

**CITY OF XENIA, OHIO
ORDINANCE 2020 – 17**

**AMENDING SECTIONS 1220.02(a), 1220.03(c), 1222.04 Table 1222-3, 1222.05(d)(19),
1224.01(e)(9)C., 1228.03(a), 1228.04(c)(3), (c)(7), AND (c)(8), AND REPEALING
SECTION 1226.01(b)(3) OF THE CITY OF XENIA LAND DEVELOPMENT CODE**

WHEREAS, this Council, by Ordinance 16-26, adopted June 9, 2016, adopted a Land Development Code, which was most recently amended by Ordinance 2019-21, adopted November 14, 2019;

WHEREAS, this Council finds it is necessary to periodically amend the City of Xenia Land Development Code (LDC) to address changing development trends and community needs and to optimize efficiency and effectiveness;

WHEREAS, Section 1220.02(a)(3) of the City’s LDC allows amendments to the text of the LDC to be initiated upon the motion of the Planning and Zoning Commission;

WHEREAS, upon receipt of a text amendment, the Planning and Zoning Commission must review and hold a public hearing on the proposed amendments, and then recommend to Council to approve, approve with modification, or deny the proposed amendments; and

WHEREAS, the Planning and Zoning Commission initiated, by motion, proposed text amendments to the City’s LDC at its February 6, 2020, meeting, held the required public hearing at its March 5, 2020, meeting, and voted to endorse these amendments to City Council at its March 5, 2020, meeting.

NOW, THEREFORE, THE CITY OF XENIA HEREBY ORDAINS, at least four (4) members of the City Council concurring, that:

Section 1. Sections 1220.02(a), 1220.03(c), 1222.04 Table 1222-3, 1222.05(d)(19), 1224.01(e)(9)C, 1228.03(a), 1228.04(c)(3), (c)(7) and (c)(8), and 1244.02 are hereby amended, as shown in the attached Exhibit A.

Section 2. Existing Section 1226.01(b)(3) is hereby repealed in its entirety, as shown in the attached Exhibit A.

Section 3. Existing LDC Sections 1220.02(a), 1220.03(c), 1222.04 Table 1222-3, 1222.05(d)(19), 1224.01(e)(9)C, 1228.03(a), 1228.04(c)(3), 1228.04(c)(7), 1228.04(c)(8), and 1244.02 are hereby repealed.


Section 4. It is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council that resulted in this formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5. This Ordinance shall be effective on August 22, 2020.

Introduced: July 9, 2020
Adopted: July 23, 2020

Attest:


Michelle D. Johnson
City Clerk


Wesley E. Smith
President, Xenia City Council

SECTION 1220.02 COMMON REVIEW REQUIREMENTS

- (a) Authority to File Applications.
 - (1) Unless otherwise specified in this Code, development review applications defined in this code may be initiated by:
 - A. At least one owner of the property that is the subject of the application; or
 - B. An agent authorized by the owner, which may include a lessee of the property.
 - (2) **Applicants shall certify that: (i) they are the owner of the lot(s) subject to the development review application; or (ii) they have permission from such owner to submit the application.** ~~Property owners of all the lots subject to the review or submittal shall be required to sign the application.~~
 - (3) The PZC or City Council may initiate code text and map amendments under this Code with or without written authorization or application from the property owner who may be affected.

SECTION 1220.03 CODE TEXT AND MAP AMENDMENTS

- (c) Initiation.
 - (1) ~~For a A zoning map amendment or code text amendment of a specific property, may be initiated by any person who has authority to file an application (see See Section 1220.02(a): Authority to File Applications.) for a property affected by the amendment or proposed to be rezoned by the amendment such property may initiate an amendment by filing an application with the City Planner.~~
 - (2) ~~Only City Council or the PZC may initiate code text amendments.~~
 - (3) City Council may initiate a code text or map amendment **by adopting a motion to make such amendment and** referring **the motion** ~~a recommendation on an amendment~~ to the PZC.
 - (3) (4) The PZC may initiate a code text or map amendment by adopting a motion to make such amendment.

SECTION 1220.04 PRINCIPALLY PERMITTED USES

TABLE 1222-1: PERMITTED PRINCIPAL USES														
Use Category and Use Type		Base Zoning Districts												Use-Specific Standards in Section:
Use Category	Use Type	A-1	R-1A, R-1B, R-1C, or R-1D	R-2	R-3	O-1	B-1	B-2	B-3	I-1	I-2	P-1	PUD	
Tourism	Banquet Halls or Conference Centers	---	---	---	---	---	---	P	P	---	---	P	P	
	Bed & Breakfast Establishments	C	C	C	C	C	C	---	---	---	---	---	PS	1222.05(d)(19)
	Campgrounds	C	---	---	---	---	---	---	---	---	---	C	---	
	Hotels or Motels	---	---	---	---	---	---	C	P	---	---	---	P	
	<u>Transient Guest Lodging</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>PS</u>	<u>---</u>	<u>---</u>	<u>PS</u>	<u>PS</u>

SECTION 1222.05 USE-SPECIFIC STANDARDS

(d) Commercial and Office Uses.

(19) ~~Bed and Breakfast Establishments~~ **Transient Guest Lodging.**

~~Bed and breakfast establishments~~ **Transient Guest Lodging is** are subject to the following standards:

- A. **Transient Guest Lodging is permitted only in dwellings, accessory dwellings, or as a dwelling unit in a Mixed Use Building (With Residential Uses).**~~The building utilized for the bed and breakfast establishment shall have been originally designed as a single-family dwelling structure.~~
- B. ~~The owner shall reside on the property.~~
- C. **Transient Guest Lodging in the O-1, B-1, B-2, B-3 and P-1 Districts shall be regulated in the same manner as Mixed Use Buildings (With Residential Uses) in addition to following the standards in this section.** ~~Only overnight guests shall be served meals unless otherwise authorized as part of the conditional use approval.~~
- C. ~~D. **Transient Guest Lodging in accessory dwelling units shall meet the same requirements as all accessory dwelling units as regulated in Chapter 1224: Accessory and Temporary Use Restrictions, in addition to following the standards in this section.** All activities related to the establishment shall take place within the principal dwelling and not within a garage or accessory building. Furthermore, all access to rooms shall be from within the principal building.~~
- D. ~~E. The facility shall be limited to no more than five guestrooms with a maximum guest capacity as determined by fire and building regulations.~~
- E. ~~F. There shall be no exterior evidence of a **Transient Guest Lodging use in a residential district** the use except that the operator may provide **signage** one wall-mounted sign with a maximum sign area of one square foot in addition to any other signs allowed for single-family dwellings in Chapter 1236: Signage.~~
- G. ~~No building additions or alterations may be undertaken for the sole purpose of expanding the bed and breakfast use unless approved as part of the conditional use review.~~
- E. ~~H. **Minimum off-street parking for each principal dwelling unit used for Transient Guest Lodging shall conform to the same requirements as dwelling units** A minimum of one off-street parking space for each guestroom and two off-street parking spaces for the resident owner manager shall be required. All parking areas for five or more vehicles shall meet the applicable standards of **in** Chapter 1234: Parking, Access, and Mobility.~~

SECTION 1224.01 ACCESSORY USES AND STRUCTURES

(e) Standards for Specific Accessory Uses and Structures.

(9) Fences, Walls, and Hedges.

C. Materials.

- i. No fence shall be composed of scrap materials, tires, canvas, cardboard, asphalt-style shingles, or corrugated metal, welded rolled wire, chicken wire, or sheet metal, with the following exceptions:
 - a. Metal, welded and woven wire shall be allowed in the A-1 District to fence in farm animals and protect crops.
 - b. Wire mesh, chicken wire, and welded wire shall be allowed as a backing material for split-rail fences.
- ii. Fencing that is electrically charged shall only be permitted for the containment of livestock on lots used for agricultural purposes. Such fencing shall be set back a minimum of fifty feet (50') from all adjacent residential lots.

- iii. Fencing that includes barbed wire or other sharp-pointed material shall be prohibited except in the I-1 or I-2 Districts where they may be considered with a conditional use approval, for security purposes. Such fencing shall:
 - a. Only be allowed in the side and rear yards;
 - b. Shall be mounted on the opposite side of the fence from any adjacent public right-of-way or sidewalk;
 - c. Be located a minimum of seven feet (7') off the finished grade; and
 - d. Contain no more than eighteen inches (18") of razor wire or barbed wire.
- iv. With the exception of ~~front yards in~~ the A-1 Agricultural District, **chain link fencing shall not be permitted in a front yard.** ~~the style or type of fences permitted in the front yard include: picket, split rail, wrought iron, solid vinyl, painted aluminum, welded steel and hedges.~~
- v. All latches, hinges and hardware shall be made of non-rusting materials.

SECTION 1226.01 SITE DEVELOPMENT STANDARDS

(b) General Site Development Standards.

~~(3) Building Orientation.~~

~~The main entrance of any building shall be oriented toward a public street. For corner lots in residential zoning districts, a dwelling unit may be oriented toward the intersection of the two streets.~~

SECTION 1228.03 ARCHITECTURAL STANDARDS FOR RESIDENTIAL BUILDINGS

(a) Architectural Standards for New Construction of Principal Dwellings.

The following applies to all new construction of any new principal residential dwelling:

- (1) Vinyl or metal siding shall be limited to no more than fifty percent (50%) of the area of a front façade as measured from a flat scale drawing of the façade elevation. Vinyl or metal clad pedestrian and garage doors shall not be considered as part of the vinyl or metal siding on a front facade.
- (2) The front façade of each dwelling shall contain at least one of the following features:
 - A. One (1) or more dormer windows or cupolas;
 - B. Wall offsets in the form of projections and/or recesses in the façade plane; wall offsets shall have a minimum depth of two feet (2');
 - C. A recessed entrance;
 - D. A covered porch or balcony;
 - E. Pillars, posts, or pilasters; or
 - F. One or more bay windows with a minimum of 12-inch (12") projection from the façade plane.
- (3) All siding shall be either horizontal or vertical in placement.
- (4) All potential below grade living areas shall be constructed with poured concrete walls.
- (5) The following additional standards shall apply to the construction of new dwellings within a block where more than fifty percent (50%) of the lots within the block are occupied by residential dwellings:
 - A. If the new construction is on a lot where seventy-five percent (75%) of the block face is comprised of dwellings that do not comply with the requirements of this section, a new dwelling may be constructed of building materials similar to a majority of the other dwellings along the same block face. If the existing, individual buildings along the same block face contain a mixture of building materials, the new construction should contain materials that reflect the predominant materials or better materials along the same block face as determined by the City Planner.

- B. Where the majority of buildings along the same block face have front porches, the building subject to this subsection shall also include a front porch that has a width and depth generally similar to the average width and depth of porches along the same block face.
- C. No principal dwelling shall be constructed which is more than twenty percent (20%) shorter than the average height of principal dwellings along the block face.
- D. No principal dwelling shall be constructed where the front facade is more than twenty percent (20%) wider or twenty percent (20%) narrower than the average width of principal dwellings along the block face.
- E. The main entrance of a principal building shall be oriented toward a public street. If the principal building is on a corner lot, its main entrance may be oriented toward either a public street or the intersection of the two public streets.**

SECTION 1228.04 ARCHITECTURAL DESIGN REQUIREMENTS FOR NONRESIDENTIAL DISTRICTS AND NONRESIDENTIAL DEVELOPMENT IN RESIDENTIAL DISTRICTS

(c) Requirements for New Construction.

(3) Building Materials.

- A. A combination of materials, textures, colors, and finishes shall be utilized to create visual interest **on principal buildings.**
- B. Vinyl siding **on principal buildings** shall not comprise more than twenty-five percent (25%) of any single façade.
- C. New **principal** buildings in the B-2 District shall utilize brick or stone as the primary siding material.
- D. Exposed metal panels (such as corrugated metal) shall be prohibited **on principal buildings.** This subsection shall not be construed to prohibit metal roofs, flashing, aluminum storefront associated with windows, or high-quality metal siding such as copper, bronze, or other decorative metal as determined by the City Planner.
- E. **New accessory buildings with a footprint greater than four hundred square feet (400 ft²) and/or a height greater than fourteen feet (14') shall be constructed of materials similar to the materials used on the principal building or comply with building material requirements for new construction in this section.**

(7) Wall Openings (Doors and Windows).

- A. Blank walls, those devoid of openings such as windows and transparent doors, shall be prohibited on the front facade of any **principal** building. In no case shall a **principal** building have blank walls parallel to a public street or to its tangent, if the street is curved.
- B. **Principal** building facades that face a public street shall contain windows that occupy at least sixty-five percent (65%) of the total wall surface area of the first floor and at least thirty-five percent (35%) of each upper floor in the B-2 District, and twenty-five percent (25%) of the total wall surface area in other zoning districts. The bottom edge of the windows shall not be higher than three feet (3') above grade on the ground floor.
- C. A maximum of twenty percent (20%) of ~~the~~ **principal building** windows that can be seen from all public rights-of-way, excluding alleys, may be opaque, including spandrel glass.
- D. ~~All doors and windows shall be articulated through the use of lintels, sills, and thresholds. Windows larger than 20 square feet that are not used for display purposes shall be divided into panes through the use of mullions and/or sashes.~~

- (8) Roof Design.
- A. New buildings located in the B-2 District shall utilize a flat roof design in order to complement the predominant roof design of historic downtown Xenia buildings.
 - B. The height of any pitched roof shall not exceed one-half of the overall building height.
 - C. Roof Line Changes.
 - i. Roofline changes shall include changes in roof planes or changes in the top of a parapet wall, such as extending the top of pilasters above the top of the parapet wall.
 - ii. When roofline changes are included on a façade that incorporates wall offsets or material or color changes, roof line changes shall be vertically aligned with the corresponding wall offset or material or color changes.
 - D. Flat Roofs.
 - i. When flat roofs are used, parapet walls with three-dimensional cornice treatments shall conceal them. ~~The cornice shall include a perpendicular projection a minimum of eight inches from the parapet façade plane.~~
 - ii. Thin parapets that extend more than two feet (2') above the roof and have a depth of less than two feet (2') from the façade surface, are prohibited.

SECTION 1244.02 GENERAL DEFINITIONS

~~Bed & Breakfast Establishments~~

~~A resident managed and resident occupied residential structure used as a lodging establishment where up to five rooms are rented on a nightly basis and in which breakfast is the only meal and is included as part of the basic compensation.~~

Transient Guest

Person occupying a Transient Guest Lodging unit or room.

Transient Guest Lodging

A dwelling unit, a room or rooms within a dwelling unit, or an accessory dwelling unit where sleeping accommodations are offered for consideration to Transient Guests for less than thirty (30) consecutive days.