

# RECORD OF ORDINANCES

Dayton Legal Blank Co.

Form No. 30043

Ordinance No. 2001-57

Passed

November 6, YEAR 2001

Amended February 5 2002

## AN ORDINANCE AMENDING THE ZONING CODE OF THE CITY OF POWELL, ADDING SECTION 1147.14: RECREATIONAL STRUCTURES.

**WHEREAS,** Council has determined that it is desirable to add section 1147.14 to the Zoning Code of the Municipality of Powell for the purpose of adding specifications as set forth on the attachment hereto, and

**WHEREAS,** The Planning and Zoning Commission has reviewed the proposed amendments and held public hearings on August 8 and September 12, 2001, and has given Council recommendation of approval.

### NOW THEREFORE BE IT ORDAINED BY THE MUNICIPALITY OF POWELL, DELAWARE COUNTY, OHIO AS FOLLOWS:

Section 1: That the attached Zoning Code amendments are hereby added to the Codified Ordinances of the Municipality of Powell as set forth on the attachment hereto which is incorporated herein by reference.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of the Council and that all deliberations of the Council and any of the decision making bodies of the Municipality of Powell which resulted in such formal actions were in meetings open to the public in compliance with all legal requirements of the Municipality of Powell, Delaware County, Ohio.

Section 3: That this Ordinance shall take effect at the earliest period allowed by law.

VOTE ON RULE SUSPENSION: Y \_\_\_\_\_ N \_\_\_\_\_

VOTE ON ORDINANCE 2001-57: Y 4 N 0

Mark F. Klein 2/24/02  
Mark F. Klein  
Mayor Date

Dawn Nauman 3/5/02  
Dawn Nauman  
Clerk of Council Date

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CITY OF POWELL

Passed .....

YEAR .....

## DRAFT RECREATIONAL STRUCTURES ORDINANCE

### NEW SECTION 1147.14 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 STRUCTURE DEFINED. A "RECREATIONAL STRUCTURE" MEANS ANY STRUCTURE USED FOR RECREATIONAL ACTIVITY. RECREATIONAL STRUCTURES INCLUDE, BUT ARE NOT LIMITED TO, BASKETBALL GOALS, GOAL NETS, BACKSTOPS, TRAMPOLINES, HALF-PIPES, QUARTER PIPES, RAMPS, AND PLAYGROUND EQUIPMENT. THE ZONING ADMINISTRATOR MAY DECIDE WHAT WILL BE DETERMINED TO BE A RECREATIONAL STRUCTURE. SEE SECTION 1147.06 FOR REGULATIONS ON SWIMMING POOLS.
- C. ZONING CERTIFICATE NOT REQUIRED FOR MOST RECREATIONAL STRUCTURES. A ZONING CERTIFICATE IS NOT REQUIRED FOR THE CONSTRUCTION, ERECTION, OR PLACEMENT OF RECREATIONAL STRUCTURES. NO RECREATIONAL STRUCTURE SHALL BE LOCATED IN ANY PUBLIC RIGHTS-OF-WAY OR EASEMENT. BASKETBALL HOOPS ATTACHED TO POLES MAY BE ERCTED IN THE FRONT YARD ALONGSIDE THE DRIVEWAY AS LONG AS THE POLE IS SETBACK AT LEAST FIVE (5) FEET FROM THE PROPERTY LINE. ALL OTHER RECREATIONAL STRUCTURES ARE PROHIBITED FROM THE FRONT YARD. RECREATIONAL STRUCTURES SHALL OTHERWISE BE SETBACK FROM ANY PROPERTY LINE A DISTANCE OF TEN (10) FEET. 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, SUCH AS BUT NOT LIMITED TO, A BASKETBALL COURT, TENNIS COURT OR "SPORT COURT", SHALL REQUIRE A ZONING CERTIFICATE AND NOT BE LOCATED IN ANY FRONT OR SIDE YARD SETBACK OR CLOSER THAN FIFTEEN (15) FEET TO ANY REAR PROPERTY LINE.
- D. MAINTENANCE. 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.
- E. DEED RESTRICTIONS AND COVENANTS. BE AWARE THAT PRIVATE DEED RESTRICTION AND COVENANTS MAY HAVE OTHER REQUIREMENTS THAT NEED TO BE MET THAT MAY BE ENFORCED BY OTHERS SUCH AS INDIVIDUALS OR HOMEOWNER ASSOCIATIONS.
- F. EFFECTIVE DATE. THE REQUIREMENTS OF THIS SECTION SHALL PERTAIN TO ALL RECREATIONAL STRUCTURES WITHIN THE MUNICIPALITY AND SHALL BE EFFECTIVE TOWARD ALL EXISTING AND FUTURE RECREATIONAL STRUCTURES UPON THE EFFECTIVE DATE OF THIS ORDINANCE.