

CITY OF OBERLIN, OHIO

ORDINANCE No. 23-59 AC CMS

AN ORDINANCE AMENDING PART THIRTEEN, TITLE FIVE, CHAPTER 1338 OF THE OBERLIN CODIFIED ORDINANCES TO REVISE THE PROCEDURES FOR THE SUBMISSION AND REVIEW OF AN APPLICATION FOR A PLANNED DEVELOPMENT AS AN EMERGENCY MEASURE

BE IT ORDAINED by the Council of the City of Oberlin, County of Lorain, and State of Ohio:

SECTION 1: That Part Thirteen, Title Five, Chapter 1338 of the Oberlin Codified Ordinances be and is hereby amended as is set forth in Exhibit A attached hereto and incorporated herein.

SECTION 2: That 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 enact procedures to facilitate economic development and to create housing opportunities in the City of Oberlin” and shall take effect immediately upon passage.

APPROVED: 1st Reading: September 5, 2023

2nd Reading _____

3rd Reading _____

ATTEST:



BELINDA B. ANDERSON MMC
CLERK OF COUNCIL



BRYAN L. BURGESS
PRESIDENT OF COUNCIL

POSTED: 09/06/2023

EFFECTIVE DATE: 09/05/2023

CHAPTER 1338

"PDOD" Planned Development Overlay District

1338.01 Purpose.

1338.02 Approval of the Planned Development Overlay District zoning classification.

1338.03 Development plan requirements and review procedures.

1338.04 Use regulations and development standards.

1338.05 Standards for development plan review.

1338.06 Additional procedures and requirements.

1338.07 Fees.

CROSS REFERENCES

Established - see P. & Z. 1329.01

1338.01 PURPOSE.

The purpose of the Planned Development Overlay District ("PDOD") is to permit comprehensively planned developments approved by City Council and the Planning Commission under more flexible zoning guidelines and site design criteria than permitted in traditional districts.

The suspension of traditional zoning provisions through an overlay district designation is intended to: encourage creative, high-quality site design practices in the development of residential and commercial areas; promote harmony and integration with existing developments; protect adjoining properties from adverse impacts; promote safe and efficient pedestrian, bicycle, and vehicular movement; promote efficient layout of infrastructure; and to promote protection or enhancement of natural and historic resources.

In place of enforcing the traditional zoning provisions, City Council and the Planning Commission may exercise control through approval, denial, or amendment of the Development Plan and by requiring standards, design criteria, conditions, and agreements appropriate for the particular site, its surrounds, and for the proposed use or uses. While certain modifications to the requirements of the Subdivision Ordinance may be permitted in a Planned Development, careful coordination of the design and review of the proposed platting and improvements is encouraged.

1338.02 APPROVAL OF THE PLANNED DEVELOPMENT OVERLAY DISTRICT ZONING CLASSIFICATION.

(a) The owner of a lot or lots desiring to obtain approval of a PDOD shall initiate such proposal by the submission of an application for an amendment to the Zoning Map to the City Planning Commission. The provisions of Sections 1327.02 through 1327.06 of this Zoning Ordinance shall be applicable to the application for a rezoning to the Planned Development Overlay District.

(b) The application shall be accompanied by a sketch plan which in a general manner shows the various structures and uses contemplated for the Planned Development if the rezoning is approved.

(c) Expiration of PDOD Approval: If the construction of any phase of an approved Planned Development begins within two (2) years after the date of the ordinance granting approval of the Final Development Plan as set forth in Section 1338.03, the approval shall be valid until the Planned Development is completed. However, if the applicant fails to obtain the approval of the Final Development Plan in accordance with the provisions of this chapter, or if no construction of any phase of an approved Final Development Plan has begun within two years after final approval is granted, all approvals shall expire, and the land shall revert to the zoning classification existing prior to the application for the amendment to the Zoning Map for the PDOD. For good cause shown, an extension of time may be approved by Council as an amendment to the ordinance granting final approval of the Final Development Plan after a recommendation by the Planning Commission that the time be extended.

1338.03 DEVELOPMENT PLAN REQUIREMENTS AND REVIEW PROCEDURES.

Upon the approval of the amendment to the Zoning Map, the following requirements and procedures shall apply to the submittal, review, and approval of plans for a Planned Development:

Planning Commission review and recommendation of a Preliminary and a Final Development Plan for a Planned Development.

(a) Preliminary Development Plan

(1) Required Content of Preliminary Development Plan

The applicant proposing a Planned Development shall submit the information described in all items below which, together with any other information, agreements, statements, or commitments approved by the Planning Commission, shall constitute the Preliminary Development Plan for the proposed Planned Development.

(a) Completed application form.

(b) Name, address, and phone number of the owner of the lot or lots and, if applicable, of the owner's designated agent.

(c) Legal description of the property, including a survey of the lot or lots to be included in the Planned Development.

(d) Description of the existing use of the subject lot or lots.

(e) A statement of the specific use or uses proposed to be established in the Planned Development, including the number of dwellings, the number of residential buildings by type and number of dwellings per building, all non-residential uses and buildings and the amount of floor area dedicated to each, the amount of acreage proposed for each use, and any planned accessory uses such as outbuildings, pools, recreation shelters, or parking structures.

For all non-residential uses, the applicant shall also provide a description of the activities proposed on the site, including the goods or services, hours of operation, anticipated number of employees, nature and volume of delivery activity, and other information which will enable the Planning Commission to clearly understand the nature of the proposed use and its potential impacts.

(f) A plan of the proposed site and improvements showing the proposed location of all buildings, parking and loading areas, streets and traffic accesses, open spaces, refuse and service areas, utilities, signs, yards, landscaping features, existing and proposed topography, and other relevant features.

(g) A narrative statement discussing the compatibility of the proposed use with the existing uses of adjacent lots, with the zoning districts of adjacent lots, and with the Comprehensive Plan and other plans of the City, including an evaluation of the effects on adjoining lots of such elements as traffic circulation, noise, glare, odor, fumes, vibration, and stormwater.

(h) A narrative addressing each of the provisions set forth in 1338.04 Use Regulations and Development Standards.

(i) Such other information as the Planning Commission shall deem necessary to make a determination of the compliance of the proposed development and uses with the applicable standards and regulations. Such additional information may include, but shall not be limited to:

- (1) traffic analysis
- (2) drainage analysis
- (3) evidence of financial capability
- (4) construction schedule

(5) a study or an assessment of the impact of the proposed development on the capacity of the Oberlin Public Schools

(j) A narrative text, proposed legal devices, illustrations, tables, material samples, and other materials and information as determined necessary by the Planning Commission to

describe the design criteria proposed for the development, including standard street signs, permanent development signs, fences, maintenance agreements, covenants and restrictions.

(k) Sketch or draft elevations of the proposed building or buildings indicating maximum heights. Locations of existing buildings and structures on abutting properties, including approximate setbacks from property lines.

(l) A plan of the vehicular, pedestrian, and bicycle facilities, showing how these facilities relate to the existing and planned facilities surrounding the site and providing traffic impact studies and projections.

(m) Anticipated time schedule for construction of the improvements and buildings, including any anticipated phases of development.

(n) The locations and approximate acreage of common open space, recreation areas, and reserves, the aggregate of which shall not be less than fifteen percent (15%) of the total development site.

(2) Submittal. The applicant shall submit an electronic copy in .PDF format of the Preliminary Development Plan and associated drawings or plans to the Planning and Development Director at least fourteen (14) days prior to the Planning Commission meeting at which it is to be reviewed.

(3) City Staff Review. The Planning and Development Director shall distribute the materials to the Public Works Director, Fire Chief, Police Chief, City Engineer, City Stormwater Coordinator and Oberlin Municipal Light and Power System Director for review for compliance with all applicable requirements and for comments with regard to the Standards for Development Plan Review set forth in Section 1338.05 of this Zoning Ordinance.

(4) Planning Commission Review and Action. The Planning Commission shall review the Preliminary Development Plan and take action within 90 days after the Commission meeting at which the Plan is first reviewed.

The Planning Commission may: 1) recommend approval of the Preliminary Development Plan as submitted or as modified, or 2) recommend conditional approval of the Plan and stipulate the conditions of such recommendation, or 3) recommend disapproval of the Plan and express the reasons therefor. The action of the Planning Commission shall be noted on or attached to a copy of the Preliminary Development Plan, which shall be retained in the file by the Planning and Development Director. The Planning Commission's recommendations on the Preliminary Development Plan shall then be communicated in writing to City Council within ten (10) days of the Commission's determination of its recommendations.

(5) Effect of Recommendations. The recommendations made by the Planning Commission of a Preliminary Development Plan shall vest no rights in the applicant or the Plan but shall be deemed an expression of approval of the general content and form of the Preliminary Development Plan as a guide to the preparation of the Final Development Plan.

(6) Effect of Recommendation for Disapproval and Council Action. If the Planning Commission recommends the disapproval of a Preliminary Development Plan, then Council may, by motion passed by at least five (5) of its members, either disapprove the Preliminary Development Plan or, on its own initiative, approve or approve with modifications and/or conditions the Preliminary Development Plan. Approval of a Preliminary Development Plan by City Council shall vest no rights in the applicant or the Plan but shall be deemed an expression of approval of the general content and form of the Preliminary Development Plan as a guide to the preparation of the Final Development Plan. Approval of the Preliminary Development Plan by City Council shall be effective for six (6) months.

(b) Final Development Plan

Subsequent to Council's approval of the Preliminary Development Plan, the applicant may submit a Final Development Plan to the Planning Commission for review in accordance with the provisions of this chapter.

(1) Required Content of Final Development Plan. The applicant proposing a Planned Development shall submit the information described in all items below which, together with any other information, agreements, statements, or commitments as recommended by the Planning Commission and/or approved by City Council, shall constitute the Final Development Plan for the proposed Planned Development.

(A) Final Development Plan consistent with the contents of the approved Preliminary Development Plan and with any conditions of such approval.

(B) Site plan of the proposed development including a survey of the outer boundaries of the property, the locations of areas to be subdivided into lots and the general dimensions of such lots, off-street parking areas, pedestrian walkways, vehicular circulation, dimensions of the rights-of-way of public and private streets, location and acreage of land to be devoted to all uses, including common open space.

(C) Building locations, preliminary building plans, including elevations, proposed types of units, density level, area and setback requirements.

(D) Landscaping plans showing the locations and general types of landscaping material to be installed.

(E) Engineering plans, showing street locations and typical sections, general provisions for drainage and utility improvements and extensions, and treatment of general topography and common open space.

(2) Submittal. The applicant shall submit an electronic copy of the Final Development Plan and associated drawings and plans in .PDF format or in such other format as may be required by the Planning Commission to the Planning and Development Director at least fourteen (14) days prior to the Planning Commission meeting at which it is to be reviewed.

(3) City Staff Review. The Planning and Development Director shall distribute the Final Development Plan to the Public Works Director, Fire Chief, Police Chief, City Engineer, City

Stormwater Coordinator and Electric Director for review for compliance with all applicable requirements and for comments with regard to the Standards for Development Plan Review set forth in Section 1338.05 of this Zoning Ordinance, and any significant changes made between the Preliminary Development Plan and the Final Development Plan.

(4) Planning Commission Review and Recommendation to City Council. The Planning Commission shall review the Final Development Plan and shall make a recommendation for approval or disapproval to City Council within 90 days after the Commission meeting at which the Final Development Plan is first reviewed.

(5) Council Review and Approval: Council, by ordinance passed by at least five (5) of its members, shall either adopt or deny the recommendation of the Planning Commission or adopt some modification thereof and/or conditions to be placed thereon.

(6) If Council denies the Final Development Plan, the Planning Commission shall not accept or process another application for the same or similar uses affecting the same property or a portion of it until the expiration of a one (1) year period from the date of the denial.

1338.04 USE REGULATIONS AND DEVELOPMENT STANDARDS.

The following shall be the minimum standards required for development in a Planned Development Overlay District.

Additional requirements and conditions may be established by the Planning Commission and by City Council for approval of the Planned Development. Such requirements and conditions may include but are not limited to: width, height, and yard requirements; development density; arrangement and spacing of buildings; signs; parking; vehicular, pedestrian and bicycle circulation; landscaping; and preservation of natural features.

(a) Permitted Uses

The following uses may be permitted, as approved in the Final Development Plan, in a Planned Development Overlay District:

- (1) Single family dwellings.
- (2) Two-family dwellings.
- (3) Multi-family dwellings including apartment buildings, attached townhomes, and including condominiums ownership of units.
- (4) The uses identified in this Zoning Ordinance as permitted uses and conditional uses (with a conditional use permit) in the "R-1A" Single Family Dwelling District.
- (5) The uses identified in this Zoning Ordinance as permitted uses and conditional uses (with a conditional use permit) in the "C-1" Central Business District, "C-2" General Business District and "C-3" Planned Highway Commercial District.

(6) Recreational uses, structures, and facilities, such as pools, tennis courts, playgrounds, and other similar uses provided for the use of residents of the Planned Development or for general public use.

The Planning Commission shall determine the appropriateness of each proposed use in reviewing the Development Plan, giving consideration to the Standards for Review as set forth in Section 1338.05 of this Zoning Ordinance and any other considerations deemed by the Commission to be significant in determining the appropriate use or uses for the proposed Planned Development. The Commission shall have the authority to recommend the denial of approval for any proposed use which it determines to be inappropriate due to potential adverse impacts, incompatibility with the surrounds, or other stated reasons.

(b) Density of Dwelling Units

The density of dwelling units for both the overall Planned Development and for each of its areas shall be as approved in the Final Development Plan by the Planning Commission and City Council. The Planning Commission shall, in making a determination of the number of residential units to be permitted in the District, give a special consideration to the compatibility of the proposed dwelling unit density and the characteristics of the proposed lots and structures with the existing surrounding dwelling unit density, lots and structures, and the projected density of the surrounding properties.

(c) Required Open Space and Protection of Features

In the Preliminary and Final Development Plans for a Planned Development District, historic structures and sites, natural features such as watercourses, wetlands, rock outcroppings, trees, and other vegetation shall be identified. The Development Plans shall indicate design of planned improvements in a manner which protects, enhances, and appropriately incorporates such features into the overall design. The Planning Commission may recommend the approval, amendment or denial of the proposed treatments of such features.

The Final Development Plan shall provide for landscape and lawn areas to place the structures in a setting of yards and plantings compatible with the surrounding neighborhoods, to establish screening of parking areas, to provide an area or areas for outdoor recreation and relaxation available to residents of the Planned Development, and to provide public open or recreation spaces consistent with the plans adopted by the City.

Compliance with the requirements of the City for the dedication of reserves or of other fees or considerations shall be minimum requirements for the approval of a Planned Development Overlay District.

(d) Parking

The Final Development Plan shall comply with the parking requirements of this Zoning Ordinance, except that the Planning Commission may vary such requirements where a finding is made that the provisions are excessive or inappropriate for the use proposed or that the provisions are satisfied by alternative methods clearly indicated in the Final Development Plan.

(e) Lot and Yard Dimensions, Building Spacing

Lot and yard dimensions shall be as established in the approved Final Development Plan.

In review of lot and yard dimensions and the spacing of buildings, the Planning Commission shall give consideration to the spacing necessary for adequate visual and acoustical privacy, adequate light and air, fire and emergency access, building configurations, energy-efficient siting, and the relationships of building sites to circulation patterns.

1338.05 STANDARDS FOR DEVELOPMENT PLAN REVIEW.

(a) Standards for Review

In reviewing and determining whether to recommend approval or disapproval of a Development Plan under this chapter, the Planning Commission shall consider, but shall not be limited to consideration of the following characteristics of the proposed development:

(1) The comprehensive nature and design of the Development Plan, including appropriate and intentional design of the physical, aesthetic, and economic relationships among its parts.

(2) The suitability of the Planned Development, its relationship to existing development in the community, natural features, relationship to community plans, and such other characteristics as the Planning Commission may deem important.

(3) The anticipated effects of the proposed development upon the City and upon adjoining and proximate neighborhoods and properties, including the impacts of traffic, stormwater, noise, lighting, utilities, aesthetic values and other impacts.

(4) The adequacy of planned roads, drives, parking, and loading areas to meet the projected demand for such facilities and to integrate with existing and planned facilities in the City.

(5) The adequacy of planned pedestrian and bicycle facilities to meet the demand for such facilities, to integrate with existing and planned facilities in the City, and to promote use of such transportation modes.

(6) The suitability of the location, dimensions, access to streets and utilities of each proposed lot within the District, given the nature of the use or uses proposed on each such lot.

(7) The adequacy of utilities to serve the proposed development and the suitability of the proposed utility design within the District.

(8) The proper orientation and relationship of the proposed elements of the development with natural and historic features and resources both on and off site, the degree to which the development has been designed to protect and enhance such features

and resources, and the measures taken to mitigate negative impacts on such features and resources both on and off site.

(9) The relationships of the architectural and site design characteristics among the areas of the development and with surrounding properties.

(10) The availability of recreation and open space sites and facilities (existing and proposed) for use by the residents of the proposed development.

(11) The nature and extent of proposed landscaping, existing vegetation and landform to be retained, and of proposed screening and buffering.

(12) The suitability of the proposed separations between uses and buildings, including any proposed setbacks or yards, given the nature of the use or uses so controlled and the relationships and impacts of one use upon another.

(13) The suitability of the total acreage and total floor area proposed for each type of use, and the number and bulk of buildings proposed for each type of use.

(14) The suitability of proposed condominium or homeowners association agreements, deed restrictions, protective covenants, and other legal statements or devices intended to provide for the future use, ownership, operation and maintenance of areas of the planned development and its improvements.

(15) If non-residential uses are proposed, the projected traffic impacts, loading requirements, and the likely number of employees.

(16) The ability of each proposed phase of the development, or of any group of developed phases, to meet the standards established in this chapter.

(17) Compliance with the Use Regulations and Development Standards and, to the extent possible, determination of compliance with all other applicable local, state, and federal laws and regulations. In instances in which variances to existing regulations have been requested, such as to the Subdivision Regulations, the Commission shall consider the suitability of such variances and its impact on the proposed development.

(b) Professional Assistance in Review

The extent and complexity of certain applications for a Planned Development will require that the Planning Commission obtain review assistance, statements of opinion, and reports from qualified professionals such as civil engineers, planners, appraisers, architects, and attorneys. The Planning Commission shall determine when such studies or expert advice are necessary to evaluate a proposed Planned Development relative to the requirements of this chapter. The Commission shall advise the ~~owner~~ applicant if such studies are required. The Commission will accept the required studies prepared by qualified professionals engaged by the ~~owner~~ applicant or will require the ~~owner~~ applicant to provide to the City the funds required to pay for such studies.

1338.06 ADDITIONAL PROCEDURES AND REQUIREMENTS.

(a) Amendments to the Development Plan

The applicant for a Planned Development may submit plans for amendment of the approved Final Development Plan. The Planning Commission shall review such amended Plan and may approve the amendment if it determines that the amendment is substantially in conformance with the form, nature, and intent of the Final Development Plan as approved by City Council.

If the Commission determines that the amendment is not substantially in conformance with the form, nature, or intent of the Final Development Plan as approved by City Council, then it shall make a recommendation to City Council regarding the disapproval of the amendment.

Effect of Disapproval and Council Action. If the Planning Commission makes a recommendation to City Council that the proposed amendment be disapproved, then Council may, by motion passed by at least five (5) of its members, either disapprove the amendment or, on its own initiative, approve the amendment or approve the amendment with modifications and/or conditions.

(b) Compliance with Final Development Plan, Interpretation

Subsequent to the approval of a Final Development Plan, , all subdivision plans, site plans, building permits, and other plans for improvements and any development or construction within the Planned Development Overlay District shall be in substantial compliance with the approved Final Development Plan and any conditions of such approval adopted by City Council.

(c) At its sole discretion, the City may accept the dedication of land and/or utilities or any interest therein for public use and maintenance. In the alternative, the Planning Commission may recommend, and the City Council may require, private ownership and development of open spaces that are of primary benefit to the employees, residents or visitors of the Planned Development. In that event, the property owner shall establish ~~an agency~~ a legal entity for the ownership and maintenance of common areas and open spaces where such are to be retained in private ownership.

(d) In the event the legal entity established to own and maintain the common areas or open space or any successor entity shall at any time after the completion of the Planned Development fail to fulfill any obligation imposed as a condition of the approval of the Planned Development, the City may serve written notice upon such entity or upon the residents and owners of the Planned Development, setting forth the manner in which the entity has failed to fulfill its obligation. The notice shall include a demand that such deficiencies be cured within the time specified in the notice. If such deficiencies are not cured within the specified time, the City may, in order to preserve the taxable values of the properties within the Planned Development and to prevent the open space from becoming a public nuisance, enter upon the open space and maintain the same and perform the other duties of the agency until such agency shall cure its default. All costs incurred by the City in

carrying out the obligations of the agency shall be assessed as a lien against the properties within the Planned Development Overlay District and shall, upon the direction of City Council, be certified by the City Law Director to the County Auditor for collection in the same manner as taxes and other assessments.

1338.07 FEES.

Fees, in amounts as required by ordinance of the City, shall be submitted with development plans.

(Ord. 96-82 AC. Passed 9-16-96.)