

**IN THE CITY OF MAYFIELD HEIGHTS**

**ORDINANCE NO. 2016-27**

**INTRODUCED BY: COUNCILMEMBERS DONALD MANNO,  
ROBERT DEJOHN AND SUSAN SABETTA**

**AN ORDINANCE REPEALING CURRENT CHAPTER 1183 OF THE  
CODIFIED ORDINANCES OF THE CITY OF MAYFIELD HEIGHTS  
TITLED "FENCES", AND ENACTING NEW CHAPTER 1183  
REGARDING FENCES**

**WHEREAS**, this Council deems it necessary to protect the public and the health, welfare and safety of the residents of, and visitors to the City by revising the City's Codified Ordinances regarding fences; and

**WHEREAS**, an amendment to the City's Planning and Zoning Code with regard to fences has been drafted by Council, and has been referred to the Planning Commission for review; and

**WHEREAS**, the Planning Commission reviewed the proposed amendment on September 19, 2016, and has made recommendations regarding this amendment to the City's Planning and Zoning Code; and

**WHEREAS**, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Mayfield Heights Planning Commission; and

**WHEREAS**, all public hearings have been conducted, and all necessary public notices have been made and copies provided for public review.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY  
OF MAYFIELD HEIGHTS, CUYAHOGA COUNTY, OHIO, THAT:**

**SECTION 1.** Chapter 1183 of the Codified Ordinances of the City of Mayfield Heights, Ohio titled "FENCES" is hereby enacted to read as follows:

**CHAPTER 1183**

**1183.01 DEFINITIONS.**

As used in this chapter:

- (a) Barbed Wire Fence. "Barbed wire fence" means a fence made with metal wire having sharp points or barbs along its length.
- (b) Chain Link Fence. "Chain link fence" means a fence made of loops of metal wire interconnected in a series of joined links.
- (c) Open Ornamental Fence. "Open ornamental fence" means a fence (including any gates) which is one of the permitted open ornamental fence types identified below for their beauty or decorative effect. When faced directly, no more than fifty percent (50%) of the area between supporting posts of an open ornamental fence shall be obstructed by fence elements.  
Permitted open ornamental fences are:
  - (1) Rail or split rail fences. A "rail or split rail fence" is a fence constructed of narrow, whole or split wooden timbers, placed horizontally between upright supporting posts.
  - (2) Picket fence. A "picket fence" is an open fence made of upright pales or slats made of wood, metal, or vinyl.
  - (3) Wrought iron fence. A "wrought iron fence" is an open fence made of upright metal rods, which is or is designed to appear to be a traditional wrought iron fence or a modern variation thereof.
- (d) Privacy Fence. "Privacy fence" means a fence, including any gates, made to inhibit public view and provide seclusion. When faced directly, at least 25% of the fence surface shall be open.

Permitted privacy fences are:

- (1) Basket weave or woven fence. A "basket weave or woven fence" is a fence made of interwoven strips or slats of flexible or semi-flexible wood or vinyl material in which the pattern has the appearance of a plaited basket.
- (2) Louver or board on board fence. A "louver or board on board fence" is a fence made of a series of slats of wood or vinyl placed at angles or positioned so as to provide air, but to deflect light perpendicular to its vertical plane.
- (e) Solid Fence. "Solid fence" means any fence composed of vinyl boards or panels which are assembled to abut one another and to create a surface with no openings for light or air. Any fence which is so constructed over one half or more of its height shall also be interpreted as a solid fence. A stockade fence as defined in this ordinance is not permitted.

**1183.02 LOCATION; HEIGHT.**

Fences are permitted in required yards as follows except as otherwise provided in Section 1183.03 for fences on corner lots:

- (a) Open Ornamental Fences. An open ornamental fence is permitted in U-1 and U-2 Districts only in a side or rear yard parallel to and on, or approximately on, the common property line to a height of not more than six feet (6') above the natural grade. When located in a side yard, an open ornamental fence shall be set back at least eight feet (8') from the front building line.

- (1) Front yards. Open ornamental fences may be installed in a front yard in the following configurations:

- A. A fence, not taller than thirty-six inches (36"), abutting a private sidewalk which extends from the driveway to the front door of the dwelling.
- B. A fence, oriented perpendicular to the front line of the lot, which shall comply with the following height limits depending on proximity to the public sidewalk:

In the area 0 to 5 feet from the public sidewalk	None permitted
5 feet to 20 feet from the public sidewalk	Maximum height 24 inches
20 feet from the public sidewalk to front or side of dwelling	Maximum height 42 inches

- (2) Side and rear yards. An open ornamental fence may be located in a side or rear yard parallel to and on, or approximately on, the common property line to a height of not more than six feet (6') above the natural grade. When located in a side yard, an open ornamental fence shall be set back at least eight feet (8') from the front building line.

- (b) Chain Link Fences.

- 1) A chain link fence is permitted in U-1 and U-2 Districts only in a rear yard of a lot where a dwelling is located, to and on, or approximately on, the common property line to a height of not more than four feet (4') above the natural grade, provided that on a corner lot, chain link fence shall only be permitted on, or approximately on, the part of the interior side lot line which abuts the rear yard.
- 2) A chain link fence may be permitted by the Planning Commission on the grounds of a public or private school or other public or governmental facility for the purposes of securing property boundaries or for separating recreation activity areas from adjacent uses such as residential areas. Chain link fences approved for these purposes shall not exceed six feet (6') in height except where required for such purposes as baseball backstops, tennis courts, and similar uses.

- (c) Privacy Fences. A privacy fence is permitted in U-1 and U-2 Districts only in a side or rear yard, to and on, or approximately on, the common property line to a height of not more than six feet (6') above the natural grade. When located in a side yard, a privacy fence shall be set back at least eight feet (8') from the front building line.

- (d) Solid Fences. A solid vinyl fence is permitted in U-1 and U-2 Districts only in a side or rear yard, to and on, or approximately on, the common property line to a height of not more than six feet (6') above the natural grade. When located in a side yard, a solid vinyl fence shall be set back at least eight feet (8') from the front building line.

(e) Vision-Impairing Hedges

1. No hedge or other grouping of objects or plants planted or placed to create a boundary or barrier shall be located in proximity to the public street in a manner which creates a visibility hazard for pedestrians.
2. Hedges and other objects or plants planted or placed to create a boundary or barrier in a front yard or side yard abutting a public right-of-way shall comply with the following height limits:

In the area 0 to 5 feet from the public sidewalk	None permitted
5 feet to 20 feet from the public sidewalk	Maximum height 24 inches
20 feet from the public sidewalk to front or side of dwelling	Maximum height 42 inches
Trees may be planted at least five feet (5') away from the public sidewalk provided that foliage and branches are removed in the area from the ground to a height of 42 inches to ensure visibility.	
Fences are not permitted in the front yard or in a side yard which abuts a public right-of-way.	

3. Hedges and other objects or plants planted or placed to create a boundary or barrier in an interior side yard or rear yard shall not exceed 6 feet (6') in height. Trees may be planted in these areas and maintained at a height greater than 6 feet (6') provided they are not located in a manner which creates a hedge, boundary, or barrier.

**1183.03 FENCES ON CORNER LOTS**

Fences on corner lots shall comply with the following:

- a) Open ornamental, solid vinyl, or privacy fences up to six feet (6') in height may be located in the rear yard, but not closer to the side street right-of-way line than fifteen feet (15') or the setback of the main building whichever is less.
- b) A chain link fence up to forty-two inches (42") in height may only be located on, or approximately on, the segment of the interior side lot line which abuts the rear yard. Chain link fence is not permitted in any other location of a corner lot.

**1183.04 SWIMMING POOL FENCES**

Swimming pool fences are regulated in Section 1369.09 of these Codified Ordinances.

**1183.05 TEMPORARY FENCES.**

- a) Snow Fence. (No permit required). A temporary snow fence is permitted during the months of November through March in a location intended to reduce snow accumulation on a driveway. However, such a fence shall not be erected or installed closer than twenty feet (20') to a driveway of an abutting property.
- b) Construction Site Fences. (Permit Required)
  1. The Director of Building may authorize a temporary fence in any zoning district to enclose a site at which construction is underway if necessary to protect construction work or materials, to prevent unauthorized entry to the site, or to ensure unauthorized access to site hazards.
  2. The fence shall not obstruct visibility of the site, shall not prevent access to the site by emergency vehicles, and shall not obstruct visibility at street intersections.
  3. The fence shall not exceed eight feet (8') in height.
  4. The fence shall be removed when construction activity has been completed or discontinued for 90 days or more or as otherwise required by the Director of Building.
- c) Garden Protection Fences. (No permit required) Temporary fences to prevent the entry of animals into flower and vegetable gardens are permitted when installed and maintained in compliance with the following requirements:
  1. Temporary fences taller than three feet (3') shall only be constructed using vinyl/plastic mesh open style netting material. Temporary fences three feet (3') or shorter may be constructed of wire mesh. All fence material shall be black, brown, or dark green in color. The material used shall be designed, manufactured and advertised for the prevention of animal entry. At least 90% of any part of the fence shall be open to light and air.
  2. Fence posts shall be metal or plastic, not more than two inches in diameter, and black, brown, or dark green in color.
  3. Temporary fences may be installed in the rear yard only and must be at least one foot (1') from property lines.

4. Temporary fences shall not exceed eight (8) feet in height and fence posts shall not exceed eight (8) feet in height.
5. Temporary fences shall not be installed before April 1st and shall be removed no later than November 15th of each year.
6. Zoning permits shall not be required for Garden Protection Fences.
7. The fences permitted hereunder are intended to be temporary in nature and shall NOT create or vest any rights with regard to a permanent fence.
8. Chain link fences shall not be used as garden protection fences.

**1183.06 STANDARDS FOR ALL FENCES**

- a) Permit Required. Except as otherwise stated in this Chapter, all fences require a permit issued by the Director of Buildings or his or her designated representative. Such permit shall be issued only after an application for the proposed fence has been submitted to the Department of Building, Engineering and Inspection and approved by a Department official. At minimum, an application for a fence permit shall include the following:
  - 1) Site plan;
  - 2) Elevation drawing;
  - 3) Description and/or illustration of material and color;
  - 4) Height of fence;
  - 5) Depth of footers.
- b) Fee. The fee for a fence permit shall be as set in Section 1335.10 of the Codified Ordinances.
- c) Maintenance and Durability Required.

A fence permitted pursuant to this chapter shall be maintained in good condition, shall be structurally sound and shall be attractively finished on both sides at all times to present a neat, clean appearance which does not detract from the value of adjacent properties.

  - 1) Durable Materials. All fences shall be constructed of materials specified in this Chapter and shall be designed and constructed for durability of all elements, colors, and finishes for a period of at least ten (10) years after installation. This requirement for durability does not apply to permitted temporary fences.
  - 2) The grounds between such fence and a property line shall be well maintained at all times.
  - 3) These requirements shall also apply to existing fences.
- d) Similar Fences. The City Planning Commission may permit other fences which are similar in character and design to one or more of the permitted fences set forth in this Chapter.
- e) Direction of Stakes. The stakes (vertical or horizontal) supporting a fence shall face the property of the person providing such fence.
- f) Fence Height. The height of a fence shall be measured from the finished grade of the ground on which it is mounted, except when mounted on an earthen mound as used for buffering, in which case the height of the berm shall be included in the height of the fence.
- g) Fence Color. All parts of fences shall be of a natural or neutral color including natural wood, wood stained to a wood-like color, white, beige, or cream. Metal or metal-imitation fences, such as wrought iron, may be black.
- h) Unified Fence Type Required. All fences and parts of a fence on a lot erected along the same or approximately the same property line shall be constructed in the same materials and style.
- i) Drainage. No fence which interrupts, impedes or otherwise alters the natural flow of water shall be erected in any residential district.
- j) Gates. Fence gates shall be installed so that they cannot swing into or across a public sidewalk or onto adjacent property.
- k) Prohibited Fences. The following fences are prohibited:
  - 1) Barbed wire, defined as a fence made with metal wire having sharp points or barbs along its length.
  - 2) Fences constructed with sharp-edged or otherwise dangerous elements.
  - 3) Fences charged with electricity.
  - 4) Stockade fence, defined as a solid fence comprised of vertical boards which are pointed at the tops.
  - 5) Fences of wire, vinyl or plastic mesh, netting, fabric, or screen except where specifically permitted by this Chapter.
  - 6) Solid fences constructed with materials other than vinyl are prohibited.

1) Fences on Slopes.

- 1) If constructed of pre-assembled panels, each panel shall be level and may be stepped to maintain a height conforming to these regulations.
- 2) A site-assembled fence may be installed so that the top and bottom of the fence elements between posts parallel, or nearly parallel, the slope of the ground.
- 3) The applicant shall provide an elevation sketch illustrating the manner of construction on the slope, including the intended treatment of gaps at the bottom of a stepped fence.

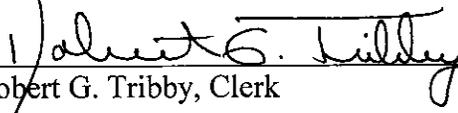
**SECTION 2.** Chapter 1183 of the Codified Ordinances currently in effect is hereby repealed as of the effective date of this legislation.

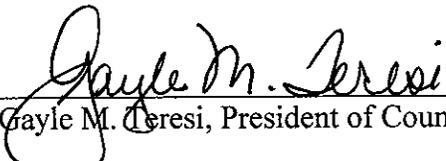
**SECTION 3.** That the Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

**SECTION 4.** This Ordinance shall take effect at the earliest time allowed by law.

First Reading: July 18, 2016  
 Second Reading: September 12, 2016  
 Third Reading: September 26, 2016  
 Passed: October 10, 2016

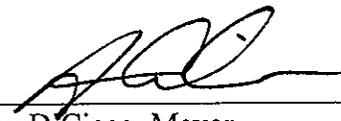
Attest:

  
 Robert G. Tribby, Clerk

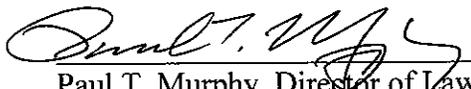
  
 Gayle M. Teresi, President of Council

Presented To Mayor: October 10, 2016

Approved: October 10, 2016

  
 Anthony DiCicco, Mayor

Approved as to form:

  
 Paul T. Murphy, Director of Law