

AMENDED ORDINANCE NO. 25-89

By

Joanne H. Ruff

An Ordinance to amend the Codified Ordinances of the City of Bexley by deleting Chapter 1442 and re-enacting Chapter 1442, with certain amendments, as Chapter 1262 of the Zoning Code to regulate the placement of fencing, walls or any combination thereof.

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

Section 1. That the Codified Ordinances of the City of Bexley be amended by the addition of Chapter 1262 of the Zoning Code as follows:

~~1442.01~~ 1262.01 INTENT.

It is hereby declared to be the intent of this chapter to regulate the placement of fencing, walls or any combination thereof within the front, side and rear yards of any property within ~~Low Density Single-Family, Medium Density Single-Family, Low Density Multifamily and Medium Density Multifamily~~ Residential Zoning Districts. It is further the purpose of this chapter 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 and material composition of fences, landscaping and overall general fence characteristics.

~~1442.02~~ 1262.02 FRONT YARD RESTRICTIONS.

No person shall erect any fence or wall in ANY ~~Low Density Single-Family, Low Density Multifamily or Medium Density Multifamily~~ Residential Zoning District, between the front yard setback line and the street, EXCEPT THAT FENCES OR WALLS WHICH DO NOT COMPLY WITH THIS SECTION MAY BE ALLOWED IF APPROVED AS PART OF A DETAILED DEVELOPMENT PLAN FOR A PLANNED UNIT RESIDENTIAL DISTRICT BY COUNCIL PURSUANT TO SECTION 1264.21 AND except that decorative landscaping walls and fences which do not exceed twenty-four inches 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:

- (a) The proposed decorative landscape wall or fence is compatible with other properties in the neighborhood as identified in the Bexley Neighborhood Stabilization Plan.
- (b) The height of the fence or wall does not exceed twenty-four inches 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 maximum height.
- (c) 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.
- (d) The installation of such fence and/or wall shall not create a visibility or safety concern for vehicular and/or pedestrian movement.
- (e) No chain link, wire mesh, concrete block or other similar type material shall 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.

1442:03 1262.03 SIDE AND REAR YARD RESTRICTIONS.

No person shall erect any fence or wall in Low-Density Single-Family, Medium--Density---Single--Family, Low---Density Multifamily-or-Medium-Density-Multifamily ANY Residential Zoning District, unless and until such fence or wall IS LOCATED WITHIN A PLANNED UNIT RESIDENTIAL DISTRICT AND IS PART OF THE DETAILED DEVELOPMENT PLAN APPROVED BY COUNCIL PURSUANT TO SECTION 1264.21 OR meets the following requirements:

- (a) Interior Lots. No fence, wall or combination thereof shall exceed seventy-two inches in height as measured from the average grade of that portion of the lot in the rear or side yard. No side yard fence shall extend beyond the front set-back 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 maximum height restriction. Any fence or wall erected along the FRONT SET BACK LINE, side or rear property lines must have the finished and not the structural side facing the neighboring ADJACENT property, alley or street. INTERIOR LOTS HAVING REAR LOT LINES COINCIDENT WITH ALLEY RIGHT-OF-WAY SHALL BE PERMITTED TO PLACE THE STRUCTURAL SIDE OF THE FENCE FACING THE ALLEY RIGHT-OF-WAY.
- (b) Corner Lots. No fence, wall or combination thereof shall exceed forty-two inches in height in the side yard set-back area as it faces a public or private street. ANY FENCE OR WALL ERECTED ON A LOT LOCATED AT THE INTERSECTION OF TWO OR MORE STREETS MUST HAVE THE FINISHED AND NOT THE STRUCTURAL SIDE FACING THE ADJACENT PROPERTY, ALLEY OR STREET. Fencing or walls exceeding forty-two inches in height, but in no case higher than seventy-two inches, 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) The proposed side of a corner lot exceeding forty-two inches in height is compatible with other properties in the neighborhood as identified in the Bexley Neighborhood Stabilization Plan.
 - (2) The height of such fence or wall shall not exceed seventy-two inches. Artificially raising the height of the lot line by the use of mounding, retaining walls or similar means shall not be included within the seventy-two inch 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.

1442:04 1262.04 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.

1442-05 1262.05 VARIANCES.

The Board of Zoning Appeals shall have the authority to hear the requests for variances from the provisions of this chapter. Variances may be granted only where unique characteristics of the property created an unnecessary hardship. VARIANCES WHICH ALLOW THE STRUCTURAL SIDE OF A FENCE TO FACE AN ADJACENT PROPERTY SHALL BE GRANTED ONLY WHERE UNIQUE CHARACTERISTICS CREATE AN UNNECESSARY HARDSHIP AND WRITTEN CONSENT FROM THE AFFECTED ADJACENT PROPERTY OWNER(S) HAS BEEN FILED WITH THE BOARD. Variance requests shall be filed in conformity with the rules and regulations of the Board.

1442-06 1262.06 PERMIT REQUIRED; FEE.

No person shall erect a fence or 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 1430.02(a) (4)L. REPAIR OR REPLACEMENT OF 50% OR MORE OF AN EXISTING FENCE SHALL BE DEEMED TO BE CONSTRUCTION OF A NEW FENCE AND REQUIRES A CONSTRUCTION PERMIT. The filing fee for a special permit or variance application shall be twenty-five dollars (\$25.00), which fee 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 borne by the property owner constructing the fence and/or wall.

1442-99 1262.07 PENALTY.

~~(EDITOR'S NOTE:--See-Section-1430.99-for-general-Building and-Housing-Code-penalty-if-no-specific-penalty-is-provided.)~~
PENALTIES FOR VIOLATION OF THIS CODE SHALL BE AS PROVIDED FOR IN CODE SECTION 1264.99.

Section 2. That Chapter 1442 of the Codified Ordinances of the City of Bexley is hereby repealed in its entirety.

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

Passed: Jan 13, 1989

Albert Meyer
President of Council

Attest: J.W. Wilson
Clerk of Council

APPROVED: June 13, 1989

D. H. Madison
David H. Madison, Mayor

April 25, 1989 - 1st reading

May 9, 1989 - 2nd reading

May 23, 1989 - 3rd reading
Saber.

June 13, 1989 - Adopted

THE COLUMBUS DISPATCH
PROOF OF PUBLICATION

STATE OF OHIO, FRANKLIN COUNTY, SS.:

William R. Fagan
Assistant Classified Advt. Manager

The Columbus Dispatch, a newspaper published at Columbus, Franklin County, Ohio, with a daily paid circulation of more than 25,000 copies, personally appeared and made oath that the notice of which a true copy is hereunto attached was published in *The Columbus Dispatch* for 1 time(s) to wit,

on

May 13th, 1989

and that the rate charged therefor is the same as that charged for commercial advertising for like services.

William R. Fagan

Subscribed and Sworn to, this 15th
day of May 1989 as
witness my hand and seal of office

Nesley E. Thomas
Notary Public in and for The State of Ohio.

NESLEY E. THOMAS
NOTARY PUBLIC - STATE OF OHIO
MY COMMISSION EXPIRES MAR. 24, 1994

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 13, 1989, at Bexley City Hall, 2242 East Main Street, to consider adoption of Ordinance No. 25-89 (commonly known as the Fence Ordinance). A copy of the ordinance is on file for inspection in the Office of the Mayor, 2242 East Main Street, Bexley, Ohio. All interested persons are invited to attend.
5/13

City of Bexley, Ohio

2242 East Main Street, 43209

235-8694

City Council

Albert J. Myers, President
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John W. Hornberger, Auditor

David K. Madison, Mayor

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COLUMBUS DISPATCH

Please publish May 13, 1989