

ORDINANCE 2019-03

AN ORDINANCE ESTABLISHING SECTION 150.171 AND 150.600 AND AMENDING ORDINANCE 2018-30 WHICH AMENDED SECTIONS 150.097, 150.099, 150.101, 150.164, 150.166, 150.243, 150.401, and 150.503 OF THE CODIFIED ORDINANCES OF SWANTON, OHIO AND DECLARING AN EMERGENCY

WHEREAS, it is deemed necessary to change, modify, or create certain provisions of the Zoning Code of the Codified Ordinances of the village of Swanton, Ohio in order to update the zoning code and to provide uniform regulations within the village of Swanton, Ohio for property issues; and

WHEREAS, the Swanton Planning Commission recommended the said changes or modification to the zoning code, and whereas a public hearing was held on August 13, 2018 after proper notice to consider amendments to the Zoning code;

NOW, THEREFORE, BE ORDAINED by council of the Village of Swanton, Fulton County, Ohio, that:

Section 1. That SECTIONS 150.097, 150.099, 150.101, 150.164, 150.166, 150.243, 150.401, and 150.503 of the Village of Swanton Codified Ordinances be amended as set forth in Exhibit A attached hereto and incorporated herein by reference and that SECTIONS 150.171 and 150.600 be established.

That any provisions of the Codified ordinances of the Village of Swanton that are inconsistent with said amendments are hereby repealed.

All remaining provisions of this Chapter not modified herein shall remain in full force and effect.

Section 2. That it is found and determined that all formal actions of this Village Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Village Council, and that all deliberations of this Village Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 3. That for the reason that the agreement is immediately necessary in order for said project to be proceed in a timely fashion and be properly funded, this Ordinance is declared to be an emergency measure, immediately necessary for the preservation of the public peace, property, health, safety and welfare of said Village of Swanton.

Section 4. That is Ordinance shall take effect and be in force from and after its passage by Council and approval.

Motion to Suspend the Rules

Moved: Dzyak Second: Kreuz YEAS: 6 NAYS: 0

Vote on Passage

Moved: Dzyak Second: Westhoven YEAS: 6 NAYS: 0

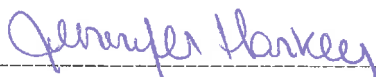
Date of Passage: January 14, 2019



Ann Roth, Mayor

Attest:

I, Jennifer Harkey, Fiscal Officer of the Village of Swanton, do hereby certify that this is a true and accurate copy of Ordinance 2019-03, passed on January 14, 2019



Jennifer Harkey, Fiscal Officer

150.095 FENCES

§ 150.095 PURPOSE.

The purpose of this chapter is to establish regulations controlling the use of fences, hedges and walls whereby the owner of a residential lot may have the privilege of privacy and landscape design with due consideration to the environment of neighbor(s), the appearance of the community, and the safety of the public.

(Ord. 87-36, passed 1-25-1988; Ord. 92-20, passed 9-28-1992)

§ 150.096 SCOPE.

This chapter shall apply to all residential districts and to residential properties located in other zoned districts. The fence regulations herein shall not apply to any permanent fence erected prior to the effective date of this chapter. However, the replacement of a permanent fence, erected prior to the effective date of this chapter, by a different type or use shall abide by the regulations of this chapter. Fences constructed in other zoned districts and in special use areas will be considered on an individual basis by the Plan Commission.

(Ord. 87-36, passed 1-25-1988; Ord. 92-20, passed 9-28-1992)

§ 150.097 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply.

- (A) **FENCE.** Any structure composed of wood, iron, steel, wire, shrubbery, hedges or other material erected in such a manner and position as to enclose or partially enclose allowed portions of any part of any premises. Trellises or other structures supporting, or for the purpose of supporting vines, flowers and other vegetation, when erected in such a position as to enclose all or part of any premises. Conversely, structures erected which have solely an ornamental purpose and which do not serve the purpose of enclosing or of separating premises from adjoining premises, shall not be included within the definition of the word **FENCE**.
- (B) **PRIVACY FENCE.** A fence made to screen from public view and provide seclusion.
- (C) **OPEN ORNAMENTAL FENCE.** Composed of wood or other material with space between vertical or horizontal rails/posts.
- (D) **CHAIN LINK FENCE.** A fence made of metal consisting of loops of wire interconnected in a series of metal links.
- (E) **PIPE FENCE.** A fence made of connected pipe.
- (F) **GATE.** Gate or fence opening of a minimum of three (3) feet in width that swings open and is secured with a latch.
- (G) **BARBED WIRE FENCE** – see § 150.098. A fence made with metal wire having sharp points or barbs along its length.
- (H) **ELECTRIC FENCE** – see § 150.098. A fence made of wire and charged with electricity.

(Ord. 87-36, passed 1-25-1988; Ord. 92-20, passed 9-28-1992)

§ 150.098 PROHIBITED FENCES.

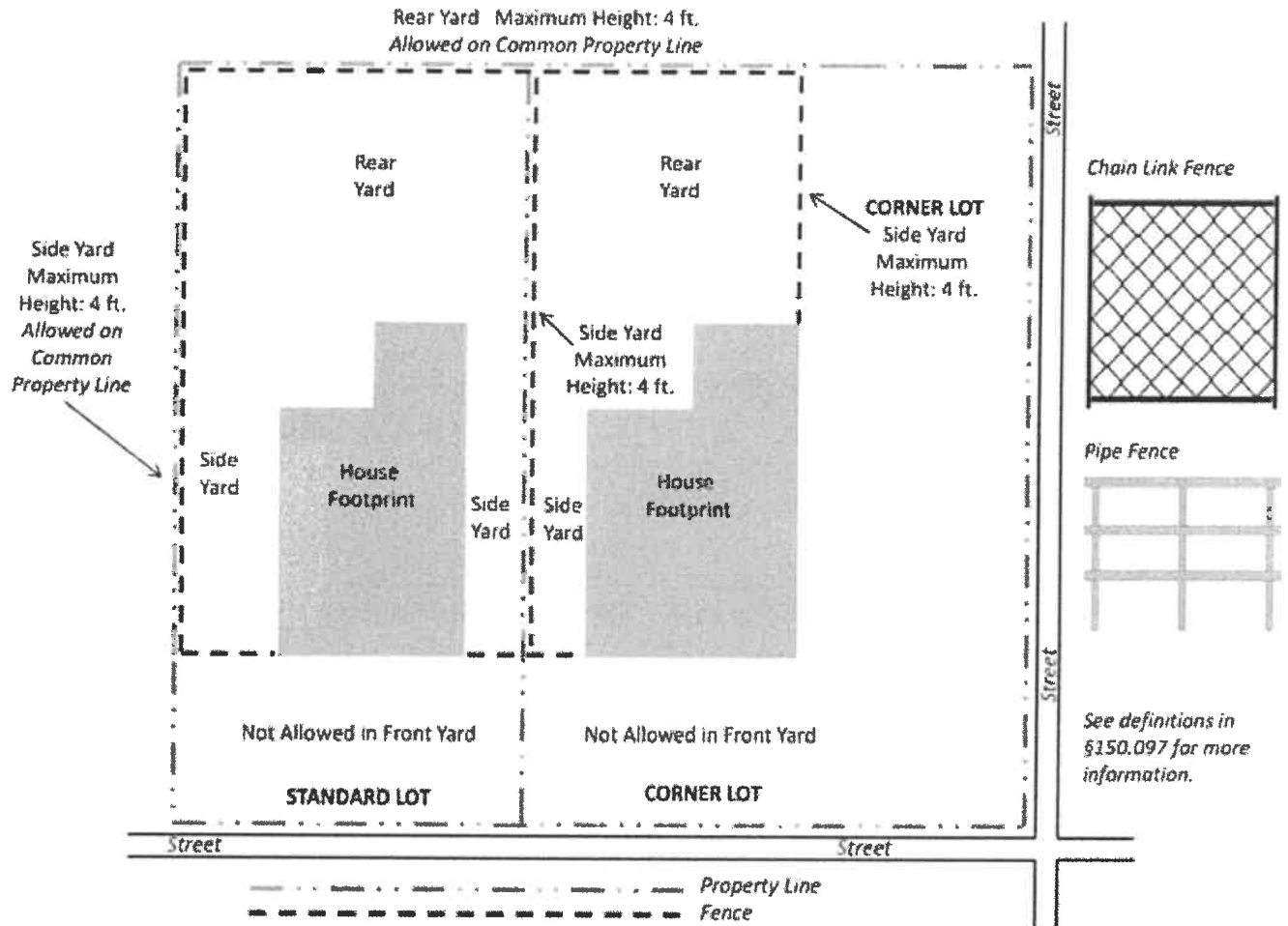
- (A) Barbed wire
- (B) Electric.

(Ord. 87-36, passed 1-25-1988; Ord. 92-20, passed 9-28-1992)

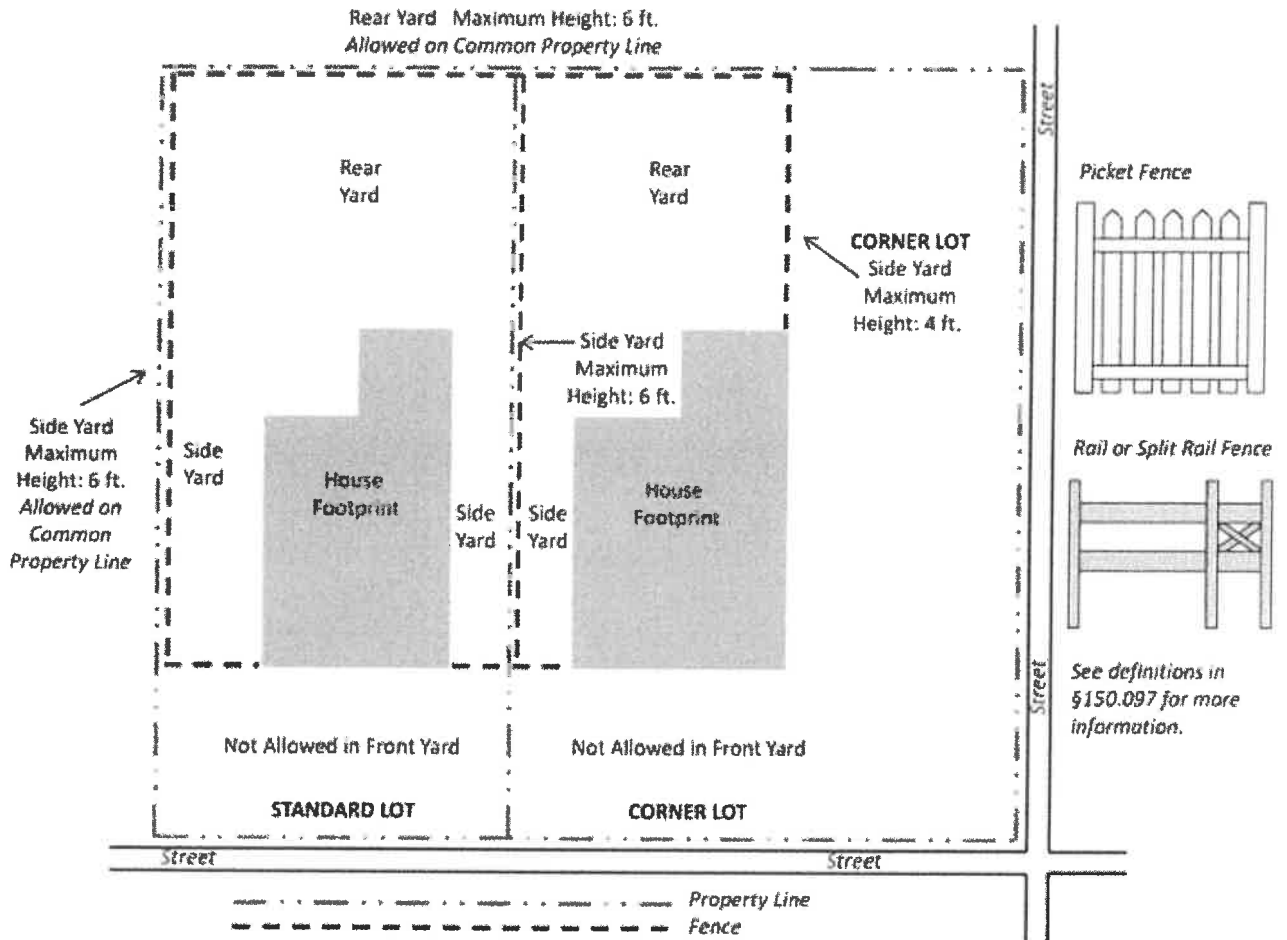
§ 150.099 FENCE TYPES AND PLACEMENT

Fences constructed or located in any easement area are installed at the property owner's own risk and responsibility.

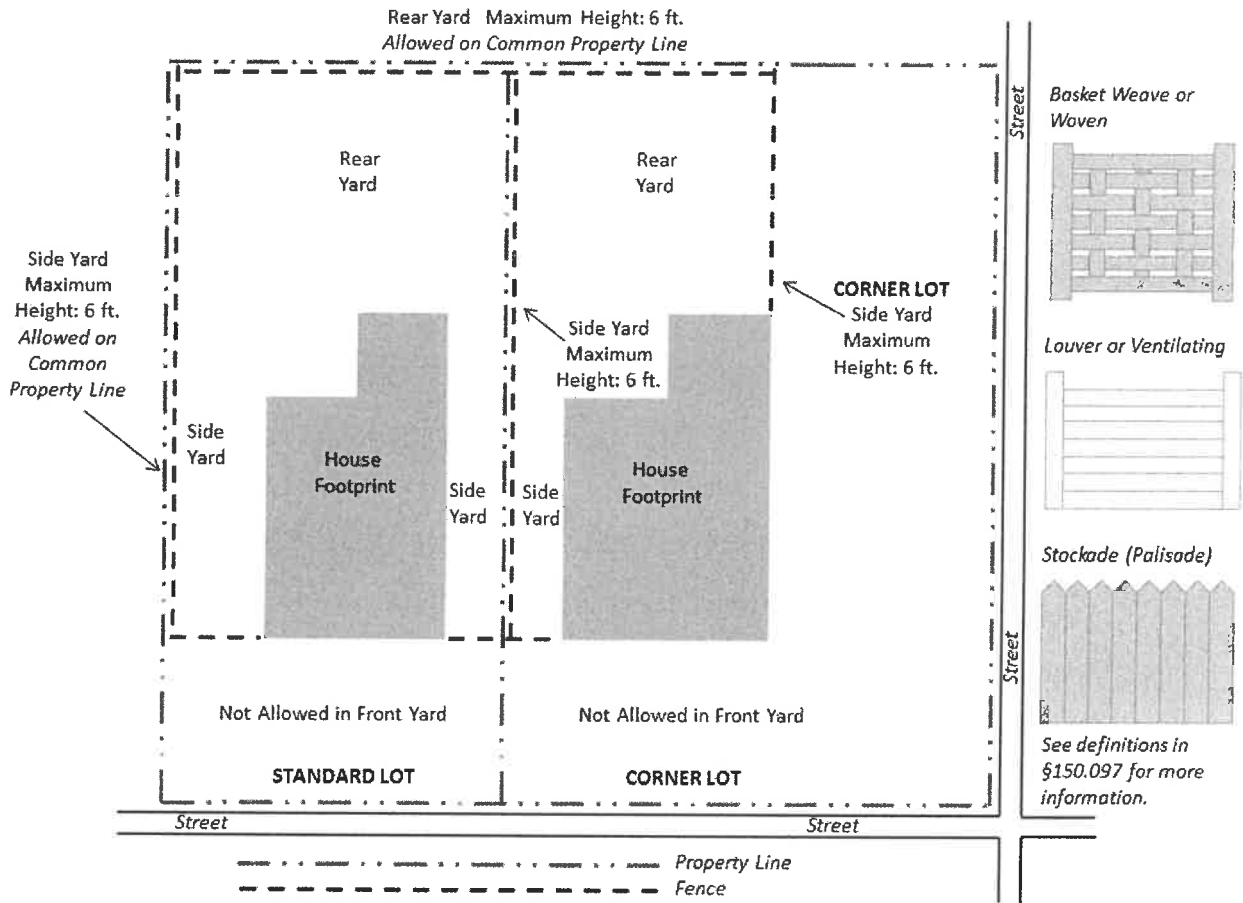
CHAIN LINK AND PIPE FENCES



OPEN ORNAMENTAL FENCES: PICKET, RAIL OR SPLIT RAIL



PRIVACY FENCES: BASKET WEAVE OR WOVEN, LOUVER OR VENTILATING, STOCKADE/PALISADE



(Ord. 2003-33, passed 8-25-2003)

§ 150.100 SIMILAR FENCES.

The Plan Commission may permit other fences which are similar in character and design to one or more of the fences permitted by this zoning code.

(Ord. 87-36, passed 1-25-1988; Ord. 92-20, passed 9-28-1992)

§ 150.101 REQUIRED FRONT YARD SETBACKS.

Fences shall be constructed on, or not more than one (1) foot, from the property line. At least one unlocked gate or fence opening of a minimum of three (3) feet in width shall be provided in each yard to permit emergency access. Fences that surround the yard's accessory uses (deck, patio, garden, etc.) and shall be not less than four (4) feet in height and all opening, doorways and entrances shall be equipped with gates of equal height with said fence.

- (A) R-1 zoning: 40 feet from right-of-way.
- (B) All other districts: 25 feet from right-of-way.

(C) Fences surrounding public utilities are exempt from the established front yard setbacks.

§ 150.102 MAINTENANCE.

Such permitted fences shall be maintained in good condition, be structurally sound and attractively finished at all times. Any grounds between such fences and property lines shall be well maintained. Any such fence permitted on the property line shall be designed, constructed and finished so that the supporting members thereof shall face the property of the owner of the fence.

(Ord. 2003-34, passed 8-25-2003)

§ 150.103 INSPECTION.

(A) It shall be the duty of each property owner to determine property lines and to ascertain that the fence, thus constructed, does not deviate from the plans as approved by the Village Administrator or his or her designee. Fences shall not encroach upon another lot or parcel of land.

(B) The village shall furnish such inspection as deemed necessary to determine that such said fence is constructed in accordance with plans submitted for the permit. The issuance of a permit, by the village, shall not be construed to mean that the village has determined said fence is not encroaching upon another lot, nor shall it relieve the property owner of duty imposed upon him or her herein.

(Ord. 87-36, passed 1-25- 1988; Ord. 92-20, passed 9-28-1992)

§ 150.104 PERMITS.

Any fence, which may be permitted, shall require the issuance of a permit prior to installation. Property owners must sign all permits. The Village Administrator, or his or her designee, shall be responsible for issuing all residential building permits.

150.160 Airport Highway Overlay District

§ 150.166 LIGHTING PLAN REQUIREMENTS.

A lighting plan demonstrating compliance with the following exterior lighting standards must be approved by the Village of Swanton for all uses which are required to file a development plan.

- (A) All plans submitted shall include the following minimum lighting standards:
- a. 0.5 footcandles minimum maintained light level at grade in all vehicular use areas and connecting pedestrian paths. Footcandles are the most common unit of measure used by lighting professionals to calculate light levels in businesses and outdoor spaces. (Footcandles (fc) = Total Lumens (lm) ÷ Area in Square Feet);
 - b. Location of all fixtures, controllers and transformers;
 - c. Property boundaries, building location(s), parking lot layout, vehicular traffic roadways and driveways, pedestrian paths, adjacent right of ways, north arrow, scale;
 - d. Specifications of the proposed light fixtures including the manufacturer's information regarding fixture style, pole and mounting details, lamp type, wattage, light distribution information, pole height and pole foundation.
 - e. Photometric plan of light levels;
- (B) Lighting Restrictions:
- a. Any lighting used to illuminate any off-street parking shall be so arranged as to deflect the light away from adjoining premises in any residential district.
 - b. All exterior fixtures to be "total cut-off" type fixtures as defined by the Illuminating Engineer's Society Standards except: Architectural / Accent lighting, street lighting, landscape lighting, area lighting for recreational uses and exterior residential lighting may be semi-cutoff or non-cutoff luminaries, but shall be located or provided such that no lamp or reflector image is directly visible from any site boundary at or above grade when the initial lumen output exceeds 2850 lumens (equivalent to a 150 watt incandescent A lamp). Luminaries required by the Building Code which operate only in an emergency model are exempt from these standards.
 - c. No portion of the lamp, reflector, lens, or refracting system may extend beyond the housing or shield so as to be visible from off site or cause disabling glare. Exterior residential lights are exempt from this requirement when the initial lumen output does not exceed 2850 lumens (equivalent to a 150 watt incandescent A lamp). Street lights are exempt.
 - d. Height limitations for exterior lighting which shall be measured from surrounding natural grade:
 - i. Residential / Multi-Family: 25 feet
 - ii. Office / Commercial: 28 feet
 - iii. Industrial: 30 feet
 - iv. Outdoor Recreational Facility: All recreational/sports facility lighting will be reviewed for compliance with the intent to minimize the impact on all surrounding properties and public right of ways.
 - e. All outdoor light poles shall be metal, fiberglass or finished wood, approved by the Village of Swanton Planning Commission and Engineer. Light poles on private, commercial or industrial property shall be located a minimum distance of the pole's height from any adjoining residential district.
 - f. Where used for signs or for decorative effects or recreational facilities, such as for building landscaping or sports field illumination, the outdoor light fixtures shall be

equipped with automatic timing devices and shielded and focused to minimize light pollution.

- g. Except for security lighting, all commercial, industrial, recreational, and institutional use exterior lighting shall be extinguished within one hour of closing.
- h. No color or flashing lights shall be used to light the exterior of building or other site facilities.

(C) Light pollution standards: Light pollution shall be defined as any measurable exterior artificial illumination that strays beyond the site boundary both horizontally at grade and vertically to the building height limitation. Artificially produced light straying beyond the property boundaries shall be considered a public nuisance when intensity levels exceed the following maximum illumination levels at or beyond five (5) feet into the adjoining property and shall be adjusted, modified, or removed accordingly. Lighting required exclusively to illuminate entrance drive and pedestrian ways from the public right of way shall be permitted to illuminate to the far limit of the right of way.

Airport Highway Overlay District

§ 150.164 AREA, YARD AND HEIGHT REGULATIONS.

(A) *Maximum building height.* As specified in the underlying zoning districts(s).

(B) *Minimum front yard setback.* The minimum front yard setback shall be 95 feet from the centerline of Airport Highway. Parcels with frontage on more than one street shall have a minimum front yard setback of 25 feet from the right-of-way of the minor street.

(C) *Minimum side yard setback.* The minimum side yard setback shall be 20 feet per side.

(D) *Minimum rear yard setback adjacent to residential and industrial districts.* The minimum rear yard setback shall be 50 feet from residential districts and 20 feet from industrial districts. There shall be no drive aisles, parking spaces, storage, refuse containment or other above-ground activity associated with the use within the rear yard setback area. The rear yard adjacent to these residential districts shall have a minimum eight-foot tall buffer to appropriately screen the use from the residential property. Such buffer may include earth mounding, solid fencing, masonry walls and/or other dense natural landscape materials such as evergreens and hedges.

(E) *Minimum front yard landscape area.*

(1) The minimum front yard landscape area shall be 20 feet along Airport Highway and ten feet along side streets.

(2) The landscape area shall be located within the front yard setback area(s). In those instances where a parallel service road is provided within the required front yard, the minimum landscape area width shall be ten feet.

(F) *Landscape areas.* Landscaping shall be indicated on the site plan.

(Ord. 2003-20, passed 6-9-2003)

Parking and Loading Facilities

§ 150.243 APPLICATION AND DESIGN.

Any application for a permit to construct a building or parking area, or for a certificate of occupancy for a change in use of land or a building, shall include a site plan drawn to scale and fully dimensioned, showing the proposed design of the parking area and loading facilities to be provided in compliance with the provisions of this subchapter and §150.401. The site plan shall also include a storm water management plan for all parking areas. Storm water calculations, including detention plans, shall be submitted for review to the Plan Commission, Village Engineer and Village Administrator. No permit shall be issued until an adequate storm water management plan has been approved. See §§ 150.400 through 150.406, Site Plan Review.

(Ord. 87-36, passed 1-25-1988; Ord. 92-20, passed 9-28-1992)

Site Plan Review

§ 150.401 APPLICATION.

Site plan review shall be required for all new commercial, industrial and multi-family buildings for expansion to an existing building in excess of 5,000 square or 25% of the existing gross floor area, whichever is greater, and when the parking surface changes from a pervious to an impervious surface. Single-family and two-family dwellings and related structures and buildings are exempt from the site plan review procedure. Requirements contained in other sections of the village zoning ordinance may also be applicable under the site plan review process, such as: fences; planned unit development; business districts; industrial districts; Airport Highway Overlay District; parking and loading facilities; and sign regulations.

(Ord. 2010-8, passed 3-22-2010)

150.500 Landscaping Requirements

§ 150.503 MAINTENANCE AND REPLACEMENTS.

The lot owner shall be responsible for the maintenance of all landscaping materials (grass, plants, trees, stone, fencing, mulch, etc.). The following requirements shall apply.

- (A) Landscape materials shall not interfere with public utilities, restrict pedestrian or vehicular access or otherwise constitute a traffic hazard.
- (B) All landscape materials shall be maintained so as not to cause tripping hazards in walkways or obstruction to entrances of buildings.
- (C) Selection of landscape materials shall contribute to the overall character of the building and be relative to the size of the lot and building. The Village of Swanton Tree Commission can assist in the selection of plant materials.
- (D) Landscape materials shall be compatible with the existing neighboring landscaping selections or in compliance with existing property requirements, such as Industrial and Business Parks' landscape plans.
- (E) Within two years of installation (or incorporation of existing vegetation), all trees, shrubs, ground covers and other plants materials shall be replaced if they fail to ~~survive~~ thrive.
- (F) Replacement plants shall conform to the approved plan. Dead or unhealthy plants shall be replaced within the next planting season.
- (G) As part of site plan review, a bond, escrow or other suitable guarantee shall be filed with the Zoning Inspector to ensure the landscape material is installed and maintained for a two-year period. No zoning certificate shall be issued until the bond, escrow or other suitable guarantee is received.

(Ord. 2010-8, passed 3-22-2010)

PUBLIC/OPEN SPACE DISTRICT

§ 150.171 Purpose

The purpose of the Public/Open Space (P/O) District is to protect and preserve open space land as a limited and valuable resource; to permit and facilitate the reasonable use of open space land, while simultaneously preserving and protecting the inherent characteristics of the open space to ensure the continued availability for scenic, recreational, conservation, and educational purposes; for the containment of urban sprawl and the structuring of urban development; and for the retention of land in its natural or near-natural state within the Village of Swanton.

§ 150.172 Permitted uses

The following uses are permitted in the Public/Open Space District:

- A. Accessory uses and structures
- B. Cemetery (public/private)
- C. Conservation area(s)
- D. Public uses
- E. Public parks/recreation
- F. Private School (K-12)

§ 150.173 Conditional Uses

Refer to Section 150.301 for the process of obtaining a conditional use permit.

- A. Place of religious worship.
- B. Electric and telephone substations, meter station structures and transmission towers.
- C. Public or private clubs, including golf courses and country clubs, swimming pools, racquet courts, yacht clubs and accessory uses, except driving ranges, miniature golf courses, pitch and putt courses operated for commercial purposes. No on-site storage or maintenance of boats will be permitted.
- D. Parking Areas: Extension of parking into contiguous zoning district parking areas.
- E. Parking Areas: Joint use of an off-street parking area.
- F. Public utility control facilities or structures.

§ 150.174 Area, Yard, and Height Regulations

<i>District</i>	<i>Minimum Lot Area</i>	<i>Minimum Yard Dimensions</i>	<i>Maximum Height</i>	<i>Maximum Lot Coverage</i>
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	<i>Per Dwelling Unit (sq. ft.)</i>	<i>Minimum Width of Lot (ft.)</i>	<i>Front Yard Depth (ft.)</i>	<i>Side Yard (ft.)</i>	<i>Rear Yard Depth (ft.)</i>	<i>Main Buildings (stories)</i>	<i>Maximum Lot Coverage</i>
P/O	0	0	50	15	30	2	5%

§ 150.175 Off-Street Parking, Loading and Storage Regulations. Off-street parking, loading and storage regulations as set forth in Section 150.240-250: Parking and Loading Facilities shall apply to all uses established within the P/O District.

§ 150.176 Signs Permitted. Signs shall be permitted in the P/O District in accordance with Sections 150.260-150.266: Sign Regulations.

Demolition

§ 150.600 PURPOSE

The purpose of this chapter is to establish regulations concerning demolition of buildings and structures so as to ensure that buildings and structures that have had utilities such as gas, electric, water and sewer are properly disconnected. These regulations reduce risk to public health and safety.

§ 150.601 PERMIT REQUIRED

- (A) No person shall demolish any building or structure or facility over 600 square feet in size and connected to utilities, without securing a permit in advance from the Village Administrator's Office.
- (B) A Demolition Permit shall be utilized. The Village Administrator may revise the Permit Form from time to time as deemed necessary or appropriate.

§ 150.602 DISCONNECTION OF UTILITIES

As a condition of receiving a demolition permit, the owner, agent or person in control of a building or structure to be demolished shall notify, in writing, the appropriate utilities or public authorities serving the building or structure regarding the person's intentions to demolish the building or structure. Such notice shall include a request that the utilities be disconnected. The owner, agent or person in control of the building or structure to be demolished, or the utility company, shall provide evidence to the Village that the utilities have been discontinued. The permit will not be issued until all proper verification has been received. Proof of verification that services have been discontinued may be evidenced on the application for a demolition permit.

§ 150.603 BOND OR OTHER SURETY REQUIRED

Prior to the issuance of a demolition permit, the owner, agent or person with control of the property subject to demolition shall post with the Village a minimum of \$5,000.00 performance bond, cash deposit, or other surety approved by the Village Administrator to assure the Village that the demolition work will proceed as permitted. The terms of the surety shall provide that the Village may retain or claim the surety proceeds if the permit holder fails to perform the demolition activities in accordance with the permit granted. In the event that the planned demolition is of such a size or scope that the \$5,000.00 bond, deposit or surety will be insufficient to assure completion for the demolition and site restoration activity, the Village Administrator may request a larger value performance bond, cash deposit, or other surety to assure the Village that the demolition work will proceed as permitted, such larger value to be set on a case-by-case basis, upon majority vote of Council. In any event, the value of the surety shall not exceed the cost associated with the demolition and site restoration.

§ 150.604 SITE CONDITIONS

- (A) During the course of the demolition activity, the owner, agent or person in control of the property subject to the demolition shall take steps to ensure the safety of the general public including dust and hazardous material, as governed by Ohio Administrative Code. The proposed steps shall be in compliance with generally accepted building industry safety practices as may be reflected in building codes applicable in the Village and State of Ohio.
- (B) Following the completion of demolition work, the owner, agent or person in control of the property or facility (industrial, commercial, public, and institutional) subject to the demolition activity shall provide for the restoration of the site so as to address safety and nuisance concerns. All such sites shall be brought to a level or other grade determined to be appropriate by the Village Administrator or designee.
- (C) All surface irregularities, wells, septic tanks, basements, cellars, sidewalks, vaults or coal chutes must be completely removed and the hole shall be filled with environmentally clean compactable materials approved by the Village Administrator or designee.
- (D) The party securing the demolition permit shall provide for the disposal of the debris associated with the demolition and/or rehabilitation work including dust control during demolition. The debris must be placed in an appropriate container for removal by a private contractor, or another approved arrangement shall be made for the disposal of the debris on at least a weekly basis. No property owner or permit holder shall permit the non-containerized accumulation of demolition debris on any property in the Village for a period in excess of seven calendar days. All debris and material associated with the demolition work must be removed from the property.
- (E) All sanitary sewer leads that served the subject demolished building or structure must be removed or grouted solid from structure to property line and must be capped at the property line, or as may be required by the Village Administrator or designee. Applicants securing the demolition permit who choose to permanently terminate the water and/or sanitary sewer service must follow the guidelines of the Village of Swanton Abandonment Procedures.
- (F) As soon as weather permits, the site shall be restored (including the application of topsoil if necessary to ensure growth). Sod, grass seed or other ground cover material shall be installed to address soil erosion control. The Village Administrator or designee may require that straw or mulch material be placed on the site that is seeded to prevent erosion and enhance the likelihood of successful growth.

§ 150.605 PERMITTED HOURS OF DEMOLITION

Demolition activity shall be permitted between the hours of 7:30 a.m. and 7:30 p.m. Monday through Saturday only. Noise generating from demolition activity shall be in compliance with the Village of Swanton Noise Ordinance.

§ 150.606 REQUIRED NOTIFICATION OF NEIGHBORING PROPERTIES

Applicants who receive a demolition permit shall provide two (2) business days advance written notification to all abutting property owners and residents prior to commencement of demolition.

§ 150.607 TIME LIMIT FOR PERMIT

The party receiving the demolition permit must complete the demolition activity, including site restoration, within thirty (30) calendar days from the receipt of the permit. The time limit may be extended at the discretion of the Village Administrator. The petitioner must provide evidence to show that extenuating circumstances prohibited the completion of the demolition work in the 30-day time period.

§ 150.608 DEMOLITION PERMIT FEE

The fee for the issuance of a demolition permit shall be Twenty-Five and No/100 Dollars (\$25), plus Five and No/100 Dollars per One Thousand Square Feet (\$5/1,000 s.f.), with a maximum permit fee of one hundred and No/100 Dollars (\$100.00).

§ 150.609 PENALTY

Whoever violates any provision of this Ordinance is guilty of a minor misdemeanor and shall be fined not more than One Hundred and No/100 Dollars (\$100.00) for each offense. A separate offense shall be deemed committed each day during or on which a violation occurs or continues.