

Chapter 1111: Accessory and Temporary Uses

Chapter 1111 (Accessory and Temporary Uses) Notes:

This chapter consolidates all of the accessory and temporary use regulations found throughout the existing code. Several changes have been made to these regulations including:



1. Creating a use table for accessory uses to clearly show how uses are allowed across each district. This table, along with the use-specific standards clearly establish rules for the most common accessory uses such as satellite dishes, swimming pools, and detached structures. Additionally, the standards will be updated to reflect current state and federal laws, where applicable. For example, exempting small satellite dishes that are under one-meter in diameter.
2. The chapter includes updated standards for modern accessory uses such as community gardens, clothing drop-boxes, outdoor dining, outdoor storage, and outdoor sales areas.
3. The temporary use regulations found throughout the existing code will be updated and moved to a single temporary use section.
4. General notes on this draft chapter includes:
 - a. We have tried to highlight where some of the language originated from in the existing planning and code. These references are made through parenthetical references in major headings (highlighted in orange/red text). For the most part, we tried to carry forward any language that had worked well for the City in the past but, in other cases, we have made substantial changes or created new text. These references will be removed once the planning and zoning code is prepared for final adoption.
 - b. There are a series of footnotes in this draft that will also ultimately be removed for adoption. These footnotes also help identify where there has been changes made and, in some cases, why the changes were made.
 - c. Additionally, because this is still only a portion of the code, there are still missing cross-references. You will note these by the <> symbol. We included this in the text as an easy way to identify future cross-references that will be added as the complete code is assembled.

If you have any questions or comments regarding this draft language, you can reach out to Jamie Kreindler (Sharonville City Planner) at jkreindler@cityofsharonville.com or at 513-563-0033 x4104.

1111.01 ACCESSORY USES AND STRUCTURES⁶³

(a) **Purpose (New)**

This section authorizes the establishment of accessory uses and structures that are incidental and customarily subordinate to principal uses. The intent of this section is to allow a broad range of accessory uses while not creating adverse impacts on surrounding lands.

(b) **General Provisions (New)⁶⁴**

- (1) An accessory use or structure shall be secondary and incidental to the primary use of the lot, and shall not alter the character of the principal use.
- (2) Accessory uses and structures shall be constructed on the same lot as the principal use that it serves.
- (3) No accessory structure shall be constructed on any lot until the construction of the principal structure has commenced.
- (4) In cases where the principal building is demolished, an existing accessory structure shall be allowed to remain on the lot or property without the principal building to which it is supposed to be an accessory on the following conditions:⁶⁵
 - A. Up to 12 months consistent with that allowed by Section <> (Nonconformities).
 - B. A zoning permit and building permit is obtained for the reconstruction of the principal structure, the construction of which shall take place within 12 months. Failure to complete reconstruction of the principal structure will be an automatic cause for the removal of the accessory structure at the owner's expense unless cause is given, in which case the Director of Community Development may approve an extension of up to 12 months.
- (5) Small accessory structures such as doghouses, mailboxes, lending libraries, benches, garden decorations, barbeque equipment, etc. that are not otherwise addressed in this chapter, shall be exempt from the provisions of this section provided they do not have a footprint that exceeds 24 square feet and shall not exceed six feet in height.
- (6) Residential underground irrigation systems and other underground installations and devices, including, but not limited to, electric fences, shall be set back a minimum of one foot from any public right-of-way line.
- (7) An accessory building that is attached to the principal building shall be considered an integral part of the principal building and shall comply with the site development standards and all other development standards of the applicable zoning district. Any accessory structure shall be considered as an integral part of the principal building if it is connected to the principal building either by common walls or by a breezeway or roof.
- (8) The accessory use regulations of this chapter shall not apply to any public park lands owned by the City, Butler or Hamilton Counties, or the State of Ohio.

(c) **Height, Setback, and Size Requirements**

- (1) The maximum height of any detached accessory structure shall be 14 feet, measured to the peak, unless otherwise provided for in this code.
- (2) No detached accessory structure shall be located less than 10 feet from the principal building, if approved. If the separation of the accessory and main structure is less than 10 feet, the accessory structure shall be protected with a fire-resistant material and shall conform to the same yard requirements as the principal building.⁶⁶
- (3) Detached accessory building shall be set back a minimum of 20 feet from the street right-of-way line and a minimum of five feet from any side or rear lot line, except where the rear lot line is coterminous with an alley, in which case, the setback may be reduced to one-foot.

⁶³ This new section consolidates a number of sections from the existing Chapter 1125.02 as well as a few regulations scattered throughout the entire existing code.

⁶⁴ This section is largely new but some of the basic language is drawn from the existing statement in Paragraph 1127.02 (d).

⁶⁵ This section is new and is meant to address issues where there is a potential for an accessory use without a principal use.

⁶⁶ This is a fire code requirement that we have found to be useful with most communities.

- (4) No detached accessory building shall exceed 600 square feet in floor area.⁶⁷
- (5) The floor area of all detached accessory buildings shall count toward the maximum lot coverage as established in Section <>.

(d) **Prohibited Structures for Accessory Uses (New)**

- (1) Unless approved as a temporary use pursuant to this code, accessory structures that are constructed with fabric, canvas, tarpaulin, or other similar materials shall be prohibited. Inflatable garages or storage structures shall also be prohibited
- (2) Portable containers, shipping containers, and semi-tractor trailers used for storage (with or without wheels) shall not be used as permanent accessory structures in any residential or the OB, LB, GB, CB, SM, or CS zoning districts. Temporary storage in portable storage units is permitted in accordance with Section [1111.02\(c\)\(6\)](#).

(e) **Accessory Uses in the Planned Unit Developments (New)**

- (1) The types of accessory uses allowed in a PUD shall be considered as part of the PUD review. Generally:
 - A. Accessory uses for single-family residential dwellings shall be those allowed in the R-1A District.
 - B. Accessory uses for multi-family residential dwellings shall be those allowed in the R-M District.
 - C. Accessory uses for nonresidential uses shall be those allowed in the GB District.
- (2) The Planning Commission and City Council may approve alternative accessory uses and structures within a PUD if allowed as part of the PUD preliminary development plan approval process.

(f) **Permitted Accessory Uses**

The following is an explanation of [Table 1111-1](#).

- (1) The symbols for permitted uses (P), permitted uses with standards (PS), conditional uses (C), and prohibited (XX) are defined in the same manner as Section [1105.02\(a\)](#).
- (2) A blank cell indicates that a use is prohibited in the respective zoning district.
- (3) Accessory uses in the Northern Lights Overlay District shall be controlled by the underlying zoning district.
- (4) **Yards Permitted**
This column identifies within which yards the use may be permitted. See the use-specific standards for any restrictions related to placement in individual yards.
- (5) **Lot Coverage Calculation**
This column identifies when the accessory structure is “included” in the calculation of maximum lot coverage requirements in Section <>.⁶⁸
- (6) **Zoning Permit Required**
A “Yes” in the “Zoning Permit Required” column shall mean that the applicable accessory structure or use requires a zoning permit in order to be constructed.
- (7) **Use-Specific Standards**
The numbers contained in the “Use-Specific Standards” column are references to additional standards and requirements that apply to the listed accessory use or structure. Standards referenced in the “Use-Specific Standards” column apply in all zoning districts unless otherwise expressly stated.

⁶⁷ This is an increase from the current provision of 500 square feet, which would not accommodate a typical detached 2-car garage.

⁶⁸ The City has lot coverage requirements that will ultimately limit how much building coverage there is on any lot.

(8) Similar Use Determination and Unlisted Uses

The determination of whether a proposed accessory use or structure is permitted, permitted with standards, a conditional use, or a prohibited use under the provisions of this section shall be made in the same manner as principal uses. See Section [1105.02\(c\)](#).

TABLE 1111-1: ACCESSORY USES AND STRUCTURES ⁶⁹						
P=Permitted Use	PS=Permitted Use with Standards		C=Conditional Use		XX=Prohibited Use	
Accessory Use or Structure	R-1A, R-1B, R-1C, R-2, & R-M	OB, LB, GB, CB, SM, CS, LI, GI, ITC, RRI, & PF	Lot Coverage	Zoning Permit Required	Yards Permitted F=Front S=Side R=Rear	Use-Specific Standards in Section:
Accessibility Ramps	PS	PS	No	No	F, S, or R	1111.01(g)(1)
Agricultural Uses	PS	XX	No	No	F, S, or R	1111.01(g)(2)
Amateur Radio Antennas	PS	PS	No	Yes	S or R	1111.01(g)(3)
Community Gardens	XX	PS	No	Yes	F, S, or R	1111.01(g)(4)
Detached Accessory Buildings	PS	PS	Yes	Yes	R	1111.01(g)(5)
Drive-Through Facilities	XX	PS or C	No	Yes	S or R	1111.01(g)(6)
Home Occupations	PS or C	XX	Yes	See Section <>	Interior Use	1111.01(g)(7)
Nursery Schools or Day Care Centers ⁷⁰	PS	PS	Yes	Yes	Interior Use	1111.01(g)(8)
Outdoor Dining	XX	PS	No	Yes	F, S, or R	1111.01(g)(9)
Outdoor Display or Sales	XX	PS	No	Yes	F, S, or R	1111.01(g)(10)
Outdoor Storage and Bulk Sales	XX	PS	No	Yes	S or R	1111.01(g)(11)
Outdoor Vending Machines and Drop Boxes	XX	PS	No	No	See Section 1111.01(g)(12) .	
Patios, Porches, and Decks	PS	PS	No	See Section 1111.01(g)(13) .		
Playsets, Treehouses and Trampolines	PS	XX	See Section 1111.01(g)(14) .			
Retail Commercial Uses	XX	PS	Yes	Yes	Interior Use	1111.01(g)(15)
Satellite Dishes	PS	PS or C	No	See Section 1111.01(g)(16) .		
Solar Panels	PS	PS	No	See Section 1111.01(g)(17)		
Swimming Pools	PS	PS	No	Yes	R	1111.01(g)(18)
Tennis or Other Recreational Courts	PS	PS	No	Yes	R	1111.01(g)(19)
Type-B Day Care Homes	PS	XX	Yes	Yes	Interior Use	1111.01(g)(20)
Utility Cabinets	PS	PS	No	Yes	F, S, or R	1111.01(g)(21)

(g) Standards for Specific Accessory Uses and Structures

The following requirements apply to the specific types of accessory uses and structures listed, in addition to the requirements of Section <>: General Provisions.

⁶⁹ This table is a consolidation and expansion of existing provisions. We have incorporated several accessory uses that are not expressly addressed in the current code but many communities address on a regular basis. Fences and walls will be incorporated into the general development standards as they have unique regulations specific to them that can vary greatly from accessory uses and structures.

⁷⁰ This would allow churches or businesses to have accessory day care facilities.

(1) **Accessibility Ramps (New)**

- A. 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.
- B. Such ramps shall be an open structure, without a roof.

(2) **Agricultural Uses (Existing 1125.02 (h))**

The raising of fruits, vegetables, and nursery stock for private use, including cultivated plots, tracts of land, or raised beds containing single variety or multiple varieties of vegetables, fruits, berries, or any other edible or otherwise consumable agricultural product or produce, provided that such areas shall be permitted in accordance with the following:

- A. Such uses may take place in the rear yard or any side yard, without any limitation on setback or total area of land occupied by agricultural uses.
- B. Such uses may be located in a front yard provided that square footage of all agricultural areas in the front yard does not exceed 100 square feet and shall not encroach into the front yard any more than 10 feet⁷¹ from the front building line.

(3) **Amateur Radio Towers and Antenna (New)⁷²**

- A. No more than one amateur radio tower and/or antenna shall be permitted on each lot.
- B. Ground-mounted amateur radio towers, antennas, and related guy wire anchors must be located in the rear yard.
- C. Building-mounted amateur radio towers and antennas must be located to the rear of the centerline of the principal building.
- D. Such tower shall not exceed 65 feet in height or the maximum height of the applicable zoning district, whichever is greater. The measurement shall be made from the grade directly beneath the tower to the highest point on the antenna or tower, whichever is the tallest point of the structure.
- E. Antennas and guy wire anchors shall not overhang or otherwise be located within required accessory structure setbacks or on adjacent lots.
- F. When an amateur radio tower and antenna is no longer being used by an FCC amateur radio license holder for amateur radio service, the tower and antenna must be removed no more than 180 days after cessation of the FCC license or the transfer or property ownership or lease to an individual without an FCC license.
- G. Amateur radio towers and antennas that do not comply with the provisions of this section shall require a conditional use approval (See Section <>.). The application for a conditional use approval for amateur radio towers and antennas must demonstrate that compliance with the provisions of this section would prevent the amateur radio operator from exercising the rights granted to him or her by the FCC or the State of Ohio by license or law. If the Planning Commission determines that expertise beyond that of City staff is necessary to determine compliance with this criterion, then the applicant shall reimburse the City for any expenses necessary for hiring a third-party consultant to make this determination.

(4) **Community Gardens (New)**

- 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 of a PUD 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.

⁷¹ We have simplified this from a table where all the standards were the same except for the R-1A District, where the encroachment could be 13 feet. We have made the maximum encroachment 10 feet for all districts.

⁷² Cities have to allow for the reasonable establishment of amateur radio towers so we have provided some basic standards.

- 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 in the offices of the Community Development Department.
- E. The site shall be designed and maintained so that water, pesticides, 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 <>.

(5) Detached Accessory Buildings

- A. The provisions of this section shall apply to any accessory building not identified elsewhere in [Table 1111-1](#) that may include detached garages and carports, detached storage or utility sheds, gazebos, pergolas, pool houses, and other similar buildings, as determined by the Director of Community Development.
- B. Detached garages and carports shall be served by a paved driveway.
- C. Detached accessory buildings shall include accessory structures that are enclosed, regardless of the materials used for enclosure including, but not limited to, screen porches, hoop houses, and greenhouses.
- D. Portable carports and sheds shall be considered accessory buildings and subject to these requirements.

(6) Drive-Through Facilities (New)

The following standards shall apply to businesses that contain a drive-through facility regardless if the drive-through is part of another use (e.g., restaurant or financial institution) or if it is a stand-alone use (e.g., automatic teller machine).

- A. Audible electronic devices such as loudspeakers, automobile service order devices, and similar instruments shall not be located within 100 feet of any residential dwelling unit.
- B. All drive-through areas, including but not limited to drive-through signs, waiting lanes, trash receptacles, audio equipment, 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.
- C. If the drive-through window, drive-through signage (See Section <>.), or any audio equipment are located in the front yard, they shall be screened with an opaque, landscaped screen of with a height that will fully screen the window, signage, or audio equipment. Such screening shall not be required for waiting spaces that are located in a front yard.
- D. Drive-through facilities shall be required to include vehicle stacking spaces as established in Section <>.

(7) Home Occupations (Revised 1125.03 and 1159.04 (b))

The following standards for home occupations are intended to provide reasonable opportunities for employment within the home, while avoiding changes to the residential character of a dwelling that accommodates a home occupation, or the surrounding neighborhood, where allowed by this section.

A. General Standards

- i. The home occupation shall be clearly secondary to the full-time use of the property as a residence.

- ii. Permitted home occupations shall not create an adverse effect on the residential character of the zoning district or interfere with the reasonable enjoyment of adjoining properties. The residential building shall not be altered in any manner that is intended to change the residential appearance of the dwelling to a building with a commercial appearance. There shall be no separate entrance created solely for the home occupation.
- iii. All home occupation activities shall take place in the dwelling⁷³ and there shall be no use of an outdoor area or accessory structures for the home occupation, including for storage of materials, goods, supplies, or equipment.
- iv. The sale of goods or services shall be limited to:
 - a) Products that are produced or processed on the premises; or,
 - b) The sale of goods as part of a mail order, online business, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.) where there is no stock-in-trade on the site.
- v. No equipment shall be used which will create any dust, noise, odors, glare, vibrations or electrical disturbances beyond the lot.
- vi. Activities conducted and equipment or material used shall not change the fire safety or occupancy classifications of the premises.
- vii. Only residents of the dwelling shall operate the home occupation.
- viii. The operator of a home occupation in a rental unit shall be able to demonstrate that the property owner has authorized the use of the unit for a home occupation.
- ix. No more than 25 percent of the floor area of the dwelling unit shall be devoted to such home occupations.
- x. There shall be no signs other than the wall signs allowed on a dwelling in Section <>
- xi. No additional off-street parking or loading facilities shall be provided beyond that traditionally used for residential uses. No additional driveways shall be established for the use of the home occupation.
- xii. Traffic shall not be generated by such home occupation in significantly greater volume than would normally be expected in the residential neighborhood.
- xiii. There shall be no window display or outdoor storage or display of equipment, materials, or supplies associated with the home occupation.
- xiv. When any home occupation results in an undesirable condition interfering with the general welfare of the surrounding residential area, such home occupation may be terminated by the Director of Community Development.

B. Prohibited Home Occupations

The following are business activities that are prohibited as home occupations:

- i. Animal hospitals and boarding facilities;
- ii. Automotive and other vehicle repair and service, except when such repair or service is within an attached garage and the vehicle is owned or leased by the occupant of the dwelling units.
- iii. Construction, landscaping, or similar contractor facilities and storage (an office-only use is allowed in compliance with the above section) and other outdoor storage;
- iv. Fitness/health facilities that provide group activities or services;
- v. Medical clinics, laboratories, or doctor's offices;
- vi. Parking on, or dispatching from the site, any vehicle used in conjunction with the home occupation (e.g., landscaping services, taxi services, construction, etc.) with the exception of a vehicle owned and operated by the home owner or tenant;

⁷³ QUESTION FOR COMMITTEE: Should the City allow home occupations to occur in accessory buildings or only in the dwelling?

- vii. Uses that require explosives or highly combustible or toxic materials;
- viii. Welding and machine shop operations;
- ix. Wood cutting businesses; or
- x. Other similar uses as determined by the Director of Community Development.

C. Home Occupations Permitted with a Zoning Permit⁷⁴

The following home occupations are examples of those that may be allowed with a zoning permit provided they comply with this code:

- i. Handcrafts as well as arts and craft work including, but not limited to baking, ceramics, soap making, candy or snack making, jewelry making, pottery, painting, photography, dressmaking, millinery, sewing, weaving, tailoring, ironing, washing, and sculpting;
- ii. Office-only uses, including, but not limited to, an office for an architect, financial advisor, attorney, realtor, consultant, counselor, insurance agent, planner, tutor, or writer provided no clients meet at the dwelling;
- iii. Other similar uses as determined by the Director of Community Development.

D. Home Occupations Permitted with a Conditional Permit

The following home occupations are examples of those that may be allowed with a conditional use approval provided they comply with this code:

- i. Any home occupation that provides services where members of the public visit or enter the premises if designed to accommodate one customer at a time and which meets all other applicable requirements for home occupations including, but not limited to, fitness/health training, beauty parlors, barber shops, animal grooming (no overnight boarding), or licensed massage or physical therapy;
- ii. Mail order, online businesses, or direct sale product distribution (e.g., Amway, Avon, Creative Memories, Pampered Chef, etc.); and
- iii. Other similar uses as determined by the Director of Community Development.

(8) Nursery Schools or Day Care Centers (New)

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

(9) Outdoor Dining (New)

- A. Outdoor dining areas shall be located along a sidewalk adjacent to the principal building the dining is connected with or between the principal building the dining is connected with and an adjacent parking area.
- B. 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 area and the principal building.
- C. Outdoor dining areas shall not be located within 10 feet of a fire hydrant, fire department standpipe connection, fire escape, bus stop, loading zone, mail boxes, or traffic signal stanchions.
- D. If no grade separation is provided between vehicular traffic and the outdoor dining area, permanent railings or fencing shall be provided around the dining area. If the outdoor dining area is adjacent to a street or area that is closed to vehicular traffic, no railing or fencing shall be required.

⁷⁴ Per the code evaluation, we have split the home occupations into two tiers. One is a home occupation allowed with just a zoning permit and the second, more intense one, is one allowed with a conditional use.

- E. Outside entertainment, whether by band, orchestra, instrument, musician, singer, radio, television, loudspeaker, microphone, recital or any other individual, group or mechanical device shall not be permitted in any outside dining area if the noise from such entertainment is of such a volume so as to cause a disturbance to abutting property owners. The addition of this activity to an existing use shall require approval through site plan review.
- F. If the outdoor dining area is located on a sidewalk, the area shall be designed so there is a minimum of five feet of clearance adjacent to the dining area to allow for safe pedestrian circulation. Furniture or elements of the outdoor dining shall also not block any areas of ingress or egress from the principal building.
- G. Umbrellas and awnings that shelter diners from the elements shall be secured so as not to create a hazard in windy conditions.
- H. 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 permit.
- I. Where an outdoor dining area is located in a right-of-way, the permittee shall hold harmless, indemnify, and defend the City of Sharonville from and against any and all injuries, deaths, losses, damages, claims, suits, liabilities, judgments, costs and expenses, consequential or otherwise, including reasonable attorneys' fees, which may in any way arise out of or be connected with the granting of a zoning permit which may in any way result therefrom, or from any act or failure to act by the permittee, its agents or employees.
- J. The City shall have the right and power, acting through the Director of Community Development to prohibit the operation of an outdoor dining area at any time because of anticipated or actual problems and conflicts in the use of the sidewalk area. Such problems and conflicts may arise from, but are not limited to, scheduled festivals and similar events or parades or marches, or repairs to the street or sidewalk, or from demonstrations or emergencies occurring in the area.

(10) Outdoor Displays and Sales (New)⁷⁵

Seasonal and permanent facilities for outdoor display and 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. Such uses shall not be placed within the street right-of-way, within an interior drive, or in a location which will interfere with the vision clearance requirements.
- 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. Outdoor displays and sales areas shall not cover an area more than 25 percent of the ground floor area of the principal building.
- D. Outdoor displays and sales areas shall be shown on the site plan.
- E. Outdoor display and sales areas may be permitted in the front yard provided that the merchandise is displayed along the sidewalk or walkway adjacent to the building. Outdoor display and sales areas may also be permitted in the side or rear yard without being located adjacent to the building. In all cases, the displays and sales areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.
- F. 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.
- G. In all cases, any areas designated for outdoor display or sales shall be set back a minimum of 25 feet from any adjacent lot lines of lots in residential zoning districts.
- H. The outdoor display and sales areas shall be maintained in good order and appearance.

⁷⁵ This is intended to allow for small-scale sales right up near the building such as seasonal sales at Kroger, etc.

- I. The outdoor display and sale of goods and products shall be limited to those goods and products that a customer can typically 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 <>.

(11) Outdoor Storage and Bulk Sales (New)

- A. Outdoor storage and bulk sales shall comply with the standards of outdoor displays and sales unless otherwise modified by this section.
- B. Outdoor storage and bulk sales in a parking lot shall be prohibited unless allowed as part of a temporary event.⁷⁶
- C. The area of the lot devoted to outdoor storage of goods and merchandise shall not exceed 50 percent of the ground floor area of the principal building.
- D. Outdoor storage and bulk sales areas shall be shown on the site plan.
- E. Areas devoted to outdoor storage shall be paved with asphalt or concrete and free of dust. Outdoor storage may be located on areas paved with gravel in the industrial districts if the storage is set back a minimum of 200 feet from any adjacent lot lines of lots in residential zoning districts.
- F. The storage of radioactive, toxic or otherwise hazardous materials shall not be permitted.
- G. Areas devoted to outdoor storage or bulk sales shall be located in a side or rear yard so that it is behind the principal building and not visible from any public street, unless the storage is located on a corner lot. The enclosed area shall be setback 25 feet from any property boundary that abuts a single-family residential district and in no case shall the side and rear setback of the enclosed area be less than 10 feet. On corner and through lots, the enclosed area shall be setback 20 feet from any street right-of-way.
- H. **Screening**
 - i. All aspects of outdoor storage and bulks sales of goods and materials shall be screened in accordance with Section <>.
 - 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.

(12) Outdoor Vending Machines and Drop-Off-Boxes (New)

Outdoor vending machines and drop-off boxes for recycled goods, books, donations, etc., may be permitted when they comply with the following regulations.

- 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 vision clearance requirements in Section <>.
- B. The facility or equipment shall be maintained in good operating order and appearance.
- C. Vending machines and drop-off boxes shall only be permitted in the nonresidential zoning districts. They may be permitted in residential districts only when accessory to a permitted nonresidential use.
- D. Vending machines shall only be placed along the façade of the principal building with a maximum of one machine for every 50 feet of building frontage. See [Figure 1111-A](#).

⁷⁶ Temporary events are handled outside of zoning.



Figure 1111-A: The above is an image of one vending machine that is appropriately located along the façade of the building.

- E. Drop-off boxes shall only be permitted in the side or rear yard.
- F. The container shall be emptied at least once every week. Containers that result in the overflow of donated goods shall be declared a nuisance and shall be removed immediately upon notification by the Director of Community Development at the expense of the property owner or business owner.
- G. Drop-off boxes shall include the name and contact information of the person who owns or maintains the box.
- H. The City shall have the authority to place more than one drop-off box on a single lot when providing recycling services to the general public.

(13) Patios, Porches, and Decks (New)

- A. Patios without a roof, building, or structure are permitted in any yard. Where a building or structure is placed on a patio, such building or structure may only be located in the yards where those buildings or structures are permitted.
- B. Patios shall meet the front, side, and rear yard setbacks for accessory uses and shall not cover any easements. Patios in the front yard shall not cover more than 50 percent of the front yard and shall not allow for vehicular parking.⁷⁷
- C. Patios, decks, and porches may have built-in grills, kitchen areas, or living areas but such activities shall only be permitted in the rear yard only provided such use complies with any applicable building code requirements.
- D. Patios, decks, and porches may have seating in any yard the patio, deck, or porch is permitted and located.
- E. An open deck, porch, platform, landing, steps, terrace or other feature that does not have a roof or does not extending above the first-floor level of a building may extend:
 - i. Ten feet into the front yard provided such encroachment does not exceed 50 percent of the width of the front building façade;⁷⁸
 - ii. Six feet into a front yard along the entire width of the front building facade; and
 - iii. Three feet into a side yard.
- F. Rooftop decks in nonresidential districts shall be regulated as part of the principal building.

⁷⁷ We may adjust this at a later date after considering the inclusion of standards for driveway widths to prevent the pavement of the entire front yard.

⁷⁸ This statement may be moved to a section on overall encroachments but for now, we are proposing to allow for up to 10 feet of encroachment for half the building whereas now, only six feet of encroachment is allowed.

(14) Playsets, Treehouses, and Trampolines (New)

- A. If a playset or treehouse has more than 100 square feet of enclosed play area, the use shall require a zoning permit and be reviewed in the same manner as a “detached accessory building.”⁷⁹ As such, any playset or treehouse that has more than 100 square feet of enclosed play area shall also count toward the maximum floor area and lot coverage standards in this code. Such area shall be measured by the smallest square or rectangle around the bottom of the playset or treehouse.
- B. Treehouses, trampolines, enclosed play areas, and permanently sited playsets shall be located in the rear yard only. Portable playsets may be located in the side or rear yard.

(15) Retail Commercial Uses (New)

Retail commercial uses are permitted in the LI, GI, ITC, RRI, or PF⁸⁰ Districts provided:

- A. Such uses are an accessory use to an approved principal use;
- B. The uses are located completely within a principal building of a nonresidential use;
- C. In the LI, GI, ITC, or RRI Districts, the retail use shall be for the sale of goods and products manufactured on site; and
- D. The total floor area of accessory uses shall not exceed 15 percent of the total gross floor area of the principal building.

(16) Satellite Dishes (Revised 1159.04 (f))

- A. Satellite dishes of one meter in diameter or less shall be exempt from the provisions of this section and shall not require a zoning permit.⁸¹
- B. To the maximum extent feasible, the dish should be located in the side or rear yard.
- C. Mounting brackets shall be removed whenever a satellite dish is removed.
- D. Satellite dishes larger than one meter in diameter may be permitted if approved by the Planning Commission as a conditional use in any nonresidential zoning district. A zoning permit shall be required if the conditional use is permitted. Such dishes shall be set back 10 feet from all lot lines.

(17) Solar Panels (New)

- 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 permit or may be reviewed as part of the zoning permit for the principal building if constructed at the same time.

(18) Swimming Pools (Revised 1125.18)

- A. The following standards shall apply to all types of pools permitted in the City of Sharonville:⁸²
 - i. A swimming pool shall not exceed 54 inches in height, above ground. Slides associated with pools shall be exempt from this height requirement.

⁷⁹ This is new to Sharonville but addresses an increase presence of large playsets that have elements similar to a building.

⁸⁰ This would allow industrial uses to sell what they manufacture and for public facilities to have refreshment stands, coffee kiosks, etc.

⁸¹ This exemption is set out by federal law. The city cannot necessarily prohibit small dishes in the front yard but we are encouraging them to avoid this.

⁸² This section greatly expands on the City's current safety requirements.

- ii. All swimming pool construction and operation shall be in accordance with standards and regulations established by the Board of Health having jurisdiction within the City, the Building Code and any other governmental regulations governing the construction and operation of such facilities.
 - iii. Any outdoor swimming pool, as defined in this subsection, shall be surrounded by a barrier which shall comply with the following:
 - a) Every swimming pool shall be completely enclosed by a fence and/or structure of sturdy construction at least 48 inches in height, measured from the ground level at each point along the boundary of such enclosure. The enclosure may surround the pool area or the entire yard. The enclosure shall be of such design as to prevent young children from crawling or otherwise passing through, under or over such enclosure without the use of a ladder or other implement. Openings in the barrier shall not allow passage of a four-inch diameter sphere.
 - b) Access gates into such enclosure shall be self-closing and have a self-latching device.
 - c) Where an above-ground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure and the means of access is a ladder or steps, then the ladder or steps shall be capable of being secured, locked or removed to prevent access.
 - d) The required barrier must be installed prior to filling the pool with water.
 - e) Automatic pool covers are permitted but the barrier requirements of this section shall still apply.
 - f) A spa or hot tub with a safety cover that complies with ASTM F 1346 shall be exempt from the provisions of this section.
 - iv. Proper drainage shall be provided to ensure that pool overflow does not affect adjacent properties.
 - v. Lighting shall be shaded so as not to be a disturbance to adjacent properties.
 - vi. Any sound of motor or pumps in such manner as to disturb the peace, quiet and comfort of neighboring inhabitants shall be shielded to prevent such disturbances.
- B.** For the purpose of this code, swimming pools shall be further classified and regulated as follows:
- i. **Private Pools**
 - a) Any constructed or manufactured pool, both permanent and temporary, not located within an enclosed building and which is used or intended to be used as a swimming pool in connection with residential dwellings and is available only to the residents and their private guests shall be classified as a private swimming pool and shall be regulated by this subsection.
 - b) Private pools shall be set back a minimum of 10⁸³ feet from all lot lines as measured from the edge of the water.
 - ii. **Club or Community Pools**
 - a) Club pools may be located in a residential district provided the lot on which it is located is not less than three acres and access to it is provided only from a major arterial or collector street.
 - b) Commercial pools are pools open for paying members that are part of a nonresidential use, or otherwise located in any nonresidential zoning district.

⁸³ This is a reduction from the current requirement of 15 feet, which has been an ongoing issue with the BZA and one where the variance is often approved to reduce the setback. 10-feet is a far more common requirement.

- c) The pool, accessory buildings, structures or other equipment shall be located not less than 75 feet from any adjacent residential lot line. This setback shall be measured from the edge of the water.
- d) At least one-half of an off-street parking space shall be provided for each member or resident of the development where a club pool is to be located. Such spaces shall be located not less than twenty feet from any adjoining residential lot line and constructed as required in Section <>.

(19) Tennis and Other Recreational Courts (New)

Outdoor tennis courts and courts for other sports, including basketball and racquetball, that are accessory to a residential or nonresidential use shall comply with the following requirements:

- A. Tennis courts or other recreational courts that exceed 900⁸⁴ square feet shall only be permitted on lots with a minimum lot area of one acre. Any court that is 900 square feet or less may be permitted on any lot size provided it complies with all other applicable provisions of this code.
- B. The court shall be set back a minimum of 10 feet from all lot lines.
- C. All fencing shall be subject to the fence regulations in Section <> except that fencing that surrounds a tennis or recreational court may exceed the maximum fence height of this code provided that the fencing is located adjacent to the edge of the court.
- D. Any lighting for the court shall not exceed 20 feet in height and shall be directed downward and only illuminate the court. All outdoor lighting shall comply with Section <>.

(20) Type B Family Day Care Home (1-6 Children) (New)

Type B family day care homes are permitted when accessory to any residential dwelling unit, regardless of the applicable residential zoning district.

(21) Utility Cabinets (New)

- A. Utility cabinets shall be located in the side or rear yard, to the maximum extent feasible, or otherwise located to create the least amount of visibility.
- B. If the applicant demonstrates to the Director of Community Development that the utility cabinet can only be located in a front yard, the structure shall be landscaped in a manner that will allow access to the unit but otherwise buffer the view of the structure. The applicant shall be required to provide a landscaping plan as part of the subject application.
- C. Utility cabinets in the LI, GI, ITC, or RRI Districts shall not be subject to this screening requirement.

1111.02 TEMPORARY USES AND STRUCTURES⁸⁵

(a) Purpose

This section allows for the establishment of certain temporary uses and structures of limited duration, provided that such uses or 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) General Standards for Temporary Uses and Structures

Temporary uses or structures shall:

- (1) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (2) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (3) Not include permanent alterations to the site;

⁸⁴ This is the size of a half-basketball court.

⁸⁵ This section consolidates all language related to temporary uses into one section with expanded regulations for construction structure, gravel parking lots, and garage sales.

- (4) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (5) Not interfere with the normal operations of any permanent use located on the property; and
- (6) Contain sufficient land area to allow the temporary use or structure to occur, as well as adequate land to accommodate the parking and traffic movement.

(c) Permitted Temporary Uses and Structures

(1) Construction Structures (Revised 1125.17 and 1159.04 (g))

Temporary structures for construction operations may be permitted in any district if such structures are deemed necessary, provided:

- A. The use of such structures shall be limited to offices, buildings for the storage of lumber, equipment, and other building material, as well as construction dumpsters.
- B. Such construction structures shall be located on pavement or in a landscaped setting approved by the Planning Commission except that all construction dumpsters shall be located only a paved surface.
- C. All temporary construction structures shall be set back a minimum of 100 feet from the nearest occupied residential dwelling except for those dwellings located on the same lot. Such setback may be reduced to 10 feet for construction dumpsters.
- D. A temporary structure for the construction office may be placed on the site no sooner than two weeks before the start of grading or construction and shall be permitted for a period of one year after issuance of the zoning permit unless an alternative time limit is approved by the Planning Commission based on the scale of the project.
- E. In residential zoning districts, the hours of operation or use of the structure shall be restricted to the hours between 7:00 a.m. to 6:00 p.m., and the concentration of vehicles attracted to the premises in connection with such use shall not be more hazardous than normal traffic in a residential district that is being developed.
- F. The structure shall not be located within a floodplain or in a location that will obstruct drainage flow.
- G. The structure shall not block or prevent access to any fire hydrant.
- H. All temporary structures for construction operations shall be removed within 14 days after the completion of work on the premises for which an occupancy permit has been issued or if construction is not pursued diligently. For residential subdivisions, the temporary construction structures shall be removed after the zoning permit has been issued for the final dwelling.
- I. Such construction structures shall be permitted in all districts, however, only construction dumpsters are permitted on individual lots with residential dwellings, in residential zoning districts. For such uses, the placement of a temporary construction dumpster shall be limited to 30 consecutive days in any single calendar year.

(2) Gravel Surface Parking Lot (New)

- A. All parking lots and vehicular use areas shall be paved in accordance with Section <>.
- B. A temporary gravel surface parking lot may be permitted in areas where solid pavement is required while a site is under construction but shall only be permitted in areas for parking as established in the approved site plans associated with the zoning permit.
- C. The temporary gravel parking area must be paved in accordance with Section <> prior to final occupancy of the building.⁸⁶
- D. The applicant may also remove the temporary gravel surface parking lot as an alternative to paving but in such case, the area that was used as a gravel lot shall be returned to its previously state or as a landscaped area.
- E. A solid surface driveway shall be provided for vehicles accessing the parking lot from a public street in order to minimize the spread of dirt, dust, and gravel onto a street.

⁸⁶ Per past interpretations, we will be allowing for some permanent gravel parking in rear yards, in industrial districts where such lots are used for storage of vehicles or equipment.

(3) Garage or Estate Sales (New)

- A. Garage or estate sales are permitted up to four times per calendar year on any single lot with a maximum of four consecutive days per each occurrence.
- B. A zoning permit shall not be required for a garage or estate sale but the sales shall be subject to the general standards applicable to all temporary uses and the time restrictions.

(4) Temporary Sales Office and Model Homes (New)

If a temporary sales office/model home is to be located in a subdivision or multi-family residential development, its location shall be indicated on the subdivision plats or site plans, as applicable, and approved by the Planning Commission. The following provisions shall be met:

- A. One temporary real estate sales office or model dwelling unit per builder or developer shall be permitted in a section or phase of a new residential subdivision or in any one multi-family residential development.
- B. The dwelling shall comply with all of the applicable standards of this code for the final residential use regardless of the temporary use as a sales or leasing office;
- C. The sales office/model homes shall be operated by a developer, builder, or sales agent active in the same phase or section where the use is located.
- D. The sales office/model home shall be converted into a permanent residential use upon completion of construction and issuance of the permit for the last dwelling or for a period of time approved by the Planning Commission for multi-family residential developments.

(5) Temporary Tents (New)⁸⁷

Temporary tents are allowed in all zoning districts subject to the following:

- A. One tent is permitted for a maximum of seven days, two times per year, on any lot.
- B. A zoning permit shall be required and the approval shall include an install date and date of removal.
- C. Tents that are approved as part of a temporary event in a nonresidential zoning district shall be exempt from these requirements.

(6) Portable Storage Units (Existing 1125.22)

- A. Portable storage units may be permitted in any zoning district as follows:
 - i. Such units may be used on construction sites, as construction structures, in accordance with Section [1111.02\(c\)\(1\)](#).
 - ii. When the occupant of a property is relocating or renovating, a portable storage unit shall be located on a paved surface, on a private property for a period not to exceed seven consecutive days or 14 total days in any 180-day period.
 - iii. When necessary to facilitate general temporary uses not described above, a portable storage unit shall be located on a paved surface on the property for a period not to exceed seven consecutive days or fourteen total days in any 180-day period.
 - iv. The placement of any portable storage unit shall be in such a manner as not to create a public nuisance.
- B. A zoning permit shall be required for the placement of any portable storage unit.
- C. Portable storage units shall not be used to store hazardous or explosive materials.
- D. Portable storage units shall not be occupied or use for any housing use.
- E. Electric cords or power lines shall not be extended to any portable storage unit.

⁸⁷ This is new language but it clarifies an existing practice.