

VILLAGE OF PENINSULA, OHIO
ORDINANCE NO.: 1-2013
INTRODUCED BY: Charles Meyer
DATE PASSED: February 1, 2013

AN ORDINANCE AMENDING THE VILLAGE OF PENINSULA ZONING ORDINANCE, SECTIONS 05.12, 08.09, AND 13.10 TO ADOPT NEW HEIGHT, MATERIAL, AND PERMIT REQUIREMENTS FOR FENCES, WALLS, AND HEDGES.

WHEREAS, The Village of Peninsula desires to amend the regulations for fences, walls, and hedges to advance public health, safety, convenience, comfort, prosperity, and general welfare; and

WHEREAS, The Village of Peninsula Planning Commission recommended at its September 12, 2012, meeting the adoption of changes to the regulations for fences, walls, and hedges contained in Sections 05.12, 08.09, and 13.10 to limit fence height, adopt new fence material regulations, and provide to clarify requirements for issuing permits for fences, walls, and hedges; and

WHEREAS, On Feb 11 2013, Council of the Village of Peninsula held a public hearing, after due notice, in accordance with R.C. § 713.12, on this amendment to the Zoning Ordinance;

NOW THEREFORE, BE IT ORDAINED by the duly elected Council of the Village of Peninsula, Summit County, Ohio, that:

Section 1: Article V, General Provisions, Section 05.12, Fences, Walls, and Hedges, of the Village of Peninsula Zoning Ordinance currently states:

- (a) In all districts, no fence or portion thereof shall exist within two feet of any street lot line or any property line.
- (b) In any residential district, no fence shall be erected which unreasonably obstructs the front yard sight line or is otherwise hazardous.
- (c) All fences shall not be more than six feet in height unless otherwise permitted.
- (d) Fences or walls required by some federal, State, or other documented regulation to surround and/or enclose public utility installations shall not be limited as to height in any district.
- (e) In all districts which require a front yard, no obstruction in excess of three feet shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting

points 25 feet from the intersection of the street right-of-way lines or the projected points thereof.

- (f) Any fence with an unfinished side that shows posts must have an unfinished side showing posts toward the property owner installing the fence.

Article V, General Provisions, Section 05.12 of the Village of Peninsula Zoning Ordinance is hereby amended to read as follows:

- (a) In any residential district, no fence or portion thereof shall exist within two feet of the front of any street lot line.
- (b) In any residential district, no fence shall be erected which unreasonably obstructs the front yard sight line or is otherwise hazardous.
- (c) All fences shall not be more than 4 feet in height unless otherwise permitted. No berm shall be used to allow a fence to exceed the maximum allowed height of a fence as measured from the natural grade of land without the berm.
 - (i) *R-2 Small Town Residential* – all fences in front of the front building line or on the street side(s) of corner lots shall be limited to not more than 4 feet. All side and rear fences shall be limited to not more than 4 feet.
 - (ii) *R-1 Rural Residential* – all fences in front of the front building line or on the street side(s) of corner lots shall be limited to not more than 4 feet. All side and rear fences shall be limited to not more than 6 feet.
- (d) Fences or walls required by some federal, State, or other documented regulation to surround and/or enclose public utility installations shall not be limited as to height in any district.
- (e) In all districts which require a front yard, no obstruction in excess of three feet shall be placed on any corner lot within a triangular area formed by the street right-of-way lines and a line connecting points 25 feet from the intersection of the street right-of-way lines or the projected points thereof.
- (f) Any fence with an unfinished side that shows posts must have an unfinished side showing posts toward the property owner installing the fence.

- (g) *Materials* - Fences shall be constructed out of any of the following materials: redwood, cedar, or No. 1 pressure treated wood, recycled lumber or vinyl closely resembling wood, wrought iron or aluminum closely resembling wrought iron, stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick. All other materials including but not limited to chain link, vinyl clad chain link, woven wire or plastic mesh (with or without wooden slats) are prohibited unless otherwise and expressly permitted in the Ordinance.
- (i) *R-1 Rural Residential Side and Rear Materials* - R-1 side or rear yard fencing materials may include chain link galvanized or black in color. R-1 side or rear yard fencing may incorporate electrical or barbed wire (not razor wire) for the purpose of animal containment.
- (ii) *R-2 Small Town Residential Side and Rear Materials* - R-2 side or rear yard fencing materials may include chain link galvanized or black in color.
- (h) *District Abutments* - Fencing abutting any R-2 Small Town Residential district lot line shall be limited to not more than 4 feet and shall comply with the materials requirements set forth in Sec. 05.12 (g).

Section 2: Article VIII, Landscaping, Screening, and Planting, Section 08.09, Materials, of the Village of Peninsula Zoning Ordinance currently states:

Fences required under this Article shall be constructed of recycled plastic lumber, redwood, cedar, or no. 1 pressure treated wood. Chain link fences shall not be permitted for screening or obscuring purposes.

Article VIII, Landscaping, Screening, and Planting, Section 08.09, Materials, of the Village of Peninsula Zoning Ordinance is hereby amended to read as follows:

Fences shall be constructed out of any of the following materials: redwood, cedar, or No. 1 pressure treated wood, recycled lumber or vinyl closely resembling wood, wrought iron or aluminum closely resembling wrought iron, stone, brick, concrete with stone or brick veneer, or pre-cast concrete simulated stone or brick. All other materials including but not limited to chain link, vinyl clad chain link, woven wire or plastic mesh (with or without wooden slats) are prohibited unless otherwise and expressly permitted in the Ordinance.

Section 3: Article XIII. Procedures, Section 13.10, Permits and Certificates, Subsection (a) of the Village of Peninsula Zoning Ordinance currently states:

- (a) *Permit Required.* A permit or other appropriate permit shall be required as follows:
- (i) Prior to the erection, alteration, repair, renovation, demolition, or removal of any building or structure.
 - (ii) Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
 - (iii) Prior to any change in use of an existing building or structure to a different class or type.

Article XIII. Procedures, Section 13.10, Permits and Certificates, Subsection (a) of the Village of Peninsula Zoning Ordinance is hereby amended to read as follows:

- (a) *Permit Required.* A permit or other appropriate permit shall be required as follows:
- (i) Prior to the erection, alteration, repair, renovation, demolition, or removal of any building or structure, including fences, walls, or hedges.
 - (ii) Prior to the establishment of a new use, whether the land is currently vacant or if a change in land use is proposed.
 - (iii) Prior to any change in use of an existing building or structure to a different class or type.

Section 4: Pursuant to Section 13.11 of the Village of Peninsula Zoning Ordinance, the fee for a request for a building or zoning permit for fences, walls, and hedges shall be ten dollars (\$10.00).

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council and that all deliberations of this Council and of 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 6: This Ordinance and the various parts, sentences, paragraphs, sections, and clauses thereof are hereby declared to be severable. Should any part, sentence, paragraph, section, or clause be declared unconstitutional, null, or void by a court of competent jurisdiction, such declaration shall not have any effect on the validity of the remaining parts, sentences, paragraphs, sections, and clauses of this Ordinance.

Section 7: This Ordinance shall take effect on February 11, 2013.

Passed:


DOUGLAS G. MAYER, Mayor

Attest:


JOHN D. STEIGEL, Fiscal Officer

I, JOHN D. STEIGEL, Fiscal Officer of the Village of Peninsula, Summit County, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, State of Ohio, on the 11 day of Feb, 2013.

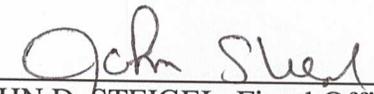

JOHN D. STEIGEL, Fiscal Officer

POSTING CERTIFICATE

I, JOHN D. STEIGEL, Fiscal Officer of the Village of Peninsula, Ohio, do hereby certify that the foregoing Ordinance was duly passed by the Council of the Village of Peninsula, State of Ohio, on the 11 day of February, 2013; that there is no newspaper published in said municipality, and that publication of the foregoing Ordinance was made by posting true copies thereof at five of the most public places in said Village as heretofore determined by Council pursuant to Resolution No. 1884-1997, as follows:

1. Terry Lumber & Supply
2. Woodridge Intermediate School or Peninsula Quarry
3. Peninsula Library & Historical Society
4. Peninsula Village Hall Lobby
5. Peninsula Post Office

Each for a period of fifteen days commencing on the 13 day of Feb, 2013.


JOHN D. STEIGEL, Fiscal Officer