

MEMORANDUM

TO: Planning and Zoning Commission Members
FROM: Shawn Leininger, Development Planner
DATE: 03 August 2001
SUBJECT: Zoning Code Amendments

Enclosed in your packet are several Zoning Code amendments. These changes were presented to you at the July 11, 2001 meeting. From that discussion, changes were made to each of the drafts. In revising these drafts, the following system was used:

- Existing sections of code are shown as 12 point Arial, regular type,
- New sections of code are shown as **12 POINT ARIAL, BOLD TYPE IN CAPITALS**,
- Revisions of code based upon the previous meeting are shown in their respective type with *italics*.
- Repealed sections based on the previous meeting are shown with a ~~strikethrough~~ in the respective type-face.

Hopefully this will simplify your review of these code changes. If you have any questions, please contact me at 885-5380.

CITY OF POWELL
DRAFT RECREATIONAL STRUCTURES ORDINANCE

NEW SECTION 1147.15 RECREATIONAL STRUCTURES

- A. PURPOSE. IT IS THE PURPOSE OF THIS SECTION TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE THROUGH THE REGULATION OF RECREATIONAL STRUCTURES.
- B. RECREATIONAL STRUCTURES DEFINED. "RECREATIONAL STRUCTURES" MEANS ANY STRUCTURE, OR TYPE OF EQUIPMENT, USED EXCLUSIVELY FOR RECREATIONAL ACTIVITY, INCLUDING, BUT NOT LIMITED TO; BASKETBALL, VOLLEYBALL, TENNIS, BADMINTON, SOCCER, SKATEBOARDING, AND ROLLERBLADING. RECREATIONAL STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO, BASKETBALL GOALS, GOAL NETS, BACKSTOPS, HALF-PIPES, QUARTER PIPES, RAMPS, AND PLAYGROUND EQUIPMENT.
- C. ZONING CERTIFICATE NOT REQUIRED FOR MOST RECREATIONAL STRUCTURES. A ZONING CERTIFICATE IS NOT REQUIRED FOR THE CONSTRUCTION, ERECTION, OR PLACEMENT OF RECREATIONAL STRUCTURES. ~~PROVIDED THAT~~ NO RECREATIONAL STRUCTURE SHALL BE LOCATED IN ANY PUBLIC RIGHTS-OF-WAY, EASEMENT, OR *SIDEYARD SETBACK IN THE REAR YARD* AT ANY TIME. RECREATIONAL STRUCTURES ARE PERMITTED IN A DRAINAGE EASEMENT SO LONG AS THE RECREATIONAL STRUCTURE DOES NOT IMPEDE PROPER DRAINAGE. *THE CONSTRUCTION, ERECTION, OR PLACEMENT OF ANY RECREATIONAL COURT OR SURFACE SHALL REQUIRE A ZONING CERTIFICATE AND NOT BE LOCATED IN ANY FRONT OR SIDE YARD REQUIREMENT NOR CLOSER THAN FIFTEEN (15) FEET TO ANY REAR PROPERTY LINE.*
- D. MAINTENANCE. ^{SETBACK} ALL RECREATIONAL STRUCTURES SHALL BE MAINTAINED IN GOOD REPAIR AND SHALL BE STRUCTURALLY SOUND. ANY GROUNDS THAT SURROUND ANY RECREATIONAL STRUCTURE SHALL BE MAINTAINED IN A NEAT, CLEAN, AND WELL CARED FOR CONDITION AT ALL TIMES.

**CITY OF POWELL
DRAFT REPEAL ROADSIDE SALES OF AGRICULTURAL PRODUCTS
ZONING CERTIFICATE REQUIREMENTS**

REPEAL SECTION 1147.11 AGRICULTURAL-RELATED USES

- A. Animals. No animal, except household pets, shall be kept on any parcel of less than five (5) acres. This subsection shall apply only to those parcels where the total land holdings of the using party, in one contiguous unit, is five (5) acres or less and shall not be construed to apply to individual pens, pastures or fields of less than five (5) acres if they are a part of a larger contiguous tract of land of five (5) acres or more devoted to agricultural use.
- ~~B. Roadside Sales of Agricultural Products. Where roadside sales of agricultural products are permitted, unconstrained to products produced on the premises, at least fifty (50) percent of the gross income from such a market shall be derived from sale of products produced on lands in that zoned district or in adjacent townships farmed by the proprietor of said sales stand, and further, said stand shall not be in operation for more than 150 days in any year, and shall only be permitted where adequate off street parking exists so as not to interfere with traffic on adjacent thoroughfares. No such roadside sales use shall be instituted, and no permanent buildings or structures shall be placed for such roadside sales use, without issuance of a Conditional Use Permit. No such roadside sales shall be permitted on Route 315, on Powell Road, Olentangy Street, on Sawmill Road, or on any road designated as a "parkway" in the comprehensive plan.~~

CITY OF POWELL

DRAFT REVISION PARKING AND STORAGE OF
VEHICLES, MOTOR HOMES, CAMPERS, BOATS,
RECREATIONAL VEHICLES, AND TRAILERS

STORAGE OUTSIDE OF ENCLOSED STRUCTURE

REVISION SECTION 1145.06 PARKING AND STORAGE OF VEHICLES,
MOTOR HOMES, CAMPERS, BOATS, RECREATIONAL VEHICLES, AND
TRAILERS

- (a) Parking of Disabled Vehicles. The parking of a disabled vehicle within any district for a period of more than one week, unless otherwise permitted in this Zoning Ordinance, shall be prohibited, except that such a vehicle may be stored in an enclosed garage or other accessory building, provided that no business shall be conducted in connection therewith while such vehicle is parked or stored unless permitted elsewhere in this Zoning Ordinance.
- (b) Outdoor Storage of Inoperable, Unlicensed or UNused Motor Vehicles. Outdoor storage of inoperable, unlicensed or **UN**used motor vehicles for a period exceeding seven (7) days is prohibited unless specifically authorized elsewhere in this Zoning Ordinance or specifically permitted as incident and necessary to a permitted or conditional use. Said vehicles, if stored on the premises for periods exceeding seven (7) days, shall be enclosed within a building so as not to be visible from any adjoining property or public road.
- (c) Parking in Residential Areas.
 - (1) No trailer of any type, no boats, no campers, no recreational vehicles, no motor homes, and no equipment of any type shall be parked in front of the front building line on any parcel for more than twenty-four (24) hours in any ten (10) day period. If a building is located on said lot, the building line shall be considered to be the front wall of the building even if said building is located behind the minimum building line established by this Ordinance or the restrictions on the plat or subdivision.
 - (2) No trailer of any type, no boats, no campers, no recreational vehicles, no motor homes, and no equipment of any kind shall be parked within fifty (50) feet of a road right-of-way on any parcel in an "R - Residence" district.
- (d) Storage Outside of an Enclosed Structure. Storage of a camper, trailer, motor home, boat or recreational vehicle, in any residential district or residential area of a planned district outside of an enclosed structure for more than forty-eight (48) hours **IN ANY TEN (10) DAY PERIOD** shall be prohibited unless provided for elsewhere in this Ordinance.

- (e) Occupancy By Guest of Resident Owner. A motor home, recreational vehicle, or camper of any type may be occupied by a guest or a resident owner in a residential district or residential area of a planned district, but such occupancy shall not exceed fourteen (14) days in any one calendar year.

- (f) Mobile Homes and Mobile Office Structures.
 - (1) Except as provided for elsewhere in this Ordinance, no mobile home or mobile office structure shall be placed or occupied in any district.

 - (2) Temporary structures such as mobile homes and temporary buildings of a non-residential character may be used incident to construction work on the premises or on adjacent public projects or during a period while the permanent structure is being constructed. The user of said structure shall obtain a permit for such temporary use, which permit shall be valid for six (6) months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Administrator on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as he deems necessary. The fees for such permit and renewals thereof shall be established by the Council. Said temporary structure shall be removed not later than ten (10) days after expiration of said permit. No such unit shall be occupied as a residence.

CITY OF POWELL
DRAFT SEASONAL SALES ORDINANCE

NEW SECTION 1147.13 SEASONAL SALES

- A. PURPOSE. IT IS THE PURPOSE OF THIS SECTION TO PROMOTE THE PUBLIC HEALTH, SAFETY, AND WELFARE THROUGH THE REGULATION OF SEASONAL SALES. ~~IT IS FURTHER THE INTENT OF THIS SECTION TO ALLOW SEASONAL SALES CONDUCTED BY THOSE OTHER THAN A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION IN COMMERCIAL AND INDUSTRIAL DISTRICTS. SEASONAL SALES CONDUCTED BY A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION MAY CONDUCT SEASONAL SALES ON PROPERTY OWNED OR LEASED BY SAID GROUP OR ORGANIZATION IN ANY DISTRICT.~~
- B. SEASONAL SALES DEFINED. "SEASONAL SALES" MEANS ANY ACTIVITY INVOLVING THE SALE OF SEASONAL RELATED PRODUCTS SUCH AS THE SALE OF PUMPKINS, CHRISTMAS TREES, *AGRICULTURAL RELATED PRODUCTS*, AND OTHER SEASONAL GOODS OR MERCHANDISE. ~~NOT OTHERWISE DEFINED IN SECTION 1147.11(B) OF THIS CHAPTER.~~
- C. SEASONAL SALES AS A PERMITTED USE. ~~SEASONAL SALES SHALL BE CONSIDERED A PERMITTED USE IN COMMERCIAL AND INDUSTRIAL DISTRICTS, AND ANY DISTRICT WHERE SEASONAL SALES ARE CONDUCTED BY A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION ON PROPERTY OWNED OR LEASED BY SAID GROUP OR ORGANIZATION. SEASONAL SALES CONDUCTED BY THOSE OTHER THAN A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION ARE PERMITTED IN COMMERCIAL AND INDUSTRIAL DISTRICTS. SEASONAL SALES CONDUCTED BY A NOT-FOR-PROFIT RELIGIOUS, PUBLIC INSTITUTIONAL, OR LOCAL CIVIC GROUP OR ORGANIZATION ARE PERMITTED ON PROPERTY OWNED OR LEASED BY SAID GROUP OR ORGANIZATION IN ANY DISTRICT. A ZONING CERTIFICATE SHALL BE REQUIRED TO BE APPROVED BY THE ZONING ADMINISTRATOR PRIOR TO ESTABLISHMENT OF THE SALES STAND ANY SEASONAL SALES AREA. ANY SALES STAND SEASONAL SALES AREA ESTABLISHED WITHOUT A ZONING CERTIFICATE SHALL BE BROUGHT INTO COMPLIANCE WITHIN TWO (2) DAYS OF WRITTEN NOTIFICATION BY THE ZONING~~

ADMINISTRATOR. THE CRITERIA FOR THE ISSUANCE OF A ZONING CERTIFICATE ARE AS FOLLOWS:

1. IF SEASONAL SALES ARE TO BE CONDUCTED IN A PARKING LOT, NOT MORE THAN TWENTY-FIVE (25) PERCENT OF THE TOTAL PARKING SPACES WHERE THE SAID SALES STAND SEASONAL SALES AREA IS TO BE LOCATED SHALL BE DEVOTED TO THE USE, OTHERWISE NOT MORE THAN FIFTY (50) PERCENT OF THE TOTAL LOT AREA, SHALL BE DEVOTED TO THE USE. ^{INCLUDING PARKING}
2. NO PORTION OF SAID SALES STAND SEASONAL SALES AREA SHALL BE PLACED ON ANY SIDEWALK, STREET, ALLEY, OR OTHER PUBLIC WAY WITHOUT APPROVAL FROM THE ZONING ADMINISTRATOR.
3. THE USE DOES NOT CREATE ADVERSE EFFECTS ON TRAFFIC MOVEMENT AND PARKING WITHIN THE SITE LOCATION AND THE SURROUNDING COMMUNITY.
4. NO PERMANENT BUILDINGS OR STRUCTURES WILL BE ERECTED.
5. SUFFICIENT LIGHTING SHALL BE PROVIDED. IF THE SITE LOCATION DOES NOT ALREADY HAVE SUFFICIENT LIGHTING TO BE UTILIZED, A LIGHTING PLAN MUST BE SUBMITTED AND APPROVED BY THE ZONING ADMINISTRATOR.
6. THE SALES STAND SEASONAL SALES AREA DOES NOT UTILIZE MORE THAN ONE SIGN PER STREET FRONTAGE. THIS SIGN MUST BE PORTABLE AND OF THE "A"-FRAME TYPE. NO SIGN SHALL EXCEED SIXTEEN (16) SQUARE FEET IN TOTAL SURFACE AREA PER SIDE.
7. ^{Changed} THE ZONING CERTIFICATE IS FOR A PERIOD NOT LONGER THAN SIXTY (60) DAYS AND NO MORE THAN THREE (3), WITH NO MORE THAN TWO (2) BEING CONSECUTIVE, ZONING CERTIFICATES HAVE BEEN ISSUED FOR THE SAME PURPOSE IN A CALENDAR YEAR.
8. UPON THE EXPIRATION OF THE ZONING CERTIFICATE, THE PREMISES SHALL BE LEFT IN A CLEAN AND SANITARY CONDITION TO THE SATISFACTION OF THE ZONING ADMINISTRATOR WITHIN SEVEN (7) DAYS FOLLOWING THE DATE OF EXPIRATION. ^{Refund deposit est. by Council}