

CHAPTER 1262 **Single-Family and Two-Family Residential District Regulations**

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1262.01 PURPOSE.

The R-1 and R-2 Residential Districts and their regulations are established in order to achieve, among others, the following purposes:

(a) To implement the Master Plan policies by encouraging the development of residential areas with a range of housing types which encourage social and economic amenities necessary for well-balanced residential neighborhoods.

(b) To regulate the density and distribution of population in accordance with the Master Plan to avoid congestion and provide adequate public services.

(c) To protect the desirable characteristics and promote the stability of existing residential development and to protect adjacent properties from unreasonable obstruction of light and air.

(d) To provide for proper location of institutions and other community facilities so as to increase the general convenience, safety and amenities within the community.

(e) To carry out the following specific purposes:

(1) The R-1 District is established to permit the development of standard single-family dwellings on individual lots, and Western Reserve development.

(2) The R-2 District is established to permit the development of standard single-family dwellings on individual lots, two-family dwellings and Western Reserve development.

(f) Western Reserve development is permitted in the R-1 and R-2 Districts at a density of one dwelling unit per acre, to promote the development of residential areas characterized by reasonably open and spacious surroundings, and to protect, maintain and conserve the natural topography and amenities of the landscape.

(Ord. 58-01. Passed 5-29-01; Ord. 19-17. Passed 4-10-17.)

1262.02 USE REGULATIONS.

(a) Uses Permitted By Right. A use listed in Schedule [1262.03](#) shall be permitted by right as a principal use in a district when denoted by the letter “P,” provided that all requirements of other City ordinances and this Planning and Zoning Code have been met.

(b) Special Uses. A use listed in Schedule [1262.03](#) shall be permitted as a special use in a district when denoted by the letters “SU,” provided the Planning Commission first makes the determination that the requirements of [Chapter 1280](#) have been met, according to the procedures set forth in [Chapter 1230](#).

(c) Accessory Uses. An accessory use that is clearly incidental and subordinate to a use listed in Schedule [1262.03](#) shall be permitted provided that the requirements of all other City ordinances and this Planning and Zoning Code have been met. Accessory uses are further regulated in subsequent sections of this Planning and Zoning Code.

(d) Compliance With Development Standards and Other Applicable Regulations. Although a use may be indicated as a permitted principal, special or accessory use in a particular residential district, it shall not be approved on a parcel unless it can be located thereon in full compliance with all of the standards and other regulations of this Planning and Zoning Code applicable to the specific use and parcel in question.

(e) Uses Not Listed in Schedule. Any use not specifically listed as either a permitted principal or special use shall be a prohibited use in these zoning districts and shall only be permitted upon amendment of this Planning and Zoning Code and/or the Zoning Map as provided in [Chapter 1236](#), or upon a finding by the Planning Commission that a use is substantially similar to a principally permitted use or special use in the district according to the procedures set forth in Section [1230.11](#).

(Ord. 58-01. Passed 5-29-01.)

1262.03 SCHEDULE OF PERMITTED USES.

	<u>R-1</u> Single-Family	<u>R-2</u> Two-Family
(a) <u>Residential</u>		
(1) Single-family detached dwelling	P	P
(2) Two-family dwelling		P
(3) Western Reserve Development in compliance with Section 1262.07	P	P
(4) Bed and breakfast establishment	SU	SU
(5) Family home for handicapped persons	SU	SU
(6) Group home for handicapped persons		SU

(b) Community facilities		
(1) Church or other place of worship	SU	SU
(2) Congregate care facility	SU	SU
(3) Day care facility, child and/or adult (located in a church, other place of worship or a school facility)	SU	SU
(4) Library	SU	SU
(5) Public cultural institution	SU	SU
(6) Public safety facility	SU	SU
(7) Public utility substation	SU	SU
(8) School, public or private	SU	SU
(c) <u>Recreation/Open Space</u>		
(1) Cemetery	SU	SU
(2) Golf course	SU	SU
(3) Public park and noncommercial public recreational facility	SU	SU
(d) <u>Agricultural Uses</u>		
(1) Farm	P	P
(2) Accessory farm building (in excess of accessory building allowance set forth in Schedule 1262.08(a)).	SU	SU
(3) Commercial farm building	SU	SU
(e) <u>Other</u>		
(1) Accessory uses/structures customarily incidental to a permitted use	A	A
(2) Family day care, Type “B”	A	A
(3) Home occupations	A	A
(4) Roadside stand	SU	SU
(5) Swimming pools	A	A
P = Principal Use Permitted by Right SU = Special Use A = Accessory Use Blank Cell = Use not permitted		

(Ord. 58-01. Passed 5-29-01; Ord. 212-03. Passed 11-10-03.)

1262.04 LOT AND YARD REQUIREMENTS.

(a) Lots of Record. A lot of record existing on the effective date of this Planning and Zoning Code may be occupied by a single-family dwelling as set forth in Schedule [1262.03](#) for the

district in which the lot is located even when the lot does not comply with the minimum requirements set forth in division (c) below, provided the use can be conducted in compliance with all other requirements set forth in this Planning and Zoning Code.

(b) Flag lots. A flag lot may be developed as a special use if it complies with the requirements for flag lots set forth in [Chapter 1280](#).

(c) Lot Requirements.

(1) Single-Family Dwellings. Lots created for single-family dwellings in the R-1 and R-2 Districts shall comply with the following requirements:

A. Minimum Lot Area. Except in the case of a corner lot, the minimum area of a subdivided lot that may be used for the purposes of a single-family dwelling unit shall not be less than 15,000 square feet.

B. Minimum Lot Width. Except in the case of a corner lot, the width of a lot, measured at the building line, shall not be less than 100 feet.

C. Minimum Lot Frontage. Except in the case of a corner lot, the minimum lot frontage shall be 100 feet except for lots on cul-de-sacs and flag lots, which shall have a minimum lot frontage of 60 feet.

D. Corner Lots. In the case of a corner lot, the minimum lot area, the minimum lot width and the minimum lot frontage shall be as specified in Figure 1, Corner Lots, at the end of this section.

(2) Two-Family Dwellings. Two-family dwellings in the R-2 District shall comply with the following requirements:

A. Minimum Lot Area. Except in the case of a corner lot, the minimum area of a subdivided lot that may be used for the purposes of two-family dwelling units shall not be less than 22,500 square feet.

B. Minimum Lot Width. Except in the case of a corner lot, the width of a lot, measured at the building line, shall not be less than 150 feet.

C. Minimum Lot Frontage. Except in the case of a corner lot, the minimum lot frontage shall be 150 feet, except for lots on cul-de-sacs and flag lots, which shall have a minimum lot frontage of 60 feet.

D. Corner Lots. In the case of a corner lot, the minimum lot area, the minimum lot width and the minimum lot frontage shall be as specified in Figure 2, Corner Lots - Two-Family, at the end of this section.

(3) One Dwelling per Lot. There shall not be more than one dwelling constructed on a lot, except as otherwise permitted for cluster developments in this Zoning Code.

(4) Arrangement. The general arrangement of lots and streets shall be in accordance with [Chapter 1246](#) and the Thoroughfare Plan, and shall provide for the orderly development of secondary vehicular circulation. All lots shall be improved in accordance with [Chapter 1248](#), except as otherwise permitted for Western Reserve developments.

(d) Yard Requirements. Dwellings shall be located on a lot in a manner that maintains the minimum front, side and rear yards specified below.

(1) Front Yard. Each lot with a dwelling constructed thereon containing a frontload garage shall maintain a minimum front yard of 50 feet, as measured from the street right-of-way, except as otherwise permitted in divisions (d)(1)A. and B. below.

A. When at least 50% of the lots within 500 feet of the lot in question and within the same block front are developed with dwelling units, and such development does not meet the requirements of this Planning and Zoning Code, a permit may be issued to construct a dwelling with a front yard not less than the average front yard established by such existing development.

B. Where a lot fronts on a collector or arterial street as defined in [Chapter 1246](#), the front setback shall not be less than 90 feet from the road centerline for collector streets, and not less than 100 feet from the road centerline for arterial streets.

(2) Front Yard Exception. Each lot with a dwelling constructed thereon not containing a frontload garage but containing either a sideload or rearload garage, shall maintain a minimum front yard of 40 feet, as measured from the street right-of-way, except as otherwise permitted in divisions (d)(2)A. and B. below.

A. When at least 50% of the lots within 500 feet of the lot in question and within the same block front are developed with dwelling units, and such development does not meet the requirements of this Planning and Zoning Code, a permit may be issued to construct a dwelling with a front yard not less than the average front yard established by such existing development.

B. Where a lot fronts on a collector or arterial street as defined in Chapter 1246, the front setback shall not be less than 80 feet from the road centerline for collector streets, and not less than 90 feet from the road centerline for arterial streets.

(3) Side Yards. Each lot shall have and maintain two side yards, each having a minimum width of 12 feet, except as otherwise permitted in division (d)(5) below.

(4) Rear Yards. Each lot shall maintain a minimum rear yard of 50 feet.

(5) Corner Lots. Corner lots shall comply with the minimum front yard setback requirement for each street on which the lot has frontage and shall comply with the side and rear yard setback requirements as shown in Figure 1 and Figure 2 below.

Figure 1
(R-1) Residential Corner Lots

(R-1) RESIDENTIAL CORNER LOT
 CITY OF AVON, COUNTY OF LORAIN,
 STATE OF OHIO

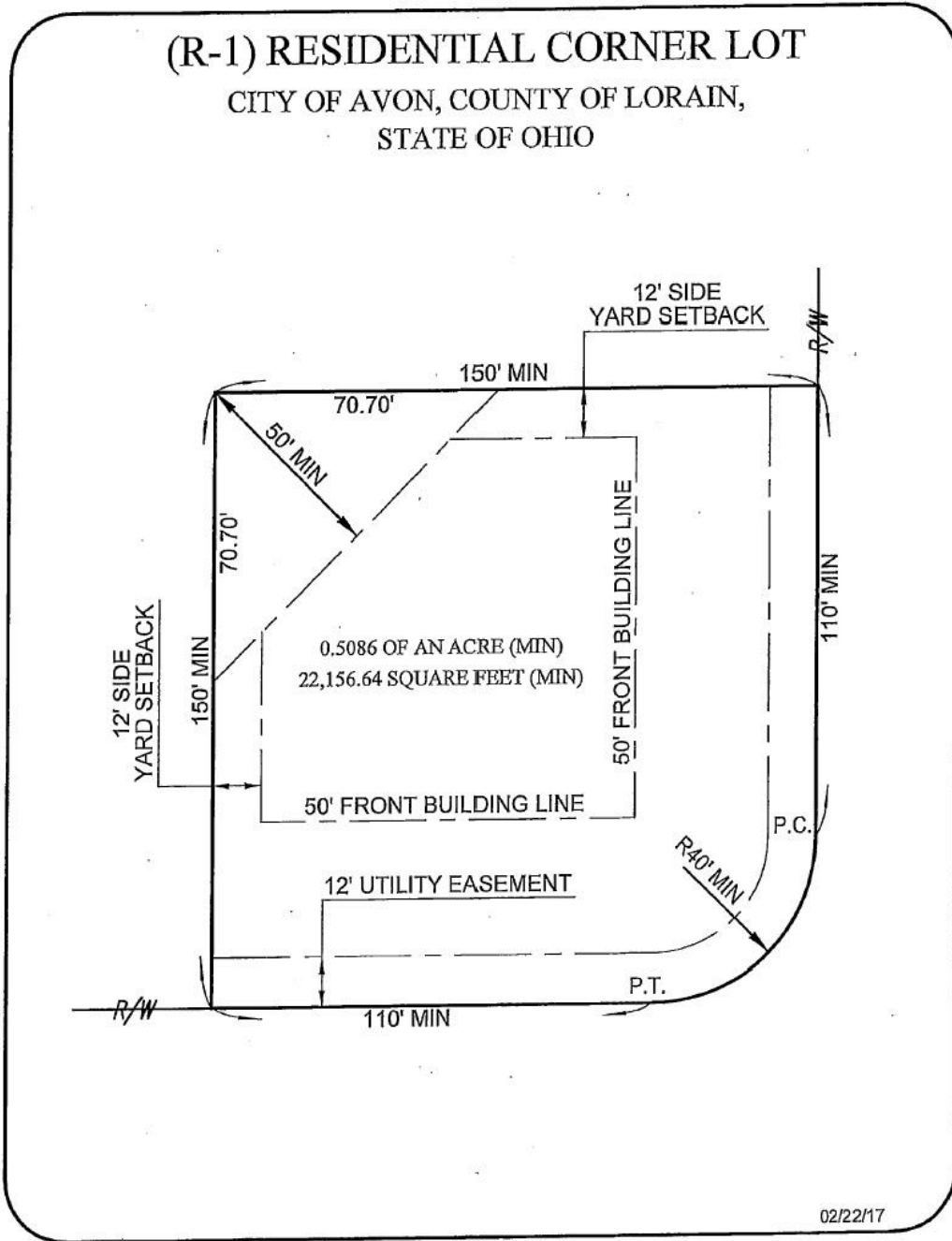
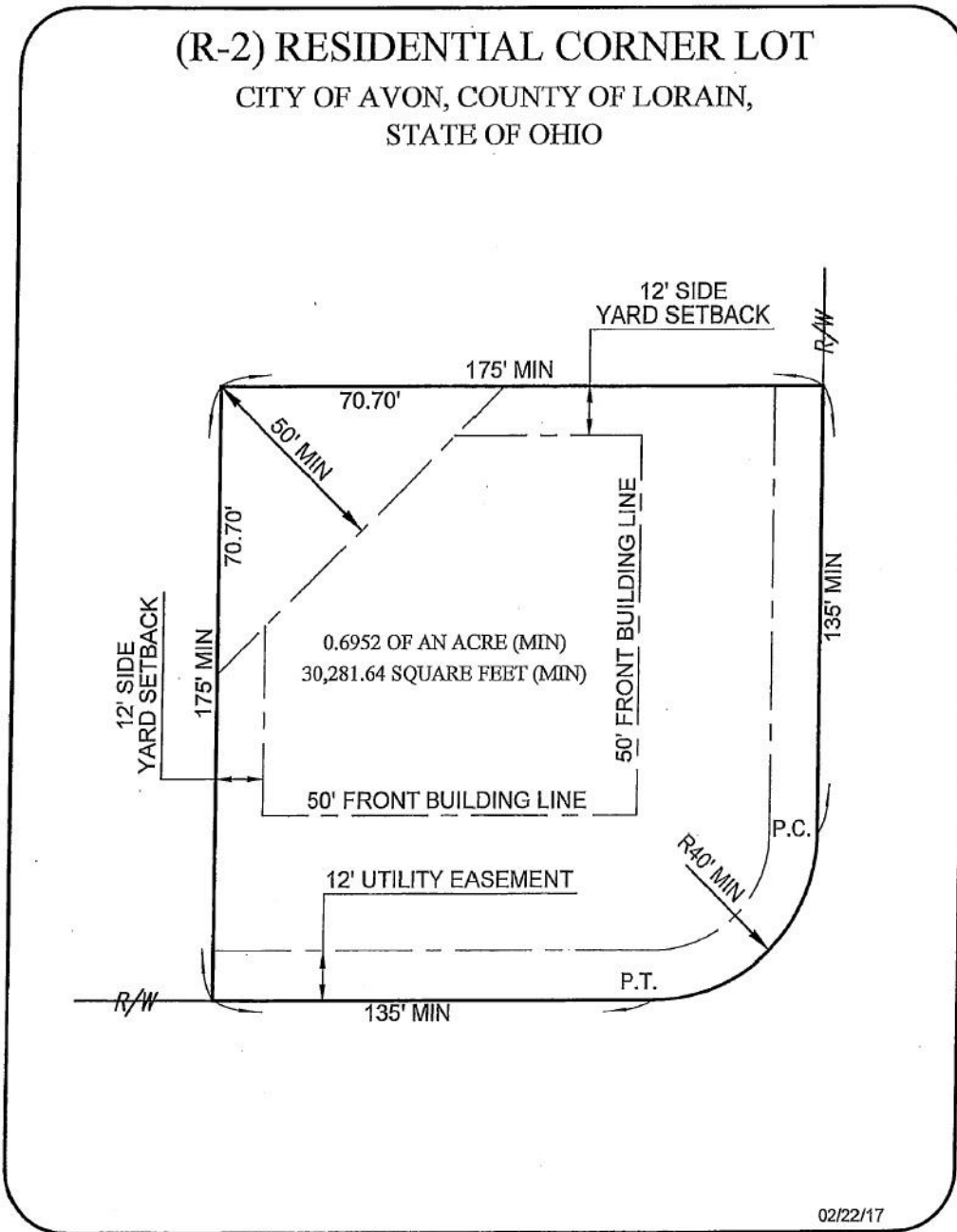


FIGURE 1 - REVISED

Figure 1
 (R-2) Residential Corner Lots

(R-2) RESIDENTIAL CORNER LOT
 CITY OF AVON, COUNTY OF LORAIN,
 STATE OF OHIO



02/22/17

FIGURE 2 - REVISED

(Ord. 58-01. Passed 5-29-01; Ord. 230-03. Passed 12-8-03; Ord. 258-03. Passed 4-12-04; Ord. 95-08. Passed 9-22-08; Ord. 19-18. Passed 4-9-18.)

1262.05 DWELLING UNIT AREA REQUIREMENTS.

All single-family and two-family dwelling units shall comply with the minimum floor area requirements set forth in Schedule [1262.05](#). In computing the required floor area, the area of breezeways, garages, and other similar accessory structures shall not be included.

FLOOR AREA REQUIREMENTS

	<u>Minimum Total Floor Area Required Per Unit</u>	<u>Minimum First Floor Area Per Unit</u>
(a) One-story dwelling	1,400 square feet	1,400 square feet
(b) Multi-story dwelling	1,400 square feet	1,000 square feet

(Ord. 58-01. Passed 5-29-01.)

📖 1262.06 HEIGHT REGULATIONS.

- (a) The maximum permitted height of a principal building shall be 40 feet.
- (b) The maximum permitted height of an accessory building shall be 15 feet or the height of the principal building, whichever is greater.

(Ord. 58-01. Passed 5-29-01.)

📖 1262.07 WESTERN RESERVE DEVELOPMENT REGULATIONS.

Western Reserve development shall be permitted in the R-1 and R-2 Residential Districts in accordance with the following regulations.

- (a) Permitted Dwelling Types. Only single-family detached dwellings shall be permitted within a Western Reserve development.
- (b) Minimum Development Area. The gross area of a tract of land to be developed for Western Reserve development shall not be less than ten acres.
- (c) Maximum Density. The maximum gross density shall be one dwelling unit per acre.
- (d) Lot and Yard Requirements.
 - (1) Lot Width. The minimum lot width shall be 150 feet at the building line.
 - (2) Lot Frontage. The minimum lot frontage shall be 150 feet, except on curves of public streets and cul-de-sac turnarounds, where the minimum lot frontage shall be 100 feet.
 - (3) Front Yard Setback. The minimum front yard setback shall be 80 feet, exclusive of the right-of-way.
 - (4) Side Yard Setback. The minimum side yard setback shall be 12 feet.
 - (5) Rear Yard Setback. The minimum rear yard setback shall be 50 feet.

(e) Design and Improvement Standards. In a Western Reserve Development, the design standards contained in [Chapter 1246](#) and the improvement standards contained in [Chapter 1248](#) may be modified as follows, provided that such modifications are approved by the City Engineer, the Planning Commission and, when required, the County Health Department:

(1) Sidewalks shall not be required, and each lot shall be exempt from the provisions of Sections [1248.04](#) and [1246.05](#) regarding installation of sidewalks.

(2) Street lighting shall not be required, and each lot shall be exempt from the provisions of Section [1248.07](#) regarding installation of street lighting.

(3) Provided there is not adverse effect on health, safety or welfare, the following modifications shall also be permitted:

A. Storm sewers shall not be required, and the provisions of Section [1248.10](#) regarding storm sewers shall not apply, with the exception of Section [1248.10\(c\)](#) which requires compliance with [Chapter 1042](#) of these Codified Ordinances.

B. Storm drainage systems utilizing swales shall be permitted, notwithstanding the provisions of Section [1248.10](#).

C. The storm drainage fee authorized by Section [1042.03](#) shall be reduced proportionately as determined by the Planning Commission and the Zoning Enforcement Officer in accordance with Section [1042.03\(a\)\(2\)](#).

D. Individual sanitation systems for each lot shall be permitted, and the provisions of Section [1248.09](#) regarding sanitary sewerage systems shall not apply, except for Section [1248.09\(e\)](#) which requires compliance with [Chapter 1042](#) of these Codified Ordinances.

(f) Application. All lots of record existing as of February 8, 1999 shall be excluded from the application of the provisions of this section.

(Ord. 58-01. Passed 5-29-01.)

1262.08 ACCESSORY USE REGULATIONS.

Buildings, structures and uses accessory to dwelling units shall conform to the standards contained in this section.

(a) Maximum Area and Number of Accessory Buildings. The maximum area and number of accessory buildings and structures shall comply with the standards set forth in Schedule [1262.08\(a\)](#). For the purposes of this section, “accessory building” means a building, other than a dwelling unit and an attached garage, which is in excess of 30 square feet. For the purposes of this section, all measurements shall be based on the foundation. Attachment to the dwelling unit does not exclude a storage structure from being classified as an accessory building.

Schedule 1262.08(a)	
MAXIMUM AREA AND NUMBER OF ACCESSORY BUILDINGS	
	<u>Lot Size</u>

	<u>Less than or Equal to 2 Acres</u>	<u>2.01 Acres to 5 Acres</u>	<u>Greater than 5 Acres</u>
(1) Maximum area of detached garage	500 sq. ft.	(b)	(b)
(2) Maximum area of all other	2% of lot area ^(a)	2% of lot area ^(c)	2% of lot area ^(c)
(3) Maximum number of detached accessory buildings (including detached garage)	2	3	4

Notes to Schedule 1262.08(a).

(a) The total square footage of all detached accessory buildings (excluding “(c)” detached garage) on a parcel shall not exceed the first floor area of the dwelling.

(b) The square footage of the garage shall not exceed the square footage of the first floor area of the dwelling.

(c) Two percent (2%) of the lot area minus the detached garage.

(b) Minimum Setback Requirements for Detached Accessory Buildings. A detached accessory building shall be located as set forth in Schedule [1262.08\(b\)](#). Any accessory building attached to the dwelling unit shall conform to the yard requirements of the lot.

□

Schedule 1262.08(b)

ACCESSORY BUILDING SETBACK REQUIREMENTS

	<u>Lot Size</u>		
	<u>Less than or Equal to 2 Acres</u>	<u>2.01 Acres to 5 Acres</u>	<u>Greater than 5 Acres</u>
(1) Yard in which accessory building is permitted	Rear	Rear	Front, Side and Rear
(2) Minimum setback from:			
A. Front lot line	NA	NA	100 feet
B. Side lot line	5 feet	12 feet ^(a)	12 feet ^(a)
C. Rear lot line	5 feet	5 feet ^(a)	5 feet ^(a)

Notes to Schedule 1262.08(b).

(a) a) If building exceeds 500 square feet, setback shall be 12 feet or equal to the length of the wall adjacent to the property line, whichever is greater.

NA = Not Applicable.

(c) Minimum Yard Requirements for Accessory Structures. All accessory structures, other than accessory buildings regulated in division (a) and (b) of this section shall be located as set forth in Schedule [1262.08\(c\)](#), provided that such accessory structure complies with all other accessory use regulations set forth in this section.

Schedule 1262.08(c) MINIMUM YARD REQUIREMENTS FOR ACCESSORY STRUCTURES				
Use	Yard in Which Structure Is Permitted	Setback from Lot Line:		
		Side	Rear	Front
(1) Unenclosed entrance, deck or patio ^(a)	Front, Side, Rear	5 feet	5 feet	50 feet
(2) Supplemental paved area for parking or outdoor storage of vehicles ^(b)	Front, Side, Rear	5 feet ^(d)	5 feet	20 feet ^(g)
(3) Driveway ^(c) , sidewalk	Front, Side, Rear	5 feet	5 feet	0 feet
(4) Swimming pools	Side, Rear	10 feet	10 feet	
(5) Basketball hoops (poles/backboards)	Front, Side, Rear	0 feet	0 feet	12 ^(e) feet
(6) Outdoor recreational equipment	Side, Rear	10 feet	10 feet	
(7) Ice rinks	Side, Rear	10 feet	10 feet	
(8) Fences, walls	Front, Side, Rear	0 feet	0 feet	0 feet
<p><u>Notes to Schedule 1262.08(c).</u></p> <p>(a) Including but not limited to, stairs, ramps, platforms, landings, porches and patios, not extending above the first floor. Any entrance feature designed specifically to aid and assist the handicapped, as defined in Chapter 1222, shall be excluded from the requirements of this Section.</p> <p>(b) See also Section 1292.19.</p> <p>(c) In cases of side-load garages, the setback from the adjoining property line facing the garage shall be two feet.</p> <p>(d) Setback from adjoining property line in the area between the front lot line and the building line shall be two feet.</p> <p>(e) Except for basketball hoops, poles and backboards as set forth in Subsection (5).</p> <p>(f) Or half the distance between the legally established front yard building line and the right-of-way, whichever is greater.</p>				

(g) Ten feet for houses set back less than 40 feet from right-of-way.

(d) Fences and Walls. Fences and walls shall be constructed according to the requirements set forth in Section [1294.08](#), except for fences erected as enclosures for swimming pools, which shall be comply with the regulations set forth in [Chapter 1478](#) of the Building and Housing Code.

(e) Swimming Pools. Private swimming pools for the exclusive use of residents of the premise may be located in any residential district, provided they comply with the requirements of Schedule [1262.08\(c\)](#) and are constructed and operated in accordance with the requirements in [Chapter 1478](#) of the Building and Housing Code and all other applicable City regulations.

(f) Family Day Care, Type B.

(1) This Planning and Zoning Code recognizes that the availability of safe and affordable, good-quality child day care is important to the well being of parents and children. Furthermore, it is the purpose of this section to regulate the operation of child day care in a manner that preserves the residential character of neighborhoods. According to Ohio R.C. 5104.054, any Type B family day care home, whether certified or not certified by the County Director of Human Services, shall be considered to be a residential use of property for purposes of zoning, and shall be a permitted use in all zoning districts in which residential uses are permitted.

(2) A “Type B family day care home” is a permanent residence of the provider where child care is provided for one to six children, and where no more than three children are under two years of age. For the purpose of this definition, any children under six years of age who are related to the provider, and who are on the premises of the day care home shall be counted. Type B family day-care homes are a permitted accessory use in residential districts, and do not require a zoning permit.

(g) Home Occupations. The purpose of this division is to set forth regulations that control the establishment and operation of home occupations. The intent of these regulations is to control the nonresidential use of a residential dwelling unit so that the nonresidential use is limited to an accessory use, and shall not in any way adversely affect the uses permitted in the residential district of which they are a part. Compliance with these regulations is expected to result in all home occupations being located and conducted in such a manner that their existence is not detectable in any manner from the outside of the dwelling unit.

(1) The home occupation shall be clearly incidental and subordinate to the residential use of the property.

(2) No sign or display, except for a nameplate sign, shall be permitted which indicates from the exterior that the building is being used for any purpose other than that of a dwelling.

(3) No person other than members of the immediate family residing on the premises shall be employed in the home occupation.

(4) A home occupation shall occupy no more than 25% of the total floor area of the dwelling, which for the purposes of this section, shall include the area of the garage.

(5) No commodity shall be sold on the premises, except that which is prepared on the premises.

(6) The business activity, including the storage of equipment, supplies or any apparatus used in the home occupation, shall be conducted entirely within the dwelling unit and/or garage.

(7) No equipment or process shall be permitted or used in such home occupation that creates a nuisance by reason of generating any noise, vibration, glare, fumes, odors, or electrical interference, or which is determined unsafe.

(h) Signs. Signs shall be permitted in accordance with [Chapter 1290](#).

(i) Parking and Storage of Vehicles. Parking and vehicle storage shall be provided according to [Chapter 1292](#).

(Ord. 58-01. Passed 5-29-01; Ord. 186-01. Passed 1-28-02; Ord. 69-02. Passed 5-13-02; Ord. 133-02. Passed 2-10-03; Ord. 19-05. Passed 3-28-05; Ord. 136-09. Passed 1-11-10; Ord. 26-11. Passed 4-25-11; Ord. 92-14. Passed 9-22-14; Ord. 72-15. Passed 7-13-15.)

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