

ORDINANCE NO. 88-18

**AN ORDINANCE TO AMEND SECTION 1264.06
OF THE CODIFIED ORDINANCES OF THE CITY OF AVON
REGARDING DWELLING UNIT AREA REQUIREMENTS**

WHEREAS, Section 1264.06 of the Codified Ordinances of the City of Avon should be amended to clarify dwelling unit area requirements; and

WHEREAS, the Planning Commission on October 17, 2018, after holding a public hearing and conducting careful deliberations, by a vote of Five (5) to Zero (0), recommended approval of this amendment to Section 1264.06 of the Planning and Zoning Code; and

WHEREAS, Council on October 22, 2018 authorized a Public Hearing; and

WHEREAS, said Public Hearing was duly publicized according to law and was held on December 10, 2018 at 7:25 P.M.; and

WHEREAS, Council deems it desirable to promote sound planning within the City that Section 1264.06 of the Codified Ordinances of the City of Avon be amended to clarify dwelling unit area requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 1264.06 of the Codified Ordinances of the City of Avon, which currently reads as follows:

1264.06 DWELLING UNIT AREA REQUIREMENTS.

(a) Dwelling units in an R-3 District shall be erected, altered, moved, maintained, modernized or occupied so as to provide and maintain the minimum dwelling unit requirements set forth in division (b) of this section. In computing the floor area, areas devoted to hallways, basements, elevators, terraces, open porches, decks, uncovered steps, and/or garages shall not be included.

(b) Attached Single-Family Dwelling.

(1) Ground floor entrance. All individual dwelling units will have a ground floor living space with a separate ground floor entrance.

A. One-story building. The minimum total floor area required per unit shall be 1,400 square feet.

B. Multi-story building. The minimum total floor area required per unit shall be 1,400 square feet. The minimum first floor area per unit shall be 1,000 square feet.

(2) Attached covered garage. All individual dwelling units will have an attached, covered garage.

- A. All three bedroom apartments will have a two-car attached garage.
 - B. Fifty percent of two-bedroom apartments will have a two-car attached garage.
 - C. Fifty percent of two-bedroom apartments will have, at a minimum, a one-car attached garage.
 - D. All one-bedroom apartments will have a one-car attached garage.
- (3) Special provisions. Ten percent of the designated project may be developed as follows:
- A. Efficiency units must have minimum total floor area required of 600 square feet.
 - B. One-bedroom units must have minimum total floor area of 800 square feet, plus 200 square feet for each additional bedroom.
 - C. One enclosed garage per living unit is required as per Section [1292.04\(a\)\(3\)](#).

(Ord. 58-01. Passed 5-29-01; Ord. 37-03. Passed 4-14-03.)

Shall be amended to read as follows: **(new language in bold print; deleted language stricken)**

1264.06 DWELLING UNIT AREA REQUIREMENTS.

(a) Dwelling units ~~in an R-3 District~~ **identified in §1264.03(a)(1), (a)(2) and (a)(3)** shall be erected, altered, moved, maintained, modernized or occupied so as to provide and maintain the minimum dwelling unit requirements set forth in ~~division (b) of~~ this section. In computing the floor area, areas devoted to hallways, basements, elevators, terraces, open porches, decks, uncovered steps, and/or garages shall not be included.

~~**(b) Attached Single Family Dwelling.**~~

(1) Ground floor entrance. All individual dwelling units will have a ground floor living space with a separate ground floor entrance.

A. One-story building. The minimum total floor area required per unit shall be 1,400 square feet.

B. Multi-story building. The minimum total floor area required per unit shall be 1,400 square feet. The minimum first floor area per unit shall be 1,000 square feet.

(2) Attached covered garage. All individual dwelling units will have an attached, covered garage.

- A. All three bedroom apartments will have a two-car attached garage.
- B. Fifty percent of two-bedroom apartments will have a two-car attached garage.

C. Fifty percent of two-bedroom apartments will have, at a minimum, a one-car attached garage.

D. All one-bedroom apartments will have a one-car attached garage.

(3) Special provisions. Ten percent of the designated project may be developed as follows:

A. Efficiency units must have minimum total floor area required of 600 square feet.

B. One-bedroom units must have minimum total floor area of 800 square feet, plus 200 square feet for each additional bedroom.

C. One enclosed garage per living unit is required as per Section [1292.04\(a\)\(3\)](#).

(Ord. 58-01. Passed 5-29-01; Ord. 37-03. Passed 4-14-03.)

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in a meeting of this Council, and that all deliberations by this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3 - That this Ordinance shall take effect and be in force at the earliest date allowed by law.

First Reading _____

Second Reading _____

Third Reading _____

PASSED: _____ DATE SIGNED: _____

By: _____
Craig L. Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Barbara Brooks
Clerk of Council

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director