

Ordinance 05-2017

AN ORDINANCE TO AMEND SECTION 1464.01, OF THE CODIFIED ORDINANCES REGARDING LOCATION AND HEIGHT OF FENCES AND WALLS

WHEREAS, the Council enacted Ordinance 03-1993 specifying the rules and regulations governing fences and walls which became Chapter 1464, Fences and Walls, in the codified ordinances of the Village of Minerva Park.; and

WHEREAS, it is necessary and appropriate to revisit, clarify, and update regulations from time to time; and

WHEREAS, the Planning and Zoning Commission recommended that the ordinance language be clarified as to measuring the height of fences;

NOW, THEREFORE, be it resolved by the Council of the Village of Minerva Park, Franklin County, State of Ohio, that:

Section 1. Section 1464.01 is hereby amended to read as follows:

Fence Construction and Location

- (a) No fence or wall shall be erected forward of a line 14 feet back from the immediately adjacent front building line of a dwelling or structure on any lot.
- (b) No fence or free-standing wall shall exceed seventy-two (72) inches in height, measured from the natural ground, including lattice panels. Where a fence or wall is constructed on a mound, or where the ground under the same has been raised to a higher level than the surrounding surface, the permissible height of the structure shall be reduced by the height of such mound or raised surface.
- (c) Decorative post caps, finials, or ornamental features shall not exceed 12 inches above the top of fence panels, pickets, or walls nor be more than six (6) inches in width spaced closer than four feet on center.
- (d) Supporting posts of any fence type shall be on the side that faces the installer's dwelling.
- (e) Free-standing walls constructed of brick, concrete block, or stone must be constructed on a foundation starting 36 inches below grade and designed by a structural engineer or architect. All portions of the footing must be within the lot line.
- (f) Fences and walls may be constructed of the following materials:
 - 1. Fences: wood or wood composite or similar materials; PVC or vinyl or similar materials; aluminum, chain link or wire, or a combination of these materials.
 - 2. Walls: stone, brick, poured concrete, or block
- (g) Chain-link type fences shall not exceed forty-eight (48) inches in height and must be vinyl coated dark green, dark brown, or black.
- (h) Welded wire fencing painted black, dark green, or dark brown may be attached to the inside of a fence.
- (i) Only one style of wall or fence may be permitted per property line.
- (j) The maximum ground clearance from the natural ground to the bottom of the panel, picket or wall shall not exceed three (3) inches.
- (k) Lighting features or lighting built into a fence shall not extend above the height of the fence panel.
- (l) Artificially raising the height of the base upon which the fence is constructed by use of mounding, retaining walls or similar means shall be included within the seventy-two (72) inch maximum height restriction of fences and walls.
- (m) Sharp edges and electrically charged fence materials are not permitted.

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Permitting, Inspecting, and Acceptance

- (a) No fence may be installed or constructed without first obtaining a permit from the Code Enforcement Officer and the Mayor or his or her designee.
- (b) Applicants shall determine property lines prior to constructing a fence and shall ensure the fence does not encroach upon another lot or parcel of land.
- (c) All permits expire six months after issuance and are not transferable between owners.
- (d) Permit & Fee: A permit filing and a fee shall be collected in accordance with the Fee Schedule established by the Council and in force on the date the Permit Filing and Review Fee is due and payable.
- (e) If fence construction is not declared complete by the Code Enforcement Officer within six months from permit approval, the property owner must re-apply for a permit.
- (f) Fence installation shall be inspected by the Code Enforcement Officer or other designated Village official, twice: First when the post holes have been dug, second at the completion of the fence construction. Only after the Code Enforcement officer has approved the completed fence will the Planning & Zoning Commission accept the fence as a permanent improvement on any lot, part of a lot or combination of lots.
- (g) Repair to fences that require the replacement posts, or greater than 50% of fencing material must obtain a fence permit at one half the cost of a new fence permit.
- (h) Variances to the accessory structure ordinance may be granted by Village Council after recommendation by the Planning & Zoning Commission for conditions of hardship. Application for a variance from the requirements of Village Ordinances is defined in Chapter 1232.01.
- (i) Violation or failure to comply with any of the provisions of this section shall be considered a minor misdemeanor punishable per day per occurrence. Nothing herein shall prevent the Village from taking corrective action or such other lawful action, including civil actions at law or equity, including temporary restraining orders, preliminary injunctions and permanent injunctions, as is necessary to prevent or remedy any violations.

Section 2. It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements of the laws of the State of Ohio.

Section 3. All prior legislation, or any parts thereof, which is/are inconsistent with this Ordinance is/are hereby repealed as to the inconsistent parts thereof.

Section 4. This Ordinance shall take effect and be in force from and after its passage.

/S/ Lynn Eisentrout

Lynn Eisentrout, Mayor

First Reading: February 13, 2017
Second Reading: February 27, 2017
Third Reading: June 19, 2017
Passed: June 19, 2017

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(continued)**

ATTEST

APPROVED AS TO FORM

/S/ Kimberly Pulley

/S/ Eugene Hollins

Kimberly Pulley, Fiscal Officer

Solicitor