

## **Chapter 7**

### **"R-3" RESIDENCE DISTRICT**

#### **7.01 PURPOSE**

The purpose of the "R-3" Residence District is to provide land for low-density single-family detached housing units and multi-family housing units.

#### **7.02 PRINCIPAL PERMITTED USES**

- A. Any use permitted in Chapter 5.
- B. Two family dwellings such that there shall be a restriction of one (1) two family unit per lot, and lot area shall be a minimum of thirteen thousand five hundred (13,500) square feet per family for a minimum total of twenty seven thousand (27,000) square feet of lot area per two family unit.
- C. Multiple family dwellings as regulated herein.
- D. Public and private forests similar conservation projects, and wildlife reservations and including the usual buildings therefore.

#### **7.03 CONDITIONALLY PERMITTED USES**

The following may be permitted subject to the approval of the Board of Zoning Appeals:

- A. Community and Recreation Centers; Libraries and Museums; Churches and other Places of Worship, Sunday School Buildings and Parish Houses; Public Offices and Buildings.
- B. Except for recreation and community centers serving a specific neighborhood development and under control of a Homeowner's Association, the following conditions shall apply:
  - 1. Minimum Lot Area: Five (5 acres).
  - 2. Access: All sites shall have access from an arterial or collector street or shall provide access in a manner that is compatible with the traffic patterns and traffic volumes customarily found in residential neighborhoods.
  - 3. Setbacks: All structures and active outdoor recreation uses shall be set back a minimum of fifty (50) feet from any residential property; however, any outdoor recreation area with night lighting shall be set back one hundred (100) feet from any residential property.

4. Height: Height shall not exceed sixty (60) feet and churches and towers not to exceed seventy-five (75) feet, provided that the building is set back from each required yard line at least one (1) foot of each additional building height above the height limit otherwise provided in the District in which the building is built.
5. Limitation on Use: Such uses shall not commercial operation be conducted as a for-profit
6. Site Plan: A site plan is required in accordance with Chapter 27.

#### B. Day care centers and Nursery Schools

Type A and Type B Family day care homes are permitted subject to these conditions:

1. Home child care is considered a home occupation.
2. There shall be a safe and secure outdoor play area.
3. Required Access and Loading/Unloading:
  - a. An on-site drop-off area shall be provided at the main entrance to the facility sufficient to accommodate four (4) automobiles for facilities with twenty (20) or fewer children plus one (1) additional vehicle for each additional ten (10) children served.
  - b. Access to an arterial or collector street is required or access shall be provided in a manner that is compatible with the traffic patterns and traffic volumes customarily found in residential neighborhoods.
4. All requirements of Revised Code Section 5104.01 et seq. apply and must be combined with.
5. Site Plan: A site plan is required in accordance with Chapter 27.

#### C. Elementary, Junior High and High Schools or Private Schools.

The following conditions shall apply:

1. Minimum Lot Area: Five (5) acres.
2. Location: No elementary, junior high or high school may be located within five hundred (500) feet of an industrial or commercial entertainment use.

3. Access: All schools shall have access to an arterial or collector street or access shall be provided in a manner that is compatible with the traffic patterns and traffic volumes customarily found in a residential neighborhood. Primary access should not be through residential subdivision streets and/or local streets.
4. Site Plan: A site plan is required in accordance with Chapter 27.

D. Cemeteries Including Mausoleums.

1. Minimum Lot Area: Any new cemetery shall contain an area of twenty (20) acres or more. Extensions to existing cemeteries shall be permitted, providing that they meet the requirements set forth in this section.
2. Setbacks: Mausoleums shall be located no closer than two hundred (200) feet from a street right-of-way and the adjoining lots in Residence Districts.
3. Access: Cemeteries shall have access to an arterial or collector street.
4. Site Plan: A site plan is required in accordance with Chapter 27.

E. Membership Sports, Recreation Clubs and Golf Courses (excluding miniature courses and practice driving tees operated for commercial purposes).

Except for community and recreation centers serving a specific neighborhood development and under control of a Homeowner's Association, the following conditions shall apply:

1. Minimum Lot Area: Ten (10) acres.
2. Use Limitations: Membership sports and recreation clubs excluding skeet, target, primitive weapons and any other shooting clubs shall be used only for the enjoyment of members and their families and guests of members of the association or club under whose ownership or jurisdiction the facilities is operated. All buildings, structures and uses necessary for their operation shall be permitted, except when the chief activity is a service customarily carried on as a business.
3. Setbacks: All structures and active outdoor recreation areas shall be set back a minimum of fifty (50) feet from any residential property; however, any outdoor recreation use with night lighting shall be set back one hundred (100) feet from any adjacent residential property.
4. Accessory Restaurants: Accessory facilities such as snack bars, restaurants and bars may be permitted only if they occupy integral

parts of a main structure and there is no display of goods or advertising visible from off the premises.

5. Equipment Performance Standards: Loud speakers, jute boxes, public address systems and electric amplifiers shall be permitted in outdoor pool or recreation areas only if their use is solely for the members of the facility and does not create a public nuisance for nearby persons or properties.
6. Required fencing/Screening: The entire outdoor pool area, including the area used by bathers, shall be walled or fenced with a security fence or wall at least six (6) feet in height and maintained in good condition to prevent uncontrolled access by children.
7. Illumination: Exterior lighting shall be shaded whenever necessary to avoid casting direct light upon any adjacent property or upon any adjacent public street.
8. Access and Traffic Impact: Access to a membership sports or recreation club shall be from an arterial or collector street.
9. Site Plan: A site plan is required in accordance with Chapter 27.

#### F. Public Outdoor Recreation

The following conditions shall apply:

1. Setbacks: No building, playing field or active outdoor recreation area shall be located closer than fifty (50) feet to any residential property, except that if an outdoor recreation area is lit at night, such area shall be set back at least one hundred (100) feet from any residential property.
2. Screening: When any softball, baseball, soccer or football field, tennis court, structured play area or parking area is located less than one hundred fifty (150) feet from any residential property, a continuous planting screen not less than six (6) feet in height shall be provided.
3. Access and Traffic Impact: Access to outdoor public recreation areas shall be from an arterial or collector street.

### **7.04 ACCESSORY USES**

- A. Accessory uses customarily incidental to a principal permitted use on the same lot therewith.
- B. Attached and/or detached private garages or parking areas.

- C. Home occupation as defined in Chapter 28.
- D. Temporary buildings for uses incidental to construction work, which buildings shall be removed upon the completion or abandonment of the construction work.
- E. Inground or above ground swimming pools which have a depth of over 18 inches, or pools of water intended for swimming or wading by members of the family and their guests if located to the rear of the front line of the house and if located not closer than fifteen (15) feet to any lot line, and if closer than three hundred (300) feet to any lot line shall be guarded against entry by small children by the following manner:
  - 1. It shall be completely surrounded by a fence having a minimum height of forty-eight inches and maximum interstice cross-section of six inches; and
  - 2. All passages through this fence shall be protected by a gate of equal tightness, which is secured in a closed position by means of a fastener which cannot be released by small children.
- F. Uses in accordance with Revised Code 519.21 as follows:
  - 1. For properties in platted subdivisions or in any area consisting of fifteen (15) or more lots approved under Section 711.131 of the Revised Code that are contiguous to one another or some of which are contiguous to one another and adjacent to one side of a dedicated public road and the balance of which are contiguous to one another and adjacent to the opposite side of the same dedicated public road regulate a) on lots of less than one acre. Agricultural uses are limited to the keeping of household pets only. Dog houses or dog runs or other structures designed for the temporary or permanent habitation or containment of household pets shall be located in rear yards only and no closer than 15 feet from side or rear lot lines. Any such house, dog run or structure shall be no larger than 24 square feet.
  - 2. For lots greater than one acre but less than five acres, buildings or structures incident to the use of land for agricultural purposes are regulated as follows:
    - a. Household pets are subject to the conditions set forth in Section 7.04 (F) (1).
    - b. The keeping of other animals or fowl is permitted only in suitable structures located a minimum of 200 feet from rear and side lot lines and only in the rear yard of the lot. Any horse, cattle, sheep or hog or other animal exceeding thirty-

five (35) pounds in weight shall be sheltered not less than 300 feet from rear and side lot lines. All equipment must be kept inside the structure at all times.

#### **7.05 HEIGHT REGULATIONS**

- A. No single family or two family building shall exceed two and one-half (2-1/2) stories or thirty-five (35) feet in height.
- B. No multi-family building shall exceed three (3) stories or forty-five (45) feet in height.

#### **7.06 AREA REGULATIONS**

- A. Front Yard: There shall be a front yard having a depth of not less than fifty (50) feet from the street right-of-way line.
- B. Side Yard: There shall be a side yard on each side of the building having a width of not less than ten (10) feet except for lots abutting "R-1" Residential. For multi-family lots abutting "R-1" Residential, side yards shall be thirty-five (35) feet.
- C. Rear Yard: There shall be a rear yard having a depth of not less than thirty-five (35) feet.
- D. Double Frontage: Where lots have a double frontage, the required front yard shall be provided on both streets.
- E. Corner Lots: Where a lot is located at the intersection of two or more streets, there shall be a front yard on each street side of a corner lot. No accessory building shall project beyond the front yard line on either street.

#### **7.07 INTENSITY OF USE**

- A. Every lot or tract of land which is used for a single family dwelling shall have a minimum lot width of one hundred (100) feet at the building line and an area of not less than 20,000 square feet.
- B. Every lot or tract of land which is used for a two family or multiple family dwelling shall have a minimum of one hundred (100) feet at the building line and an area of not less than twenty thousand (20,000) square feet for the first dwelling unit and an additional seven thousand (7,000) square feet for each additional family dwelling unit thereafter.
- C. No building shall contain more than 24 dwelling units

## **7.08 OTHER DEVELOPMENT CONTROLS**

- A. Single family dwellings may be increased in height by not more than ten (10) feet when the side and rear yard are increased over the yard requirements of the District in which they are located by not less than ten (10) feet, but they shall not exceed three (3) stories in height.
- B. Church spires, domes, flagpoles, aerials, chimneys, belfries, monuments, water towers, or necessary mechanical appurtenances may be erected to a lawful and safe height.
- C. Access to any buildings which are not a part of the main building shall be built in the rear yard and not less than three (3) feet from the rear and side lot lines. An accessory building which is not a part of the main building shall not occupy more than thirty (30%) percent of the required rear yard and shall be located not less than sixty (60) feet from any front lot line.
- D. Accessory buildings, which are to be used for storage purposes only, may be erected upon a lot prior to construction of the main building, but no accessory buildings shall be used for dwelling purposes.
- E. Every part of a required yard shall be open to the sky unobstructed, except for accessory building in a rear yard, and except for the ordinary projections of chimneys, skylights, sills, belt courses, cornices and ornamental features projecting not to exceed thirty (30) inches.
- F. Terraces, porches, platforms and ornamental features which do not extend more than three (3) feet above the floor level of the ground (first) story may project into the front required yard no more than five (5) feet, provided these projections be distant at least three (3) feet from the adjacent side lot line.
- G. The parking of one transportable structure or vehicle other than a motor vehicle is permitted which meets the following requirements:
  - 1. For recreation only and not for hire or gain;
  - 2. For use off of the property;
  - 3. Not to be inhabited while on the property;
  - 4. Owned legally by the occupant of the property;
  - 5. Not to be parked forward of the front house line;
  - 6. Not to be parked within 10 feet of a property line; and
  - 7. Must be relicensed within 9 days of expiration of previous license,
- H. If a motor vehicle remains unlicensed for thirty days or if it is in the process of being dismantled, it cannot be parked forward of the front house line or within ten (10) feet of a property line and if not garaged, it must remain covered by a tarpaulin or other commonly used screening material. Nor may no more than one such motor vehicle be parked on the property at one time.

- I. No outdoor storage of any material (usable or waste) shall be permitted in this zone except within enclosed containers.
- J. All roadway street, parking lot and walkway lights shall be shielded so that substantially all the directly emitted light falls within the property line.
- K. When forty (40%) percent or more of the frontage on the same side of the street within the same block, but not exceeding two hundred (200) feet in distance, is improved with buildings that have observed a front yard line having a variation in depth of not more than six (6) feet, no building shall project beyond the average front yard so established, but this regulation shall not be interpreted to require a front yard of more than fifty (50) feet nor to permit a front yard of less than ten (10) feet.
- H. Fences are permitted in the front, rear, side and corner side yards Fences are permitted on all lots as described and regulated below:

Interior Lot – less than 40,000 square feet

- Fences are permitted in the rear and side yards
- Fences can be no more than six (6) feet above grade
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences must be of uniform height, material and design
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.

Interior Lot – 40,000 square feet or larger

- Fences are permitted in the front, rear and side yards
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yard must be of uniform height, material and design
- Fences in the front yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %. Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.



#### Corner Lot – less than 40,000 square feet

- Fences are permitted in the rear, side and corner side yards
- Fences in the rear and side yard can be no more than six (6) feet above grade
- Fences in the corner side yard can extend half way between the building corner side yard setback and the public right-of-way
- Fences in the corner side yard can be no more than 4 feet above grade and shall have an open face of no less than 50%. Fences in the corner side yard must be of uniform height, material and design.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear yard may be solid in construction. Fences in the rear yard must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle

#### Corner Lots - 40,000 square feet or larger

- 
- Fences in the rear and side yards can be no more than six (6) feet above grade. Fences in the rear and side yards must be of uniform height, material and design.
- Fences in the front and corner side yard shall be no more than 4 feet above grade and shall have an open face area of no less than 50 %.
- If a house on a corner lot has a side entry garage, the fence located in the corner side yard cannot extend beyond the rear corner of the house
- Lots in a platted subdivision shall not have a gate across the driveway
- Fences are not permitted within the public right-of-way
- Fence gates cannot swing open onto adjacent property or onto the public right-of-way.
- Fences in the rear and side yards may be solid in construction.
- Fences in the front and side corner yards must be of uniform height, material and design.
- No fence shall be constructed so that any unfinished portion faces or is visible from an adjacent property or street.
- No fence shall be permitted within the required sight distance triangle

**LOT AREA, BULK YARD AND SCREENING REQUIREMENTS IN THE “R-3” DISTRICT**

---

REQUIREMENTS "R-3" DISTRICT

---

A. LOT REQUIREMENTS:

- |   |  |
|---|--|
| 1. Minimum Lot Area<br>(Single Family Dwelling) | 20,000 square feet   |
| 2. Minimum Lot Width<br>(Two Family Dwelling)   | 27,000 Square Feet   |
| 3. Minimum Lot Area<br>(Multi-Family Dwelling)  | 20,000 Square Feet - for first dwelling unit and 7,000 Square Feet for each additional dwelling unit |
| 4. Minimum Lot Width                            | 100 Feet   |

MAXIMUM HEIGHT:

- |                         |         |
|-------------------------|---------|
| 1. Principal Building   |         |
| a. Stories              | 2 1/2   |
| or whichever is less    |         |
| b. Height               | 35 feet |
| 2. Accessory Structures |         |
| a. Stories              | 1       |
| or whichever is less    |         |
| b. Height               | 15 feet |

MINIMUM YARD REQUIREMENTS:

- |          |                  |
|----------|------------------|
| 1. Front | 50 feet (note 1) |
| 2. Side  | 10 feet          |
| 3. Rear  | 35 feet (note 2) |

---

(Note 1) For double frontage lots, the required front yard shall be provided on both streets.

(Note 2) For multi-family lots abutting “R-1” residential side yards shall be thirty five (35) feet.

Revised March 21, 2012