

1128.07 SWIMMING POOLS.

All pools and pool equipment shall be installed and utilized in accordance with its listing and labeling; and shall be assembled, erected, operated, and maintained as directed in the manufacturer's installation instructions.

- (a) Any swimming pool as defined by Section 1133.02 shall be subject to the standards of this subsection including pools that are designed to be temporary in nature.
 - (1) Swimming pools that are enclosed within a building shall not be subject to these standards.
 - (2) The swimming pool shall be set back a minimum of ten feet from all lot lines and five feet from all principal and accessory buildings as measured from the edge of the water.
 - (3) The swimming pool, or the entire property on which it is located, shall be walled or fenced to prevent uncontrolled access. Said fence or wall shall not be less than four feet in height and maintained in good condition with a gate and lock with the following modifications.
 - A. Such fence shall be constructed so as to have no openings, holes, or gaps larger than three inches in any dimension, except for doors or gates. An accessory building may be used in or as part of such enclosure.
 - B. Above-ground pools that have a vertical surface of at least four feet in height shall be required to have fences, locking gates or other approved barriers only where access is made to the pool.
 - (b) Prior to erecting and utilizing, swimming pools exceeding minimum thresholds shall require a zoning permit as indicated in Section 1132.02 (c)(3).
 - (c) Any pool for the use of occupants of multi-family dwellings containing over three apartments or those that are accessory to a nonresidential use shall meet the structural and sanitary requirements of the Ohio Department of Health.
- (Ord. 21-19. Passed 4-1-19.)

(Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12; Am. Ord. 20-16, passed 8-10-20)

§ 158.119 DRIVE-THRU SERVICE ESTABLISHMENTS.

(A) *Stacking of vehicles required for specific establishments.* Establishments that by their nature create periodic lining up of customers in automobiles waiting to be served shall provide off-street areas for these waiting customers. These include but are not limited to such activities as:

- Vehicle gasoline pumps
- Drive-in banks
- Drive-thru and Restaurants' drive-thru lanes
- Drive-in retail outlets
- Drive-in service and repair drop stations for such items as clothing, appliances, equipment, and the like
- Automatic auto washes

(B) *Spaces required.* Those establishments that can normally serve their customers in three minutes or less shall provide at least five off-street waiting spaces from first drive-in point of service. An automatic vehicle wash shall provide at least ten off-street spaces. Where normal customer servicing time is greater than three minutes per car, additional spaces shall be provided on the basis of one additional space per additional minute of waiting time.

(C) *Additional Stacking.* The Planning and Development Director reserves the right to require additional off street waiting spaces if a drive-thru line has the potential to block traffic on any public street.

(Ord. 09-21, passed 7-27-09)

§ 158.120 BARRIERS TO ENCROACHMENT BY VEHICLES.

Any lot used for parking, storage or display of vehicles for sale or rent, including boats, trailers, recreational vehicles or trucks, where such use is permitted to come within three feet of any property line separating the lot from any property held by any other ownership including public land, shall be protected from encroachment by the installation of wheel stops, bumper guards or fencing so placed and erected as to prevent vehicles from projecting over the lines except at approved points of ingress and egress.

(Ord. 09-21, passed 7-27-09)

§ 158.121 SWIMMING POOLS AND PONDS.

(A) *Private swimming pools.* No private swimming pool, excluding permanent or temporary swimming pools with a diameter less than 12 feet or with an area of less than 100 square feet, shall be allowed in any commercial or residential district, except as an accessory use and unless it complies with the following conditions and requirements:

- (1) The pool is intended and is to be used solely for the enjoyment of the occupants of the property on which it is located and their guests.

(2) It may not be located closer than ten feet to any property line including decking (excluding a concrete/paver patio/apron for an in-ground pool, which may go up to the property line).

(3) Except as provided in § 158.121(A)(5), the swimming pool shall be walled by a brick or solid block wall or permanently fenced to prevent uncontrolled access by children from the street or from adjacent properties. Any fence or solid wall shall be at least five feet in height and can be no greater than six feet in height and maintained in good condition with a gate and a lock which shall be engaged at any time of inactivity.

(a) On lots at least 10,000 square feet in size, the required fence need not be taller than 42 inches, so long as the pool is equipped with an automated cover capable of being locked and having a load capacity at least equal to that set forth in the "Standard performance specification for safety covers and labeling requirements for all covers for swimming pools, spas and hot tubs" published by the American Society for Testing and Materials (ASTM) International and designated as F 1346-91, or as modified which standard is incorporated herein by reference as if fully rewritten.

(b) On lots one acre or larger, there is no requirement for fencing, so long as the pool is at least 50 feet from the rear and side property lines, and is equipped with an automated cover capable of being locked and having a load capacity at least equal to that set forth in the "Standard Performance Specification for Safety Covers and Labeling Requirements for All Covers for Swimming Pools, Spas and Hot Tubs" published by the ASTM International and designated as F 1346-91, or as modified which standard is incorporated herein by reference as if fully rewritten.

(c) Pool covers referenced in 3(a) and 3(b) must be kept locked when the pool is not in actual use or when it is unattended.

(4) Swimming pools shall not be located in any front yard except on double or triple frontage lots, excluding corner lots, where pools shall be permitted to the rear of the principal structure, outside of the required front yard. See Figure 1 from § 158.104 (B).

(5) Above ground pools.

(a) The top rim of an above ground pool, top of railing, or a deck surrounding the pool shall be no less than five feet above the highest point of the adjacent grade.

(b) The stairs leading up to the deck and pool shall be secured by a locked gate. Said gate shall be no less than five feet in height to the top of the gate, and shall have swing out/swing up stairs that shall be secured within the locked gate or removed and secured away from the pool, in a manner so as to prevent the use of the stairs whenever the pool is not being used.

(c) Where the principal access point to the above-ground pool is from an abutting deck that is attached to or is immediately adjacent to the principal dwelling unit, there shall be a minimum five-foot high solid fence barrier as measured from the adjacent grade that shall completely enclose the entire deck and pool in order to prevent access to the deck and pool from the adjacent yard except through a gate located in the five-foot high fence. Said five-foot high

fence must also enclose any secondary access points from the yard to the deck as well as the pool by connecting said fence to the house.

(6) Approved pools shall not be filled with water until the required fence, deck or railing is installed in accordance with this chapter.

(B) *Community or club swimming pools.* Community and club swimming pools shall comply with the following conditions and requirements:

(1) The pool is intended solely for the enjoyment of the members and families and guests of members of the association or club under whose ownership or jurisdiction the pool is operated;

(2) The swimming pool and all of the areas used by bathers shall be walled or fenced to prevent uncontrolled access by children from the streets or adjacent properties. The fence or wall shall not be less than six feet in height and maintained in good condition with a lock and gate, which shall be engaged any time of inactivity.

(3) If the property upon which the pool is located is used for any other purpose other than open green space, and the property is adjacent to residential property, the owners of the property shall install and maintain screening as defined in § 158.135, Landscaping, Screening and Buffering.

(C) *Commercially operated swimming pools.* Commercial swimming pools shall comply with the requirements of divisions (B)(2) and (3) of this section.

(D) *Natural or man-made ponds.* Natural or man-made lakes, ponds, including those created for stormwater detention shall not be considered swimming pools under these provisions except for the following: Man made ponds, constructed after the passage of Ordinance 09-21 effective, August 26, 2009, excluding stormwater retention and detention ponds, with a diameter of 12 feet or more, or greater than 100 square feet of surface area, within a residentially zoned district, located on a parcel less than two acres. Such ponds shall adhere to the fencing requirements of this section and shall be set back at least 50 feet from any adjacent residentially zoned property. (Ord. 09-21, passed 7-27-09; Am. Ord. 10-12, passed 9-13-10; Am. Ord. 12-02, passed 2-13-12; Am. Ord. 14-17, passed 8-25-14; Am. Ord. 15-23, passed 8-24-15)

§ 158.122 LIVE SEX ACTS BUSINESSES PROHIBITED

(A) Live Sex Act Businesses are prohibited.

(B) Definitions. In this section, unless the context otherwise requires:

(1) Consideration means the payment of money or the exchange of any item of value for:

(a) The right to enter the business premises or any portion thereof; or

(b) The right to remain on the business premises or any portion thereof; or

Accessory structures include, but are not limited to, detached garages, sheds, gazebos, pools, etc. Most require a permit from the City of Xenia, as explained below.

To obtain a permit, submit an **application** and **site plan** to the City (see bottom of page for instructions).

Below is a summary of requirements and standards for common accessory structures (Land Development Code Section 1224.01).

General

- No permit required if less than 50 sq. ft. and no electric/plumbing
- If larger than 200 sq. ft., structural plans will be required
- Must be built AFTER construction of main building
- Paved driveway required for garages
- Temporary structures such as inflatable/portable garages, shipping containers, and trailers NOT permitted as permanent accessory structures

Location

- Utility easements: Anything built in a utility easement is subject to removal by utility companies if needed for maintenance purposes. Structures cannot interfere with utility lines or required drainage. Call 811 (Ohio Utilities Protection Service) to find locations of underground utilities before digging. City staff will review easement information during permit application review
- Generally must be in rear yard and on same parcel as main building
- Detached garages/carports: At least 10 ft. from lot lines
- Structures requiring alley access: At least 10 ft. from alley
- Other accessory structures: At least 3 ft. from lot lines

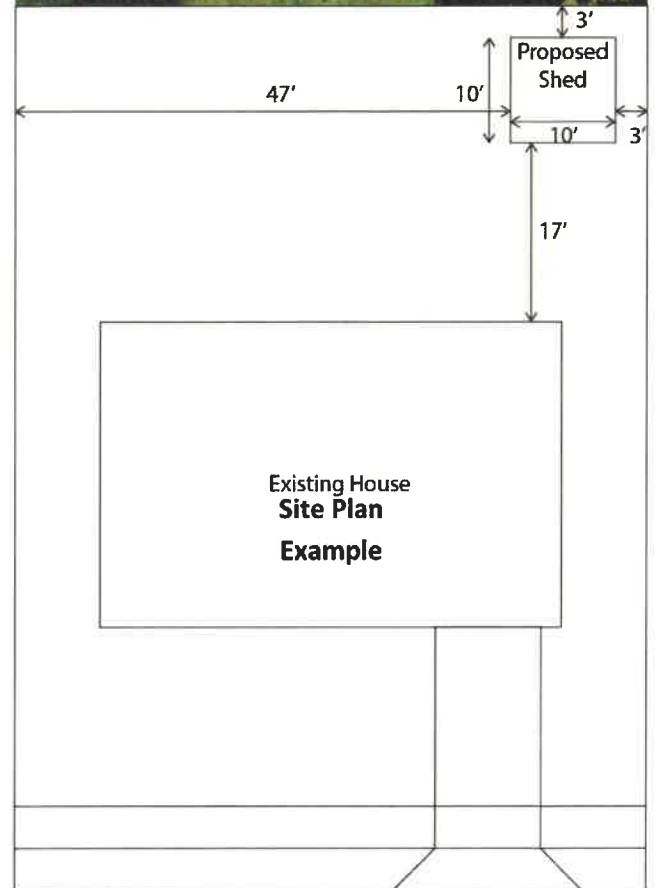
Height/Size

- Height: Maximum of 14 ft. tall (measured to midpoint between roof eaves and peak); may be increased to 18 ft. if exterior materials are similar to main building
- No more than 38% of required rear yard area in residential zones
- No more than 49% of main building floor space or 720 sq. ft., whichever is greater in residential zones
- No maximum sq. ft. in nonresidential zoning districts or for farm operations

Swimming Pools

- In-ground pools must be enclosed by minimum 4 ft. tall fence (required only at access points for above-ground pools)
- Water's edge must be at least 10 ft. from lot lines

See following pages for details regarding post-frame accessory buildings and anchoring, for accessory buildings greater than 200 sq. ft.



APPLYING FOR A PERMIT? START HERE: WWW.EXPLOREXENIA.COM – CLICK PERMITS

GENERAL OR ZONING QUESTIONS? CALL 937.372.6389 OR STOP BY AT 107 EAST MAIN STREET, XENIA, OHIO
 BUILDING PERMIT QUESTIONS (BUILDINGS > 200 SQ. FT. OR ELECTRICAL): 937.433.4642

(NATIONAL INSPECTION CORPORATION)

PLUMBING PERMIT INFO: GREENE COUNTY PUBLIC HEALTH. 937.374.5607

**Post Frame Accessory Structures
Plan Submittal Checklist**

Minimum Standards for post and frame structures (must meet all):

- Residential accessory structures
- Single story
- Solid exterior structural sheathing or metal roof, and solid wall panels
- No attic storage (attic storage would require engineered design trusses)
- Maximum building width of thirty six feet including the overhang
- Maximum wall height of sixteen feet
- Maximum mean roof height of twenty feet
- Maximum post spacing of eight feet (unless truss sit directly on post)

Post and frame structures outside the above structural limitations will require plans sealed by an Architect or Engineer licensed in the State of Ohio. See separate Post Frame Accessory Structure Regulations handout for more information.

- Site Plan**
 - Property lines
 - All existing and proposed structures
 - Distance to property lines for proposed structures
- Construction Details**
 - **Elevation Plan** – north, south, east and west views. Show all porches and steps.
 - **Pier Plan** – show size and depth.
 - **Floor Plan** – label all room uses and dimensions.
 - Provide window and door sizes and locations
 - Show all header sizes, spans and locations
 - Provide engineering specifications on any engineered lumber, beams, headers, joist, truss, etc.
 - **Cross-Section**
 - Show all components of the wall from pier footing to roof

All drawings shall be legible, and have details to adequately describe the work, location and use. Drawings shall distinguish between existing and proposed work. Current Residential Codes include:

- 2019 Residential Code of Ohio
- 2017 National Electric Code
- 2018 International Energy Conservation Code

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Storage Shed Accessory Structures Anchorage

Storage sheds greater than 200 sq. ft. are required to be anchored to the earth. There are many different types of anchoring systems. Some of the more common anchoring methods are Auger Style Anchors, Concrete Expansion Anchors, Anchor Bolts & Foundation Anchor Plates and Straps. Variables such as the type, brand and size of anchors selected will change the number of anchors needed to secure the shed to the earth. The applicant will need to list the proposed anchors to be used and show the proposed location they are to be installed on the shed to obtain a Building Permit.



The most common anchors used for sheds on runners is Auger Style Shed Anchors.



Auger Style Shed Anchors

Auger style anchors are a rod with a wide helix or screw disc at the base. It is screwed into the ground; which can be difficult.

A cable or strap is attached to the ring top to secure the shed. A solution for existing sheds.

Another similar product has a bracket welded to the top for attaching the outbuilding foundation directly to it. It's more practical for new construction.

The advantage of both these products is they don't disturb the ground.

When the shed is placed on a concrete slab or piers it is common to use Concrete Expansion Anchors or Anchor Bolts.



Concrete Expansion Anchors

Concrete expansion anchors are bolts to secure a structure to existing concrete. A good solution for an existing shed on a concrete pad.



Anchor Bolts

Anchor bolts are usually for new construction and are inserted into concrete before it fully cures. After putting them into the concrete, jig it up and down to reset the concrete around it. Make sure it is aligned and level to your shed requirements.

Foundation Anchor Plates and Straps

Anchor plates and straps are used to secure a shed to a foundation. The shed may already rest on the foundation, or be a prefab being placed on a concrete or wooden foundation. They are a good way to secure a temporary or permanent shed to a foundation.

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