

BY: Albert J. Meyer

An Ordinance to enact a new Chapter 1424 (commonly known as the Fence Ordinance) of the Codified Ordinances of the City of Bexley, Ohio.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:

Section 1. That Chapter 1424 of the Codified Ordinances is enacted to read as follows:

1424.01 INTENT

IT IS THE INTENT OF THIS FENCE CODE TO REGULATE THE PLACEMENT OF FENCING, WALLS OR ANY COMBINATION THEREOF WITHIN THE FRONT, SIDE AND REAR YARDS OF ANY PROPERTY WITHIN THE R-3, R-6, R-12 OR R-24 RESIDENTIAL ZONING DISTRICTS. IT IS FURTHER THE PURPOSE OF THIS CODE TO MAINTAIN CLEAR VISIBILITY OF VEHICULAR AND PEDESTRIAN TRAFFIC ON ADJACENT STREETS, ALLEYS AND SIDEWALKS THAT MAY OTHERWISE BE AFFECTED BY FENCING AND/OR WALL LOCATIONS AND HEIGHTS; TO MAINTAIN AN ORDERLY APPEARANCE AND REDUCE ANY NEGATIVE IMPACT UPON OTHER PROPERTIES WHERE SUCH FENCING OR WALLS ARE DIRECTLY VISIBLE FROM AND ADJACENT TO, PUBLIC STREETS; AND, THEREFORE, TO REGULATE THE LOCATION, HEIGHT, MATERIAL COMPOSITION, LANDSCAPING AND OVERALL GENERAL FENCE CHARACTERISTICS.

1424.02 SEPARABILITY

IF ANY SECTION, CLAUSE, PROVISION OR PORTION OF THIS FENCE CODE IS HELD TO BE INVALID OR UNCONSTITUTIONAL BY ANY COURT OF COMPETENT JURISDICTION, SUCH HOLDING SHALL NOT AFFECT ANY OTHER SECTION, CLAUSE, PROVISION OR PORTION OF THIS FENCE CODE WHICH IS NOT IN ITSELF INVALID OR UNCONSTITUTIONAL.

1424.03 FRONT YARD RESTRICTIONS

NO PERSON SHALL ERECT ANY FENCE OR WALL IN THE R-3 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT, R-6 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT, R-12 LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT OR R-24 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT, BETWEEN THE FRONT YARD SETBACK LINE AND THE STREET; WITH THE EXCEPTION THAT DECORATIVE LANDSCAPING WALLS AND FENCES WHICH DO NOT EXCEED TWENTY-FOUR INCHES (24") IN HEIGHT ABOVE GROUND LEVEL MAY BE ALLOWED WITH A SPECIAL PERMIT FROM THE BOARD OF ZONING APPEALS. THE BOARD SHALL CONSIDER THE FOLLOWING CRITERIA IN REVIEWING SUCH APPLICATIONS.

(1) THAT THE PROPOSED DECORATIVE LANDSCAPE WALL OR FENCE IS COMPATIBLE WITH OTHER PROPERTIES IN THE NEIGHBORHOOD AS IDENTIFIED IN THE BEXLEY NEIGHBORHOOD STABILIZATION PLAN.

(2) THAT THE HEIGHT OF SAID FENCE OR WALL DOES NOT EXCEED TWENTY-FOUR INCHES (24") IN HEIGHT WHEN MEASURED FROM THE AVERAGE GRADE OF THE YARD WHERE THE FENCE OR WALL IS TO BE INSTALLED. ARTIFICIALLY RAISING THE HEIGHT OF THE LOT LINE BY THE USE OF MOUNDING, RETAINING WALLS OR SIMILAR MEANS SHALL BE INCLUDED IN THE TWENTY-FOUR INCH (24") MAXIMUM HEIGHT.

(3) A LANDSCAPING PLAN MUST BE FILED WITH THE APPLICATION FOR A SPECIAL PERMIT INDICATING HOW SUCH FENCING AND/OR WALL IS TO BE INTEGRATED WITH EXISTING FRONT YARD LANDSCAPING.

(4) THE INSTALLATION OF SUCH FENCE AND/OR WALL SHALL NOT CREATE A VISIBILITY OR SAFETY CONCERN FOR VEHICULAR AND/OR PEDESTRIAN MOVEMENT.

(5) THAT NO CHAIN LINK, WIRE MESH, CONCRETE BLOCK OR OTHER SIMILAR TYPE MATERIAL CAN BE INSTALLED AS A DECORATIVE LANDSCAPE WALL OR FENCE UNLESS THE APPLICANT CAN JUSTIFY THE APPROPRIATENESS OF THIS MATERIAL IN THE DESIGN AND LANDSCAPE PLAN.

1424.04 SIDE AND REAR YARD RESTRICTIONS

NO PERSON SHALL ERECT ANY FENCE OR WALL IN THE R-3 LOW DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT, R-6 MEDIUM DENSITY SINGLE FAMILY RESIDENTIAL DISTRICT, R-12 LOW DENSITY MULTIFAMILY RESIDENTIAL DISTRICT OR R-24 MEDIUM DENSITY MULTIFAMILY RESIDENTIAL DISTRICT, UNLESS AND UNTIL IT MEETS THE FOLLOWING REQUIREMENTS:

INTERIOR LOTS - NO FENCE, WALL OR COMBINATION THEREOF SHALL EXCEED SEVENTY-TWO INCHES (72") IN HEIGHT AS MEASURED FROM THE AVERAGE GRADE OF THAT PORTION OF THE LOT IN THE REAR OR SIDE YARDS. NO SIDE YARD FENCE SHALL EXTEND BEYOND THE FRONT SETBACK LINE OF THE HOUSE. ARTIFICIALLY RAISING THE HEIGHT OF THE LOT LINE BY THE USE OF MOUNDING, RETAINING WALLS OR SIMILAR MEANS SHALL BE INCLUDED WITHIN THE SEVENTY-TWO INCH (72") MAXIMUM HEIGHT RESTRICTION. ANY FENCE OR WALL ERECTED ALONG THE SIDE OR REAR PROPERTY LINES MUST HAVE THE FINISHED AND NOT THE STRUCTURAL SIDE FACING THE NEIGHBORING PROPERTY, ALLEY OR STREET.

CORNER LOTS - NO FENCE, WALL OR COMBINATION THEREOF SHALL EXCEED FORTY-TWO INCHES (42") IN HEIGHT IN THE SIDE YARD SETBACK AREA AS IT FACES A PUBLIC OR PRIVATE STREET. FENCING OR WALLS EXCEEDING FORTY-TWO INCHES (42") IN HEIGHT BUT IN NO CASE HIGHER THAN SEVENTY-TWO INCHES (72") AS MEASURED FROM THE AVERAGE GRADE MAY BE ALLOWED WITH A SPECIAL PERMIT FROM THE BOARD OF ZONING APPEALS. THE BOARD SHALL CONSIDER THE FOLLOWING CRITERIA IN REVIEWING SUCH APPLICATIONS:

(1) THAT THE PROPOSED SIDE YARD FENCE OR WALL ON THE STREET SIDE OF A CORNER LOT EXCEEDING FORTY-TWO INCHES (42") IN HEIGHT IS COMPATIBLE WITH OTHER PROPERTIES IN THE NEIGHBORHOOD AS IDENTIFIED IN THE BEXLEY NEIGHBORHOOD STABILIZATION PLAN.

(2) THAT THE HEIGHT OF SUCH FENCE OR WALL SHALL NOT EXCEED SEVENTY-TWO INCHES (72") IN HEIGHT, ARTIFICIALLY RAISING THE HEIGHT OF THE LOT LINE BY THE USE OF MOUNDING, RETAINING WALLS OR SIMILAR MEANS SHALL BE INCLUDED WITHIN THE SEVENTY-TWO INCH (72") MAXIMUM HEIGHT.

(3) A LANDSCAPING PLAN MUST BE FILED WITH THE APPLICATION FOR A SPECIAL PERMIT INDICATING HOW SUCH FENCING OR WALL IS TO BE SCREENED FROM THE STREET SIDE ELEVATION. THE LANDSCAPE PLAN SHOULD BE DESIGNED IN SUCH A WAY AS TO MITIGATE THE IMPACT OF A SOLID FENCE OR WALL AS IT RELATES TO THE STREET AND OTHER PROPERTIES.

(4) THE INSTALLATION OF SUCH FENCE OR WALL SHALL NOT CREATE A VISIBILITY OR SAFETY CONCERN FOR VEHICULAR AND/OR PEDESTRIAN MOVEMENT.

1424.05 PROHIBITED FENCES

No person shall erect or maintain anywhere in the City a fence or wall equipped with or having barbed wire, spikes, sharp points or any similar device or an electrical charge sufficient to cause shock.

1424.06 VARIANCES

THE BOARD OF ZONING APPEALS SHALL HAVE THE AUTHORITY TO HEAR REQUESTS FOR VARIANCES TO THE PROVISIONS OF THIS CODE. VARIANCES MAY BE GRANTED ONLY WHERE UNIQUE CHARACTERISTICS OF THE PROPERTY CREATE AN UNNECESSARY HARDSHIP. VARIANCE REQUESTS SHALL BE FILED IN CONFORMANCE WITH THE RULES AND REGULATIONS OF THE BOARD OF ZONING APPEALS.

1424.07 PERMIT REQUIRED; FEE

No person shall erect a fence or a wall that complies with the provisions of this Chapter until a CONSTRUCTION permit for the same has been issued by the City, the cost of such permit to be as provided in Section 1412.12 (a) (3). THE FILING FEE FOR A SPECIAL PERMIT OR VARIANCE APPLICATION SHALL BE \$25.00 WHICH IS IN ADDITION TO THE FENCE CONSTRUCTION FEE. BY ISSUANCE OF A PERMIT THE CITY DOES NOT WARRANT THE LOCATION OF PROPERTY LINES. THE BURDEN OF CERTIFYING THE LOCATION OF PROPERTY LINES SHALL BE BOURNE BY THE PROPERTY OWNER CONSTRUCTING THE FENCE AND/OR WALL.

1424.99 PENALTY

Whoever violates any of the provisions of this Chapter is guilty of a minor misdemeanor and shall be fined not more than One Hundred Dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a fence or wall is maintained in violation of this Chapter.

Section 2. That existing Chapter 1424 be, and the same hereby is, repealed.

Section 3. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: June 23, 1987

Joachim
President of Council

ATTEST: *John W. Henkin*
Clerk of Council

APPROVED: June 23, 1987
David H. Madison
David H. Madison
Mayor

May 26, 1987 - 1st reading
June 9, 1987 - 2nd reading
June 23, 1987 - 3rd reading
Adopted

City of Bexley, Ohio
2242 East Main Street, 43209 235-8694

City Council

John T. Loehnert, President
John H. Offenber
William N. Bellamy
Albert J. Myers
Joanne H. Ranft
Robert K. Schmitz
Mark R. Masser
James H. Gross, City Attorney
John W. Hornberger, Auditor

David H. Madison, Mayor

NOTICE OF PUBLIC HEARING

This is to inform you that a public hearing will be held by the Council of the City of Bexley, Ohio, at 7:00 P.M., Tuesday, June 23, 1987, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 44-87 (commonly known as the Fence Ordinance). A copy is available for public inspection in the Office of the Service Director, Bexley City Hall. All interested persons are invited to attend.

Bexley News
Eastside Messenger
Neighbor News

Please publish the week of June 15 to June 19, 1987.