

## **CHAPTER 1467**

### **Fences**

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#### ***CROSS REFERENCES***

Dogs and Other Animals – see 618.01(c)

Electrical Fences – see 660.12

Temporary buildings and enclosures – see 1270.26

Fences enclosing swimming pools – see 1482.06

#### **1467.01 PURPOSE.**

The purpose of this chapter is to establish regulations controlling the use of fences (wood, vinyl, iron, steel, masonry, stone, and any type of growing plant or shrub or other material not listed) balancing the

property owners interests of privacy, security and landscape design within the property with due consideration to the environment of the neighboring properties, the appearance of the community and the safety of the public and the individual.

## **1467.02 DEFINITIONS.**

As used in this chapter, the following words and terms shall have the following meanings:

- (a) “Backyard enclosure fence”. A fence that encloses part of or the entire rear yard and/or the side yard(s) of the subject property that may follow property boundaries (i.e. lot lines).
- (b) “Barbed wire fence”. A fence, or portion of a fence, made with two or more wires twisted together with sharp hooks or points (or a single wire furnished with barbs).
- (c) “Board-on-board fence”. See “shadowbox fence”.
- (d) “Boundary line fence”. A fence erected along the boundary line of any lot, which encloses or partially encloses a parcel of property.
- (e) “Building envelope”. A term exclusively used in Rural Residential Districts as defined in Figure 7 following the text of Chapter 1273.
- (f) “Building envelope enclosure fence”. A term exclusively used in Rural Residential Districts. A fence that encloses part of or the rear yard and/or the side yard(s) of the subject property falling entirely within the building envelope enclosure.
- (g) “Chain link fence”. A fence, usually made of heavy steel wire fabric (usually coated with zinc, or the like) which is interwoven in such a way as to provide a continuous mesh without ties or knots, except at the salvage; the wire fabric is held in place by metal posts. Vinyl slates woven into the wire mesh are permitted providing the colors are monochromatic and not obtrusive (i.e.: neutral or earth tones).
- (h) “Chicken wire fence”. A fence constructed of light-weight, galvanized wire netting having a hexagonal mesh.
- (i) “Concertina wire fence” (also known as razor wire or razor ribbon). A fence or wall topped with wire or metal strips having razor sharp edges or projections, placed in coils as a barrier along the tops of fences or walls.
- (j) “Dumpster enclosure fence”. A privacy fence consisting of materials constructed to inhibit light, ventilation and sight through said fence. Such enclosure shall include a double gate for purposes of vehicle access, in addition to a separate side hinged personnel (man) door.
- (k) “Electrified fence”. A fence charged with an electrical current.

- (l) “Fence”. Any artificially constructed barrier of any material or combination of materials, living or otherwise, erected to enclose, screen or divide areas of land, yards or gardens.
- (m) “Latticework fence”. A fence constructed of reticulated or net-like work formed by the crossing of laths or narrow, thin strips of wood or iron, in a diagonal pattern.
- (n) “Living fence”. A natural plant species which has been planted to form a continuous barrier to prevent passage, for protection or screening.
- (o) “Open ornamental fence”. A fence, with a maximum height of 36 inches (such as a rail, split rail or white picket fence), that is constructed for its beauty or decorative effect and, when viewed at right angles, has not less than 50% of the surface area of its vertical plane (the area within a rectangular outline enclosing all parts of the fence in its vertical plane) open to light and air.
- (p) “Ornamental metal fence”. A metal (aluminum, steel, iron, etc.) fence, with a maximum height of 72 inches that is constructed for its beauty or decorative effect having vertical pickets with a space no less than 3 inches and not more than 4 inches between the vertical elements.
- (q) “Patio privacy fence”. A fence that is used to enclose a patio, deck, hot tub or pool with a maximum height of six feet from the existing finished grade line, patio or finished deck and erected entirely behind the rear wall line of the residence with no part within fifteen feet of any side yard line.
- (r) “Permanent fence”. A fence structure or any part thereof, as defined in this chapter and having support elements buried into the surrounding grade to the required Footing Depths and secured with concrete.
- (s) “Permitted fence”. A fence type that is permitted within a given zoning classification. May be subject to additional requirements and/or restrictions specific to that district.
- (t) “Picket fence”. A fence, with pickets that have points at the center of the top of the picket. The maximum size of each picket shall be seven-eighths inches thick by three and one-half inches wide by 36 inches high above existing natural finished grade line. Minimum picket spacing shall be equal to the picket width. The rails shall be a maximum of one and one-half inches thick by three and one-half inches wide. Posts shall be a maximum of four inches thick by four inches wide by 34 inches high.
- (u) “Privacy fence”. A fence structure, or any part thereof, consisting of materials constructed to inhibit light, ventilation and sight through said fence. This definition shall not include a “living fence.”
- (v) “Rail fence”. A fence in which the rails are set into the posts and adjoining rails either butt against each other or overlap. Maximum rail height shall be 36 inches above existing natural finished grade.

- (w) “Rear yard”. As defined in Section 1260.07(m) and Illustration B: Lot Terms.
- (x) “Restricted fence”. A fence type that is permitted within a given zoning classification but may have additional limitations and/or requirements specific to that district.
- (y) “Shadowbox fence” (also known as a board-on-board fence). A fence constructed of three-quarter inch thick by a maximum five and one-half inches wide by a maximum of six feet high (from existing finished grade) vertical boards that are attached to both sides of horizontal rails. Minimum board spacing shall be equal to the board width on both sides of the horizontal rails. The rails shall be a maximum one and one-half inches thick by three and one-half inches wide. Posts shall be a maximum of four inches thick by four inches wide.
- (z) “Side yard(s)”. As defined in Section 1260.07(m) and Illustration B: Lot Terms.
- (aa) “Silt fence”. A fence used to control site soil erosion, sediment and other wastes during construction. Installation shall be in compliance with Chapter 1488, the City of North Royalton Engineering Department and the Ohio Environmental Protection Agency.
- (bb) “Similar fences”. The Building Commissioner and/or a board or commission as further required by this code may classify other fences, which are similar in character and design to one or more of the fences described in this chapter.
- (cc) “Snow fence”. A temporary seasonal fence which has slats less than four inches in width, wired together and set perpendicular to the direction of the prevailing winds to catch drifting snow, or thin preformed plastic or vinyl mesh material secured to metal posts.
- (dd) “Split rail fence”. A fence with a maximum of two horizontal rails, with a maximum size of three inches by three inches, that are set into posts that are a maximum of five inches by five inches. Maximum rail height shall be 36 inches above existing natural finished grade line.
- (ee) “Stockade fence”. A fence used primarily for security and privacy, made of cedar or pine wood vertical members with no spaces between. The vertical framing is usually one inch by four inches nominal size with a decorative top. The rails and posts are similar to a picket fence.
- (ff) “Stone fence”. A solid stone, brick, or masonry fence used for screening, privacy or retaining a change in grade. A solid stone fence must be designed and drawings submitted to the Building Commissioner for review and approval. Maximum height of 36 inches above existing natural finished grade line. Minimum width of wall to be 12 inches.
- (gg) “Swimming pool fence”. See Section 1482.06.
- (hh) “Temporary fence”. A fence structure or any part thereof, intended to be erected on a seasonal basis or for a limited period of time as a method of protecting a site (i.e.: snow fences, construction fences, silt fences).

- (ii) “Utility fence”. Commercial fence enclosing athletic fields, tennis courts, basketball courts, public pools or the like of an unspecified height above existing grade.
- (jj) “Well fence”. A fence regulated by the State of Ohio to enclose an oil or gas well. Subject to landscaping approved by the Building Commissioner.

### **1467.03 PLOT PLAN AND PERMIT REQUIRED.**

Any fence, other than living fences, which may be permitted, shall, prior to its erection, require issuance of a permit by the Building Commissioner after an application for the same has been reviewed and approved. Application shall be made on a City application form and shall be accompanied by a plot plan made to scale showing property lines, the location of all existing driveways, sidewalks, fences and structures on the subject property, plus distances from all fences and structures within five feet of the property lines to the proposed fence(s). The plot plan shall show the location of the proposed fence with length, height and fence style noted. A permit fee shall be required in accordance with the fee schedule in Chapter 214.

### **1467.04 GENERAL REQUIREMENTS.**

- (a) Scope. This section shall include general fence requirements for all zoning districts.
- (b) Access Corridor. No fence shall be erected or allowed to grow in a natural state so as to create an inaccessible and/or unmaintainable area or corridor with any other principal, accessory or fence structure. Such area or corridor shall be a minimum distance of 36 inches.
- (c) Appearance. All visible supports must face the property that is making such installation.
- (d) Conflicts. If the provisions of this chapter are in conflict with any other provision of the Zoning Ordinance, the provisions of this chapter shall supersede the other sections of the Zoning Ordinance.
- (e) Fence Posts. Fence posts may exceed the fence height by four inches.
- (f) Footing Depths.
  - (1) All fence types over forty-two inches in height shall have posts secured a minimum of 36 inches below the finished grade to the frost depth of the local area or modifications of required depth as approved by the Building Commissioner.
  - (2) All fence types forty-two inches in height or less shall have posts secured a minimum of 24 inches below the finished grade or modifications of required depth as approved by the Building Commissioner. Posts shall be set on a minimum six-inch concrete footing and surrounded by an additional six-inch of concrete.

- (3) The footing depth requirements outlined herein shall not supersede the manufacturer's installation instructions if they require a greater footing depth.
- (g) Front yards at corner lots. Landscape features, fences and walls within a triangle formed between points on the front and side lot lines within thirty-five feet of their intersection shall be maintained to a height not exceeding two and one-half feet above curb level.
- (h) Living Fences. Living fences shall not exceed three feet in height within 15 feet of the front property line and/or any public sidewalk. Beyond 15 feet, they may grow to their natural height.
- (i) Maintenance.
  - (1) Living fences shall be trimmed and maintained at all times so as not to create a nuisance, as determined by the Building Commissioner, or interfere with pedestrian and vehicular traffic on both public and private property.
  - (2) All fences shall be maintained;
    - (A) So as not to interfere with pedestrian and vehicular traffic on both public and private property.
    - (B) In accordance with the City's exterior property maintenance code as set forth in Chapter 1464.
    - (C) All fences shall be maintained in good repair, structurally sound, and sanitary so as not to pose a threat to public health, safety and welfare.
    - (D) All fences shall periodically be treated with paint stains or chemicals so as to retard deterioration.
- (j) Riparian Setbacks. Fences in riparian setbacks shall not be permitted without prior approval of the City Engineer.
- (k) Snow Fences. Temporary snow fences may be erected and used only in the months of customary snowfall (November 1<sup>st</sup> through March 31<sup>st</sup>), after which they shall be removed. No snow fence shall be used so as to cause an artificial or unnatural accumulation of snow or driving snow to accumulate on the property of another, in excess of that which would otherwise accumulate in the absence of such a fence.
- (l) Swimming Pool Fence. Swimming pool fences shall comply with the regulations as set forth in Section 1482.06.
- (m) Temporary Fences. All temporary fences shall require a zoning certificate (permit) and approval by the Building Commissioner.
  - (1) The fence shall be removed promptly upon the expiration of the zoning certificate (permit). Whoever violates this requirement shall be assessed any costs incurred by the municipality in

disposing of the temporary fence and restoration of the site in addition to any violations as described in 1467.99.

- (n) Easements and access to utilities.
- (1) Fences in easements and those that obstruct utilities shall not be permitted without prior approval of the Building Commissioner and City Engineer.
  - (2) Fences placed on utility easements shall provide access to manholes, utility boxes, clean outs or other appurtenances that may be used from time to time for maintenance of the utility.
  - (3) When a fence obstructs access to utilities, utility easements, manholes, utility boxes, clean outs or other appurtenances, the owner shall be required to remove such fence at his or her expense without remuneration.
  - (4) The fence shall be removed promptly upon written notice. Whoever violates this requirement shall be assessed any costs incurred by the municipality in disposing of the fence and restoration of the site in addition to any violations as described in 1467.99.

#### **1467.05 FENCES IN RESIDENTIAL DISTRICTS.**

- (a) Scope. This section shall include Residential Districts (R1-A, R1-B, R1-C and RMD) and Rural Residential Districts (RRV, RR-2, RR-3 and Minor Subdivisions).
- (b) Permitted Fences. The following fences and those determined as similar shall be permitted in residential districts:
- (1) Backyard enclosure fence.
  - (2) Building envelope enclosure fence.
  - (3) Chain link fence.
  - (4) Living fence.
  - (5) Open ornamental fence.
  - (6) Ornamental metal fence.
  - (7) Patio privacy fence.
  - (8) Picket fence.
  - (9) Rail fence.
  - (10) Split rail fence.
  - (11) Shadowbox fence.
  - (12) Silt fence.
  - (13) Stockade fence.
  - (14) Stone fence.
  - (15) Well fence.

- (c) Restricted Fences. The following fences shall be restricted in residential districts:
- (1) All fences as restricted by 1467.05(d) and (e).
  - (2) Barbed wire and concertina wire fences shall be prohibited.
  - (3) Chicken wire fences shall be prohibited.
  - (4) Cluster development fences shall be limited to patio privacy fences enclosing deck or patio areas.
    - (A) Such fences shall not exceed six feet in height from the existing finished natural grade line.
    - (B) Such fences shall not be permitted in front or side yards.
  - (5) Dumpster enclosure fence shall be prohibited, except for multi-family dwellings.
  - (6) Electrified fences shall be prohibited.
  - (7) Fences not listed as permitted shall be prohibited unless determined to be a similar fence.
  - (8) Patio privacy fence.
  - (9) Swimming pool fence, as set forth in the regulations of Section 1482.06.
  - (10) Tennis court fences. Approval shall be required from the Planning Commission.
  - (11) Solid sheets of fabric, vinyl or canvas screening materials are prohibited.
- (d) Maximum Fence Height and Location of Fence Types. Maximum fence heights and location of fence types for all residential districts excluding Rural Residential Districts RR-2 and RR-3.
- (1) Rear and side yards.
    - (A) Backyard enclosure fences shall meet all of the following specifications:
      - (1) The fence shall not exceed six feet in height from the existing finished natural grade line.
      - (2) The fence encloses part of or rear yard and/or the side yard(s) of the subject property.
      - (3) Although not mandatory, the fence may follow property boundaries (i.e. lot lines).
      - (4) The fence shall contain a gate that is at least three feet wide and is located so as to provide reasonable and easy access to safety forces.
      - (5) The entire fence is erected five feet back from the front wall line of the residence or to the rear of the front building setback line, whichever is further from the street.
        - (a) Exception number 1: If the subject property is a corner lot, then, in addition to the aforementioned requirements, the fence shall also be erected entirely behind the building setback line established for the secondary street setback or 10 feet from the Right-of -way, whichever is closer to the street.

- (b) Exception number 2: If the subject property is a through lot, where the rear yard fronts on another street, the fence erected shall also be erected entirely behind the established setback line for structures on that street.
- (6) Backyard enclosure fences occurring within a Rural Residential District shall be an open ornamental fence (such as a rail, split rail or white picket fence) or an ornamental metal fence.
- (B) Fences shall not exceed 42 inches in height from the existing finished natural grade line for a distance of 10 feet from any public sidewalk.
- (2) Front yard.
  - (A) Open ornamental, picket and split fences not exceeding 42 inches in height from the existing finished natural grade line shall be permitted. All other fences are prohibited in the front yard.
- (e) Maximum Fence Height and Location of Fence Types. Maximum fence heights and location of fence types for Rural Residential Districts RR-2 and RR-3.
  - (1) Rear and side yards.
    - (A) Backyard enclosure fences shall meet all of the following specifications:
      - (1) Fences within the building envelope shall not exceed six feet in height from the existing finished natural grade line.
      - (2) Fences outside of the building envelope shall be permitted providing they are of a split rail or similar style that does not impair vision and shall not exceed 42 inches in height from the existing finished natural grade line.
      - (3) The fence encloses part of or the entire rear yard and/or the side yard(s) of the subject property from the existing finished natural grade line.
      - (4) Although not mandatory, the fence may follow property boundaries (i.e. lot lines).
      - (5) The fence shall contain a gate that is at least three feet wide and is located so as to provide reasonable and easy access to safety forces.
      - (6) The entire fence is erected five feet back from the front wall line of the residence or to the rear of the front building setback line, whichever is further from the street.
        - (a) Exception number 1: If the subject property is a corner lot, then, in addition to the aforementioned requirements, the fence shall also be erected entirely behind the building setback line established for the secondary street setback or from a distance of 10 feet from the Right-of -way, whichever is closer to the street.

- (b) Exception number 2: If the subject property is a through lot, where the rear yard fronts on another street, the fence erected shall also be erected entirely behind the established setback line for structures on that street.
- (B) Fences shall not exceed 42 inches in height from the existing finished natural grade line for a distance of 10 feet from any public sidewalk.
- (2) Front yard.
  - (A) Open ornamental, picket and split fences not exceeding 42 inches in height shall be permitted. All other fences are prohibited in the front yard.
- (3) Fences Within the Building Envelope.
  - (A) Building envelope enclosure fences shall meet all of the following specifications:
    - (1) The fence does not exceed six feet in height from the existing finished natural grade line.
    - (2) The fence encloses part of or the rear yard and/or the side yard(s) of the subject property falling entirely within the building envelope enclosure.
    - (3) The fence shall contain a gate that is at least three feet wide and is located so as to provide reasonable and easy access to safety forces.
    - (4) The entire fence is erected five feet back from the front wall line of the residence or to the rear of the front building setback line, whichever is further from the street.
      - (a) Exception number 1: If the subject property is a corner lot, then, in addition to the aforementioned requirements, the fence shall also be erected entirely behind the building setback line established for the secondary street setback or from a distance of 10 feet from the Right-of -way, whichever is closer to the street.
      - (b) Exception number 2: If the subject property is a through lot, where the rear yard fronts on another street, the fence erected shall also be erected entirely behind the established setback line for structures on that street.

#### **1467.06 FENCES IN NONRESIDENTIAL DISTRICTS.**

- (a) Scope. This section shall include all Commercial Service (CS), General Business (GB), General Industrial (GI), Local Business (LB), Motorist Service (MS), Office Building (OB), Planned Unit Development (PUD), Public Facilities (PF), Research Office (RO), Senior Citizen District (SCD), and Traditional Town Center (TCD) Districts.
- (b) Permitted Fences. The following fences and those determined as similar shall be permitted in nonresidential districts:
  - (1) As restricted by 1467.06(d)

- (2) Boundary line fence.
- (3) Chain link fence.
- (4) Dumpster enclosure fence.
- (5) Living fence.
- (6) Open ornamental fence.
- (7) Ornamental metal fence
- (8) Picket fence.
- (9) Privacy fence.
- (10) Rail fence.
- (11) Shadowbox fence.
- (12) Silt fence.
- (13) Split rail fence.
- (14) Stone fences.
- (15) Utility fences.
- (16) Well fence.

(c) Restricted Fences. The following fences shall be restricted in nonresidential districts.

- (1) Chicken wire fences shall be prohibited.
- (2) Concertina wire fences shall be prohibited.
- (3) Electrified fences shall be prohibited.
- (4) Fences in all districts except the General Industrial District shall not be permitted without the approval of Planning Commission.
  - (A) Exception: Fences used as screening from residential areas.
- (5) Fences not listed as permitted shall be prohibited unless determined to be a similar fence.
- (6) General Industrial District Restrictions
  - (A) A chain link fence shall be permitted providing it is equipped with vision impairing insert slats in the chain lengths.
    - (1) The vinyl slates woven into the wire mesh shall be monochromatic colors and not obtrusive (i.e.: neutral or earth tones).
    - (2) The vinyl slates woven into the wire mesh shall be along the lengths of fencing facing public right-of-ways and as deemed appropriate by the Building Commissioner.
  - (B) Barbed wire fences shall be prohibited when the fence would abut a residential district, residential use, public street or sidewalk unless approval is granted by the Planning Commission. This subsection does not prevent the placement and use for security

purposes of not more than three strands of barbed wire on top of a fence, in commercial or industrial districts, provided such strands are not less than seven feet above grade.

- (C) Fences shall be installed inside the twenty foot landscape screen or buffer adjoining Residential Districts as required per Section 1278.14(c).
- (7) Stockade fences shall be prohibited.
- (8) Swimming pool fence, as set forth in the regulations of Section 1482.06.
- (9) Tennis court fences. Approval shall be required from the Planning Commission.
- (d) Maximum Fence Height and Location of Fence Types. Maximum fence heights and location of fence types for General Industrial Districts.
  - (1) Rear and side yards.
    - (A) Fences shall meet all of the following specifications:
      - (1) Fences shall be not more than eight feet in height from the existing finished natural grade line.
      - (2) The fence encloses part of or rear yard and/or the side yard(s) of the subject property.
      - (3) Although not mandatory, the fence may follow property boundaries (i.e. lot lines).
      - (4) The fence shall contain a gate that is at least three feet wide and is located so as to provide reasonable and easy access to safety forces.
      - (5) The entire fence is erected five feet back from the front wall line of the building or to the rear of the front building setback line, whichever is further from the street.
        - (a) Exception number 1: If the subject property is a corner lot, then, in addition to the aforementioned requirements, the fence shall also be erected entirely behind the building setback line established for the secondary street setback.
        - (b) Exception number 2: If the subject property is a through lot, where the rear yard fronts on another street, the fence erected shall also be erected entirely behind the established setback line for structures on that street.
    - (B) Fences shall not exceed 42 inches in height from the existing finished natural grade line for a distance of 10 feet from any public sidewalk.
  - (2) Front yard.
    - (A) Fences in front yards are prohibited without Planning Commission approval.

#### **1467.07 INSPECTIONS.**

It shall be the duty of each property owner erecting a fence to determine property lines, at the owner's expense, and to ascertain that the fence thus constructed does not deviate from the plans approved by the Building Division and does not encroach upon another lot or parcel of land unless specifically authorized

by that abutting property owner, in writing. The person responsible for the erection of such fence shall contact the Building Division to arrange for the appropriate inspections. The inspection will not be to determine property lines or whether the fence is encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him or her herein.

#### **1467.08 EXEMPTIONS.**

- (a) The fence regulations contained in this chapter shall not apply to any permitted, permanent fence, legally erected under a valid permit prior to the effective date of this chapter. However, there shall be no exemption from the maintenance provisions of this or any other chapter.
- (b) Fences constructed or owned by the City are exempted from the provisions of this chapter.

#### **1467.09 VARIANCES.**

- (a) Where difficulty and unnecessary hardship will result from the strict enforcement of this chapter, the Board of Zoning Appeals may grant a variance for height and location, in harmony with the general intent of this chapter, to secure the general welfare and substantial justice in the promotion of the public health, comfort, convenience, morals, safety and general welfare of the City.
- (b) The Planning Commission may approve modifications or changes to the appearance or style of fence design.

#### **1467.10 APPEALS.**

Any decision of the Building Commissioner made in the enforcement of this chapter may be appealed to the Board of Zoning Appeals by any person claiming to be adversely affected by such decision.

#### **1467.99 PENALTY.**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor of the fourth degree and shall be fined not more than two hundred fifty dollars (\$250.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**\*\*01/21/2016 – American Legal found mistake – Ordinance No. 15-11 new Chapter 1465 was titled Donations Bins/Boxes 07/01/14. Changed legislation 01/21/2016 from Chapter 1465 to 1467 per American Legal/Haller /Kultchytsky.**