

ORDINANCE NO. 2022 - 34

AN ORDINANCE AMENDING THE PLANNING AND ZONING CODE

WHEREAS, Village Council requested the Planning Commission to undertake a review of the Planning and Zoning Code to update the Code for better enforcement to preserve and protect the residents of the Village of Golf Manor, and to establish parameters for rear yard fencing to meet the community needs while minimizing the need for variances; and

WHEREAS, the Planning Commission extensively reviewed the Code and recommended changes to the Code at its May 2, 2022 meeting; and

WHEREAS, Council did hold a public hearing on such proposed Code changes on July 11, 2022, and did recommend that legislation be advanced to incorporate those recommended changes in the Planning and Zoning Code for the Village.

NOW THEREFORE, Be It Ordained by the Council of the Village of Golf Manor, Hamilton County, Ohio, that:

**SECTION I.** The following Definitions are added to Chapter 1123 of the Planning and Zoning Code:

§1123.161 *Driveway, Access.* An access drive is a paved strip, which provides vehicular connection between off-street parking spaces and a public street for a commercial or industrial use.

§1123.162 *Driveway, Private Residence.* A paved drive extending from the street pavement to a private garage or garages, or to on-site approved uncovered parking, located on a residential lot which is used by residents of the lot for vehicular access to and from such street, and for the temporary storage of registered and licensed motor vehicles.

§1123.47 *Structure.* Structure means anything constructed, the use of which requires permanent location on the ground, or attachment to something having a permanent location on the ground. Structures include driveways, parking pads, parking areas, and patios.

§1123.391 *Public Sidewalk.* Public Sidewalks are those paved walkways on both public or private property, located within or near the public right-of-way, constructed to provide for the circulation of pedestrian traffic along the streets of the Village. Public Sidewalks more often than not traverse more than one property and are typically inter-connected throughout the community.

**SECTION II.** The following amendments are hereby adopted to the Residence A and Residence B section of the Code governing Minimum Lot Area and Minimum Lot Frontage:

§1129.06 *Minimum Lot Area.* The Minimum Lot Area for a Residential “A” zoned district shall be Eight Thousand (8,000) square feet. The front yard of a residential lot may not be covered with more than Thirty percent (30%) impervious surface.

§1129.07 *Minimum Lot Frontage.* The Minimum Lot Frontage required in a Residential “A” Single-Family District shall be Forty (40) feet or not less than one-half the average depth of the lot, but such lot shall not be required to have a frontage greater than Seventy-Five (75) feet. The Minimum Lot Frontage required in a Residential “A” Single-Family District for a panhandle lot shall be Thirty (30) feet.

§1131.06 *Minimum Lot Area.* The Minimum Lot Area for a Residential “B” zoned Multi-Family District shall be Eight Thousand (8,000) square feet. The front yard of a residential lot may not be covered with more than thirty percent (30%) impervious surface.

§1131.07 *Minimum Lot Frontage.* The Minimum Lot Frontage required in a Residential “B” Single-Family District shall be Forty (40) feet or not less than one-half the average depth of the lot, but such lot shall not be required to have a frontage greater than Seventy-five (75) feet. The Minimum Lot Frontage required in a Residential “B” Single-Family District for a panhandle lot shall be Thirty (30) feet. The front yard of a residential lot may not be covered with more than thirty percent (30%) impervious surface.

### **SECTION III.**

Section 1145.01 of the Planning and Zoning Code shall be updated to add the following sentence to better clarify when a Zoning Permit is required:

*By definition, Structure includes driveways, parking pads, parking areas, and patios.*

### **SECTION IV.**

The following modifications shall be made to Chapter 1151 to permit higher fences in the rear yard within a residential district subject to the following listed conditions:

§1151.01 *Fences.* Section 1151.01(B), *Fence Heights*, shall be amended to read as follows:

A. No fence, which is above Four (4) feet in height above the plane of finished grade of any lot in the Residence “A” District, shall be erected or constructed in the Residence “A” District. Provided, however, fences in the rear yard of a Residence “A” District shall be approved up to a height of Six (6) feet from grade along the side lot line for a rear yard and the rear lot line for a rear yard. Provided further that the portion of the fence in a rear yard along the side lot line which extends forward beyond the rear building line of an adjacent

residential property may not exceed Four (4) feet in height, nor may any portion of a rear yard fence extend above Four (4) feet in height for any portion of the fence which faces and is visible to the front street. Provided, however, the Four (4) foot height restriction noted above may be extended to a total height of Six (6) feet so long as a minimum of Twenty-five percent (25%) of the vertical height of the fence at the top of the fence is appropriately constructed with open decorative fence tops such as shadowbox designs. Examples of such decorative toppers is attached hereto. [*This Code section replaces (B)(1)(2) and (3)*]

B. Section 1151.01(C), *Fence Construction*, shall be amended to read as follows: Fences may be constructed of wood, composite wood, or vinyl. Anodized aluminum may be used for a fence not exceeding Four (4) feet in height. Chain link may be used for a fence not exceeding Four (4) feet in height. Barbwire fences and electric fences are prohibited. Fences may be painted a single, solid color. The finished side of any fence shall face away from the property on which it is constructed so the finished side faces toward any abutting property or the street in the event construction occurs on the corner lot property. Open split rail fences are permitted, but not exceeding Four (4) feet in height, and open split rail fences may be backed by appropriate wire mesh.

## **SECTION V.**

To reconcile Chapter 905 of the Code of Ordinances with the changes which have been made to the Planning and Zoning Code, the following amendments shall be made:

A. Chapter 905 shall be retitled *Construction and Maintenance Standards for Sidewalks and Driveways*.

B. Section 905.01 setting forth standards (a) through (g) shall remain the same, but the introductory language shall be amended to read as follows:

*The Code Enforcement official, or his designated representative appointed by the Village Administrator, shall have the right to inspect all Public Sidewalks or parts of Public Sidewalks, and to issue a Notice of Violation or Notice of Condemnation if such Public Sidewalks or parts of Public Sidewalks do not meet the following standards:*

C. Section 905.02 shall be amended to be entitled *Notice of Violation; Remedy by Village for Failure to Comply*, and the introductory language for such section shall be amended to recognize the Code enforcement authority with the Code Enforcement Official or his designated representative appointed by the Village Administrator.

D. Section 905.03 shall be amended to be entitled *Sidewalk and Driveway Construction Specifications* and shall be amended to read as follows:

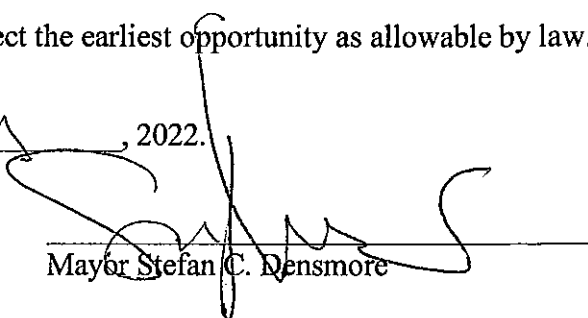
*The maximum width of a driveway at the property line in the Residence "A" and Residence "B" Districts shall be Twenty (20) feet. A driveway may be flared for easy access at the curb cut/surface street line by up to Eighteen (18) inches on each side of the driveway as it intersects the curb cut/street line within the right-of-way. Any driveway construction within the right-of-way shall be concrete and shall be a minimum of Seven (7) inches depth constructed with Class C concrete. A Private Residence Driveway outside of the right-of-way may be constructed with Class C concrete or asphalt. The depth of the concrete or asphalt shall be a minimum of Five (5) inches with a subgrade fill or embankment material meeting ODOT standards. Any portion of a Public Sidewalk constructed across a driveway within the right-of-way shall be constructed of concrete using Class C concrete with a minimum depth of Seven (7) inches. Any portion of a Public Sidewalk across the front of a residential lot shall be constructed of Class C concrete with a minimum of Five (5) inches thick. All driveways and sidewalks shall be maintained consistent with this Code section.*

**SECTION VI.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.


**SECTION VII.** All sections, subsections, parts and provisions of this Ordinance are hereby declared to be independent sections, subsections, parts and provisions, and the holding of any section, subsection, part or provision to be unconstitutional, void or ineffective for any reason shall not affect or render invalid any other section, subsection, part or provision of this Ordinance.

**SECTION VIII.** This Ordinance shall take effect the earliest opportunity as allowable by law.

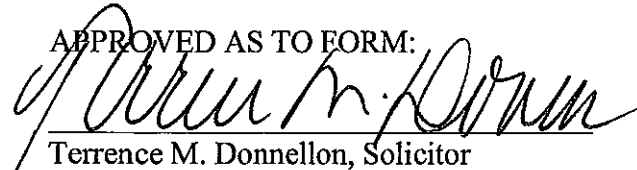
PASSED this 11<sup>th</sup> day of July, 2022.

  
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Mayor Stefan C. Densmore

ATTEST:

  
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Paula Burgin, Assistant Clerk

APPROVED AS TO FORM:

  
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Terrence M. Donnellon, Solicitor