



# FENCE PERMIT APPLICATION

## Building Department

Please attach two plot plans 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 fences(s). The plot plan shall show location of proposed fence with length, height and fence style noted.

### Property Information

Address: \_\_\_\_\_

Property Owner Address: \_\_\_\_\_

Property Owner Phone Number: \_\_\_\_\_

### Contractor Information

Contractor Name: \_\_\_\_\_

Contractor Mailing Address: \_\_\_\_\_

Contractor Phone Number: \_\_\_\_\_

### Fence Information

Description of Fence Type: \_\_\_\_\_

Location of Proposed Fence: \_\_\_\_\_

Fence Height from the Ground: \_\_\_\_\_

Total Length of Fence: \_\_\_\_\_

Approximate Cost of Job: \$ \_\_\_\_\_

### Acknowledgement & Signature

It is understood that it shall be the duty of each property owner erecting a fence to determine property lines, at owner's expense, and to ascertain that the fence thus constructed does not deviate from the plans approved by the Building Commissioner 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 Department to have the fence inspected upon completion. The inspection will not be to determine whether the fence is encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him/her.

Contractor/Property Owner Name (please print): \_\_\_\_\_

Contractor/Property Owner Signature: \_\_\_\_\_ Date: \_\_\_\_\_

### For Building Department Use Only

Date: \_\_\_\_\_ Permit Number: \_\_\_\_\_ Fee: \$ \_\_\_\_\_

Building Official's Approval to Issue Permit: \_\_\_\_\_ Date: \_\_\_\_\_



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### Permission Letter

Applicant's Name: \_\_\_\_\_

Applicant's Property Address: \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_  
(print name) (property address)

So hereby give permission to install a new fence as seen on an identical site plan as submitted to the Building Department.

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

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### Permission Letter

Applicant's Name: \_\_\_\_\_

Applicant's Property Address: \_\_\_\_\_

I, \_\_\_\_\_ of \_\_\_\_\_  
(print name) (property address)

So hereby give permission to install a new fence as seen on an identical site plan as submitted to the Building Department.

Phone Number: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_



# FENCE PERMIT APPLICATION

## Building Department

### 1298.19 Fences

#### A. Purpose

The purpose of this section is to establish regulations controlling the use of fences whereby the property owner may have the privilege of privacy, security and landscape design within the property with due consideration to the environment of neighboring properties, the appearance of the community and the safety of the public and the individual.

#### B. Definitions As used in this chapter:

1. "Barbed wire fence" means a fence, or portion of a fence, made with metal wire having sharp points or barbs along its length.
2. "Boundary line fence" means a fence erected along the boundary line of any lot which encloses or partially encloses a parcel of property.
3. "Chain link fence" means a fence usually made of metal, consisting of loops of wire interconnected in a series of joined links.
4. "Fence" means any artificially constructed barrier of any material or combination of materials, living or otherwise, erected to enclose or screen areas of land.
5. "Living fence" means a natural plant species which has been planted to form a continuous barrier to prevent passage or for protection.
6. "Open ornamental fence" means a fence, usually made of wood (such as a rail, split rail or picket fence), that is constructed for its beauty or decorative effect and, when viewed at right angles, has not less than fifty percent or 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.
7. "Privacy fence" means 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.
8. "Private nuisance" means either of the following:
  - a. That which destroys or deteriorates the property of an individual or of a few persons or interferes with their lawful use or enjoyment thereof and which produces such material annoyance, inconvenience and discomfort that the law will presume resulting damage; or
  - b. That which annoys and disturbs one in possession of his or her property, rendering its ordinary use or occupation physically uncomfortable to him or her.
9. "Similar fence" means a fence which has slats less than four inches apart with a minimum height of three (3) feet, designed, used, constructed or maintained for the primary purpose of altering or changing the natural accumulation of snowfall upon any property.

#### C. Erection; Permit Required; Application and Plot Plan; Fee

Any fence, other than living and snow fences, which may be permitted, shall, prior to its erection, require the issuance of a permit by the Building Commissioner after an application for the same has been approved. Application shall be made on a City application form and be accompanied by a plot plan showing property lines, the location of all existing driveways, sidewalks, fences and structures on the subject property, and the distances from all fences and structures within five (5) feet of the property lines to the proposed fence. 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 as adopted by City Council.

#### D. General Requirements

##### 1. Application

These requirements shall be the general fence requirements for all districts in the City.

##### 2. Permitted Fences



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The following are permitted fences:

- a. Living fences
- b. Boundary line fences
- c. Privacy fences
- d. Open ornamental fences
- e. Chain link fences

### 3. Restricted Fences

The following are restricted fences:

- a. Tennis court fences. Approval is required from the Planning Commission.
- b. Barbed wire fences.

(1) Barbed wire fences are prohibited when the fence would abut a residential district or use.

(2) Approval is required from the Planning Commission for all other barbed wire fences.

c. Snow fences. Snow fences may be erected and used only in the months of customary snowfall (October 30th through April 30th), after which they shall be removed. No snow fence shall be used so as to cause an artificial or unnatural accumulation of snow or drifting snow to accumulate on the property of another, in excess of that which would otherwise accumulate in the absence of such a fence.

d. Chicken wire fences. Chicken wire fences are prohibited.

e. Galvanized cattle fences. Galvanized cattle fences are prohibited.

f. Electrified fences. Electrified fences are prohibited, except for underground low-voltage per fences.

### 4. Access Corridors

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 thirty (30) inches from any principal, accessory or fence structure. This shall not prohibit a fence from being adjacent to or attached to another principal, accessory or fence structure at an approximately right angle.

### 5. Attachment to a Neighbor's Structure

A fence may be erected across a property line to be adjacent to or attached to a neighbor's principal, accessory or fence structure if notarized authorization from said property owner is submitted with the required application for a fence permit.

### 6. Appearance

All visible supports must face the property of the owner making the installation, unless the Planning Commission grants approval to do otherwise.

### 7. Swimming Pool Fences

Swimming pool fences shall comply with the regulations set forth in Chapter 1480 of these Codified Ordinances.

### 8. Maintenance

a. Living fences. Living fences shall be trimmed and maintained at all times so as not to create a private nuisance, as determines by the Building Commissioner, or interfere with pedestrian and vehicular traffic on both public and private property.

b. All other fences. All other fences shall be maintained:

(1) So as not to interfere with pedestrian and vehicular traffic on both public and private property; and

(2) In accordance with the City's Property Maintenance Code as set forth in Chapter 1490 of these Codified Ordinances.

## E. Fences in Residential Districts

### 1. Application

This section shall apply to Single-Family, Two-Family and Multifamily Districts.



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### 2. Maximum Fence Height and Location

#### a. Rear Yard. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they may grow to their natural height.

(2) Privacy and boundary line fences. Privacy and boundary line fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they shall not exceed six (6) feet from the finished grade to the top of any portion of the fence. Fence posts may exceed the fence height by six (6) inches.

(3) Chain link fences. Chain link fences shall not exceed six (6) feet from the finished grade to the top of any portion of the fence. Fence posts may exceed the fence height by six (6) inches.

(4) Corner lot exception. Open chain link fences up to six (6) feet in height may be erected in a rear yard that abuts a public sidewalk or street.

#### b. Side yard. (As defined in Chapter 1261).

(1) Location and height. Except for living fences, the maximum height of any fence located in a side yard shall be six feet from the finished grade to the top of any portion of the fence, including posts. Such side yard fence shall be located at least twelve (12) inches from the property line and not be constructed in front of the dwelling. Any living side yard fence shall not exceed three feet in height for fifteen feet from any public sidewalk or front property line.

(2) Corner lot exception. Open chain link fences up to six (6) feet in height may be erected in a side yard that abuts a public sidewalk or street.

#### c. Front yard. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from the front property line and/or any public sidewalk. Beyond fifteen (15) feet they may grow to their natural height.

(2) Open ornamental fences. Open ornamental fences shall not exceed three (3) feet in height.

(3) All other fences. All other fences shall be prohibited in a front yard.

d. Height exception. A privacy fences may be erected in a rear yard and shall not exceed eight (8) feet in height, including posts, when the rear or side yard property line abuts a property used for nonresidential purposes. Such fence shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk.

### F. Fences in Nonresidential Districts

#### 1. Application

This section shall apply to all Park, Nursing Home and Retirement Living, Local Retail, Office Building, General Retail, Commercial Service, and Industrial Districts.

#### 2. Maximum Fence Height and Location

##### a. Rear and side yards. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they may grow to their natural height.

(2) Privacy and boundary line fences. Privacy and boundary line fences shall not exceed three (3) feet in height for fifteen (15) feet from any public sidewalk. Otherwise they shall not be restricted in height in order to comply with the performance standards in Section 1298.32, Performance Standards.

(3) Corner lot exception. Open chain link fences may be erected in side and rear yards that abut a public sidewalk or street with no setback requirement.

##### b. Front yards. (As defined in Chapter 1261).

(1) Living fences. Living fences shall not exceed three (3) feet in height for fifteen (15) feet from the front property line and/or any public sidewalk. Beyond fifteen (15) feet they may grow to their natural height.

(2) Open' ornamental fences. Open ornamental fences shall not exceed three (3) feet in height.

(3) All other fences. All other fences shall be prohibited in a front yard unless approval is granted by the Planning Commission.



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### 3. Nonconforming Residential Uses

This section shall not apply to preexisting, nonconforming residential dwellings in the districts set forth in paragraph F.1. hereof. In the case of such pre-existing, nonconforming dwellings, subsection E. shall apply and govern.

#### G. Inspections

It shall be the duty of each property owner erecting a fence to determine property lines, at his or her expense, and to ascertain that the fence this constructed does not deviate from the plans approved by the Building Commissioner 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 Department to have the fence inspected upon completion. The inspection will not be to determine whether the fence is encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him or her by this Section.

#### H. Exemptions

1. Legally pre-existing fences that had a valid permit issued shall comply with Chapter 1292. There is no exemption from Section 1298.19D.8.
2. Fences constructed or owned by the City are exempted from the provisions of this chapter. There is no exemption from Section 1298.19D.8.

#### I. Appeals

See Chapter 1262, Administration and Enforcement, for provisions relating to appeals.

#### J. Enforcement

See Chapter 1262, Administration and Enforcement, for provisions relating to enforcement of this chapter.

(Ord. 2000-128. Passed 12-6-00; Ord. 2020-53. Passed 6-17-20.)



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### Fence Plot Plan - Maple Heights

#### Sample Use Only

