



STAFF REPORT

OCRPC

Meeting Date: November 20, 2018

Zoning Commission

Meeting Date: December 5, 2018

Case #: ZC-2018-232
Applicant: Danbury Township

Request: **Request for Text Amendments** to Art. 5, Section 5.6 to exempt Danbury Township, Danbury Local School District and Lakeside from fence height and opacity requirements for athletic fields or courts and perimeter security fences. Also to remove reference to hedges or landscaping within this section and the title.

DESCRIPTION:

As a result of recent improvements to the Danbury Local School District athletic fields and improvements that Lakeside is anticipating to make at their main gate entry along SR 163, it has come the attention of the Township that some exceptions should probably be addressed. Regulated sport athletic fields have standard, sometimes regulated requirements, for fence heights for the protection of players and spectators that do not meet traditional fence standards. It seems unreasonable to require either organization to go thru a variance process when it can easily be addressed in the zoning resolution.

It is well known that Lakeside is a gated community, yet the zoning resolution does not recognize this. In most instances the perimeter gate is located along the rear property line of a residence. However, in the instance of SR 163, the strict interpretation of the zoning resolution would result in this being a front-yard since it is along road frontage. While the existing gate is nonconforming and allowed to remain, the code would only allow them to make improvements and replace it with a 4' high fence which does not allow what has historically been in place.

As for the proposed language to remove hedging, this is something that is not regularly enforced because the zoning resolution does not regulate landscaping in general, nor are permits required for landscaping. Furthermore, this language could cause issues or challenges if other types of landscaping such as trees or arborvitae are used instead of bushes or hedges that grow taller than the regulated 7' fence height requirements but are used purposefully for screening or buffering between properties. To eliminate any potential conflicts of interpretation, the proposal is to remove any landscaping references from this section.

AGENCY REVIEWS:

Ottawa County Regional Planning Commission (OCRPC) was forwarded the proposed amendments on November 8, 2018 and held a hearing on November 20, 2018. Attached is OCRPC's decision letter recommending **Approval as Presented**.

A proposed amendment may be approved if it meets at least one of the following criteria, and if its benefits will likely outweigh any potential pitfalls.

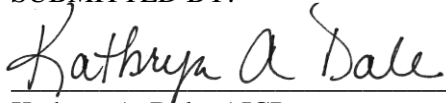
A. **Text Amendments:**

- i. The proposed amendment will make the Resolution conform more closely with the Land Use Plan.
- ii. The proposed amendment will improve the public health, safety, or general welfare of Danbury Township.
- iii. The proposed amendment will clarify the intent of the Resolution.
- iv. The proposed amendment will better implement the intent of the Resolution.
- v. The proposed amendment will improve enforcement of the Resolution.

STAFF RECOMMENDATION:

None.

SUBMITTED BY:



Kathryn A. Dale, AICP
Danbury Township Zoning Inspector

Date Prepared: November 21, 2018



OTTAWA REGIONAL PLANNING COMMISSION

COUNTY COURTHOUSE - ROOM 107 • 315 MADISON STREET • PORT CLINTON, OHIO 43452
Phone (419) 734-6780 • Ottawa County Residents 1-800-788-8803
mmessa@co.ottawa.oh.us

November 21, 2018

Jodi Kopanski
364 N Florence Drive
Marblehead, Ohio 43440

RE: Danbury Township Text Amendments

Dear Ms. Kopanski:

At the regular meeting of the Ottawa Regional Planning Commission held on November 20, 2018 text amendments that were initiated by the Danbury Township Zoning Commission were heard. The Commission considered the following items in reaching its recommendation.

The text amendments were initiated by an application filed by Danbury Township Zoning Commission.

The text amendments propose to:

1. Edit language to the Danbury Township Zoning Resolution removing hedges and shrubbery from the fence requirements.
2. Adding language that addresses fences along athletic fields and courts and the perimeter fence/gate of Lakeside.

The Commission voted to recommend approval of the text amendments. Should you have any questions, please feel free to contact my office.

Sincerely,

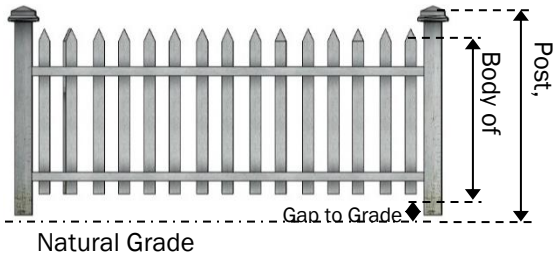
Mark Messa
Director

Cc: Carolyn Adams
Kathryn Dale
Jeff Morgan
file

5.6 FENCES AND HEDGES

The following regulations shall apply to all fences in Danbury Township.

1. No fence may conflict with utilities or drainage flow.
2. Fence height shall be determined by measuring the height of the body of the fence. A space of not greater than four (4) inches for drainage and/or landscaping purposes, is permitted between the bottom of the body of the fence and the natural grade.



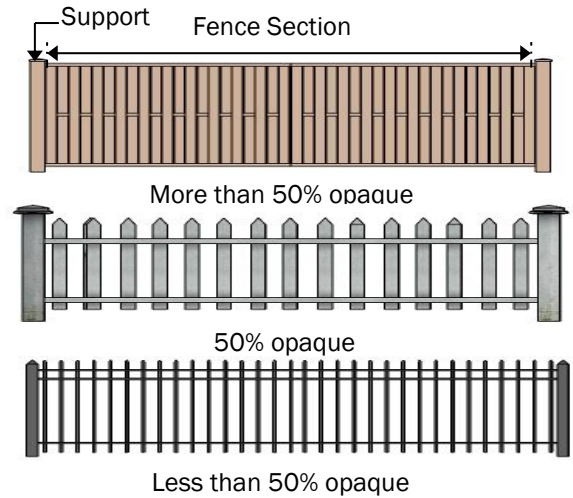
3. Fence posts are permitted to extend a maximum of five (5) feet above the natural grade where four (4) foot fences are permitted, seven (7) feet above the natural grade where six (6) foot fences are permitted and eight (8) feet above the natural grade where seven (7) foot fences are permitted.
4. No fence, wall, ~~hedge, shrubbery, sign,~~ or other structure ~~or planting~~ shall be placed over three (3) feet in height within the clear vision triangle as defined in Section 5.7 Corner Clearance.
5. If the natural grade has been raised for landscape purposes, the creation of a berm, retaining wall, or other method for the primary purpose of increasing the elevation of the fence, the measurement will be taken from the natural grade prior to any modifications.
6. A fence may be located up to the lot line as long as the entire fence, including fence footings, is located on the fence owner's property. The "ugly side" or exposed framework of the fence must face the fence owner.
7. Fences ~~and hedges~~ shall not exceed the following height in the specified yard unless otherwise restricted:

District	Front Yard Height	All Other Required Yards
Agriculture (A)	7 ft	7 ft
Residential (R-1, R-2, R-3)	5 ft	7 ft
Commercial (C-1, C-2, C-3, R-C)	5 ft	7 ft
Manufactured Home Park (MHP)	5 ft	7 ft
Industrial (M-1, M-2)	10 ft	10 ft

8. The following height and opacity requirements shall apply in the Lakeside (L) ~~& (LBO)~~ District.

- Front Yard Height – 4 feet
- Side Yard Height – 4 feet
- Rear Yard Height – 6 feet

For fences that are greater than four (4) feet in height in the rear yard ~~in the "L" District~~, the overall opacity of the fence, calculated for each fence section, may not exceed 66%. The first four (4) feet of the fence height, or any portion thereof, may be a solid fence with 100% opacity as long as the remaining height of the fence achieves the opacity requirement of 66%. Opacity is defined as the degree of openness to which light or views are blocked measured perpendicular to the fence for each fence section between supports. Opacity is calculated by dividing the picket width by the combination of the picket width and the spacing between the pickets. Opacity is not a requirement in the front and side yards.



9. Any fencing affiliated with Danbury Township, Danbury Local School District or Lakeside Association athletic fields and courts that are designed to sport regulation standards and for security reasons, including outer perimeter gates, are exempt from height and opacity requirements herein.

Article 5.0 Site Standards

- 5.1 Accessory Buildings and Uses
- 5.2 Automobile Parking Requirements
- 5.3 Off-Street Truck Loading
- 5.4 Front Yard Requirements
- 5.5 Signs
- 5.6 Fences ~~and Hedges~~
- 5.7 Corner Clearance
- 5.8 Swimming Pools
- 5.9 Storage of Boats and Trailers

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Amend Every Zoning District in Art. 3 at the bottom

SELECTED REFERENCES

3. Zoning Districts

- Floor Area Requirements for Residential Dwellings
- Planned Unit Development[□]
- General Regulations Applicable to All Districts

5. Site Standards

- Accessory Buildings and Uses[□]
- Automobile Parking Requirements
- Front Yard[□] Requirements
- Signs[□]
- Fences[□] ~~and Hedges~~
- Corner Clearance
- Swimming Pools[□]
- Storage of Boats and Trailers

6. Development Procedures

- Zoning Certificate/Permit Approval
- Conditional Zoning Certificate