

# CITY OF OBERLIN, OHIO

## ORDINANCE No. 21-71 AC CMS

AN ORDINANCE AMENDING CHAPTER 1321 OF THE OBERLIN CODIFIED ORDINANCES AND ADOPTING NEW CHAPTER 1350 TO PROVIDE FOR THE REGULATION OF FENCES ON PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF OBERLIN

WHEREAS, the Planning Commission has been reviewing the entire Zoning Code for potential amendments during the last year and a half; and

WHEREAS, these potential amendments include addressing “housekeeping” type items and attending to zoning topics and definitions which the Commission has noted that it wanted to address over the last few years; and

WHEREAS, one of those zoning topics was adding regulations to the Zoning Code regarding fences as the Zoning Code currently has no requirements for fences; and

WHEREAS, during its meeting on September 1, 2021, the Oberlin Planning Commission moved to recommend that the proposed amendments to Chapter 1321 of the Oberlin Codified Ordinances as set forth in Exhibit A attached hereto be adopted and to recommend the adoption of a new Chapter 1350 regulating fences as set forth in Exhibit B attached hereto be adopted; and

WHEREAS, this Council has held a public hearing on November 1, 2021 concerning the Planning Commission’s recommendation; and

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio:

SECTION 1: That Chapter 1321 of the Oberlin Codified Ordinances be and is hereby amended to read as set forth in Exhibit A.

SECTION 2: That new Chapter 1350, “Fences” be and is hereby adopted to read as set forth in Exhibit B attached hereto.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of the Ordinance were adopted 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 compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 4: That this ordinance shall take effect on the earliest date allowed by law.

PASSED: 1<sup>st</sup> Reading: November 1, 2021

2<sup>nd</sup> Reading: November 15, 2021

3<sup>rd</sup> Reading: December 3, 2021 (Postponed), January 18, 2022

ATTEST:



BELINDA B. ANDERSON, MMC  
CLERK OF COUNCIL



HEATHER ADELMAN  
PRESIDENT OF COUNCIL

POSTED: 01/18/2022

EFFECTIVE DATE: 02/17/2022

## **ORDINANCE NO. 21-71 AC CMS**

### **EXHIBIT A**

#### 1321.35 FENCE.

"Fence" means an artificially constructed barrier typically constructed of wood, vinyl, wire or masonry erected to enclose, screen or decorate areas of land. The meaning of the word "fence" includes a freestanding wall which is not part of a building.

#### 1321.44A HEDGE

"Hedge" means an evergreen or deciduous landscape barrier consisting of a continuous, dense planting of shrubs which have several small stems from the ground or small branches near the ground.

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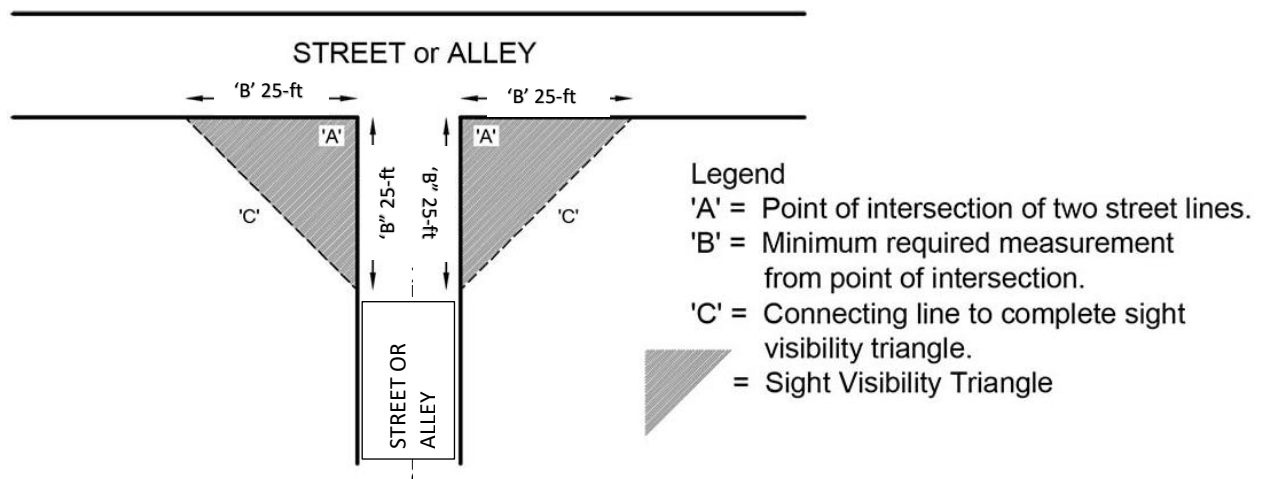
## EXHIBIT B

### CHAPTER 1350: FENCES

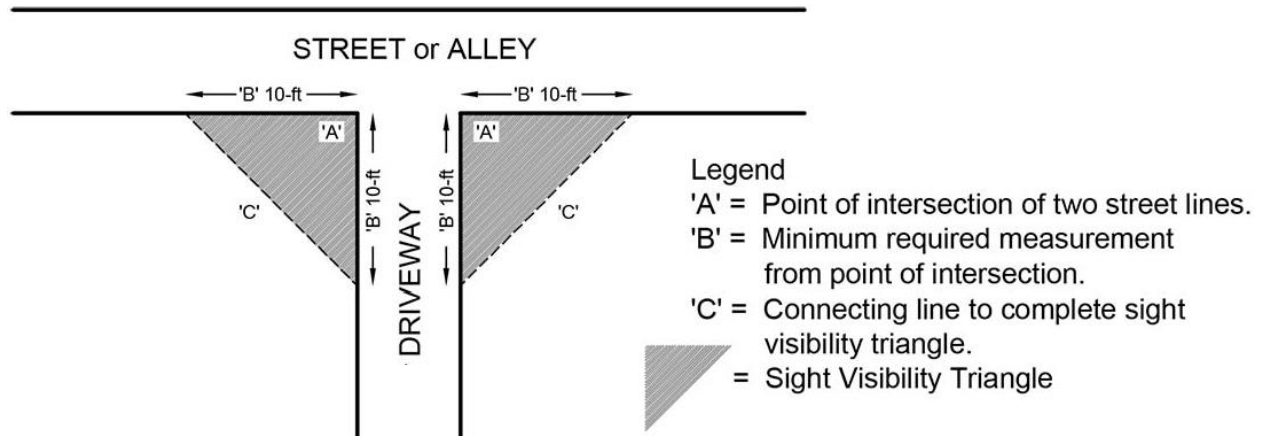
#### 1350.01 GENERAL PROVISIONS.

Fences and hedges shall be permitted subject to the following:

- (a) Construction. Fences must be of uniform design and constructed of durable materials, maintained in good condition, and not permitted to become dilapidated.
- (b) Appearance. The unfinished side, supporting rails, and posts of any fence shall face the interior of the property of the owner and the finished side of the fence shall face contiguous property.
- (c) Location.
  - 1) Any fence or hedge may be located abutting a property line. A setback is not required.
  - 2) Corner Lots. The installation of a fence shall not create a visibility or safety concern for vehicular or pedestrian movement. Within a sight visibility triangle formed by lines drawn between points on the two street lines of a corner lot twenty-five (25) feet from their intersection, substantially unobstructed sight lines must be maintained within a vertical height band of two and one-half (2.5) feet to six (6) feet above curb level. An illustration of this requirement is found below:



- 3) Driveways. For fences with less than 50% opacity located at the intersection of a driveway and the public right-of-way, an unobstructed sight visibility triangle must be maintained between a point located 10 ft. from the intersection of a driveway and the public right-of-way along the public right-of-way and along each edge of the driveway. An illustration of this requirement is found below:



- 4) Fences shall not impede, inhibit or obstruct culverts, drains, natural watercourses or storm water drainage.
- (d) Prohibited fences.
- 1) Fences shall not be constructed of any materials or in any manner which presents a hazard to persons.
  - 2) Barbed wire fences except as otherwise provided for in Section 1350.04(c).
  - 3) Guard rail.
- (e) Where due to the configuration of lots adjacent property lines have different applicable provisions regulating the construction of fences, the most restrictive provisions shall apply.
- (f) Temporary construction fence. A temporary fence required to secure a construction site shall only be installed subject to written approval by the City Manager or the Manager's designee. An application for approval shall be in the form of a letter and attached exhibits describing the proposed fence location, materials, height, and means of installation; contact information for persons responsible for installation, maintenance, and removal; and such other information as the City Manager may require. Approval may be issued for up to 180 days in connection with a current building permit and may be extended for an additional 180 days.
- (g) Fences charged with electrical current. Electrified wire fence may be installed for agricultural purposes and as approved by the Planning Commission. Applicant shall transmit a site plan indicating proposed location of electrified fencing (setback at least six feet from property line required), location of protective fencing at property line, access gate configurations, and locations of warning signs.

#### 1350.02 ZONING CERTIFICATE.

- (a) Zoning Certificate Required. No person shall erect any fence without first obtaining a zoning certificate. No zoning certificate is required for routine maintenance of an existing fence where no modifications are proposed.
- (b) The property owner shall be responsible for the accurate determination of any property line relative to the location of a proposed fence. The issuance of a zoning certificate for a fence does not indicate City review or approval of the property line location.

#### 1350.03 RESIDENTIAL DISTRICTS: FENCES, WALLS, AND HEDGES PERMITTED.

- (a) Front Yards.

1. Fences and hedges in front yards shall not exceed four (4) feet in height above finished grade. Fences in front yards shall be constructed of wood, vinyl, or metal but not chain link or wire.
  2. Fences and hedges shall be permitted up to six (6) feet height in the front yard along a side lot line which adjoins a business or industrial district if approved by the Planning Commission.
  3. Fences in front yards shall be constructed so that at least fifty percent (50%) of the fence is uniformly distributed open spaces for free passage of light, air, and visibility.
- (b) Side Yards. Fences shall not exceed six (6) feet in height.
- (c) Rear Yards. Fences shall not exceed six (6) feet in height on interior lots. On corner lots, fences shall not exceed four (4) feet in height in any part of the rear yard closer to the right-of-way than the principal building.

#### 1350.04 NON-RESIDENTIAL DISTRICTS: FENCES, WALLS, AND HEDGES PERMITTED.

- (a) Front Yards.
1. Fences and walls are not permitted in front yards except as provided in Section 1350.03(a)2 above.
  2. Hedges in front yards shall not exceed four (4) feet in height above finished grade.
- (b) Side and Rear Yards. Fences and walls shall not exceed eight (8) feet in height. Any fence, wall, or hedge which restricts the visibility along a traveled right-of-way, shall be located subject to the approval of the Planning Commission.
- (c) M-1 Industrial District. In the M-1 Industrial District, the placement of not more than three strands of barbed wire shall be permitted on top of a fence provided such strands are not less than sixty (60) inches from the ground and the Planning Commission finds that the use of barbed wire is necessary for protection of the subject property.