

ORDINANCE 580-07-2013 (modified Dec. 16)

AN ORDINANCE AMENDING THE FENCE ORDINANCE AND NOT DECLARING AN EMERGENCY

Whereas, the current Village regulations concerning fences are found in Chapter 13 Building Code within the Village of Roaming Shores

Whereas, the Planning Commission has recommended that such fence regulations should be located in Chapter 11 Zoning Code, and

Whereas, the Planning Commission has also recommended changes in the fence regulations to simplify such regulations.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Village of Roaming Shores, Ohio:

Section 1. Section 1137.12 of the Village Codified Ordinances is amended to read as follows:

1137.12: Fences

A. Fences and walls may be erected as permitted accessory uses in residential or non-residential districts as follows, except as limited by the provisions of section B below:

- 1) General: Fences shall be designed to be aesthetically attractive and shall present a finished side to the adjoining property, which side shall not be adorned with signs, graphics or paintings of any kind. Fences shall be maintained in good repair and appearance.
- 2) Placement: Fences shall be confined to the area within the lot line of the fence owner's property. Except as provided in Section B below, fences may be constructed not less than one (1) foot from the property line, except that no front yard fence shall be placed less than ten (10) feet from the edge of the public right of way. It is the responsibility of the property owner to locate the property line. An owner who places any structure within an easement may be compelled by the owner of that easement to remove the structure at the owner's cost. To maintain clear and unobstructed vision, an opaque fence shall not be permitted within ten feet, in any direction, of the following points:
 - a. The intersection of a driveway and sidewalk or front property line if there is no sidewalk;
 - b. The intersection of a driveway and public right of way

- 3) Materials and Construction: No fence or wall shall be constructed from material other than stone, brick, finished or treated lumber, wrought iron, or split rail or synthetic products which appear to be stone, brick, etc as set forth above.
 - a. Chain link fencing may be used only in the rear or side yard and shall not exceed a height of four (4) feet or three (3) feet if along a street on a corner lot. When chain link fencing in a rear or side yard is adjacent to a street, such as on the street side of a corner lot, the fencing shall be screened from public view by a landscape screen which hides at least 50% of every ten feet of fence and which is approved by the Zoning Inspector. All chain link fences shall be painted on both sides black or green, or shall be vinyl coated black or green.
 - b. Electrified, razor wire and barbed wire fencing in whole or in part are prohibited except for underground (invisible) fences.
- 4) Height: Except as provided in Section B, no fence or wall shall exceed six and one half feet in height in any rear yard, or side yard. No fence or wall shall exceed three feet in height in a yard fronting on a street. Except as provided herein, the height of any fence or wall shall be measured from the ground level to the uppermost part of the top of the fence or wall. Fence posts, including decorative features, shall not extend higher than six inches from the uppermost part of the top of the fence or wall.
- 5) Gate or openings: At least one unlocked gate or fence opening of a minimum of three (3) feet in width shall be provided in each yard to permit emergency access.

B. Lake Front Lots. It is the intent and policy of the Village of Roaming Shores that lots bordering Lake Roaming Rock or Flame Lake, ("lake front lots"), remain as open as possible to view the Lake from the street and adjacent lots while protecting the rights of such lot owners to privacy and the enjoyment of their land.

- 1) On all lots bordered by Lake Roaming Rock or Flame Lake, no fence or wall shall be allowed within fifty feet of the edge of the lake water, and no fence or wall shall exceed the height of six and one-half feet. This does not apply to approved sea walls. Shrubbery, plant and trees shall be spaced appropriately so as not to entirely block the view from the street or adjoining properties.

Section 2. Section 1121.20(5) is amended to read as follows:

5. Flag poles supported by pressure treated wood posts or other similar type posts may be placed in the setback lines of residential properties (except rear setback lines of lake front property) without a variance.

Section 1319.05 and 1137.12 are hereby repealed.

Section 3. This Ordinance is not an emergency and shall take effect thirty days after passage.

PASSED this _____ day of _____, 2014

John Ball, Mayor

ATTEST:

Leeann Moses, Fiscal Officer

Kyle B. Smith, Solicitor