

## **ARTICLE VIII - RESIDENCE R-3 DISTRICT**

**800-PURPOSE** - The purpose of the R-3 District is to permit the establishment of multiple family dwellings. It is the intent of this ordinance that the overall size of any R-3 District be limited in order to prevent over concentration when future zoning requests are considered.

**801-PERMITTED USES** - After obtaining a valid zoning certificate in accordance with the provisions of these regulations, the following uses are permitted:

1. All buildings, structures and uses permitted in Residence R-2 Districts;
2. Multiple family dwellings;
3. Multiple family dwellings without limit as to the number of dwelling units within a unified development on a property with a land area of no less than five (5) acres, or on a property bounded on all sides by streets or park or other permanent open space, provided:
  - a) The height of a structure shall not exceed three (3) stories or thirty-five (35) feet;
  - b) The coverage of the land area, exclusive of garages and accessory buildings, shall not exceed ten percent (10%);
  - c) The density of dwelling units shall not exceed ten (10) units per acre;
  - d) Front Yard - No building, exclusive of open porches, no more than ten (10) feet in depth, shall extend nearer to the front property line than fifty (50) feet. In the case of a corner lot, either street may be taken as the front line and any building may be placed to within sixteen (16) feet of the side street line.

**EXCEPTION** - By approval of the Board of Township Trustees, an area developed after the effective date of this amendment and sidewalks are included in this development, the minimum front setback as stated above may be reduced to thirty five (35) feet;

- e) Minimum side and rear yard width of no less than thirty-five (35) feet in relation to any adjoining properties, which side and rear yard shall be unoccupied and unobstructed by buildings except garages and accessory buildings which shall not be placed closer to the front street line than the front yard requirement of the dwelling or closer than five (5) feet to any other property line;
- f) Parking space or garage shall be provided in the rear or side yard extending from the front setback of the buildings to the rear lot line, and on the same unified development to park at least two and one-half (2-1/2) cars for each dwelling unit. Each parking space to be at least two hundred (200) square feet in area, exclusive of access thereto. All driveway accesses leading from the street right-of-way to multi-family dwelling units shall be constructed as hard surface driveways, consisting of brick, concrete or asphalt. All parking lot areas developed in conjunction with multi-family dwelling units shall be constructed as hard surface areas, consisting of either concrete or asphalt.

**802-CONDITIONALLY PERMITTED USES** - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following may be permitted: 1. All uses specified in Article XVI, Section 1600.

### **803-GENERAL REQUIREMENTS -**

**FRONT YARDS** - No building, exclusive of open porches, no more than ten (10) feet in depth, shall extend nearer to the front property line than fifty (50) feet. In the case of a

corner lot, either street may be taken as the front line and any building may be placed to within sixteen (16) feet of the side street line.

**EXCEPTION** - By approval of the Board of Township Trustees, an area developed after the effective date of this amendment and sidewalks are included in this development, the minimum front setback as stated above may be reduced to thirty-five (35) feet.

**REAR YARDS** - There shall be a rear yard no less than forty (40) feet in depth.

**SIDE YARDS** – A single-family dwelling shall have a total side yard width of no less than twenty-four (24) and the narrower of the two (2) side yards shall be no less than seven (7) feet. A single-family dwellings constructed with an attached or integral garage, the total side yard may be reduced by four (4) feet. This does not include garages which must be entered from the rear of the dwelling. For two (2) family dwellings the total side yard shall be thirty (30) feet and the narrower of the two (2) side yards shall be no less than seven (7) feet. For three (3) family dwellings the total side yard shall be thirty (36) feet and the narrower of the two (2) side yards shall be no less than seven (7) feet. For four (4) family dwellings the total side yard shall be forty-two (42) feet and the narrower of the two (2) side yards shall be no less than seven (7) feet. For five (5) and six unit (6) dwellings the total side yard shall be forty-eight (48) feet and the narrower of the two (2) side yards shall be no less than fourteen (14) feet. Multiple family dwellings in excess of six (6) families shall have two (2) side yards with a minimum of twenty-five (25) feet on each side. In the case of a corner lot, no structure shall be placed closer than twenty (20) feet to the side street property line.

**AREA AND FRONTAGE** - Minimum of 13,200 square feet for one (1) or two (2) family dwellings; no less than 16,000 square feet for three (3) or four (4) family units; and no less than 18,000 square feet for five (5) or six (6) family units. Multiple family dwellings in excess of six (6) families shall have a lot area of no less than one (1) acre. Each lot shall have a frontage of no less than eighty (80) feet at the building line; no less than fifty (50) feet at the property line a depth of no less than one hundred sixty-five (165) feet. Lots platted on cul-de-sacs shall have no less than sixty (60) feet at the front property line and the minimum depth shall be measured at the center of the lot. However, this shall not prevent the use for single family dwellings of a lot platted prior to the time of enactment of this ordinance, provided the front yard, rear yard and side yard requirements are met.

**EXCEPTION** - Upon obtaining the approval of the Board of Township Trustees, any developer who will donate ten percent (10%) (including the five percent (5%) recommended by the Mahoning County Planning Commission) for recreational and/or open space, may plat lots for single family dwellings with a width of sixty-five (65) feet at the building line.

**MINIMUM FLOOR PLAN** - No single family dwelling shall have a livable floor area which totals less than:

1,400 square feet - one story plan without basement;

1,300 square feet - one story plan with basement;  
1,500 square feet - total for two-story;  
1,300 square feet – total for a story and a half plan;

No duplex hereafter constructed, altered or converted shall contain less than an average of one-thousand one-hundred (1,100) square feet per family if private basement space is provided, nor less than one-thousand two-hundred (1,200) square feet per family without private basements. The foregoing are exclusive of open or screened porches, basements, and attached garages.

Multiple family dwellings units in excess of a duplex and without limit as to the number of dwelling units shall have a minimum square footage of one-thousand two-hundred (1,200) square feet per dwelling unit exclusive of open or screened porches, basements, and attached garages.

**HEIGHT** -Dwellings shall not exceed thirty-five (35) feet in height. There shall be no limit on the height of non-residential structures except that for each foot the height of such a structure exceeds thirty-five (35) feet, the total width of the two (2) side yards shall be increased by two (2) feet.

**DENSITY** - There shall be no more than ten (10) family units per acre of land and the coverage of the land area exclusive of garages and accessory buildings for multi's in excess of six (6) units shall be no more than ten percent (10%); multi's six units or less, the land coverage shall not exceed twelve percent (12%).

**PARKING** - For multiple family dwellings, garage or parking space shall be provided in the rear or side yard, side yard extending from the front setback of the building to the rear lot line, and on the same lot or unified development, to park at least two and one-half (2-1/2) cars for each dwelling unit. Each parking space to be at least one-hundred sixty-two (162) square feet in area, exclusive or access thereto. Additional parking may be provided in the front yard. All parking lot areas developed in conjunction with multi-family dwelling units shall be constructed as hard surface areas, consisting of either concrete or asphalt.

**804- PRIVATE GARAGE AND ACCESSORY BUILDING** - No detached garage or other outbuilding (including a portable-canvas garage) shall be placed nearer to a side or rear property line than five (5) feet. No detached garage (including a portable-canvas garage) or other outbuilding shall be placed nearer to a front building setback line than forty (40) feet. In the case of a corner lot, no building shall be placed nearer to the side street than the side yard requirement of the dwelling. No living quarters (dwelling unit) shall be placed in any portion of a detached residential garage. A detached garage is limited to one (1) story, not to exceed a maximum height of thirteen (13) feet, with the height measured as the distance between the finished floor to the top plate of the side wall; and no detached garage or outbuilding shall exceed a maximum area of six hundred seventy-two (672) square feet. The square footage calculation includes proposed roof overhangs designed for carports, porches, or storage areas. There shall be no more than

one (1) outbuilding other than a detached garage per residential lot. An outbuilding shall be no larger than 240 square feet.

Exception: An additional three hundred thirty six (336) square feet may be added to a detached garage for every dwelling unit in excess of two (2) units within a multi-plex complex.

**CARPORTS** - Attached carports may not extend nearer to a rear property line than twenty-five (25) feet or nearer to a side yard property line than the side yard requirements of the dwelling. Detached carports are subject to the requirements as stipulated for detached garages and accessory buildings.

**805-FENCING** -Fencing of residential properties shall be permitted provided that any fence in excess of three (3) feet in height extends no nearer to the front street than the front yard requirement of the dwelling, and further provided that fence does not exceed six (6) feet in height. In the case of a corner lot, no fence in excess of three (3) feet may extend nearer to the side street than the side yard requirements of the dwelling. It shall be the responsibility of the property owner erecting the fence to provide for maintenance of the outside surface. The finished surface shall in all cases be the outside, with all posts, braces, etc. to the inside. All matters of dispute shall be civil matters between the property owners.

**806-OPEN FRONT, SIDE AND REAR PORCHES** - An open front porch may not extend nearer to a front property line than ten (10) feet or nearer to the side yard property line than the side yard requirements of the dwelling. An open side porch may not extend nearer to a side yard property line than the side yard requirements of the dwelling. An open rear porch may not extend nearer to a rear property line than twenty (20) feet or nearer to a side yard property line than the side yard requirements of the dwelling. An open porch is defined as open on three (3) sides except for wire screening. A porch shall not be considered open if enclosed by either permanent or detachable glass sash, or an enclosed railing more than three (3) feet in height as measured from the finished floor elevation.

**807-GAZEBOS** - Gazebos must be placed within the rear yard a minimum of forty (40) feet from the front foundation of the dwelling and a minimum of five (5) feet from a side or rear property line. In the case of corner lot, no gazebo shall be placed nearer than twenty (20) feet to a side street property line. Gazebos shall not be constructed for habitable purposes.

**808-HOT-TUBS** - Hot tubs and their appurtenances must be placed at the rear of the dwelling. Hot tubs and their appurtenances may not extend nearer to a rear property line than twenty-five (25) feet or nearer to a side yard property line than the side yard requirements of the dwelling.

**809-DRIVEWAYS/PARKING LOT AREAS** - The driveway leading from the street right-of-way to a single family, two-family, or multi-family building shall be constructed as a hard surface driveway, consisting of brick, concrete or asphalt. Any additional parking lot areas constructed in conjunction with duplex or multi-family dwelling units shall be constructed as a hard surface area, consisting of either concrete or asphalt.

### **810-SWIMMING POOLS**

A receptacle for water having a water surface area of more than one hundred (100) square feet and a depth greater than twenty-four (24) inches shall be considered to be a private swimming pool for the purpose of this ordinance and shall be subject to the following restrictions:

A Zoning Permit shall be required for such pool, and these specifications shall apply to all lands encompassed within the zoning ordinance, irrespective of how zoned.

#### **PERMANENT IN-GROUND SWIMMING POOL**

(1) The pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten (10) feet from any side or rear property line or closer to a side street than the side yard requirement of the dwelling.

(2) The pool area shall be entirely enclosed by a fence. All fence openings into the pool area enclosure shall be equipped with doors or gates with self-closing and self-latching devices that a young child cannot open from outside the fence. The fence and gate shall be not less than four (4) feet and not over six (6) feet in height above ground level, commencing at grade level and extending vertically. Such fence may enclose either the pool area or the entire yard area, so long as it serves adequately to protect children from entry to the pool.

#### **PERMANENT ABOVE GROUND SWIMMING POOLS FOUR FEET (4') OR ABOVE**

(1) The pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten (10) feet from any side or rear property line or closer to a side street than the side yard requirement of the dwelling.

(2) Above ground pools will not be required to be fenced, but it is the responsibility of the property owner to take all safety precautions, including, but not limited to, removing all ladders and other forms of access to pools when the pools are not in use. Above ground pools that are surrounded in whole or part by decks or other above ground structures shall have access gates that are equipped with locks or other such devices that a young child cannot open from outside the gate and which serve adequately to protect children from entry to the pool.

(3) Decks and other appurtenances placed adjacent and/or attached to above ground swimming pools must be placed a minimum of five (5) feet from side and rear property lines.

### **TEMPORARY PORTABLE SWIMMING POOLS SUMMER USE ONLY**

(1) "Summer use only" means the pool cannot be erected before May 1st and must be dismantled by October 1st. The dimensions of a temporary portable swimming pool shall be less than one hundred (100) square feet and a depth less than twenty-four (24) inches. If a temporary portable pool is left up beyond the above-mentioned dates it becomes a permanent pool and the rules for permanent above ground pools shall apply.

(2) The pool must be placed within the rear yard. No portion of such pool shall be permitted to be closer than ten feet (10') from any side or rear property line or closer to a side street than the side yard requirement of the dwelling.

(3) No zoning permit shall be required for a temporary portable swimming pool.

**811-HEAVY EQUIPMENT** - In a residential district, the parking or storage of heavy equipment used for business purposes is prohibited.

**812- EASEMENTS** -No structure may be placed on a recorded easement. It is the property owner's responsibility to know if an easement(s) exists.

**813-STORAGE** -No cargo trailer, shipping container, or metal trailer, mounted on axles or devoid of axles, shall be used for storage purposes; and shall not be stored on a residential parcel.

**814-SIGNS** - Signs shall be as regulated in Article XVIII.

**815-TRASH CONTAINERS** - Shall be in accordance with Article XVII, Section 1710 of this ordinance.