

## CHAPTER 23: ACCESSORY USES

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### 23.01 Purpose

This chapter authorizes the establishment of accessory uses that are incidental and customarily subordinate to the principal uses. An accessory use is “incidental and customarily subordinate” to a principal use if it complies with the standards set forth in this chapter.

### 23.02 General Accessory Use and Structure Standards

Accessory uses or structures shall be permitted provided:

- (A) The building or use is incidental to and customarily found in connection with a principal Building or use permitted in the district in which is located;
- (2) It is subordinate to and serves the principal building or use;
- (3) It is subordinate in size, area, extent, and purpose to the principal building or use;
- (4) An owner applies for and receives a zoning permit unless exempted by this chapter;
- (5) The maximum height of an accessory detached garage shall be 20 feet in overall height;
- (6) The maximum height of any other accessory use or building shall be 15 feet in overall height;
- (7) Unless permitted by the Planning Commission and Village council in a PUD or CDO approval or site plan approval, accessory uses and structures shall be prohibited in any open space area that is preserved by covenant including, but not limited to, open spaces in any planned unit development or Conservation District subdivisions;
- (8) Accessory uses may be permitted to extend into the minimum front, rear or side yard provided that such use or structure are set back as described in Table 23.2.

### 23.03 Allowed Accessory Uses

Table 23.1 lists the accessory building and uses allowed within all zoning districts. The following is an explanation of the abbreviations and columns in Table 23.1.

- (1) Permitted Uses (P): A “P” in a cell indicates that an accessory building or use is permitted by-right in the respective zoning district. Permitted accessory uses are subject to all other applicable regulations of this ordinance, including the use-specific standards set forth in this Chapter.

- (2) Conditional Uses (**C**): A “C” in a cell indicates that, in the respective zoning district, an accessory building or use is permitted if reviewed and approved as a conditional use pursuant to Chapter 26.02 E (Conditional Use). Conditional Uses are subject to all other applicable regulations of this ordinance, including the use-specific standards set forth in this Chapter.
- (3) Prohibited Uses (**Shaded Cells**): A shaded cell indicates that the listed accessory building or use is prohibited in that respective zoning district.
- (4) Zoning Permit Required: The “Zoning Permit Required” column identifies if a Zoning Permit is required for the applicable accessory building or use.
- (5) Yard Location: The “Yard Location” column identifies what yards the applicable accessory building or use is permitted in unless otherwise exempted.
- (6) Additional Regulations: Regardless of whether an accessory building or use is permitted by-right or permitted as a conditional use, there may be additional regulations that are applicable to the use. The existence of these use-specific standards is noted through a cross-reference in the last column of Table 23.1. These standards apply in all districts unless otherwise specified.

## 23.04 Exceptions to the Location of Accessory Uses

For accessory buildings and uses that may only be permitted in the rear yard pursuant to Table 23.1, the following exemptions shall apply:

- (1) On a corner lot, accessory buildings and uses may be located in the side yard as specified in Chapter 19.03 (D).
- (2) On a double frontage lot, accessory buildings may be located in the front yard located to the rear of the principal structure as specified in Chapter 19.03 (D).

## 23.05 Attached Versus Detached Accessory Buildings

- (1) Typical accessory uses, such as a private garage, that are an integral part of a principal building and not separated by a porch, walkway, breezeway, or other similar structure shall not be subject to the provisions of this chapter on accessory uses. Such uses shall be considered part of the principal building and shall be subject to the site development standards of the applicable zoning district.
- (2) Accessory buildings located within five feet of a principal structure and connected by a permanently enclosed porch, walkway, breezeway, or other similar structure shall be considered an attached accessory building and may be located within a side yard provided the attached accessory building meets the applicable site development standards including setbacks.
- (3) Accessory buildings or structures located more than five feet from a principal structure shall be considered a detached accessory building and shall be subject to the provisions of this chapter even if the accessory building is connected by a permanently enclosed breezeway, walkway, or other similar structure.

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<b>TABLE 23.1: ACCESSORY USES</b>											
<b>Uses</b> P – Permitted P* – Permitted with Conditions C – Conditional	Zoning Districts								Zoning Permit Required	Approved Yard Locations F – Front S – Side R – Rear	Special Regulations
	R-1	R-2	R-3	RR	NB	DC	DS	M-1			
Accessory Dwelling Unit						P*	P*		Yes	R	
Automated Teller Machines					P	P	P		Yes	F S R	Must be walk up service in DC
Basketball Hoops	P	P	P	P	P	P	P		Yes	F S R	
Carport	P	P	P	P					No	S R	
Detached Accessory Garage / Pole Barn	P*	P*	P*	P*					Yes	S R	
Equine Animals (Rural Residential)				P					No	S R	
Fences or walls	P	P	P	P	P	P	P		Yes	***	See Chapter 22. Fences
Gazebos	P	P	P	P					Yes	R	
Greenhouses	P	P	P	P	P*	P*	P*	P*	Yes	R	
Home Occupations	P*	P*	P*	P*					No	R	Must be in principal structure. Business required to register with Police Dept.
Hot Tub / Spa	P*	P*	P*	P*		P	P		No	R	
Outdoor Dining Areas					P*	P*			Yes	F S R	
Parking Lots / Parking Garages					P	P*	P*	P	Yes		See Chapter 20. Parking and Loading Requirements
Porches, Patios, Decks, Awning Covers	P	P	P	P					Yes	F S R	
Ramps (Handicap)	P	P	P	P	P	P	P		No	F S R	
Roadside Stands				P	P	P				F S R	
Sheds / Doghouse	P	P	P	P	P*	P*	P*	P*	Yes	R	
Signs, Poster Panels, Billboards					P	P	P	P	Yes	F S	
Stables / Animal Enclosures (Rural Residential)				P						R	
Swimming Pools	P	P	P	P					Yes	R	Must conform to Covenants
Swing or Gym play sets	P	P	P	P					No	R	

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Tennis Courts / Ball Courts	P	P	P	P		P	P		Yes	SR	
Other Accessory uses	C	C	C	C	C	C	C	C	Determination of the Planning Commission		

P – Permitted Use

C – Conditional Use

\* Special Restrictions apply

## 23.06 Accessory Use-Specific Standards

### (A) *Accessory Dwelling Units*

- (1) An accessory dwelling unit shall only be permitted when attached to the principal or another accessory structure.
- (2) Mobile homes, recreational vehicles, and travel trailers shall not be used as accessory dwelling units.
- (3) The gross floor area associated with an accessory dwelling unit shall be at least 400 square feet, but shall not exceed 50 percent of the gross floor area of the principal dwelling unit, or 800 square feet, whichever is less.
- (4) There shall be no more than one accessory dwelling unit on a lot.
- (5) At least one off-street parking space shall be provided for an accessory dwelling unit in addition to the required off-street parking serving the principal use, but in no instance shall more than two off-street parking spaces be provided with an accessory dwelling unit.
- (6) Exterior building materials shall be durable, of the same, or higher, quality as surrounding developments, and shall not adversely impact adjacent uses. When the principal structure is predominately brick or stone, the introduction of smooth wood or fibrous cement siding is appropriate to reinforce the ancillary and subordinate nature of the accessory dwelling unit.
- (7) Accessory dwelling units shall not be sold apart from the principal dwelling unit.
- (8) Accessory dwelling units shall not be leased or rented.
- (9) Home occupations shall be prohibited within an accessory dwelling unit.

**(B) *Basketball Hoops:*** Basketball hoops shall be set back 15 feet from any street right-of-way.

### (C) *Carport:*

- (a) They shall be permanently affixed to the ground.

### (D) *Detached Accessory Garage or Pole Barn:*

- (a) They shall be placed no closer than 10 feet to any other structure.
- (b) They shall be permanently affixed to the ground.

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- (E) ***Equine Animals in Rural Residential Areas:*** Equine animals shall be considered as an accessory use to any single-family dwelling within the Rural Residential District, subject to the following conditions and limitations:
- (a) No equine animal shall be kept on a lot that is not occupied by a single-family dwelling except as permitted in subsection (b) below.
  - (b) An equine animal may be kept on a vacant lot provided the owner of such vacant lot lives on the lot contiguous to such vacant lot.
  - (c) The minimum area of any lot on which equine animals may be kept shall be three acres exclusive of road or street right-of-way. No more than three such animals may be kept on any lot, regardless of the size of the lot, unless otherwise approved as part of a PUD.
  - (d) The owner of the lot where an equine animal is kept must provide adequate fences, housing and other facilities for the animal.
  - (e) No stable or other building related to the keeping of equine animals shall be closer than 100 feet to any lot line or street right-of-way line.
- (F) ***Fences or Walls:*** See Chapter 22, Fences and Walls.
- (G) ***Gazebos:*** See Table 23.2. Accessory Use Setback and Height Requirements.
- (H) ***Greenhouses:*** See Table 23.2. Accessory Use Setback and Height Requirements.
- (I) ***Home Occupations:*** Home occupations shall include the use of the premises for services rendered other than by direct contact with customers at that location (for example, where the bulk of the business is by telephone - actual work is performed in home and the customer is contacted in other than that location). The following requirements shall apply to home occupations when permitted herein:
- (1) No person other than members of the family residing in the premises shall be engaged in such operation.
  - (2) The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants. Not more than 25% of the gross floor area of any one floor of the dwelling unit (including the basement or cellar) shall be used in the conduct of the home occupation.
  - (3) There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation that will indicate from the exterior that the building is being utilized in part for any purpose other than that of a dwelling unit, except that a name plate as regulated by Chapter 21, Sign Code of this ordinance, shall be permitted.
  - (4) There shall be no exterior storage of any materials on the premises associated with any home occupation.
  - (5) There shall be no commodity sold upon the premises in connection with such home occupation.

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- (6) No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood.
- (7) No equipment or process which creates noise, vibration, flare, fumes, odors, or electrical interference detectable to the normal senses off the lot shall be used in such home occupation. In the case of electrical interference, no equipment or process which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in line voltage off the premises, shall be used.

**(J) *Hot Tub or Spa:*** See 23.06 (R), Swimming Pools

**(K) *Outdoor Dining Areas:*** See Chapter 12.02 (G), Restaurants, Taverns and Bars.

**(L) *Parking Lots:*** See Chapter 20, Parking and Loading Regulations

**(M) *Porches and Decks***

- (a) Decks and porches shall meet all applicable safety and building codes.
- (b) Decks and porches shall comply with applicable minimum height and yard requirements in accordance with Chapter 19, Schedule of Regulations.

**(N) *Ramps:*** Ramps shall comply with the Americans with Disabilities Act.

**(O) *Roadside Stand:*** See Chapter 9, Rural Residential.

**(P) *Sheds***

- (a) They shall be placed no closer than 10 feet to any other structure.
- (b) They shall be placed no closer than 5 feet from any rear lot line and 2.5 feet from any side lot line.

**(Q) *Signs:*** See Chapter 21, Signs.

**(R) *Swimming Pools***

- (1) Outdoor lighting shall be subject to the lighting standards of Chapter 24 (Lighting Requirements).
- (2) All swimming pools and associated equipment of the swimming pool shall be constructed and erected in accordance with all applicable codes, ordinances and regulations of the Village of Maineville and, where applicable, the Warren County Combined Health District.
- (3) Private Swimming Pools: All private swimming pools with a depth of eighteen (18) or more inches shall be regulated according to the following requirements:
  - (a) Except as herein provided, no swimming pool or associated equipment, shall be permitted within any required front and side yards, nor within any public right-of-way or utility easement.

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- (b) In-ground swimming pools shall be required to have a fence or wall, including a self-closing or self-locking door or gate, around the pool or the property on which the pool is located. Such fence or wall shall be a minimum of four feet, but not more than seven feet in height; such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
  - (c) Above-ground swimming pools shall be required to have a fence or wall, including a self-closing or self-locking door or gate, around the pool or property upon which the pool is located if the sides of the pool are shorter than four feet in height. Such fences shall comply with division (ii) above.
  - (d) Any access to above ground pools by means of a ladder or stairway shall be provided with a self-closing or self-locking door or gate, or some other device that would prevent a small child from gaining access to the pool by means of a ladder.
- (4) Public, Semi-Public and Commercial Swimming Pools: All public, semi-public, and commercial swimming pools shall be regulated according to the following requirements:
- (a) Except as herein provided, no swimming pool and associated equipment shall be permitted within any required front and side yards or within the limits of any public right-of-way or utility easement.
  - (b) The swimming pool or the property on which the pool is located shall be surrounded by a fence or wall, including a self-closing or self-locking door or gate. Such fence or wall shall be a minimum of five feet, but not more than eight feet in height; such fences or walls shall be constructed in such a manner that a small child may not reach the pool from the street or any adjacent property without climbing the fence or wall or opening the gate or door.
  - (c) No device for the reproduction or amplification of sounds used in connection with a swimming pool shall create a nuisance to adjacent residential properties.
- (S) **Other Accessory Uses:** For any accessory uses not listed above, please submit an application detailing the requested use. Planning Commission review and approval is required.

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**23.07 Existing Accessory Uses**

For any parcel having an existing accessory structure, Planning Commission approval is required prior to the installation of any additional similar structure.

**TABLE 23.2: ACCESSORY USE SETBACK AND HEIGHT REQUIREMENTS\***

Uses N – Not Permitted R – Residential Use B – Business Uses	Yard Setbacks (In feet)			Structure			Special Regulations
	Front Right of Way	Side Lot Line	Rear Lot Line	Distance from other structures	Maximum Height	Maximum Sq. Ft.	
Accessory Dwelling Unit		5	35	10	1 Story	800	
Automated Teller Machines		10	10				
Basketball Hoops	15	5	5				
Carport		5	N				
Detached Accessory Garage / Pole Barn		10	10	10	20 feet		
Equine Animals (Rural Residential)		100	100	100			
Fences or walls		6 inches	6 inches				May be placed on property line with written approval of both owners
Gazebos		10	10	10	15	120**	Must be securely affixed to the ground
Greenhouses		10	10	10	15	120**	Must be securely affixed to the ground
Home Occupations		5	35				
Hot Tub / Spa			10				
Outdoor Dining Areas	5	R – 20 / B – 0	R – 20 / B – 0				Refer to Chapter 12 for specific guidelines
Parking Lots / Parking Garages		10	10	10			Regulations vary by district
Porches, Patios, Decks, Awning Covers	**	5	**	**	15		
Ramps (Handicap)	Planning Commission review and approval required						
Roadside Stands	Zoning Inspector will determine best location						Must be securely affixed to the ground
Sheds		2.5	5	10	15	120**	Must be securely affixed to the ground



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Signs, Poster Panels, Billboards					8		
Stables / Animal Enclosures (Rural Residential)		100	100	100			
Swimming Pools		10	10	5			
Swing or Gym play sets		5	5	10	15		Must be securely affixed to the ground
Tennis Courts / Ball Courts		0					
Yard / Garage / Auction / Misc. Sales	5	5	5				
Other Accessory Uses	Planning Commission review and approval required						

\* Accessory uses must conform to Zoning Regulations and Subdivision Covenant's

\*\* Please contact the Zoning Inspector for setback requirements

\*\* Maximum permitted size if Lot is 12,000 feet or less in size

**23.08 Temporary Accessory Uses**

The guidelines for certain temporary uses of limited duration and special events, provided that such uses 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 special events shall not involve the construction or alteration of any permanent building or structure.

(A) General Temporary Use Standards for Temporary uses, structures, or events shall:

- (1) Obtain a temporary zoning permit, where required, pursuant to Table 23.3;
- (2) Not be detrimental to property or improvements in the surrounding area or to the public health, safety, or general welfare;
- (3) Be compatible with the principal uses taking place on the site;
- (4) Not have substantial adverse effects or noise impacts on nearby residential neighborhoods;
- (5) Not include permanent alterations to the site;
- (6) Not maintain temporary signs associated with the use or structure after the activity ends;
- (7) Comply with the sign and parking regulations of this ordinance;
- (8) Not violate the applicable conditions of approval that apply to a site or use on the site;
- (9) Not interfere with the normal operations of any permanent use located on the property;
- (10) All applicable zoning district setbacks are met.

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- (B) The conduct of general retail sales or commercial activities in residential areas, except as otherwise expressly authorized under this ordinance, is prohibited.
- (C) Yard Sales / Garage Sales / Auctions
  - (1) May be held for no more than three (3) consecutive days
  - (2) Sales cannot exceed three (3) per year per property.

**TABLE 23.3: TEMPORARY USES**

Temporary Use or Structure	Time Permitted	Zoning Permit Required	Districts Permitted
Construction Dumpster, Trailer, or other Equipment Storage <sup>1</sup>	Completion of Construction <sup>2</sup>	Yes	All Districts
Real Estate Sales Office / model Sales Home	2 Years <sup>3</sup>	Yes	All Districts
Temporary Storage in a Portable Container <sup>4</sup>	Up to two times per year for a maximum 30 days per calendar year	Yes	All Districts
Garage or Yard Sales	3 days per event / 3 events per property	No	All Residential Districts, Downtown Core and Downtown Support
Temporary Farm Markets or garden sales	Up to 120 days per year	Yes	Downtown Core

NOTES:

<sup>1</sup>Construction dumpsters, trailers and equipment storage shall not be located on a public street.

<sup>2</sup>Construction dumpsters, trailers and equipment storage used during the development of residential subdivisions shall be removed once 85% of the certificates of occupancy have been issued.

<sup>3</sup>Semi-Annual extensions may be granted by the Planning Commission if conditions warrant

<sup>4</sup>Temporary storage in portable containers are defined as items such as PODS of standard size.