



Planning Commission
App. No. 084-2014 TA

Zoning Text Amendment Westfield Township

Meeting: November 5, 2014
Applicant: Westfield Township Zoning Commission
Hearing: TBA (Zoning Commission)
Amendments: 1. Article XI, Definitions and Rules of Construction
Fences; Fences, Wall; and Fences, Decorative
2. Article II, General Regulations,
Section 205 Accessory Structures and Uses
B. Fences
Reviewer: Susan Hirsch

Proposed Amendments: The amendments proposed by the Westfield Township Zoning Commission provide a new definition for “fence”, add definitions for “fence, wall” and “fence, decorative”, and include amendments to the current fence regulations within Subsection B, Fences in Section 205 Accessory Structures and Uses of Article II General Regulations. Proposed deletions are shown as ~~struck through~~, new text is **underlined**, and staff comments are *italicized*.

1. Article XI
Definitions and Rules of Construction

Fence - An accessory structure ~~or barrier constructed~~ **made** of wood, iron, steel, vinyl, **metal, masonry or other durable materials, rails, boards, wire mesh or stone** (not including shrubbery or other natural growth) **used to mark a boundary or to define and to enclose a specific area for the purpose of protection, privacy or confinement.** ~~erected in a manner and positioned to enclose or partially enclose a lot or part of a lot. Structures which have an ornamental purpose and which do not serve the purpose of enclosing a lot or part thereof, and which are not erected on lot lines or in close proximity to lot lines, shall not be included in the definition of “fence”.~~

Fences, Wall- **an accessory structure made of wood, metal, masonry or other durable materials erected for the primary purpose of being ornamental.** *“Stone” has been added as a fence material to the definition of “fence” and “fence, decorative”. Staff suggests adding “stone” to this definition also.*

Fences, Decorative- **an accessory structure made of wood, metal, masonry, stone or other durable material and used in a manner which it is designed to add to the design aesthetics or attractiveness of the lot upon which it is placed, whether or not as an enclosure or barrier.**

- *The definitions for “fence, wall” and “fence, decorative” appear to be very similar with the only distinction being that one is for the, “... purpose of being ornamental” and the other is, “... to add to the aesthetics or attractiveness of the lot.”*
- *Section 205 B. provides regulations for fences including, but not limited to, height, opacity, location on the property, and prohibited fence materials. The only distinction made in the regulation of the three types fences proposed to be permitted is that wall*

fences may be as high as 15', there is no opacity requirement for wall fences, and wall fences in excess of 8' require a zoning certificate. (Proposed in the amended language.)

- Since the definitions for the three fence types are not easily distinguished and the few regulations that differ for "wall fences" could be handled by permitting an entry feature, Staff suggests considering a single all-encompassing definition of "Fence" similar to the following:

FENCE - an accessory structure or barrier constructed of wood, metal, masonry, stone or other durable materials, used to mark a boundary or to define and to enclose a specific area, for the purpose of protection, privacy, confinement or aesthetic enhancement.

2. **ARTICLE II GENERAL REGULATIONS**

Section 205 ACCESSORY STRUCTURES AND USES

B. Fences.

a. Fences

b. Fences/wall

c. Fences/decorative

1. Fences, **wall fences, decorative fences** shall be permitted in compliance with the standards in the following table. Agricultural fences shall be exempted as provided in Subsection 202A1. **(Wall fences in excess of 8' shall require a zoning certificate.)**
 - In discussions with Westfield Township, it was indicated to me that they had intended to provide a statement that excluded wall fences from the regulations set forth in the Table below, as follows; "Wall fences shall be permitted in compliance with Section 205B but are exempt from the regulations set forth in Table 205B.1."

District	Maximum Height	Minimum Opacity
RR and SR Districts		
Front Yard	4 feet	40%
Side Yard	6 feet	None
Rear Yard	6 feet	None
HC, LC, and I Districts		
Front Yard	4 feet	40%
Side Yard	8 feet	None
Rear Yard	8 feet	None

- Does this mean that a regular fence or a decorative fence in excess of 8' does not require a zoning certificate? A building permit is required for any fence over 6'.
- Staff suggests that a zoning certificate be required for any fence over 6'
- The table above indicates that a maximum height of 8' is permitted for fences in the rear and side yards within the HC, LC and I Districts.
- It is not clear whether a fence permit will be required for all fences. Some type of notification to the Zoning Inspector should be required to facilitate enforcement of these regulations.

2. Fences, **wall fences, decorative Fence** Height. The height of a fence, **decorative, 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 **fence not to exceed 15' in height** from the top surface to the ground.
 - *Staff suggests that the height of all fences be measured from the natural grade to the highest point of the fence.*
 - *This regulation indicates that a wall fence up to 15' in height may be permitted.*
 - *A solid 15' masonry, stone etc. fence along the entire frontage of a parcel, which appears to be permitted as long as a zoning certificate is obtained, may not be what Westfield Township would like to see throughout the Township or even along adjacent parcels. At the very least, Staff suggests limiting the length that a wall fence can exceed 4' or 6' in height, especially within the front yard.*
 - *In the alternative, Staff suggests permitting an "entry feature" located on one or both sides of a driveway and/or walkway that could be solid, and up to 15' in height. The entry feature could stand alone or connect to a fence that meets the requirements of Section 205 B.1.*
3. Fences, **Decorative Fence** Opacity. 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. **Wall fences are exempted from minimal opacity requirements.**
4. Where a traffic vision **or safety** hazard is created by a fence, **decorative fence or wall fence**, the Zoning Inspector shall require a modification to the height or location of the fence as required to prevent or eliminate the hazard.
5. **Wall Fences may be installed abutting the property line, and are exempt from regulations in tables 303B, 304B, 305B, 306B, and 307B.**
 - *The Tables referenced here deal with "Uses" and have no connection with fences. "D" regulates setbacks. Should the tables referenced be 303D, 304D, 305D, 306D and 307D, rather than B?*
6. Barbed wire fences and electric fences are prohibited.
7. Fences, **decorative fences or wall fences** located in the front yard or in a side yard which abuts a public right-of-way shall not be made of chain link, wire, mesh, or metal pipe materials.
8. Where the design of a fence results in a different appearance on each side, the fence shall be constructed with the finished side facing toward the abutting property.

General Comments:

1. It appears that a zoning certificate is required only for a wall fence in excess of 8'. A building permit is required for any fence over 6'. A requirement to obtain a fence permit or some type of notification to the Zoning Inspector should be included in the regulations. Suggest a fence permit be required for to facilitate enforcement of these regulations.
2. The possibility of constructing a 15' solid fence across the entire frontage of a parcel should be discouraged if not eliminated. This could be accomplished by limiting a "wall

fence” to a 10-20 foot segment on either or both sides of the driveway/and/or walkway, providing for an “entry feature” as discussed above. With the addition of an “entry feature”, there could be a single all-encompassing definition of “Fence”.

Recommendation: Staff recommends that the Medina County Planning Commission **DISAPPROVE** the proposed amendment to Article II, General Regulations, Section 205 B. Fences and Article XI Definitions and Rules of Construction of the Westfield Township Zoning Resolution:

1. The definitions for the three fence types are not easily distinguished from one another and the few regulations that differ for “wall fences” could be handled by permitting an entry feature. Staff suggests considering a single all-encompassing definition of “Fence.”
2. A building permit is required for any fence over 6’. A zoning certificate should also be required for any fence over 6’ and a fence permit required for all fences as notification to the Zoning Inspector.
3. The possibility of constructing a 15’ solid fence across the entire frontage of a parcel should be discouraged if not eliminated.

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