

# FENCE PERMIT APPLICATION

## City of Cleveland Heights

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The information in this document is current as of **September 8, 2009**.

### **Fence permit requirement**

A fence permit is required for any fence constructed or installed in the City of Cleveland Heights. Fence permits are granted through the Planning and Development Department, which can be reached at 216-291-4878 or [planning@clvhts.com](mailto:planning@clvhts.com).

The regulations that apply to fence size and placement also apply to masonry and stone walls, but masonry and stone walls require a building permit, rather than a fence permit. If you are planning to build a masonry or stone wall, please review the size and placement limitations below, and then contact the Building Department at 216-291-4900 to arrange for a permit.

The fence permit fee is \$50. An additional fee of \$35 for residential property or \$50 for commercial property applies to fences requiring Architectural Board of Review approval.

### **Application procedure and timeline**

There are three, sometimes four, steps to obtaining a fence permit:

- Submission of a fence permit application- The application form, with a \$50 application fee and any necessary supporting materials, should be submitted to the Department of Planning and Development. The application can be dropped off in our office or mailed to the City of Cleveland Heights, Department of Planning and Development, 40 Severance Circle, Cleveland Heights, OH 44118.
- Architectural Board of Review (ABR) review and approval, if required- ABR approval is required in certain circumstances. To determine if it will be necessary in your situation, see "Architectural Board of Review approval" below.
- Issuance of the fence permit - The permit will be mailed to you, or you can arrange to pick it up in our office. Fence permits are valid for one year from the date of issue.

### **Architectural Board of Review approval**

Architectural Board of Review (ABR) approval, which requires a separate application, is required in certain situations.

In residential zoning districts, ABR approval is required for fences that will be located in front yards, corner-side-yards, and, on corner lots, the portions of rear yards that abut the front yards of neighboring lots. See "Yard definitions and illustrations" on page 3.

In commercial zoning districts, ABR approval is required for fences located within 25 ft. of and parallel or approximately parallel to a public right-of-way.

In all zoning districts, ABR approval is required for masonry or stone walls.

The ABR generally meets at 4 p.m. on the first and third Tuesdays of each month, with some exceptions around holidays. Applications are due one week before the meeting. Applications can be obtained from the Building Department, which provides staff services to the ABR. To contact the Building Department, call 216-291-4900.

### **Height limitations**

Maximum permitted fence heights usually range from 3 to 7 feet, depending on the fence's location.

In **residential zoning districts**, fence heights are limited as follows:

- In front yards and corner side yards, fences may be up to 3 feet in height. Architectural Board of Review approval is required for all fences in front or corner side yards in residential districts.
- In most rear yards and all interior side yards, fences are generally limited to 7 feet in height. However, when a fence will run parallel or approximately parallel to a house or other principal building on the property to be fenced or a neighboring property, the height of the fence is limited to a measure equal to the distance between the fence and the house, up to a maximum of 7 feet. For example, a fence running along the side of your or your neighbor's house and located 3 feet away from the house could be no more than 3 feet tall. Note that detached garages and storage sheds are accessory buildings, not principal buildings, and the distance-to-height limitation does not apply to fences running parallel to those kinds of structures.
- In the rear yards of corner lots, where the rear yard abuts the front yard of a neighboring lot, fences are generally limited to 3 feet in height. However, fences that are set back at least 5 feet from the property line and screened with an approved landscaping plan may be up to 5 feet tall. The taller fences— those above 3 feet in height— require ABR approval.

In **commercial zoning districts**, fence heights are limited as follows:

- In front yards, fences may be up to 42 inches tall and usually require ABR approval.
- In corner side yards, fences are limited to 42 inches in height, except when they are set back 15 feet or more from the public right-of-way, in which case they may be up to 7 feet tall. Additionally, fences in corner side yards that abut residential properties may be required to be taller than 42 inches under the terms of Zoning Code Section 1165.05. ABR approval is usually required for fences in corner side yards.
- In rear yards and interior side yards, fences are limited to 7 feet in height.

#### **Fence materials and landscaping requirements**

The materials from which fences may be constructed are limited in certain situations:

- Barbed-wire fencing is not permitted in Cleveland Heights.
- Chain-link or wire-mesh fencing is not permitted in front or corner side yards.
- When a fence runs along or near a property line, the smooth-finished side of the fence must face neighboring properties or public rights-of-way, rather than the fenced property. All structural members are to be on the interior side of the fence, facing the property of the fence owner.
- It is recommended that matching materials be used along the entire length of a run of fencing. Where ABR approval is required, the use of matching materials will usually be required.
- In residential zoning districts, interior-side-yard fences that are greater than 10 feet in length and parallel to a street are required to be screened with landscaping. The landscaping plan must be approved by the Zoning Administrator, who can be reached at 216-291-4882.

#### **Anchorage requirement**

Fence posts must be set in concrete and must extend at least 36 inches into the ground.

#### **Yard definitions and illustrations**

The Zoning Code defines four different kinds of yards: front, rear, interior side, and corner side. Fence regulations vary depending on the yard in which the fence will be located. The definitions and illustrations below are intended to help you determine which regulations are applicable to your situation. If you have questions, please contact the Zoning Inspector at 216-291-4819.

**Front yard**

A front yard is defined as the area across the full width of a lot, extending from the front of the principal building to the front lot line. An open or screened porch is considered an accessory structure and therefore part of the front yard. An enclosed porch is considered part of the principal building and therefore not part of the front yard.

On a corner lot with a residential use in a residential zoning district, the front faces the narrow end of the lot, regardless of where the house's front entrance is, unless the lot is square or almost square (i.e., having a depth-to-width ratio ranging from 3:2 to 3:3), in which case the front yard may face either street.

On a corner lot with a nonresidential use or in a nonresidential zoning district, the front yard faces the major street.

**Rear yard**

A rear yard is defined as the area across the full width of a lot, extending from the rear of the principal building to the rear lot line.

On a corner lot, the rear yard is the area between the principal building, the side or rear lot line of the neighboring lot, and the corner side yard.

Note that detached garages and storage sheds are accessory buildings, not principal buildings, and are often located within rear yards.

**Interior side yard**

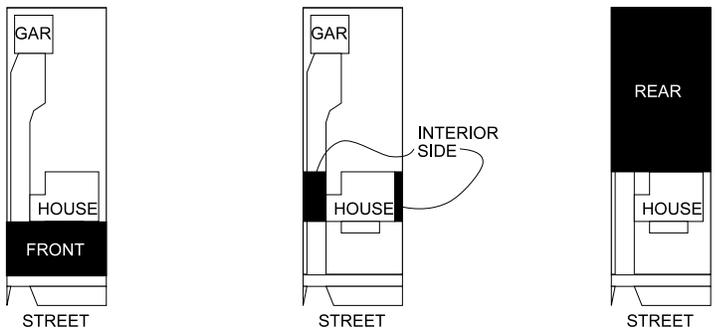
An interior side yard is defined as the area between the principal building and the side lot line, extending from the front yard to the rear yard. An interior lot has two interior side yards. A corner lot has one.

**Corner side yard**

On a corner lot, the corner side yard is defined as the area between the principal building and the public right-of-way, extending from the front yard to the rear property line.

**YARD ILLUSTRATIONS**

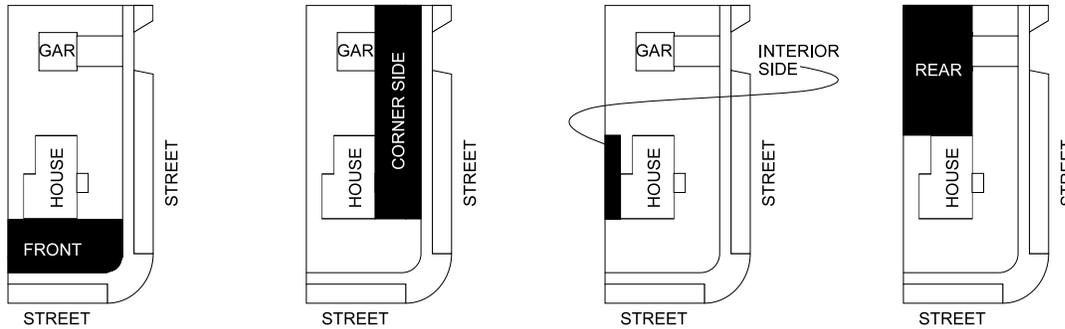
Illustrations of yard locations on an interior lot:



(Yard illustrations continue on page 4.)

**YARD ILLUSTRATIONS (continued from page 3)**

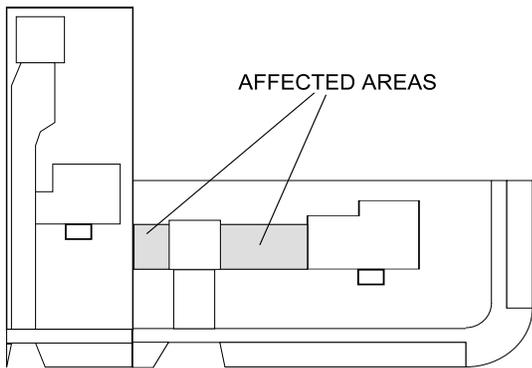
Illustrations of yard locations on a corner lot with a residential use in a residential zoning district:



As noted on page 3, on a corner lot with a residential use in a residential zoning district, the front yard is along the narrower frontage, as shown above, unless the lot is “square or almost square,” which the Zoning Code defines as having a depth-to-width ratio ranging from 3:2 to 3:3, in which case the front yard can be along either frontage. On residential properties, there would usually only be a slight difference between the two arrangements in regard to the applicable regulations, but there are some instances where the differences would be significant.

On a corner lot with a nonresidential use or in a nonresidential zoning district, the front yard is along the frontage of the major street.

The illustration below depicts, in gray, the parts of a rear yard that would be affected by the regulations governing fences in the rear yards of corner lots that abut the front yards of interior lots.



**Zoning Code and Building Code references**

The following chapters, sections, and subsections of the Codified Ordinances of the City of Cleveland Heights apply to the regulation of fences.

- 1103.03(b)(39)
- 1115.01
- 1121.12
- 1123.12
- 1131.08
- 1321

# FENCE PERMIT APPLICATION FORM

City of Cleveland Heights

Permit number: \_\_\_\_\_

Address of property where fence will be installed: \_\_\_\_\_

Name of property owner: \_\_\_\_\_ Phone(s): \_\_\_\_\_

Name of contractor, if applicable: \_\_\_\_\_ Phone(s): \_\_\_\_\_

Address of contractor: \_\_\_\_\_

Contractor's registration number (required, contractor must be registered with City): \_\_\_\_\_

## **Description of proposed fence**

Height of proposed fence: \_\_\_\_\_ Will it be on a corner lot? **YES NO**

Describe the size and number of supports and braces that will be included with the fence:

\_\_\_\_\_

Describe the construction of the fence, and describe how the fence posts will be anchored:

\_\_\_\_\_

Any permit granted as a result of the statements made on this application will become void if it is found that these statements are not true. In signing this application, the fence owner or the fence owner's representative certifies that all of the proposed fencing will be located within the owner's property lines, unless written authorization from a neighboring property owner accompanies the application.

Signature of applicant: \_\_\_\_\_ Date: \_\_\_\_\_

print name here: \_\_\_\_\_

**On the next page, please draw a plot plan of the property showing the proposed fence.**

Include a self-addressed, stamped envelope if you would like the permit to be mailed to you.

Office use-

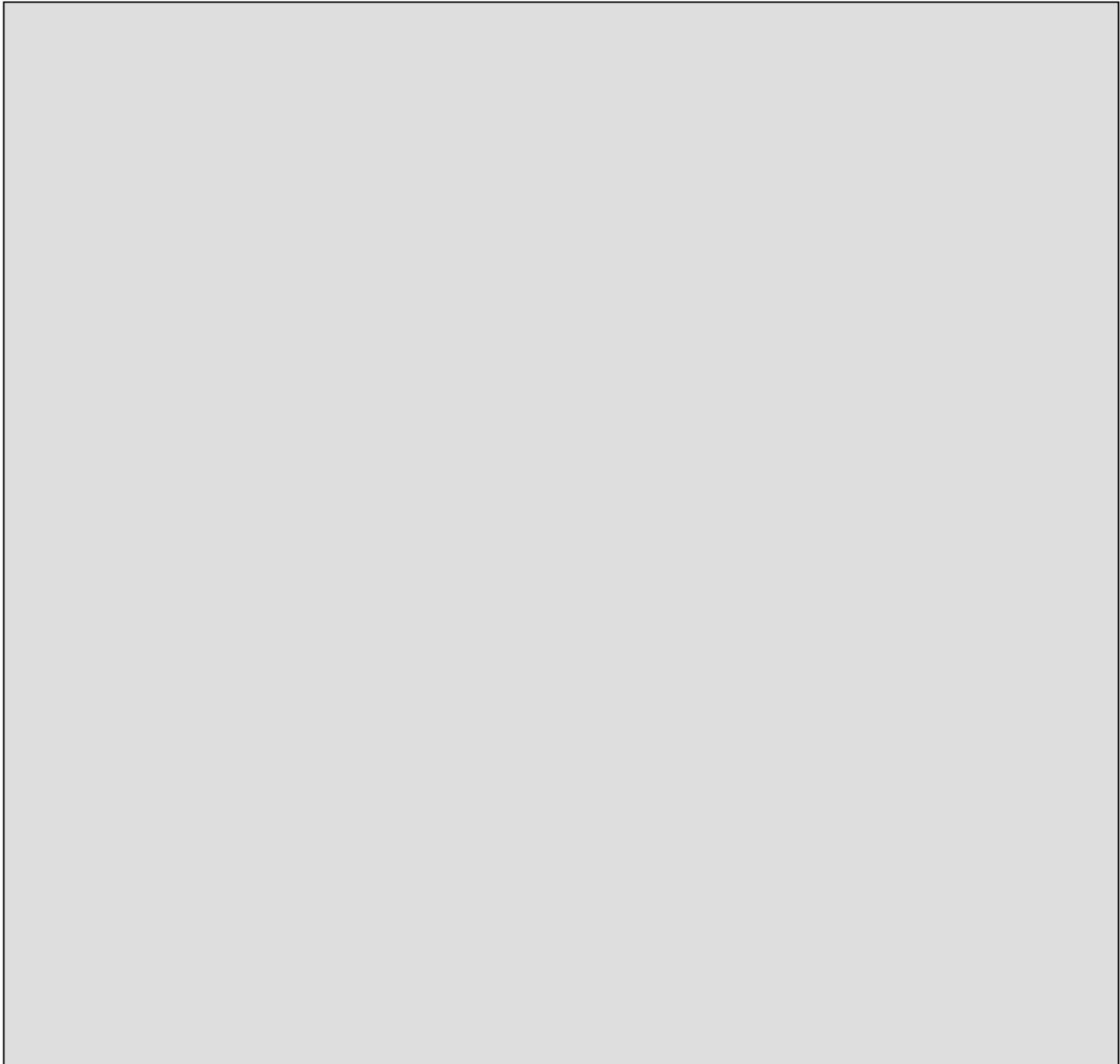
Date application received: \_\_\_\_\_ Approved by: \_\_\_\_\_ Date of approval: \_\_\_\_\_

**Plot plan**

In the space below, draw a plot plan of the property on which the fence is proposed, showing where the fence will be located. The plan should indicate property lines, the height and length of the fence and the materials that will be used in each section or run of fencing. In cases of side yard fences, the distance to the neighboring principal building must be shown. Remember that, if the fence will run on or near a property line, the smooth-finished side of the fence must face neighboring properties. All structural members and bracing must face the fence owner's property. **IN ALL CASES THE APPLICANT IS RESPONSIBLE FOR MAKING SURE THE FENCE IS ON THE APPLICANT'S PROPERTY.**

Mail or hand-deliver your completed application to the City of Cleveland Heights, Dept. of Planning and Development, 40 Severance Circle, Cleveland Heights, OH 44118. Our phone number is 216-291-4878.

**The application fee is \$50.**



**SHOW ALL PROPERTY LINES**