



ORDINANCE 2024-39

AN ORDINANCE AMENDING SECTIONS 1145.06 – PARKING AND STORAGE OF VEHICLES, MOTOR HOMES, CAMPERs, BOATS, RECREATIONAL VEHICLES, AND TRAILERS AND 1145.28 – DRIVEWAY CONSTRUCTION TO CLARIFY REQUIREMENTS AND ALIGN WITH MODERN ENFORCEMENT PROCEDURES.

WHEREAS, City Council has established a goal to improve the efficiency of City operations through modernizing and streamlining processes; and,

WHEREAS, Staff have identified potential updates to the Codified Ordinances in a continued effort to analyze code requirements, procedures, and standards; and,

WHEREAS, the periodic analyzing, revising, and updating of the Codified Ordinances to reflect best practices and streamline processes is in the best interest of the City.

NOW THEREFORE BE IT ORDAINED BY THE CITY OF POWELL, COUNTY OF DELAWARE, AND STATE OF OHIO, AS FOLLOWS:

Section 1: That Part Eleven of the Codified Ordinances are hereby amended as set forth in the document attached hereto as Exhibit A and incorporated herein by reference.

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

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

Tom Counts 11/6/24
Mayor Date

Elaine McCloskey 11/6/24
City Clerk Date

EFFECTIVE DATE: December 6, 2024

This legislation has been posted in accordance with the City Charter on this date 11/7/24
Elaine McCloskey City Clerk

**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 unused motor vehicles for a period exceeding seven 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 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 48 consecutive hours in the same general location, as determined by the Zoning Inspector or their designee. If a building is located on said lot, the building line shall be considered 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 50 feet of a road right-of-way on any parcel in an "R-Residence" District.
 - (3) No more than one vehicle for sale shall be parked on any residential lot at any one time. No vehicle for sale shall be parked on the lawn area of any lot.
- (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 48 consecutive hours in the same general location, as determined by the Zoning Inspector or their designee, shall be prohibited unless provided for elsewhere in this Ordinance. The trailer, camper, boat, recreational vehicle, or motor home shall be parked on a sealed surface such as concrete, asphalt, or other material as approved by the Zoning Administrator or their designee.
- (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 14 days in any one calendar year.
- (f) *Mobile Homes, Mobile Office Structures, and Portable Storage Units.*
 - (1) Except as provided for elsewhere in this Ordinance, no mobile home structure shall be placed or occupied in any district.
 - (2) Temporary structures such as mobile office structures 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 months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Administrator or their designee on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator or their designee may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as they deem 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 days after expiration of said permit. No such unit shall be occupied as a residence.

(3) Portable Storage Units.

- A. "Portable Storage Units" means any portable structure intended to be used on a temporary basis for the loading of materials out of a location within the City of Powell and then moved to another location by a contracted third party or the unloading of materials into a location within the City of Powell in which the portable structure was brought to the location by a third party.
- B. Portable Storage Units (PSU). The use of PSUs within the municipality, or other similar units, shall be permitted in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building. PSUs shall be parked upon the receiving property for a period not to exceed 72 hours without a Zoning Certificate, and in no case shall a PSU remain on a property for more than seven days. PSUs shall be placed outside of the public right-of-way or private streets, and shall be located on a sealed surface such as asphalt or concrete. In the event that a PSU needs to be placed within the public right-of-way or on a private street, the Zoning Administrator or their designee shall issue a Zoning Certificate for the location of the PSU, with conditions taken into consideration regarding public health, safety, and welfare. Under no circumstances shall a PSU be located within the ROW of a cul-de-sac bulb.

(g) *Parking and Storage of Commercial Vehicles.*

- (1) For purposes of this Section, "commercial vehicle" means any motor vehicle or trailer that is registered with the Ohio Bureau of Motor Vehicles as a commercial motor vehicle or a commercial trailer pursuant to Chapter 4503 of the Ohio Revised Code.
- (2) With the exception of the vehicles listed in subsection (b)(3) below, no commercial vehicle shall be parked in any residential district except for the purpose of delivery to or the receiving of goods or other articles, or in connection with the construction, repair or other services being performed, during the actual parking time.
- (3) The following commercial vehicles may be parked in a residential district. Such vehicles shall be parked in a garage or on a sealed surface such as concrete, asphalt, or other material as approved by the Zoning Administrator or their designee in a location least intrusive:
 - A. Vehicles associated with legally established home occupations pursuant to Section 1147.08;
 - B. Vehicles with a GVWR (Gross Vehicle Weight Rating) less than 10,000 pounds;
 - C. Any vehicle required to respond on an emergency basis for the public health, safety and welfare, and has received a certificate of exemption from the Chief of Police or their designee.

1145.28 DRIVEWAY DESIGN.

The following design standards are established for driveways throughout the City:

- (a) *All driveways (any use)*. In addition to the conditions or specifications imposed in subsections (b) or (c), the following specifications are recommended for all driveways, regardless of the use served:
- (1) All driveways, including approaches and aprons, shall be in accordance with the most current edition of the Ohio Department of Transportation Construction and Material Specifications (ODTS). Alternative specifications may be approved by the City Engineer or their designee.
 - (2) The driveway shall provide an appropriate grade, up or down, from the public road pavement as determined by the City Engineer or their designee.
 - (3) At the point where the driveway intersects the public road, the same shall have such radii and drain pipe as specified or required by the governmental agency (state, county, or town-ship) which controls the public roadway.
 - (4) If the driveway leaves the public road on an upgrade, design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.
 - (5) If any driveway crosses a drainage swale, stream or ditch, the same shall be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five-year storm. Any pipe shall be of sufficient length to extend not less than three feet beyond the toe of the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch shall be designed by a professional engineer with HS 15 loading. No bridge shall be less than 12 feet in width. If the driveway serves a commercial or industrial use, the bridge shall not be less than 18 feet in width.
 - (6) If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two-to-one slope. All fill areas shall be scalped of vegetation and excavated to load bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and shall be compacted to a density of 95 percent proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guard rails or barriers shall be installed when deemed necessary by the City Engineer or their designee to create safe conditions.
 - (7) Drainage ditches shall be constructed as necessary parallel to said driveway which ditch should be graded to a good and sufficient outlet. Siltation control shall be placed in any ditch and such siltation shall not flow to roadside ditches along public roads.
 - (8) All curves in the driveway shall be of sufficient radius (not less than 50 feet) to permit unhindered passage of public safety vehicles, including fire vehicles and all other vehicles reasonably expected to utilize the same.
 - (9) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.
 - (10) Obstructions on the prevailing wind-ward side of the driveway which contribute to drifting of snow shall, when possible, be removed.

-
- (b) *Residential Driveways.* In addition to the conditions imposed by subsection (a), the following standards are established for driveways serving residential structures or uses:
- (1) Driveways serving individual residential structures shall not be less than ten feet in width or greater than 20 feet in width at the property line and shall be constructed over an aggregate base of reasonable depth.
 - (2) If the driveway serves two or more residences (not including multi-family structures), the driveway shall be at least 12 feet in width and shall be constructed over an aggregate base of reasonable depth.
 - (3) If any residential driveway is over 500 feet in length, widened paved passing areas at least 15 feet in width shall be provided at frequent intervals, but not more than 300 feet distant from each other, to permit the free passage of traffic over said drive.
 - (4) Dust control shall be provided on an "as needed" basis.
- (c) *Commercial, Industrial, Public Facility and Multi-family Driveways.* In addition to the conditions established by subsection (a), the following standards are established for driveways serving commercial and industrial uses and multi-family containing ten or more units served by a common parking area:
- (1) Driveways shall be at least 20 feet in width.
 - (2) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
 - (3) The finished surface of the driveway shall be hard surfaced and may be of any Ohio Department of Transportation approved materials, such as concrete, asphalt or impervious pavers/pavement.

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 unused motor vehicles for a period exceeding seven 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 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 48 consecutive hours in the same general location, as determined by the Zoning Inspector or their designee in any ten-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 50 feet of a road right-of-way on any parcel in an "R-Residence" District.
 - (3) No more than one vehicle for sale shall be parked on any residential lot at any one time. No vehicle for sale shall be parked on the lawn area of any lot.
- (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 48 consecutive hours in the same general location, as determined by the Zoning Inspector or their designee, in any ten-day period shall be prohibited unless provided for elsewhere in this Ordinance. The trailer, camper, boat, recreational vehicle, or motor home shall be parked on a sealed surface such as concrete, asphalt, or other material as approved by the Zoning Administrator or their designee.
- (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 14 days in any one calendar year.
- (f) *Mobile Homes, Mobile Office Structures, and Portable Storage Units.*
 - (1) Except as provided for elsewhere in this Ordinance, no mobile home structure shall be placed or occupied in any district.
 - (2) Temporary structures such as mobile office structures 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 months and may be renewed not more than twice. Renewal of the permit shall be at the discretion of the Zoning Administrator or their designee on finding of reasonable progress toward completion of the permanent structure or project. The Zoning Administrator or their designee may require provisions for sanitary waste disposal, solid waste disposal, and water supply, as ~~he-they~~ 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 days after expiration of said permit. No such unit shall be occupied as a residence.

(3) Portable Storage Units.

- A. "Portable Storage Units" means any portable structure intended to be used on a temporary basis for the loading of materials out of a location within the City of Powell and then moved to another location by a contracted third party or the unloading of materials into a location within the City of Powell in which the portable structure was brought to the location by a third party.
- B. Portable Storage Units (PSU). The use of PSUs within the municipality, or other similar units, shall be permitted in any zoning district only for the purpose of loading or unloading in association with moving in or out of a building. PSUs shall be parked upon the receiving property for a period not to exceed 72 hours without a Zoning Certificate, and in no case shall a PSU remain on a property for more ~~that than~~ seven days. PSUs shall be placed outside of the public right-of-way or private streets, and shall be located on ~~an~~ sealed surface such as asphalt or concrete ~~surface~~. In the event that a PSU needs to be placed within the public right-of-way or on a private street, the Zoning Administrator or their designee shall issue a Zoning Certificate for the location of the PSU, with conditions taken into consideration regarding public health, safety, and welfare. Under no circumstances shall a PSU be located within the ROW of a cul-de-sac bulb.

(g) *Parking and Storage of Commercial Vehicles.*

- (1) For purposes of this Section, "commercial vehicle" means any motor vehicle or trailer that is registered with the Ohio Bureau of Motor Vehicles as a commercial motor vehicle or a commercial trailer pursuant to Chapter 4503 of the Ohio Revised Code.
- (2) With the exception of the vehicles listed in subsection (b)(3) below, no commercial vehicle shall be parked in any residential district except for the purpose of delivery to or the receiving of goods or other articles, or in connection with the construction, repair or other services being performed, during the actual parking time.
- (3) The following commercial vehicles may be parked in a residential district. Such vehicles shall be parked in a garage or on ~~an improved impervious sealed~~ surface such as concrete, asphalt, or other material as approved by the Zoning Administrator or their designee in a location least intrusive:
 - A. Vehicles associated with legally established home occupations pursuant to Section 1147.08;
 - B. Vehicles with a GVWR (Gross Vehicle Weight Rating) less than 10,000 pounds;
 - C. Any vehicle required to respond on an emergency basis for the public health, safety and welfare, and has received a certificate of exemption from the Chief of Police or ~~his their~~ designee.

1145.28 DRIVEWAY ~~CONSTRUCTION~~DESIGN.

~~It being considered important that driveways serving any property or use be constructed in a manner which insures access by emergency vehicles and the free and safe flow of traffic from public streets or roads, the~~ following design standards are established for ~~such~~ driveways throughout the City:

- (a) *All driveways (any use).* In addition to the conditions or specifications imposed in subsections (b) or (c) ~~hereinafter established~~, the following specifications are recommended for all driveways, regardless of the use served ~~thereby~~:
- (1) All driveways, including approaches and aprons, shall be in accordance with the most current edition of the Ohio Department of Transportation Construction and Material Specifications (ODTS). Alternative specifications may be approved by the City Engineer or their designee.
 - ~~(2) The Driveway shall not have provide an appropriate a grade, up or down, from the public road pavement level exceeding eight percent as determined by the City Engineer or their designee.~~
 - ~~(2) Driveway shall not, at any point over its entire length, contain a grade exceeding eight percent.~~
 - (3) At the point where the driveway intersects the public road, the same shall have such radii and drain pipe as specified or required by the governmental agency (state, county, or town-ship) which controls the public roadway.
 - (4) If the driveway leaves the public road on an upgrade, design and construction shall include a vertical curve or saddle to prevent the flow of surface drainage from said driveway onto the traveled portion of the public road.
 - (5) If any driveway crosses a drainage swale, stream or ditch, the same shall be bridged by pipe or such structure as required to permit the unobstructed passage of all surface water generated by a five-year storm. Any pipe shall be of sufficient length to extend not less than three feet beyond the toe of the slope of the fill over said pipe unless a properly designed headwall is installed to protect the end of such pipe. Any bridge or structure spanning a stream or ditch shall be designed by a professional engineer with HS 15 loading. No bridge shall be less than 12 feet in width. If the driveway serves a commercial or industrial use, the bridge shall not be less than 18 feet in width.
 - (6) If a fill is placed over any drainage structure or placed to alter the grade of any driveway, the vertical slopes on said fill shall be no steeper than a two-to-one slope. All fill areas shall be scalped of vegetation and excavated to load bearing soil before fill material is placed over it. Such fill shall be free of all humus and organic material and shall be compacted to a density of 95 percent proctor. The fill shall be of sufficient width to include a compacted berm beside the graveled or paved area of reasonable width to facilitate safe passage of vehicles. Guard rails or barriers shall be installed when deemed necessary by the ~~Zoning Administrator~~City Engineer or their designee to create safe conditions.
 - (7) Drainage ditches shall be constructed as necessary parallel to said driveway which ditch should be graded to a good and sufficient outlet. Siltation control shall be placed in any ditch and such siltation shall not flow to roadside ditches along public roads.
 - (8) All curves in the driveway shall be of sufficient radius (not less than 50 feet) to permit unhindered passage of public safety vehicles, including fire vehicles and all other vehicles reasonably expected to utilize the same.

-
- (9) All trees, overhanging branches or other obstructions to the free passage of public safety vehicles shall be removed.
- (10) Obstructions on the prevailing wind-ward side of the driveway which contribute to drifting of snow shall, when possible, be removed.
- (b) *Residential Driveways.* In addition to the conditions imposed by subsection (a) ~~hereinbefore set forth~~, the following standards are established for driveways serving residential structures or uses:
- (1) Driveways serving individual residential structures shall not be less than ten feet in width or greater than 20 feet in width at the property line and shall be constructed over an aggregate base of reasonable depth.
 - (2) If the driveway serves two or more residences (not including ~~apartment-multi-family~~ structures), the ~~same driveway~~ shall be at least 12 feet in width and shall be constructed over an aggregate base of reasonable depth.
 - (3) If any residential driveway is over 500 feet in length, widened paved passing areas at least 15 feet in width shall be provided at frequent intervals, but not more than 300 feet distant from each other, to permit the free passage of traffic over said drive.
 - (4) Dust control shall be provided on an "as needed" basis.
- (c) *Commercial, Industrial, Public Facility and ~~Apartment Complex~~Multi-family Driveways.* In addition to the conditions established by subsection (a) ~~hereinbefore set forth~~, the following standards are established for driveways serving commercial and industrial uses and ~~apartment complexes~~multi-family containing ten or more units ~~and~~ served by a common parking area:
- (1) Driveways shall be ~~not less than~~at least 20 feet in width.
 - (2) Driveway base and surface shall be designed by a professional engineer to sufficient depth for anticipated use and access by public safety vehicles.
 - (3) The finished surface of the driveway shall be hard surfaced and may be of any Ohio Department of Transportation approved materials, such as concrete, asphalt or impervious pavers/pavement.
- ~~(d) Concrete driveways in addition to the conditions imposed by subsections (a) and (b) or (c) hereinbefore set forth, the following construction standards are established for concrete driveways including the driveway apron and approach, whether or not such is intended for public or private use.~~
- ~~(1) Concrete usage; quality. Any and all concrete used shall:~~
- ~~A. Contain a cement content of six bags per cubic yard at 94 pounds per bag of Portland cement.~~
 - ~~B. Have an air entrainment of six percent to eight percent at the time of pour.~~
 - ~~C. Consist of sound, coarse aggregate of one inch or smaller.~~
 - ~~D. Contain no more water than will permit a slump between a minimum of four inches and a maximum of six inches.~~
 - ~~E. Have a uniform thickness of four inches.~~
- ~~(2) Curing; mixing; finishing.~~
- ~~A. Curing compound must be applied immediately after broom finishing, according to manufacturer's recommendation.~~
 - ~~B. Calcium chloride or other admixtures shall not be added at the jobsite.~~

C. ~~Minimum floating shall be required. A broom finish shall be required. Finishing must be delayed until water sheen (bleed water) has disappeared from the surface.~~

~~(3) Base.~~

A. ~~Base must be smooth and consist of undisturbed or compacted earth. A stone, gravel, limestone screenings, or nonsettling material approved by the building official may be used as a leveling course. Excavations or trenches under a drive must be compacted or filled with nonsettling material.~~

B. ~~Subgrade or base shall be dampened if it becomes dry before pouring.~~

~~(4) Joints.~~

A. ~~Control joints, whether hand-tooled or sawn, shall be to a depth of one-quarter the thickness of the slab. The dimension of any control joint shall not exceed ten feet.~~

B. ~~Isolation joints shall be required where concrete abuts any structure including, but not limited to, foundations, garage floors, stoops, and paved streets.~~

~~(5) Time of pour.~~

A. ~~If the temperature in the surrounding area is below 70 degrees Fahrenheit, the maximum allowable time from loading to pour shall be one and one-half hours.~~

B. ~~If the temperature in the surrounding area is above 70 degrees Fahrenheit, the maximum time from loading to pour shall be one hour.~~

