

CHAPTER 1343
"M-1" Light Industrial District

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CROSS REFERENCES

Off-street parking facilities - see Ohio R.C. 717.05 et seq., P. & Z. Ch. 1349
Intensity use of lot defined - see P. & Z. 1321.30
Established - see P. & Z. 1329.01
Exceptions and modifications - see P. & Z. Ch. 1345
Nonconforming uses - see P. & Z. Ch. 1347
Signs - see P. & Z. 1351.05

1343.01 REGULATIONS ESTABLISHED.

The regulations set forth in this chapter, or set forth elsewhere in this Zoning Ordinance, when referred to in this chapter, are the district regulations in the M-1 Light Industrial District. (Ord. 96-82 AC. Passed 9-16-96.)

1343.02 DISTRICT PURPOSE.

The purpose of the M-1 District shall be to provide locations for activities generally understood to be manufacturing, repair, storage, wholesaling, and distribution activities, and locations for certain other activities considered to have impacts most compatible with or appropriate to industrial areas, all such activities conforming to minimum performance standards. Further, the purpose of the M-1 District shall be to provide, for these activities, locations which: minimize impacts on other districts; provide access to materials, transportation, services, labor and other resources required by such activities; and encourage the creation and retention of employment opportunities. (Ord. 96-82 AC. Passed 9-16-96.)

1343.03 PERMITTED USES.

The uses permitted in the M-1 District shall be those generally understood to be manufacturing, assembling, transformation of materials, blending, packaging, processing, repair, storage, wholesaling, distribution, the shops of contractors and tradesmen, and related research and testing activities conforming to the performance standards established in this ordinance.

The Planning and Development Director shall evaluate the information submitted by the applicant and shall consider if the proposed use is a permitted use and if it will comply with the Performance Standards and other provisions of the Ordinances of the City. If the Planning and Development Director deems that the proposed use is permitted, he or she shall make a report to the Planning Commission which shall make a determination of whether or nor the proposed use: (1) is a permitted use and (2) complies with the Performance Standards and other provisions of this Ordinance.

If the Planning and Development Director determines that a proposed use is not a permitted use, the property owner who has submitted an application for a zoning permit may request a determination by the Planning Commission.

The determination of the Planning Commission shall be final and shall be stated in writing on the zoning permit.

(Ord. 11-22 AC CMS. Passed 4-18-11.)

1343.04 CONDITIONAL USES.

The following uses may be established in the M-1 District if approved by the Planning Commission according to the procedures and standards for a Conditional Use Permit:

- (a) Outdoor sales, storage, display or outdoor operations accessory to a permitted or conditionally permitted main use.
- (b) Self-service storage facilities.
- (c) Wireless or cellular communications facilities.
- (d) Veterinary clinic, animal hospital.
- (e) General professional, administrative, or business office.
- (f) Indoor recreation or entertainment use including but not limited to a health spa, sports clubs/facilities, party centers.
- (g) Newspaper or magazine printing, publishing.
- (h) Research laboratories.
- (i) Other uses determined by City Council to be similar uses.

(Ord. 04-18AC. Passed 4-5-04.)

1343.05 PERFORMANCE STANDARDS.

Every use permitted or conditionally permitted in the "M-1" Light Industrial District shall conform to the performance standards in this section and to the laws and regulations of the State of Ohio and of the federal government.

The purposes of these performance standards are: to prohibit the establishment of uses which engage in activities or use materials which are excessively hazardous or have significant negative impacts on surrounding properties; to ensure that all uses in the district will provide methods to protect the community from hazards and other negative impacts and effects which can be prevented by processes of control and nuisance elimination; and to protect uses from arbitrary exclusion or persecution based solely on the impacts and effects produced by any particular type of industry or activity in the past.

Compliance with these standards shall be required during all times of operation of the approved activity or use.

An existing use that does not conform with these performance standards shall not be enlarged or remodeled if the enlargement or remodeling will cause greater noncompliance with the performance standards than exist at the time the use becomes nonconforming.

The following are the performance standards for uses in the "M-1" Light Industrial District:

- (a) **Air Pollution.**
- (1) **Odor.** No use shall be permitted to produce any odor which is discernible beyond any lot line of the lot upon which the use is located. The owner of the property shall submit a written statement with the application for a zoning permit describing any material or process which has the potential to create an odor. The applicant may make a statement that the proposed use will not produce any odor which is discernible at any lot line of the property.
 - (2) **Smoke.** No activity, operation, or use shall, during normal operations, emit smoke of a visible density to the exterior of the building in which the use is located. The owner of the property shall submit a written statement with the application for a zoning permit describing any process which has the potential to create smoke. The applicant may make a statement that the proposed use will not produce any smoke which is discernible at any lot line of the property.
 - (3) **Heat and Humidity.** No use, operation, or activity shall produce intense heat or excessive humidity in the form of steam or moist air which has a perceptible, objectionable impact beyond the lot lines of the property. The owner of the property shall submit a written statement with the application for a zoning permit describing any process which has the potential to create heat or humidity. The applicant may make a statement that the proposed use will not produce any heat or humidity which is discernible at any lot line of the property.
 - (4) **Dust and Particulate Matter.** No use, operation, or activity shall exhaust or discharge into the air, outside of the building in which the use, operation, or activity is contained, any quantity of fly ash, dust, dirt, or other particulate matter except in conformance with the current air pollution standards of the Ohio Environmental Protection Agency (OEPA) and pursuant to a valid discharge permit issued by OEPA. The owner of the property shall submit a written statement with the application for a zoning permit describing any process which has the potential to create dust or other particulate matter, either created within or outside of the building in which the use is located, the nature of such materials, and the means by which such materials will be collected, stored, and disposed. If dust or particulate matter will be created, the applicant shall state if a discharge permit is required from OEPA and shall explain the status of such permit. The applicant may make a statement that the proposed use will not produce any dust or particulate matter or that such matter will be completely contained within the building.
- (b) **Erosion.** No erosion, either by wind or water or other natural forces, shall be permitted which will carry objectionable substances onto neighboring properties. The owner of the property shall submit a written statement with the application for a zoning permit describing any process, method of storage, design of site improvements, or other characteristics of the proposed use which has the potential to cause, permit, or allow objectionable substances to be carried by natural forces onto neighboring properties. The applicant may make a statement that the proposed use will not result in any form of erosion not in compliance with this standard.

- (c) **Water Pollution.** No use, operation, or activity shall emit solids, liquids, or other matter into or onto any body of water, streams, or the ground except in conformance with the water pollution control standards established by OEPA and pursuant to a valid discharge permit issued by OEPA. The owner of the property shall submit a written statement with the application for a zoning permit describing any process, method of storage, design of site improvements, or other characteristics of the proposed use which has the potential to cause, permit, or allow solids, liquids, or other matter to be emitted into or onto any body of water, streams or onto the ground. The applicant may make a statement that the proposed use will not result in any form of water pollution not in compliance with this standard.
- Disposal of Waste in Sanitary Sewers.** No use, operation, or activity shall dispose of any solid or liquid waste or other matter into the sanitary sewer system of the City of Oberlin unless such disposal is approved by the City Manager and is conducted in conformance with the rules and regulations established by the City and by OEPA for such disposal.
- The owner of the property shall submit a written statement with the application for a zoning permit describing any disposal into the sanitary sewer system which will occur as a result of the proposed activity or use.
- (d) **Vibration.** No use, activity or operation shall cause or create earthborne vibrations perceptible beyond the property line of the lot on which the use is located, especially to a degree of frequency, duration, or displacement which is objectionable or destructive to health or property. The owner of the property shall submit a written statement with the application for a zoning permit describing any activity which has the potential to cause vibrations, either within or outside of the building in which the use will be located, and shall submit evidence that such vibrations will not be perceptible beyond any property line. The applicant may make a statement that the proposed use will not cause or create earthborne vibrations perceptible beyond the property line.
- Vibrations from temporary construction and vehicles which leave the lot (such as trucks) are excluded from compliance with this standard.
- (e) **Electric or Electronic Disturbance.** Production of electrical or electronic disturbances perceptible beyond the property line of the establishment, especially in such manner as to endanger human health or to interfere with the normal operation of equipment or instruments, shall not be permitted. The owner of the property shall submit a written statement with the application for a zoning permit describing any activity which will or has the potential to produce electrical or electronic disturbances outside of the building in which the use will be located and shall submit evidence that such electrical or electronic disturbances will not be perceptible beyond any property line. The applicant may make a statement that the proposed use will not produce electrical or electronic disturbances.
- (f) **Noise.** Proposed uses shall be so designed and operated as to minimize the creation of noise, especially noise which may be periodically or constantly perceptible outside of the building in which the use is located and which is perceptible in residential areas. The sound pressure level resulting from any use, operation, or activity shall not exceed the following maximum permitted sound levels at or beyond any lot line of the property on which the use is located:

<u>Center Frequency Cycles per Second</u>	<u>Maximum Permitted Sound Pressure Level in Decibels</u>
31.5	74
63	72
125	66
250	60
500	54
1200	50
2000	43
4000	35
8000	26

The owner of the property shall submit a written statement with the application for a zoning permit describing any activity which will produce noise which will be or has the potential to be perceptible outside of the building (including during such times as loading bay doors, windows, or other openings in the building may be open) in which the use will be located and shall submit evidence that such noise will comply with the noise standard. The applicant may make a statement that the proposed use will not produce noise perceptible outside of the building.

- (g) **Glare and Exterior Lighting.** Any operation producing intense glare shall be conducted within an enclosed building or with other effective screening in such a manner as to make such glare completely imperceptible from any point along the property line of the lot on which the use is located. Exterior lighting shall be so constructed and directed as to shield residential properties from direct glare.

The owner of the property shall submit a written statement with the application for a zoning permit describing any activity which will produce glare, whether inside of or outside of the building and shall submit an exterior lighting plan which identifies all proposed exterior lights. The applicant may make a statement that the proposed use will not produce glare perceptible outside of the building.

- (h) **Enclosure of Operations and Stored Materials, Outdoor Storage, Waste Disposal.** Except as authorized by Conditional Use Permit:

- (1) All operations shall be conducted within an enclosed building; and
- (2) All materials and equipment shall be used and stored within an enclosed building. The temporary storage of waste materials in conformance with these regulations and the daily parking of the personal vehicles of employees shall be permitted.

No materials or wastes shall be deposited upon a property in such form or manner that they may be transferred off the property by natural causes or forces such as wind, water, or evaporation, cause fumes or dust, constitute a fire hazard, be edible by or otherwise attractive to rodents or insects.

The owner of the property shall submit a written statement with the application for a zoning permit describing any operations or activities which will or may be conducted outside of the building or buildings, describing the manner of storage of all materials (including those brought to the site for use, those stored for distribution or delivery off site, and all waste materials), and describing the manner of storage of all equipment and vehicles. The owner shall submit a statement describing any activity which will produce waste and the nature of such waste or which requires outside storage of any materials, vehicles, or equipment and the nature of such items. The owner shall also submit a plan which identifies the locations of all such storage and waste disposal, including any construction intended to screen such storage from view from outside of the property.

The applicant may make a statement that the proposed use will not involve or result in any operations or storage outside of the enclosed building(s) with the exception of the temporary storage of waste materials and the parking of the personal vehicles of employees.

- (i) **Radiation Hazards.** The use of radioactive materials shall not be permitted except as specifically permitted in the zoning certificate and subsequent to approval by the Planning Commission. It is the general intent of this ordinance to not permit activities which require the use of significant amounts of radioactive materials, frequent transport of such materials into or through the community, or use in a manner with potential to cause harm to human health or to the environment. It is the general intent of this ordinance to permit the use of the amounts and types of radioactive materials required for certain types of low level equipment testing, laboratory research, medical testing and research, and similar uses. The owner of the property shall submit a written statement with the application for a zoning permit describing any activity which will utilize radioactive materials, the nature and amounts of such materials, the methods and routes of transporting such materials, and the planned safety facilities and procedures related to the use, storage, and disposal of such materials. The applicant may make a statement that the proposed use will not involve the use of any radioactive materials.
- (j) **Fire and Explosion Hazards.** The storage, use or manufacture of materials in the M-1 District shall be regulated with the intent of protecting human life, protecting the natural environment, and protecting property while recognizing that certain fire and explosion hazards may be inherent in activities permitted in this district. Provisions for proper storage, use, and disposal of materials having fire hazard or explosive characteristics, as determined by the Fire Chief, shall conform to the standards and requirements for such materials as established by the Codified Ordinances of the City of Oberlin and shall be implemented in consultation with the Oberlin Fire Chief.
- (1) The storage, use, and/or manufacture of solid materials or products ranging from free or active burning to moderate burning is permitted.
 - (2) The storage, use, and/or manufacture of solid materials or products ranging from free or active burning to intense burning is permitted provided that such material is stored, used, or manufactured within a completely enclosed building having incombustible exterior walls and protected throughout by an automatic fire extinguishing system.
 - (3) The storage or use of pyrophoric or explosive powders or dusts is permitted with approval of the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use. The manufacture of such materials, as either a byproduct or waste product is not permitted unless approved by the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity. The manufacture of such materials as a primary or secondary product of the use or activity is not permitted.

- (4) The storage or use of flammable liquids or materials which produce flammable or explosive vapors or gases is permitted with approval of the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity and provided that such storage or use is required for the primary product, service, or activity of the permitted use. The manufacture of such materials, as either a byproduct or waste product is not permitted unless approved by the Planning Commission and the Fire Chief of the City of Oberlin and subject to such conditions as they shall require for such activity. The manufacture of such materials as a primary or secondary product of the use or activity is not permitted.

The owner of the property shall submit a written statement with the application for a zoning permit stating if any of the materials described in (1), (2), (3), or (4) above will be stored, used, or manufactured on the property. The owner shall describe the materials, the amounts which will be present on the site, the nature of their use, the manner of storage, any safety hazards inherent in their use, and any other information required by the Planning and Development Director, the Fire Chief, or the Planning Commission. The applicant may make a statement that the proposed use will not involve the use of any of the materials described in this section.

- (k) Toxic or Noxious Matter. No use, operation, or activity shall emit or discharge toxic or noxious matter in any form, particularly as identified on the USEPA Extremely Hazardous Substances List, which may be detrimental to the public health, safety, or general welfare or which may endanger the natural environment. Provisions for proper storage, use, and disposal of hazardous and/or toxic materials shall conform to the standards and requirements for such materials as established by the USEPA and OEPA and shall be implemented in consultation with the Oberlin Fire Chief.

The owner of the property shall submit a written statement with the application for a zoning permit stating if any toxic or noxious materials (that is, any solid, liquid, or gaseous matter, including but not limited to gases, vapors, dusts, fumes, and mists containing properties which by chemical means are inherently harmful and likely to destroy life or impair health or are capable of causing injury to the well-being of persons or damage to property and any matter identified on the USEPA Extremely Hazardous Substances List) will be stored, used, or manufactured on the property. The owner shall describe the materials, the amounts which will be present on the site, the nature of their use, the manner of storage, any safety hazards inherent in their use, and any other information required by the Planning and Development Director, the Fire Chief, or the Planning Commission. The applicant may make a statement that the proposed use will not involve the use of any such toxic or noxious materials described in this section.

- (l) Other Hazards or Impacts. Other hazards or potential hazards, potential nuisances, or other off-site effects of the proposed activity or use which are not common to uses permitted in the M-1 District or are not specifically addressed by the foregoing sections, (a) through (k) inclusive, shall be made known to the Planning and Development Director by the owner of the property proposing to establish the activity or use in the "M-1" Light Industrial District. The owner of the property shall submit a written statement with the application for a zoning permit describing any such other hazards or potential hazards or other off-site effects of the proposed activity or use. The applicant may make a statement that the proposed use will not involve or result in any such other hazards or impacts.

The Planning and Development Director may determine to refer such hazards or impacts to the Planning Commission for determination. The Planning and Development Director may refer an application for zoning permit to the Planning Commission if the Planning and Development Director determines that a proposed use may or will have impacts which are not consistent with these performance standards, conflict with the characteristics of the district as intended in this Chapter, or damage or impair property or property values in the district or in surrounding districts. Regulation or prohibition of such hazards or impacts shall be as determined by the Planning Commission.
(Ord. 11-22 AC CMS. Passed 4-18-11.)

1343.06 PROCEDURES FOR DETERMINING COMPLIANCE WITH PERFORMANCE STANDARDS.

The Planning and Development Director of the City of Oberlin shall be responsible for administering and enforcing the provisions of this Chapter.

Every applicant desiring to establish an activity or use, or to significantly change or expand an existing activity or use, in the "M-1" Light Industrial District shall submit to the Planning and Development Director, with the application for a zoning certificate, statements, information, and evidence describing the proposed use and compliance with each of the performance standards. Such submittal shall be in a form as required by the Planning and Development Director and shall be reviewed and approved by the Planning and Development Director prior to issuance of a zoning certificate.

When the submittal does not satisfy the Planning and Development Director that the proposed activity or use will comply with the performance standards, the applicant or the Planning and Development Director may request that the Planning Commission make a determination of compliance. In making such determination, the Planning Commission may require that the applicant provide additional information regarding the nature of the proposed use, the design of the site, the nature of materials and processes, the effect of such designs, materials and processes on human health and the environment, and other information as the Commission deems necessary to make a determination. In making a determination of compliance, the Commission may establish conditions for issuance of the zoning certificate which will promote or ensure compliance. The determination of the Planning Commission shall be final.

The Planning Commission may authorize a proposed use which causes impacts or effects in excess of these performance standards. Such authorization may be granted upon making findings that:

- (a) the location or configuration of the proposed use is such that its effects or impacts in excess of the performance standards will be compatible with and acceptable to surrounding existing or planned uses which will be impacted; and
- (b) the nature of the anticipated impacts is such that the performance standards are inapplicable or inappropriate and the anticipated impacts can be appropriately controlled by conditions of the zoning certificate or other means.

The Planning and Development Director or designee may, from time to time, undertake tests, evaluations, or investigations to determine if an approved use or activity complies or does not comply with these standards. The Planning and Development Director or designee shall have the authority to investigate complaints alleging non-compliance with these standards. The Planning and Development Director may take appropriate action as deemed necessary to protect the public health, safety, and general welfare and to compel compliance with these standards.

Methods and procedures for the determination of the existence of any violation of these performance standards shall conform to either applicable methodologies prescribed by this ordinance or to applicable standard measurement procedures published by the American Standards Association, Inc., the Chemical Manufacturers Association, Inc., the United States Bureau of Mines, the National Fire Protection Association, the Ohio Environmental Protection Agency, and other recognized organizations whose standards are acceptable to the Planning and Development Director.

When the Planning and Development Director or the Planning Commission determines that:

- (a) the information provided by the owner of a property is not sufficient to determine compliance with the performance standards without providing additional studies or expert advice; or
- (b) that the information provided by the owner is of such nature, complexity, or quantity that the Planning and Development Director or Planning Commission is not able to make a determination of compliance without additional studies or expert advice.

The Planning and Development Director shall advise the owner that such studies or advice are required. The Planning and Development Director and the Planning Commission may accept the required studies prepared by qualified professionals engaged by the owner or the owner shall deposit funds with the City as required to pay for such studies or expert advice. (Ord. 11-22 AC CMS. Passed 4-18-11.)

1343.07 HEIGHT REGULATIONS.

No building shall exceed three stories, nor shall it exceed fifty (50) feet. (Ord. 96-82 AC. Passed 9-16-96.)

1343.08 AREA REGULATIONS.

(a) **Front Yard.** There shall be a front yard having a depth of not less than thirty (30) feet measured from the front property line abutting the right-of-way to the front building line. No building shall be constructed less than sixty (60) feet from the street center line.

(b) **Side and Rear Yards.** Side yards shall be provided with a width from side lot line to the building line of no less than twelve (12) feet. Rear yards shall be provided with a width from the rear lot line to the building line of not less than twelve (12) feet. Such yards may be used for driveways or parking.

Where a side line abuts a public right-of-way, as in a corner lot, the side yard shall have a width from the right-of-way to the building line of no less than thirty (30) feet.

Where the side or rear line of a use abuts a residential district, such side or rear yard shall have a minimum width (from respective lot line to the building line) of fifty (50) feet. Such yard shall be maintained as an area landscaped as approved by the Planning Commission.

(c) **Minimum Lot Width.** Every lot shall have a minimum width of one hundred fifty (150) feet, measured at a distance thirty (30) feet from and parallel to the right-of-way located at the front of the lot.

(d) **Open Space Requirement.** In addition to and not including the minimum required yards, a minimum of five percent (5%) of the lot area shall be retained as open space not covered by buildings, parking, loading spaces, or drives. Such open space shall be located and designed in a manner approved by the Planning Commission. It is the intent of this section to promote varied and attractive building setbacks, attractive settings for buildings and parking, attractive landscaped areas, and other functional and aesthetic improvements to the designs of properties in the district, especially in the front and side areas of lots visible from the public right-of-way and areas of lots abutting residential districts. (Ord. 96-82 AC. Passed 9-16-96.)

1343.09 INTENSITY OF USE.

The total area of the ground floor of buildings located on a lot in the M-1 District shall not exceed forty-five percent (45%) of the total area of the lot. Other provisions in this regulation may lessen the intensity of use, but they shall in no way be interpreted as a means of increasing the intensity of use. (Ord. 96-82 AC. Passed 9-16-96.)

1343.10 RESIDENTIAL CONVERSIONS.

No existing residential structure in the "M-1" Light Industrial District may be converted to any more intensive residential use (a more intensive residential use being a greater number of dwelling units or greater floor area than the existing residential use) or to any use other than a conforming use and no such existing building shall be converted for both residential and nonresidential purposes at the same time.
(Ord. 96-82 AC. Passed 9-16-96.)