

CITY OF OBERLIN, OHIO

ORDINANCE No. 19-66 AC CMS

AN ORDINANCE AMENDING SECTION 1340.03 OF THE OBERLIN CODIFIED ORDINANCES TO ELIMINATE BUILDINGS EXCEEDING 50,000 SQUARE FEET IN TOTAL FLOOR AREA AS A CONDITIONALLY PERMITTED USE IN THE “C-3”/PLANNED HIGHWAY COMMERCIAL DISTRICT AND DECLARING AN EMERGENCY

WHEREAS, after reviewing the “C-3”/Planned Highway Commercial District regulations and the impact certain building size regulations may have on developers acquiring building tenants, the Planning Commission resolved to address this issue and has recommended that the Zoning Code be amended; and,

WHEREAS, the Planning Commission voted on September 4, 2019 to recommend to the City Council that Section 1340.03(i) designating buildings in excess of 50,000 sq ft. in total floor area as a conditionally permitted use be eliminated; and,

WHEREAS, this Council has held a public hearing on October 21, 2019 concerning the Planning Commission’s recommendation; and,

WHEREAS, this Council has voted to adopt the recommendation of the Planning Commission.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, State of Ohio, five-sevenths (5/7ths) of all members elected thereto concurring:

SECTION 1: That amended Section 1340.03 of the Oberlin Codified Ordinances attached hereto as Exhibit A is hereby adopted.

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 is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Oberlin, Ohio, or to provide for the usual daily operation of a municipal department, to wit: to correct the zoning code to separate conditional uses from building size requirements so as to facilitate economic development in the C-3 Planned/Highway District and shall take effect immediately upon passage.

PASSED: 1st Reading: November 4, 2019

2nd Reading: November 18, 2019

3rd Reading: December 2, 2019 (E)

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL

POSTED: 12/03/2019


BRYAN BURGESS
PRESIDENT OF COUNCIL

EFFECTIVE DATE: 12/02/2019

EXHIBIT A
CHAPTER 1340

“C-3”/PLANNED HIGHWAY COMMERCIAL DISTRICT

1340.01 PURPOSE.

The C-3 Planned Highway Commercial District is established for the following purposes:

- (a) To provide locations for a variety of retail and service establishments, including large-scale businesses, shopping centers and multi-tenant buildings and complexes;
- (b) To establish districts which attract, serve, and are accessible to a regional consumer market;
- (c) To establish districts in locations accessible from highways which have the capacity for the high volumes of traffic which may be generated by the uses in this district;
- (d) To provide for and encourage pedestrian, bicycle, and public transit access while recognizing the high volume of auto traffic attracted to such areas;
- (e) To ensure that vehicular access facilities and lot characteristics are planned and managed in a manner which promotes the function of the district and individual properties and promotes public safety and convenience; and
- (f) To encourage reconfiguration of outdated lots, plats, and access facilities in support of the foregoing purposes.

(Ord. 06-69AC. Passed 9-18-06.)

1340.02 PERMITTED USES.

The following uses shall be permitted in the C-3 District:

- (a) Retail trade and rental of goods to consumers for personal and household use and to businesses for business use.
- (b) Eating and drinking establishments
- (c) Establishments engaged in finance, insurance and real estate
- (d) Personal and business services
- (e) Medical or other health services, hospitals, and clinics
- (f) General, professional, administrative, or business offices
- (g) Hotel, motel
- (h) Child or adult day care centers
- (i) Mortuaries

(j) Accessory uses clearly incidental to the principal use permitted on the same premises, including repair of goods sold on the premises

(Ord. 06-69AC. Passed 9-18-06.)

1340.03 CONDITIONAL USES.

The following uses shall be conditionally permitted in the C-3 Planned Highway Commercial District:

(a) Recreation and entertainment uses including health spas, sport clubs, pool halls, game rooms, party centers, and other commercial recreation facilities.

(b) Filling station, automobile gas station, or repair garage.

(c) Car wash.

(d) Movie theater.

(e) Drive through or drive up facility as an accessory use to a permitted or conditional use.

(f) Outdoor sales, storage, or display as an accessory use to a permitted or conditional use. The area of outdoor sales, storage, or display shall not exceed five percent (5%) of the enclosed floor area of the use to which it is accessory, except that the area of seasonal outdoor dining shall not exceed fifty percent (50%) of the enclosed floor area of a restaurant use to which it is accessory.

(g) Production of goods to be sold at retail on the site to consumers for personal and household use.

(h) Servicing and repair of automobiles, trucks, trailers, agricultural equipment, or other large vehicles or equipment.

~~(i) A building, or a group of buildings attached in any manner, exceeding 50,000 square feet in total floor area, whether designed or intended to be occupied by a single user or multiple tenants.~~

(j) Other uses determined by City Council to be similar uses.

(Ord. 06-69AC. Passed 9-18-06.)

1340.04 DIMENSION REGULATIONS.

(a) Lot Dimensions. Lots in the C-3 district shall comply with the following minimum standards:

Frontage: Minimum frontage 250 feet

Width: Minimum 150 feet at building line

Depth: Minimum 250 feet

(b) Yard Dimensions:

Front: Minimum 50 feet from any right-of-way

Side: Minimum 0 feet

Rear: Minimum 30 feet

(c) Height: Maximum 50 feet.

(d) A subdivision of property shall only be approved subject to receipt of evidence, approved by the Planning Commission, that every new lot will have access to the public roads in a manner which complies with the access plan for the district.

(Ord. 06-69AC. Passed 9-18-06.)

1340.05 SPECIAL PROVISIONS.

(a) Traffic Impacts and Access Management. To promote the purposes set forth in Section 1340.01 with regard to vehicular access, to coordinate and appropriately regulate traffic, and to minimize undue traffic impacts, the following provisions shall apply.

(1) Traffic Impact Study Required. A traffic impact study prepared by a civil engineer qualified in traffic engineering shall be submitted by the owner of land who submits an application:

- A. To amend the Zoning Map to classify land in the C-3 District;
- B. For approval of a site development plan on land within the C-3 District;
- C. For a change of use (from one category of permitted or conditional use as set forth in Section 1340.02 and 1340.03 to another) on land within the C-3 District; or
- D. For a subdivision of land within a C-3 District.

The traffic impact study shall demonstrate compliance with the C-3 District Plan and with the following level of service standards:

1. Existing levels of service at peak hour will be maintained on all arterial and collector roads and at all intersections located within one-fourth (1/4) mile of the site; or
2. That levels of service at peak hour on all arterial and collector roads and at all intersections located within one-fourth (1/4) mile of the site will not fall below Level of Service C; or
3. If the existing level of service at peak hour on any arterial or collector road or at any intersection located within one-fourth (1/4) mile of the site is currently below Level of Service C, the Level of Service will not fall below the current level.

(2) Access Management Plan Required. An access management plan prepared by a civil engineer qualified in traffic engineering shall be submitted by the owner of land who submits an application:

- A. For approval of a site development plan on land within the C-3 District;
- B. For a change of use (from one category of permitted or conditional use as set forth in Section 1340.02 and 1340.03 to another) on land within the C-3 District; or
- C. For subdivision of land within a C-3 District.

The access management plan shall:

- A. Illustrate proposed access location(s) and design to a road other than SR 58 or US 20, or to an approved access to SR 58 or US 20. (Approved access means a public or private road, drive, curb cut, or

intersection identified in the C-3 District Plan). Control of approved access must be obtained and documented prior to final approval of a subdivision, final approval of a zoning map amendment by City Council, and prior to approval of site development plan.

B. Demonstrate compliance with the applicable C-3 District Plan.

C. Demonstrate free-flowing access to the site, with avoidance of any undue congestion or any safety hazards in adjacent road and intersections.

D. Provide for roadway improvements, acceptable to the City, which maintain or improve the level of service of any arterial or collector road or intersection located within one-fourth (1/4) mile of the site shown by the traffic impact study to be adversely impacted by the proposed development.

(3) Waivers.

A. The Planning Commission may waive the requirement for submittal of a traffic impact study upon demonstration by the applicant that the volume and nature of traffic to be generated by the proposal will not impact the level of service. Prior to such waiver, the Commission shall receive and consider written comments of the City Engineer.

B. The Planning Commission may vary the requirements for access where it determines that:

1. A proposed alternative means of access satisfies the purpose and intent of the access requirements of this district; or

2. Access complying with these requirements in a specific case would create a negative impact upon traffic movement in the district.

(5) Standards. Traffic impact studies and access management plans shall be prepared and reviewed in a manner consistent with the standards set forth in the State Highway Access Management Manual of current adoption by the Ohio Department of Transportation, and other professional transportation references and studies acceptable to the City.

(b) C-3 District Plan.

(1) District Plan Required. When the Planning Commission recommends a C-3 District or approves a site development plan for land within a C-3 District, the Commission shall adopt a new C-3 District Plan or update a previously approved C-3 District Plan for the area which includes the recommended C-3 District or site development plan.

(2) District Plan Contents. The C-3 District Plan shall be generally consistent with the adopted land use plan of the City and shall set forth at least the following:

A. Boundaries of the existing and recommended C-3 District;

B. Areas abutting the C-3 District which may have potential for classification as C-3 District, if any, as shown in the adopted land use plan of the City, together with a preliminary layout of uses and roads in those areas and other abutting areas which may be affected by the C-3 District;

C. Existing and planned public roads, private roads, easements of access and other vehicular movement facilities, which may be identified in the District Plan as specific locations or as generalized locations meeting a stated access need;

D. Existing and planned points of access from private properties to public and private roads and access easements;

(3) Owner Expense for Plan Update. The owner of land who submits an application to amend the Zoning Map to classify land in the C-3 District or who submits an application for approval of a site development plan shall be required to pay such expenses as the City may incur for professional services to evaluate the proposed map amendment or site plan and to amend the C-3 District Plan.

(Ord. 06-69AC. Passed 9-18-06.)