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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."*



- 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.*



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...”