

# Article 8: Accessory and Temporary Use Regulations

## 8.01 ACCESSORY USE REGULATIONS<sup>34</sup>

### (A) Purpose

This section authorizes the establishment of accessory uses that are incidental and customarily subordinate to principal uses permitted in accordance with this resolution.

### (B) General Provisions

- (1) Accessory structures and uses shall be incidental to and customarily found in connection with a principal building or use permitted in the district in which it is located.
- (2) An accessory structure and/or use shall be located on the same lot as the principal use for which it serves. The township may allow for the placement of accessory structures or uses in open space areas or protected common space as part of a PUD when there is sufficient language on the approved plans and in covenants that define the allowable structure or use and establishes responsibility for maintenance.
- (3) An accessory use may only be in use while a principal use exists and operates.
- (4) An owner shall be required to apply for and receive a zoning certificate unless specifically exempted by this resolution.
- (5) An accessory use or structure shall not be established unless a principal use has first been established on a lot in conformance with the applicable provisions of the zoning resolution.
- (6) Accessory structures used for agricultural purposes that are exempt from the requirements of this resolution shall be exempt from these regulations.
- (7) Small garden structures, wood piles, and other accessory structures with a footprint of less than 50 square feet that are not specifically regulated by this article are permitted in the side or rear yards without a zoning certificate but shall be subject to the setback requirements of Section [8.01\(C\)](#) below.
- (8) No accessory building or structure shall be used to operate a business, store equipment, or supplies used for a business, or be a location where employees meet or park, in any residential district, or recorded residential subdivision, unless specifically allowed as a home occupation.

### (C) Size Requirements and Location

#### (1) Setbacks

- (a) Accessory uses such as garages and carports, that are attached or an integral part of the principal use, shall be regulated as part of the principal use and comply with all applicable setbacks.
- (b) Unless otherwise specified in this section, detached accessory structures shall be set back from all lot lines a minimum distance of one-half of the minimum side yard setback for principal buildings or five feet, whichever is greater. This setback shall not apply to fences, walls, or hedges that are regulated by Section [9.04: Fencing, Walls, Hedges, and Similar Structures](#).
- (c) No detached accessory building shall be located less than ten feet from the principal building. If the separation of the accessory and principal building is less than ten feet, the accessory building shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.

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<sup>34</sup> These regulations greatly expand on the county's accessory and temporary use regulations.

**(2) Number and Size Requirements**

- (a) In residential zoning districts, [Table 8.01-1](#) shall establish the maximum square feet of all accessory buildings on any single lot based on the total lot area.
- (b) In no case shall the aggregated square footage of all accessory building footprints exceed 50 percent of any yard nor shall it exceed the footprint of the principal building.

<b>TABLE 8.01-1: MAXIMUM FOOTPRINT OF ACCESSORY BUILDINGS IN RESIDENTIAL ZONING DISTRICTS</b>	
<b>Lot Area (Acres)</b>	<b>Maximum Square Feet of Accessory Building Footprints per Lot</b>
Up to 1.0 Acre	750 <sup>35</sup>
1.0 to 3.0 Acres	1,500
3.0 to 5.0 Acres	2,500
5.0 Acres or More	3,500

- (c) [Table 8.01-2](#) below, identifies the maximum number of certain accessory structures permitted on any single lot.

<b>TABLE 8.01-2: LIMITS OF CERTAIN ACCESSORY STRUCTURES</b>	
<b>Accessory Structure</b>	<b>Maximum Number of Structures per Lot</b>
Detached Accessory Buildings	3 <sup>36</sup>
Ground-Mounted Solar Energy Systems	1
Swimming Pools and Hot Tubs	1 each
Other Accessory Structure similar in nature to the above-mentioned structures, as determined by the Zoning Inspector	1

**(3) Maximum Height**

Unless otherwise specified in this section, the maximum height of accessory structures or buildings shall be 24<sup>37</sup> feet or the maximum height of the principal building, whichever is less. The height shall be measured as defined in [Section 5.05\(A\)\(4\)\(a\)](#).

**(D) Permitted Accessory Uses**

[Table 8.01-3](#) lists the accessory uses and structures allowed within all zoning districts. The following is an explanation of the abbreviations and columns in [Table 8.01-3](#).

**(1) Permitted Use (P)**

- (a) A “P” in a cell indicates that an accessory use or structure is permitted by-right in the respective zoning district. Permitted uses are subject to all other applicable regulations of this resolution.
- (b) Permitted uses or structures are approved administratively by the Zoning Inspector through the zoning certificate procedure.

<sup>35</sup> The county only permits one building of up to 576 square feet on lots of one acre or less. This is the equivalent of a small, two-car garage. Given that most people who have a detached garage also have a storage shed or other, and that 576 is tight two-car garage, we recommend allowing a slightly higher threshold knowing that the yard size will dictate the total size as it cannot exceed 50% coverage of any yard. The remaining numbers for larger lots are from Butler County.

<sup>36</sup> Currently it appears that Butler County allows one accessory building but many people might have a detached garage and storage shed or two storage sheds so we recommend increasing this number as the total square footage allowed will largely dictate the number of buildings.

<sup>37</sup> This is a slight increase from the current provision of 20 feet but only because the measurement is to the top of the top most portion of the building, regardless of roof type.

**(2) Permitted Use with Use-Specific Standards (PS)**

- (a) A “PS” in a cell indicates that the accessory use or structure category is allowed by-right in the respective zoning district if it meets the additional standards set forth in the last column of [Table 8.01-3](#). Permitted uses with standards are subject to all other applicable regulations of this resolution.
- (b) Uses or structures permitted with standards under this category are approved administratively by the Zoning Inspector through the zoning certificate procedure (See Section [3.04: Zoning Certificate \(Section 25.3\)](#)).

**(3) Conditional Use (C)**

- (a) A “C” in a cell indicates that an accessory use or structure may be permitted if approved through the conditional use review (See Section [3.06: Variance or Conditional Use](#)). Conditional uses may be subject to use-specific standards as identified in the last column of [Table 8.01-3](#).
- (b) Conditional uses are subject to all other applicable regulations of this resolution.
- (c) The existence of additional use-specific standards in this resolution shall not be implied to be the only standards the use is required to meet. Any use that is permitted as a conditional use shall be subject to the general review standards for conditional uses in Section [3.06\(C\): Conditional Use Review Criteria](#).

**(4) Prohibited Uses**

A blank and/or shaded cell indicates that an accessory use or structure is prohibited in the respective zoning district.

**(5) Zoning Certificate Required**

The “Zoning Certificate Required” column identifies if a zoning certificate is required for the applicable accessory use or structure.

**(6) Yards Permitted**

The “Yards Permitted” column identifies in which yards the applicable accessory use or structure is permitted. See also Section [5.05\(A\)](#), for more information about specific yard locations for interior, corner, through, flag or panhandle, cul-de-sac, or curved street lots, etc.

**(7) Numerical References (Last Column)**

The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the use and structure type listed. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated and may apply to a conditionally permitted use and/or a permitted use with use-specific standards.

**(8) Unlisted Uses**

If an application is submitted for a use that the Zoning Inspector determines is not defined or established in [Table 8.01-3](#), the applicant may choose to take one of the actions identified in Section [5.03\(B\)\(6\)](#).

**(9) Accessory Uses in PUD Districts**

Accessory uses for development within a PUD District shall be regulated based on the principal use. See Section [7.04\(A\)\(3\)](#).

<b>TABLE 8.01-3: PERMITTED ACCESSORY USE TABLE</b>					
<b>Permitted Uses</b> P = Permitted Use PS = Permitted with Additional Use-Specific Standards C = Conditional Use Blank Cell = Prohibited	<b>A-1, R-1, R-1A, R-2, R-3, R-4, &amp; F-1</b>	<b>B-1, B-2, B-3, B-4, or M-1</b>	<b>Zoning Certificate Required</b>	<b>Yards Permitted</b> F = Front S = Side R = Rear	<b>Use-Specific Standards</b>  See Section:
Accessibility Ramps	PS	PS	Yes	F, S, or R	<a href="#">8.01(E)(1)</a>
Accessory Dwelling Units	PS		Yes	S or R	<a href="#">8.01(E)(2)</a>
Amateur Radio Antennas <sup>38</sup>	PS	PS	Yes	S or R	<a href="#">8.01(E)(3)</a>
Automated Teller Machines (ATM)		PS or C	Yes	S or R	<a href="#">8.01(E)(4)</a>
Basketball Hoops	PS	PS	No	F, S, or R	<a href="#">8.01(E)(5)</a>
Community Gardens	PS	PS	Yes	F, S, or R	<a href="#">8.01(E)(7)</a>
Detached Accessory Buildings and Structures	PS	PS	Yes	F, S or R	<a href="#">8.01(E)(8)</a>
Drive-Through Facilities		PS	Yes	S or R	<a href="#">8.01(E)(9)</a>
Farm Markets <sup>39</sup>	PS	PS	No	F, S, or R	<a href="#">8.01(E)(10)</a>
Home Occupations	PS		Yes	Inside principal building	<a href="#">8.01(E)(11)</a>
Nursery Schools or Day Care Centers (Children or Adults)	PS	PS	Yes	Inside principal building	<a href="#">8.01(E)(12)</a>
Outdoor Dining		PS	Yes	F, S, or R	<a href="#">8.01(E)(13)</a>
Outdoor Display or Sales		PS	Yes	See Section <a href="#">8.01(E)(14)</a>	<a href="#">8.01(E)(14)</a>
Outdoor Storage and Bulk Sales		PS	Yes	See Section <a href="#">8.01(E)(15)</a>	<a href="#">8.01(E)(15)</a>
Outdoor Vending Machines and Drop Boxes		PS	No	See Section <a href="#">8.01(E)(16)</a>	<a href="#">8.01(E)(16)</a>
Playsets, Treehouses and Trampolines	PS		See Section <a href="#">8.01(E)(17)</a> .		
Porches, Decks, and Patios	PS	PS	See Section <a href="#">8.01(E)(18)</a> .		
Satellite Dishes	See <a href="#">8.01(E)(19)</a> .				
Short-Term Rental	PS		No	Inside principal building	<a href="#">8.01(E)(20)</a>
Solar Panels	PS	PS	Yes	See Section <a href="#">8.01(E)(21)</a>	<a href="#">8.01(E)(21)</a>
Swimming Pools	PS	PS	Yes	R	<a href="#">8.01(E)(22)</a>
Type-B day care homes (1-6 children)	PS		Yes	Inside principal building	<a href="#">8.01(E)(23)</a>

**(E) Use-Specific Standards**

**(1) Accessibility Ramps**

Ramps that provide access to buildings for the disabled are permitted in all zoning districts and may encroach in all setbacks but shall not encroach on a public sidewalk, right-of-way, or street.

<sup>38</sup> The township has to allow for these and have limited authority over the regulations beyond the basics we have included in this draft.

<sup>39</sup> Farm markets are what the ORC allows (and makes the township allow) for agricultural uses.

**(2) Accessory Dwelling Units**

- (a) Only one accessory dwelling unit shall be permitted on a lot.
- (b) Accessory dwelling units shall be exempt from the minimum lot area requirements in the applicable zoning district.
- (c) An accessory dwelling unit shall contain separate kitchen and bathroom facilities.
- (d) Accessory dwelling units may be allowed when attached to the principal dwelling unit, in a detached accessory building.
- (e) Detached accessory dwelling units shall be considered an accessory building for the purposes of calculating the maximum number and size of accessory buildings.
- (f) Each accessory dwelling unit shall have an entrance separate from the primary dwelling.
- (g) An accessory dwelling unit shall not exceed 750 square feet or 45 percent of the floor area of the primary dwelling, whichever is less.
- (h) One accessible off-street parking space shall be provided for the accessory dwelling unit in addition to the off-street parking spaces required for the primary dwelling in Section [12.05\(B\)](#).
- (i) Accessory dwelling units shall only be permitted when accessory to a single-family dwelling principal use.
- (j) Only one family or, alternatively, one housekeeping unit may reside on any lot with a single-family dwelling principal use.<sup>40</sup>
- (k) The accessory dwelling unit shall be connected to public water and sewer.

**(3) Amateur Radio Antennas**

- (a) Towers used to support amateur radio antenna shall not exceed 70 feet in height.
- (b) Such a tower shall be set back a minimum of one foot from each lot line for every one foot in height. All guy wires, if applicable, shall be set back a minimum of ten feet from all lot lines.
- (c) Any tower and related structures shall be installed in accordance with the instructions furnished by the manufacturer of the tower model. An antenna mounted on a tower may be modified and changed at any time so long as the published allowable load on the tower is not exceeded and the structure of the tower remains in accordance with the manufacturer's specifications.

**(4) Automated Teller Machines (ATM)**

- (a) If the ATM is part of a drive-through facility, the ATM shall be subject to the vehicle stacking requirements of Section [12.07: Vehicle Stacking Requirements](#).
- (b) ATMs that are located within the interior of the building shall be regulated as part of the principal use.
- (c) ATMs that are attached to a principal building shall be reviewed as part of a zoning certificate application.
- (d) Stand-alone ATMs that are independent from any building shall be permitted only as a conditional use with approval required by the Police Department.

**(5) Basketball Hoops**

- (a) Basketball courts shall be regulated in the same manner as a patio.

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<sup>40</sup> The purpose of this is to keep single-family uses on the same lot so if up to five unrelated people (housekeeping unit) live together, some of them may live in the ADU while others in the single-family dwelling but the total of unrelated people on the lot will not exceed five. The same with family, in which case, members of the same family can reside in the ADU.

- (b) Movable basketball hoops shall not be located in rights-of-way or be so located as to require play in any right-of-way.

**(6) Bike and Skateboard Ramps**

Bike ramps and skateboard ramps shall be set back at least 15 feet from all lot lines.

**(7) Community Gardens**

- (a) Community gardens may be allowed as an accessory use when associated with public or institutional principal use (e.g., religious institution or educational facility).
- (b) Community gardens may be located in an open space area if the space is maintained by a homeowners' association.
- (c) The owner of the property shall have an established set of operating rules addressing the governance structure of the garden; hours of operation; maintenance and security requirements and responsibilities; and distribution of garden plots.
- (d) The name and telephone number of the owner and any person designated as the person in-charge of garden coordination along with a copy of the operating rules shall be kept on file with the Zoning Inspector.
- (e) The site shall be designed and maintained so that water and fertilizer will not drain onto adjacent properties.
- (f) There shall be no retail sales on site, except for produce grown on the site.
- (g) Benches, bike racks, raised/accessible planting beds, picnic tables, seasonal farm stands, garden art, and rain barrel systems may be permitted if the community garden is located on a lot where the principal use of the lot is public, institutional, or commercial.
- (h) Fences and walls shall be subject to the provisions of Section [9.04: Fencing, Walls, Hedges, and Similar Structures](#).

**(8) Detached Accessory Buildings**

The provisions of this section shall apply to any accessory building not identified elsewhere in [Table 8.01-3](#) that may include detached garages and carports, detached storage/utility sheds, gazebos, pool houses, and other similar buildings as determined by the Zoning Inspector.

- (a) Detached accessory buildings shall only be permitted in the side or rear yard unless it is located on a lot with a minimum lot area of five acres, in which case, the accessory building may be located in the front yard provide it is set back a minimum of 200 feet from the front lot line.
- (b) Detached garages and carports shall be served by a paved driveway.
- (c) Detached accessory buildings shall be set back a minimum of 30 feet from the front foundation line of the principal building. For the purposes of corner lots, this setback may be reduced to a minimum setback of 10 feet from the side foundation, which is determined to be the foundation that runs along the side of the building, facing the second street.
- (d) Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, hoop houses and greenhouses.

**(9) Drive-Through Facilities**

- (a) Drive-through facilities shall be subject to the vehicle stacking requirements of Section [12.07: Vehicle Stacking Requirements](#).

- (b) Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall be set back a minimum of 200 feet from any residential dwelling unit and shall be subject to all applicable noise resolutions and ordinances.
- (c) No service shall be rendered, deliveries made, or sales conducted within the required front yard; customers served in vehicles shall be parked to the sides and/or rear of the principal structure.
- (d) All drive-through areas, including but not limited to menu boards, stacking lanes, trash receptacles, loudspeakers, drive up windows, and other objects associated with the drive-through area shall be located in the side or rear yard of a property to the maximum extent feasible, and shall not cross, interfere with, or impede any public right-of-way.

**(10) Farm Markets**

- (a) Farm markets may be permitted when they are used in conjunction with any lawful agricultural use pursuant to the ORC and shall be subject to the following standards in addition to any other applicable sections of this resolution:
  - (i) A farm market shall only be permitted where 50% or more of the gross income received from the farm market is derived from produce raised on farms owned or operated by the market operator in a normal crop year.
  - (ii) The farm market shall be located on the same property where the produce is raised.
  - (iii) The structure shall not exceed 800 square feet.
  - (iv) The structure and sign shall be set back a minimum of 30 feet from all side and rear lot lines.
  - (v) The structure, signs, and required off-street parking shall be located and set back in such a manner as to not create a traffic hazard as determined by the Zoning Inspector.
  - (vi) Any signage located on the site shall not be illuminated and shall be subject, where applicable, to the standards of [Article 13: Signage Standards](#).
- (b) The sale of any farm produce or goods that do not meet the definition or standards of farm markets in this section may be allowed as part of a temporary use in [Section 8.02: Temporary Uses and Structures \(New\)](#).

**(11) Home Occupations**

- (a) Home occupations shall be conducted entirely within the dwelling unit.
- (b) Home occupations shall not change the character of the residential use and shall not adversely affect the uses permitted in the residential district of which they are a part.
- (c) The nature of home occupation as an accessory use relative to its location and conduct of activity is such that the average neighbor, under normal circumstances, would not be aware of its existence.
- (d) Any home occupation activities on the property shall be conducted only by persons residing in the dwelling unit and up to one additional employee who does not have to reside in the dwelling. Such employee shall work in the dwelling.
- (e) No building or structure shall be used to operate a business, store equipment or supplies used for a business, or serve as a location where employees meet or park prior to going to work off-site but where such employees do not work anywhere on the property.
- (f) The maximum floor area the use may cover shall not exceed 25 percent of the total floor area of the dwelling unit.

- (g) Home occupations which provide a service shall not have more than two customers (including those arriving and waiting for service) at any one time.
- (h) The storage of all equipment, machinery, supplies, materials, files, and the like, shall be stored completely within the residence or accessory buildings.
- (i) Any need for parking generated by the conduct of such home occupation shall be accommodated on off-street parking spaces or areas that are paved for the purpose of parking.
- (j) No traffic shall be generated by such home occupation in greater volume than is normally expected for the residential neighborhood.
- (k) The following are examples of permitted types of home occupations, all other types of home occupations shall be prohibited:
  - (i) Clerical and other similar business services;
  - (ii) Instruction in music, dance or other type of teaching with a maximum number of two students at a time;
  - (iii) The office of a professional accountant, attorney, broker, consultant, insurance agent, realtor, architect, engineer, sales representative, and similar office-oriented occupations;
  - (iv) Artists, sculptors, photographers, and other providers of home crafts;
  - (v) Barber shop/beauty salon with a maximum of one chair;
  - (vi) Workshops for a tailor, dressmaker, gunsmiths, repair services, and artisans;
  - (vii) Caterers with no on-site catering;
  - (viii) A licensed massage therapist who provides massage therapy for a maximum of one client at any given time; or
  - (ix) Any similar use as determined by the Zoning Inspector.

**(12) Nursery Schools or Day Care Centers (Children or Adults)**

Nursery schools or day care centers may only be permitted as accessory uses to permitted and conforming nonresidential uses including places of worship and educational institutions. Such use shall be located within the principal building.

**(13) Outdoor Dining**

- (a) Outdoor dining areas shall be located along a sidewalk adjacent to the principal building or between the principal building and parking areas. Outdoor dining areas shall not be located in such a manner as to require customers and employees to cross driveways or parking areas to go between the café/food service areas and the principal building.
- (b) A minimum of five feet of clear walking space shall be maintained on the sidewalk for pedestrian traffic.
- (c) Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- (d) Enclosing outdoor dining areas either by a permanent roof or to expand the existing structure shall meet all the requirements of a building within the applicable zoning district and shall require the issuance of a new zoning certificate.
- (e) Any roof designed to cover patrons, including roofs over areas for waiting, smoking, etc., shall be structurally attached to the principal building and permanent in nature.



**(14) Outdoor Displays or Sales**

Facilities for outdoor display or sales (e.g., garden supply sales, news and flower stands, and similar uses) that are accessory to another principal use may be permitted upon compliance with the following:

- (a) Outdoor display and sales areas shall require the issuance of a zoning certificate. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with vehicle sight distance.
- (b) Outdoor displays and sales shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays and sales shall be prohibited when the principal building is vacant.
- (c) Any outdoor displays or sales not related to the principal use shall be regulated as a temporary outdoor sale in accordance with Section [8.02: Temporary Uses and Structures \(New\)](#).
- (d) Outdoor display and sales areas may be permitted provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building.
- (e) Outdoor display and sales areas may also be permitted in any side or rear yard.
- (f) In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent residential lot.
- (g) The placement of the use shall not result in the reduction of the number of parking spaces required to serve the principal uses on the site.
- (h) The placement of the merchandise shall not interfere with pedestrian movement on any sidewalk or walkway. A minimum of five feet of the sidewalk or walkway shall be clear of merchandise to allow for safe pedestrian movement.
- (i) The outdoor display and sales areas shall be maintained in good order and appearance.
- (j) A specific schedule of operation shall be filed and approved as part of the submitted application.
- (k) The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can pick up and carry into the building for purchase. Larger items may be displayed for sale if in compliance with the outdoor storage requirements of Section [8.01\(E\)\(15\)](#).

**(15) Outdoor Storage and Bulk Sales**

Outdoor storage and bulk sale activities that are accessory to another principal use may be permitted upon compliance with the following:

- (a) The outdoor storage of goods shall be prohibited on vacant lots.
- (b) The outdoor storage of materials shall include the storage of goods, materials, or products associated with the principal use.
- (c) Areas devoted to outdoor storage shall be located in the side and rear yard only and shall comply with the building setbacks set forth in the applicable zoning district. Outdoor storage may also be located in the front yard when placed on a sidewalk area located within ten feet of the front façade of the principal building.
- (d) No outdoor storage area shall be permitted to occupy or interfere with traffic circulation, required parking areas, sidewalks, or pedestrian access.
- (e) The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 20 percent of the ground floor area of the principal building.

- (f) Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust.
- (g) The outdoor storage area may also be used for a sales area for the related principal use.
- (h) In all cases, any areas designated for outdoor storage areas shall be set back a minimum of 50 feet from any adjacent residential lot.
- (i) **Screening**
  - (i) All aspects of outdoor operations including outdoor storage of goods and materials shall be enclosed with a solid wall or fence, including solid gates. The wall or fence shall have a height tall enough to conceal all materials therein from the view of any observer standing at the grade level at an abutting residential district line or a public street. However, in no case shall the height of the fence or wall be less than six feet.
  - (ii) If the wall or fence needs to exceed eight feet in height to conceal the storage of materials, such wall or fence shall be constructed of materials similar to the principal building so that it appears to be an extension of the principal structure.
  - (iii) All materials shall be stored in such a fashion as to be accessible to fire-fighting equipment at all times.
  - (iv) Outdoor storage of materials shall not include a junkyard or similar storage.

**(16) Outdoor Vending Machines and Drop Boxes**

- (a) No such use or facility shall be placed within the street right-of-way, within an interior drive, or in a location which will interfere with required site visibility requirements (See Section [0](#)).

- (b) [Height Limit at Street Corners \(Traffic Safety Visibility Triangle\)](#)).
- (c) The placement of the facility shall not result in the reduction of the number of parking spaces below the number of spaces required for the principal use by this resolution.
- (d) The facility or equipment shall be maintained in good operating order and appearance. Materials shall not be permitted to accumulate around any drop box and the owner shall be responsible for regular pick up of items.
- (e) Vending machines shall only be placed along the façade of the principal building. See [Figure 8.01-A](#).



*Figure 8.01-A: The above is an image of a vending machine that is appropriately located along the façade of the building.*

- (f) Drop boxes shall only be permitted in the side or rear yard.
- (g) A maximum of one drop box and two vending machines are permitted on any single lot. One additional drop box and one vending machine shall be permitted on a lot for each two acres of lot area in excess of an initial two-acre lot. This limitation on the number of boxes or machines shall not apply to dumpsters outside of the building or vending machines located within the building.
- (h) Signage shall be limited to a maximum of six square feet on each vending machine and drop box and shall not count toward the sign area allowed in [Section <>](#).
- (i) The township shall have the authority to place more than one drop box on a single lot when providing recycling services to the general public.

#### **(17) Playsets, Treehouses and Trampolines**

Playsets, treehouses, and trampolines shall be permitted in any rear yard, without a zoning certificate provided that the use is less than 200 square feet. Any use that has a larger footprint or that is an enclosed structure shall be regulated as a detached accessory building in accordance with Section [8.01\(E\)\(8\)](#).

#### **(18) Porches, Decks, and Patios**

- (a) Porches or decks that are enclosed with a roof and with walls or siding including, but not limited to, screening or other materials shall be considered an integral part of the principal building and shall meet the setback requirements for principal buildings in the applicable zoning district.
- (b) Any enclosure shall be constructed of traditional, permanent materials (e.g., no tarps or fabric covers other than traditional screening material used for screened-in porches).

- (c) The enclosure of a previously unenclosed porch or deck shall require the approval of a zoning certificate.
- (d) **Decks**
  - (i) Decks shall require a zoning certificate and shall be permitted in all yards subject to the standards of this section.
  - (ii) Decks shall comply with the side yard setbacks for principal buildings in the applicable zoning district.
  - (iii) Decks are permitted in the front yard provided they are attached to the principal building and are designed so the walking surface is no higher than the floor height of the first floor of the building. In such case, the decks may encroach into the required front yard in the same manner as a porch.
  - (iv) Decks in the side or rear yards that are attached to the principal building and have a walking surface mounted more than 18 inches feet above the ground at any point shall not extend more than 30 feet from the façade of the principal building. Such decks shall be set back a minimum of 25 feet from the rear lot line.
  - (v) All other decks in the side or rear yard, including decks not attached to a building, shall be set back a minimum of 10 feet from the rear lot line. Such decks shall not have a walking surface that exceeds two feet above grade and shall not exceed eight feet in height as measured from the ground at the base of the deck supports to the top of any railing or other elements of the deck.
  - (vi) Any deck railing that is located more than eight feet above the ground shall not be solid and shall be constructed of railing to maintain a minimum of 50 percent opacity.
  - (vii) If a pergola, gazebo, or other roofed structure is attached to a deck but not attached to the principal building, then the pergola, gazebo, or roofed structure shall still be subject to the setbacks required for decks.
  - (viii) Decks may include stairways to the ground or other decks.
- (e) **Porches**
  - (i) Porches shall require a zoning certificate and shall be permitted in all yards.
  - (ii) Any area of a porch that has a walking surface mounted more than three feet above the ground shall comply with the side and rear yard setbacks for principal buildings in the applicable zoning district. Such porches may extend ten feet into the required front yard provided it shall maintain a minimum setback of 10 feet from the front lot line.
  - (iii) Unenclosed porches that do not have a walking surface that exceeds more than three feet in height above the ground may encroach into any yard as provided for in Section [5.05\(A\)\(3\)](#).
- (f) **Patios**
  - (i) Patios shall not require a zoning certificate but shall be in compliance with all applicable standards.
  - (ii) Patios may extend ten feet into the required front yard provided it shall maintain a minimum setback of 10 feet from the front lot line.
  - (iii) Patios may encroach into any yard as provided for in Section [5.05\(A\)\(3\)](#).

- (iv) If a pergola, gazebo, or other roofed structure is attached to a patio but not attached to the principal building, then the pergola, gazebo, or roofed structure shall be regulated as a detached accessory structure in accordance with Section [8.01\(D\)](#).

**(19) Satellite Dishes**

- (a) Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section on accessory uses and shall not require a zoning certificate. To the maximum extent possible, the dish should be located in the side or rear yard.
- (b) Dishes that exceed one meter in diameter shall only be permitted in a nonresidential zoning district if approved as a conditional use. Such dish shall only be permitted in a rear yard.

**(20) Short-Term Rental**

- (a) One off-street parking space shall be required for each bedroom that is leased or rented to individual groups beyond the full-time owner or occupant of the residence. This shall be in addition to the number of off-street parking spaces required for the residential use in Section <>.
- (b) If the entire dwelling is leased or rented to one group and no one permanently resides at the dwelling, no additional off-street parking is required beyond what is required for the residential use.
- (c) In all cases, any parking required to accommodate the short-term rental in accordance with this section shall be accommodated off-street, on the same lot as the short-term rental.

**(21) Solar Panels**

- (a) Freestanding solar panels shall be limited to a maximum height of 10 feet. Such freestanding solar panels shall be located in the rear yard where they shall be set back a minimum of 25 feet and shall not cover more than 200 square feet in lot area.
- (b) Roof-mounted solar panels on the front side of a roof facing a street shall be flush-mounted to the roof.
- (c) Roof-mounted solar panels that do not face a street may be mounted flush or at an angle to the roof but shall not exceed 36 inches in height from the roof plane as measured from the roof plane to the furthest point of the solar panel.
- (d) Roof-mounted solar panels shall require a zoning certificate or may be reviewed as part of the zoning certificate for the principal building.

**(22) Swimming Pools**

- (a) Any man-made receptacle for water having a water surface area of more than 100 square feet and a depth greater than 18 inches shall be regulated as a swimming pool for the purpose of this resolution, including hot tubs and spas, and shall be subject to the following restrictions:
  - (i) The edge of any pool or pond shall be set back a minimum of 10 feet from all lot lines.

- (ii) Every pool subject to these provisions shall be completely surrounded by a fence or wall with a minimum height of four feet and a maximum height of six feet. Such a fence or wall shall be constructed so as to have no openings, holes, or gaps larger than four inches in any dimension, except for doors or gates, which shall be equipped with suitable locking devices to prevent unauthorized intrusion. An accessory building may be used in or as part of the enclosure. The height shall be measured from the grade to the top of the fence or wall, measured vertically.
- (iii) Above-ground pools with vertical surfaces of at least four feet in height shall not be required to have fences, walls, or gates except in areas where access may be gained to the pool.
- (iv) The only pools that are permitted as accessory uses in nonresidential districts shall be those that are accessory to an existing residential dwelling or accessory to a permitted hotel or motel. Any other pools shall be located inside the principal dwelling.
- (v) The excavation, construction, plumbing, and electrical requirements, inspection, and other safety facilities shall be regulated by the county codes.
- (vi) **Temporary Portable Swimming Pools for Summer Use Only**
  - A. "Summer use only" means the pool cannot be erected before May 1st and must be dismantled by October 1<sup>st</sup> of each year. If a temporary portable pool is left up beyond the above-mentioned dates it becomes a permanent pool and the rules for permanent above ground pools shall apply.
  - B. The edge of the pool shall be set back a minimum of 10 feet from all lot lines.
  - C. A zoning certificate shall not be required for a temporary portable swimming pool provided it complies with the provisions of this subsection.
- (b) Hot tubs shall be set back a minimum of 10 feet from all lot lines.
- (c) If a pool or hot tub meets the manufacturer's child proofing regulation, such pool or hot tubs shall be exempt from the fencing required by this section.
- (d) An above-ground pool or hot-tub shall not be located on a surface (e.g., ground, patio, deck, or other surface) that will result in a water surface that is more than six feet above the natural grade of the ground surrounding the pool.
- (e) All permanent plumbing or electrical equipment related to the pond, swimming pool, or hot tub, except underground wiring or pipes, shall meet the setbacks of this section.

**(23) Type-B Day Care Homes (1-6 Children)**

Type-B day care homes shall be permitted as an accessory use to any single-family dwelling.

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**8.02 TEMPORARY USES AND STRUCTURES (NEW)**

**(A) Purpose**

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses and structures do not negatively affect adjacent properties, and provided that such uses or events are discontinued upon the expiration of a set time period. Temporary uses and structures shall not involve the construction or alteration of any permanent building or structure.

**(B) Permitted Temporary Uses and Structures**

- (1) [Table 8-4](#) summarizes permitted temporary uses and structures and any general or specific standards that apply. Temporary uses or structures not listed in the table are prohibited in the township.

<b>TABLE 8-4: TEMPORARY USES AND STRUCTURES</b>		
<b>Temporary Uses and Structures</b>	<b>Zoning Certificate Required</b>	<b>Additional Requirements</b>
Construction Trailers	No	<a href="#">8.02(D)(1)</a>
Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes	No	<a href="#">8.02(D)(2)</a>
Real Estate Sales/Model Homes	Yes	<a href="#">8.02(D)(3)</a>
Seasonal Agricultural Sales	Yes	<a href="#">8.02(D)(4)</a>
Temporary Special Events	Yes	<a href="#">8.02(D)(5)</a>

- (2) [Table 8-4](#) establishes whether the temporary use requires a zoning certificate in accordance with Section [8.02](#).

**(C) General Standards Applicable to All Temporary Uses and Structures**

- (1) All temporary uses and structures shall be reviewed in accordance with this section and all other applicable sections of this zoning resolution.
- (2) All temporary uses and structures shall:
- (a) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
  - (b) Be compatible with the principal uses taking place on the site;
  - (c) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
  - (d) Not include permanent alterations to the site;
  - (e) Not maintain temporary signs associated with the use or structure after the activity ends;
  - (f) Not violate the applicable conditions of approval that apply to a site or use on the site;
  - (g) Not interfere with the normal operations of any permanent use located on the property; and
  - (h) Contain sufficient land area to allow the temporary use, structure, or special event to occur, as well as adequate land to accommodate the parking and traffic movement.
- (3) Temporary tents and seasonal covers are prohibited with the exception that a temporary tent may be permitted as part of a special event. See Section [8.02: Temporary Uses and Structures](#).

**(D) Use-Specific Standards**

**(1) Construction Trailers**

- (a) Construction trailers shall be located on the same site or in the same development as the related construction.
- (b) Construction trailers shall be used in conjunction with development subject to valid building permit and zoning certificate.
- (c) Construction trailers shall be removed from the site upon completion of construction.
- (d) Construction trailers shall also be removed from the site if construction is abandoned or halted for six or more consecutive months.

**(2) Portable Storage Units, Construction Dumpsters, and Portable Toilet Facilities for Construction Purposes**

- (a)** Portable storage units shall only be permitted for the following situations:
  - (i)** For storage at a nonresidential construction site for a period not to exceed 90 consecutive days;
  - (ii)** When necessary to facilitate clean up and/or restoration activities resulting from a fire or natural disaster to a building or structure for a period not to exceed 180 consecutive days;
  - (iii)** When the occupant of the property is relocating for a period not to exceed 30 consecutive days; or
  - (iv)** For storage on any lot in a nonresidential zoning district for a period not to exceed 30 consecutive days up to two times per calendar year.
- (b)** Up to one construction dumpster and one portable toilet facility shall be permitted during the construction of any lawful structure in any zoning district, provided the dumpster and portable toilet facility are removed upon completion of the improvements. Additional dumpsters shall be allowed where a demolition permit has been approved by the county.
- (c)** In residential districts, any construction dumpster or portable toilet facility that is not located on a paved surface shall be set back a minimum of 10 feet from all adjacent lot lines.
- (d)** Only one portable storage unit shall be permitted on a single lot at any one time.
- (e)** Portable storage units, construction dumpsters, and portable toilet facilities, shall not be placed in the public road right-of-way unless a permit is approved, and shall not block sidewalks, fire lanes, or bike paths.
- (f)** Portable storage units, construction dumpsters, and portable toilet facilities must be placed and kept on a hard surface at all times.
- (g)** No part or former part of a semi-trailer or trailer shall be utilized as a portable storage unit or permanent accessory structure in any zoning district. A trailer or semi-trailer with all wheels and tires and valid license may be utilized as a portable storage unit, but shall conform to all requirements for portable storage units.
- (h)** Portable storage units, construction dumpsters, and portable toilet facilities shall be allowed on paved driveways in the front yard or shall otherwise be located in the side or rear yard.
- (i)** Portable storage units, construction dumpsters, and portable toilet facilities shall not be connected to any utility.

**(3) Real Estate Sales Office/Model Home**

One temporary real estate sales office or model home per builder or developer shall be permitted in a section or phase of a new residential or nonresidential development, provided that the use:

- (a)** Is located on a lot approved as part of the subject development;
- (b)** Is operated by a developer or builder active in the same phase or section where the use is located; and



- (c) Is removed or the model home is converted into a permanent residential use once 80% occupancy in the section or phase of the development is reached. For the purposes of these standards, occupancy shall include both the physical occupancy of buildings by the resident or tenant or sale of a completed building to a private party beyond the builder or developer.

**(4) Seasonal Agricultural Sales**

Seasonal agricultural sales, including the sale of such items as Christmas trees, pumpkins, seasonal produce, and similar agricultural products, may be permitted in accordance with the following standards:

**(a) Location**

- (i) The property contains an area not actively used by another use that will support the proposed temporary sale of products without encroaching into or creating a negative impact on existing open space, landscaping, traffic movements, or parking space availability.
- (ii) The sale of goods shall not occur within the public right-of-way, or within 200 feet of a dwelling.

**(b) Range of Goods Limited**

The range of goods or products available for sale shall be limited to non-processed products obtained primarily through farming or agricultural activities, including, but not necessarily limited to: pumpkins; grains and seed crops; fruits of all kinds; vegetables; nursery, floral, ornamental, and greenhouse products; trees and forest products, including Christmas trees, and firewood; bees and beekeeping products; seafood; and dairy products.

**(c) Hours of Operation**

The hours of operation of the seasonal sale of agricultural products shall be from 7:30 A.M. to 10:00 P.M., or the same hours of operation as a principal use on the same lot, whichever is more restrictive.

**(5) Temporary Special Events**

- (a) A temporary zoning certificate for temporary special events such as festivals, circuses, concerts, tents, and similar uses shall be valid for no more than ten consecutive days provided the applicant receives other applicable permits from the Butler County Building Department and the Ross Township Police and Fire Department.
- (b) Temporary tents for outdoor sales may be permitted for a 14-day period twice in one calendar year. The use of a temporary tent shall require review by the Zoning Inspector and the Ross Township Fire Department as part of the zoning certificate review. Temporary tents may also require a building permit from Butler County.
- (c) Outdoor weddings and similar private events are exempt from this standard but organizers of such events are encouraged to notify the Zoning Inspector to determine if special accommodations should be made to address traffic and circulation. These private events are subject to all applicable noise resolutions and ordinances.