

## City of Middleburg Heights Fence Regulations

### **1157.05 FENCE AND WALL REGULATIONS.**

#### (a) Permits Required for Fences and Qualifying Walls.

- (1) The following items shall require the issuance of a building permit prior to the start of any construction activity:
  - (A) New and modified fences.
  - (B) New and modified walls greater than four feet (4') in height as measured from the lowest at-grade level of the wall.
  - (C) Accessory Structures. (See Chapter 1141 for additional accessory use standards)
- (2) The Permit Application for fences and qualifying walls shall include drawings of the fence and / or wall showing location on the lot, height and distance from any buildings and walkways.
- (3) The Building Commissioner will review the proposed fence and / or qualifying wall as to location, height, configuration and type and thereafter may approve, reject, or approve with modifications.
- (4) Upon approval, the Building Department shall issue a building permit. Upon an approval with modifications, the owner/applicant shall agree to modifications, in writing or through revised plans, before a building permit may be issued.

#### (b) Fence Measurement Standards.

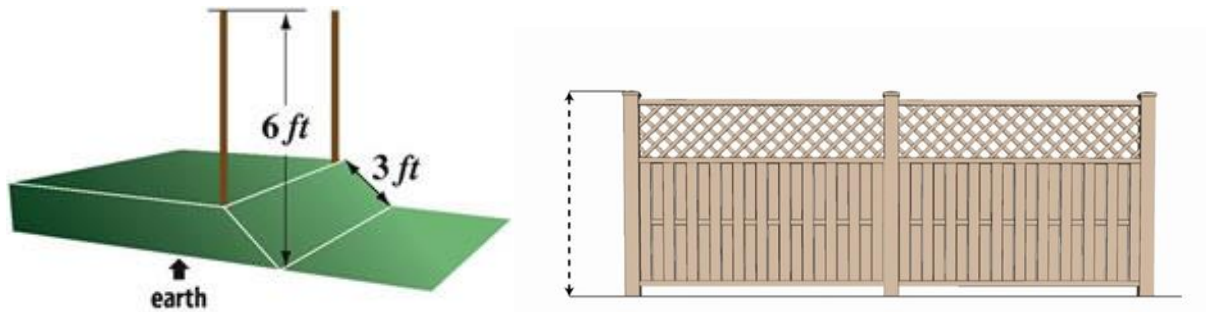
- (1) Fence height shall be measured as the vertical distance between the grade of the ground abutting the fence and the top edge of the fence material including any ornamental or decorative extensions of a fence.
- (2) When measuring the height of a fence located on sloping topography, the fence height shall be measured from the lowest point within three feet on either side of the fence as depicted in the diagram below.

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## **Fence Height Measurement**

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*Illustration showing the standard for measuring the height of a fence on flat land and sloping land.*



- (c) Single-Family and Two-Family Fence Design and Placement and Height Standards. These fence placement standards shall apply to fences, walls, plant material and similar screening devices on a lot serving a detached single-family dwelling or two-family dwelling.
- (1) All fences shall be installed so finished surface sides face toward adjacent properties.
  - (2) Residential Fence Placement and Height Standards. These fence placement standards shall apply to fences, walls, plant material and similar screening devices on a lot serving any detached single-family dwelling or two-family dwelling.
    - (A) Front Yards in Interior Lots. No fence, wall or hedge shall be permitted along a side lot line or front lot line in the front yard of any interior lot.
    - (B) Front Yards in Corner Lots.
      - (aa) Landscape features within a triangle formed between points on the front and side lot lines within thirty-five feet (35') from their intersection shall be maintained to a height not more than two and one-half feet above the curb level.
      - (bb) A fence is permitted in the front yard of a corner lot to a maximum height of four feet (4') and when located no closer than three feet (3') to the nearest edge of the sidewalk.
      - (cc) A fence is permitted in the front yard of a corner lot to a maximum height of five feet (5') and when located no closer than fifty percent (50%) of the dwelling side yard setback distance measured from the edge of the sidewalk

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- (C) Rear Yards in Interior and Corner Lots. A fence, wall or hedge shall be permitted along a side yard or rear yard lot line to a height not more than six feet (6') above the finished grade. For the purpose of this Section, a "solid fence" shall be defined as any fence design having less than 50% open area.
- (D) Side Yards in Interior and Corner Lots.
  - (aa) No fence shall be permitted in a side yard unless an exterior door is located on the side of the dwelling. When a side exterior door is present, the fence shall extend no more than two feet (2') beyond the door. In no instance shall a side yard fence be located closer than fifteen feet (15') to the front building wall face of the dwelling.
- (3) Residential Design Waiver. An Applicant may request a design waiver from the Residential Architectural Review Board for a side yard or rear yard fence requirement as provided for in Section 1131.13.
- (d) Non-Residential Fence Placement and Height Standards. These fence placement standards shall apply to fences, walls, plant material and similar screening devices on a lot serving all land uses except for a detached single-family dwelling or two-family dwelling.
  - (1) Fence Placement.
    - (A) Front Yard. Fences, walls, vegetative screening material and similar screening devices shall be prohibited in any front yard area.
    - (B) Side Yard. Fences, walls, vegetative screening material, and similar screening devices located in any side yard area shall not exceed six feet (6') in height.
    - (3) Rear Yard. Fences, walls, vegetative screening material, and similar screening devices located in any rear yard area shall not exceed eight feet (8') in height.
- (e) Fence Building and Material Standards.
  - (1) Fence posts or similar supporting structural element shall a minimum of 4" x 4".
  - (2) All stringer elements shall be a minimum of 2" x 4" and consist of three (3) stringers for every six lineal feet (6') of fencing.
  - (3) Picket style fencing shall provide for a minimum 5/8" thickness picket element.
  - (4) All wood fences shall be treated with weather preservatives or painted and well maintained. All new fences shall be painted or stained within one year of permit approval.
  - (5) Chain link fences shall be the type that is rubber or vinyl coated.

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### (f) General Fence Requirements.

- (1) All fences, walls, vegetation specifically installed for screening, and similar screening devices shall be properly maintained by the property owner in good condition so as not to become unsightly, unsafe, a nuisance or detrimental to the surrounding area. Such maintenance shall include painting, cleaning, and structural soundness in the case of a fence, wall, or other man-made object; and trimming, pruning, cutting, and other landscaping in the case of a hedge or other planting so that there is no aesthetic detriment to the surrounding area.
- (2) All fences shall be installed so finished surface sides face toward neighboring properties.
- (3) Repair or Replacement. Any fence, including any fencing along any one lot line, and other yard structure or landscape feature that is in need of repair or replacement, or which is repaired or replaced, to an extent of fifty percent (50%) or more shall conform to the provisions of this Section. When replacing any fencing, the replaced fence must be removed.
- (4) The property owner or Applicant is responsible for determining the location of all property lines when installing a wall or fence.
- (5) Adjoining Property Owner Notification. The property owner or Applicant is responsible for providing adequate notice to any adjoining property owner where a new fence or fence extension is proposed to be installed. Proof of adjoining property owner notification shall be provided as part of the building permit application submittal.
- (6) Easement Setback. Fences shall be set back ten feet (10') from any natural gas easements for high pressure natural gas transmission lines.
- (7) All electric and barbed wire fences and walls shall be prohibited.
- (8) Adjoining Fence Placement. The purpose of this Sub-Section is to regulate the placement of two adjoining fences.
  - (A) Common property lines in any yard area shall have no more than one fence constructed between the two adjoining lots unless satisfying the requirements of either Section 1157.05(f)(8)(b) or Section 1157.05(f)(8)(C).
  - (B) If an Applicant seeks to place a fence adjoining an existing fence on a common lot line within two feet (2') or less, from the lot line, the Applicant shall provide written documentation that the adjoining property owner approves of the installation of the second fence in the location proposed by the Applicant.
  - (C) If the adjoining property owner refuses to approve of Applicant's proposed adjoining fence location, the Applicant may install a fence no closer than two feet (2') from the lot line.

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- (9) In any single-family or two-family zoning district, no fence shall be erected in any portion of a side yard area that abuts a driveway on the adjacent (neighboring) lot.