

**ORDINANCE NO. 2023-07**

**AN ORDINANCE AMENDING THE WINDHAM VILLAGE ZONING  
ORDINANCE WITH RESPECT TO FENCE REQUIREMENTS.**

**Whereas**, the Village Planning Commission has recommended to Council that it is appropriate to amend the Village of Windham Zoning Code with respect to the height and design of fences; and

**Whereas**, the Council has determined that the recommended amendment is appropriate and the Village of Windham Zoning Code should be amended; and

**Whereas**, in accordance with Windham Codified Ordinance Section 1147.01 the Council on May 23, 2023, by resolution fixed the time, date and place of the public hearing on the proposed amendment and directed the Village Fiscal Officer to publish the notice described in Windham Codified Ordinance Section 1147.01; and

**Whereas**, the Council caused notice of the proposed amendment and the time and place of the public hearing to be published in the Record Courier, a paper of general circulation in the Village, once a week for three successive weeks; and

**Whereas**, on June 27, 2023 at least thirty days after the date of the first publication of the notice in the Record Courier, the Council held a public hearing on the proposed amendment; and

**Whereas**, the Council has decided to amend the Zoning Code.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Village of Windham, Portage County, Ohio, the majority or more of its members thereto concurring:

SECTION 1: That the current version of Windham Codified Ordinance 1165.05 is hereby repealed in its entirety.

SECTION 2: Windham Codified Ordinance 1165.05 as is set forth in the attached Exhibit A, which is incorporated herein by reference, is hereby enacted.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were accepted in an open meeting of this Council, and that deliberations of this Council and any of its committees that resulted in such formal actions were in meeting open to the public, in compliance with Section 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

First Reading: June 27, 2023  
Second Reading: July 25, 2023  
Third Reading: August 22, 2023

ATTEST: 1

APPROVED: 4

\_\_\_\_\_  
Katrina Washington, Fiscal Officer

\_\_\_\_\_  
Scott Garrett, Mayor

I hereby certify that the above Ordinance was duly published by public posting at predesignated posting places.

\_\_\_\_\_  
Katrina Washington, Fiscal Officer

APPROVED AS TO FORM:

\_\_\_\_\_  
Thomas Reitz, Solicitor

## Exhibit A

### 1165.05 Fences, Walls and Hedges

(a) Fences, walls and hedges may be permitted in any required yard, or along the edge of any yard, provided that no fence, wall or hedge along the sides or front edge of any front yard shall be over four feet in height.

(b) Fences, walls or hedges located in any residential zoning district (i.e., those covered by Chapters 1169, 1171, 1173, or 1174) may be permitted along the side or rear lot to a height of not more than six feet (6') above the grade (excluding the sides or front edge of any front yard). Any fence, wall or hedge shall be well maintained, will be harmonious and appropriate in appearance with the existing character of the immediate area in which it is to be located, and will not be hazardous or disturbing to neighboring uses or impede vehicular travel and visibility.

(c) Fences and walls may be placed up to the lot line. The finished side of the fence shall face the public realm. Fences shall not be permitted in any easement or right-of-way.