

CHAPTER 22: FENCES AND WALLS

22.01 Purpose

Every fence or wall constructed or erected in a Residential District within the Village of Maineville shall comply with the regulations of this Chapter. No fence shall be erected or constructed within any District until a permit has been issued in accordance with the provisions of this Chapter and Chapter 29, Landscaping and Screening.

22.02 General Requirements

- (A) **Fence Materials.** Fences shall consist of materials commonly used in conventional fence construction, such as wood, wrought iron or other metal, or vinyl. The use of metal panels or corrugated metal or razor wire shall not be permitted. Fences which carry electric current are prohibited. Barbed wire may be permitted in industrial districts, provided that the barbed wire is at least eight (8) feet above the ground, and provided further that the barbed wire shall be installed on supports that extend toward the interior of the site or straight up. Fence posts shall be sunk into the ground at least three (3) feet, and all posts shall be encased in concrete below the surface of the ground.
- (B) **Finished Appearance.** If, because of the design or construction, one side of the fence has a more finished appearance than the other, the side of the fence with the more finished appearance shall face the exterior of the lot with the following exceptions:
- (1) When a fence is approved for construction under a joint permit as provided for in this subsection, the joint permit holders shall determine the preferred orientation of the more finished side of the fence along the common property line(s) of the joint permit holders.
 - (2) An owner of abutting property may waive the right for the more finished side of a fence to face his abutting property. Such waiver of right must be in the form of a written consent statement, signed by the owner of the property where the fence would face under the normal requirements of this subsection. The written consent statement shall be attached to the permit application and maintained with permit records by the Zoning Inspector.
- (C) **Obstruction to Use of Adjoining Property.** No fence shall be erected where it would prevent or unreasonably obstruct the use of adjacent property, nor shall a fence be erected where it would obstruct or prevent the continued safe use of an existing driveway or other means of access to adjacent property. In enforcing this provision, the Zoning Inspector may require a fence to be set back a minimum distance of not more than two (2) feet from a driveway or property line in order to provide for the safe passage of pedestrians, bicyclists or vehicular traffic or other safety related concerns.

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- (D) **Fence Maintenance.** Fences shall be maintained in good condition. Rotten or broken components shall be replaced, repaired, or removed. As required, surfaces shall be painted, stained, or otherwise treated with materials to protect and preserve the fence and provide an attractive finish. If a fence is found to be in need of repair by the Zoning Inspector, the Zoning Inspector shall issue orders to the property owner to complete such repairs. Failure to comply with written notice from the Zoning Inspector ordering completion of such repairs shall be deemed a violation of this Ordinance.
- (E) **General Location Requirements:** All fences shall be located entirely on the private property of the person constructing it. However, adjoining property owners may jointly apply for a fence permit, in which case the Zoning Inspector may permit it to be constructed on their common property line. A fence shall not be attached to or touch a fence located on another owner's lot without the express written agreement of the owner's of both fences. No more than six (6) inches is permitted between such fences. In every case, fences must be constructed with adequate posts and other supports so that each fence is capable of maintaining an upright position and the location described in the original application for permit to construct the fence. All fence permits shall require a drawing clearly showing all property lines and fence locations. If the evidence is not clear the Zoning Inspector may require a survey for line and/or property line fences. All fence installations shall conform to subdivision covenant requirements.
- (F) **Corner Clearance.** See number 22.02 (3). Obstruction to Use of Adjoining Property.
- (G) **Nonconforming Fences.** Any future additions or improvements will be required to conform to this Ordinance.
- (H) **Signs Attached to Fences.** Signs advertising the availability of services or products shall not be attached to any fence. The only sign that may be attached to a fence shall indicate the name of the individual or company that constructed the fence and that sign shall not exceed one (1) square foot in area.
- (I) **Screening and Landscaping:** All fencing must comply with the requirements of Chapter 29, Landscaping and Screening.

22.03 Fence Regulations in Residential Districts

(1) **Height**

- (1) Fences in residential districts shall not exceed six (6) feet in height, with a maximum three (3) inch clearance underneath for maintenance.

(2) **Location**

- (1) Fences are permitted in a rear yard only, and are not to extend past the rear sidelines of the residence.
- (2) Fences located along the side lot line abutting a street on corner lots shall be installed by using one, but not both or part thereof of the following two options as shown, which ever option offers the property owner the greater flexibility. The application for a fence shall indicate Side A and Side B as detailed on Table 22.1.

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- (a) Option 1: Side A: Fence shall not extend further than the rear of house.
Side B: Fence shall not extend further than the front of the house
- (b) Option 2: Side A: Fence will not extend further than the rear of the house.
Side B: Fence shall not extend more than ½ (one half) the distance from the rear of the house to the (yard side) edge of the sidewalk. With no sidewalk in place, the edge of the sidewalk will be considered to be 8' (eight feet) from the edge of the road and/or curb.

TABLE 22.1: FENCES ON CORNER LOTS	
OPTION 1	
OPTION 2	

- (3) **Border Treatments.** A border treatment, as defined in this Ordinance, shall not exceed thirty (30) inches in height. Typical border treatments include, but are not limited to those devices known as split rail fences and picket fences. A border treatment may be created in any required yard area in accordance with the following limitations:
- (i) If a border treatment is used at a property corner to deter pedestrians from walking on a private yard area, the border treatment that will be visible must be visible so as not to present a safety hazard at night or during other times of low visibility.
 - (ii) Thin strands of wire, cable or cord shall not be permitted to be attached to standing poles to form a border treatment.

(iii) The border treatment shall be located on the private property owner's lot not less than two (2) feet from all sidewalks and driveways and not less than one (1) foot from all lot lines.

(iv) No permit fee shall be charged for a border treatment. However, a border treatment must comply with these specifications and other applicable Village regulations.

(4) **Fences Enclosing Public Areas.** Fences, which enclose public parks, playgrounds, or similar public areas located within a residential district, shall not exceed eight (8) feet in height, measured from the surface of the ground.

22.04 Fence Regulations in Nonresidential Districts

(A) **Location.**

(1) Fences located along the side lot line abutting a street on a corner lot shall be located no closer than one (1) foot to the edge of the sidewalk or on the lot line if there is no sidewalk adjacent to the lot line.

(2) Fences on corner lots shall comply with the corner clearance requirements in this Ordinance.

(3) All Fences within Non-Residential districts are subject to Chapter 29, Landscaping and Screening

(B) **Height.** Fences in commercial districts shall not exceed six (6) feet in height. Fences in industrial districts shall not exceed eight (8) feet in height. If barbed wire is attached to the top of a fence, the barbed wire may extend not more than one (1) foot above the height of the fence.

22.05 Review and Approval Procedures

(A) **Application for Permit.** No fence shall be erected or constructed until a permit has been issued in accordance with the provisions of this Chapter. An application for permit to construct a fence shall be filed with the Zoning Inspector. The application shall be accompanied with drawings and other information, which illustrate the dimensions, design and location of the proposed fence. The following minimum information shall be included on the drawing submitted in support of a fence permit application:

(1) Fence location.

(2) Location of all structures within twenty-five (25) feet of the proposed fence.

(3) Location of all driveways within twenty-five (25) feet of the proposed fence.

(4) Location of all sidewalks within twenty-five (25) feet of the proposed fence.

(5) Location of all existing fences within ten (10) feet of the proposed fence. The Zoning Inspector may determine other additional information is reasonably necessary to provide a complete review of the proposed fence. Such additional information shall be provided by the applicant as may be required by the

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Zoning Inspector to assure compliance with the regulations set forth in this Ordinance and to assure the fence is constructed with sound materials.

- (B) **Survey Required.** In the event lot lines for the subject property cannot be located to the satisfaction of the Zoning Inspector, the Zoning Inspector may require the applicant to establish lot lines on the property through placement of permanent stakes located by a licensed surveyor. Lot lines must be located before the fence permit is issued. The Zoning Inspector may withhold issuance of the permit to construct the fence until the lot lines are located and permanent stakes are placed by a licensed surveyor.
- (C) **Permit Fee.** The amount of the fee shall be fixed by resolution of Council and posted in the Administrative Offices. If fence construction is started before an application for a permit is obtained, the fee may be increased to an amount equal to twice the fee that is required.
- (D) **Administrative Rules.** The Zoning Inspector may establish reasonable rules and procedures, consistent with the intentions of this Ordinance, which may be necessary to provide for the proper administration of this Chapter.
- (E) **Application Review and Permit Issuance by the Zoning Inspector.** The Zoning Inspector shall review the fence application and supporting data with respect to the standards set forth in this Ordinance and administrative rules, which may be established to provide for proper administration of this Chapter. The Zoning Inspector shall grant a permit to construct a proposed fence upon finding that the proposed fence fully complies with all applicable regulations.
- (F) **Appeal of a Decision.** An applicant may appeal a decision of the Zoning Inspector or Planning Commission concerning a proposed fence or enforcement of the provisions of this Chapter to the Board of Zoning Appeals. The Board of Zoning Appeals shall review the appeal in accordance with the standards and procedures set forth in this Ordinance.