

150.211 Installing or Replacing a Fence

A) Permitting

- a. No fence shall be erected in any district until a zoning permit for such purpose has been issued by the Village. Application for said zoning permit shall be made in writing by the property owner and shall be accompanied by plans or drawings showing the actual shape and dimension of the lot, the location of all buildings on the lot as well as the location of all buildings on immediately adjacent lots. These plans or drawings shall also show the exact location of the proposed fence as well as its height, length, type of material, and type of construction. The Zoning Inspector shall have 14 days from the date of submission to approve or reject the plans. The Zoning Inspector must approve the plans before a permit may be issued.
- b. Drawings must be prepared by a surveyor with property corners located or have adjacent owner's contact information to confirm that the adjacent owner(s) agree with the location of the proposed fence. Replacing a fence that was previously located on property owned by another shall not be allowed.
- c. The applicant must submit a Zoning Permit Application to Village Clerk (with fees and deposit).
- d. It shall be the responsibility of the property owner to determine the location of property lines and to ascertain that the fence thus constructed does not deviate from the plans as approved and does not encroach upon another lot or parcel of land. The Village shall furnish such inspection as is deemed necessary to determine that said fence is constructed in accordance with the plans submitted for permit. However, the issuance of said permit by the village shall not be construed to mean the Village has determined said fence is not encroaching upon another lot, nor shall it relieve the property owner of the duty imposed upon him herein.
- e. The applicant shall stake proposed fence location one week prior to installation to allow neighbors and the Village to view the proposed fence location.
- f. The Zoning Inspector reviews the proposed fence zoning permit application.
- g. There is no need for a separate permit for a fence if fencing was shown and approved as part of an overall site plan review application.
- h. Fences installed on the property of others shall be removed or relocated at the applicant's expense.

B) Village Fees

- a. Zoning Permit Application fee required.
- b. Deposits are required to cover direct costs to the Village and provide money for the Village to correct sub-standard or incomplete work (within the R/W). Refer to the *Village Permits and Approvals Fee Schedule* for application and deposit fees.
- c. Deposits may be increased by the Village for complicated or larger projects.
- d. Unused deposits as determined by the Village will be returned upon the Village's approval of the work.

C) Village Standards

- a. The contractor performing excavations within the Village is required to contact OUPS, OGPUP, 811 or individual utilities as required to locate and protect underground facilities. Record drawings are not exact and care should be used when excavating near utilities shown on plans or marked in the field. The Village should be contacted directly for the location of storm sewers.
- b. Disturbed areas shall be repaired as needed to ensure full germination within 60 calendar days.
- c. In all zoning districts except PUD's with specific fencing requirements, fencing shall comply with the requirements/ information below:
 - i. Definitions.
 1. *FENCE*. Any barrier composed of wood, steel, iron, masonry, stone, shrubbery (or any other plantings) or other material erected or planted in such a manner or location as to divide, enclose or partially enclose an area as a protective, screening or decorative measure or device.
 2. *PRIVACY FENCE*. Any fence which inhibits public view and provides seclusion. When viewed at right angles to its vertical-plane, a *PRIVACY FENCE* has more than 50% of the area of its vertical plane closed to light or air.
 3. *BASKET WEAVE or WOVEN FENCE*. A fence made of interwoven strips or slats of wood in which the pattern has the appearance of a plaited basket.
 4. *LOUVER or VENTILATING FENCE*. A fence made of a series of slats placed at an angle or positioned so as to provide for the passage of air but deflects light at right angles to its vertical plane.
 5. *OPEN ORNAMENTAL FENCE*. A fence constructed for its beauty or decorative effect and, when viewed at right angles to its vertical plane, has no more than 35% of the area of its vertical plane closed to light or air.
 6. *RAIL or SPLIT RAIL FENCE*. A fence constructed of narrow, whole or split, wooden timbers placed horizontally between upright supporting posts.
 7. *PICKET FENCE*. A fence made of upright pales or slats, which has 40 %, or more of the area of its vertical plane open to air or light.
 8. *CHAIN LINK FENCE*. A fence consisting of loops of wire interconnected in a series of joined links. A *CHAIN LINK FENCE* is not an open ornamental fence.
 9. *BARBED WIRE FENCE*. A fence made with wire having sharp points or barbs along its length.
 10. *STOCKADE or PALISADE FENCE*. A fence constructed with a row of large pointed stakes placed upright against each other and having more than 50% of the area of its vertical plane

closed to air or light.

11. *LIVING FENCE*. A fence consisting of hedges, shrubs, trees, bushes, or plants or any combination thereof.
12. *FENCE HEIGHT*. The height of a fence shall be determined by its height above the natural grade.
13. *ELECTRIFIED FENCE*. Any fence to which an electric current has been applied.

ii. Permitted fences.

1. *Front yards*. Only open ornamental, picket, or living fences are permitted in front yards of Residential, Central Business and Commercial Districts. These fences shall be erected parallel to the building line but no closer than one foot to the right-of-way line. These fences shall also be erected on or parallel to the side property lines. Living fences must be set back sufficiently so that new or existing growth does not cross property lines. The height of front yard fences shall not exceed three feet.
2. *Interior side yards and rear yards*. Open ornamental, living, privacy, basket weave, woven, louver, ventilating, rail or split rail, picket, stockade and chain link fences are only permitted in interior side yards and rear yards of Residential, Central Business and Commercial Districts. All shall be erected on or parallel to side and rear property lines with the exception of living fences which must be set back sufficiently so that new or existing growth does not cross property lines. The height of interior side yard and rear yard fences shall not exceed six feet.
3. *Corner lots*. On corner lots, the sideline abutting the street line shall be considered as a front property line, i.e. a street right-of-way line, for fencing purposes. Consequently, all fences constructed on corner lot sidelines, which abut a street line, shall comply with all requirements of front yards as set forth in subdivision (b) above.
4. *Through lots*. On through lots, where the rear property line is a right-of-way line on another street, the rear property line shall be considered as a front property line, i.e. a street right-of-way line, for fencing purposes. Consequently, all fences constructed on through lot rear property lines and abutting sidelines shall comply with all the requirements of front yards as set forth in subdivision (b) above.
5. *Restricted fences*. Electrified fences are not permitted in the Village. No person shall erect or maintain a barbed wire fence, which abuts or is adjacent to any public street or sidewalk. Barbed wire may be added above a chain-link fence provided the lowest wire is 72" above the ground and there are no more than three strands (or a single coil) of barbed wire. Razor wire is not allowed within the Village. Barbed wire partition fences may be erected and maintained as provided in R.C. Chapter

971.03.

6. *Similar fences.* The Zoning Inspector may permit other fences, which are similar in character and design to one or more of the fences permitted by this section.

- d. *Maintenance.* Permitted fences shall be maintained in good condition, be structurally sound and attractively finished. Grounds between fences and property lines shall be well maintained. All non-living fences shall be constructed so that the supporting members of the fence face the owner of the fence. Fences and retaining walls or similar structures shall be anchored firmly in the ground, shall be constructed in a workmanlike manner and maintained in the same manner so the fences, retaining walls or similar structures shall always be in a good state of repair. In the alternative, these structures shall be removed or replaced. All fences shall be treated periodically with typical maintenance chemicals or paint so as to retard deterioration, unless such surface deterioration is superficial and considered an enhancement to the appearance.
- e. Submittals for improvements in zoning districts that employ cohesive layout, design, aesthetic and architectural standards to achieve an inherent look or feel will be subjected to a higher level of architectural and design review to ensure compliance with the definition of the zoning district and maintain the character of the area that current occupants support and expect (e.g. PUD's and Central Business District).

D) Inspections

- a. Provide the Village notice of preliminary staking (if applicable) and 48 hour (2 business days) notice of work to allow scheduling of installation inspection.
- b. Inspection by Zoning Inspector.

VILLAGE OF MOGADORE

ZONING PERMIT

135 S. Cleveland Ave., Mogadore, OH 44260
Phone: 330-628-4896 Fax 330-628-5850



DATE: _____

APPLICANT NAME: _____ PHONE: _____ EMAIL: _____

APPLICANT ADDRESS: _____

CONTRACTOR NAME: _____ PHONE: _____ EMAIL: _____

CONTRACTOR ADDRESS: _____

LOCATION OF WORK: _____

TYPE OF CONSTRUCTION: _____

ZONING DISTRICT: _____

ANTICIPATED START DATE: _____ ANTICIPATED COMPLETION DATE: _____

VILLAGE COMMENTS: _____

APPROVED: _____ PERMIT #: _____ DATE: _____

FEE: _____ DEPOSIT: _____ PAID: _____

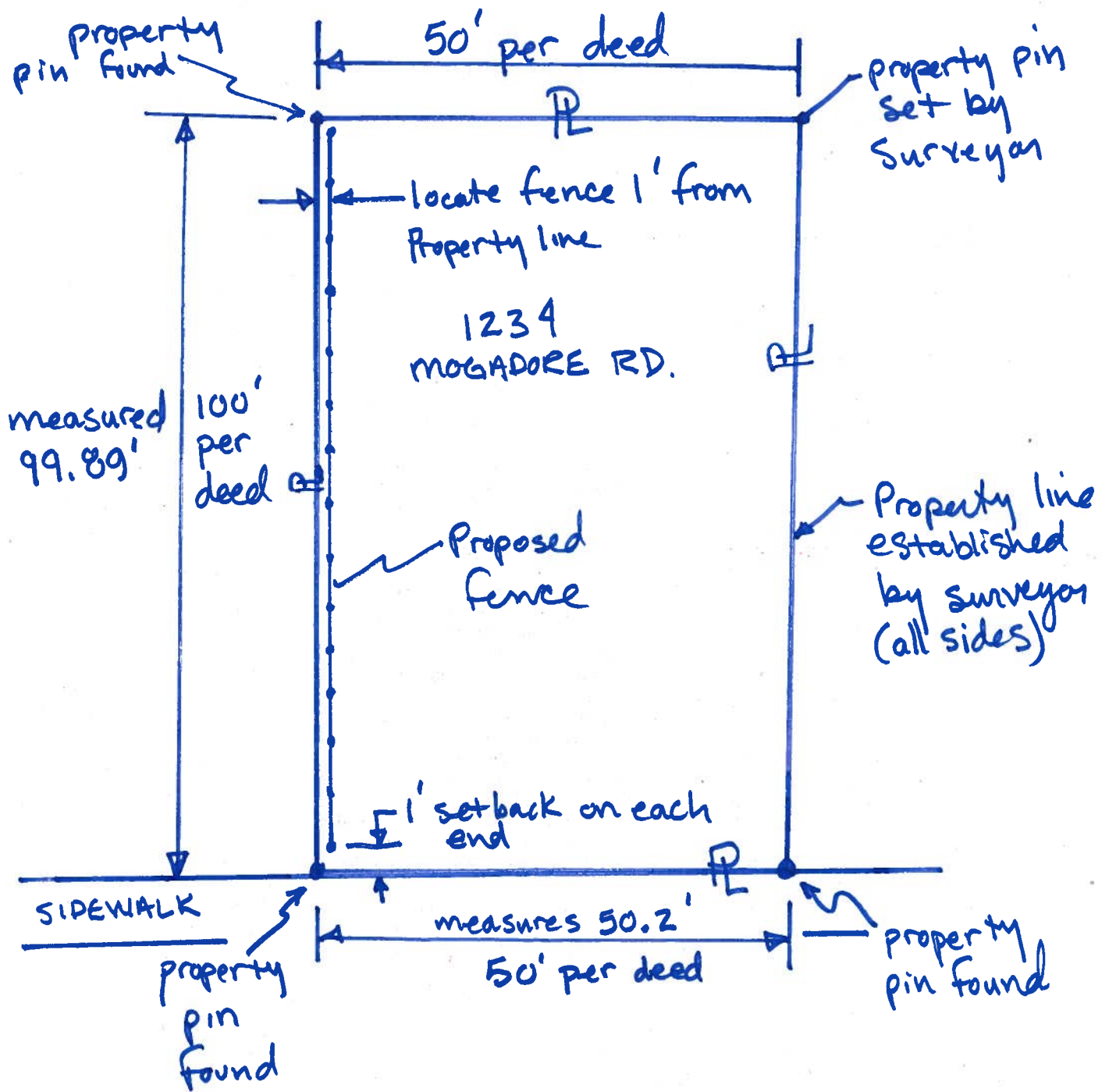
INSPECTED: _____ DATE: _____

NOTE: VILLAGE INSPECTION FEES AND RESTORATION DEPOSIT MAY BE REQUIRED. INSPECTION FEES AND RESTORATION DEPOSIT ARE BASED ON THE TYPE AND DURATION OF THE WORK BEING PERFORMED.

Application is made for a zoning permit within a Village limits as indicated and in accordance with the following conditions:

1. The applicant agrees to keep this permit on the work site and notify the Village a minimum of 48 hours in advance of any work. The applicant also understands that it is solely responsible to notify OHIO811 a minimum of 48 hours in advance of any excavation. Building permit cards must be displayed on the street side of construction site at all times. The Summit County Building Department will perform all inspections (330-926-2414). No Construction can commence until a building permit is issued by Summit County. Upon building completion, a certificate of occupancy must be issued by the county prior to occupancy of the structure.
2. Applicant will acquire an approved Zoning Permit from the Village prior to applying for a Building Permit from Summit County.
3. If the property is currently or will be served by an on-site septic system, the applicant must provide a copy of the appropriate county health department approval of the existing or proposed system.

APPLICANT SIGNATURE: _____



SAMPLE FENCE PLAN
 (stake proposed fence location)