

CITY OF OBERLIN, OHIO

ORDINANCE No. 22-65 AC CMS

AN ORDINANCE AMENDING SECTION 1311.04 OF THE OBERLIN CODIFIED ORDINANCES TO CONFORM SUBDIVISION PLAT APPROVAL PROCEDURES TO LAW AND TO REVISE REFERENCES TO POSITION TITLES AS AN EMERGENCY MEASURE

WHEREAS, the Planning Commission has been reviewing Part Thirteen – Planning and Zoning Code of the Oberlin Codified Ordinances for potential amendments during the last year and a half; and

WHEREAS, a review of Section 1311.04, Final Plat Procedures for a Major Subdivision revealed that amendments should be made to conform to current subdivision plat approval procedures required by the Ohio Revised Code and to update referenced position titles to reflect current City staff titles; and

WHEREAS, at its meeting on August 3, 2022, the Oberlin Planning Commission voted to recommend that the proposed amendments to Section 1311.04 of the Oberlin Codified Ordinances as set forth in Exhibit A attached hereto be adopted; and

WHEREAS, this Council held a public hearing on October 17, 2022 concerning the Planning Commission’s recommendation in accordance with law; 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 Section 1311.04 of the Oberlin Codified Ordinances be and is 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 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 assure conformance with state law requirements and provided that it is elevated to emergency status by the affirmative vote of at least five members of Council and receives the affirmative vote of at least five members of Council upon final passage, it shall go into full force and effect from and immediately after its passage; otherwise, it shall take effect on the earliest date allowed by law.

PASSED: 1st Reading: October 17, 2022
2nd Reading: _____
3rd Reading: _____

ATTEST:



BELINDA B. ANDERSON, CMC
CLERK OF COUNCIL



BRYAN BURGESS
PRESIDENT OF COUNCIL

POSTED: 10/18/2022

EFFECTIVE DATE: 10/17/2022

EXHIBIT A

1311.04 FINAL PLAT PROCEDURES FOR MAJOR SUBDIVISION.

Every subdivider desiring to create a major subdivision as defined by this ordinance shall prepare and submit a final plat for major subdivision.

The following process shall apply to the submittal, review, and approval of final plat for major subdivision.

(a) Submittal. The subdivider shall prepare and submit to the Director of ~~Community Services~~ Planning and Development twelve (12) copies of a final plat, Improvement Plans, cost estimate for improvements, and title search report, and all other information required by this ordinance. The plat shall be submitted at least twelve (12) working days prior to the Planning Commission meeting at which it is to be reviewed.

The subdivider may submit a final plat for one or more phases of a subdivision which is the subject of an approved preliminary plat. The nature and extent of such final plat for one or more phases shall be subject to the approval of the Planning Commission who may deny such final plat submittal with cause.

At the time of filing of a final plat for major subdivision, the subdivider shall submit a fee in the amount required by ordinance of the City.

It is the policy of the City to encourage the subdivider to submit a copy of the proposed plat to the Lorain County Tax Map Office in conformance with the policies established by that Office.

(b) City Staff Review. The Director of ~~Community Services~~ Planning and Development shall distribute the final plat to the City Engineer, City Law Director, Director of Public Works and to other city officials as directed by the City Manager for review for compliance with all applicable requirements. The Director of ~~Community Services~~ Planning and Development shall make available the results of such reviews to the Planning Commission.

(c) Planning Commission Review and Action. The Planning Commission shall review the final plat and related materials and any reports submitted by city staff and shall take action within ~~390~~ days after the ~~submission of the final plat regularly scheduled meeting at which the final plat is first reviewed.~~

The action of the Planning Commission shall be to: (1) Approve the plat as submitted or ~~modified; or (2) Conditionally approve the plat, stipulating the conditions of such approval (which conditions shall include the submittal of the Construction Agreement and fees required for the construction of improvements); or (3) Disapprove the plat.~~ The grounds of refusal or approval of any plat submitted, including citation of or reference to the rule violated by the plat, shall be stated upon the record of the Commission a copy of which shall be forthwith sent to the subdivider by US Certified mail, return receipt requested. the reasons for disapproval.

The action of the Commission shall be noted on three (3) copies of the final plat. One copy shall be returned to the subdivider, one copy shall be forwarded to City Council with the action of the Planning Commission, and one copy shall be retained by the Director of ~~Community Services~~ Planning and Development.

The effect of approval ~~or conditional approval~~ by the Planning Commission shall be to authorize the City Manager to authorize recording of the plat subsequent to compliance with all conditions.

(d) Requirements Prior to Recording. Prior to filing the final plat for recording, the subdivider shall submit to the Director of ~~Community Services~~ Planning and Development the Construction Agreement, Performance Guarantee, Restoration Bond (if applicable), and other materials

required to ensure compliance with this Subdivision Ordinance ~~and with the conditions of approval.~~

Prior to execution of the Construction Agreement, the Director of Public Works and the City Engineer shall review and approve or reject for amendment the estimate of construction costs submitted by the subdivider. The Director shall use the approved estimate as a basis for determining the projected costs of inspection of all improvements. The subdivider shall submit to the City the inspection fees in the manner provided in the Construction Agreement.

Prior to execution of the Construction Agreement, the subdivider shall submit to the Director of Planning and Development~~Community Services~~ one set of Improvement Plans which have been corrected to reflect any modifications required by the approvals made by the Planning Commission and the Director of Public Works and the City Engineer and which shall be the plans which shall guide the construction of the improvements. Upon review, approval, and execution of all such items, the City Manager, City Engineer, and Law Director shall place their signatures on the final plat, constituting final approval of the subdivision and authorization to the subdivider to file the plat for recording.

(e) Recording. The subdivider shall submit the final plat to the Office of the Recorder of Lorain County and successfully complete all requirements for filing for record within six (6) months from the date of approval by the Planning Commission and subsequent to signing by the City Manager. The subdivider shall provide to the Director of Planning and Development~~Community Services~~ a copy of the final plat as recorded.

Approval of a final plat shall expire six (6) months after the approval is granted unless the plat is recorded in the Office of the County Recorder prior to the date of expiration. The Planning Commission may grant extensions of the recording of the final plat ~~approval~~ of up to twelve (12) months each.

(f) Alternative Procedures for Improvements Prior to Recording. The subdivider may request authorization to install the improvements prior to recording the final plat. Such request shall be made in writing at the time of submitting the final plat for review. The Planning Commission may authorize the City Manager to delay the filing of the plat for record until such time as the improvements have been installed. The subdivider shall comply with all other applicable requirements of this ordinance with regard to Improvement plans, agreements and guarantees, inspections, fees, and related provisions, except that the Performance Guarantee Bond may not be required, subject to approval by the Law Director .

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