

1113.02 HVAC SYSTEMS AND GENERATORS.

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CHAPTER 1113 General Development Standards

CHAPTER 1113

General Development Standards

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1113.01 PROHIBITION ON POLE TYPE BUILDINGS.

(a) No person shall construct a principal building that is a pole barn style building within the City except in an Industrial District.

(b) Pole barn style buildings may be constructed for accessory buildings in all districts.

(Ord. 26-22. Passed 4-26-22.)

1113.02 HVAC SYSTEMS AND GENERATORS.

(a) Permanent and semi-permanent residential HVAC condensing units and electrical stand-by generators shall be permitted in all residential zoning districts in the City upon the receipt of an approved permit from the Building Department and subject to the provisions of this section.

(b) Such units shall not be considered "structures" or "accessory structures" as defined in this code, but shall be considered as appurtenances to the primary structure. Permanent and semi-permanent residential HVAC condensing units and electrical stand-by generators shall be located in the rear or side yard; provided however, if such units are located in the side yard, they shall be located no closer than ten (10) feet from the property line.

(c) All permanent and semi-permanent residential HVAC condensing units and electrical stand-by generators shall be seated upon a concrete pad or other manufacturer-approved base material.

(d) Permanent and semi-permanent residential electrical stand-by generators shall be installed in conformance with the manufacturer's specifications and standards including, but not limited to clearance and shall meet all applicable electrical and natural gas construction codes including the Residential Code of Ohio, National Fuel Gas Code, NFPA and EPA regulations.

(e) All permanent and semi-permanent residential electrical stand-by generators shall be enclosed with either an approved fence, or landscaping buffer which will obscure them from the public view and shall further be subject to all noise regulations as set forth in this code.

(Ord. 26-22. Passed 4-26-22.)

1113.03 DUMPSTERS AND REFUSE CONTAINERS.

(a) Placement Behind Rear Building Line. No property owner, occupant or other individual, person, corporation or other entity shall cause or allow any refuse receptacle that exceeds 100 gallons, including dumpsters, to be stored, used, maintained or otherwise placed in any area within the City other than an area behind the rear building line of the structure located on the lot or parcel of land on which such refuse receptacle is situated.

(b) Placement Exception and Enclosure Requirements.

(1) If the placement of the refuse receptacle behind the rear building line, as required by subsection (a), above, is physically impossible, the property owner or occupant or other individual, person, corporation or other entity, shall have a right to erect and maintain a refuse receptacle in front of the rear building line of such structure, provided, however, such refuse receptacle is screened in accordance with Section 1115.07: Screening of Outside Storage Areas or Other Service Areas.

(2) No property owner, occupant or other individual person, corporation or entity shall cause or allow any refuse receptacle of the size of one and one-half (1.5) cubic yards or larger to be stored, used, or placed in any area of the City unless such refuse receptacle is screened in accordance with Section 1115.07: Screening of Outside Storage Areas or Other Service Areas. (Ord. 26-22. Passed 4-26-22.)

1113.04 FENCES, WALLS, AND HEDGES.

(a) Zoning Permit Required.

(1) No person shall construct or erect a fence or wall without first obtaining an approved

zoning permit.

(2) A retaining wall that is specifically designed to retain land from slipping shall not require a zoning permit but shall be subject to building permit review.

(3) Zoning permits are not required for repairs of existing fences or walls, or for invisible fences. However, such work or structures are still subject to the applicable standards of this section. A zoning permit is required for the replacement of any fence or wall.

(4) Hedges, shrubbery, trees, bushes and plantings shall be excluded from classification as fences but shall be subject to the vision clearance requirements of this code.

(5) All fences shall be maintained and kept in neat order including painting, staining, repairing, and general maintenance.

(b) General Requirements.

(1) Unless a specific distinction is made in this section, any regulation that applies to fences shall apply to walls and vice versa.

(2) All fences and walls, including invisible fences, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot and shall not encroach into adjoining or abutting lots and/or rights-of-way. Property owners, with written permission from abutting property owners, may connect to fences or walls on adjoining properties.

(3) A zoning permit shall be required for each property on which a fence or wall is being placed, including connection of existing fences or walls. Such applications shall also include written documentation of agreement between property owners.

(4) Any fencing or walls proposed on a site that requires a site plan review shall be identified on the site plan review application. If the fence or wall is added or replaced after site plan review, such fencing or walls shall require a zoning permit.

(5) The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.

(6) All diagonal or supporting members shall face the property on which the fence or wall is constructed.

(7) All sides of a decorative wall shall have an equal finish.

(8) All fences and walls shall be maintained in a neat and orderly manner.

(9) Walls shall be prohibited within all utility easements. Fences that are placed in utility easements shall require the written permission from the applicable utility and without such permission, are subject to removal without notice by utility companies or the City when work is being done in the utility easements. Fences shall not be placed in any City easement unless the plat specifically permits the placement of such fence. Replacement of fences removed by the City or utility company shall be at the property owner's expense.

(10) Fences and walls shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district. Fences or walls may be permitted to include outlets at the bottom of the fence or wall to eliminate the possibility of the accumulation of water and allow for natural drainage past the wall or fence.

(11) Fences and walls for conditional uses shall be comply with the standards of this section unless otherwise approved by the City Council as part of the conditional use review procedure.

(12) In residential zoning districts, a chain link fence or other substantially open fence not used as a sight barrier, privacy screen, windbreak or dog run, shall not exceed four (4) feet in height in any yard.

(13) At least one unlocked gate or fence opening, at least three (3) feet wide, shall be

provided into the area that is enclosed by a fence to permit emergency entrance from the street.

(14) All fences except for "self-anchoring" chain link fences shall have posts which are at least thirty-six (36) inches deep with a minimum of thirty (30) inches of concrete.

(15) All post holes shall be inspected by the Building Inspector prior to the pouring of concrete. There shall be additional inspection fee equal to the fence permit application fee for each additional inspection beyond two which the Building Inspector is required to complete. However, the final inspection required by Section 1361.15 shall not constitute an additional inspection for the purposes of this section.

(16) All fences and walls erected within the City shall comply with the construction and maintenance requirements of Section 1352.05(a) as well as the Ohio Building Code pursuant to Section 1301.01.

(17) The requirements for swimming pool protective barriers shall take precedence where such requirements are in conflict with the regulations of this chapter. See also Section 1111.01(e)(22).

(18) Barbed wire fencing or other sharp-edged wire fencing shall be prohibited in the City with the exception of in the I-1 District for security purposes. Such fencing shall comply with the following:

A. No more than three (3) strands of barbed wire or other similar sharp-edged wire fencing may be placed on top of another permitted fence type that does not include sharp-edged fencing. The barbed wire or sharp-edged wire shall not extend below the top of the fencing more than twelve (12) inches.

B. Any portion of the barbed wire or sharp-edged wire fencing must be mounted a minimum of sixty (60) inches above the ground.

C. The barbed wire or sharp-edged wire fencing shall be placed on a forty-five (45)-degree angle-arm away from the side of the fence.

D. Such fencing shall only be permitted in the side and rear yards.

E. Sharp-edged fences may be erected and maintained as provided in ORC Chapter 971.

(19) No person shall erect or maintain any fence charged with electrical current.

(20) It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Zoning Inspector issuing the zoning permit, and that the fence does not encroach on another lot or existing easement. The issuance of the zoning permit and any inspection by the City shall not be construed to mean that the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

(21) Nonconforming Fences and Walls.

A. Where a nonconforming fence or wall is to be maintained or repaired, such nonconforming fence or wall may continue to exist. Repair or maintenance shall include any general maintenance of a fence or wall while still in place or a portion of a fence or wall may be removed temporarily for repair or maintenance work provided the same fence or wall is replaced in the same position.

B. If less than fifty percent (50%) of the length of a nonconforming fence or wall is to be removed and replaced with a new fence or wall, then only the length being replaced shall be required to comply with the requirements of this code.

C. If more than fifty percent (50%) of the length of a nonconforming fence or wall is to be removed and replaced with a new fence or wall, then the entire fence or wall shall be brought into compliance with the requirements of this code. Such replacement shall require the issuance of a

new zoning permit. The fifty percent (50%) threshold shall be calculated as the aggregate replacement of fence length after the effective date of this code.

(c) Measurement.

(1) The maximum fence or wall height shall be measured from the lowest point of the finished grade within three feet on either side of the fence to the top most portion of the fence. See Figure 1113-A.

Figure 1113-A: Fencing shall be measured from the lowest point within three feet on either side of the fence.

(2) Fencing or walls should follow the natural contour of the land on which it is located. See Figure 1113-B

Figure 1113-B: This illustrates how fencing is measured along a natural contour.

(3) A fence may be erected on top of a wall but the combined height of the fence and wall shall not exceed the heights specified within this section for a fence or wall.

(4) If the wall is designed to be a retaining wall, a fence may be approved on top of the retaining wall for safety purposes and shall be measured from the top of the retaining wall to the top of the fence in accordance with this section.

(d) Location and Height Standards.

(1) Front Yards.

A. No fence or wall shall be permitted in the front yard with the exception of decorative fences as allowed below. In the I-1 District, fencing is permitted in the front yard provided it does not exceed three feet in height, except that fences set back at least sixty (60) feet may be eight (8) feet in height.

B. For through lots, fencing on the rear side of the house (i.e., the rear yard as established in Section 1113.06(c).) shall be allowed in accordance with Section 1113.04(d)(2) below.

C. All fencing, walls, hedges, and similar structures or landscaping shall be subject to the sight clearance regulations of 1113.05: Intersection Visibility.

D. Decorative Fences.

i. Decorative fences are an exemption to the prohibition of fencing in the front yard. Decorative fences are those fences that enhance the aesthetic features of the property and although resembling a fence shall not enclose any area and shall not have any gate.

ii. Decorative fences shall be a minimum of fifty percent (50%) open spaces when viewing the fence from a 90-degree angle (e.g., picket or similar type of fencing).

iii. If installed in the front yard, the fence shall be a minimum of six (6) inches from the edge of the sidewalk.

iv. Decorative fences shall not exceed thirty-six (36) inches in height.

v. A zoning permit is required for such a decorative fence.

(2) Side and Rear Yards. Fences and walls located in the side or rear yards shall not exceed a height of six (6) feet in all zoning districts except in the I-1 District when the maximum height shall be eight (8) feet.

(Ord. 26-22. Passed 4-26-22.)

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