

LIST OF PROPOSED AMENDMENTS

Change all “Swan Creek” to Swancreek

Change page numbers to match index

“Fifteenth Revision.....2009”

100-2 Add **general welfare, also keep in Preamble and throughout resolution where it already exists.**

100-5.2 Scope

Add item #18 -

18. No activity, operation, or use of land, building or equipment of any use, as established in this district, shall produce or create dangerous, injurious, noxious, or otherwise objectionable, fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, glare, electrical or other disturbance, liquid or solid refuse or waste; such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing hereinafter shall be referred to as a “nuisance Factor”. All applicable federal, state and local regulations shall be adhered to.

100-5.3 Accessory Building in Residential and AG/RE Districts

New Title – **Accessory Structures**

Letter A-E the numbers 1-5

In residentially **and AG/RE zoned districts** (~~on parcels smaller than 5 acres~~), **all** accessory buildings, ~~except as otherwise permitted in this resolution~~, shall be subject to the following regulations

Strike: except as otherwise permitted in this resolution

#1. Accessory Building in Residential and AG/RE Districts
1-29-09 Mtg.

100-5.9 #7 Amended to:

No manufactured, mobile or modular home, semi-trailer, tandem trailer or truck cargo box shall be used as an accessory building in residential and AG/RE zoned districts or be erected as an addition to any building.

#2. 2. Outdoor Furnaces ~~Wood Burners~~

“Outdoor Furnace” means any device that is designed or intended to burn wood, or wood by-product or similar material, for the purpose of providing a source of heat, either directly or indirectly, to any structure or appurtenance thereto.

1. Any outdoor furnace located and used within Swancreek Township shall ~~either be completely enclosed within a structure intended for human occupancy or enclosed in a permanent structure as defined in subsection (f).~~ **either be**

~~completely enclosed within a structure intended for human occupancy or enclosed in a permanent structure as defined in subsection (f).~~

- ~~2. For the purposes of subsection (1), a permanent structure shall be deemed to be a structure completely enclosed, built on a foundation made of concrete, and otherwise be constructed in conformance with all applicable zoning laws.~~
2. Installation and operation of any outdoor furnace device shall comply with the following:
 - a. The outdoor furnace device shall comply with manufacturer specifications with respect to installation, maintenance and operation.
 - b. The outdoor furnace device shall comply with all applicable state and federal laws.
 - c. Any outdoor furnace device ~~located within a structure that is not intended for human occupancy~~ shall be located at least 50 feet from the side and rear property line. ~~Outdoor furnaces are not permitted in the front yard.~~
 - d. Any outdoor Furnace device ~~located within any structure shall have a chimneystack, which is at least two (2) feet above the roofline of the highest structure located on the subject property.~~ shall have a chimney stack installed according to the manufacturer's specifications. The smoke discharge shall not be a nuisance factor to neighboring properties or be a danger to the property right of ways.
 - e. Outdoor furnace devices, which are designed to heat structures twenty-five percent (25%) greater than the size of any structure on the property, shall not be permitted.
 - f. No fuel other than natural wood, without additive, wood pellets with out additives and agricultural seeds in their natural state may be burned in any wood-burning device. Trash, plastic, gasoline, rubber, naphtha, household garbage, material treated with petroleum products (particle board, railroad ties and pressure treated wood), paper products and cardboard are prohibited.
 - g. To the extent a zoning permit is required to construct any permanent structures intended to enclose a outdoor furnace, then at the time of applying for such permit, there shall be submitted a copy of the manufacturer's specifications and any owner's manual pertaining to the subject outdoor furnace.
3. Notwithstanding anything contained in the Swancreek Township Zoning Resolution, a variance shall not be granted deviating the terms of ~~sections and subsections (1), and (2) and (3)~~ of this Section.
4. Nothing contained herein shall authorize any installation or operation of an outdoor furnace device that constitutes a public or private nuisance. Compliance

with this Zoning Resolution shall not be a defense to any civil or criminal action for nuisance.

#3. Solar Energy Structures

A building permit shall be required for the erection, construction or alteration of a free-standing solar energy structure. All solar energy structures shall be approved by the Zoning Inspector as to their conforming to the requirements of the zoning district.

Definition placed in 100-23:

Solar Energy Structure Definition

A structure designed to utilize solar energy as an alternative for, or supplement to a conventional energy system. Regulation pursuant to Article 100-5.3

100-5.4 Signs (b) **fix typo**

100-5.5 Fences, Walls, and Other Protective Barriers #2
Add and AG/RE Districts to the title.

Eliminate entire C

(eliminate c) - ~~c. Fences on recorded lots having a lot area in excess of two (2) acres and a frontage of at least two hundred (200) feet, and acreage or parcels not included within the boundaries of a recorded plat, in all residential districts are excluded from these regulations.~~

Replacement - c. All fences and walls shall be constructed with a finished side facing outward from the property. The posts and support beams shall be on the inside or shall be designed as an integral part of the finish surface.

Add an item "F" labeled "Materials" and add the description provided on the City of Shawnee code, changing the words "building official" to Zoning Inspector and the word "chapter" to resolution -

f. "All fences, regardless of whether or not a permit is required for their construction, that are constructed, repaired, expanded, or enlarged, shall be constructed only of approved fence materials. Approved fence materials shall mean materials normally manufactured for, used as, and recognized as, fencing materials such as: wrought iron or other decorative metals suitable for the construction of fences, masonry, concrete, stone, chain link, metal tubing, wood planks, and vinyl or fiberglass composite manufactured specifically as fencing materials that are approved by the Zoning Inspector. Approved fence materials shall be approved for exterior use and shall be weather and decay-resistant. The Zoning Inspector is authorized to evaluate proposed fence materials and to determine if the proposed material is satisfactory and complies with the intended, at least the equivalent of that prescribed in this resolution in quality, strength, effectiveness, durability and safety".

Also - E – **No Barbed wire or electric** (addition of the words or electric). Place

Definition in 100-23:

Fence - Enclosures composed of any substance that will present an adequate blockade around a field, yard, or other such expanse of land for the purpose of prohibiting intrusions from outside.

100-5.9 #7 ... as an accessory building in **residentially and AG/RE** zoned districts.

100-8.4 Area, Height, Bulk and Placement Requirements (AG/RE)

Take back out:

All parcel splits (20 acres and smaller) shall have continuous non-interrupted frontage.

Also REMOVE from 100-18.1 (4) shall have continuous non-interrupted frontage.

100-8.2 Principal Permitted Uses AG/RE District

#9 Telecommunication Towers -

Eliminate a - e. Will mirror 100-10.3 #10 - with changes to (f).

To read:

9. Telecommunication Towers

In accordance with ORC 303.21, when the construction of a tower is planned for the provision of cellular telephone communication service, the procedures indicated therein shall be followed. All zoning districts where dwellings of any kind are permitted shall be construed to be an area zoned for residential use. All telecommunication towers are subject to a Site Plan Review and shall meet the following standards when located within a residential district:

- a. The applicant shall provide proof that the proposal to construct a tower or attach equipment to an existing structure has been approved by all other agencies and governmental entities with jurisdiction (i.e. Federal Communication Commission, Federal Aviation Administration, Ohio Department of Transportation).
- b. The applicant shall demonstrate that no suitable site is available in a non-residential district and shall be located on its own lot, meeting the area and setback requirement as approved by the Board of Appeals.
- c. All accessory buildings shall be screened with fencing, masonry, shrubbery or other screening as approved by the Board of Appeals.
- d. The applicant shall notify the Zoning Inspector within thirty (30) days of ceasing operations at the site. The removal of the structures and buildings is required within ninety (90) days of ceasing operations.
- e. No advertising or illumination other than that required by law may be located on the structure.

~~f. Construction of the tower shall follow the schedule of regulations for residential districts and shall be three hundred (300) feet from any residential structure.~~

Replacement-

f. Construction of the tower shall be no higher than 200 feet and shall be 300 feet from any residential structure. ~~follow the schedule of regulations for residential districts and shall be three hundred (300) feet from any residential structure.~~ A variance will be required for towers over 200 feet.

100-8.2 Ponds #10 – Changes to F

f. To prevent *the* adverse effects of drainage to adjoining properties, a drainage system shall be installed *and maintained* to accommodate overflows and surface drainage from a pond development **and not to permit run-off of surface water to flow onto the adjacent property unless property is part of a natural watercourse**, and *it shall continue to be* diverted to a suitable outlet or drainage ditch **as determined by the County Engineer or Zoning Inspector.**

#11. Place regulated pursuant to Article 100-5.8

100-10 R1 District

Mirrors AG/RE District

~~f. Construction of the tower shall follow the schedule of regulations for residential districts and shall be three hundred (300) feet from any residential structure.~~

Replacement-

f. Construction of the tower shall be no higher than 200 feet and shall be 300 feet from any residential structure. ~~follow the schedule of regulations for residential districts and shall be three hundred (300) feet from any residential structure.~~—A variance will be required for towers over 200 feet.

100-11.3 R2 Conditionally Permitted Uses

Change County to Township

100-16.3 Industrial Performance Standards

Replace with Steve Brown's suggested amendment to read as follows:

~~Any use established in the M1 District shall not be permitted to carry on any activity or operation or use of land, building or equipment that produced irritants to the sensory perceptions greater than the measures established by the State of Ohio and any applicable Federal regulation.~~

No activity, operation, or use of land, building or equipment of any use, as established in this district, shall produce or create dangerous, injurious, noxious, or otherwise objectionable, fire, explosive or other hazard, noise or vibration, smoke, dust, odor or other form of air pollution, glare, electrical or other disturbance, liquid or solid refuse or waste; such an amount as to affect adversely the surrounding area or adjoining premises. The foregoing hereinafter shall be referred to as a "nuisance Factor". All applicable federal, state and local regulations shall be adhered to.

100-17.2 M2 District #6 Principal Permitted Uses

Addition: #6. Any amendment or alterations to the originally approved operation shall be submitted to the township.

100-18.1 Area, Height, Bulk - Add definition of **Lot Area**: **(The total horizontal area within the lot lines of a lot, exclusive of the road right-of-way) as Item 5**

Footnotes - 100-18.2

(a) strike residential and industrial. Making it read **all districts**.

100-20.1 Duties of the Zoning Inspector

Change to 2nd paragraph: The Zoning Inspector shall record all nonconforming uses pursuant to **Article 100-6.7, non-conforming use validation certificates**, existing at the effective date of this Resolution for the purpose of carrying out the provisions of Article 100-20.

Add 6th paragraph: The Zoning Inspector is responsible for implementation and enforcement of the Swancreek Township Zoning Resolution.

100-21.2 Board of Zoning Appeals

Add to 2nd paragraph. A requirement of meeting attendance should be adhered to; failure to attend three consecutive regular meetings would require member's termination. This will be at the discretion of the Board of Trustees.

Permanently Sited. Mfg. Housing Must: (under dwelling single family)

Add to item e: Minimum standard for Swancreek Township is 1200 square feet pursuant to Article 100-8.4 Minimum Dwelling Size.

Add item "I" Before any manufactured home or relocated manufactured home can be legally occupied, inspections must be performed by OMHC approved and certified inspection agencies and inspectors. There must be three inspections before the manufactured home will be approved for final occupancy. The three required inspections are: 1. Footing inspection, 2. Electrical Service inspection, and 3. Final inspection. Certification of each shall be provided to the township before a Swan Creek Township final occupancy certificate can be issued by the Zoning Inspector.

Fence

Enclosures composed of any substance that will present an adequate blockade around a field, yard, or other such expanse of land for the purpose of prohibiting intrusions from outside.

Home Occupations

Add to definition: - Regulated pursuant to Article 100-5.8

Manufactured Homes

Strike the entire 1st sentence and replace with ORC 3781.06 =
ORC 3781.06 (c)(4) a building unit or assembly of closed construction that is fabricated in an off-site facility and constructed in conformance with the federal construction and safety standards established by the secretary of housing and urban development pursuant to the "Manufactured Housing Construction and Safety Standards Act of 1975", and that has a permanent label or tag affixed to it, certifying compliance with all applicable federal construction and safety standards.

New paragraph – A manufactured home is transportable in one or more sections...(continue on with the rest)

Strike ORC 4501.01

12-10-08 Meeting - Strike "excluding" from Setback definition and replace with including.

Solar Energy Structure Definition

A structure designed to utilize solar energy as an alternative for, or supplement to a conventional energy system. Regulation pursuant to Article 100-5.3

Watercourse:

Any natural drainage course or source of water. A permanent or intermittent body of surface water, carrying or holding surface water, whether natural or man-made.