

ORDINANCE NO. 2016-12
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING CHAPTER 1329 OF THE
CODIFIED ORDINANCES OF THE CITY ENTITLED
“FENCES”**

WHEREAS, an amendment to the City’s Building and Housing with regard to Fences has been referred to the Planning Commission for review; and

WHEREAS, the Planning Commission reviewed the proposed amendment on February 25, 2016, and unanimously approved this amendment to the City’s Building and Housing Code; and

WHEREAS, the same has been submitted to this Council for consideration, and for adoption upon the recommendation of the Lyndhurst 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 LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. Chapter 1329 of the Codified Ordinances of the City entitled “FENCES” is hereby enacted to read as follows:

1329.01 DEFINITION OF BUILDING SETBACK LINE.

The building setback line, for the purpose of this chapter, is the setback line at the front of a property as shown in a plat and, in the case of corner lots, excludes that area at the rear or side of the main building customarily known or considered as the rear yard. The Building Commissioner shall designate the rear yard area or other required setbacks in the event of any question.

1329.011 TYPES OF PERMITTED FENCES.

Only fences of a common variety usually placed for their decorative as well as privacy effect may be erected. Some of the more common types are: Picket, Basket weave, Board on Board, Shadow box, Split Rail and Chain link. Fences made of light welded wire commonly referred to as chicken wire and stockade fences shall not be permitted.

1329.02 HEIGHT.

The maximum height of a fence on any property in the City shall not exceed six (6) feet in height above the natural grade, except that chain link fencing shall not exceed four (4) feet in height above the natural grade.

Fencing between residentially zoned properties and other zoning classifications shall be a minimum of six feet in height, except where the activity on retail premises to be screened is such as may be found by the Board of Zoning Appeals to have an adverse effect on the value of adjoining residential real estate, in which case the fence may be higher. Similarly, activities which may be found to be dangerous to members of the general public or children may be screened by fences not to exceed eight feet in height.

1329.03 SIDE YARD FENCES.

Fences located in the required side yard AND REAR YARD between residentially zoned properties must be 50% uniformly open so as to permit the passage of light and air. Shadow box fences shall be considered fifty (50) percent open for purposes of this section.

1329.04 STAKES OR POSTS.

The stakes supporting a fence shall face the property of the person providing such fence with a 36-inch minimum depth without concrete; with concrete a minimum of 18 inches in depth is required.

1329.05 BARBED WIRE.

Barbed wire fences are not permitted anywhere in the City, except at the top of metal fences protecting members of the public from potentially hazardous installations where such barbed wire fences are necessary to protect the public health, safety, welfare and convenience, and except those placed around public facilities with permission of the Building Commissioner.

1329.06 BOUNDARY FENCES.

No boundary fence shall be permitted in front of a building setback line.

1329.07 SNOW FENCES.

Temporary snow fences will be permitted between November 15 and April 15, provided, however, that temporary snow fences shall not be erected or installed closer than 20 feet to a driveway of an abutting property owner, shall not obstruct the view of an intersection and shall not come closer than 20 inches of a public sidewalk. Snow fences shall not be placed within the public right-of-way.

1329.08 DECORATIVE FENCES IN FRONT YARDS.

Decorate fences up to three feet in height are permitted parallel to the house and no closer to the street line than one-third the distance from the house to the sidewalk in the front yard. Each fence must be compatible with the architectural style of the house. Split rail fences placed at the corners of a lot or at the intersection of a driveway and sidewalk not exceeding ten feet in length in any one direction and being not closer than twenty inches to a public sidewalk shall be considered decorative.

1329.09 PRIVACY. (REPEALED)

1329.10 SWIMMING POOLS.

SEE SECTION 1363.11 IN THE BUILDING & HOUSING CODE .

1329.11 ANIMALS.

SEE SECTION 618.01(g) IN THE CODIFIED ORDINANCES.

1329.12 CORNER LOTS.

Fences for corner lots shall not be closer than twenty inches to the side yard street line and not further forward than the front yard building setback line nor be closer than ten feet of a driveway.

1329.13 PERMITS.

A permit is required to be secured from the Building Commissioner prior to the alteration of any existing fence or the placement of a new or replacement fence anywhere in the City.

1329.99 PENALTY.

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a misdemeanor of the first degree and shall be fined not more than one thousand dollars (\$1,000) or imprisoned not more than six months, or both, if an individual, and shall be fined not more than five thousand dollars (\$5,000), if an organization, subject to the provisions of Sections 606.08 and 606.09 of the General Offenses Code, for each offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

SECTION. 2 All provisions in Chapter 1329 of the Codified Ordinances of the City inconsistent herewith are hereby repealed and all other provisions of Chapter 1329 shall remain in full force and effect.

SECTION 3. 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.

PASSED: March 7, 2016

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on March 17, 2016 and March 24, 2016.

Clerk of Council

First Reading: March 7, 2016

Second Reading: Suspended

Third Reading: Suspended