

CITY OF OBERLIN, OHIO

ORDINANCE No. 21-76 AC CMS

AN ORDINANCE AMENDING CHAPTERS 1321, 1331, 1333, 1335, 1337, 1341 and 1355 OF THE OBERLIN CODIFIED ORDINANCES TO ADDRESS DEFINITIONS AND USE REGULATIONS RELATED TO CARE FACILITIES

WHEREAS, the Planning Commission has been reviewing the entire Zoning Code for potential amendments during the last year and a half; and

WHEREAS, these potential amendments include addressing “housekeeping” type items and attending to zoning topics and definitions which the Commission has noted that it wanted to address over the last few years; and

WHEREAS, those zoning topics included addressing definitions and use regulations for care facilities in the City of Oberlin; and

WHEREAS, during its meeting on October 6, 2021, the Oberlin Planning Commission moved to recommend that the proposed amendments to Chapters 1321, 1331, 1333, 1335, 1337, 1341 and 1355 of the Oberlin Codified Ordinances as set forth in Exhibit A attached hereto be adopted; and

WHEREAS, this Council has held a public hearing on December 6, 2021 concerning the Planning Commission’s recommendation; and

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

SECTION 1: That Chapters 1321, 1331, 1333, 1335, 1337, 1341 and 1355 of the Oberlin Codified Ordinances be and are hereby amended to read as set forth in Exhibit A attached hereto.

SECTION 2: It is hereby found and determined that all formal actions of this Council concerning or relating to the adoption of the Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and 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: December 6, 2021
 2nd Reading: December 20, 2021
 3rd Reading: _____

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


LINDA SLOCUM
PRESIDENT OF COUNCIL

POSTED: 12/21/2021

EFFECTIVE DATE: 01/19/2022

ORDINANCE NO. 21-76 AC CMS
EXHIBIT A

1. Add definitions for the three types of child day care facilities consistent with the Ohio Revised Code definitions.

1321.15A Child Day Care Center: As defined in the Ohio Revised Code, any place that provides day care or publicly funded day care to thirteen (13) or more children at one time or any place that is not the residence of the licensee or administrator where child day care is provided to seven to twelve (7 to 12) children at one time.

1321.15B Child Day Care Home, Type A: As defined in the Ohio Revised Code, a permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve (7 to 12) children at one time or a permanent residence of the administrator in which child day care is provided for four to twelve (4 to 12) children at one time if four or more children at one time are under two years of age.

1321.15C Child Day Care Home, Type B: As defined in the Ohio Revised Code, a permanent residence of the provider in which child day care is provided for one to six (1 to 6) children at one time and in which no more than three children are under two years of age at one time.

2. Add child day care uses as permitted uses as follows:

Type B Child Day Care Home:

Permit Type B as a permitted use in all residential districts

Type A Child Day Care Home:

Permit Type A as a conditional use in all residential districts

Child Day Care Center:

Permit Child Day Care Center as a conditional use in all residential districts in conformance with proposed 1355.10(n). In the case of an existing child day care center in a residential district which is damaged or destroyed, permit its reconstruction without requirement for a conditional use permit.

Permit Child Day Care Center as a new permitted use in the C-1 District. Note that this use is already permitted in C-2 and C-3.

3. Insert new section “**1355.10(n) Child Day Care Center or Type A Child Day Care home in a Residential District.**”

The following regulations, in addition to those stated in 1355.09 shall apply to conditional use permits for a Type A Child Day Care Home and Child Day Care Center in a residential district:

1. **The applicant shall provide evidence of peak traffic demand and the sufficiency and safety of on-site drop-off/loading facilities.**
2. **There shall be at least one hundred (100) feet separation between fenced outdoor play areas and adjacent lots in residential districts.**

3. For a child day care center, the applicant shall provide evidence satisfactory to the Planning Commission that the proposed use is accessory to or secondary to the main use of the structure.
4. For a child day care center, the applicant shall provide evidence satisfactory to the Planning Commission that the proposed use will be located in an existing structure owned, operated, and used by an educational, religious or similar non-profit entity and that the center will be conducted by the property-owning entity in a manner accessory to or secondary to the main use of the structure.
5. Use shall be subject to site plan review and approval.

4. Add definition for Adult Day Care Center:

1321.01A “Adult Day Care Center” means an establishment that provides care to three (3) or more adults who require supervision due to physical or mental impairment during any part of a day, but less than 24-hour care.

5. Add Adult Day Care Center as a permitted use in the C-1 commercial district. The use is already permitted in the C-3 and C-2 Districts.
6. Amend the lists of permitted and conditional uses as follows:

R1-A:

1331.02(a)(9) Type B Child Day Care Home

1331.06(d) Type A Child Day Care Home

1331.06(e) Child Day Care Center

R1B:

1333.02(a)(10) Type B Child Day Care Home

1333.06(d) Type A Child Day Care Home

1333.06(e) Child Day Care Center

R-1:

1335.02(a)(11) Type B Child Day Care Home

1335.06(e) Type A Child Day Care Home

1335.06(f) Child Day Care Center

R-2:

1337.02(a)(14) Type B Child Day Care Home

1337.06(e) Type A Child Day Care Home

1337.06(f) Child Day Care Center

C-1:

1341.02(m) Child Day Care Center

1341.02(n) Adult Day Care Center