

CITY OF OBERLIN

ORDINANCE NO. 17- 44 AC CMS

AN ORDINANCE AMENDING THE CITY OF OBERLIN ZONING MAP TO REZONE 280 SOUTH MAIN STREET FROM "M-1"/LIGHT INDUSTRIAL DISTRICT USE CLASSIFICATION TO THE "R-1"/SINGLE-FAMILY RESIDENTIAL DISTRICT USE CLASSIFICATION

WHEREAS, the Planning Commission has reviewed the property at 280 South Main Street located in the "M-1"/Light Industrial District use classification to determine whether the current zoning is the appropriate classification for that property; and

WHEREAS, the Planning Commission has determined that the rezoning of 280 South Main Street from "M-1"/Light Industrial District to "R-1"/Single-Family Residential District would recognize existing residential development, eliminate a non-conforming use, facilitate the appropriate future use and improvement of this parcel and better enable future purchasers to obtain the financing necessary for the sale or improvement of this property; and,

WHEREAS, the Planning Commission has voted to recommend to the City Council that 280 South Main Street be rezoned from "M-1"/Light Industrial District to "R-1"/Single-Family Residential District; and,

WHEREAS, this Council has held a public hearing concerning the Planning Commission's recommendations.

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, a majority of all members elected thereto concurring:

SECTION 1. That the parcel of real property known as 280 South Main Street, identified in **Exhibit A** attached hereto is hereby rezoned from "M-1"/Light Industrial District to "R-1"/Single-Family Residential District.

SECTION 2. It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of 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 at the earliest date allowed by law.

PASSED: 1st Reading: August 21, 2017 (E)

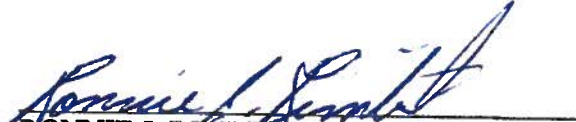
2nd Reading: _____

3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL



RONNIE J. RAMBERT
PRESIDENT OF COUNCIL

POSTED: 08/22/2017

EFFECTIVE DATE: 09/20/2017

EXHIBIT A

SURVIVORSHIP DEED, Statutory Form No. 23-S (Reprinted 6/99)



Registered in U.S. Patent and Trademark Office under number 452802, Ohio 45202

Survivorship Deed*

James J. Ward, AKA James J. Ward, Sr. and Joanne I. Ward, AKA Joanne M. Ward, Husband and Wife, of Lorain County, Ohio

for valuable consideration paid, grant(s)¹ with general warranty covenants, to James J. Ward, Sr. and² Joanne M. Ward, Husband and Wife

for their joint lives, remainder to the survivor of them, whose tax-mailing addresses are 280 S. Main Street, Oberlin, Ohio 44074

the following REAL PROPERTY: Situated in the County of Lorain in the State of Ohio and in the City of Oberlin

And known as being part of Original Russia Township Lot No. 95, and bounded and Rescribed as follows:

Beginning on the Westerly line of South Main Street at a point distant 66 feet North of the Northeastly corner of Sub-Lot No. 60 in Eliphalet Follett's Addition of part of said Lot No. 95, as shown by the recorded plat in Volume 2 of Maps, Page 1 of Lorain County Records; thence Westerly on a line parallel to the Northerly line of said Sub-Lot No. 60, 165 feet; thence Northerly on a line parallel to South Main Street 66 feet; thence Easterly on a line parallel to the Southerly line of land herein described, 165 feet to the Westerly line of South Main Street; thence Southerly along the Westerly line of South Main Street 66 feet to the place of beginning,

Dec. ID: 018647480001 Type: OFF
KIND: DEED
RECORDED: 12/16/2009 at 11:33:49 AM
Page: 02 of 02
Lorain County, Ohio Page 1 of 1
Judith M. Winkler County Recorder
FILE# 2009-0319864

Non-acknowledging document
Per ORC 317.114
\$20.00 fee

Parcel No. 19-00-045-106-013
Prior Instrument Reference: Vol. 906, Page 187 of the Deed Records of Lorain County, Ohio.

Grantor, releases all rights of dower therein. Witness our hand(s) this 16th day of December, 2009

Signed and acknowledged in presence of:

James J. Ward
James J. Ward

Joanne I. Ward
Joanne I. Ward

State of Ohio County of Lorain ss.
BE IT REMEMBERED, That on this 16 day of December, 2009, before me, the subscriber, a Notary Public, James J. Ward and Joanne I. Ward, Husband and Wife, in and for said state, personally came, the Grantor(s) in the foregoing deed, and acknowledged the signing thereof to be their voluntary act and deed.
IN TESTIMONY THEREOF, I have hereunto subscribed my name and affixed my seal on the day and year last aforesaid.

This instrument was prepared by Barry Eckstein, Attorney at Law BARRY ECKSTEIN, Attorney
NOTARY PUBLIC - STATE OF OHIO
P.O. Box 0387, Oberlin, Ohio 44074
Section 147.03 R.C.

- (1) Name of Grantor(s) and marital status.
- (2) See Sections 5302.05 and 5302.06 Ohio Revised Code.
- (3) Name of Grantee(s) and marital status of each.
- (4) Description of land or interest therein, and encumbrances, reservations, and exceptions, taxes and other charges.
- (5) Delete whichever does not apply.
- (6) Execution in accordance with Chapter 5301 Ohio Revised Code.

TRANSFERRED
IN COMPLIANCE WITH SEC. 319.202
OHIO REV. CODE

Auditor's and Recorder's Stamps

*See Section 5302.17 Ohio Revised Code.

BARRY ECKSTEIN ATTY
PO BOX 0387

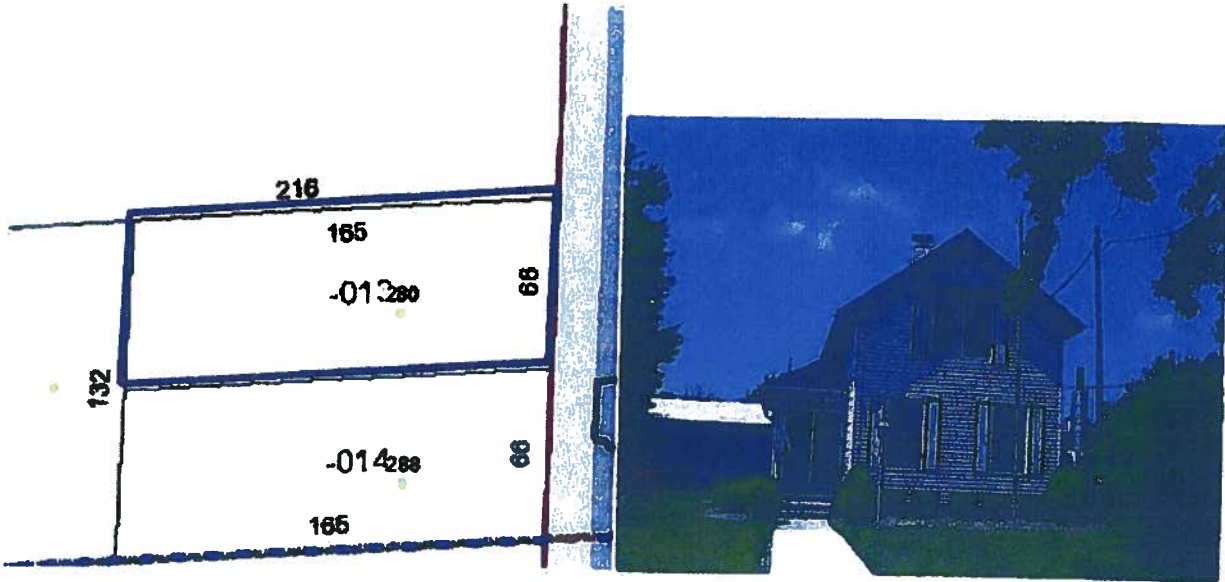
DEC 16 2009
Barry Eckstein



Lorain County Auditor
Craig Snodgrass, CPA, CGFM

Report generated: Tue Jun 06 2017

Parcel Number: 0900095106013



Parcels

Parcel Number	0900095106013	Land Use	510
Owner	WARD JOANNE M	Neighborhood	11510 - OBERLIN - LINCOLN/W HAMILTON
Location Address	280 S MAIN ST OBERLIN, OH 44074	Acres	0
Tax Bill Mailed To	280 S MAIN ST OBERLIN, OH 44074	School District	OBERLIN CSD
Property Description	66 X 165	Instrument Number	<u>20100355714</u>
Tax District	60 - OBERLIN CITY/OBERLIN CSD	Delinquent Real Estate	No

Values

Market Land Value	\$15,570.00
Market Building Value	\$57,830.00
Market Total Value	\$73,400.00
Market CAUV	\$0.00
Market Abatement	\$0.00
Assessed Land Value	\$5,450.00
Assessed Building Value	\$20,240.00
Assessed Total Value	\$25,690.00
Assessed CAUV	\$0.00
Assessed Abatement	\$0.00

These 2016 values have been certified by the State of Ohio.

Taxes

Full Year Tax Before Adjustment	\$2,456.78	Current Special Assessment	\$0.00
State Credit	\$837.00	Delinquent Special Assessment	\$0.00
Subtotal	\$ 1,619.78	Unpaid Taxes	\$0.00
Non-business Credit	\$156.56	Full Tax Year	\$939.04
Owner Occupancy Credit	\$39.14	Total Taxes Paid to Date	\$469.52
Homestead Credit	\$485.04	Special Assessments	N
Annual Real Estate Tax	\$939.04		

Your 2016 taxes were certified on January 6, 2017. The full year tax includes all unpaid taxes and special assessments. Tax amounts may be verified through the Lorain County Treasurer's Office at (440) 329-5787. Mortgage Companies and Title Representatives must request tax information via USPS during tax collection periods.

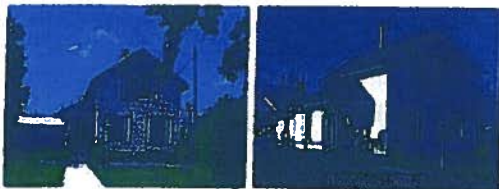
Sales

Sale Date	Sale Amount	Conveyance	Grantor	Grantee	Number of Parcels
11/30/2010	\$0.00	2010093918	WARD JAMES	WARD JOANNE	1
12/16/2009	\$0.00	2009094442	WARD JAMES J & JOANNE I	WARD JAMES	1

Residential

Parcel Number	0900095106013	Half Bath	1
Year Built	1900	Fireplace	No
Finished Sqft	1,286	Basement	No
Total Rooms	9	Crawl Space	No
Bedrooms	3	Slab	Yes
Full Bath	1	Central AC	No

Photo



Sketch





To: President and Members of City Council

From: Carrie R. Handy
Director of Planning and Development

Subject: **Application for Amendment to the Zoning Map**
From "M-1"/Light Industrial District to "R-1"/ Single-Family Dwelling
District
Joanne M. Ward
280 South Main Street
City of Oberlin, Ohio

Date: August 10, 2017

Please be advised that the Oberlin Planning Commission considered the above-referenced application to amend the Zoning Map at its meeting on June 21st, 2017.

At that meeting, the Planning Commission moved to recommend that the proposed rezoning be approved as submitted and that the \$250.00 application fee be refunded to the applicant as the Commission felt that the City should have taken care of this rezoning in the past. A copy of Planning Commission's recommendation and the staff report on this application are attached to this memorandum for your information.

A public hearing was scheduled by City Council for 6:30 p.m. on August 21, 2017 to consider this matter. It is noted that all property owners within 200 feet of the property at 280 South Main Street were notified of the public hearing.

An ordinance to amend the Zoning Map from "M-1"/Light Industrial District to "R-1"/Single-Family Residential District has been placed on the agenda for the regular City Council meeting on August 21, 2017 for Council's consideration.

This matter is hereby respectfully submitted for your consideration.



Oberlin Planning Commission

69 South Main Street Oberlin, Ohio 44074

To: President and Members of City Council

From: Eric Gaines, Vice Chair
Oberlin Planning Commission

Subject: Application for Amendment to the Zoning Map
From "M-1"/Light Industrial District to "R-1"/ Single-Family Dwelling District
Joanne M. Ward
280 South Main Street
City of Oberlin, Ohio

Date: June 21st, 2017

Please be advised that the Oberlin Planning Commission considered the above-referenced application to amend the Zoning Map and the attached staff report at its meeting on June 21st, 2017.

At that meeting, a motion was made by Tony Mealy to recommend to City Council that the proposed rezoning be approved as submitted. The motion also contained a recommendation to Council that the \$250.00 application fee be refunded to the applicant as the Commission felt that the City should have taken care of this rezoning in the past.

The motion was seconded by Don Bryant. The motion carried unanimously.

This report is hereby respectfully submitted for your information.

CITY OF OBERLIN, OHIO
DEPARTMENT OF PLANNING & DEVELOPMENT

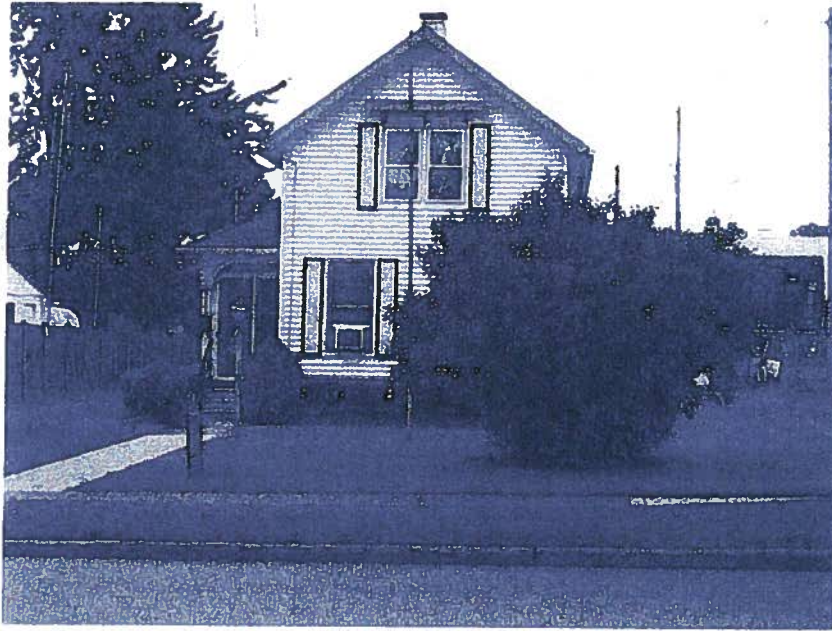
PLANNING COMMISSION REPORT

APPLICATION FOR AMENDMENT TO THE
ZONE MAP

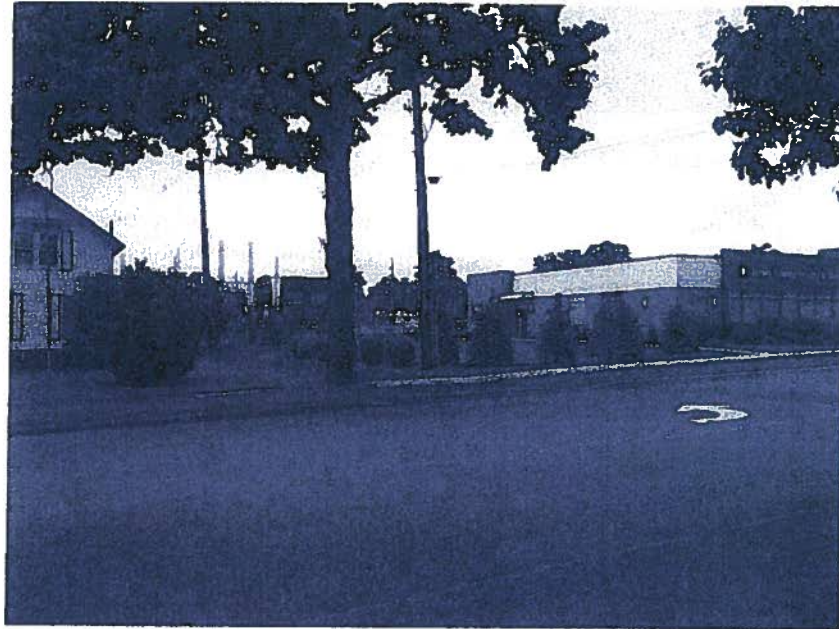
JOANNE M. WARD
280 SOUTH MAIN STREET

Date of Report: June 15, 2017

Report Author: Carrie R. Handy, Director of Planning & Development



280 South Main Street



280 South Main Street and Adjacent Properties to the North and Northwest

- (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.

Other uses determined by City Council to be similar uses.

The "R-1"/Single-Family Residential District permits the following uses:

1335.02 Permitted Uses

- (a) A building or premises shall be used only for the following purposes:
 - 1) Single-family dwelling.
 - 2) Park, playground or community building owned and operated by a public agency.
 - 3) Public school, elementary and high, or private school having a curriculum the same as ordinarily given in a public elementary school or public high school and having no rooms regularly used for housing and sleeping purposes.
 - 4) Church or temple.
 - 5) Agriculture, horticulture and truck gardening.
 - 6) Home occupation.
 - 7) Accessory buildings.

1335.06 Conditional Uses

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

- a) Limited conversion of a single-family dwelling district existent at the time of passage of this Zoning Ordinance.
- b) Place of worship, church, school.

Public Works Director's Comments:

The Public Works Director has indicated that there are no Public Works issues related to the proposed rezoning.

Fire Department's Comments:

The Fire Chief has indicated that the Fire Department has no issues with the subject property being rezoned.

Police Department's Comments:

The Police Department did not have any issues with the proposed rezoning.

CONCLUSION/RECOMMENDATION

In conclusion, Planning staff have no objection to the approval of the proposed rezoning.

LOCATION AND DESCRIPTION OF PROPERTY (continued):

Legal Description of Property (check property deed for description): _____

ZONING:

Existing Zoning (please check one):

- | | |
|--|---|
| <input type="checkbox"/> R-1/Single-Family Dwelling District | <input type="checkbox"/> R-1A/Single-Family Dwelling District |
| <input type="checkbox"/> R-1B/Single-Family Dwelling District | <input type="checkbox"/> R-2/Dwelling District |
| <input type="checkbox"/> PD/Planned Development District | <input type="checkbox"/> P-1/Public Park and Recreation District |
| <input type="checkbox"/> C-1/Central Business District | <input type="checkbox"/> C-2/General Business District |
| <input type="checkbox"/> C-3/Planned Highway Commercial District | <input checked="" type="checkbox"/> M-1/Light Industrial District |
| <input type="checkbox"/> CDD/Conservation Development District | <input type="checkbox"/> O/Office District |

Requested Zoning District Classification (*for rezoning applications only – please check one*):

- | | |
|---|--|
| <input checked="" type="checkbox"/> R-1/Single-Family Dwelling District | <input type="checkbox"/> R-1A/Single-Family Dwelling District |
| <input type="checkbox"/> R-1B/Single-Family Dwelling District | <input type="checkbox"/> R-2/Dwelling District |
| <input type="checkbox"/> PD/Planned Development District | <input type="checkbox"/> P-1/Public Park and Recreation District |
| <input type="checkbox"/> C-1/Central Business District | <input type="checkbox"/> C-2/General Business District |
| <input type="checkbox"/> C-3/Planned Highway Commercial District | <input type="checkbox"/> M-1/Light Industrial District |
| <input type="checkbox"/> CDD/Conservation Development District | <input type="checkbox"/> O/Office District |

PROPOSED DEVELOPMENT (check those that apply):

- New Construction (New Building(s))
- Addition/Alteration to Existing Building(s)
- Change of Use in Existing Building(s)

Description of Proposed Development (describe in **detail** your development plans, including proposed size and use of building or proposed addition, days of operation, hours of operation, seating capacity, etc. Use additional page(s) if necessary): _____

Not applicable.

DETAILED PROPERTY INFORMATION:

Lot or Parcel Width: 66 X 216

REQUIRED SUBMITTALS:

Conditional Use Permits, Site Plan Approvals, etc.:

- 18 copies of a site plan for property
- Application fee for **Site Plan Approvals: \$100.00**
- Application fee for **Conditional Use Permits: \$175.00**

For Amendment to the Zoning Map Applications:

- 18 copies of a site plan for property
- 1 copy of the deed or legal description for property
- **Application fee: \$250.00**
- X• A draft ordinance
- X• List of property owners within 200 feet

NOTE:

In addition to said fees, the City may also collect from the applicant any extraordinary costs (as determined by the City) that the City may incur in providing any required hearing notification, professional assistance to evaluate the plans, etc.

****There will be a fee of \$300.00 assessed to any applicant requesting a "special/emergency" meeting of the Planning Commission. ****

Design Details

The applicant must submit information as outlined in Section 1357.04 of the Zoning Code for those requests involving site plan/design review approval. The following briefly summarizes some of those requirements.

Property Description: The site plan should accurately reflect the size and shape of the property. A survey plan is required to ensure the accuracy of information submitted.

Buildings: All buildings should be shown on the site plan indicating setbacks from all lot lines, distance between buildings, dimensions of all buildings, identification by type of each building and number of stories, and distances between buildings on adjacent properties. Building elevations, materials, colors, etc. should also be identified.

Parking Areas: Designated as to garages, carports, or open parking; with all spaces numbered and a typical parking stall dimensioned, poured concrete curbing (to be indicated by double lines) or bumper blocks pegged in place and surfacing material indicated (asphalt, paving stones, or concrete). If parking is underground, the extent of the underground garage and the location of ramps should be indicated.

Driveway and Ramps: With dimensions, indicating vehicular circulation (if one way) and curbs (to be indicated by a double line). Show curve radii of curbs at all street access and driveway intersections. Pedestrian and bicycle circulation should also be indicated on the plan.

Landscaping: Location and identification of all landscaping features including planting beds, sodded areas, treatment of garbage collection areas and fencing including privacy fencing or screening. The type and location of any exterior lighting should also be included where appropriate.

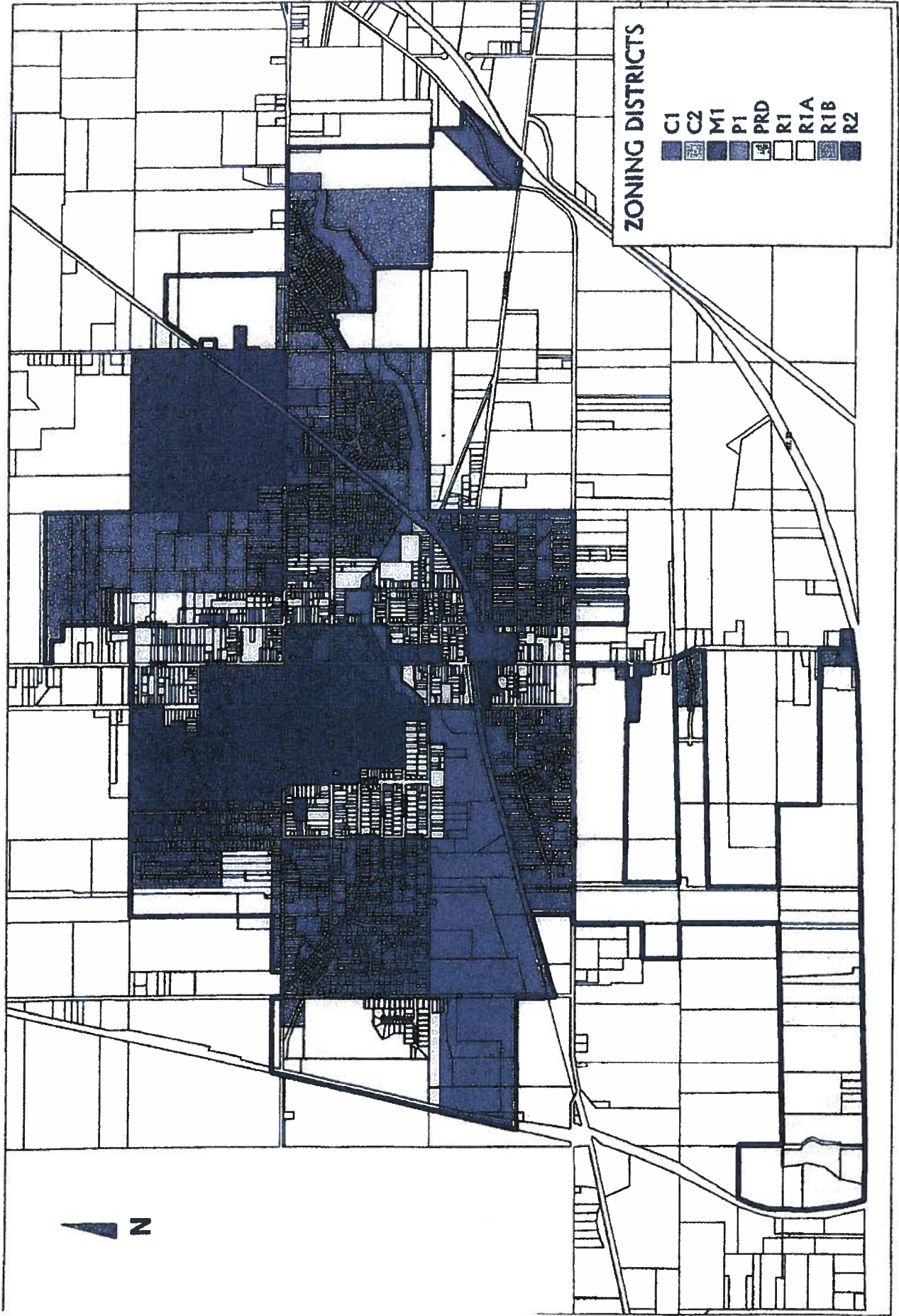
Other Features: With dimensions: retaining walls, protective railings, walks (indicating material), areas of recreation, play lots or areas to be landscaped, service and delivery access, outside garbage areas (to be screened on all sides), loading zones, road rights-of-way and easements (if any), and location of existing/proposed sewer and water lines and their size. All property lines and public grounds on or adjacent to the subject site should also be indicated on the site plan. A grading and drainage plan should also be submitted along with calculations on storm run-off from the project, proposed erosion, and sediment control measures.

An example of a site plan is attached.

NOTE: Additional plans may be required by the Planning Commission. The Building Division will require additional plans/information prior to the issuance of any building permits. In addition, other City Departments such as Public Works and OMLPS may require other plans and permits.

City of Oberlin

ZONING MAP



Taxes

Full Year Tax Before Adjustment	\$2,456.78	Current Special Assessment	\$0.00
State Credit	\$837.00	Delinquent Special Assessment	\$0.00
Subtotal	\$ 1,619.78	Unpaid Taxes	\$0.00
Non-business Credit	\$156.56	Full Tax Year	\$939.04
Owner Occupancy Credit	\$39.14	Total Taxes Paid to Date	\$469.52
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12/16/2009	\$0.00	2009094442	WARD JAMES J & JOANNE I	WARD JAMES	1

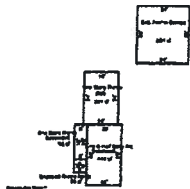
Residential

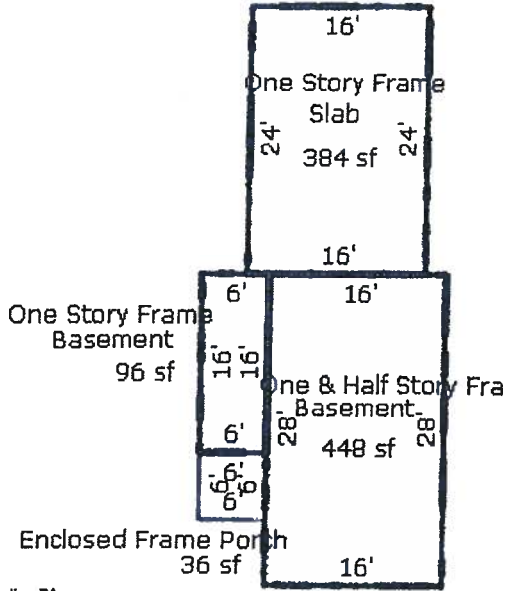
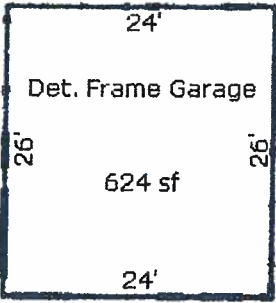
Parcel Number	0900095106013	Half Bath	1
Year Built	1900	Fireplace	No
Finished Sqft	1,286	Basement	No
Total Rooms	9	Crawl Space	No
Bedrooms	3	Slab	Yes
Full Bath	1	Central AC	No

Photo



Sketch

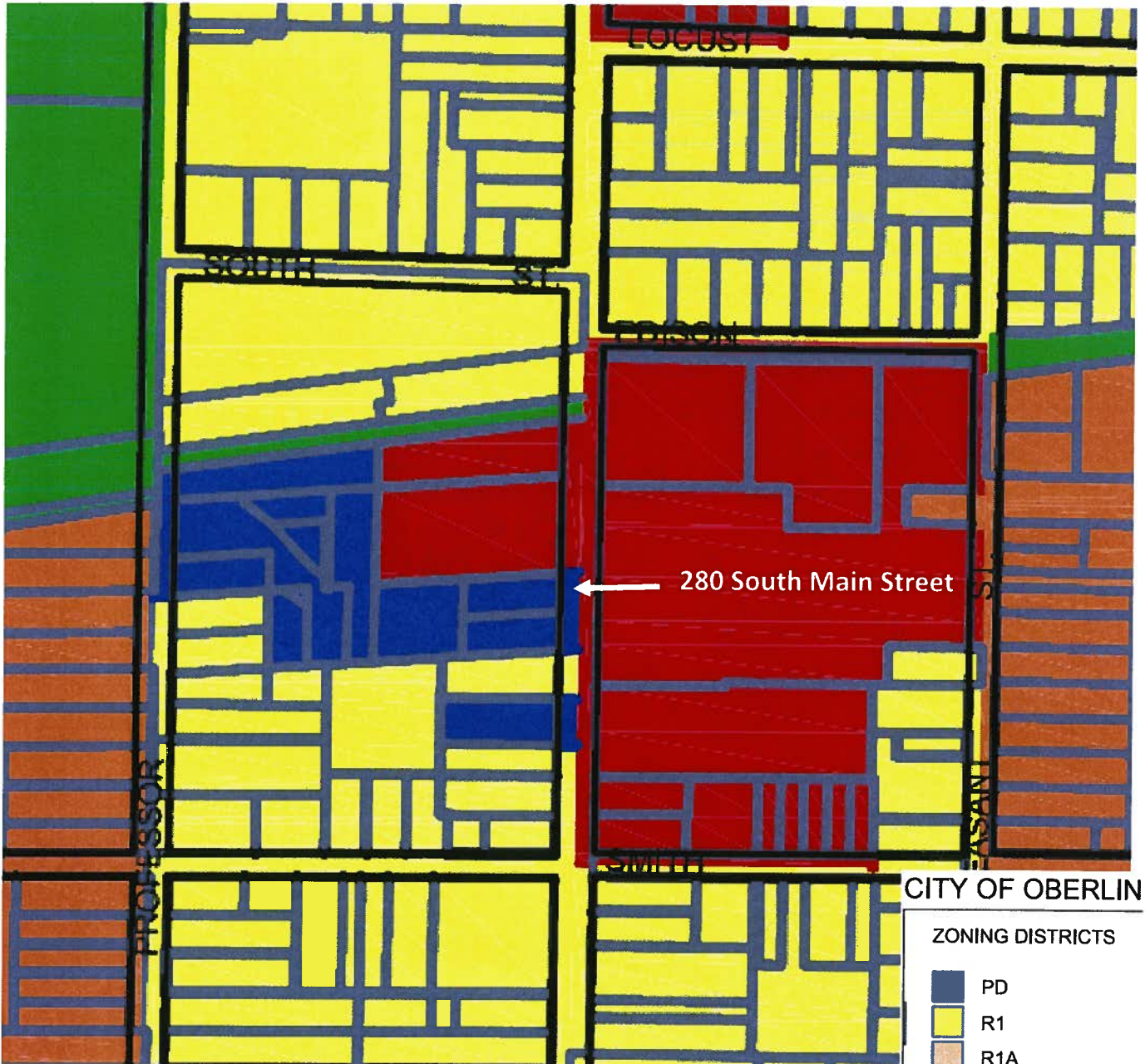




Sketch by Apex Medina™

Current Zoning Map

280 South Main Street & Surrounding Area



CITY OF OBERLIN

ZONING DISTRICTS

- PD
- R1
- R1A
- R1B
- R2
- P1
- C1
- C2
- C3
- O
- M1

