

Dublin, Ohio Code of Ordinances

TITLE XV: LAND USAGE

CHAPTER 153: ZONING REGULATIONS

FENCES

Bookmark§ 153.078 PURPOSE AND SCOPE.

The purpose of these provisions is to establish regulations controlling the use and type of fences or walls. This is for the conservation and protection of property, the assurance of safety and security, the enhancement of privacy, and the improvement of the visual environment. This includes the provision of a neat and orderly appearance consistent with the neighborhood and community character.

(Ord. 75-98, passed 3-20-00; Am. Ord. 28-09, passed 6-15-09; Am. Ord. 66-12, passed 11-5-12)

Bookmark§ 153.079 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply, unless the context clearly indicates or requires a different meaning.

FENCE - GENERAL. The word FENCE shall in general terminology mean any structure composed of wood, metal, stone, plastic, cellular vinyl, or other natural and permanent material erected 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 . Hedges, retaining walls, or radio controlled fences, shall not be included within the definition of the word FENCE .

(A) SOLID FENCE . A fence designed to inhibit public view and provide seclusion and, when viewed at right angles, having more than 50% of its vertical surface area closed to light and air.

(1) 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.

(2) LOUVER or VENTILATING FENCE . 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.

(3) SOLID PICKET FENCE . 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.

(4) STOCKADE or PALISADE FENCE . 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 percent of the area of its vertical plane closed to light or air.

(5) WALL, STONE or BRICK. A solid fence constructed of stone or brick.

(B) PARTIALLY OPEN FENCE . 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. Partially open fences include:

(1) PICKET FENCE . A partially open fence made of upright wooden 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) ARBOR or TRELLIS. A fence of latticework used as a screen or as a support for climbing plants.

(C) OPEN FENCE . A fence constructed for its functional, ornamental or decorative effect and, when viewed at right angles, having not less than 50 percent of its vertical surface area open to light and air. Permitted open ornamental fences are:

(1) SECURITY or INDUSTRIAL FENCE . A fence made with metal wire having sharp points, barbs, edges or other attached devices designed to discourage physical contact along its length.

(2) CHAIN LINK FENCE . A fence usually made of metal, loops of wire interconnected in a series of joined links and including vinyl, plastic-coated or painted varieties.

(3) ELECTRIFIED FENCE . 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.

(4) SMOOTH RAIL, SPLIT RAIL, MILLED RAIL or CONTEMPORARY RAIL FENCE . 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 . Such wire shall be painted or coated black. For the purpose of improved containment, the opening size shall be not less than 3" X 3" and designed in a horizontal grid.

(5) WROUGHT IRON FENCE . 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.

(6) RADIO CONTROLLED FENCE . 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.

(7) RETAINING WALL. 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.

(8) ACCENT FENCE . A fence that is used solely for ornamental purpose and does not enclose or partially enclose an area.

(Ord. 75-98, passed 3-20-00; Am. Ord. 28-09, passed 6-15-09; Am. Ord. 66-12, passed 11-5-12)

Bookmark§ 153.080 REGULATIONS ON USE.

(A) Regulations - general. Except as otherwise specifically permitted herein, no fence or wall shall exceed four feet in height. Supporting members for wall and fences shall be located so as to not 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. No fence or wall shall be constructed in any platted no-build zone, conservation/no disturb zone, floodway, floodplain or drainage easement for any parcel or subdivision which would be detrimental to the public health, safety and welfare. All portions of the property shall remain accessible from outside the fence area by means of a gate or other opening.

(1) The fence or wall shall not be permitted to encroach upon public rights-of-way or easements or no build zones, conservation/no disturb zones. The fence or wall shall not be located so as to adversely affect the vision of drivers on the public streets or from driveways intersecting public streets.

(2) 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.

(B) Permitted fencing. Fences shall be permitted as follows, except as otherwise specifically permitted herein.

(1) Open fences.

(a) Open or partially open, (ornamental or decorative) fences shall be permitted in all zoning districts and shall be no greater than four feet in height above the established grade, unless otherwise permitted herein. The partially open or open fence may be located only within the buildable area of the lot. 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.

(b) Partially open or open accent fences shall be located within the buildable area forward of the primary structure if limited to four feet in height and designed to only partially enclose an area. These fences are permitted forward of the building line along scenic roadways but cannot exceed three feet in height and serve only an ornamental purpose. Fences within the front yard shall be safely placed so as not to obstruct visibility at driveway or roadway intersections.

(2) Solid fences. Solid fences shall be permitted in all zoning districts only in rear yards. Solid fences shall be no greater than four feet in height, unless otherwise permitted herein, and shall not be used to enclose the entire perimeter of the property. Such fences shall be located within the buildable area of the lot and only be used to enclose a deck or patio. Solid fences shall not be located within a required side and rear yard and shall be of an approved type. Brick, stone or masonry walls are permitted forward of the building line along scenic roadways but cannot exceed three feet in height. Fences within the front yard shall be safely placed so as not to obstruct visibility at driveway or roadway intersections.

(3) Chain link fences. Chain link fences shall only be permitted in commercial 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 six feet above the established grade. Permitted chain link fences shall be painted black or shall have a black plastic or vinyl coating.

(4) 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, side yard which abuts a street and forward of the structure provided that:

(a) The maximum height is eight feet;

- (b) The maximum width is five feet;
- (c) The maximum depth is three feet and;
- (d) The surface of the arbor or trellis shall be at least 50% open.

(C) Prohibited fencing.

(1) Electrified, barbed wire, razor wire, and stockade fences are hereby prohibited in all zoning districts. 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.

(2) Vinyl clad, plastic or pvc (polyvinylchloride) fences are hereby prohibited in all residential districts.

(D) Other fencing. The Zoning Administrator or designee may permit other fences similar in character and design to one or more of the permitted fences herein, upon application.

('80 Code, § 1309.04) (Ord. 75-98, passed 3-20-00; Am. Ord. 18-07, passed 4-9-07; Am. Ord. 28-09, passed 6-15-09; Am. Ord. 66-12, passed 11-5-12)

Bookmark§ 153.081 PERMIT AND INSPECTION.

Any fences which may be permitted shall require the issuance of a Certificate of Zoning Plan Approval after the same has been approved.

(A) Upon permit application, each property owner shall provide the following:

(1) Name and address of the owner of the lot for which the permit is requested.

(2) Name and address of the person, firm or corporation that will carry out the actual installation.

(3) An overall plot plan including the shape and dimensions of the lot together with the location, material, height and location of all proposed and existing fences, potential visibility conflicts and the drainage flow across the lot. Section and elevation views of the proposed fence detailing its construction and method of fixture to the ground should also be submitted.

(B) The Zoning Administrator or designee may waive this requirement when the fence location is such that encroachment is not in question. Upon obtaining a building permit and constructing the fence, the property owner shall ascertain that the fence thus constructed does not deviate from the plans as approved by the Zoning Administrator or designee issuing permits and does not encroach upon another lot or parcel of land. The municipality shall furnish such inspection, as is deemed necessary, to determine that the fence is constructed in accordance with plans submitted for permit, provided however, that such determination by the municipality shall not be construed to mean the municipality has verified the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him or her herein.

(Ord. 75-98, passed 3-20-00; Am. Ord. 28-09, passed 6-15-09)

Bookmark§ 153.082 MAINTENANCE.

(A) Permitted fences, walls or structures shall be maintained in good condition, be structurally sound and completely finished at all times. Any grounds between such fences, walls or structures and property lines shall be

well maintained at all times by the appropriate property owner. Supporting members for walls and fences shall be located so as to not 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.

(B) Normal repairs and maintenance. None of the provisions of this Code shall be interpreted to prevent normal repairs and maintenance or to strengthen or correct any unsafe condition of any fence .

(C) Nonconforming materials. Except that any maintenance that replaces more than 10% of the surface area of an existing fence , which has nonconforming materials, within a 12 month period shall require reconstruction of the entire fence with a material permitted by this subchapter.

(Ord. 75-98, passed 3-20-00; Am. Ord. 28-09, passed 6-15-09; Am. Ord. 66-12, passed 11-5-12)

Bookmark§ 153.083 COMPLIANCE REQUIRED; CONFLICTING PROVISIONS.

(A) Fences shall be designed, erected, altered, reconstructed, moved, anchored, positioned and maintained, in whole or in part, strictly in accordance with the provisions of this subchapter and building code provisions applicable to fences.

(B) If these standards conflict in any way with the standards in any planned development zoning text, then the most restrictive standards shall prevail. Standards in this section applicable to matters not covered in the planned development zoning text shall also apply.

(C) Notwithstanding any other provisions in this Code, in all residential districts fences erected prior to the effective date of Ord. 75-98 shall not be considered non-conforming structures and shall be permitted to be replaced in the same location and at the same or lesser height as existed on the effective date of Ord. 75-98. In addition, the replacement fence shall be of a material as provided in § 153.080(C). A Certificate of Zoning Plan Approval shall be required.

(Ord. 75-98, passed 3-20-00; Am. Ord. 28-09, passed 6-15-09)

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