

ORDINANCE NO. 00-30 AC CMS

**AN ORDINANCE AMENDING THE PLANNING AND ZONING
CODE OF THE CITY OF OBERLIN, OHIO**

WHEREAS, the City of Oberlin, Ohio has reviewed, in detail, its Planning and Zoning Code with regard to updating and clarifying same; and

WHEREAS, the Oberlin Planning Commission has extensively reviewed the Planning and Zoning Code related to such uses as rooming houses and other forms of multiple tenancy, and has made reports and recommendations to City Council; and

WHEREAS, Oberlin City Council has held a public hearing concerning said proposed Planning and Zoning Code amendments, and has given notice as required by law.

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 Section 1321.06 of the Planning and Zoning Code related to the definition of a "Bed and Breakfast Inn" is hereby amended to read as follows:

1321.06 BED AND BREAKFAST INN.

"Bed and Breakfast Inn" means an owner-occupied dwelling unit where transient occupancy (accommodations for less than thirty (30) days) including room and meal are provided."

SECTION 2. That Section 1321.51 related to the definition of a "Boarding House" is hereby deleted and rescinded.

SECTION 3. That the following section is hereby added to provide a definition of a "Dormitory":

Section 1321.27 Dormitory.

A "Dormitory" is a building or spaces in buildings owned or managed by a college, university or a private school where group or individual sleeping accommodations are provided for at least sixteen (16) persons who are not members of the same family in one room or in a series of closely associated rooms under joint occupancy and single management, with or without meals, but without individual cooking facilities.

SECTION 4. That Chapter 1321, entitled "Definitions" be amended to include reference to a definition for a "Dormitory", and that other sections within the Chapter be renumbered accordingly.

SECTION 5. That Section 1321.48 related to the definition of a "Hotel" is hereby amended to read as follows:

Section 1321.48 Hotel.

A "hotel" means a building or group of buildings, except college and school dormitories under the same management in which there are sleeping accommodations for more than sixteen (16) persons provided for compensation, and which is used primarily by transients (those occupying accommodations for less than thirty (30) days), and which has a common entrance or entrances. This definition would apply to such uses as motels, inns, clubs or any other name operated or described.

SECTION 6. That Section 1353.01 related to the definition of a "Rooming House" is hereby amended to read as follows:

Section 1353.01 Rooming House Definition.

A rooming house shall be any building in which sleeping room(s) are occupied by individuals not related to each other by blood or marriage which provides sleeping accommodations for at least five (5) but not more than sixteen (16) persons residing on a transient or permanent basis with or without meals, but without separate cooking facilities for individual occupants.

SECTION 7. That Section 1331.06 (a), which permitted a "Rooming House" in the "R-1A"/Single-Family Dwelling District as a conditional use, is hereby deleted and said Section is hereby amended to read as follows:

"Section 1331.06 (a) Limited conversion of a single-family dwelling existent at the time of passage of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965)."

SECTION 8. That Section 1333.06 (a), which permitted a "Rooming House" in the "R-1B"/Single-Family Dwelling District as a conditional use, is hereby deleted and said Section is hereby amended to read as follows:

"Section 1333.06 (a) Limited conversion of a single-family dwelling existent at the date of passage of this Zoning Ordinance (Ordinance 430 AC, passed November 29, 1965)."

SECTION 9. That Section 1335.06 (a), which permitted a "Rooming House" in the "R-1"/Single-Family Dwelling District, is hereby deleted and said Section is hereby amended to read as follows:

"Section 1335.06 (a) Limited conversion of a single-family dwelling district existent at the time of passage of this Zoning Ordinance (Ordinance AC 430, passed November 29, 1965)."

SECTION 10. That Section 1337.06 (a), which permitted a "Rooming House" in the "R2"/Dwelling District, is hereby deleted and said Section is hereby amended to read as follows:

"Section 1337.06 (a) Limited conversion of a single-family dwelling existent at the date of passage of this Zoning Ordinance (Ordinance 430 AC passed November 29, 1965)."

SECTION 11. That Section 1331.02 (a) (2), which permitted the limited conversion of a single-family dwelling in the "R-1A"/Single-Family Dwelling District, is hereby deleted and rescinded.

SECTION 12. That Section 1333.02 (a) (2), which permitted the limited conversion of a single-family dwelling in the "R-1B"/Single-Family Dwelling District, is hereby deleted and rescinded.

SECTION 13. That Section 1335.02 (a) (2) which permitted the limited conversion of a single-family dwelling in the "R-1"/Single-Family Dwelling District" is hereby deleted and rescinded.

SECTION 14. That Section 1337.02 (a) (2), which permitted the limited conversion of a single-family dwelling in the "R2"/Dwelling District, is hereby deleted and rescinded.

SECTION 15. That Section 1335.02 (a) (3), which permitted a "Two Family Dwelling" in the "R-1"/Single - Family Dwelling District, is hereby deleted and rescinded.

SECTION 16. That Section 1335.06 Conditional Uses is hereby amended by adding:

(d) Two-Family Dwelling.

SECTION 17. That Section 1337.02 (a) (3), which permitted a "Two-Family Dwelling" in the "R2"/Dwelling District, is hereby deleted and rescinded.

SECTION 18. That Section 1337.06 Conditional Uses is hereby amended by adding:

(d) Two-Family Dwelling.

SECTION 19. That Section 1355.10 (a) ROOMING HOUSE or BOARDING HOUSE is hereby deleted and rescinded.

SECTION 20. That the following is hereby added to Section 1355.10 SUPPLEMENTARY REQUIREMENTS FOR CONDITIONAL USES:

LIMITED CONVERSION OF SINGLE-FAMILY DWELLING

The following regulations, in addition to those stated a 1355.09, shall apply to conditional use permits for the limited conversion of a single-family dwelling:

- (1) The subject property shall have the minimum lot frontage and area specified for the zoning district in which the property is located without exception for lots recorded prior to the passage of this Zoning Ordinance (Ordinance No. 430 AC, passed on November 29, 1965).
- (2) The minimum required number of off-street parking spaces shall be provided on the subject property.
- (3) The proposed conversion shall be in compliance in all respects with regard to local ordinances. The Code Administrator and Fire Chief shall submit written reports to the Planning Commission indicating that they have reviewed the proposal and whether they have found it to comply with the requirements of the building, housing and fire codes.
- (4) Site improvements such as trees, shrubs, planting beds, and lawns shall be installed and maintained on the lot in a manner consistent with good quality residential landscape design in order to ensure consistency with and a positive contribution to the aesthetic character of the neighborhood. Such improvements shall be detailed on the site plan for approval by the Planning Commission.
- (5) An area, surrounded by a screen fence or other material as approved on the site plan, shall be provided for exterior storage of waste containers. No other exterior storage, except for automobiles, bicycles, and seasonal outdoor furnishings, shall be permitted.
- (6) Off-street parking spaces shall be screened from the view of abutting properties through landscape plantings or opaque fencing.
- (7) All on-site service walks and street sidewalks shall be installed, repaired, and maintained in sound and safe condition.
- (8) The exterior condition of all surfaces and appurtenances of all structures on the property shall be maintained in sound condition, including but not limited to sound and complete roof shingles, sound and weatherproof paint or siding, complete and functioning windows and doors.

SECTION 21. That the following is hereby added to Section 1355.10 SUPPLEMENTARY REQUIREMENTS FOR CONDITIONAL USES:

TWO- FAMILY DWELLINGS

The following regulations, in addition to those stated at 1355.09, shall apply to conditional use permits for the use, conversion or construction of a two-family dwelling:

- (1) The subject property shall have the minimum lot frontage and area specified for the zoning district in which the property is located without exception for lots recorded prior to the passage of this Zoning Ordinance (Ordinance No. 430 AC passed November 29, 1965)
- (2) The minimum required number of off-street parking spaces shall be provided on the subject property.
- (3) Any two-family use shall be in compliance in all respects with regard to local ordinances. The Code Administrator and Fire Chief shall submit written reports to the Planning Commission indicating that they have reviewed the proposal and whether they have found it to comply with the requirements of the building, housing and fire codes.
- (4) Site improvements such as trees, shrubs, planting beds, and lawns shall be installed and maintained on the two-family dwelling property in a manner consistent with good quality residential landscape design in order to ensure consistency with and a positive contribution to the aesthetic character of the neighborhood. Such improvements shall be detailed on the site plan for approval by the Planning Commission.
- (5) An area, surrounded by a screen fence or other material as approved on the site plan, shall be provided for exterior storage of waste containers. No other exterior storage, except for automobiles, bicycles, and seasonal outdoor furnishings, shall be permitted.
- (6) Off-street parking spaces shall be screened from views of abutting properties through landscape plantings or opaque fencing.
- (7) All on-site service walks and street sidewalks shall be installed, repaired, and maintained in sound and safe condition.
- (8) The exterior condition of all surfaces and appurtenances of all structures on the property shall be maintained in sound condition, including but not limited to sound and complete roof shingles, sound and weather proof paint or siding, complete and functioning windows and doors.

SECTION 22. That Section 1355.10 be re-numbered to incorporate the new Sections herein enacted.

SECTION 23. That Section 1353.02 (a) is hereby amended to read as follows:

"Section 1353.02 (a) Licenses Required. No person shall operate a rooming house unless he/she holds a valid rooming house license issued by the Code Administrator in the name of the operator."

SECTION 24. 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 meeting open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

SECTION 25. That this Ordinance shall take effect at the earliest date allowed by law.

PASSED: 1st Reading - March 20, 2000
2nd Reading - April 3, 2000 (A)
3rd Reading - April 17, 2000 (E)

ATTEST:


CLERK OF COUNCIL


CHAIR OF COUNCIL

POSTED: 4/18/00

EFFECTIVE DATE: 4/18/00