

1st reading 10-7-20
P&Z Approval 10-20-20
2nd reading 10-27-20
3rd reading 11-4-20
Voted On 11-4-20
Ayes: 1 Nays: 0
PASSED ☒ DEFEATED ☐

ORDINANCE NO. 2020-16

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES OF ORANGE VILLAGE TO VEST THE AUTHORITY TO APPROVE AMENDING LANDSCAPE FEATURES, FENCES, WALLS, AND DRIVEWAYS IN THE BUILDING COMMISSIONER AND REPEALING CERTAIN ORDINANCES.

WHEREAS, this Council desires to vest the authority to approve landscaping plans in the Building Commissioner rather than the Planning and Zoning Commission and to permit the Building Commissioner to engage the services of a landscape architect to assist in reviewing proposed landscaping plans; and

WHEREAS, this ordinance has been referred to the Planning and Zoning Commission for a recommendation and a report.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That existing Section 1148.11, Landscape Features, Fences, Walls and Driveways, is hereby amended which shall read and provide, in its entirety, as follows:

1148.11 LANDSCAPE FEATURES, FENCES, WALLS, AND DRIVEWAYS.

~~No occupancy permit shall be issued~~ Landscaping for a new residence shall not be installed until the property owner submits a landscaping plan, and the plan is approved by ~~the Planning and Zoning Commission~~ the Building Commissioner, who may engage the services of a landscape architect to assist in the review of the proposed plan. Installation of the landscaping, pursuant to the approved plan, shall be completed within one (1) year after the date the certificate of occupancy is issued. Landscape features, such as hedges, trees and shrubs and yard structures, such as fences, trellises and walls, may be permitted in a required yard as follows:

(a) Front Yards, Interior Lot. Open fences and hedges shall be permitted along a side and front lot line in the front yard to a height not to exceed three and one-half feet (3-1/2'). Fences and hedges of a greater height shall be permitted in the front yard along a side lot line when adjoining a nonresidential district, if approved by the Planning and Zoning Commission and Architectural Board of Review.

(b) Front Yard, Corner Lot. Landscape features on a corner lot, located within a triangle formed between points on front and side lot lines within thirty-five feet (35') from their intersection shall be maintained to a height not exceeding two and one-half feet (2- 1/2').

(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 (6'). All fences shall be designed and constructed in such fashion that the finished side of such fence faces to the exterior of the lot.

(1) All fences shall be treated with appropriate weather preservatives or painted and maintained in good condition.

(2) On a corner lot, fences, walls and hedges shall be set back from the side street line not less than the required front yard setback for an adjoining main building which abuts such side street.

(d) Driveways.

(1) For the purposes of this Section, "Driveway" shall mean a paved portion of a yard from the street to the house or other building which permits access to a garage or other location where cars may be parked.

(2) Driveways shall be set back not less than ten feet (10') from a side lot line, however this provision shall not apply to driveways already in place on the effective date of this section.

(3) Driveways shall not be wider than twenty feet (20'), except that drive aprons, turnarounds, parking pads, or any other paved portions of a residential property constructed to facilitate access to side or rear facing garages may be an appropriate width to permit the maneuvering of passenger vehicles entirely upon the Driveway.

(e) Front Property Line Walls and Entry Features. Property line walls and entry features shall be conditionally permitted by the Architectural Board of Review, based upon the criteria in this section.

(1) Property line walls and entry features shall relate to, and be consistent with, architectural features of structures located on the same property which are visible from the proposed wall or entry feature.

(2) Property line walls and entry feature fences shall be natural or natural appearing materials as approved by the Architectural Board of Review. These walls shall not exceed four feet (4') in height, except that their end piers may be five feet six inches (5'-6") high. A property line wall must be constructed with a foundation as approved by the Building Inspector.

(3) Decorative gates to be of appropriate material as approved by the Architectural Board of Review. Gates shall not exceed five feet six inches (5' 6") in height.

(4) Decorative elements such as lights, architectural features and sculptural pieces placed atop the pier may exceed the height limit limitation as approved by the Architecture Board of Review.

(5) Where such decorative walls and piers are set back from the front property lines by more than twenty feet (20'), the height of these elements may be increased by four inches (4") for each ten feet (10') they are set back from the property line up to a maximum of an additional sixteen (16") inches at the one hundred foot (100') building setback line, up to a maximum of six feet ten inches (6'-10").

(6) The overall combined length of property line walls and entry features to be allowed to a maximum of 20% of the property line frontage. The length of the combined wall and entry features shall be determined by measuring the straight line dimension from end to end of a flat elevation drawing of the wall and entry feature for each individual segment and adding segments together flanking a driveway opening. The opening is not included in the 20% allowance."

SECTION 2. That existing Section 1150.06, Landscape Features, Fences, Walls and Driveways, is hereby amended which shall read and provide, in its entirety, as follows:

“1150.06 LANDSCAPED FEATURES, FENCES, WALLS AND DRIVEWAYS.

No occupancy permit shall be issued ~~Landscaping~~ for a new residence ~~shall not be installed~~ until the property owner submits a landscaping plan, and the plan is approved by ~~the Planning and Zoning Commission~~ ~~the Building Commissioner, who may engage the services of a landscape architect to assist in the review of the proposed plan.~~ Installation of the landscaping, pursuant to the approved plan, shall be completed within one (1) year after the date the certificate of occupancy is issued. Landscape features, such as hedges, trees and shrubs and yard structures, such as fences, trellises and walls may be permitted in a required yard as follows:

(a) Front Yards, Interior Lot. Open fences and hedges shall be permitted along a side and front lot line in the front yard to a height not to exceed three and one-half feet (3-1/2'). Fences and hedges of a greater height shall be permitted in the front yard along a side lot line when adjoining a nonresidential district, if approved by the Planning and Zoning Commission.

(b) Front Yard, Corner Lot. Landscape features on a corner lot, located within a triangle formed between points on front and side lot lines within thirty-five feet (35') from their intersection shall be maintained to a height not exceeding two and one-half feet (2- 1/2').

(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 (6'). All fences shall be designed and constructed in such fashion that the finished side of such fence faces to the exterior of the lot.

(1) All fences shall be treated with appropriate weather preservatives or painted and maintained in good condition.

(2) On a corner lot, fences, walls and hedges shall be set back from the side street line not less than the required front yard setback for an adjoining main building which abuts such side street.

(d) Driveways.

(1) For the purposes of this Section, "Driveway" shall have the same meaning as Section ~~1148.11~~(d).

(2) Driveways shall be set back not less than five feet (5') from a side lot line, however this provision shall not apply to driveways already in place on the effective date of this section.

(3) Driveways shall not be wider than twenty feet (20'), except that drive aprons, turnarounds, parking pads, or any other paved portion of a residential property constructed to facilitate access to side or rear facing garages may be an appropriate width to permit the maneuvering of passenger vehicles entirely upon the Driveway.”

SECTION 3. That existing Section 1170.08, Landscaping and Open Space, is hereby amended which shall read and provide, in its entirety, as follows:

“1170.08 LANDSCAPING AND OPEN SPACE.

In order to ensure the park-like character of the use and to provide environmental amenities to the occupants of the development, land area not covered by buildings, parking areas,

drives, plazas or other hard-surfaced uses shall be preserved as open space and maintained in grass or other landscape material, in accordance with the final development plan approved by the Planning and Zoning Commission and the Architectural Board of Review.

(a) Minimum Area. Open space shall not be less than thirty percent (30%) of the gross area of the development and may include required setbacks, patios, private gardens, private yards, garage roofs at ground level that are covered with earth and grass, and landscaping or other decorative features.

(b) Required Private Open Space for Residential Uses. Every dwelling unit shall have a separate private yard, patio, court, or balcony containing at least 400 square feet, in accordance with the final development plan approved by the Planning and Zoning Commission and the Architectural Board of Review.

(c) All areas not used for drives, parking, walks or buildings shall be landscaped in accordance with landscaping plans approved by the Building Commissioner who may engage the services of a landscape architect in reviewing the proposed plan.”

SECTION 4. That existing Section 1172.08, Landscape Planting, is hereby amended which shall read and provide, in its entirety, as follows:

“1172.08 LANDSCAPE PLANTING.

(a) In order to assure the park-like character of the development, all land area not covered by buildings, parking areas, driveways, sidewalks and other hard-surfaced uses shall be developed and maintained in grass or other suitable landscape planting as required by the Planning and Zoning Commission. Landscape planting at least forty feet in depth shall be provided and maintained along each through highway existing at the time the tract was transferred to the S-1A Special District. The area so required to be landscaped shall be in aggregate no less than twenty percent (20%) of the parcel. In computing the twenty percent (20%) there shall be included as a part thereof that portion of the area specified in Section 1172.06, which remains vacant and planted and which does not constitute reserved parking area in the site plan approved by the Commission.

(b) The owners of landscaped property shall be required to maintain it in a suitable manner and the plan of development shall set forth to the satisfaction of the Commission provisions to assure such maintenance.

(c) All areas not used for drives, parking, walks or buildings shall be landscaped in accordance with landscaping plans approved by the Building Commissioner who may engage the services of a landscape architect in reviewing the proposed plan.”

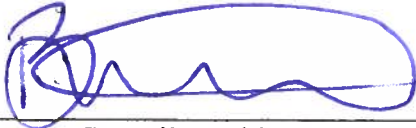
SECTION 5. That existing sections 1148.11, 1150.06, 1170.08 and 1172.08 and any ordinance or any part of any ordinance in conflict with this ordinance are repealed to the extent of the conflict.

SECTION 6. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to

the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 7. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

PASSED: Nov. 4, 2020

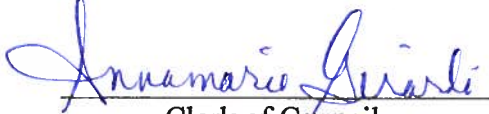


Council President

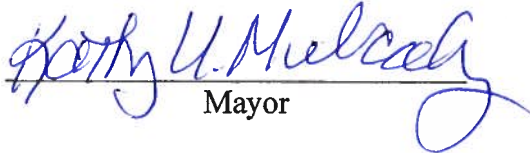
Submitted to the Mayor for
approval on this 4th day of NOVEMBER 2020

Approved by the Mayor this
4th day of NOVEMBER, 2020

ATTEST:



Clerk of Council



Mayor