

**PLANNING COMMISSION MEETING
STAFF REPORT
MONDAY, NOVEMBER 21, 2022**

CASE NO: PC 22-0020
PROJECT NAME: ACCESSORY BUILDINGS AND USE STANDARDS UPDATE
LOCATION: CITY OF RIVERSIDE
APPLICANT/PROPERTY INFO: CITY OF RIVERSIDE
5200 SPRINGFIELD STREET, STE 100, RIVERSIDE, OH 45431
UDO SECTION(s): 1117.03 DEFINITIONS AND 1115.01 ACCESSORY BUILDING AND USE STANDARDS

REQUEST:

A text amendment to update UDO §1115.01, Accessory Building and Use Standards.

SUMMARY/BACKGROUND:

City of Riverside residents, Planning Commission, and staff have expressed a concern regarding the accessory uses and structures regulations. The most notable concerns have been related to the fence regulations. Staff initiated the text amendment process to review the current regulations. This review included considering additional standards to improve the clarity of the regulations and standards for accessory uses not covered in the current regulations. Staff reviewed the accessory standards from several cities in region. These cities include:

- Beavercreek
- Centerville
- Englewood
- Fairborn
- Huber Heights
- Kettering
- Tipp City
- Troy
- Vandalia

Additional research on fences was conducted by Planning Commission members and submitted to staff. The Planning Commission reviewed drafts of the text amendments during two work sessions until they were ready to make a formal recommendation to the City Council. Notice of the text amendment was published in the Daily Court Reporter on November 11, 2022.

INTERESTED PARTY COMMENTS:

- Staff has received comments in support of the text amendments from residents who have submitted permits for accessory structure permit applications.

SUMMARY OF EXISTING UDO REGULATIONS

- General provisions including setbacks for accessory structures and permit requirements.
- Front yard fences limited to 3 ft.; chain link and solid board fences not permitted in front yards.
- Revised deck & porch regulations adopted in 2021.
- Standards for pools, POD, garage sales, and recreation equipment outlined.

SUMMARY OF TEXT AMENDMENT:

The following is a summary of the draft UDO amendments presented in Attachment #1. These recommendations are preliminary in nature and subject to change upon review and feedback from the public, Planning Commission, and City Council.

General:

- Replaced PPMD/DPPM with Zoning Administrator.
- Clarified permitted location of accessory buildings
 - Rear and side yard only, except for structures for public purposes (bus shelters, little libraries, etc.)
 - Must be built on a lot with principal structure.
- Established a 5 ft. side setback for accessory structures
- POD requirements updated
- Prohibited accessory uses identified.
- Setback for residential driveways established.
- Play structures 200 sf or more will be reviewed as a detached accessory building.

Fences:

- Shadowbox fences are permitted, and fence materials clarified.
- Front yard height limit increased to 48 inches (4 feet); 50% open fences permitted in front yard.
- Fence waiver standards for chain link/solid board in front yard updated.
 - Applicant can only apply for a waiver if more than 60% of the lots on the block have a similar fence type.
- Ornamental features are not permitted in intersection clearance zone

Garage Sales:

- Nonprofits exempted from prohibitions.
- Permitted locations clarified.
- Signs advertising garage sales must be removed 48 hours after conclusion of sale.

New Sections:

- Solar Energy Devices,
- Flag Poles, and
- Outdoor Display, Sales, and Storage (nonresidential).

REQUIRED ACTIONS:

The Planning Commission must make a recommendation to City Council to approve, approve with modifications, or deny the UDO text amendments. The proposed changes are presented as specific amendments to the City of Riverside version of the UDO. Please see Attachment #1 for proposed amendments.

ATTACHMENTS:

1. Text Amendment Draft

1115.01 - Accessory buildings and use standards.

- A. *Purpose.* Accessory buildings or structures including a private garage ~~may~~ **shall** be erected upon a lot where a principal building already exists. The use of the accessory building must be secondary and incidental to the principal structure and use. An accessory building that is attached to the main building shall comply with all the requirements of these regulations that are applicable to the principal building.
- B. *Permit Required.* A permit is required to be issued before an accessory building may be constructed or an accessory use may occur on a parcel or in a building (See [Chapter 1105](#), Development Procedures). A major accessory building or use shall be approved by Planning Commission and a minor accessory building or use shall be approved by the ~~Planning and Program Management Department~~ **Zoning Administrator**.
- C. *General Provisions.* The following general provisions shall apply:
1. Provisions Applicable to All Districts.
 - a. No accessory building, **use**, or structure ~~having a permanent foundation~~ shall be located in a recorded easement;
 - b. ~~No accessory building shall be erected in any front yard or the required minimum side yard of a lot;~~ **All accessory structures, unless otherwise permitted within this section, shall be located within rear and side yards only and shall be located no closer to any public street than its corresponding principal structure, unless such structure serves a substantial public purpose as determined by the Zoning Administrator. Examples of structures serving a substantial public purpose include, but are not limited to, bus shelters, benches, flag poles, little libraries, and public art.**
 - c. An accessory building or structure shall have a minimum rear yard setback of three feet **and a minimum side yard setback of five feet** from any lot line;
 - d. No accessory building or structure shall be erected or constructed prior to the erection or construction of the principal or main building, except in conjunction with the same. **An accessory use or structure shall be located on the same lot as the principal use;**
 - e. Portable Storage Units may be permitted on a premises subject to the following:
 - 1) A maximum of one portable storage unit per dwelling unit **and must be placed on the property in a manner which does not obstruct the public right-of-way.**
 - 2) Certificate of Zoning Compliance required prior to installation.
 - 3) A portable storage unit (**temporary storage containers, shipping containers, or similar storage structures**) is intended to be used only for temporary storage. It is not intended to be used for long term on site storage and any such use in any zoning district is expressly prohibited.
 - 4) The outside dimensions shall not exceed 16 feet in length, eight feet in width, and nine feet in height.

- 5) The unit must be placed on a paved surface in accordance with the [Section 1113.11](#) of the **Unified Development Ordinance (UDO)**.
- 6) A portable storage unit may be placed in conjunction with a residential dwelling unit for a period of time not to exceed 14 consecutive days in duration from the time of delivery to the time of removal, up to a maximum of two times per calendar year.
- 7) A portable storage unit may be placed on a nonresidential zoned premises provided:
 - i. It is located for a period of time not to exceed 30 consecutive days in duration from the time of delivery to the time of removal, up to maximum of two times per calendar year; and
 - ii. The unit is located in a manner which does not hinder pedestrian or vehicular access to the premises and does not obstruct intersection sight distance.
- 8) In emergency situations, the **DPPM Zoning Administrator** may extend the length of time a portable storage unit can be located on a site.
- 9) The **DPPM Zoning Administrator** is authorized to grant temporary exceptions to or modifications in writing of this section in special circumstances where a necessity exists for the use of a temporary building or structure. Such special circumstances may include, but are not limited to, the location of a field office required for a construction project. Such permission shall be limited to the time during which the use of such temporary structure is reasonably necessary for the project for which such exception was granted.
- f. ***Prohibited Accessory Uses.*** Except as provided in this code, the use of inflatable garages, portable garages, temporary structures, temporary carports, 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 zoning districts.

2. Provisions Applicable to Residential Districts.

- a. No accessory building or structure located in a residential district shall exceed 15 feet in height or the height of the principal building, whichever is less;
- b. The total floor area of all accessory buildings and structures on a single family or two family residential premises shall not exceed the principal structures footprint square footage or exceed the maximum lot coverage in accordance with [Chapter 1107](#);
- c. Accessory buildings or structures located on residential premises and greater than 100 square feet in floor area shall be architecturally consistent with the character of the house on the premises and include the following:
 - 1) A finished pitched roof surface of standing seam metal, seal tab asphalt shingles, clay tile, slate or wood shingles **and overhang, window and door styles, trim features, and other architectural features**;
 - 2) All other finish surfaces shall be either wood, brick, stone, metal, vinyl siding, vinyl screen or any combination thereof.

- i. All accessory structures, except temporary structures, shall compliment the principal structure in design, this includes, but is not limited to, color, siding or finish materials, trim work, doors, window frames, and roofing materials.
- d. A driveway, in accordance with [Section 1113.11](#) of the Unified Development Ordinance (UDO) shall be required for any private garage;
 - 1) A residential driveway shall be a minimum of two (2) feet from any property line.
- e. An Open Sided Structure including a Gazebo or a Trellis shall meet the minimum standards stated in Section 1115.01.C above and the floor shall not exceed 200 square feet;

3. Provisions Applicable to Nonresidential Districts.

- a. No accessory building or structure located in a nonresidential district shall exceed 20 feet in height or the height of the principal building whichever is less;
- b. No accessory building or structure located in a nonresidential district shall exceed 50 percent in floor area of that of the principal structure.
- c. Accessory buildings or structures located on nonresidential premises and greater than 100 square feet in floor area shall be architecturally consistent with the character of the principal structure on the premises.
- d. A driveway, in accordance with [Section 1113.11](#) of the Unified Development Ordinance (UDO) shall be required for any accessory structure;

D. Private Swimming Pools and Hot Tubs.

1. Location, Area and Height.

- a. All hot tubs shall be located within the buildable area of a rear yard and completely covered while not in use. In the event a proposed hot tub has more than 150 square feet of area on the water surface when filled to capacity, all regulations for swimming pools shall apply;
- b. Any swimming pool or part thereof shall be setback a minimum of ten feet to a side or rear lot line and outside of any required easement.
- c. A swimming pool shall not be located underneath or within ten feet of an overhanging electric power line.
- d. Swimming pool accessories are limited to diving boards, slides and lights designed to illuminate the pool and the immediate surrounding area. None of these accessories may exceed ten feet in height from grade, such height to include handrails, supports and other safety devices.

2. Fence of Swimming Pools.

- a. A swimming pool having a depth that exceeds 18 inches shall be completely enclosed by a fence of sturdy construction not less than 48 inches in height, measured from the level of the ground where located and be of such design and construction as to effectually prevent a child from crawling or otherwise passing though or under such fence. Above ground pools with apparatus surrounding the entrance more than 48 inches off the ground shall be deemed sufficient to meet this requirement.
- b. Any gate shall be self-locking and secured when not in use.
- c. Any fence shall comply with all other provisions of this UDO.

3. **Lights.** All lights used for illuminating a swimming pool, hot tub or surrounding area shall be so designed, located and installed as to confine the direct beams thereof to the lot or parcel on which the pool is located.
4. **Application of Requirements.** All provisions of this UDO shall apply to private or noncommercial swimming pools and hot tubs.
5. **Permits.** All permits shall be obtained for the construction or installation of any swimming pool in accordance with the provisions of this UDO.

E. Fences, Walls, and Ornamental Features.

1. General Requirements.

- a. The height of a fence or wall shall be measured from the ground level of the outward face to the highest part of the fence or wall.
- b. A fence or wall that is supported by posts on the side of the fence shall be erected so that exposed posts and supporting cross elements face into the property where the fence or wall is constructed and the finished surface outward to adjoining parcels, lots or public right-of-way. This section shall not apply if the fence is the same on both sides such as split rail fences, ~~or~~ ornamental iron fences, **or shadowbox fencing.**
- c. **Intersection Clearance:** On a corner lot, the intersection clearance zone is an area between the curb line or edge of pavement of the two intersecting streets and a diagonal line connecting the curb or edge of pavement of intersecting streets at a point 30 feet from their point of intersection. In this intersection clearance zone, no fence/wall, ornamental feature, snow fence, mound or hedge shall exceed 36 inches in height above the grade of the edges of the pavement or street gutter except as permitted below.
- d. In an intersection clearance zone, a plant or tree not exceeding two feet in diameter at a point 36 inches above the grade of the edges of the pavement or street gutter and whose foliage is kept trimmed to such diameter up to at least seven feet above the grade, shall be permitted.
- e. **Construction on Mound:** Where a fence, wall, or ornamental feature is constructed on a mound, the permissible height of the fence, wall, or ornamental feature shall be reduced by the height of such mound or raised surface.
- f. **Safety:**
 - 1) A fence or wall having wire or metal barbs, prongs, spikes, cutting points or edges of any kind or any fence that is charged with electric current, shall be prohibited.
 - 2) No person shall install or cause to be installed along or adjacent to the boundary line of the front yard of any lot or parcel of ground in this City of Riverside, any barrier composed of one or more strands of wire, rope, cord, plastic or other type of line, stretched between stakes, poles, trees or other supports, located as above described. However, a temporary barrier of such type, so constructed or marked as to be readily visible, may be installed to prevent damage to a newly planted lawn, or other new planting or new driveway/sidewalk. The temporary barrier is to be maintained only for such length of time as is reasonably necessary.

2.Types of Fences or Walls.

- a. A fence or wall shall be constructed using traditional or natural materials such as wood, brick, stone, wrought iron, chain link, vinyl, aluminum, or other similar material unless specifically prohibited elsewhere in this UDO. Additionally, plastic, vinyl, or aluminum may be used for any picket or post and rail fence and poured concrete may be used for any post and rail fence.
- b. The use of poured concrete, concrete masonry unit, metal panel, corrugated metal, rebar, or other similar product where the surface of such material is exposed and visible from any direction, shall be prohibited unless specifically permitted elsewhere in this Ordinance.
- c. Where 60% or more of the existing lots within the same block face are occupied by a nonconforming fence type in the front yard (i.e., chain link or solid board fences) the following infill standards shall apply to a proposed fence on an existing lot rather than the standards listed in Part 3. For the purposes of these infill regulations a block face is defined as the frontage on a public street located between intersecting public or private streets or alleys.
 - 1) The proposed fence shall fall within the range of fence setbacks of the two nearest lots containing fences within the same block face.
 - 2) If the proposed fence does not meet the standards of Part 3 then a waiver is required in accordance with Chapter 1105.19.

3.Location and Height of Fences or Walls.

- a. A fence or wall having a height of ~~36 inches~~ 48 inches or less may be located in any yard. Fence posts may exceed this height of the fence by six inches.
 - 1) Retaining walls that exceed 48 inches high shall be benched so that no individual retaining wall exceeds a height of 6 feet.
 - b. Chain link, solid board privacy fence or any wall, ~~except as provided in this code~~, shall be prohibited in a front yard. Welded wire may be used as backing. ~~Fencing in the front yard shall be at least 50% transparent (e.g. split rail or picket).~~
 - c. A fence or wall having a maximum height of eight feet may be located in any rear or side yard.
 - d. A fence or wall shall not project into a public right-of-way.
 - e. Fences predating the adoption of this Unified Development Ordinance shall be considered preexisting, nonconforming and allowed provided they are kept in sound structural condition.
- ## 4. Ornamental Features.
- a. Ornamental features including retaining walls or short sections of walls or fences that are primarily of a decorative rather than an enclosing nature may be located in any yard.
 - b. Ornamental features placed in the front yard shall not exceed 20 feet in length and 48 inches in height ~~are subject to the intersection clearance requirements.~~

- c. Ornamental features are subject to the intersection clearance zone requirements as defined in 1113.13.C.9.

5. Mounds.

- a. The grading and drainage of mounds shall follow the requirements of [Section 1113.17](#), Stormwater Drainage Standards.
- b. No mound exceeding 36 inches in height shall be erected in the intersection clearance zone on corner lots as defined in 1113.13.C.9.

6. Decks, Porches, Patios, and Balconies.

- a. All decks, porches, and balconies shall be attached or continuous to the principal structure or principal building.
 - 1) Exception: A deck surrounding an above ground pool shall be considered a structural part of the pool and as such considered an extension of the total footprint of the accessory use associated with the pool.
- b. ~~A deck surrounding an above ground pool shall be considered a structural part of the pool and as such considered an extension of the total footprint of the accessory use associated with the pool.~~ A deck, porch or balcony that is covered or extends more than three (3) feet above the average grade shall meet the setback requirement for principal buildings in the applicable zoning district. Covered decks, porches, or balconies in the front entrance of the principal structure shall be architecturally integrated or consistent with the overall design and style of the principal structure.
 - 1) Roofing material shall match that of the principal structure in color, dimension and material
 - 2) Trim, framing, and fascia shall be consistent with the principal structure in color, dimension and material.
 - 3) All supports, such as columns or posts, shall be consistent with the principal structure in color, materials, style and proportion.
- c. ~~A deck is permitted in the side or rear yard of a premises only.~~ A deck, porch, or balcony where the platform surface is greater than thirty (30) inches above the existing grade must provide handrails.
- d. ~~A deck where any portion of the platform surface is 12 inches or more above the existing grade shall be setback a minimum of three feet from the side and rear property lines and shall not occupy any part of a recorded easement.~~ All decks, porches and balconies are subject to permitting requirements of Sections 1301.04 and 1115.01.B.
- e. ~~A deck where the platform surface is greater than 12 inches above the existing grade shall be subject to the DPPM.~~ A porch and balcony may be permitted in any yard subject to all applicable sections of the UDO.
- f. ~~A balcony may extend into a required yard in accordance with subsection E.9 below.~~ A deck or patio is permitted in the side or rear yard of a premises only, subject to all applicable sections of the UDO.

- g. A deck, porch or balcony where any portion of the platform surface is twelve (12) inches or more above the existing grade shall be setback a minimum of three (3) feet from the side and rear property lines and shall not occupy any part of a recorded easement.
- h. A balcony may extend into a required yard in accordance with subsection E(9) below.
- i. An uncovered deck or porch may not encroach into the required front yard more than one-fourth (1/4) of the required front yard setback distance applicable to that zoning district or 8 feet, whichever is less.
- j. The width of decks, porches and balconies permitted to extend into the required front yard setback area must be less than one-third (1/3) the width of the principal structure.
- k. The permitted building materials for decks, porches, balconies and patios may be concrete, wood, stone, or wood composite. Materials not architecturally consistent with the principal structure will be subject to the CDD review.

7. Ramps.

- a. All ramps shall be attached or continuous to the principal structure or principal building.
- b. A ramp is permitted to be in the side or rear yard of a premises. ~~and~~ It shall be setback a minimum of three (3) feet from the side and rear property lines and shall not occupy any part of a recorded easement.
- c. A ramp may be permitted in a front yard and shall not occupy any part of the required front ~~or side~~ yard setback.
- d. All portions of a ramp that have level platform surfaces, required or otherwise, shall conform to 1115.01.E.6., ~~Decks.~~
- e. Ramps intended and designed for the use of handicapped persons are allowed to encroach into any required yard in any zoning district as long as they are constructed in accordance with ADA (Americans with Disabilities Act) standards and the Ohio Building Code for width, height and materials, and a building permit is issued by the appropriate permitting agency.
 - 1) One ramp for each entrance to the structure shall be permitted.
 - 2) In no case shall this section be construed to permit any other structure (e.g. deck or elevated patio) to encroach into any required yard. The sole intent of this regulation is to ensure that access to housing for handicapped or disabled persons is not impeded due to a lack of adequate ramps.

8. Temporary Ramps.

- a. All temporary ramps shall be attached or continuous to the principal structure in accordance with the manufacturer's specifications.
- b. A temporary ramp is permitted to be in the front, side or rear yard of a premises and shall be setback a minimum of three feet from the side and rear property lines.

c. A temporary ramp or portion of the temporary ramp shall not be permitted in any public Right-of-Way.

d. All portions of a temporary ramp that have level platform surfaces, required or otherwise, shall conform to 1115.01.E.6., ~~Decks.~~

9. Projection of Architectural Features.

a. A cornice, canopy, eaves, or other architectural feature of a principal building may project into a required yard a distance not exceeding ~~four feet~~ **two (2) feet**.

b. A bay window, ~~balcony~~, or chimney may project into a required yard a maximum distance of ~~four feet~~ **two (2) feet**, provided such features do not occupy, in the aggregate, more than one-third (1/3) of the length of the building wall on which they are located.

~~c. Architectural features shall not project into a public right of way.~~ **A balcony may project into a required rear yard a maximum distance of four (4) feet, provided such feature does not occupy, in aggregate, more than one-third (1/3) of the length of the building wall on which it is located.**

d. Architectural features, including balconies, bay windows, chimneys, and other similar structures, shall not project into a public right-of-way and cannot occupy a recorded easement.

e. Entry steps and platforms four (4) feet or less above grade and four (4) feet or less in width, which are necessary for access to a permitted building or for access to a lot from a street are permitted within any yard.

F. Garage Sales.

1. *Home Sale*. Means a sale of personal property to the general public conducted in or on any property within a residential zoning district, to include, by way of example, garage sales, patio sales, yard sales, porch sales, driveway sales, motor vehicle sales, and the sale of boats, trailers, motorcycles, motor homes and the like.

2. *Prohibitions*. No person shall sell or offer for sale at such home sale any merchandise that has been purchased, cosigned or otherwise acquired for purposes of resale. The offering of new merchandise for sale shall be evidence that such merchandise was acquired by the resident for purpose of resale. No person shall sell or offer at such sale any personal property except such as has been owned and maintained by such person or members of his family on or in connection with the premises on which such sale is held. **The provisions of this paragraph shall not apply to not-for-profit corporations, churches, temples, schools, fraternities, sororities, associations, clubs, or lodges. Such organizations may conduct sales of personal property donated to them on real estate owned or occupied by such organizations subject to the provisions of Section 1105.13, Temporary Uses.**

3. *Frequency and Duration of Home Sales*. Only one such sale may be conducted by permit on any parcel of property once per quarter of a calendar year for a maximum of three consecutive days. No sale may commence before the hour of 8:00 a.m. or extend later than 8:00 p.m. This subsection shall not apply to the sale of motor vehicles, boats, trailers, motorcycles or motor homes.

4. **Personal property offered for sale may be displayed in the front, side, street side, or rear yard of any home provided that such personal property is not located within a public right of way or otherwise obstructs the clear vision of traffic.**

5. All signs advertising such sales shall be subject to the provisions of Chapter 1115.09, Sign Standards, and must be removed within 48 hours of the conclusion of the sale.

G. *Sale of Motor Vehicles, Boats, Trailers, Motorcycles and Motor Homes.* The following provisions shall apply in the case of any motor vehicle, boat, trailer, motorcycle or motor home offered for sale:

1. Such vehicles may be displayed for sale only upon a private driveway provided that the vehicle is not parked in the City of Riverside's right-of-way. Only one such item may be displayed at any time;
2. No person shall park or leave standing the above named vehicles upon any property not owned or controlled by such person for the principal purpose of advertising or displaying it for sale.

H. *Parking of Motor Vehicles.* Refer to Section 1113.11.B, Off Street Parking Standards of the UDO.

I. *Outdoor Storage, Residential.* A person shall not place, store, or maintain outside, for a continuous period in excess of 24 hours, an item which is not customarily used or stored outside or made of a material that is resistant to damage or deterioration from exposure to the outside environment.

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J. *Residential Recreational Equipment Tree Houses, Playhouses, and Swing Sets.* In residentially zoned districts, pet enclosures, dog houses and other types of animal structures, playhouses, gazebos, tree houses, open play systems (swing sets), recreational equipment (excluding basketball standard backboard, and basket assemblies) and similar structures shall be located in the rear yard only, a minimum of seven feet from any lot line, a minimum of three (3) feet from another building or structure and shall not encroach into any recorded easement.

1. If a playhouse, treehouse, or trampoline has more than 200 square feet of enclosed play area, the use shall be reviewed in the same manner as a detached accessory structure.

K. *Solar Energy Devices.* Solar panels, as defined in this section, shall be permitted, provided that the panels conform to the following provisions:

1. *General provisions for all panels.*

- a. All mounting brackets and related structural supports extending more than three inches above the roof surface shall be covered in a manner architecturally compatible with the building to screen from public visibility and/or abutting properties.
- b. All solar equipment, except portions of the collectors that must be black or clear glass or plastic to allow light transmission or heat absorption, including mounting brackets and/or screening materials, shall match the abutting surface color.
- c. No portion of any roof-mounted solar equipment may extend above the ridge line or below the gutter line.
- d. Solar panels shall be designed and located in order to prevent reflective glare toward any occupied structure on adjacent properties as well as any adjacent right-of-way.

2. *General provisions for panels visible from street.* Solar panels and related equipment mounted on roofs clearly visible from the street shall conform to the following:

- a. The collectors shall be generally mounted parallel with the roof pitch;
- a. The distance between the roof and the uppermost portion of the solar panels shall not exceed 18 inches; and
- b. Roof penetration shall be used to conceal supply/return heating/cooling water lines and/or electrical wiring from public visibility.

3. *General provisions for panels not visible from street.* Solar panels and related equipment mounted on roofs not clearly visible from the street shall conform to the following:

- a. The collectors shall be generally mounted parallel with the roof pitch;
- b. The distance between the roof and uppermost portion of the collectors shall not exceed 24 inches; and
- c. Exposed supply/return heating/cooling lines shall be permitted provided:
 - 1) The covering insulation is colored to match that of the roof and wall surfaces to which they are attached; and
 - 2) Eave penetration is used for perpendicular descent of heating/cooling lines from the roof to the exterior building wall surfaces.

4. *Ground mounted panels.* Ground-mounted panels shall conform to the following:

- a. The collectors and all related mechanical equipment shall be located in the side or rear yard only;
- b. Shall not exceed eight feet in height above the adjacent grade; and
- c. All related mechanical equipment, other than the actual photoelectric panels, shall be fully screened from the adjacent properties by fencing or hedges.

5. *Permit required.* An accessory structure permit must be approved prior to the installation of any solar panels or related equipment and must also meet the same setback requirements.

L. Flag Poles

1. Flag Poles associated with non-residential lots shall be permitted subject to the following standards:

- a. Flag poles are permitted in all yards.
- b. Flag poles located upon property of Governmental Facilities and Places of Worship shall be limited to 50' in height, all other non-residential uses shall be limited to 30' in height. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to which it is mounted. Flag poles may be mounted to flat roof structures only.
- c. The fall zone of any pole shall not encompass any neighboring structures or lie outside of the property where it is located.
- d. Flag poles shall be limited in number as specified below:
 - 1) For lots less than one acre in area, flag poles shall be limited to one pole per lot.
 - 2) For lots one acre or larger in area, flag poles shall be limited to one pole per each whole acre of lot area, not to exceed 5 poles in total.

2. Flag Poles associated with residential lots shall be permitted subject to the following standards:

- a. Flag poles are permitted in all yards.
- b. Flag poles shall be limited to 25' in height within residential districts. Height shall be measured from the lowest adjoining grade for the pole or the lowest adjoining grade for the building to

which it is mounted. Flag poles attached or mounted on buildings shall be limited to these same height limitations. No flagpole shall be attached to the roof of a building.

- c. The fall zone of any pole shall not encompass any neighboring structures or lie outside of the property where it is located.
- d. Flag poles shall be limited in number to one pole per lot.

M. *Outdoor Display, Sales, and Storage.* Non-residential facilities or areas that are intended to be used permanently for outdoor display, sales, and storage (e.g., garden supply sales, outdoor product display, materials storage, and similar uses) that are accessory to the principal use may be permitted in non-residential zoning districts upon compliance with the following:

1. Such uses shall not be placed within the right-of-way, within a vehicular use area, or in a location which will interfere with the intersection clearance zone requirements.
2. Outdoor displays, sales and storage areas shall be shown on the plan approved as part of the zoning certificate application.
3. Outdoor displays, sales, and storage shall be related to the principal use of the site and shall clearly be accessory and incidental to the principal use. Outdoor displays, sales, and storage shall be prohibited when the principal building is vacant.
4. Outdoor display, sales and storage may be permitted within an area not greater than 800 square feet or 20% of the ground floor area of the building, whichever is greater, and shall be located at least 25 feet from any residentially used or zoned property.
5. 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.
6. Outdoor Storage Additional Standards:
 - a. Outdoor storage shall be screened from view from any abutting property.
 - b. Outdoor storage may be permitted in areas that are designated for employees only and made inaccessible to the general public by means of a fence, wall or other permanent, secured enclosure or in areas that are set back a distance of not less than 50 feet from any public building entry, parking lot, pedestrian facility or similar publicly used area.
 - c. Storage areas shall be spaced a sufficient distance from the building, as dictated by the Fire Department, to satisfy all fire safety requirements.