

ORDINANCE NO. 2023-02
INTRODUCED BY: Mayor Bodnar

**AN ORDINANCE AMENDING MAYFIELD VILLAGE CODIFIED ORDINANCE
SECTION 1157.08 FENCES; PERMIT; FEE IN RESIDENTIAL DISTRICTS**

WHEREAS, Mayfield Village maintains certain provisions in its Codified Ordinances pertaining to fences; permits; and fees in residential districts which has been amended over the years, most recently in 2001; and

WHEREAS, Section 1157.08 was recently reviewed for consideration and recommended amendments from the Building Department and administration were submitted to the Planning Commission for their review; and

WHEREAS, the Mayfield Village Council deems it in the best interest and for the health, safety and welfare of Mayfield Village and its residents to amend Section 1157.08 of the Codified Ordinances to update the provision to avoid unnecessary variance requests and include the quality and availability of newer building materials for fences.

NOW, THEREFORE, BE IT ORDAINED by the Council of Mayfield Village, Cuyahoga County, State of Ohio, that:

SECTION 1. Section 1157.08 of the Village’s Codified Ordinances is amended to read as fully set forth in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference.

SECTION 2. Any sections of the Codified Ordinances in conflict herewith are hereby and herein repealed and amended accordingly. All other provisions of the Village Codified Ordinances not inconsistent herewith shall remain in full force and effect.

SECTION 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of Mayfield Village.

SECTION 4. 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 5. This Ordinance shall take effect after adoption and at the earliest time allowed by law.

STEPHEN SCHUTT
Council President

First Reading: _____, 2023

Second Reading: _____, 2023

Third Reading: _____, 2023

PASSED: _____, 2023

BRENDA T. BODNAR, Mayor

APPROVED AS TO FORM:

DIANE A. CALTA, ESQ.
Director of Law

ATTEST: _____
MARY E. BETSA, MMC
Clerk of Council

EXHIBIT A

1157.08 FENCES; PERMIT; FEE.

(a) Definitions. The following terms shall have the following meanings for purposes of this Section of the Planning and Zoning Code:

(1) “Fence” means the installation of acceptable material at or along the property line or lines to define or enclose the property or to prevent entry to an area.

(2) “Solid Board” means a wood or vinyl fence where the boards are installed against each other so as to provide a solid wall that does not allow seeing through or the passage of air and includes stockade fences.

(3) “Spaced Board” means a wood or vinyl fence where there is a space left between the boards so as to allow the flow of air and allow visibility. Typically, the space is anywhere from one (1) inch up to the width of the vertical boards.

(4) “Board on Board (or Shadow Box)” means a fence constructed like a Solid Board fence, except that the fence boards are installed alternately from one side of the fence rails (or stringers) to the other. Boards can run either vertically or horizontally.

(5) “Louver” means a fence where the boards are installed on an angle between the rails or posts to direct sunlight or air. Boards may be installed either vertically or horizontally.

(6) “Basket Weave” means a fence where thin basket boards are woven alternately around small wooden members which extend through the height of the weave.

(7) “Split Rail” means a rustic fence where split rails are inserted into slotted posts. Two and three horizontal rails are common.

(8) “Picket” means a fence that is typically a spaced board fence four (4) feet or less in height usually with a blunted point cut at 45-degree angles, or rounded, or with a gothic point.

(9) “Chain link” means a fence usually made of metal consisting of loops of wire interconnected in a series of joined links.

(10) “Decorative fence” or “Ornamental Fence” means a fence that is erected primarily for aesthetic purposes which does not obstruct visibility into or out of the lot or property, and is constructed of materials to enhance the appearance of a property or garden such as metal or wrought iron.

(b) Fences Permitted.

(1) In Front Yards. In front yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: decorative fences and split rail. Such fences shall be placed adjacent to the front entrance of the dwelling, at a point not closer than twelve (12) inches from the front property line and not over forty-two (42) inches in height.

(2) In Side and Rear Yards. In side yards and rear yards in Class U-1, U-2, U-3 and U-3AA Use Districts, the only fences permitted shall be as follows: split rail, chain link, board on board, solid board, spaced board, basket weave, louver, decorative and picket fences.

(i) Chain link fences shall not be permitted over four (4) feet in height and shall have uniformly spaced openings.

(ii) Split rail, board on board, solid board, spaced board, basket weave, louver, decorative and picket fences shall not be permitted over six (6) feet in height. However, a fence not over eight (8) feet in height may be placed along the rear or side line which separates residential properties from property used for nonresidential purposes, subject to the written approval of the Building Commissioner, who shall not give his approval if he or she finds that such proposed fence is unsafe or unsightly or that it obstructs necessary light and air from adjacent property or that in some manner it does not conform with ordinances of the Municipality.

(3) On Corner Lots. A fence on a corner lot shall not be closer than fifteen (15) feet from a secondary street side lot line, unless the main building is less than fifteen (15) feet from that line, measured laterally. In such event, the fence may be located at the same distance from the secondary side lot line as such main building. The maximum height of a fence along the secondary street side lot line shall be four (4) feet. This provision shall not prohibit a decorative fence not nearer than one (1) foot to the side yard at a height of not more than forty-two (42) inches.

(4) Snow Fence. Snow fencing shall not be used for any purpose except for the control of blowing and drifting snow, as necessary. It shall not be erected before October 1 and shall be removed prior to May 1. A permit shall not be required for snow fencing. Snow fencing shall not be erected or installed closer than twenty (20) feet to a driveway of an abutting property owner, shall not obstruct the view of an intersection and shall not come closer than twenty (20) inches of a public sidewalk. Snow fencing shall not be placed within the public right-of-way.

(5) Swimming Pool Fence. Fences enclosing swimming pools shall be permitted as provided in Chapter 1341. Such Chapter shall govern the requirements for such fences.

(c) General Requirements for Fences.

(1) All fence posts must be anchored securely in concrete.

(2) On any side or rear yard fence, the supporting rails and posts shall face the interior of the property of the owner of the fence and shall not face the adjacent property; the finished side (as contrasted with the rough or unfinished side) of the fence shall face the property of the adjacent property owner.

(3) A fence shall not be located within three (3) feet of a utility box, manhole or other apparatus that may be used for maintenance of the utility. When a fence or screen wall obstructs access to a utility box, manhole or other public apparatus for maintaining utilities, the owner shall be required to remove such fence or screen wall at their expense.

(4) All fences shall be erected to withstand a fifteen-pound horizontal wind pressure, shall be placed perpendicular to the ground and shall be substantially and properly supported according to standard practice.

(5) Fencing shall not be topped with sharp points such as may readily result in bodily injury and no portion of fencing shall be of barbed wire.

(6) Where fences are erected and where a water drainage situation occurs, such problem shall be disposed of by placing adequate outlets at the bottom of the fence or screen wall to eliminate the accumulation of stagnant water or other undesirable conditions.

(7) Fences shall be installed plumb, and the top finish shall be uniform. Fences shall follow the contour of the ground as far as is practical. Adjustments for grade shall occur at the bottom of the fence. Where adjustments for grade changes are severe enough to require stepping, a minimum of eight (8) feet of uniform fence run shall be maintained prior to each step.

(8) Where a fence already exists along a common property line on a neighboring property, the applicant proposing a fence shall make every effort to utilize the existing fence. If the existing fence cannot be utilized, there shall be a minimum separation of twenty-four (24) inches between the two fences to provide for the maintenance of the fences and the ground area between the two fences. The owner of the new fence must have direct access to the area between the two fences or walls. If access is not available and/or the yard is totally enclosed, a hinged three (3) foot wide gate is required for access to the area between the two (2) fences. The gate is to be of the same style and material as the fence. There is to be no storage of any type between the fences.

(d) Permits. No fence shall be constructed until a permit has been issued by the Building Department and the applicable fee is paid per Section 1309.05 of the Codified Ordinance.

(1) The application for a permit shall include plans or drawings showing the actual and accurate shape and dimensions of the property on which the fence is to be erected; the exact height, location in regards to property lines and structures, length, type of material, type of construction of such proposed fence ; the location of all buildings on the lot; and other information deemed necessary by the Building Commissioner in order to ensure that such fence is constructed in compliance with this Code.

(2) Each property owner shall determine property lines prior to constructing a fence and shall ascertain that the fence thus constructed does not deviate from the plans as approved by the Building Commissioner and does not encroach upon another lot or parcel of land. The owner shall either:

- (i) Submit a copy of a survey drawing indicating the location of property lines in the area of the proposed fence; or
- (ii) Locate and mark the property corners so they are visible at the time of inspection; or
- (iii) Submit a signed statement from the abutting owner or owners stating that they approve of the proposed location of the fence.

(3) The Municipality shall furnish such inspection as is deemed necessary to determine that the fence is constructed in accordance with plans submitted for the permit, provided, however, that the issuance of such permit by the Municipality shall not be construed to mean the Municipality has determined the fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.