



4350 Aicholtz Rd • Union Township, Ohio 45245 • (513) 752-1741 • (513) 752-5732 Fax • www.union-township.oh.us

SEPTEMBER 27TH, 2023 ZONING COMMISSION MEETING

*All proposed, new ordinance text has been highlighted and is depicted boldly...
Text that is stricken is proposed to be removed or replaced.*

RE: REQUIREMENTS FOR ACCESSORY STRUCTURES

ISSUE IDENTIFICATION: CASE 2-23-T(c)

Based on recurring issues in association with the location and size of accessory structures on residential property, particularly on properties larger than a half-acre, the Planning & Zoning staff has prepared the proposed amendments to Article 7, Section 711 of the Union Township Zoning Resolution. As a direct result of these proposed changes, modifications would also be necessary to certain sections of Article 6, regarding the Establishment of Districts as well.

Staff Report:

Please refer to Article 7, Section 711 of the Zoning Resolution:

“Accessory Structures, **Permit Required**.

Except as otherwise provided in this Resolution, accessory structures shall be permitted in association with principal structures provided that:

1. In **any Residential** zone, no accessory building shall exceed **the following floor area limitations, as determined by measuring the footprint of the structure (including the overhang):**

a) **"Lots that are one (1) acre in size or larger: the total square footage devoted to accessory structures on the lot shall not exceed two-thousand square feet (2,000 sq. ft.), plus 500 square feet for every additional full acre over one (1) acre."**



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- b) Lots that are greater than or equal to twenty-five thousand square feet (25,000 sq. ft.) but less than one (1) acre in size: the total square footage devoted to accessory structures on the lot shall not exceed one-thousand five-hundred square feet (1,500 sq. ft.).*
- c) Lots that are greater than or equal to ten thousand square feet (10,000 sq. ft.) but less than twenty-five thousand (25,000 sq. ft.) square feet: the total square footage devoted to accessory structures on the lot shall not exceed one-thousand square feet (1,000 sq. ft.).*
- d) For all other existing pre-existing, non-conforming ER, R-1, or R-2 lots of record, lots with less than ten thousand (10,000 sq. ft.) square feet: the total square footage devoted to accessory structures on the lot shall not exceed seven hundred and fifty (750 sq. ft.) square feet.*

~~1. One thousand (1,000 sq. ft.) square feet in area if the lot size is greater than twenty-five thousand (25,000 sq. ft.) square feet. If the lot area is less than twenty-five thousand (25,000 sq. ft.) square feet the accessory building shall not exceed nine hundred (900 sq. ft.) square feet in area.~~

~~2. In an "R-2" residential zone no accessory building shall exceed seven-hundred fifty (750 sq. ft.) square feet in area.~~

~~3. No residential storage shed shall exceed one hundred twenty (120 sq. ft.) square feet in area.~~

~~2. In any residential zone, the maximum number of permissible accessory structures, as set forth herein, shall be determined by the total lot area.~~

- a) Lots with a total area less than two (2) acres: A maximum of three (3) accessory structures are permitted—not to exceed the total floor area limitations set forth in item 1 of this Section.*
- b) Lots with a total area of two (2) acres and larger: A maximum of four (4) accessory structures are permitted, plus 1 additional accessory structure for each additional 2 acres of total lot area—not to exceed the total floor area limitations set forth in item 1 of this Section.*



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- 3. No individual residential accessory structure shall exceed four thousand square feet (4,000 sq. ft.).**
- 4. Accessory structures in residential zones shall not contain or be used as dwelling units, home occupations, or for commercial or industrial purposes.**
- 5. *They* Accessory structures shall not exceed **fourteen (14)** twenty feet (20') in height, **as measured from finished grade to the peak of the structure**, in residential zones.**
- 6. Residential decks, if attached to the principal structure, shall be set back not less than five (5') from the side or rear property line(s), and can be situated in the front yard if the proposed setback is equal to, or greater than, the required front yard setback for the applicable zoning district. Residential decks, if attached to the principal structure, shall be excluded from the size, area, and number restrictions established by this Section.**
- 7. Freestanding decks, platforms, or other similar structures or installations that are not attached to the principal structure shall be considered to be accessory structures, regulated pursuant to this Section, and shall be subject to the size, area, and number restrictions established herein. Such structures shall be located entirely within the rear yard, and shall be set back not less than five (5') feet from any side or rear property line. Such structures shall be limited to a height not greater than four (4') as measured from finished grade.**
- 8. An accessory structure may be situated in the front yard of a property provided: a) the lot is at least 2 acres in size; b) the proposed structure is located at least 120% behind the front-yard building setback requirement for the zoning district in which it is located; c) it can meet the minimum side and rear setbacks set forth in this Section; and d) there is no public utility or drainage easement, or other public or governmental easement which would prohibit or restrict the proposed placement of the accessory structure. Accessory structures that do not meet the aforementioned requirement must otherwise be located behind the front wall of the principal structure of the property—in the side or rear yard of the site.**



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- 9.** Accessory structures shall be located no closer than five (5') feet to any property line or right-of-way, as measured from the overhang of the eaves or any architectural projection, as applicable, *unless otherwise defined in this Resolution.*
- 10.** ~~For accessory buildings exceeding fourteen (14)' feet in height pursuant to this Section, the required minimum setback shall be equal to the height of the wall of the structure, as measured from finished grade to the top of the wall plate where the roof trusses are attached.~~
- 10.** Accessory structures in nonresidential zones are permitted as regulated in the appropriate zone.
- 11.** *A permit shall be required for any accessory structure regulated under this Section.*
- 12.** *The following are considered incidental accessory uses that do not require zoning permits (a building permit may be required) and can be located within in all yards. They include walks, driveways, curbs, retaining walls, lattice work screens, trees, shrubs, flowers, plants, mail boxes, name plates, lamp posts, basketball poles, bird baths, benches, and structures of a like nature. In addition, direct television satellite dishes, which are less than 26 inches in diameter and ground mounted, are permitted within the front yard. Playground equipment and similar uses do not require a zoning permit (building permit may be required) but are required to be located in the side or rear yards unless a significant portion of the side and rear yard areas both exceed twenty-five percent (25%) slope or greater—in which case the property owner may seek relief from this particular provision by submitting a written appeal to the Development Director or his or her designee.*



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(ER Estate Residential Zoning Districts)

Please refer to Article 6, Sections 613 and 623 of the Zoning Resolution:

“613. Accessory Uses, Provided a Principal Permitted Use Exists.

1. Accessory uses, buildings or other structures customarily incidental to any aforementioned permitted use, including barns, stables and garages under conditions specified herein, provided that such accessory uses shall not involve the conduct of any business, trade or industry, or any private way or walk providing access to such activity or any billboard, or sign other than hereinafter authorized.
2. **One accessory building Accessory structures, as regulated** in Section 711.
- 3. One storage shed as regulated in Section 711.**
3. Customary home occupations as regulated in Section 715.
4. Swimming pools subject to the regulations set forth in Sections 713 – 714.
5. Real estate, small announcement or professional signs subject to the provisions of Article 9, Sign Regulations...”

(R-1 Single Family Detached Structure Zoning Districts)

- **“623. Accessory Uses, Provided a Principal Permitted Use Exists.**

The following uses are approved accessory uses subject to requirements of Article 7.

1. **One accessory building Accessory structures, as regulated** in Section 711.
- 2. One storage shed.**
2. Home occupations.
3. Private swimming pools...”



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SEPTEMBER 27TH, 2023

ZONING COMMISSION MEETING

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RE: CHICKENS AS ACCESSORY USES

ISSUE IDENTIFICATION: CASE 2-23-T(d)

The Township Zoning Resolution currently does not allow the keeping of chickens, other than in areas defined as Agricultural by the Ohio Revised Code. Therefore, the Planning & Zoning staff has prepared the proposed new section to Article 7 of the Union Township Zoning Resolution—specifically to acknowledge the manner(s) in which this use can occur.

Staff Report:

Please refer to ***PROPOSED, NEW*** Section 719 (of Article 7) of the Zoning Resolution:

- “719. Chickens as Accessory Uses.

On any lot located within any residential zone, the keeping of chickens is a permitted accessory use to any compliant single-family residential use, provided that such accessory use meets the following requirements:

1. *The sole purpose of keeping chickens on any residentially zoned lot is for the private consumption of their eggs by members of the household, and not for commercial purposes. In no case shall any product produced or made as a result of the keeping of chickens as provided in this section be offered for sale on any property zoned for residential use.*
2. *A maximum of five (5) hens is permitted. The keeping of roosters is prohibited.*



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3. *All chickens shall be housed in a coop with a maximum of five (5) square feet per chicken, and an enclosed run area no larger than one hundred (100 sq. ft.) square feet. The minimum size of a chicken coop, including an enclosed run area, shall be 12 square feet per chicken. Chicken coops shall be considered to be accessory structures, and as such shall require a zoning permit, and shall be subject to the size, area, and numerical restrictions established in Section 711 of this Resolution.*
4. *The maximum allowable height of the coop shall be seven (7') feet above the elevation of the surface of the ground.*
5. *The coop and the run shall be set back not less than twenty (20') feet from all property lines and not less than ten (10') feet from the principal structure.*
6. *All chickens, the coop, and the run area shall be located entirely within the rear yard, subject to the following additional conditions:*

 - a. *On a corner lot, the chickens, coop, and run area shall be located entirely within the rear yard of the structure and shall not be placed beyond the building setback line of the principal structure to any public or private street, or right of way.*
 - b. *For double-frontage lots other than corner lots as described herein, the chickens, coop, and run area shall be located entirely within the designated rear yard, as determined by the orientation of the principal structure to the public or private street or right-of-way where the primary access (driveway, front door) is located.*
 - c. *On panhandle lots, the chickens, coop, and run area shall be located entirely within the rear yard of the structure.*
7. *In addition to the requirements for an enclosed coop and run area, the rear yard of property where the chickens are located must be enclosed by a solid wall or fence, not less than six (6') feet in height, sufficient to keep the chickens on the property where they are being kept. Such fencing shall be installed prior to the establishment of chickens as an accessory use. Properties exceeding one (1) acre in size shall be exempt from the privacy fencing requirement stated herein. New fencing for chickens, as set forth in this Section, shall require a zoning permit.*



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- 8. *The chickens shall be kept in the coop from sunset to sunrise.***
- 9. *All food and waste material shall be stored in tight fitting containers and located a minimum of twenty (20') feet from all property lines, and placed entirely within the rear yard.***
- 10. *The slaughtering of chickens in residential districts is prohibited.***
- 11. *Chickens and their enclosures shall be kept in neat, clean, and sanitary condition, with the coop structure maintained in good condition, and being free from offensive odors, excessive noise, or any other condition that would constitute a nuisance. Any condition in violation of this subsection shall constitute a violation under Section 720 of this Resolution.***