

DATE: April 4, 2022
INTRODUCED BY: Councilman DeVries
REFERRED BY: _____
TEMPORARY NO: T 58-2022

1ST READING: April 4, 2022
2ND READING: _____
3RD READING: _____
ADOPTED: _____
EMERGENCY: _____

ORDINANCE NO. XXXX-2022

AN ORDINANCE AMENDING VARIOUS SECTIONS OF *CHAPTER 1294 SUPPLEMENTARY REGULATIONS OF THE NORTH RIDGEVILLE ZONING CODE* IN ORDER TO UPDATE THE CITY'S FENCE REGULATIONS.

WHEREAS, this Council has established regulations for the construction and placement of fences which have been amended from time to time; and

WHEREAS, commonly available fencing materials do not comply with the City's Zoning Code requirements, resulting in routine variance requests in residential districts for minor code deviations; and

WHEREAS, certain types of fencing that may pose hazards to the community should be closely regulated; and

WHEREAS, it is the recommendation of the Chief Building Official and Director of Planning and Economic Development that the City of North Ridgeville's fence regulations be updated to reduce variance requests and preserve the public health and safety; and

WHEREAS, it is the desire of this Council and upon the recommendation of the North Ridgeville Planning Commission, to amend these Codified Ordinances.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH RIDGEVILLE, LORAIN COUNTY, OHIO, THAT:

SECTION 1. Subsection (3) of *Section 1294.01(e) Swimming Pools* of the Zoning Code be amended as follows:

(3) A fence of at least four feet in height, ~~but not more than five feet~~, and of a strength compatible with its intended use, shall be erected around the pool and be maintained at all times while the pool is filled. The fence shall have a gate which has its own lock or is capable of being secured by a lock, and it shall be kept securely locked at all times when the pool is not in use or attended by the owner or anyone using the pool with the owner's permission. In the case of a pool elevated to a height of four feet or more, access to which is gained by a ladder or stairway, such access shall be removed or it shall be secured in such a way that no one may make entry to the pool when the pool is not in use.

SECTION 2. Section 1294.01(h) *Fences* of the Zoning Code which presently reads in its entirety as set forth in the document attached to this Ordinance as **Exhibit A** and incorporated herein by reference as if fully restated, be amended, and, as amended, shall read in its entirety as set forth in the document attached to this Ordinance as **Exhibit B** and incorporated herein by reference as if fully restated.

SECTION 3. In all other respects, the North Ridgeville Zoning Code, as amended from time to time, shall remain in full force and effect.

SECTION 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in accordance with all legal requirements, including §121.22 of the Ohio Revised Code.

SECTION 5. This Ordinance shall take effect and be in full force from and after the earliest period allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____
CLERK OF COUNCIL

APPROVED: _____

MAYOR

EXHIBIT A

1294.01 INTERPRETATIONS AND EXCEPTIONS IN GENERAL.

(h) **Fences.**

(1) A fence is subject to the provisions of Section 1468.03(a) regarding lot line verification. Property pin verification, when visible, shall be an indication that the fence is properly located. However, the homeowner is the responsible person for any legal verification of fence placement. All fences constructed within residential areas of the City shall conform to the following standards:

A. Along the street line and to the front line of the building located nearest to such street, no fence shall exceed three and one-half feet in height.

B. Along the rear lot line of the property and to the front line of the building located nearest to such street, no fence shall exceed six feet in height.

(2) Fences may be erected adjacent to the property line, except that no living fence, such as a hedge or bush-type fence, shall be permitted within three feet of any road right of way or sidewalk.

(3) All fences in residential areas shall be constructed so that the open area of such fence structure shall be equal to or greater than the closed or barred portion of such fence, except as to fences erected principally as enclosures for swimming pools, and except that along the rear lot line of the property and from the rear lot line to the front line of the building located nearest to the street, a privacy or barred fence shall be permitted, provided that there is a gate or opening for ingress and egress, at least four feet in width, within ten feet of any connection to a residence. Where a privacy or barred fence is permitted along a lot line, there shall be a recorded easement of two feet for maintenance purposes, before issuance of a permit by the Chief Building Official.

(4) In B and I Districts, fences shall be not greater than eight feet in height and shall be set back not less than twelve feet from the right-of-way.

(5) This Zoning Code shall have no application to junkyard fences referred to in Chapter 840 of the Business Regulation and Taxation Code.

(6) Fences shall be deemed a structure within the purview of the Building and Housing Code of the City and shall require a building permit.

(7) Nothing in this subsection shall be interpreted so as to have application to land used for agricultural purposes.

(8) A living fence as referred to in this Zoning Code means a hedge, bush-type fence, or other type of enclosure formed from herbage, bushes, or other similar living plant life.

(9) All fences constructed pursuant to this subsection shall be constructed in such a fashion that the good side of the fence shall face outward toward adjacent properties.

(10) Fence height shall be measured from a point not more than four inches from grade and shall follow grade contours as far as practical.

EXHIBIT B

1294.01 INTERPRETATIONS AND EXCEPTIONS IN GENERAL.

(h) **Fences.** A fence may be erected or maintained upon a lot subject to the requirements of this section.

(1) **General Regulations for All Fences.**

A. No fence shall be constructed until a permit has been issued by the Chief Building Official.

B. Any fence is subject to the provisions of Section 1468.03(a) regarding lot line verification. The property owner is the responsible party for any legal verification of fence placement.

C. Except for a fence that is the same on both sides, fences shall be installed so that no exposed posts or supporting cross-elements face the right-of-way or any lot other than the lot on which the fence is to be constructed.

D. Fence height shall be measured from a point not more than four inches from grade.

E. Fences shall be installed plumb and the top finish shall be uniform. Fences shall follow the contour of the ground as far as is practical.

F. Fences may be erected adjacent to the property line, except that no living fence shall be permitted within three feet of any property line, road right-of-way, or sidewalk and no living fence in a front yard shall exceed thirty inches in height. For the purposes of this Zoning Code, "living fence" means any living plant including hedges, shrubs, bushes, trees, or plants so arranged or growing in such manner as to enclose or partially enclose a yard or part of a yard.

G. No fence may be located to impede or restrict the visibility of vehicles or pedestrians at any right-of-way.

H. Fences placed on utility easements shall provide access to manholes, utility boxes, cleanouts, or other service areas that may be used for maintenance of the utility. The property owner shall be responsible for seeking any required approval for fence placement from the utility. Fences in drainage easements shall require prior approval of the City Engineer to ensure the proper flow of water.

I. No electrically-charged fence shall be erected or maintained in any district.

(2) **Fences in Residential Districts.**

A. A fence not exceeding six feet in height may be placed along any side or rear property line, subject to the requirements in (B) below, providing it does not extend closer to the street

than the front building line. From the building line to the street line, a fence may be installed so long as it has a maximum height of four feet and at least 50 percent of the face is open.

B. In order for a fence to be constructed along a property line, the property owner proposing the fence shall meet one of the following conditions, otherwise the fence shall be placed a minimum of three feet from the property line:

i. Construct the fence of maintenance-free materials as determined by the Chief Building Official.

ii. Construct the fence so it can be easily dismantled from its owner's side for the purpose of maintaining it entirely within the owner's property; or

iii. Enter into a written agreement with the neighboring property owner stating that the owner of the fence has free access to the neighboring property for the purpose of maintaining the fence and land beneath. A copy of this agreement must be submitted with the application for a fence permit and recorded with the City.

C. Where a solid or privacy fence is proposed that is connected to a dwelling, there shall be a gate or opening at least four feet in width within ten feet of the dwelling.

D. Barbed wire fences are prohibited in residential districts.

(3) Fences in Non-Residential Districts.

A. Fences in non-residential districts shall be not greater than eight feet in height. Any fence proposed in a front yard must be set back a minimum of twelve feet from the right-of-way.

B. Not more than two strands of barbed wire may be placed on top of a fence, provided such strands are not less than six feet from the ground.