



Zoning Text Amendment

Lafayette Township

Meeting: November 2, 2016
Applicant: Lafayette Township Zoning Commission
Hearing: November 9, 2016 (Zoning Commission)
Amendment: Section (§) 208(F) General Regulations of Lots
§ 210(G) General Regulations of Structures and Construction
§ 220 Fences and Walls
Article XII Definitions:

- §s A and B
- Service Structures
- Utility Structure

Reviewer: Rob Henwood

Proposal: The Lafayette Township Zoning Commission has submitted the following proposed Zoning Text Amendments for review:

1. Delete the text of (§) 208(F) removing language regarding solar energy collectors; the text is redundant as it is addressed in § 223 Alternative Energy – Solar.
2. Clarify § 210(G) by deleting text from the text regarding principle buildings.
3. Revise § 220 Fences and Walls
4. Article XII Definitions
 - a. Add text creating §s A and B to clarify the interpretations of terms or words.
 - b. Deleting the term “electrical transformers” from the definition for service structures.
 - c. Adding a new definition for the term “utility structure.”

Proposed Amendments: Complete staff comments are contained within the proposed submitted text below. New text is underlined, text to be deleted is shown as ~~struckthrough~~, and staff comments are *italicized*.

SECTION 208 GENERAL REGULATIONS OF LOTS

- F. ~~The use of solar energy collectors for the purpose of providing energy for heating and/or cooling is a permitted accessory use in all zoning districts. Solar collectors shall be considered as structures and shall meet all zoning regulations, including height and yard regulations of this township.~~ *While the correspondence submitted with the proposed text amendment indicates the above text can be deleted as it is now addressed in the text contained in § 223 Alternative Energy – Solar, the version of the Zoning Resolution posted on the Township’s website does not include a § 223.*

SECTION 210 GENERAL REGULATIONS OF STRUCTURES AND CONSTRUCTION

- G. Principal Building – No more than one principal building shall be permitted on any one lot ~~zoned for single family dwellings~~, except that more than one (1) single-family attached or multi-family building part of a planned development may be permitted on a single lot.

SECTION 220 FENCES AND WALLS

1. ~~The purpose of this section is to provide type, location and size of fences and walls constructed and to ensure that the fences and walls will enhance the township as a whole rather than detract from the value of the properties surrounding them. Fences and walls shall be permitted and maintained in compliance with the Homeowner Association rules in platted subdivisions. *The Township has no authority to require compliance with Homeowner’s Association rules. This text should be deleted.* A permit is required. Currently there is not a definition for fences in the Zoning Resolution however a fence is a structure per the structure definition; “[a]nything constructed or erected, the use of which requires location on or in the ground, or attachment to something having a fixed location on or in the ground.” As such, fences like all accessory structures require a permit as specified in § 210(H). *Delete this text as it is redundant.*~~
2. ~~Fences and walls shall be permitted in compliance with the following table. Agricultural fences shall be exempt as provided in the Ohio Revised Code.~~

Platted Subdivisions	Maximum Height	Minimum Opacity
Front Yard	4 ft.	40%
Side Yard	6 ft.	None
Rear Yard	6 ft.	None

Commercial/Industrial Districts	Maximum Height	Minimum Opacity
Front Yard	4 ft.	40%
Side Yard	8 ft.	None
Rear Yard	8 ft.	None

3. ~~For the purposes of these zoning regulations, fences and walls shall require a zoning certificate prior to installation. Any fence over six foot (6’) in height is subject to County approval. *Fences over six feet tall require a building permit from the Medina County Building Department. Add reference to the required building permit.*~~
4. ~~The height of a fence shall be measured from the top elevation of the top board, rail or wire to the natural grade of the ground or in the case of a wall, from the top surface to the ground. Where a traffic vision hazard is created by a fence or wall, the Zoning Inspector shall require a modification to the height or location of the same in order to prevent or eliminate the hazard. *As stated previously, fences are structures and therefore fences like all accessory structures are required to comply with all yard setback regulations per § 210(H). As the text is currently written, fences are not permitted in front yards and as such cannot cause traffic vision hazards. If the Township intends to prohibit fences in front yards, the text should be deleted as it is unnecessary. Additionally, in the case of corner lots, § 208(E) sufficiently addresses visibility at corner lots.*~~

If the Township wishes to permit fences in front yards, the proposed text will need to be reconsidered and redrafted.

If fences are to be permitted in front yards, it is not clear what criteria the Zoning Inspector would utilize to determine if a traffic vision hazard exists? The Township should list specific criteria to establish the method to be used by the Zoning Inspector.

- ~~5. Opacity shall be that proportion of the surface of a typical section or panel of a fence which is open to light and air when viewed along a line perpendicular to the fence section or panel.~~
- ~~6. Fences of woven wire, chain link, mesh, metal pipe materials or masonry type walls shall be prohibited in the front yard or in a side yard, which abuts a public right-of-way.~~
- ~~7. Barbed wire fences and electric fences are prohibited in planned unit developments.~~
- ~~8. Fences at the perimeter of a property shall be located so that they can be installed and maintained without intrusion onto adjacent properties. The property owner is responsible for the maintenance of the fence in good structurally sound repair and in a neat and clean manner.~~
- ~~9. The smooth finished side of the fence or wall shall be the side that faces outward from the lot or area being fenced.~~
- ~~10. No fence or wall shall be constructed so as to be hazardous to existing or future neighboring uses.~~
- ~~11. No fence or wall higher than three feet (3') shall be erected within twenty-five feet (25') of the road right-of-way.~~
- ~~12. Where a traffic vision hazard is created by a fence or wall, the Zoning Inspector shall require a modification to the height or location of the same in order to prevent or eliminate the hazard.~~
- ~~13. A snow fence or similar type fence may be erected in any yard during the period from November 1st to April 1st for the sole purpose of preventing the drifting of snow on highways, driveways and sidewalks. Such fence shall not otherwise be used at any time as a temporary or permanent fence or enclosure. No permit shall be required.~~
- ~~14. Decorative fencing or small portions of fencing used for landscaping that are no longer than twenty feet (20') in length but which comply with the height, yard and maintenance requirements set forth in this subsection shall not require a permit.~~
- ~~15. All fencing for commercial and industrial purposes, other than specified in this subsection, shall be subject to Site Plan Review at the time of building consideration.~~

ARTICLE XII DEFINITIONS

Interpretation of Terms or Words: ~~For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:~~

- A. For the purpose of this Resolution, certain terms or words used herein shall be interpreted as follows:
1. The word “person” includes a firm, association, organization, partnership, trust, company or corporation, as well as an individual.
 2. The present tense includes the future tense, the singular number includes the plural, and the plural number includes the singular.
 3. The word “shall” is a mandatory requirement, the word “may” is a permissive requirement, and the word “should” is a preferred requirement.
 4. The words “used” or “occupied” include the words “intended, designed, or arranged to be used or occupied.”
 5. The word “lot” includes the words “plot” or “parcel.” *Although not part of the submitted text amendments, DPS staff offers the following comments; the word “plot” only occurs twice in the entire zoning resolution; first, in § 218(C) under*

the application requirement for “Earth Stations,” a “plot” plan of the site is to be submitted and second, in § 806(A)(1) a “plot” plan of the site is to be submitted with an application for a zoning certificate. In both cases the term “plot” does not clarify what is to be submitted; a plan of the site. Remove the word “plot.”

B. Words and phrases shall be read as context and construed according to the rules of grammar and common usage. It is not clear what “[w]ords and phrases shall be read as context” means; what context is being referred to? Delete the words “as context.” Words and phrases that have acquired a technical or particular meaning, whether by legislative definition or otherwise, shall be construed accordingly. The Township may wish to consider adding the following or similar standard language regarding words and terms not defined in the Zoning Resolution: “Words and terms not herein defined should be interpreted in accord with standard dictionary meanings and customary usage.”

Service Structures: Service structures shall include, but not be limited to, loading docks, propane tanks, dumpsters, ~~electrical transformers~~, and other equipment or elements providing service to a building or a site.

Utility Structure: Any structure, cabinet, electric meter or any other equipment other than a pole or device attached to a pole owned or leased by a utility company, cable company, or telecommunications provider who provides service and extends above the group upon which it is placed or built.

Recommendation: Planning Services staff recommends the Planning Commission **APPROVE WITH MODIFICATIONS** the proposed amendments to the Lafayette Township Zoning Resolution in accordance with the above staff comments.