

# CITY OF MIDDLEBURG HEIGHTS, OHIO

Ordinance No. 2015-28

Introduced By: Mayor Starr Co-Sponsors: Mr. Grech, Mr. Castelli,  
Mr. Bortolotto

## AN ORDINANCE AMENDING SECTION 1133.14 OF THE MIDDLEBURG HEIGHTS ZONING CODE

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF MIDDLEBURG HEIGHTS, STATE OF OHIO, AS FOLLOWS:

Section 1: That Section 1133.14 of the Middleburg Heights Zoning Code entitled "Landscape Features, Fences, Walls and Driveways" shall be amended so as to read as follows:

### 1133.14 LANDSCAPE FEATURES, FENCES, WALLS AND DRIVEWAYS.

In Residential Districts, landscape features, such as hedges, trees and shrubs, and yard structures such as fences, trellises, walls, pools and outdoor fireplaces, may be permitted in a required yard.

**A wooden fence shall be thirty-five percent of the vertical surface open to light and air and shall be treated with weather preservative or painted. Chain link fence shall be the type that is vinyl coated or rubber coated. Vinyl fences of all types are permitted. All fences shall be installed so finished surface sides face toward neighboring properties. All fences shall be maintained in good condition so as not to become unsightly, unsafe, a nuisance, or detrimental to the surrounding area.**

- (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.
- (b) Front Yards in Corner Lots. Landscape features within a triangle formed between points on the front and side lot lines within thirty-five feet from their intersection shall be maintained to a height of not more than two and one-half feet above the curb level. No fence or wall shall be permitted in the front yard of a corner lot.
- (c) Side and Rear Yards. A fence, wall or hedge shall be permitted along a side and rear yard lot line to a height not more than six feet above the finished grade, provided that such fence is treated with weather preservatives or painted and well maintained and chain link shall be the type that is rubber or vinyl coated. On a corner lot, THE OWNER/APPLICANT SHALL MAKE APPLICATION FOR A FENCE BUILDING PERMIT WITH THE BUILDING DEPARTMENT. THE APPLICATION WILL INCLUDE DRAWINGS OF THE FENCE SHOWING LOCATION ON THE LOT, HEIGHT AND DISTANCE FROM BUILDINGS AND SIDEWALK. THE BUILDING COMMISSIONER, THE CITY PLANNER AND THE CITY ARCHITECT WILL REVIEW THE PROPOSED FENCE AS TO LOCATION, HEIGHT, CONFIGURATION AND TYPE AND THEREAFTER MAY APPROVE, REJECT, OR APPROVE WITH MODIFICATIONS. UPON APPROVAL THE BUILDING DEPARTMENT WILL ISSUE A BUILDING PERMIT. UPON APPROVAL WITH

CERTIFICATE

I, Mary Ann Meala, Clerk of Council of the City of Middleburg Heights, Ohio, do hereby certify that the foregoing is a true and accurate copy of Ord. 2015-23 passed on the 23rd day of June, 2015 by the Council.

Mary Ann Meala

MODIFICATIONS THE OWNER/APPLICANT MUST AGREE TO MODIFICATIONS BEFORE A BUILDING PERMIT MAY BE ISSUED.

~~a fence along the side yard adjacent to the side street shall be located at least two and one-half feet from the side street right-of-way line.~~ A tool shed or any other enclosed structure shall conform to the yard regulations for accessory buildings set forth in Section 1133.12.

- (d) 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.
- (e) Easements. Fences shall be set back ten feet from natural gas easements for high pressure natural gas transmission lines.
- (f) Driveways. Driveways to garages or parking areas of lots where the front footage is seventy-five feet or more shall be set back at least five feet from any adjacent lot line. No driveway or other hard-surfaced vehicular area shall cover more than thirty-five percent of the required front yard or thirty-five percent of the required rear yard.
- (g) Other Structures. Floodlights, searchlights, loudspeakers and similar structures shall not be erected or used in a Residential District in any manner that will cause hazards or annoyance to the public generally or to the occupants of neighboring property.
- (h) Permits. Fences, walls and all accessory buildings shall require the issuance of a building permit therefor.

Section 2: It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements, including Chapter 107 of the Middleburg Heights Code and Section 121.22 of the Ohio Revised Code.

Passed: 6-23-15

Matthew Costello  
President of Council

Attest: M. Meala  
Clerk of Council

Approved On: 6-24-15

Presented To Mayor: 6-24-15

Oliver J. Starn  
Mayor

	Yea	Nay
Castelli	<u>X</u>	_____
Guttman	<u>X</u>	_____
Bortolotto	<u>X</u>	_____
Meany	<u>X</u>	_____
McGregor	<u>X</u>	_____
Ference	<u>X</u>	_____
Grech	<u>X</u>	_____

I, Mary Ann Meala, Clerk of the Council of the City of Middleburg Hts., Ohio, hereby certify that Ord. 2015-23 adopted by the Council of the City of Middleburg Hts., on 6/23/15 was posted for a period of fifteen days, beginning 6/24/15 and remained so posted for fifteen days at the two posting places as designated by Charter.

Mary Ann Meala