

**CITY OF XENIA, OHIO
ORDINANCE NUMBER 10 - 29**

ORDINANCE AMENDING SECTIONS 1294.10 TEMPORARY USES AND STRUCTURES AND 1294.15 ACCESSORY STRUCTURES OF CHAPTER 1294: SUPPLEMENTARY REGULATIONS OF TITLE SIX: ZONING OF THE CODIFIED ORDINANCES OF THE CITY OF XENIA.

WHEREAS, City Council passed Ordinance No. 10-16 on May 27, 2010, amending Chapter 1294: Supplementary Regulations of Title Six: Zoning; and

WHEREAS, Vice President Jeanne Mills requested changes to specific sections of Chapter 1294: Supplementary Regulations pertaining to temporary classrooms and swimming pools when the ordinance was introduced; and

WHEREAS, the changes to said ordinance were not made by motion prior to the second reading of the ordinance on May 27, 2010.

NOW, THEREFORE, City of Xenia hereby ordains:

Section 1: Section 1294.10 Temporary Uses and Structures of Chapter 1294: Supplementary Regulations of Title Six: Zoning shall be amended as follows:

§ 1294.10 TEMPORARY USES AND STRUCTURES.

In any district, subject to the conditions stated below, the Zoning Enforcement Officer may issue a temporary zoning permit for the following temporary uses and structures subject to the applicable regulations of the district in which the use they are accessory to is located:

(a) Temporary construction office and/or storage facilities, provided that such use is located on or immediately adjacent to the construction site. Such use shall be removed when construction is completed, or within one year after issuance, whichever occurs first. The Zoning Enforcement Officer may extend the permit in increments of 60-day periods for reasonable cause. A temporary building, relocatable modular unit, trailer or tractor trailer may be used for office or storage facilities pursuant to this section.

(b) Temporary offices incidental and accessory to real estate sales and rentals if located within the same residential developments or subdivision. Each permit shall be valid for one year and may be renewed if conditions warrant such renewal. Temporary offices accessory to real estate sales may be located in a model unit. Trailers or mobile units will be allowed for the duration of the construction of the model unit.

(c) Temporary Classrooms. A permit may be issued for an industrialized unit to be used for a temporary classroom not to exceed ~~one~~ **two** school calendar years ***to allow schools to accommodate students and new programs until the schools are able to raise capital funds for permanent structures. If the temporary classroom is needed for longer than the initial two school calendar years, the permit holder must reapply for an additional two-year permit for each two-year period thereafter.*** Temporary classrooms shall not be visible from the right-of-

way and/or view or shall incorporate architectural details to make them blend with the permanent structure. Architectural details may include use of canopies, awnings, decorative foundation walls **such as decorative stone and skirtings**, canopies and landscaping around foundation.

(d) Tents and canopies shall be permitted for special gathering, or events such as weddings, graduations, and celebrations not exceeding five days. In addition to the zoning permit, a building permit shall be required for tents and canopies over two hundred (200) square feet. Tents and canopies shall be certified for fire retardant.

(e) Gatherings under canvas or tent or in the open, such as a religious service, show, meeting, special and organized exhibitions and bazaars, carnival or circus not exceeding five days. In addition to the zoning permit, a building permit shall be required for tents and canopies over two hundred (200) square feet.

(f) Temporary commercial storage. Commercial tractors, semi-trailers, commercial vehicles and portable and temporary storage structures may be used for temporary storage in the agricultural, business and industrial districts. The maximum effective period of this permit shall be 90 days in a calendar year.

(1) The use of commercial tractors, semitrailers, commercial vehicles and portable and temporary storage structures as prescribed above shall be subject to the following conditions:

A. They shall not have permanent attachment to any utility, i.e. electricity, water, gas or sanitary sewer lines. Temporary electric power may be had pursuant to the provisions of the National Electrical Code that provide for the use of a temporary pole with a temporary light cord.

B. 1. They shall be parked or located in the rear of the building or as close to the rear as is reasonably possible, preferably in the loading area and on a continuous hard surface equivalent in strength to the existing parking area.

2. No part of the vehicle or portable storage structure shall be closer than two feet from the principal building nor encroach on more than ten percent of required off-street parking.

C. There shall be no permanent human occupancy in the vehicle or portable storage structure, except for necessary access.

D. The items, goods and materials to be stored in the vehicle or portable storage structure must be identified at the time of the application for a permit.

(g) Portable storage units shall be permitted as a temporary use in the Residential Zoning Districts provided:

(1) The structure must be placed on a concrete driveway or other hard surfaced area and shall not obstruct sidewalks.

(2) Only one unit is permitted on a property.

(3) Can only be allowed for a maximum of seven (7) days in a calendar year.

(4) There shall not be any utility hook up.

(h) Donation Collection Bins. This may be permitted as temporary use in commercial areas provided:

(1) Organization or company benefiting from the clothing donation containers or recycling bin, or the host on whose property these containers are situated, must indicate the following information on the container or bin: name of organization or company, address, contact telephone number.

(2) All signage on the containers must meet the City of Xenia Sign Ordinance.

(3) The placement of these containers must be located in the side or rear of the property.

(4) The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Code Enforcement Officer at the expense of the property owner or business owner.

(5) There shall only be one container bin on the property at a time.

Section 2. Section 1294.15 Accessory Structures of Chapter 1294: Supplementary Regulations of Title Six: Zoning shall be amended as follows:

§ 1294.15 ACCESSORY STRUCTURES.

(a) As part of main structure. If an accessory building is attached to a principal building by any wall or roof construction, it shall be deemed to be part of the principal building and shall comply in all respects with the yard and setback regulations of the applicable zoning district. The square footage of the accessory building will be counted as part of the aggregate square footage allowed on the property for all accessory structures.

(b) Location of detached accessory structures.

(1) In any residential zone, no detached garage or other accessory building shall be erected within a required side yard or front yard or on any utility easements. Accessory structures shall be located on the same lot or parcel as the main structure they are accessory to.

(2) If located completely to the rear of the main structure, the detached accessory structure shall be erected not less than three feet from the side or rear lot lines. This provision does not apply to swimming pools, which shall follow setback requirements as provided in subsection (h) hereof.

(c) Setback abutting alley. When access to a garage is from an alley, such garage shall be located not less than ten feet from the property line side abutting the alley.

(d) Height limitation. No detached accessory building in the residential zoned districts and B-1 Districts shall exceed one story or 14 feet in height measured from grade to the highest peak of the roof. However, the height of the accessory structure may be increased to seventeen

(17) feet provided that the primary exterior materials of the accessory structure match the primary exterior materials of the main structure, the roof pitch matches the roof pitch of the main structure and the wall height do not exceed ten (10) feet from the floor to the top plate.

(e) Distance from main structure and fire resistance requirement. No detached accessory structure shall be located less than ten feet from the main structure. If the separation of the accessory and main structure is less than ten feet, the accessory structure shall be protected with a fire-resistant material and shall form to the same yard requirements as the main structure.

(f) Minimum/maximum size requirement. In residential districts, the maximum square footage for all detached/attached accessory buildings on a lot shall be 49 percent of the floor space of the main building. The allowable threshold size for all accessory structures in a lot shall be 720 square feet to allow small residential structures to have adequate size accessory structures.

(g) Percentage of required rear yard occupied. Not over 38 percent of the required rear yard on any residential lot shall be occupied by a detached accessory structures and patios.

(h) Swimming pools. **Permanent in-ground or above-ground swimming** pools shall be set back ten feet from the rear and side lot lines and enclosed with a fence a minimum of five feet high. Concrete patios and decks around the swimming pool shall meet these required setbacks.

(i) Bike and skateboard ramps. Bike ramps and skateboard ramps shall be set back at least 15 feet from the rear and side lot line.

(j) Time of construction. No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced. In cases where the main or principal structure is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the main structure it is supposed to be an accessory thereto on the following conditions:

(1) Up to twelve months consistent with that allowed by Section 1286.05 (c) that allows for the non-conforming structure to remain vacant for a consecutive twelve months period.

(2) A zoning and building permit is obtained for the reconstruction of the main or principal structure, the construction of which should take place within twelve months. Failure to reconstruct the main or principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense.

(k) Prohibited accessory structures. Except as provided in this zoning code, the use of inflatable garages, portable garages, temporary structures as defined in Section 1240.05, temporary carports, converted portable and shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in all zoning districts.

(l) Attached and detached garages shall be served by a paved driveway consistent with the standards prescribed in the City of Xenia Materials and Construction Specifications Manual.

(m) Corner lot accessory building. On a corner lot, the rear lot line of which adjoins a side lot line of a lot to the rear, no accessory structure shall be located:

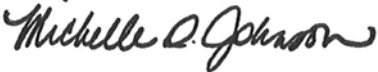
(1) Within five feet of any part of a rear lot line which coincides with the side lot line or portion thereof of a lot to the rear of the corner lot; or


(2) Within the required front yard setbacks of both the corner lots and the adjoining lots.

Section 3. This Ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed: July 22, 2010
Effective: August 21, 2010

Attest:


Michelle D. Johnson
Clerk, Xenia City Council


Patricia L. Felton
President, Xenia City Council