


CHAPTER
10

ACCESSORY USES AND STRUCTURES

10-1 GENERAL AUTHORIZATION.

Except as otherwise expressly provided or limited in this Chapter, accessory uses and structures are permitted in any zoning district in connection with any principal use lawfully existing within such district provided such uses and structures conform to all applicable requirements of this Resolution. Any accessory use or structure may be approved in conjunction with the approval of the principal use.

10-2 ZONING CERTIFICATES.

No accessory use or structure shall be established or constructed unless a Zoning Certificate evidencing compliance of the proposed use or structure with the provisions of this Chapter and all other applicable regulations of this Resolution has first been issued in accordance with Chapter 20 unless otherwise stated below.

A satellite dish antenna as stipulated in Section 10-6 shall be exempt from all zoning regulations and shall not require a zoning certificate. Other accessory uses not requiring Zoning Certificates but subject to the minimum yard requirements of this chapter include ornamental landscape structures (Section 10-3.4), swing sets, jungle gyms and other play devices not requiring a building permit (Section 10-3.5), dumpsters and trash handling areas (Section 10-5) and automobile rental (Section 10-10).

10-3 USE LIMITATIONS.

In addition to the applicable use limitations of the district in which it is located, no accessory use or structure shall be permitted unless it complies with the following restrictions:

10-3.1 Principal Structure Permit Required.

No accessory use or structure shall be approved, established or constructed before the principal use is approved in accordance with these regulations. Accessory buildings that are to be used for storage materials necessary for the construction of the principal structure may be erected upon a lot prior to the construction of that structure but only after a permit for the principal structure has been issued.

10-3.2 Signs Prohibited.

No sign, except as expressly authorized by this Chapter, Chapter 13, or Chapter 17 shall be maintained in connection with an accessory use or structure.

10-3.3 Location.

No accessory use or structure shall be located in the front or side yard and the total combined area of all accessory structures shall not occupy more than thirty (30%) percent of the required area of the rear yard. Where the principal structure is at least two hundred (200) feet from the right-of-way, an accessory structure may be located within the front or side yard but must be at least one hundred (100) feet from the right-of-way, and all district setback requirements shall be maintained. In the case of panhandle lots, the area of the panhandle shall not be used for calculating the lot area or be counted towards setback from the right-of-way line or edge of easement.

10-3.4 Decorative Features in Front and Side Yards.

Ornamental landscape structures such as fountains, ponds, and other decorative features shall not occupy more than thirty (30) percent of the front or side yard area and shall not exceed five (5) feet in height.

10-3.5 Play Devices in Rear Yards.

Swing sets, jungle gyms, and other play devices excluding those accessory uses specified in Section 10-13 shall be located in the side or rear yard and must maintain a minimum setback of ten (10) feet from every property line. No permitted play device shall exceed ten (ten) feet in height.

10-4 HOME OCCUPATIONS.

A home occupation shall be permitted in any zoning district as an accessory use to any permitted dwelling unit in accordance with the following standards.

10-4.1 General Standards.

- a. Maximum Area. The home occupation shall be conducted only within the closed living area of the dwelling unit or existing accessory structure, and shall not occupy more than twenty percent (20%) of the total floor area of the dwelling unit;
- b. Use of Accessory Structures. If the home occupation is conducted within an existing accessory structure, then that structure shall also serve as the garage or storage structure for the residents of the dwelling unit;
- c. Outside Appearance. There shall be no change in the outside appearance of the dwelling unit or accessory structure, or other visible evidence of the home occupation other than one sign not exceeding (2) two square feet in area, non-illuminated which shall be mounted flat against the wall of the structure.
- d. Commodity and Stock Prohibited. No commodity or stock in trade shall be, displayed or stored outside or inside the premises;
- e. Nuisance Prohibited. The home occupation shall not utilize mechanical, electrical, or other equipment which produces noise, electrical or magnetic interference, causes fluctuation in line voltage, vibration, heat, glare or other nuisances outside the dwelling unit or accessory structure in which it is located.
- f. Employees Prohibited. No persons shall be employed other than members of the immediate family residing on the premises.
- g. Additional Traffic Generation Prohibited. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- h. Essential Residential Character. The permission for home occupations as provided herein is intended to secure flexibility in the application of the requirements of this Resolution, but such permission is not intended to allow the essential residential character of residential districts, in terms of use and appearance to be changed by the occurrence of non-residential activities.

10-4.2 Uses Prohibited as Home Occupations.

Home occupations shall not, under any circumstance, be deemed to include the following activities nor any other activities similar in kind or intensity of use: nursing homes; funeral homes, mortuaries and embalming establishments; restaurants; bed and breakfast establishments; clinics, hospitals or the general practice of medicine or dentistry; clubs, including fraternities and sororities; instruction of persons; day care centers or type A day care home; retail or wholesale business; warehousing; beauty shop; barbershop; tailoring shops; shoe or hat repair; drop-off or pick-up station. On-premise consultation, sales or transaction shall be limited and incidental to Home Occupation activity in conformance with Section 10-4.1.

10-5 DUMPSTERS AND TRASH HANDLING AREAS FOR NON-SINGLE-FAMILY DISTRICTS.

The following requirements shall apply to all dumpsters, trash handling areas, and related service entrances:

10-5.1 Setbacks

Dumpsters, trash handling areas and related screening, shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-5.2 Location of Screen

Any such accessory use or structure shall be screened on three sides by a fence or wall from the view from public streets and any abutting properties located in a residential, office, or commercial district.

10-5.3 Height and Construction of Screen

Any fence or wall required under this Section shall have a height no greater than seven (7) feet and no less than five feet (5'). Any wall shall be constructed in a durable fashion of brick, stone, or other masonry materials with no greater than twenty-five percent (25%) of the wall surface left open. Any fence shall be constructed in a durable fashion of wood posts and/or planks with minimum diameter or width of three inches (3") and with no greater than twenty-five percent (25%) of the fence surface left open between posts and/or planks.

10-5.4 Required Landscaping

In addition to fencing and screening required in 10-5.3, and buffering requirements of Chapter 14 all dumpster and trash handling areas located within 25 feet of a residential district or use shall be located in such a manner that one or more sides facing or visible to adjacent residential uses shall be screened with an additional evergreen landscape buffer not less than 10 feet in width planted with a minimum of one evergreen shrub per 2.5 feet of fence or wall surrounding the dumpster or trash handling area.

10-6 SATELLITE DISH ANTENNAS.

A satellite dish antenna, as defined in Chapter 2, restricted to the sole purpose of receiving and amplifying microwave signals, for television reception shall be permitted in all Districts subject to the following conditions and restrictions:

10-6.1 Applicability

The following Categories of satellite dish antennas shall be exempt from all zoning requirements and shall not require a zoning certificate:

- a. An earth station (ground mounted) antenna that is two meters (78.74 inches) or less in diameter and located or proposed to be located in a commercial or industrial zoning district.
- b. An earth station (ground mounted) antenna that is one meter (39.37 inches) or less in diameter and located in any zoning district.

10-6.2 Site Plan.

A plan for a wall or roof mounted satellite dish or a ground mounted satellite dish antenna that is not exempted under 10-6.0 shall be submitted to the Administrative Official indicating the proposed height, diameter, location, setbacks. Foundation details, landscaping, and screening shall also be required in the case of a ground mounted satellite dish antenna.

10-6.3 Standards.

- a. Approval of a wall or roof mounted satellite antenna, over 36 inches in diameter and attached to the main building shall be subject to the following standards.
 1. Location. In all zone districts wall or roof mounted satellite dish antennas shall be prohibited on the front elevation of the building.

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2. Setbacks. In all zone Districts wall or roof mounted satellite dish antennas shall not be permitted to project into any required side or rear yard area.
- b. Approval of a ground mounted satellite dish antenna shall be subject to the following standards:
1. Location.
 - In the “A”, “B”, & “C” Districts satellite dish antennas shall be located in the rear of the property beyond the rear building line.
 - In all other zone Districts, ground mounted satellite dish antennas shall also be permitted in the interior side yard.
 2. Setbacks. Ground mounted satellite dish antennas shall provide the following minimum setbacks:
 - In all zone Districts, fifteen (15) feet from the rear and side yard lot lines.
 - Front Yard. In no case shall a ground mounted satellite dish antenna be located closer to the front or side street of a lot or building site than the main or principal building unless otherwise authorized by Section 10-3.3.
 - Setback from Power Lines. Satellite dish antennas or any appurtenances thereto, shall be located at least eight (8) feet from any power line over two hundred-fifty (250) volts.
 3. Landscaping. Ground-mounted antennas shall be screened from ground view from the street and adjacent property owners by landscaping as shall be approved by the Administrative Official. In order to reduce the height of the required plant material, berms may be employed in conjunction with the landscaping plan.
 4. Diameter. The diameter of such antenna shall not exceed the following:
 - In the “A”, “B”, & “C” Districts, six (6) feet.
 - In the all other Districts, ten (10) feet.
 5. Height. Ground-mounted antennas shall be limited to a maximum height of twelve (12) feet above grade in the Districts, and a maximum height of fifteen (15) feet above grade in all other Districts.
 6. Ground Coverage. The ground coverage of satellite dish antennas shall be counted in computing the ground coverage for auxiliary and accessory use structures located upon the building site.
 7. Number Permitted. Only one satellite dish antenna shall be allowed for each principal building.
 8. Installation. The installation or modification of a satellite dish antenna shall be in accordance with all applicable construction and safety codes and procedures and shall meet the requirements of the Hamilton County Township Building Code.
 9. Maintenance. Satellite dish antennas, appurtenances, landscaping, and screening shall be kept and maintained in good condition.

10-7 FENCES AND WALLS.

The restrictions set forth below shall apply to all fences and walls located in all Districts, except for fences and walls surrounding public utility structures or radio, television, or microwave transmission or relay towers. See Section 14-6 for additional fence and wall standards.

10-7.1 Height and Open Face Area in Front Yard.

No fence or wall located in the front yard shall be built to a height greater than three feet, six inches (42”) and shall have an open face area of no less that 50 percent or when constructed to a height of not more than four feet (4’) above grade, shall have an open face area of no less than 75 percent. Fences and walls as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height and openness requirements.

10-7.2 Height in Side and Rear Yard.

Privacy fences or walls located in the side or rear yard may be built to a height of six feet (6') above the average grade between vertical structural components as measured at the base of the vertical structural component. Trim or structural support elements may project above the main body of the fence by up to six inches provided any such projections are uniformly distributed throughout the length of the fence and are not installed in an attempt to increase the overall height of the fence. Fences and walls as provided in Sections 10-5.3 and 10-7.4 shall be exempt from these height requirements. Such fences or walls may be solid in construction. Any privacy fence shall be constructed to be durable, of wood, metal, PVC or wrought iron. Fence posts shall be structurally stable. **The finished side of the fence shall face out from the installing property and shall face the adjacent property or street.**

10-7.3 Entrance Walls in Front Yard.

An entrance wall or one set of entrance walls constructed on opposite sides of the entrance street or drive shall be allowed in a front yard in accordance with the following requirements:

- a. It is part of a single family development containing at least ten (10) dwelling units or a multi-family, commercial or industrial development having a minimum of 500 ft. of lot frontage.
- b. It is constructed at a maximum height of six (6) feet above grade and does not extend into the sight distance triangle.
- c. Signage on such entrance wall shall be subject to size and illumination standards contained in Chapter 13.

10-7.4 Retaining Walls.

All retaining walls shall be setback from adjoining property lines a minimum of two (2) feet in all zoning districts. Walls over forty-eight inches (48") in height shall be setback an additional one foot for every foot of height over forty-eight inches (48"). In no case shall the resulting setback be greater than the yard setback requirement of the underlying district.

10-8 DAY CARE CENTERS AS ACCESSORY TO NON-RESIDENTIAL USE.

A day care center receiving state certification pursuant to the Ohio Revised Code shall be permitted as accessory to any non-residential use in accordance with the following requirements:

10-8.1 Area of Outdoor Play Space.

At least fifty (50) square feet of outdoor play space per child shall be provided on the lot, exclusive of driveways, off-street parking and service areas, said play area may be located within the required rear yard. The minimum outdoor play area shall be 250 square feet in size.

10-8.2 Location and Enclosure of Outdoor Play Space.

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

10-8.3 Parking Standards.

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.

10-9 DRIVE-IN OR DRIVE-THROUGH SERVICE WINDOWS.

A drive-in service window, ATM (automatic teller machine), photo drop off or other similar type facility shall be permitted only as an accessory use in the "O" and "D" Districts (except as provided in Chapter 1), in accordance with the following requirements:

10-9.1 Principal Use.

The principal use shall be a retail establishment, office, or restaurant located on the same lot.

10-9.2 Setbacks.

Any freestanding drive-in service window shall be located in compliance with the same minimum setbacks as a main building as determined by the zone district in which such structure is constructed.

10-9.3 Circulation and Stacking Space.

The amount of stacking space and circulation patterns on the lot shall be at least five (5) spaces per window lane, calculated from the first customer contact point, and shall be adequate to keep traffic from backing up into the street.

10-9.4 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.

10-10 AUTOMOBILE RENTAL. CAR SALES LOTS

Automobile rental shall be permitted as an accessory use only where the principal use is a retail automobile dealership, tool rental or hotel or motel. Where the principal use is a hotel or motel, automobile rental shall be permitted as an accessory use only in accordance with the following requirements:

10-10.1 Signs.

No sign advertising the rental of automobiles shall be located outside the hotel or motel building; and

10-10.2 Parking.

No more than ten (10) automobiles that are not currently leased to customers shall be parked on the same property as the hotel or motel.

10-10.3 Parking Standards

Parking standards for accessory uses shall be in addition to, and calculated the same as, permitted uses as specified in Chapter 12.

10-11 HELIPORTS.

A heliport shall be permitted as an accessory use only in any non-residential district provided it complies with all applicable Federal Aviation Administration regulations and guidelines.

10-12 DETACHED GARAGE, STORAGE STRUCTURES AND OTHER DETACHED STRUCTURES AS ACCESSORY TO RESIDENTIAL USES ONLY.

Detached private garages, storage barns, and other detached structures shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses, in accordance with the following requirements:

10-12.1 Area and Height.

No more than 1,032 square feet in area and 19.5 feet in height.

10-12.2 Setback.

No detached garage or storage barn requiring the issuance of a Building Permit from the Hamilton County Building Department shall be closer than five feet (5') from any property line.

Storage barns or sheds that do not require a building permit shall be located no closer than three feet (3') from any property line.

10-12.3 Location.

No detached garage or storage barn shall be located in the front or side yard except as otherwise stipulated in Sections 10-3.1 and 10-3.3.

10-13 PRIVATE SWIMMING POOLS, TENNIS COURTS, BASKETBALL COURTS.

Swimming pools (measured from the edge of water), tennis courts and independent basketball courts and similar active recreation areas shall be permitted as an accessory use in all Residential Districts or any district with permitted residential uses provided they are located behind the rear line of the principal structure and at least ten feet (10') from all property lines. Fixed lighting for these uses shall be located, screened, or shielded so that any adjacent residential lots are not directly illuminated.

10-14 PRE-SCHOOL AND ELEMENTARY SCHOOLS AS ACCESSORY TO EXISTING CHURCHES.

10-14.1 Building Location

All buildings shall be setback from any property line the minimum distance that is required in the District in which it is located. An additional two (2) feet shall be added to the setback requirement for each foot of building height which exceeds the maximum height permitted (not to exceed 45 feet in height).

10-14.2 Building Type

All accessory structures shall be designed to reflect the main building and the use of temporary, portable or modular structures shall be prohibited.

10-14.3 Location and Enclosure of Outdoor Play Space

All outdoor play space shall be located in the rear yard and fenced or otherwise enclosed on all sides to a height of no less than three feet (3') and no greater than six feet (6').

10-15 FESTIVALS AND ANY OTHER FUNDRAISERS AS ACCESSORY TO EXISTING CHURCHES.

10-15.1 Festivals, Bingo or any other Fund Raising Activity

All fund raising activities shall follow the regulations set forth in Chapter 11 Temporary Uses.

10-15.2 Temporary Tents used at Festival and other Fundraiser Activities

All temporary tents used at festivals or other Fundraisers shall be regulated by Chapter 11 Temporary Uses, specifically 11-4.7 - Tents.

10-15.3 Temporary Signs

All temporary signs shall follow the regulations in Chapter 13 – Signs.

10-16 ON-SITE STORAGE or REFUSE CONTAINERS AND STRUCTURES

Storage containers (such as PODS) or similar items and refuse containers (dumpsters) for personal and/or private use that are not permanently installed on the property shall be considered temporary uses regulated by Chapter 11, Temporary Uses specifically 11-4.8.

10-17 PRIVATE AND RESIDENTIAL WIND ENERGY CONVERSION SYSTEMS AND SOLAR PANELS

10-17.1 Private Wind Energy Conversion Systems and Freestanding Solar Panel Installation Location

Private Wind Energy Conversion Systems and Freestanding Solar Panel Arrays are permitted to be located within the required rear yard in compliance with Section 10-3. Without a specific variance granted by the Northeast Green Township Board of Zoning Appeals no such structure or device shall be located within twenty five feet (25') of a property line, or a setback equal to at least half the overall height of the structure whichever is greater.

10-17.2 Height Limitations for Private Wind Energy Conversion Systems and Freestanding Solar Panel Installations

No private Wind Energy Conversion System or Freestanding Solar Panel Array may exceed eighty five feet (85') in height as measured from the base at ground level to the maximum operating height without prior approval from the Green Township Board of Zoning Appeals.

10-17.3 Building Mounted Wind Energy Conversion Systems and Freestanding Solar Panel Installations and Zoning Certificate Exemptions

No private Wind Energy Conversion System shall be mounted on or attached to any structure without specific approval from the Green Township Board of Zoning Appeals. Any Solar Panel attached or located on the roof or wall of any single-family residential structure or accessory structure installed in such a manner that it does not project more than three feet from the surface to which it is attached shall be exempt from the issuance of a Zoning Certificate. Any Solar Panel attached to any commercial structure in such a manner that it does not project more than five feet (5') from the surface to which it is attached shall be exempt from the issuance of a Zoning Compliance Certificate. Installations exceeding these limits shall require approval by the Green Township Board of Zoning Appeals.

10-17.4 Noise Restrictions for Wind Energy Conversion Systems

Noise levels shall be controlled to prevent sound levels beyond the property line. Noise levels generated from any Wind Energy Conversion System shall not exceed 65 decibels (dBA) between the hours of 7:00 AM to 10:00 PM and 55 decibels between the hours of 10:00 PM and 7:00 AM as measured at the property line.

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