

CITY OF OBERLIN, OHIO

ORDINANCE No. 22-08 AC CMS

AN ORDINANCE AMENDING CHAPTERS 1321, 1331, 1333, 1335, and 1337 OF THE OBERLIN CODIFIED ORDINANCES TO ADDRESS THE DEFINITION OF AND USE REGULATIONS FOR HOME OCCUPATIONS.

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 the definition of and use regulations for home occupations in the City of Oberlin; and

WHEREAS, during its meeting on November 3, 2021, the Oberlin Planning Commission moved to recommend that the proposed amendments to Chapters 1321, 1331, 1333, 1335 and 1337 of the Oberlin Codified Ordinances as set forth in Exhibit A attached hereto be adopted; and

WHEREAS, this Council held a public hearing on January 18, 2022 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 and 1337 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: February 7, 2022
2nd Reading: February 22, 2022
3rd Reading:

ATTEST:


BELINDA B. ANDERSON, MMC
CLERK OF COUNCIL


HEATHER ADLEMAN
PRESIDENT OF COUNCIL

POSTED: 02/23/2022

EFFECTIVE DATE: 03/24/2022

ORDINANCE No. 22-08 AC CMS

EXHIBIT A

1. Insert a New Definition of Home Occupation in Chapter 1321.

Delete Existing Definition of Home Occupation in Chapter 1321:

1321.45 HOME OCCUPATION.

~~"Home occupation" means an occupation or activity carried on by a member of the family residing on the premises, in connection with which there is no group instruction, assembly or activity; no display or other evidence that will indicate from the exterior that the building is being utilized in part for any purposes other than that of a dwelling, and no person is employed in such occupation or activity other than a member of the immediate family residing on the premises. "Home occupation" includes the use of premises by a physician, surgeon, dentist, lawyer, clergyman or other professional persons for consultation or emergency treatment, but not for the general practice of his/her profession. Home occupation shall exclude use of premises for beauty shop, barber shop and repair services.
(Ord. 96-82 AC. Passed 9-16-96.)~~

Add New Definition to Read as Follows:

1321.45 HOME OCCUPATION.

"Home occupation" means an occupation, **profession, or other business** activity carried on by a **person** residing on the premises **and accessory to the residential dwelling use. Specific uses otherwise defined and regulated by this Zoning Code shall not be deemed home occupations.** *(Such as a Bed and Breakfast, child day care).*

2. Insert the Following New Home Occupation Regulations in the Zoning Code. Specific Locations in the Code for Insertion are Noted Below in Number #3 of this Exhibit.

A home occupation that complies with the following requirements shall be permitted by right in the R1-A, R1-B, R-1 and R-2 Districts. No application or zoning certificate shall be required to conduct a Home Occupation.

1. **The use shall be clearly incidental and subordinate to the primary residential use.**
2. **The home occupation shall be owned, operated, and conducted by a person for whom the dwelling is the person's principal residence.**
 - a. **No more than two (2) non-resident persons may be employed in the home occupation except as provided below.**
 - b. **More than two (2) but not more than four (4) non-resident persons may be employed in the home occupation with approval of the Planning Commission after consideration of written application from the business owner detailing factors including but not limited to parking demand and availability, days and hours of employment, location and amount of work space, nature of work, noise generation, and proximity to other dwellings.**

- c. Persons employed off-site by the home occupation and who do not regularly enter onto the property as part of their employment are not considered employees for purposes of these regulations.
 3. The home occupation shall be conducted wholly within the dwelling and not in any yard or accessory building except as otherwise provided for agricultural uses or as provided in #13 below.
 4. The floor area used for the home occupation (or in total for all home occupations if more than one in the dwelling unit) shall not exceed fifty percent (50%) of the floor area of the dwelling unit.
 5. Signs shall comply with the regulations applicable to the zoning district.
 6. Site or building features of a nonresidential nature shall not be permitted.
 7. Vehicles associated with a home occupation shall comply with the regulations for commercial vehicles parked in residential districts at Section 1349.02(l)(1).
 8. On-site sales of merchandise shall not be conducted as a primary activity or regularly-scheduled activity of the home occupation.
 9. The home occupation shall not generate traffic in greater volume than normal for a dwelling. Regular shipping or delivery shall only occur in single rear axle straight trucks or smaller vehicles normally serving residential areas.
 10. No more than two (2) clients or customers shall be permitted to visit the dwelling at one time.
 11. No equipment or process shall be permitted which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot or, if in a multiple dwelling, outside of the dwelling unit.
 12. The home occupation shall not create any increased service demand upon City services normally provided to the dwelling, including but not limited to volume or type of waste collection.
 13. Activities associated with the home occupation may be conducted in the rear yard or in an existing accessory building if meeting the following minimum standards:
 - a. The floor area of any accessory building(s) used for the home occupation shall not exceed five hundred (500) square feet. Enclosed parking required for the dwelling use shall be maintained in addition to any floor area used for the home occupation.
 - b. Outdoor storage of materials, products, waste, equipment, vehicles, trailers, or other items associated with the home occupation may be permitted only in an area of the rear yard not greater than four hundred (400) square feet and screened by solid fencing on all sides.
 - c. Activities associated with the home occupation shall only be conducted in the rear yard or in an accessory building between the hours of 7 a.m. and 7 p.m.
3. Location(s) for Proposed Text in Number #2 Above:
- Insert the new home occupation regulations noted above in Chapter 1331 “R1-A”/Single-Family Dwelling District as a new section “**1331.07 Home Occupation Regulations**”.
 - Amend the existing lists of permitted uses in the following locations for each single-family residential district to refer to the new 1331.07 as follows:

1331.02(a)(7) Home occupation **conforming with 1331.07 Home Occupation Regulations.**
1333.02(a)(8) Home occupation **conforming with 1331.07 Home Occupation Regulations.**
1335.02(a)(9) Home occupation **conforming with 1331.07 Home Occupation Regulations.**

- “R-2”/Two-Family Dwelling District (Chapter 1337):

Delete the following clause in favor of the updated home occupation regulations. Legally pre-existing uses may continue as “grandfathered”:

~~1337.02(a)(11) “The office of a physician, dentist, artist, musician, lawyer, architect or teacher for individual treatment, instruction or practice in his/her place of abode, provided that not more than one fourth of the area of the individual’s living unit shall be used for such purpose.”~~