

# City of Seven Hills

Ordinance No. 59-2023

Introduced By Mayor Biasiotta, Councilpersons Kiriazis,  
Kelly, Costanzo, Elliott, Martin, Snitzky, Morrow

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**AN ORDINANCE ENACTING NEW CHAPTER 998, ENTITLED “ACCESSORY USE STANDARDS”, AS CONTAINED IN TITLE ELEVEN, PROVISIONS AFFECTING USE, STRUCTURE AND AREA, OF PART NINE, PLANNING AND ZONING CODE, OF THE CODIFIED ORDINANCES OF THE CITY OF SEVEN HILLS OHIO; AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SEVEN HILLS, OHIO:**

**Section 1.** There is hereby enacted to Title Eleven, Provisions Affecting Use, Structure and Area, of Part Nine, Planning and Zoning Code, of the Codified Ordinances of the City of Seven Hills, Ohio, new Chapter 998, entitled “ACCESSORY USE STANDARDS” which shall read as follows:

**“CHAPTER 998  
ACCESSORY USE STANDARDS**

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- 998.01 Accessory Building, Structure and Use Purpose and Procedure**
  - 998.02 General Accessory Use Standards**
  - 998.03 Residential Accessory Building or Use Standards**
  - 998.04 Non-Residential Accessory Building, Structure or Use Standards**
  - 998.05 Accessory Uses Exempted and Non-Permanent Buildings and Structures**
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**998.01 ACCESSORY BUILDING, STRUCTURE AND USE PURPOSE AND PROCEDURE.**

- (a) Purpose. The purpose of this Chapter is to provide regulations for accessory buildings, structures and uses which are necessarily and customarily associated with, and are incidental, and subordinate to a principal use located on the same parcel. The regulations set forth in this Chapter shall apply to an accessory use, structure or building located in any zoning district, unless stated otherwise.
  - (1) Conflicting Regulations. In the event any regulation found in this Zoning Code conflicts with a regulation provided for in this Chapter 998, the regulations found in this Chapter shall control.
- (b) Accessory Use Determination. It shall be the responsibility of the Building Commissioner to determine if a proposed accessory building, structure or use is

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necessarily and customarily associated with, and is incidental, and subordinate to the principal use.

- (c) Accessory Use Application. Prior to the construction of any accessory building, structure or initiation of an accessory use of land, an accessory use application must be submitted to the Building Commissioner. The accessory use application shall be provided by the Building Commissioner and include the minimum amount of information necessary to make a determination including, but not limited to:
- (1) Plans shall include details required by the Building Commissioner to determine compliance with this Chapter including, but not limited to a site plan drawn to scale, which shows all existing structures, swales, catch basins, easements, distances of the proposed shed to the principal building and to dwelling units on abutting lots.
  - (2) Drawing of the proposed accessory building or structure identifying the height and area (square footage), as applicable.
  - (3) Photographs of the subject parcel and proposed location of the accessory building or structure.
  - (4) Any other information requested by the Building Commissioner deemed necessary to make an informed determination regarding compliance to all applicable standards.
- (d) Residential Accessory Use Application Review Procedure. The following review procedure applies to any accessory use application for a parcel located in any residential zoning district.
- (1) If the accessory use application is complete, the Building Commissioner shall review the application and render a decision to either approve or deny the application. The Building Commissioner may place reasonable conditions or modify the application request as part of an application approval to best achieve the goals and purposes of this Zoning Code.
- (e) Non-Residential Accessory Use Application Review Procedure. The following review procedure applies to any accessory use application for a parcel located in any non-residential zoning district.

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- (1) If the accessory use application is complete, the Building Commissioner shall transmit the application to the Planning Commission for their review and consideration. Planning Commission shall review each completed application and render a decision to either approve or deny the application. The Planning Commission may place reasonable conditions or modify the application request as part of an application approval to best achieve the goals and purposes of this Zoning Code.

## **998.02 GENERAL ACCESSORY USE STANDARDS.**

- (a) General Standards for All Accessory Buildings, Structures and Uses. All accessory buildings, structures and uses shall conform to the following applicable standards:
  - (1) Directly serve the principal use or structure and be clearly incidental and subordinate to the principal use and structure;
  - (2) Be located on the same lot or parcel as the principal use or structure;
  - (3) When considered in conjunction with the principal use or structure, the accessory building, structure or use shall not violate any provisions of this Zoning Code;
  - (4) No accessory building, structure or use shall be constructed or established prior to the start of construction of the principal building or use to which it is accessory;
  - (5) When determining the aggregate accessory use rear yard coverage ratio, the building or structure footprint and the perimeter area of an accessory use shall be used in the calculation.
  - (6) Accessory buildings and structures shall conform to all applicable architectural design guidelines set forth in this Zoning Code.
  - (7) Accessory buildings, structures or uses shall not be permitted to be located within any utility easement, designated flood zone area nor encroach into any designated public or private swale, drainageway or other stormwater facility.
  - (8) Prohibited Accessory Buildings and Structures. The following accessory buildings and structures shall be prohibited in all zoning districts:
    - (A) Shipping containers and similar items whether portable or permanently affixed to the ground.

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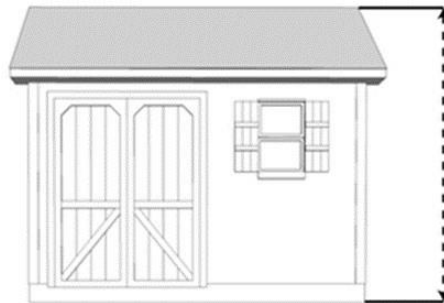
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- (9) Nonconforming Accessory Use Sunset Provision. All completed non-conforming accessory buildings, structures and uses existing as of the adoption date of this Chapter shall be deemed legal nonconforming and comply with any applicable regulation found in this Zoning Code.
- (b) Accessory Building and Structure Measurement Standards. The measurement of the height of an accessory building or structure shall be measured from the lowest ground level to the highest point of the structure. The measurement of the area (square footage) of an accessory building or structure shall be based upon the total area under roof.

## Accessory Building and Structure Height Measurement Illustration

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*Illustration identifying the method for measuring the height of an accessory structure or building.*



### 998.03 RESIDENTIAL ACCESSORY USE STANDARDS.

- (a) Application and Number Permitted. These accessory use standards shall apply to any accessory building, structure or use located on a parcel used as a residential land use.
- (1) Residential Zoning District. Each parcel located in the First Residential zoning district or Second Residential zoning district shall be limited to two (2) accessory buildings and one (1) detached accessory garage, unless Section 998.03(s) applies.

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- (A) New or existing homes. New or existing homes in a First or Second Residential zoning district may have either an unattached garage or attached garage, as provided for in this Chapter, but not both an attached garage and unattached garage serving the dwelling.
  
- (2) Residential Cluster Development Zoning District. Each parcel located in a residential cluster development shall be limited to one (1) accessory building. A detached accessory garage is prohibited in a residential cluster development.
  
- (3) The number of accessory structures and accessory uses permitted on a parcel shall not be limited and shall satisfy any applicable regulation found in this Zoning Code.
  - (A) The Building Commissioner shall determine, on a case-by-case basis, if any accessory structure or accessory use should be included in the calculation of any yard lot coverage ratio requirements set forth in this Zoning Code.
  
  - (B) Swimming pools shall satisfy any applicable regulation set forth in this Zoning Code, but shall not count toward the maximum number of accessory buildings permitted on a parcel. Swimming pools and associated pool deck areas shall be considered when determining the maximum permitted rear yard lot coverage ratio.
  
- (b) Accessory Building and Structure Area Standards. The following schedule sets forth the maximum (footprint) area permitted for a residential accessory building or structure.

<u>Lot Size</u> <u>(sq. ft.)</u>	<u>Building / Structure</u> <u>Maximum (footprint) Area</u>
0 – 10,000	144 sq. ft.
10,001 – 20,000	200 sq. ft.
20,001 – 30,000	275 sq. ft.
30,001 – 40,000	350 sq. ft.
40,001 – 50,000	400 sq. ft.
50,001 - 70,000	600 sq. ft.
70,001 - Larger	800 sq. ft.

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- (c) Placement and Rear Yard Lot Coverage. An accessory building, structure or use shall only be located in a rear yard area, unless stated otherwise in this Chapter, and the footprint of all accessory buildings, structures and uses shall not exceed 40% of the total rear yard area.
- (d) Accessory Building and Structure Height.
- (1) Accessory buildings and structures with an area of four hundred (400) feet or less shall not exceed a maximum height of twelve (12) feet.
  - (2) Accessory buildings and structures with an area of four hundred one (401) feet or more shall not exceed a maximum height of fifteen (15) feet.
  - (3) An accessory detached garage shall not exceed a maximum height of fifteen (15) feet.
- (e) Detached Garages. One detached garage may be erected in or on the same lot with the principal building in the First or Second Residential zoning district only. Such garages shall occupy no more than eight hundred (800) square feet. The dimensions established in this Section shall be the outside dimensions of the walls. Where intermediate posts or columns are provided in multiple-car garages, the minimum clear space shall be nine (9) feet, two (2) inches.
- (1) A detached accessory garage is prohibited in a residential cluster development.
- (f) Attached garages. Attached private garages can be of any size as long as they conform to the aesthetic design and do not exceed forty-five (45) percent of the principal building.
- (g) Service or Pedestrian Door Required. In new or replacement construction, private garages must have a service or pedestrian door in addition to traditional garage doors.
- (h) Accessory Use Setback Standards.
- (1) All accessory buildings, structures or uses shall be erected on a lot that contains a habitable dwelling.
  - (2) An accessory building or structure shall be setback a minimum of five (5) feet and setback no further than ten (10) feet from a side lot line. An accessory building or structure shall be setback a minimum of five (5) feet from a rear lot line.

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- (3) An accessory use of property (not involving a building) shall be set back a minimum of five (5) feet from any side yard or rear yard lot line.
  - (4) Corner Lot Setback. When the rear property line of a corner parcel of land abuts the side property line of the adjoining parcel fronting on the side street, the accessory building or structure set on the corner parcel shall be set back from the side line of the side street not less than the set-back line for such side street.
  - (5) Setback for Large Accessory Building or Structure. Any accessory building or structure exceeding four hundred one (401) square feet shall be setback a minimum of twenty (20) feet from any side lot line and rear lot line.
  - (6) Accessory Building Rear Yard Location. Any accessory building shall be located in the back 30% of the rear yard area as measured from the rear property line and verified by the Building Commissioner.
- (i) Accessory Building Construction Requirements.
- (1) Any accessory building exceeding two hundred (200) square feet shall meet all applicable requirements of the most current Residential Code of Ohio (RCO).
  - (2) Any accessory building two hundred (200) square feet or less in area shall have a foundation consisting of a four-inch concrete base with a four (4) inch high curb, or wood floors constructed of pressure-treated stringers four inches by four inches on two-foot minimum centers. Flooring made of a minimum of three-fourths inch exterior plywood or its equivalent in pressure-treated lumber shall be used. The floor shall cover the entire base and be adequately anchored to the floor stringers and open ends of stringers must be capped or screened. Prior to the placing of stringers, a four (4) inch gravel base with a vapor barrier or weed block material approved by the Building Commissioner must be used to prevent vegetation growth.
- (j) Maintenance of Accessory Buildings and Structures. All accessory buildings and structures shall be maintained in good repair and free from health, accident and fire hazards or shall be removed from the premises. Where foundations of any accessory building have deteriorated or settled to the point where wall plates or studs are rotting or in disrepair, such foundations shall be anchored in a manner approved by the Building Commissioner. The Building Commissioner shall determine what repairs are necessary and if such structure is not repaired within thirty (30) days after notice by the Building Commissioner to repair, such structure shall be completely removed.

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- (k) Location of Heat Pumps, Air Conditioning Units, Generators, Pool Pumps or other Mechanical Equipment.
- (1) Heat Pumps, Air Conditioning Units, Generators, Pool Pumps, or other Mechanical Equipment shall be installed and located in the rear yard and shall be setback a minimum of ten (10) feet from any property line.
  - (2) Heat Pumps, Air Conditioning Units, Generators, Pool Pumps, or other Mechanical Equipment may be located in a side yard when they are installed in an area from the rear building line up to half the distance towards the front building line. Where the portion of the structure on an adjacent property is other than a garage, then the heat pump or air-conditioning condenser must be at least twelve (12) feet from the adjacent structure.
  - (3) Window mounted air-conditioners are excluded from the provisions of this Section.
- (l) Architectural Design Standards. The following design standards apply to all accessory buildings.
- (1) Exterior Material and Design Standards. Accessory buildings shall use those exterior materials permitted for dwellings in the respective zoning district.
    - (A) Prohibited Exterior Materials. Accessory buildings shall not use those exterior materials prohibited for dwellings in the respective zoning district.
  - (2) Color Standards. All accessory buildings shall use exterior materials featuring earth tone color ranges. Brick products may be in red, brown buff color ranges or other similar color as approved by the Building Commissioner.

## **998.04. NON-RESIDENTIAL ACCESSORY BUILDING, STRUCTURE OR USE STANDARDS.**

- (a) The following accessory building, structure and use standards apply to all zoning districts within the City, except for the First Residential and Second Residential zoning districts. Accessory buildings, structures and uses located in these non-residential zoning districts shall be located on the same parcel as the principal building is found and shall be in compliance with this Chapter and any other applicable standard set forth in this Code:



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- (1) Number Permitted. There shall be no more than three (3) detached accessory buildings or structures on a lot where the principal building is three hundred thousand (300,000) square feet or less. One additional accessory building or structure may be permitted for every two hundred thousand (200,000) square feet of principal building floor area in excess of three hundred thousand (300,000) square feet or fraction thereof.
- (2) Front Yard and Side Yard Placement for Accessory Uses. Accessory buildings, structures and uses proposed to be located in a front yard or side yard area shall be permitted only if approved by the Planning Commission.
- (3) Rear Yard Lot Coverage. An accessory building, structure or use shall not exceed twenty-five (25) percent of the total rear yard area.
- (4) Height. An accessory building or structure may not exceed twenty (20) feet in height.
- (5) Setback. An accessory building, structure or use shall not be located closer than twenty (20) feet to a rear or side lot line when abutting any residential zoning district or any single-family residential land use regardless of the zoning district. When an accessory building, structure or use abuts any non-residential land use or zoning district, an accessory building, structure or use shall not be located closer than ten (10) feet to any property line.
- (6) Architectural Design Standards. All accessory use buildings shall utilize the same or substantially similar exterior materials and colors as the principal building for which it serves.

## **998.05 ACCESSORY USES EXEMPTED AND NON-PERMANENT BUILDINGS AND STRUCTURES.**

- (a) The following accessory uses, buildings and structures may be permitted in addition to the maximum permitted number of accessory buildings or structures on a single parcel and may be located within the required yards specified, subject to the following standards.
  - (1) Canopy and Gas Pump Island. Unenclosed canopies over gas pump islands may be located within the required front yard or side yard as approved by the Planning Commission.

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- (2) Ornamental Features. Light fixtures, flag poles, arbors, trellises, fountains, sculptures, plant boxes, plants, trees, and other similar ornamental features may be located within any yard. In no case shall any ornamental feature more than two and one-half (2.5) feet in height above the curb level be located so as to block the sight distance at street or drive intersections within the designated “No Accessory Structure Zone”.
- (A) In the case of a street intersection, the sight distance triangle shall consist of the area between points thirty-five (35) feet from the right-of-way line along both intersecting streets.
- (3) Basketball poles.
- (b) Non-Permanent Accessory Buildings and Structures. Any building or structure not deemed to be an ornamental feature nor permanently affixed to the ground shall be considered on a case-by case basis by the Building Commissioner. If the Building Commissioner determines that such non-permanent building or structure constitutes an accessory building or structure, the applicant must follow the procedures for review and applicable regulations set forth in this Chapter.
- (1) The Building Commissioner may place special conditions on any proposed non-permanent building or structure that addresses a building tie down anchor system, building or structure placement, aesthetic compatibility and other reasonable considerations. “

**Section 2.** That except as herein amended and supplemented, all the provisions of Title Eleven, Provisions Affecting use, Structure and Area, of part Nine, Planning and Zoning Code, of the Codified Ordinances of the City of Seven Hills shall remain in full force and effect.

**Section 3.** That this Ordinance is hereby determined to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the City of Seven Hills and for the further reason this new Chapter will be replacing obsolete sections of our City’s Codes. Wherefore, this Ordinance shall take effect and be in force immediately upon its passage; otherwise, at the earliest period allowed by law.

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First Reading \_\_\_\_\_

\_\_\_\_\_  
Phillip Kiriazis, President of Council

Second Reading \_\_\_\_\_

Filed with  
The Mayor \_\_\_\_\_

Third Reading \_\_\_\_\_

Approved \_\_\_\_\_

Passed \_\_\_\_\_

Attest \_\_\_\_\_  
Evelyn Gelbman, Clerk of Council

\_\_\_\_\_  
Anthony D. Biasiotta, Mayor

(See next page for Planning Commission signatures)

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Referred to Planning Commission: July 26, 2023

Approved by Planning Commission: \_\_\_\_\_  
Ed Foley, Chairman

\_\_\_\_\_  
Terry McCafferty, Chairman Pro-tem

\_\_\_\_\_  
David Sporar

\_\_\_\_\_  
Jeff Bazzo

\_\_\_\_\_

Date: \_\_\_\_\_

Public Hearing Held: \_\_\_\_\_