

SECTION XVI. RESIDENTIAL R-3 (Duplex Dwellings)

(Adopted April 23, 1987 by Resolution 87-40, effective May 23, 1987)

16.01 The following uses of buildings and land and no others shall be classified as R-3 Residential:

- A. Duplex dwellings.
- B. Fire station, police station, township hall, township cemetery or other public service facility operated by or on behalf of the Board of Trustees of Painesville Township.
- C. Attached single-family dwelling unit. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)

16.02 Accessory Uses and Buildings

- A. Accessory uses shall be limited to uses that are clearly incidental and secondary to the main use of land and buildings in an R-3 District and shall include but shall not be limited to:
  - 1. Office or studio of a member of a recognized profession.
  - 2. Home Occupations such as, but not necessarily limited to, beauty shop, caterer or seamstress; such home occupation shall not include automotive, mechanical or electrical repair shops, nor manufacturing of any kind.
  - 3. Swimming pools as provided herein.
  - 4. Roadside stands as provided herein.
  - 5. Storage of household equipment, tools, and automobiles for use as private transportation.
  - 6. Storage of recreational vehicles as provided herein.
- B. Accessory Uses in R-3 District:
  - 1. Any person may maintain an office or may carry on a customary home occupation in the dwelling used by him as his private residence providing such use is limited to 25% of the living area and does not involve any extension or modification of said dwelling which will alter its outward appearance, said use does not involve any outward evidence of such use except not more than one (1) sign as authorized in other sections of this Resolution.
  - 2. Swimming pools are intended to be used solely for the enjoyment of the occupants of the principal use of the property on which it is located and their guests. Such swimming pool, as regulated herein, shall be any pool, pond or open tank designed or intended to be used for swimming purposes, not located within a completely enclosed building and containing or normally capable of containing water to a depth at any point greater than two (2) feet. No such swimming pool shall be allowed in an R-3 District except as an accessory use and unless it complies with the following conditions and requirements:
    - a. A zoning certificate is first acquired:
    - b. A swimming pool, including any walks or paved areas or accessory structures adjacent thereto, may not be located closer than ten (10) feet to any rear lot line and side yard clearances shall be in accordance with those required in Section 16.03(A) of this Resolution. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)
    - c. Every swimming pool (except those four (4) feet or higher above the surrounding ground with retractable steps or ladder) shall be completely enclosed by an aesthetically neutral fence or wall of sturdy construction not less than four (4) feet in height. Such fence or wall must effectively prevent a child from crawling or

otherwise passing through or under it. Fence or wall must be maintained in good condition with a gate and locking device. (Adopted October 1, 2002 by Resolution 2002-97, effective October 31, 2002)

d. No landowner or occupant of any property in this district shall use or permit to be used any swimming pool, nor fill or allow any swimming pool to be filled with water, until the fence required under this section has been constructed and the pool area secured. (Adopted April 16, 2002 by Resolution 2002-44, effective May 15, 2002)

3. A roadside stand shall consist of a removable structure used solely for the display and sale of agricultural products produced on the premises with adequate facilities maintained for off-the-road parking by customers and provided that such stand is removed during the seasons when it is not so used. Such stands shall be at least twenty (20) feet back from the traveled portion of the road.

4. The storage of not more than two (2) licensed recreational vehicles as defined in Section 4501.01 Q of the Ohio Revised Code in accordance with Section 29.11 of this Resolution.

C. Accessory buildings:

1. Accessory buildings shall not be constructed on vacant lots.

2. Accessory buildings shall be limited to buildings that house accessory uses clearly incidental and secondary to the main use of the land and buildings and shall include but not be limited to:

- a. Private garages.
- b. Storage sheds.

3. In no event shall an accessory building be used as living quarters or for any use in violation of this Resolution.

4. The total ground coverage of all accessory buildings on any one lot shall be not more than 875 square feet or fifty (50) percent of the living area on the ground level of the main building, whichever is greater.

5. No accessory building shall be erected to a height in excess of that of the main building to which it is incident.

6. All accessory buildings shall be at least twenty (20) feet from any main building or existing residence; except on corner lots, that side line clearance shall not be less than twenty (20) feet on the side street.

7. Accessory buildings shall be limited to two (2) per lot, except where any parcel of land has been divided such that 8500 sq. ft. is held by separate ownership, in which case accessory buildings shall be limited to one (1) per lot. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)

8. All setbacks for accessory buildings and required distances between such buildings and dwellings in this section shall be determined by measurement from the nearest point of the structure or building to the lot line or to the nearest point of any dwelling. (Adopted by Resolution 2015-67, effective July 22, 2015.)

16.03 Minimum Dwelling Lot Area, Dwelling Area and Location Regulations

A. 1. No attached single-family dwelling unit nor the enlargement thereof shall be erected or maintained on any parcel of land divided unless the following lot areas, widths, location requirements and dwelling areas are provided and maintained in connection with such dwelling unit: (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)

For each attached, single-family dwelling unit:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
17,000 sq. ft.	100'	50'	15'	25'

For each half of an attached single-family dwelling unit:

Lot Area	Lot Width	Front Setback	Main	Building
			Side Yard Clearance	Rear Yard Clearance
8,500 sq. ft.	50'	50'	Along Common Walls 10' Otherwise 15'	25'

2. Garages or accessory buildings attached to a dwelling by a breezeway or other permanently constructed connection shall be construed to be a part of the main building for purposes of determining front setback, side yard clearance and rear yard clearances.
- B. Duplex dwelling units may not be placed one on top of the other.
- C. Lot Area. In computing lot areas, no portion of the road right-of-way shall be included regardless of whether or not the owner holds title to the same.
- D. Lot Width.
1. No duplex or attached single-family dwelling unit in an R-3 District shall be erected on a lot having a width at the setback line of less than one-hundred (100) feet. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
  2. No duplex or attached single-family dwelling in an R-3 District shall be erected on a lot having a width at the right of way sideline of a dedicated road of less than one-hundred (100) feet. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
  3. No half of a duplex or attached single-family dwelling unit in an R-3 District held by a separate ownership shall be erected on a lot having a width at the right-of-way sideline of a dedicated road of less than fifty (50) feet and having a width at the setback line of less than fifty (50) feet. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
  4. Notwithstanding anything contained herein to the contrary, an attached single-family dwelling in an R-3 District may be erected on a lot with frontage on the vehicular turn-around portion of a cul-de-sac having a width at the right-of-way sideline of a dedicated road of not less than 43.52 feet. (Adopted by Trustee Resolution 90-114 effective January 12, 1991.)
- E. Set-back Lines.
1. No building or structure or any portion thereof in an R-3 District, except steps, fences, and underground tanks shall be erected within fifty (50) feet of the right of way sideline of any dedicated road or street or eighty (80) feet of the center of the traveled portion of the road, whichever is greater.
  2. If there is no established right of way sideline for any road or street, said sideline shall be deemed to be thirty (30) feet from the center of the traveled portion of the road.

F. Side Yards.

1. In regards to structures which constitute dwellings, side yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the side property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback. (Adopted by Resolution 2015-67, effective July 22, 2015.)
2. For every duplex dwelling or attached single-family dwelling in an R-3 District, there shall be a minimum side yard clearance as shown in Section 16.03(A) of this Resolution, which space shall remain open and unoccupied by any building or structure. For every accessory building or structure of two hundred (200) square feet or less, with a maximum height of twelve (12) feet, there shall be a minimum side yard clearance of three (3) feet. (Adopted December 21, 2010 by Resolution 2010-98, effective January 20, 2011)

G. Rear Yards.

1. In regards to structures which constitute dwellings, rear yard clearance as in this section shall be determined by measurement from the nearest point of the foundation of said dwelling to the rear property line. No part of any dwelling, including but not limited to, overhangs, exterior chimneys, bay or bow windows, or cantilevered walls, shall extend more than twenty four (24) inches into any required setback. (Adopted by Resolution 2015-67, effective July 22, 2015.)
2. For every duplex or attached single-family dwelling unit erected in an R-3 District, there shall be a minimum rear yard clearance of twenty-five (25) feet for a main building or any portion thereof. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
3. For every accessory building or structure in an R-3 District, there shall be a minimum rear yard clearance of three (3) feet, which space shall be open and unoccupied by any building or structure. (Adopted December 21, 2010 by Resolution 2010-98, effective January 20, 2011)

H. Minimum Dwelling Area.

1. Each half of an attached single-family dwelling unit shall have a minimum living area, exclusive of basements, porches, breezeways, patios, accessory buildings, or garages of not less than 1,200 total square feet with a minimum of 875 square feet of living area on the ground level. (Adopted by Trustee Resolution 90-114, effective January 12, 1991.)
2. Each dwelling unit shall have an attached two car garage. (Adopted July 11, 2006 by Resolution 2006-58, effective August 10, 2006)

16.04 Maximum Height of Buildings

No building or structure or the enlargement of any building or structure shall be erected or maintained which is in excess of thirty-five (35) feet in height except the following when erected upon and as an integral part of a building: belfries, clock towers, wireless towers, chimneys, water towers or other mechanical appurtenances.

16.05 Parking

- A. Each single family dwelling shall have a minimum of two (2) off-street parking spaces.
- B. See Sections 29.01, 29.02, 29.04, 29.10 and 29.11 inclusive for additional requirements.

- C. See Section 29.11 for special parking provisions for recreational vehicles in residential districts.

16.06 Signs

- A. Identification Sign: See Section 28.04-A.
- B. Sale, Rental or Lease Sign: See Section 28.04-B.
- C. Open House Sign - One: See Section 28.04-D.
- D. Political Sign - One: See Section 28.04-C.
- E. Temporary Sign (Construction): See Section 28.03-B.

16.07 Storage of Equipment

No premises or portion thereof shall be used for the storage, collection or accumulation of equipment, machinery or building materials, except as incident to proposed construction upon, maintenance or repair of said premises

16.08 Trash and garbage collection areas shall be on a concrete pad and enclosed by a solid fence or wall at least four (4) feet in height if such area is not within an enclosed building or structure. In no case shall such solid fence or wall be less than eighteen (18) inches higher than the tallest receptacle contained within the fence or wall. (Adopted May 28, 1992 by Resolution 92-44, effective June 27, 1992.)