

ZONING PERMIT REQUIREMENTS
FOR ADDITIONS, SWIMMING POOLS, DECKS AND FENCES

Zoning permits are required for all additions, swimming pools (above ground or below ground), decks and fences. In addition to a zoning permit from the city, a building permit is required from the Lake County Building Department (except for fences).

In order to obtain a zoning permit, please submit the following:

1. Completed application form (available at the Zoning Office).
2. Site plan of entire parcel, drawn to scale, showing property lines, street frontage, location of house, location of septic system, location of any riparian areas, and location of all accessory buildings. Building dimensions and setbacks from property lines must be shown for proposed use. If applicable, riparian setbacks must be shown. A drainage plan may also be required.
3. Building plan, which will also be required by the Lake County Building Dept.

The zoning permit application fee is based on the proposed use and will be collected when the permit is issued. Any addition over 1,000 square feet in area requires the deposit of a \$1,200 road bond in addition to the zoning fee.

Setback requirements for your particular zoning district can be obtained through the Zoning Office.

For fence permits, request a copy of the fence ordinance for permitted fences and regulations.

Soil disturbing activities of 1/10th of an acre or more are subject to the regulations in the Erosion and Sediment Control Ordinance and require a site plan approved by the Lake County Soil and Water Conservation District specifying erosion and sediment control measures. Soil disturbing activities of one acre or more require that an Erosion and Sediment Control Plan be submitted to the Lake County Soil and Water Conservation District. Copies of the Erosion and Sediment Control Ordinance are available upon request in the Zoning Office.

All structures and uses are subject to riparian setbacks as set forth in the Riparian Setback Ordinance, copies of which are available upon request in the Zoning Office.

(Council President Umholtz)
(Amended September 21, 2009)

CITY OF KIRTLAND

ORDINANCE NUMBER 09-O-37

**AN ORDINANCE AMENDING CHAPTER 1290 OF THE
CODIFIED ORDINANCES OF THE CITY OF KIRTLAND,
RELATING TO FENCES.**

WHEREAS, the Planning and Zoning Commission of the City of Kirtland, at the request of City Council, did on the 8th day of June, 2009, after public hearing, consider an Ordinance to amend Chapter 1290 of the Codified Ordinances of the City of Kirtland, relating to fences; and

WHEREAS, the said Planning and Zoning Commission of the City of Kirtland did, on the 8th day of June, 2009, by Resolution No. 09-PZ-3 recommend approval to this City Council, of the aforesaid Ordinance relating to fences; and

WHEREAS, this Council has determined that the aforesaid Ordinance relating to fences should be adopted in its entirety and that the currently existing Chapter 1290 of the Codified Ordinances of the City of Kirtland be repealed and that by enactment hereof, replaced by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kirtland, County of Lake, State of Ohio, that:

SECTION I: Codified Ordinance Chapter 1290 Fences, as set forth in Exhibit "A" attached hereto and made a part hereof, should be and the same is hereby adopted in its entirety and enacted into the law of this City.

SECTION II: The existing Chapter 1290 of the Codified Ordinances of the City of Kirtland, as enacted by Ordinance No. 94-O-27, passed on June 20, 1994, is hereby repealed and replaced as set forth in Exhibit "A".

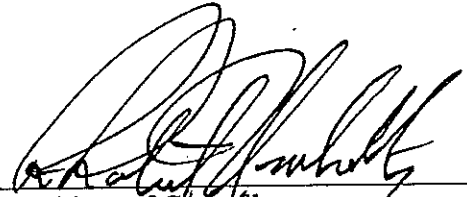
SECTION III:

(a) It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal actions were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

(b) This Ordinance shall be in effect from and after its adoption at the earliest period allowed by law.

First Reading: June 15, 2009
Second Reading: September 21, 2009
Third Reading: Waived

DATE PASSED: September 21, 2009

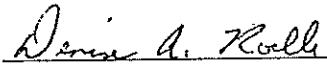


President of Council

Submitted to the Mayor for his
Approval on this 22nd day of
September, 2009.

ATTEST:

Approved by the Mayor, this 22nd
day of September, 2009.



Clerk of Council
Fences Adopting Ord. 6.09



Mayor Mark A. Tyler

CHAPTER 1290
Fences

1290.01	Purpose
1290.02	Definitions.
1290.03	Permitted fences.
1290.04	Prohibited fence construction.
1290.05	Electrical device requirements.
1290.06	Permit.
1290.07	Maintenance.

CROSS REFERENCES

Fences generally - see Ohio R.C. Ch. 971
Power to regulate erection of fences - see Ohio R.C. 715.27
Destruction or removal of barriers along limited-access highways - see Ohio R.C. 3767.201
Fences for junkyards - see Ohio R.C. 4737.07, 4737.09
Fences for motor vehicle salvage dealers - see Ohio R.C. 4738.09
Obstruction of highways - see Ohio R.C. 5571.14, 5589.10

1290.01 PURPOSE.

The purpose of these regulations is to assure occupants of privacy, security and to enhance the overall appearance and enjoyment of their property. The Planning and Zoning Commission approval is required for certain types of fences that may impact adjoining properties as to natural light, circulation of air and flow of storm water.

1290.02 DEFINITIONS.

As used in this chapter:

(a) "Agricultural fence" means any of the permitted fences used to contain livestock and protect agricultural or nursery products. Examples of permitted agricultural fences are:

- (1) Post and rail fence: A fence that consists of vertical posts and horizontal rails or split rail.
- (2) Woven wire fence.
- (3) Electric fence. An electrified fence whose controller meets the requirements of Underwriters Laboratories Standard UL69 Electric-Fence Controller and which is installed in accordance with the manufacturer's recommendations.

(b) "Chain link fence" means a fence, usually made of metal, which consists of wire loops interconnected into a series of joined links.

(c) "Fence" means a continuous man-made structure or device, or the placement of hedges, trees, bushes or other plants intended to enclose or delineate an otherwise open area of land.

(d) "Front yard," "side yard" and "rear yard" shall have the same meaning as contained in Section 1260.03(a)(157).

(e) "Height not to exceed" means the height of a fence as measured from the existing grade line to the top of the fence with an allowable deviation of no more than six inches to allow for clearance and/or uneven terrain.

(f) "Living fence" means a fence, created by human effort, which consists of the growth or placement of hedges, trees, bushes, plants, or any combination thereof, into a vision-impairing or solid living fence.

(g) "Ornamental fence" means a fence that is designed and constructed of conventional material commonly utilized for the construction of decorative fencing, consistent and in harmony with the other uses in the zoning district in which it is located to achieve beauty or decorative effect. Exotic and/or unusual fence materials and/or design, not normally found or customarily utilized in the district in which it is located are prohibited, subject to Section 1290.03(g). Examples of permitted ornamental fences are:

(1) Rail or split rail fence: A fence constructed of narrow wooden timbers (whole or split) placed horizontally between upright supporting posts.

(2) Picket fence: A fence constructed of upright poles or slats having not less than twenty-five percent of the area of its vertical plane open to light and air.

(3) Wrought iron fence: A fence constructed of wrought iron.

(h) "Privacy fence" means a fence made to inhibit public view and provide seclusion. Examples of permitted privacy fences are:

(1) Lattice weave or woven fence: A fence made of interwoven strips or slats (flexible or semi-flexible material), in which the pattern has the appearance of plaited basket.

(2) Palisade fence: A fence constructed with a row of large stakes placed upright against each other.

(3) Board on Board Fence: A board fence with vertical boards placed alternatively on opposite rails.

(4) Solid Board Fence: A board fence with less than twenty five percent of the area of the vertical plane open to light and air.

(5) Solid wall fence: A fence constructed of stone or brick or commercially manufactured masonry products similar to decorative stone or brick; no other type of material is permitted.

(i) Vision-Impairing fence: A fence that is located within the right-of-way.

1290.03 PERMITTED FENCES.

No fence shall be built, erected, constructed, altered or moved upon, and onto or within any portion of a lot, except for the following permitted fences:

(a) Privacy Fences. Privacy fences shall be permitted only in a side and rear yard, with a height not to exceed six feet six inches. Privacy fences must be erected no less than six inches from the common property line of an adjacent lot.

- (b) Ornamental Fences. Ornamental fences shall be permitted as follows:
- (1) Front yard. Ornamental fences shall be permitted in a front yard with a height not to exceed four feet six inches, must be not less than six inches from the common property line of an adjacent lot and must be not closer than six inches to a street right-of-way line.
 - (2) Side and Rear yard. Ornamental fences shall be permitted in a side and rear yard with a height not to exceed six feet six inches and must be not less than six inches from the common property line of an adjacent lot.

(c) Chain Link Fences. Chain link fences must be dark green or black in color, and must be vinyl-coated or painted, and shall be permitted only in a side and rear yard, with a height not to exceed six feet six inches, and must be not less than six inches from the common property line of an adjacent lot.

(d) Living Fences. Living fences shall be permitted in a front, side and rear yard and must be maintained not less than six inches from the common property line with an adjacent lot and must be maintained not less than six inches from a street right-of-way line. There is no height requirement for living fences.

(e) Solid Wall Fence. Solid wall fences shall be permitted as follows:

- (1) Front yard. Solid wall fences shall be permitted in a front yard with a height not to exceed four feet six inches and shall be constructed in a manner that will not interfere with the natural flow of water.

- (2) Side and Rear yard. Solid wall fences shall be permitted in a side and rear yard with a height not to exceed six feet six inches and shall be constructed in a manner that will not interfere with the natural flow of water.

(f) Unless otherwise permitted by the Planning and Zoning Commission pursuant to subparagraph (g) below, an agricultural fence shall be permitted only in the side and rear yard of the premises, actually devoted to agricultural pursuits, and must be maintained not less than six inches from the common property line with an adjacent lot, and shall not exceed six feet in height.

(g) Planning and Zoning Commission Approval When Required. Planning and Zoning Commission approval is required for the following:

- (1) Any fence that exceeds six feet six inches in height, including but not limited to fences for recreational purposes, agricultural deer fences, and privacy fences where unusual topography creates the need for increased fence height to maintain privacy.

- (2) All non-residential fences or an agricultural fence in the front yard.

- (3) Any fence that uses barbed-wire, as outlined in Section 1290.04(b).

- (4) Any ornamental fence that utilizes exotic and/or unusual fence materials and/or design.

The Planning and Zoning Commission shall determine whether the restrictions herein contained constitute a practical difficulty, as that term is set forth and explained in §1264.05 and shall also consider the effect and impact of the fence upon the neighboring properties and their owners, and if approved may attach such conditions to its approval that would ensure that it would not be harmful to the health safety, welfare or value of the neighboring properties or their owners.

1290.04 PROHIBITED FENCE CONSTRUCTION.

(a) No fence shall be constructed within the City in any area that constitutes a road right of way, nor shall any fence interfere with natural water flow or a drainage swale.

(b) No person shall erect or maintain within the City a barbed-wire fence. This section does not prevent the placement and use of not more than three strands of barbed wire on top of a fence, other than a barbed-wire fence, provided such strands are not less than seventy-two inches from the ground and are used for security purposes, upon approval of the Planning and Zoning Commission as outlined in Section 1290.03(g)(3).

(c) A vision-impairing fence.

1290.05 PERMIT.

No person shall construct or erect a fence in the City without first obtaining a permit from the Zoning Inspector.

1290.06 MAINTENANCE.

All fences erected or standing within the City shall be maintained in good condition, be structurally sound and be attractively finished at all times in accordance with Section 1462.15. Any ground between such fences and property lines shall be well maintained at all times with the grass in any such area not exceeding five inches. Any such fences shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.