



COMMUNITY DEVELOPMENT • 1140 Terex Road • Hudson, Ohio 44236 • (330) 342-1790

Date: December 9, 2021
To: Mayor Shubert and City Council
From: Greg Hannan, Community Development Director
CC: Thomas J. Sheridan, Asst City Manager; Nick Sugar, City Planner
Re: 2021 Land Development Code Update amendment – Childrens Play Equipment

The 2021 LDC Update amendments focus on efficiency efforts and address noted requests from Council and residents. The Architectural and Historic Board of Review and the Planning Commission have both conducted multiple meetings regarding the amendments and have forwarded recommendations. At the November 9, 2021 Council session, the agenda item was postponed to the December 14, 2022 workshop. Council requested additional consideration to confirm play structures would not be permitted too close to property lines potentially impacting neighboring properties.

Currently, childrens play equipment is considered an accessory building and restricted to the rear yard and required to comply with the minimum side and rear yard setback of the applicable zoning district (15 ft for most residential neighborhoods).

Initial Amendment: Based on Council expressing a desire to provide some additional flexibility to treehouse, swing sets, and related improvements the following amendment was proposed to establish a setback for such improvements similar to patios and driveways.

1201.07 RULES OF MEASUREMENT.

(c) Setbacks – Building and Structure setbacks from lot line. Setbacks shall be measured as the distance between the nearest lot line and the furthestmost projection of a building or structure along a line at right angles to the lot line. Setbacks shall be unobstructed from the ground to the sky except as otherwise specifically allowed in this section.

(1) Features allowed within setbacks

J. Enclosed tree houses (not to exceed 100 square feet), swing sets, and unenclosed play structures that are accessory to a principal residential use provided that the edge of such structures shall be set back at least three feet from an adjacent property line.

Revised Amendment proposal:

For Councils further consideration, the below removes the *1201.07 features within a setback* consideration and provides expanded regulations within Section *1206.03 Accessory Structures*. The current items identified in section 1206.03(a)(11) (shown below) are proposed to be struck from the LDC as the current list of items is somewhat confusing and redundant. The current text groups unrelated structure types which are also separately regulated as accessory structures with height and square footage allowances. Amending this item to specifically address children's play equipment provides the ability to add additional descriptive text that is narrowly tailored to regulating play equipment. With the incorporation of Council feedback, staff can proceed to incorporate within revised legislation.

1206.03 ACCESSORY USES/STRUCTURES.

Permitted uses and approved conditional uses shall be deemed to include accessory uses, structures, and activities that are necessarily and customarily incidental and subordinate to the principal uses allowed in the zoning district, unless specifically prohibited. Accessory uses, structures, and activities shall be subject to the following regulations in addition to the same regulations that apply to principal uses in each district.

(a) Residential Accessory Uses. Residential uses shall include the following accessory uses, activities, and structures:

~~—(11) Playhouses, patios, cabanas, porches, gazebos, and incidental household storage buildings, provided that the height of such structures shall not exceed sixteen feet and provided that no storage building shall exceed 200 square feet in gross floor area.~~

(11) Children's play equipment subject to the following conditions:

- A. For the purposes of this section children's play equipment shall include but is not limited to playhouses, treehouses, tree platforms, swing sets, trampolines, and zip lines.
- B. Children's play equipment shall not exceed 200 square feet in gross floor area.
- C. Children's play equipment shall be setback at least ten feet from an adjacent property line; and
- D. Children's play equipment shall only be permitted within the side or rear yard.
