

ORDINANCE NO. 78-90BY: Albert J. Myers

An Ordinance to amend Section 1262.02 of the Codified Ordinances of the City of Bexley (known as the Fence Code) to regulate fences and walls or any combination thereof located in the front yard.

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

Section 1. That Section 1262.02 of the Codified Ordinances is hereby amended as follows:

1262.02 FRONT YARD RESTRICTIONS.

No person shall erect any fence or wall in any 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 AFTER REVIEW IN ACCORDANCE WITH CRITERIA (A) THROUGH (E) LISTED BELOW, AND ISSUANCE OF A PERMIT BY THE BEXLEY BUILDING DEPARTMENT; AND EXCEPT THAT DECORATIVE LANDSCAPING WALLS AND FENCES WHICH EXCEED TWENTY-FOUR INCHES IN HEIGHT ABOVE GROUND LEVEL BUT NOT MORE THAN FORTY-TWO INCHES ABOVE GROUND LEVEL may be allowed with a special permit from the Board of Zoning Appeals. FENCES AND WALLS ABOVE FORTY-TWO INCHES IN HEIGHT OR ANY FENCE OR WALL LOCATED ON CITY RIGHT-OF-WAY MAY BE ALLOWED WITH A VARIANCE FROM CITY COUNCIL. The Board AND CITY COUNCIL 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~~ THE SIZE PERMITTED AS ABOVE 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.

Section 2. That Section 1262.02 as presently in effect is hereby repealed.

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

Passed: Nov. 27, 1990

  
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President of Council

Attest:   
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Clerk of Council

Approved: Nov. 27, 1990

  
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David H. Madison  
Mayor

Oct. 23, 1990 - 1<sup>st</sup> reading  
Nov. 13, 1990 - 2<sup>nd</sup> reading  
Nov. 27, 1990 - 3<sup>rd</sup> reading