

Ordinance No. 1273

Passed 12-16, 2003

ORDINANCE AMENDING ORDINANCE NUMBER 1141 BY AMENDING AND ADOPTING NEW SECTION 904 OF THE ZONING CODE, PROVIDING FOR SPECIFICATIONS FOR FENCES AND WALLS.

BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF PEMBERVILLE, COUNTY OF WOOD, STATE OF OHIO:

SECTION 1: That Ordinance Number 1141, adopting the Zoning Code for the Village of Pemberville, is hereby amended so as to abolish current Section 904 of the Zoning Ordinance, and by adopting new Section 904 of the Zoning Code in accordance with the exhibit attached hereto and made a part hereof.

SECTION 2: This ordinance shall take effect at the earliest time permitted by law.

Passed: 12-16-03

Justine Oberhouse
Mayor

Attest:

Russ R. Phillips
Village Clerk

First Reading 11 4 03

Second Reading 11 18 03

Third Reading 12 2 03

POSTING CERTIFICATE
I hereby certify that the foregoing Ordinance No. 1273, passed by the Council of the village of Pemberville, Ohio on the 16th day of Dec., 2003, was posted by me on Dec. 19, 2003, at the conspicuous place in the village of Pemberville, Ohio and

SPECIFICATIONS FOR FENCES AND WALLS

The following fence and wall specifications shall apply to all land uses in all zoning districts.

1. Definitions.

- a. **FENCE.** Any structure composed of wood, metal, stone, plastic, or other natural and permanent material erected in such a manner and positioned as to enclose or partially enclose any premises or any part of any premises. Trellises, or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation when erected in such position as to enclose or partially enclose or separate any premises shall be included within the definition of the word "fence." Structures erected other than on lot lines or within five feet of lot lines, which have solely an ornamental purpose and which do not in fact serve the purpose of enclosing or partially enclosing premises, separating premises from adjoining premises, hedges, retaining walls, or radio-controlled fences, shall not be included within the definition of the word "fence."
- b. **FENCE, SOLID.** A fence or wall designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than 50 percent of its vertical surface area closed to light and air. Permitted solid fences are:
 - i. **FENCE, BOARD ON BOARD or ALTERNATING BOARD ON BOARD.** A fence constructed of vertical wood boards or other natural and permanent material with one-inch nominal size boards between, or upon, a frame of 2-inch nominal members and 4x4 nominal posts.
 - ii. **FENCE, LOUVER or VENTILATING.** A fence made of a series of wood slats or other natural and permanent placed at an angle or positioned so as to provide air but to deflect light perpendicular to its vertical plane.
 - iii. **FENCE, SOLID PICKET.** A fence made up of upright one-inch by two inch nominal wooden boards or other natural and permanent material that abut one another, side by side with no openings. The top of the fence may be pointed or blunt.
 - iv. **FENCE, HEDGE.** A row of dense closely spaced living plant material composed of vines, trees, shrubs, bushes or combination thereof.
 - v. **FENCE, STOCKADE or PALISADE.** A fence constructed with a row of large pointed stakes of wood or other natural and permanent material placed upright against each other having more than 50% of the area of its vertical plane closed to light or air.
 - vi. **WALL.** A solid fence constructed of stone, brick, or masonry.

- c. **FENCE, OPEN.** A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, having not less than 50% of its vertical surface area open to light and air. Open ornamental fences include:
- i. **FENCE, ACCENT.** A fence that is used solely for ornamental purpose and does not enclose or partially enclose an area.
 - ii. **FENCE, CHAIN LINK.** A commercial or industrial fence, usually made of metal, loops of wire interconnected in a series of joined links and including vinyl plastic-coated or painted varieties.
 - iii. **FENCE, ELECTRIFIED.** All fences or structures, with a device or object that emits or produces an electric charge, impulse or shock when the same comes into contact with any other object or any person, animal or thing, or which causes or may cause burns to any person or animal. So called wireless or radio controlled fences that utilize radio signals and control collars are excluded from this definition.
 - iv. **FENCE, RADIO CONTROLLED.** The use of insulated wire (typically low voltage and located underground) to transmit a radio signal to a receiving device. Radio controlled fences are exempt from these regulations.
 - v. **WALL, RETAINING.** A wall composed of wood, stone, brick or other masonry material designed to hold back a portion of higher ground from a lower one. A retaining wall permits two elevation levels to be placed adjacent to each other with an abrupt vertical change between them.
 - vi. **FENCE, SMOOTH RAIL, SPLIT RAIL, MILLED RAIL or CONTEMPORARY RAIL.** A fence constructed of narrow, whole or split, wooden timbers or boards placed horizontally between upright supporting posts. Smooth rail, split rail, milled rail or contemporary rail fences may have supplemental wire fencing or mesh attached to the interior of the fence. For the purpose of improved containment, the opening size shall be not less than 3" X 3" and designed in a horizontal grid.
 - vii. **FENCE, WROUGHT IRON.** A fence constructed of metal, including aluminum, iron or steel, pipe, tubes or bar stock and having some type of decorative features or design. Wrought iron fences shall not have pointed ends exposed but may have finials with blunt ends.
 - viii. **FENCE, SECURITY or INDUSTRIAL.** A fence made with metal wire having sharp points, barbs, edges or other attached devices designed to discourage physical contact along its length.
- d. **FENCE, PARTIALLY OPEN.** A fence designed to offer a vertical, but not totally blocked, visual separation. This fence is used where a low level of screening is adequate to soften the impact of the use or where partial visibility between areas is more important than a total visual screen. Permitted partially open fences are:

- i. **FENCE, ARBOR or TRELIS.** A fence of latticework used as a screen or as a support for climbing plants.
- ii. **FENCE, PICKET.** A partially open fence made of upright wooden or vinyl poles or slats. This fence may be an open fence if the space between the vertical boards is greater than the width of the boards.

2. General Requirements for Fencing and Walls.

- a. Fences and walls shall be permitted in any required yard, or along the edge of any yard.
- b. Height. Except as otherwise specifically permitted herein, no fence or wall shall exceed:
 - i. Front Yard. Three (3) feet in height above the established grade forward of the principal structure or in a required front yard;
 - ii. Side Yard. Seven (7) feet in height above the established grade in the required side yard adjacent to the principal structure;
 - iii. Rear Yard. Seven (7) feet in height in the required rear yard projected forward to a line parallel to the rear side of the principal structure.
- c. Supporting members for fences and walls shall be located so as not to be visible from the adjoining property unless the fence is designed such that the supporting members are identical in appearance on both sides of the fence or wall.
- d. No fence or wall shall be constructed in any floodway, floodplain or drainage easement for any parcel or subdivision.
- e. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.
- f. The fence, wall, or hedge shall not be permitted to encroach upon public rights-of-way or easements or no build zones, conservation/no disturb zones.
- g. The fence, wall, or hedge shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.
- h. The height of a fence shall be measured from the established grade line to the highest point of the fence including posts and finials. The height of the fence may not be artificially increased by the use of mounding unless, otherwise required by the zoning district regulations.
- i. In the event a property owner chooses placement of a fence on a property line, the applicant shall certify to the Zoning Inspector, that the property has been surveyed and that all corners or change in survey course are established and readily discernible. In lieu of a survey, the applicant can use a signed, notarized fence agreement, indicating

acknowledgement of said property line for fence placement between adjoining property owners.

3 **Specific Requirements for Individual Types of Fencing and Walls.**

a. **Open and Partially Open Fences.**

i. **Accent Fences and Picket Fences.** Accent fences and picket fences shall be permitted in all zoning districts if limited to four (4) feet height from grade and if designed only to partially enclose an area and serve only an ornamental purpose. These fences may be used to enclose the entire perimeter of the rear yard if the total lot area is greater than 30,000 square feet.

ii. **Arbors; trellises.** Arbors or trellises shall be permitted in all zoning districts. Arbors or trellises, which are detached from the building, may encroach on a required side yard which abuts a street and forward of the structure provided that:

- (1) The maximum height is eight feet;
- (2) The maximum width is five feet;
- (3) The maximum depth is three feet and;
- (4) The surface of the arbor or trellis shall be at least 50% open.

iii. **Chain Link and Security or Industrial Fences.** A chain link fence shall be permitted in all districts with the exception of A & R zoning areas where chain link fences are prohibited in front yards. Security and industrial fences shall only be permitted in agricultural or industrial zoning districts. Such fences may not be placed forward of the primary structure and are restricted to side and rear yards. Such fences may be erected parallel to and on, or approximately on, the common property line to a height not exceeding seven feet above the established grade

b. **Solid fences.**

Solid fences shall be permitted in all zoning districts only in rear yards or to enclose a deck or patio. Solid fences shall not be used to enclose the entire perimeter of the property. Solid fences shall not be located within a required side yard and shall be of an approved type.

i. **Brick, Stone or Masonry Walls.** Brick, stone or masonry walls are permitted forward of the building line but cannot exceed three feet in height.

ii. **Hedges.** Hedges shall be permitted in all zoning districts. Hedges shall not be located within a drainage easement, floodway, or flood plain.

4. **Prohibited Fencing.**

- a. Electrified, barbed wire and razor wire fences are hereby prohibited in all zoning districts except C & M. This prohibition shall not be construed to prohibit electrified and/or barbed wire fences when used in conjunction with a purely agricultural use as defined by the Ohio Revised Code.

5. Corner Lots

In any district on any corner lot, no fence, structure or planting shall be erected or maintained within 30 feet of the "corner" at a height greater than two and one-half (2-1/2) feet above curb or street grade, or so as to interfere with traffic visibility across the corner. The "corner" shall be the point of intersection of the two right-of-way lines.