

ORDINANCE NO. 12-2024

AN ORDINANCE AMENDING THE CODIFIED ORDINANCES, CHAPTER 1183.12, FENCES AND HEDGES, OF PART ELEVEN OF THE PLANNING AND ZONING CODE

WHEREAS, the Village of Plain City Codified Ordinances Chapter 1183.12 sets forth the regulations and permitting procedures related to fencing and other enclosing structures for the Village of Plain City; and

WHEREAS, updates to the regulations and permitting procedures for fences have been proposed by staff to include clarifying regulations and processes; and

WHEREAS, the Village Council has determined the need to amend Chapter 1183.12, in accordance with Exhibit A, which is attached hereto and incorporated herein.

NOW THEREFORE BE IT ORDAINED by the Council of the Village of Plain City, Ohio, a majority of the members elected or appointed thereto concurring, as follows:

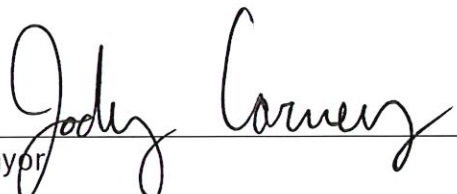
Section 1. Council hereby amends Codified Ordinances Chapter 1183.12, as presented, which said amendment is attached hereto and incorporated herein as Exhibit A; the language being added is in red and underlined.

Section 2. It is found that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3. This Ordinance shall be effective from and after the earliest period provided by law.

Passed: June 24, 2024

Attest: 
Clerk of Council


Mayor

First reading: June 10, 2024

Vote: ___ yea ___ nay ___ abstain

Second reading: June 24, 2024

Vote: 6 yea 2 nay 0 abstain

Certificate of Publication

The undersigned, being Clerk of Council of the Village of Plain City, hereby certifies that the foregoing was published by posting for 15 days as required by law and in accordance with Section 4.15 of the Codified Ordinances. The posting was done from June 25, 2024 to July 10, 2024 at the Office of the Clerk of Council located at 800 Village Boulevard; all being in the Village of Plain City, Ohio and the Village of Plain City Website at www.plain-city.com.

Date: June 25, 2024

Austin Amador
Clerk of Council

ORDINANCE 12-2024 EXHIBIT A

CHAPTER 1183.12

Fences and Hedges

1183.12 FENCES AND HEDGES.

(a) Definitions and Application. The words "fence" and "wall" mean any structure composed of wood, metal, stone, brick or other material erected in such a manner and position as to enclose, partially enclose or divide any premises or any part of any premises. Trellises or other structures supporting or for the purpose of supporting vines, flowers or other vegetation when erected in such a position as to enclose, partially enclose or divide any premises or any part of any premises shall also be considered a fence.

~~The provisions of this section shall apply to all zoning districts. Fences approved as a part of a site plan or during development plan review shall not require a separate Zoning Permit.~~

(b) Regulations Prohibited.

(1) Barbed wire or similar sharp point fences are prohibited.

(2) Electrically charged fences shall be forbidden in all districts except RU Zoning Districts on sites of more than ten (10) acres used to confine livestock.

~~(3) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any ground between the fence and property line shall be well maintained~~ Chicken or livestock wire fences in all districts except RU Zoning Districts used to confine livestock.

(c) Regulations.

(1) All fences shall be maintained in good condition, be structurally sound and attractively finished at all times.

~~(4)~~ (2) All fences and walls must present the finished non-structural face outward.

(3) 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.

~~(5)~~ (4) No fence or wall may be placed within the sight visibility triangle defined in Section 1183.03 (c).

~~(6)~~ (5) No fence or wall shall be permitted to encroach upon public rights-of-way or easements.

~~(7) No mesh wire fence, consisting of woven, knotted or interlocking wires in an open configuration of evenly spaced holes of less than four (4) inches in any dimension, shall be constructed in any district.~~

(8) No fence shall be constructed on any property line; nor shall any fence be constructed on or within any easement.

(9) 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.

(10) (6) All fences on a parcel shall have a unified style.

(11) (7) Guard rails shall not be used as fencing.

(d) Location.

(1) Residential Zoning Districts, RS1, RS2, RS2A, RS3, and MRF.

(i) Maximum six (6') foot fence height in side and rear yards.

(ii) Maximum three (3') foot fence height in front yards (any fence located past the front main building line toward the street).

(iii) Fences located in the front yard shall have a minimum opacity of fifty percent (50%).

(iv) Properties located on corner lots have two (2) front yards. Each yard facing a public street is considered a front yard and shall follow Section 1183.12(d)(1)(ii).

(v) Residential fences may be placed up to the front line, side or rear property line, but shall not be placed closer to the right of way line.

(2) Commercial Zoning Districts, B1, B2, B3, I1, I2, and OLR.

(i) Maximum eight (8') foot fence height in side and rear yards, but shall not be placed closer to the street than the front of the main building.

(ii) Properties located on corner lots have two (2) front yards. Each yard facing a public street is considered a front yard and shall follow Section 1183.12(d)(2)(i).

(e) (e) Zoning Permit Required. No fence shall be constructed, altered or reconstructed without a Zoning Permit from the Zoning Inspector. Applicable Fees shall be as set by Council.

(1) It is the responsibility of the property owner to inquire with any Home Owners Association (HOA) that may exist for development fence regulations.

(d) (f) Inspections. It shall be the duty of each property owner to determine property lines and to ascertain that the fence thus constructed does not deviate from the plans approved by the Municipality, and such fence does not encroach upon another lot or parcel of land nor is it in violation of any deed restrictions. The Municipality shall furnish such conduct an inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for approved in the permit, provided, however, that the The issuance of the permit by the Municipality shall not be construed to mean that the Municipality has determined that the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him them therein.

(e) (g) Exemptions for Temporary Fences. The following temporary fences shall be exempt from the provisions of this section: Temporary fences may be used for the following:

(1) Temporary construction fences when such fence is indicated on an approved site plan.

- (2) Temporary fences used for Special Events and shown indicated on an approved site plan for said event.
- (3) Temporary snow fence installed by any Government agency.
- (4) Temporary fences installed for the protection of the public from any obvious danger.