

North Canton City Council
Community and Economic Development Committee

ORDINANCE 23 - 2020

An ordinance to amend Chapter 1133 Single-Family and Two-Family Residential Districts, of the Codified Ordinances of the City of North Canton, specifically Section 1133.08(e), Fences and Walls, as described below.

WHEREAS, the City seeks to clarify and improve the standards for fences, walls, and hedges within city limits; and

WHEREAS, such changes will modernize city planning standards to the benefit of the safety, security, and aesthetic aspects of the city; and

WHEREAS, the changes contained in this ordinance have received the favorable recommendation of the Planning Commission.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORTH CANTON, COUNTY OF STARK, AND STATE OF OHIO:

Section 1. That Chapter 1133 Single-Family and Two-Family Residential Districts, of the Codified Ordinances of the City of North Canton, specifically Section 1133.08(e), Fences and Walls, be, and is hereby amended to read as follows:

(e) Fences, Walls, and Hedges. Fences, walls, and hedges shall comply with the following.

(1) Zoning Certificate Required

A. No person shall construct or erect a fence or wall without first obtaining a zoning certificate and/or a building permit, if applicable, from North Canton Building Department. A zoning certificate is not required for repairs of existing fences, for replacement of a fence for which the original zoning certificate, or permit, can be produced.

B. A zoning certificate shall not be required for vegetative hedges or invisible fences, but they shall be subject to any applicable requirements of this section.

(2) General Requirements

A. All fences, walls, and hedges located in a vision clearance triangle shall not exceed 36 inches in height.

1. For intersections of streets with other streets, a vision clearance triangle area, which may include private property and/or public right-of-way, is a triangular area defined by measuring 30 feet from the intersection of the extension of the front and side street curb lines (or edge-of-pavement lines where there is no curb) and connecting the lines across the property. See Illustration 1133.08(e)(2)A.1.

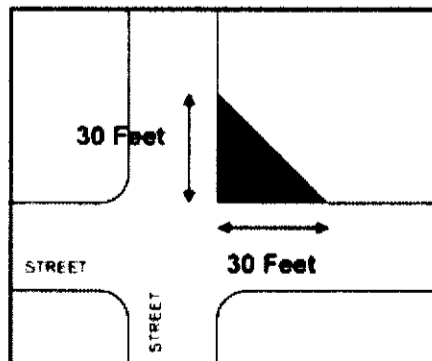


Illustration 1133.08(e)(2)A.1. Traffic safety vision clearance for intersecting streets.

2. For intersections of streets with driveways, the vision clearance area shall be created by measuring 25 feet from the edge of the driveway

along the street and 20 feet along the driveway from the street. See Illustration 1133.08(e)(2)A.2.

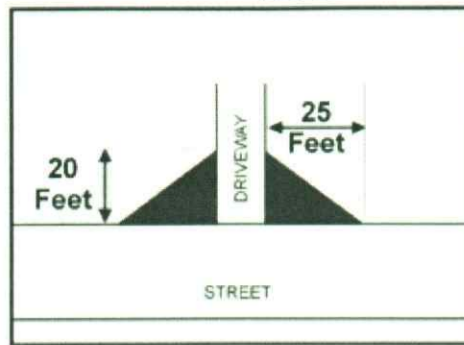


Illustration 1133.08(e)(2)A.2. Vision clearance for driveway and street intersections.

B. Small portions of fences, such as decorative fencing used for landscaping, that are not longer than 20 feet in length or more than three feet in height, but which comply with the yard and maintenance requirements set forth in this subsection, shall not require a zoning certificate.

C. All fences, walls, hedges and invisible fences, and any related supporting structures or appurtenances, shall be contained within the lot lines of the applicable lot, and shall not encroach into adjoining or abutting lots and/or any right-of-way.

D. The smooth finished side of the fence or wall shall be the side of the fence that faces outward from the lot or yard being fenced. If a fence has two similarly finished sides, either side may face the adjacent property.

E. All fences, walls, and hedges shall be maintained in a neat and orderly manner.

F. Walls shall be prohibited within all utility easements. To accommodate necessary work in a utility easement, the City or public utility company may remove fences placed in the easement; replacement shall be at the owner's expense.

G. Fences, walls, and hedges shall not impede, inhibit, or obstruct culverts, drains, natural watercourses, or storm water drainage in any zoning district.

H. It shall be the duty of each lot owner and contractor, or an agent thereof, to determine lot lines and to ascertain that the fence or wall does not deviate from the plans as approved by the Chief Building Official issuing the zoning certificate, and that the fence does not encroach on another lot or existing easement. The issuance of the permit and/or zoning certificate and any inspection by the City shall not be construed to mean the City has determined the fence is not encroaching on another lot, nor shall it relieve the property owner of the duty imposed on him or her herein.

(3) Materials

A. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, except wire mesh, chicken wire, and welded wire shall be allowed as a backing material for split-rail fences.

B. Fencing that is electrically charged and/or includes barbed wire or other sharp-pointed material shall be prohibited.

C. The style or type of fences permitted in the front yard shall be: picket, split rail, wrought iron, solid vinyl, painted aluminum, welded steel, *decorative masonry*, or hedges.

D. All latches, hinges, and hardware shall be made of non-rusting materials.

(4) Measurement

A. The maximum fence or wall height shall be measured from the lowest point three feet on either side of the fence to the top most portion of the fence between posts. See Illustration 1133.08(4)(A). The structure posts may exceed the maximum height allowed in this section by up to six inches including any decorative features.

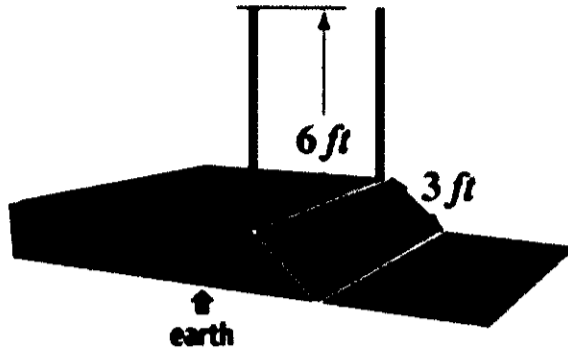


Illustration 1133.08(e)(4)(A): Illustrating the method of measuring the height of a fence from the lowest point three feet on either side of the fence.

B. Fencing or walls shall follow the natural contour of the land on which it is located. See Illustration 1133.08(e)(4)(B).

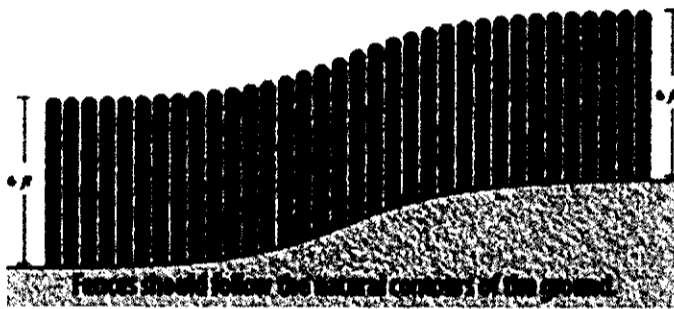


Illustration 1133.08(e)(4)(B): This illustrates how fencing shall be measured along a natural contour.

C. A fence may be erected on top of a wall, but the combined height of the fence and wall shall not exceed 6 feet in overall height. Fences or walls located on top of a retaining wall shall be measured from the top of the lowest finished grade at the top of the retaining wall.

(5) Retaining Walls

A. Retaining walls shall be measured from the top of the footing to the top of the wall.

B. Retaining walls that exceed 36 inches high shall be benched so that no individual retaining wall exceeds a height of six feet except where the Zoning Board of Appeals determines that topography requires a wall of greater height, and each bench is a minimum width of 36 inches. See Illustration 1133.08(e)(5)(B).

C. Retaining walls over 36 inches shall be approved by the Chief Building Official. Plans for such retaining wall shall be prepared by an Ohio licensed design professional.

D. Retaining walls that exceed four feet in height or support an additional live/dead load above and beyond the weight of the soil being retained shall require a building permit from North Canton Building Department.

E. Retaining walls should substantially follow or preserve the existing grade or contour of land.



Illustration 1133.08(e)(5)(B): This image illustrates a retaining wall that has been benched so that there is not a single, excessively tall, retaining wall.

(6) Fences, Walls, and Hedges in Front Yards The following shall apply to fencing, walls, and hedges in front yards:

A. Fences, walls, and hedges shall not exceed 48 inches in the front yard or along any lot line that is adjacent to a street, including corner lots, with the following additional provisions:

1. Solid fences, walls, or portions thereof that run parallel and adjacent to a street shall not exceed 24 inches in height, except where a rear yard adjoins another rear yard, and located behind the dwelling, a fence shall not exceed 48 inches with an additional 12 inches of lattice. Solid fences or walls include any fence or wall constructed of materials or in such a manner as to be more than 50 percent solid or opaque.
2. Solid fences or walls, as defined above, may exceed 24 inches in height along the side lot lines provided the solid portion is set back a minimum of 20 feet from all front street right-of-way lines.
3. For double frontage lots, fencing in the rear yard may exceed 48 inches if the fencing is set back a minimum of 50 feet from the right-of-way, but in no case shall it exceed the height allowed in rear yards. See *Illustration 1133.08(e)(6)(A)*. This setback shall not apply if the entire block face contains double frontage lots with the rear façade of the buildings facing the same street.

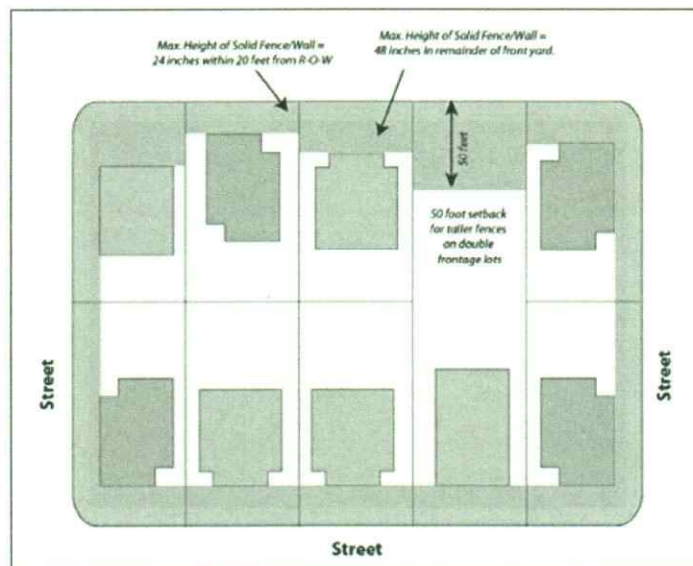


Illustration 1133.08(e)(6)(A): The shaded area in the above illustration illustrates where the maximum front yard fence, wall, and hedge height of 48 inches is applied in a residential district.

(7) Fences, Walls, and Hedges in Side and Rear Yards The following shall apply to fencing, walls, and hedges in side and rear yards:

A. Hedges shall not exceed six feet in any front side yard, except when a residential use adjoins a nonresidential use, *the Chief Building Official may approve a fence up to 8 feet in height behind the front yard.* Hedges not located in the front yard shall not have a height requirement.

B. Fences and walls shall not exceed six feet in any side or rear yard.

(8) Temporary Fences Temporary fences such as construction site fences and snow fences shall be allowed subject to Building Code requirements and the following conditions:

A. Fences around construction sites shall be allowed for the duration of the construction work, and snow fences shall be allowed for a period not to exceed five months in any calendar year.

B. A zoning certificate shall not be required for temporary fences.

(9) Upkeep and Maintenance

A. Any fence, wall, or hedge, under construction or completed, which, through lack of repair, neglect, type of construction, placement or otherwise, is a hazard or endangers any person, animal or property, or causes a blighting effect on the neighborhood, is deemed a nuisance.

B. If such unsafe condition or blighting effect exists in regard to a fence, wall, or hedge, the Chief Building Official shall notify the owner, agent, or person in control of the property upon which the fence, wall, or hedge is located, describing the unsafe condition and blighting effect and ordering abatement of the nuisance by requiring repairs or modifications to be made to render the fence, wall, or hedge safe, or requiring the unsafe fence or hedge or any portion thereof to be removed.

C. If the nuisance is not corrected, then the Chief Building Official is authorized to abate the nuisance and charge all fees to the owner, in addition to any other remedy available by law.

Section 2. That if a provision of this ordinance is or becomes illegal, invalid or unenforceable, that shall not affect the validity or enforceability of any other provision of this ordinance.

Section 3. That this ordinance shall take effect and be in full force from and after the earliest period allowed by law.

Passed in Council this 8th day of June 2020.

Attest: Benjamin R. Young
Benjamin R. Young, Clerk of Council

Stephan B. Wilder
Stephan B. Wilder, Mayor

Signed on: June 8, 2020