

## **ARTICLE VII - RESIDENCE R-2 DISTRICT**

**700-PURPOSE** - The purpose of the R-2 District is to permit the establishment of medium density one and two family dwellings.

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

1. All uses allowed in a Residence R-1 District;
2. Only one (1) single family dwelling or one (1) two-family dwelling with an attached private garage and/or one (1) detached private garage, and accessory buildings, exclusive of trailers or house trailers. Two (2) detached garages may be constructed with a two family dwelling or duplex.

**702-CONDITIONALLY PERMITTED USES** - After obtaining a conditional use permit in accordance with the provisions of these regulations, the following uses may be permitted:

1. All uses specified in Article XVI, Section 1600.
2. Bed and breakfast establishments and short-term rental establishments as specified in Article XVI-Conditional Uses, Section 1600 - Paragraph 10.

### **703-GENERAL REQUIREMENTS -**

**FRONT YARDS** - No buildings, exclusive of open porches, no more than ten (10) feet in depth, shall extend nearer to the front property line than fifty (50) feet. However, where there are existing building or buildings with a setback less than the required minimum of fifty (50) feet, the setback may be determined by the mean distance of setback of the building or buildings, other than accessory buildings, within one hundred-fifty (150) feet on each side of proposed building and fronting on the same side of the street. In no instance shall a building be placed nearer to a front property line than thirty (30) 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 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.

**SIDE YARDS** - A single family dwelling only on an interior lot shall have a total side yard of no less than twenty-four (24) feet and the narrower of the two (2) side yards shall be no less than seven (7) feet; for a two-family dwelling, the total side shall be increased by six (6) feet. For dwellings constructed with an attached or integral garage, the required overall 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. However, when a lot platted prior to the time of the enactment of this ordinance is less than fifty (50) feet wide, the total width of the two (2) side yards for single family dwelling may be reduced by six (6) inches for each foot or difference to a total width of not less than ten (10) feet. The width of the narrower of the two (2) side yards shall not be less than five (5) feet. Two-family dwellings may only be built on lots with a minimum of seventy (70) feet at the building line and a depth of no less than one hundred-forty (140) feet. For corner lots, no structure shall be placed closer than sixteen (16) feet to the side street property line nor closer than five (5) feet to the interior lot line.

**AREA AND FRONTAGE** - Minimum area of 13,200 square feet, a frontage of no less than eighty (80) feet at the building line; no less than fifty (50) feet at the front property line and a depth of no less than one hundred-sixty-five 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 area 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 AREA** - No dwelling shall have a livable ground 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 a two-story plan;

1,300 square feet – total for a story and a half plan;

1,300 square feet - split level-total living area on upper and lower level.

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.

**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. No living quarters shall be placed in a basement or in any other room or space having less than four (4) feet of ceiling clearance above the average ground level.

**704- 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.

**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 and accessory buildings.

**705-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 the fence does not exceed six (6) feet in height. In the case of a corner lot, no fence in excess of the 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 posts, braces, etc. to the inside. All matters of dispute shall be civil matters between the property owners.

**706-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.

**707-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.

**708-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.

**709-DRIVEWAYS** - The driveway leading from the street right-of-way to a single-family or two-family dwelling shall be constructed as a hard surface driveway, consisting of brick, concrete or asphalt. Any additional parking lot area developed in conjunction with a duplex unit shall be constructed as a hard surface area, consisting of brick, concrete or asphalt.

## **710-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.

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

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

**713-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.

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