links and including vinyl, plastic-coated or painted varieties. Not Permitted.
 - (3) **ELECTRIFIED FENCE.** All fences or structures, with a device or object that emits or produces an electric charge, impulse or shock when the same comes into contact with any other object or any person, animal or thing, or which causes or may cause burns to any person or animal. So-called wireless or radio controlled fences that utilize radio signals and control collars are excluded from this definition. Not Permitted.
 - (4) **SMOOTH RAIL, SPLIT RAIL, MILLED RAIL or CONTEMPORARY RAIL FENCE.** A fence constructed of narrow, whole or split, wooden timbers or boards placed horizontally between upright supporting posts. Smooth rail, split rail, milled rail or contemporary rail fences may have supplemental wire fencing or mesh attached to the interior of the fence. Such wire shall be painted or coated black. For the purpose of improved containment, the opening size shall be not less than 3" X 3" and designed in a horizontal grid.

- (6) **WROUGHT IRON FENCE.** A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.
- (7) **RADIO CONTROLLED FENCE.** The use of insulated wire (typically low voltage and located underground) to transmit a radio signal to a receiving device. Radio controlled fences are exempt from these regulations.
- (8) **RETAINING WALL.** A wall composed of wood, stone, brick or other masonry material designed to hold back a portion of higher ground from a lower one. A retaining wall permits two elevation levels to be placed adjacent to each other with an abrupt vertical change between them. Retaining walls are exempt from these regulations.
- (9) **ACCENT FENCE.** A fence that is used solely for ornamental purposes and does not enclose or partially enclose an area.

§ 151.041 CERTIFICATE OF APPROPRIATENESS REQUIRED

No fence, wall, or accessory building shall be erected until a certificate of appropriateness for such purpose has been issued by the Planning Commission.

- (A) Upon COA application, each property owner shall provide the following along with the fence permit application form:
 - (1) Name and address of the owner of the lot for which the permit is requested.
 - (2) Name and address of the person, firm or corporation that will carry out the actual installation.
 - (3) An overall site survey including the shape and dimensions of the lot and dwelling. Along with lengths and locations of all proposed and existing fences and gates on applicants' property and any adjoining properties where relevant.
 - (4) Section and elevation views of the proposed fence detailing its height, material, construction, and method of fixture to the ground.
 - (5) Photos of the property where the fence will be installed showing all necessary angles where the fence will connect to the home and adjacent lots.

§ 151.042 PERMISSABLE AND PROHIBITED FENCE TYPES AND HEIGHT RESTRICTIONS

- (A) *Regulations - general.* Except as otherwise specifically permitted herein, no fence or wall shall exceed four feet in height. The height of a fence shall be measured from the established grade line to the highest point of the fence including posts and finials. The height of the fence may not be artificially increased by use of mounding unless otherwise permitted by the Planning Commission. The lawful use of any fence or structure that was in existence at the time of the enactment of this Ordinance may be continued, although such use does not conform to the current provisions and conditions set forth in this chapter.
- (1) Supporting members for fences shall be located so as to not be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.
 - (2) No fence shall be constructed in any platted no-build zone, conservation/no disturb zone, floodway, floodplain or drainage easement for any parcel which would be detrimental to the public health, safety and welfare.
 - (3) All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
 - (4) The fence or wall shall not be permitted to encroach upon public rights-of-way or easements. The fence or wall shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.
 - (5) Swimming pools are an exception to the four foot rule and are required to be six feet in height and they are not to exceed six feet. Permitted fence styles only.
- (B) *Permissible Fencing.* Fences shall be permitted as follows.
- (1) Partially Open Fences – per definitions B1, B2
 - (2) Open Fences – per definitions C4, C5, C6, C7, C8
 - (3) Arbors or trellises
 - (a) The maximum height is eight feet.
 - (b) The maximum width is five feet.
 - (c) The maximum depth is three feet and;
 - (d) The surface of the arbor or trellis shall be at least 50% open.

(C) *Prohibited fencing.*

- (1) Solid Fence – per definitions A1, A2, A3, A4, A5
- (2) Open Fence – per definitions C1, C2, C3

(D) *Other fencing.* The Planning Commission may permit or prohibit other fences similar in character and design to one or more of the listed fences herein, upon application.

§ 151.044 LOCATION RESTRICTIONS AND ENFORCEMENT

(A) No fence, hedge, building, accessory building or wall of any kind shall be constructed in any front yard or any side yard abutting on a public street.

(B) Corner lots.

- (1) No fence, structure or planting shall be erected or maintained in any corner lot within 10 feet of either the front or side yard right-of-way line at a height greater than 2 ½ feet above street grade, nor shall any vehicle or other obstruction be located within 15 feet of either the front or side yard right-of-way line so as to interfere with traffic visibility. Trees are permitted if trimmed so that no foliage is less than 10 feet above grade.

(C). If, in the judgment of the Planning Commission the otherwise permitted vegetation or foliage will materially obstruct the view of a driver of a vehicle approaching a street intersection, that vegetation shall be removed within a reasonable time by the owner, at the owner's expense.

(D) Where vegetation is not trimmed or removed to comply with this section within 10 days after notice from the Mayor or the Mayor's designee, it shall be lawful for persons employed by the village to enter upon such property and trim the shrubbery or hedge at the expense of the property owner. Any vegetation, tree, shrub or hedge found to be located upon public property may be removed by the village at any time.

§ 151.046 INSPECTION AND MAINTENANCE

Upon obtaining a COA and constructing the fence, the property owner shall ascertain that the fence thus constructed does not deviate from the plans as approved by the Planning Commission and does not encroach upon another lot or parcel of land. The Village shall furnish such inspection, as is deemed necessary, to determine that the fence is constructed in accordance with plans submitted for COA. Provided however, that such determination by the

Village shall not be construed to mean the Village has verified the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him or her herein.

- (A) Permitted fences, walls or structures shall be maintained in good condition, be structurally sound and completely finished at all times. Any grounds between such fences, walls or structures and property lines shall be well maintained at all times by the appropriate property owner.
- (B) Normal repairs and maintenance. None of the provisions of this Code shall be interpreted to prevent normal repairs and maintenance or to strengthen or correct any unsafe condition of any fence.
- (C) Replacement of an existing or deteriorated fence using same materials, height, size, and location on the property, does not require an application for a COA, granted that the existing fence conforms with the above regulations.

SECTION 2. OPEN MEETINGS. This Council finds and determines that all formal actions of this Council concerning and relating to the passage of this Resolution were taken in an open meeting of this Council and that all deliberations of this Council that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. PUBLICATION. That pursuant to Sections 731.25, Ohio Revised Code, the Council of the Village of Riverlea hereby determines that publication of this Resolution in a newspaper is unnecessary and does hereby determine that this Resolution shall be published by posting copies hereof in the five following places which are determined to be the four most public places in the Village of Riverlea, Ohio:

1. The Circle on West Riverglen Drive.
2. The Ravine Park on West Riverglen Drive.
3. Lot 194, 286 Beverly Place.
4. Lot 75 on West Riverglen Drive.
5. Lot 7 on West Southington Avenue.

Copies of this Ordinance shall be posted continuously in the above-mentioned places for a period of fifteen (15) days and at the expiration thereof this Resolution shall become effective.

Passed this ____th day of _____ 2026.

Daniel Schlichting, Mayor

ATTEST:

Joshua C. Mehling, Clerk-Treasurer

I hereby certify that on the __th day of _____ 2026, I posted a copy of the above Ordinance in each of the four places heretofore designated by Council as the most public places in the Village of Riverlea and that the same remained there posted continuously for fifteen (15) days.

Joshua C. Mehling, Clerk-Treasurer