

FIRST READING – September 25, 2018
SECOND READING – October 9, 2018
THIRD READING – October 23, 2018
EMERGENCY

COUNCIL NO. 044
SPONSOR: ORDINANCE COMMITTEE
ORDINANCE NO. 56-18

AN ORDINANCE AMENDING CHAPTER 1101 AND ESTABLISHING CHAPTER 1103 OF THE CODIFIED ORDINANCES OF SHEFFIELD LAKE REGARDING SUBDIVISION REGULATIONS AND THE DECLARING OF AN EMERGENCY

WHEREAS, chapter 1101 of the Codified Ordinances of the City of Sheffield Lake sets forth the regulations and procedures for the approval of subdivisions in the City of Sheffield Lake; and,

WHEREAS, chapter 1101 primarily addresses the various bond requirements for new subdivisions, has not been updated in over fifty years and does not adequately set forth a process for the approval of new subdivisions in the City; and,

WHEREAS, it is necessary to establish a new chapter 1103 which sets forth the bond requirements for new subdivisions.

NOW THEREFORE, be it ordained by the Council of the City of Sheffield Lake, State of Ohio:

Section 1. Chapter 1101 currently reading as follows:

CHAPTER 1101 Subdivision Regulations

1101.01 Engineering plan; performance bond.

1101.02 Issuance of building permits.

1101.03 Maintenance bond.

1101.04 Deposit required.

1101.05 Construction standards.

1101.01 ENGINEERING PLAN; PERFORMANCE BOND.

No plat of a subdivision of land within the Municipality shall be approved by the Municipal Planning Commission until there has been submitted to Council an engineering plan of all improvements to be constructed in the subdivision and until the plan has been approved by Council and the improvements have been constructed according to the plan, or, in lieu thereof, there has been deposited with the Municipality a performance bond in the sum of the cost of the improvements, as determined by the Engineer, in a form approved by the Director of Law and with a completion date satisfactory to Council.

1101.02 ISSUANCE OF BUILDING PERMITS.

No building permits for construction in such subdivision shall be issued, nor any construction begun, until the engineering plan of the aforesaid improvements has been approved by Council, nor shall any building permits be issued or any construction begun until the aforesaid performance bond is in full force and effect,

or while the principal obligor is in default of performance under the terms of the bond.

1101.03 MAINTENANCE BOND.

No improvements shall be approved or accepted by the Municipality after construction until the Municipality is furnished with a maintenance bond in a form acceptable to the Director of Law, in the amount of ten percent of the construction cost of such improvements and for a term to be determined by Council, but not to exceed a period of two years.

1101.04 DEPOSIT REQUIRED.

No plat shall be approved until there is deposited with the Municipality a sum equal to not less than two percent nor more than four percent of the construction cost of such improvements, as determined by the Engineer, to be used to defray the costs of inspection of the installation of such improvements by the Municipality. Any portion of the deposit which is not so used shall be returned to the persons making the deposit upon the acceptance of the improvements by the Municipality.

1101.05 CONSTRUCTION STANDARDS.

The schedule of construction standards entitled "Construction Specifications for Sheffield Lake Village, Ohio", as prepared by Neff and Associates, dated August, 1959, shall be the minimum requirements of the Municipality for improvements to be constructed in subdivisions and the same are hereby adopted as if fully set out herein pursuant to Ohio R.C. 731.231.

One copy of such specifications is on file with the Municipal Clerk for inspection by the public. One copy is also on file in the Lorain County Law Library. In addition, the Municipal Clerk shall have copies available for distribution to the public, at cost.

Section 2. Is hereby amended as follows:

**CHAPTER 1101
Subdivision Regulations**

- 1101.01 Purpose.**
- 1101.02 General standards for all subdivisions.**
- 1101.03 Concept plans.**
- 1101.04 Preliminary plans.**
- 1101.05 Pre-application improvement plans conference.**
- 1101.06 Improvement plans.**
- 1101.07 Issuance of zoning permits prior to final plat approval.**
- 1101.08 Plats.**
- 1101.09 Temporary sales office.**
- 1101.10 Waivers.**

1101.01 PURPOSE.

The purpose of this chapter is to establish the procedure for Planning Commission and City Council review and action on applications for subdivisions. The procedure established in this chapter is intended to provide for the orderly processing of such applications.

1101.02 GENERAL STANDARDS FOR ALL SUBDIVISIONS.

The Planning Commission shall consider the following criteria when reviewing proposed subdivision:

(a) That the proposed subdivision complies with the Codified Ordinances of Sheffield Lake and is in accordance with the Comprehensive Land Use Plan, Master Storm Drainage and Sanitary Sewer Plan, and other City maps and/or adopted plans and any amendments thereto;

(b) That the proposed subdivision is designed to be harmonious with the existing immediate or surrounding area or in keeping with the intended character of such area;

(c) That the proposed streets are in accordance with the Master Thoroughfare Plan and have been coordinated with existing streets and that adequate measures have been taken to provide ingress and egress so as to minimize traffic congestion in public streets;

(d) That the proposed subdivision will not adversely affect the delivery of governmental services;

(e) That the proposed subdivision will not be contrary to the purposes set forth in Section 1111.02.

1101.03 CONCEPT PLANS.

For the purpose of allowing Planning Commission input in the formative stages of subdivision design, the developer may request to present a concept plan for informal review by the Planning Commission. The concept plan review is not mandatory and shall take place at a Planning Commission work session. The developer may apply for concept plan review in accordance with the following provisions:

(a) A concept plan shall be submitted for review prior to the filing of a preliminary plan;

(b) Applicants seeking concept plan review shall submit the items specified in the subdivision submission requirements to the Planning Commission Clerk by the Planning Commission application deadline; and

(c) Neither the applicant nor the Planning Commission shall be bound by any aspect of a concept plan review.

1101.04 PRELIMINARY PLANS.

(a) Submission. Applicants seeking preliminary plan review shall submit the items specified in the subdivision requirements, to the Planning Commission Clerk in accordance with the rules and regulations of the Sheffield Lake Planning Commission. If a subdivision is to be developed and platted in phases, such phases shall be referred to by the name of the subdivision followed by an Arabic number (i.e. 1, 2, 3. etc.) indicated on the preliminary plan.

(b) Public Hearing. The Planning Commission shall hold a public hearing on the preliminary plan. The Planning Commission Clerk shall set the hearing date and shall then cause public notice to be given which sets for the time and date of the hearing and a brief description of the proposed subdivision and the fact that a copy of the preliminary plan is on file at Sheffield Lake City Hall. Such public notice shall be given in accordance with the following provisions:

(1) Public notice shall be given by publication once in a newspaper of general circulation in the City at least 10 days prior to the hearing date.

(2) Public notice shall be posted on the property at least 10 days prior to the hearing date;

(3) The applicant shall provide the Planning Commission Clerk with a list of the property owners and the listed mailing addresses of such property owners within 300 feet of the boundaries of the proposed subdivision as shown upon the current records of the County Recorder. The Planning Commission Clerk shall mail notice of the public hearing to the aforementioned property owner by first class mail at least ten days prior to the hearing date. The failure of any person to receive such public shall not affect the right and power of the Planning Commission to hear such application or to take action in accordance with such public notice.

(c) Time Requirement for Planning Commission Action. The Planning Commission shall, within forty-five (45) days from the date of the required public hearing, or within such further time as may be consented to by the applicant, either recommend approval, approval with conditions or disapproval the preliminary plan.

(d) Notification of Planning Commission Action. The Planning Commission shall notify the applicant of the Planning Commission's action by mailing written notice by first class mail to the last known address given by the applicant. Such notice shall state whether the preliminary plan recommended for approval, approval with conditions, or disapproval. This notice shall be maintained in the applicant's file. The Planning Commission Clerk shall then give written notice to the Clerk of Council of the Planning Commission's recommendation.

(e) Action by Council.

(1) After the Clerk of Council receives written notice of the Planning Commission's recommendation, the Clerk, the Clerk of Council shall place the preliminary plan on the agenda of the next regularly scheduled meeting of Council for such action as is deemed appropriate.

(2) Appropriate legislation which incorporates the total acreage and number of sublots and number if phases in the proposed subdivision shall be drafted by the Law Director for consideration by Council.

(3) Council, by its second regularly scheduled meeting following receipt of the written notice of the Planning Commission's recommendation shall pass legislation which commences approval of the preliminary plan or shall disapprove the preliminary plan at such approving legislation.

(4) The Clerk of Council shall give written notice to the applicant of Council's action by mailing written notice by first class mail to the last known address given by the applicant. A copy of this notice shall be maintained in the applicant's file.

(f) Effect of Approval. Approval of the preliminary plan by Council shall not constitute acceptance of the subdivision.

(g) Amendments. An amendment to a preliminary plan, after an initial approval by Council, which may or may not be necessitated as a result of improvement plan review, will not require a public hearing but does require Council approval as set forth herein.

1101.05 PRE-APPLICATION IMPROVEMENT PLANS CONFERENCE.

Following the application for preliminary plan approval, the developer may request an improvement plans conference. Upon such request, the Planning Commission Clerk shall organize a conference in accordance with the following provisions:

(a) The improvement plans conference shall allow the applicant to meet with the appropriate City officials and/or their designees to review the applicant's proposed subdivision and improvements. These City officials shall include, but are not limited to, the City Engineer, the Service Director and/or Superintendent, and the Building Inspector.

(b) Applicants seeing an improvement plans conference shall submit the required plans and documentation as specified in the subdivision submission requirements to the Planning Commission Clerk twelve (12) working days prior to the improvement plans conference; and

(c) Neither the applicant nor City officials shall be bound by any aspect of the improvement plans conference.

1101.06 IMPROVEMENT PLANS.

(a) Submission. Following the improvement plans conference, or at any time after an application for preliminary plan approval, applicants may apply for improvement plans review. Applicants seeking such review shall submit the items specified in the subdivision requirements pursuant to Section 1101.05(b) to the Planning Commission Clerk in accordance with the rules and regulations of the Planning Commission. Such improvement plans shall be approved by the City Engineer, and the water and sanitary sewer lines shall be approved by the Service Director and/or Superintendent.

If a subdivision is to be developed and platted in phases, such phases shall be indicated on the improvement plans. In addition to the items specified in the subdivision submission requirements, if a temporary sales office is proposed, the applicant shall comply with the regulations in Section 1101.10.

(b) Time Requirement for Planning Commission Action. The Planning Commission shall, within forty-five (45) days from the date the application is initially heard by the Commission, or within such further time as may be consented to by the applicant, either recommend approval, approval with conditions or disapproval of the improvement plans.

(c) Notification of Planning Commission Action.

(1) The Planning Commission Clerk shall notify the applicant of the Planning Commission's action by mailing written notice by first class mail to the last known address given by the applicant. Such notice shall state whether the improvement plans were recommended for approval, approval with conditions or disapproval. A copy of this notice shall be maintained in the applicant's file located at Sheffield Lake City Hall.

(2) The Planning Commission Clerk shall give written notice to the Clerk of Council of such recommendation.

(d) Ohio Environmental Protection Agency Approval. After the water lines and sanitary sewer lines have been approved by the Sheffield Lake Service Director and/or Superintendent, the applicant shall submit such improvement plans to the Ohio Environmental Agency for approval.

(e) Action by Council.

(1) After the Clerk of Council receives written notice of the recommendation from the Planning Commission Clerk, the Clerk shall place the improvement plans on the agenda of Council for action as is deemed appropriate.

(2) Appropriate legislation shall be drafted by the Law Director for consideration by Council.

(3) Council then consider legislation which commences approval of the improvement plans or shall disapprove the improvement plans at such meeting or disapprove the same at a later meeting prior to the completion of passage of such approving legislation.

(4) The Clerk of Council shall give written notice to the applicant of Council's action by mailing written notice by first class mail to the last known address given by the applicant. A copy of this notice shall be maintained in the applicant's file located in the Planning Department.

(f) Effect of Approval. Approval of the improvement plans by City Council shall not constitute final acceptance of the subdivision. No construction shall commence until approvals from all other applicable Federal, State, County, and local agencies have been secured.

1101.07 ISSUANCE OF ZONING PERMITS PRIOR TO FINAL PLAN APPROVAL.

Notwithstanding any provision of this chapter and/or other provisions of this Code, the Building Inspector may issue zoning permits for the construction of single-family dwellings in a proposed subdivision before the plat has been approved and recorded, in accordance with the following provisions:

(a) Request for Inspection. Following the complete installation of all improvements, applicants seeking the issuance of zoning permits prior to plat approval shall submit a letter to the Planning Commission Clerk requesting the City to inspect installed improvements.

(b) Certification by City Engineer. Upon receipt of the inspection request letter, the Planning Commission Clerk shall forward such letter to the City Engineer. The City Engineer, within ten (10) working days. Shall inspect all improvements and notify the applicant as to the status of all improvements. If improvements are satisfactory, the Engineer shall forward a letter to the applicant which certifies the following:

(1) All storm and sanitary sewer and water lines approved in the improvement plans for the proposed subdivision have been completely installed and tested satisfactorily; and

(2) All pavement for the proposed subdivision, as required according to the Subdivision Improvement Standards as approved by the Planning Commissions which are maintained on file with the City Engineer, has been completely installed for a minimum of seven days and all required joints of the same are sealed.

(c) Submission of Applicants and Letter of Certification. Applicants shall submit a zoning permit application to the Building Inspector, along with the letter of certification from the City Engineer stating that all conditions identified in paragraphs (b)(1) and (2) hereof have been met. After the Building Inspector receives the application and letter of certification, he or she may issue the zoning permit.

1101.08 PLATS.

(a) Submission. Following approval of the preliminary plan, and the application for improvement plans, applicants may apply for plat review.

(b) Approval.

(1) Prior to approval, the applicant shall submit the items specified with the rules and regulations of the requirements to the Planning Commission Clerk in accordance with the rules and regulations of the Planning Commission after all of the improvements have been satisfactorily installed.

(2) In addition to the subdivision submission requirements, the applicant shall also provide the Planning Commission Clerk with the following:

- A. Certification by the City Engineer that all improvements required by the Subdivision Regulations and as designated in the approved improvement plans have been satisfactorily installed;
- B. Certification by the City Engineer that the applicant has deposited the cash bond for pavement guarantee required by Chapter 1103 and that a letter of credit, or surety bond without an expiration date, has been established to secure the installation of the concrete sidewalks;
- C. Certification by the City Engineer that the applicant had submitted as-built improvement plans;
- D. Certification by the City Engineer that the sanitary sewers have been satisfactorily tested and video taped;
- E. Certification by the City Engineer that the developer has paid all required engineering and inspection fees and other expenses due;
- F. Certification by the Fire Chief that the fire hydrants have been satisfactorily installed and tested;

- G. Certification by the applicant that all current real estate taxes and current installments of special assessments due on the property contained in the subdivision have been paid;
- H. Certification by the City Engineer that agreements and other required legal instruments not on the plat have been furnished and will be concurrently recorded at the County with the Plat; and

(3) If an application for plat review (either for the entire area of the preliminary plan or a portion thereof) is not submitted to the Planning Commission Clerk within eighteen (18) months of the preliminary plan approval, such approval of the preliminary plan shall be rendered null and void unless an extension of time is applied for and granted by the Planning Commission.

(c) Time Requirement or Planning Commission Action. The Planning Commission shall, within forty-five (45) days from the date the application is initially heard by the Commission, or within such further time as may be consented to by the applicant, either recommend approval, approval with conditions or disapproval of the plat.

(d) Notification of Planning Commission Action.

(1) The Planning Commission Clerk shall notify the applicant of the Planning Commission's action by mailing written notice by first class mail to the last known address given by the applicant. Such notice will state whether the plat was recommended for approval, approval with conditions or disapproval. A copy of this notice shall be maintained in the applicant's file located at Sheffield Lake City Hall.

(2) The Planning Commission Clerk shall give written notice to the Clerk of Council of such recommendation.

(e) Action by Council.

(1) The Clerk shall place the plat on the agenda of the next regularly scheduled meeting of the City Council for such action as is deemed appropriate.

(2) Appropriate legislation, which incorporates the total acreage, number of sublots and the subdivision phase number, if applicable, shall be drafted by the Law Director for consideration by Council.

(3) Council, by its second regularly scheduled meeting following receipt of the written notice of the recommendation of the Planning Commission, shall pass legislation which commences approval of the plat or shall disapprove the plat at such meeting, or disapprove the same at a later meeting prior to the completion of passage of such meeting, or disapprove the same later meeting prior to the completion of passage of approving legislation.

(4) The Clerk of Council shall give written notice to the applicant of the Council's action by mailing written notice by first class mail to the last known address of the applicant. A copy of this notice shall be maintained in the applicant's file located in the Planning Department.

(f) Effect of Approval. Approval of the plat by the City Council shall constitute acceptance of the subdivision. No material changes or revisions shall be made to an approved plat unless it is resubmitted and approved by the Planning Commission and Council pursuant to these subdivision procedures

(g) Recording of Plat.

(1) Before an approved plat can be recorded, it shall be signed by the Planning Commission Chairman, the City Engineer, the Clerk of Council, and the Director of Law. Any plat recorded which has not been approved according to the regulations in this chapter shall be considered invalid.

(2) Plat approval shall expire within one hundred twenty (120) days after City Council approval is effective unless the plat has been duly filed and recorded, by the applicant as required by law, and the original tracing of the of the plat has been filed with the Planning Commission Clerk.

1101.09 TEMPORARY SALES OFFICE.

If a temporary sales office is to be located in a subdivision, its location shall be indicated on the improvement plans and approved by City Council. The following provisions shall be met;

- (a) A temporary sales structure shall only be used to sell residential sublots depicted in the approved preliminary plan;
- (b) Such temporary sales structures shall be located in a landscaped setting approved by the Planning Commission;
- (c) A temporary sales structure may remain in the approved location for one year from the date of the issuance of the zoning permit for the construction of the first dwelling in the subdivision, provided that no model home is constructed. An extension of time may be granted by City Council upon a showing of good cause for up to six-month extensions, provided that such temporary sales shall not remain in the subdivision after the zoning permit is issued for the constructed of the last dwelling; and
- (d) Applicants shall remove the temporary sales structure from the subdivision if a model home is constructed.

1101.10 WAIVERS.

The Zoning Board of Appeals may grant waivers from the provisions of this Chapter when, in its opinion, undue hardship may result from strict compliance. Any waiver granted by the Zoning Board of Appeals shall be submitted to Council for approval and shall not be effective unless so approved. In granting any waiver, the Zoning Board of Appeals shall prescribe only conditions which it deems necessary to, or desirable for the public interest.

(a) Criteria. In making its decision, the Board shall take into account the nature of the proposed use of land and the existing use of land in the vicinity, the number of persons to reside or work in the proposed subdivision and the probable effect of the proposed subdivision upon traffic conditions in the vicinity. No waiver shall be granted unless the Board finds that:

- (1) There are special circumstances or conditions affecting such property such that the strict application of these regulations would deprive the applicant of the reasonable use of his or her land.
- (2) The waiver is necessary for the preservation and enjoyment of a substantial property right of the petitioner.
- (3) The granting of the waiver will not be detrimental to the public welfare or injurious to other property in the territory in which such property is situated.

(b) Application. An application for a waiver shall be submitted in writing by the developer at the time the preliminary plan is filed for consideration by the Planning Commission. The petition shall state fully the grounds for the application and all the facts relied upon by the petitioner.

Section 3. Chapter 1103 is hereby established as follows:

**CHAPTER 1103
Bonds Required**

- 1103.01 Performance Bond**
- 1103.02 Building Permits**
- 1103.03 Maintenance Bond**
- 1103.04 Deposit Required**

1103.01 PERFORMANCE BOND

No plat of a subdivision of land within the Municipality shall be approved by the Municipal Planning Commission until there has been submitted to Council an engineering plan of all improvements to be constructed in the subdivision and until the plan has been approved by Council and the improvements have been constructed according to the plan, or, in lieu thereof, there has been deposited with the Municipality a performance bond in the sum of the cost of the improvements, as determined by the Engineer, in a form approved by the Director of Law and with a completion date satisfactory to Council.

1103.02 BUILDING PERMITS

No building permits for construction in such subdivision shall be issued, nor any construction begun, until the engineering plan of the aforesaid improvements has been approved by Council, nor shall any building permits be issued or any construction begun until the aforesaid performance bond is in full force and effect, or while the principal obligor is in default of performance under the terms of the bond.

1103.03 MAINTENANCE BOND

No improvements shall be approved or accepted by the Municipality after construction until the Municipality is furnished with a maintenance bond in a form acceptable to the Director of Law, in the amount of ten percent of the construction cost of such improvements and for a term to be determined by Council, but not to exceed a period of two years.

1103.04 DEPOSIT REQUIRED

No plat shall be approved until there is deposited with the Municipality a sum equal to not less than two percent nor more than four percent of the construction cost of such improvements, as determined by the Engineer, to be used to defray the costs of inspection of the installation of such improvements by the Municipality. Any portion of the deposit which is not so used shall be returned to the persons making the deposit upon the acceptance of the improvements by the Municipality.

- Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.
- Section 5. This Ordinance is hereby declared to be an emergency measure made necessary for the preservation of the public peace, health, safety and welfare of the City of Sheffield Lake, Ohio, the emergency being the immediate necessity of amending chapter 1101 and establishing chapter 1103 regarding subdivision regulations.

PASSED THIS _____ DAY OF _____, 2018.

	Yea	Nay	NV
Rosa Gee	_____	_____	_____
Mark Cizl	_____	_____	_____
Leanna Stark	_____	_____	_____
Steve Kovach	_____	_____	_____
Bill Wtulich	_____	_____	_____
Rocky Radeff	_____	_____	_____
Mark Erdei	_____	_____	_____

MAYOR
Dennis Bring

PRESIDENT OF COUNCIL
Rick Rosso

CLERK OF COUNCIL
Kay Fantauzzi

I, Kay Fantauzzi, duly appointed Clerk of Council of Sheffield Lake DO HEREBY CERTIFY that this is a true and exact copy of Ordinance#_____. PASSED_____, 2018.