

ORDINANCE NO. 1334 AC CMS

AN ORDINANCE AMENDING CHAPTER 1338, RESIDENTIAL
DEVELOPMENT DESIGN STANDARDS, OF THE CODIFIED
ORDINANCES OF THE CITY OF OBERLIN

BE IT ORDAINED, by the Council of the City of Oberlin, Lorain County,
State of Ohio, a majority of those members elected thereto concurring:

SECTION 1. That Section 1338.03 (h) reading as follows:

"1338.03 Minimum Standards; Use and Dimensional Requirements; Parking

- ...
(h) Usable Open Space. A minimum of thirty percent of the total area within a Planned Residential Development shall be devoted to open air recreational uses and other open space. Usable open space shall be defined as that space open to the sky suitable for active or passive recreation and not devoted to off-street parking and public or private streets or public streets rights-of-way. This space shall be indicated on the plan and shall not be used for future building."

is amended to read as follows:

"1338.03 Minimum Standards; Use and Dimensional Requirements; Parking

- ...
(h) Useable Open Space. A minimum of forty percent of the total area within the Planned Residential Development shall be devoted to open air recreational uses. Such space for open air recreational uses shall be defined as that space open to the sky suitable for active or passive recreation and not devoted to off-street parking, public and private streets, public street rights-of-way or required side and front yards. Where an enclosed recreation or community center is constructed, such building area, on a one-to-one square foot basis, shall be counted towards meeting the requirements of this paragraph."

SECTION 2. That Section 1338.04 reading as follows:

"1338.04 DEVELOPMENT PLAN.

(a) Initial Proposal. A developer may submit on an informal basis a plan of the development showing the proposed location and components of the development which, if constructed, would be subject to the requirements of this chapter. (Ord. 684 AC. Passed 5-18-70.)

(b) Informal Review by Planning Commission; Nondiscrimination Requirements. The developer will meet with the Planning Commission on an informal basis and discuss this proposed plan. In addition, the developer will meet with the Human Relations Commission and discuss fair housing and equal employment laws either before a formal application for the approval of the Development Plan is filed under this section, or immediately thereafter, and as a condition precedent to approval by Council shall submit a statement affirming non-discriminatory practice in employment and marketing related to the development, and shall support this statement by submitting written plans which describe the methods by which the developer will actively seek to avoid discriminatory practices in employment and marketing. (Ord. 1049 AC. Passed 6-17-74.)

(c) Application Information. A formal application for approval of the Development Plan shall be initiated by the developer by filing with the City Manager five copies of the following material which shall constitute a Development Plan:

- (1) A plot plan to scale, showing the development area and the area lying outside the boundaries of the development area to a distance of 200 feet including the names of the property owners thereof abutting streets, indicating the north point, the gross area of the development in square feet and acres and the number of dwelling units and showing the following, identified by use:
 - A. The location of existing and proposed structures and accessory uses and structures such as swimming pools, playground areas, garages, storage and community buildings and their sizes, in square feet and height;
 - B. The location and layout of all parking and loading areas, interior and exterior, number of parking spaces provided, gross area devoted to parking and indicating plans for illuminations, if any;
 - C. The location and amount of area devoted to usable open space;
 - D. The location and width of any existing or proposed public or private streets, drives and sidewalks;
- (2) The legend of the plot plan shall include:
 - A. The title of the plot plan; and
 - B. The name, address and telephone number of the applicant;
- (3) A preliminary sketch showing the utilities plan with statements of the source of water supply, the storm water drainage, sewage, gas, telephone, electricity, street signs, and so forth should be submitted in preliminary form in order that the Planning Commission can check out the feasibility of connecting with the existing utilities and determine the location proposed by the developer to see if it meets the overall plan of the City. Likewise, the public and private streets, drives, sidewalks and parking areas should be submitted in sketch form in order to inform the Planning Commission ;
- (4) Floor plans, to scale, of all structures other than single-family detached dwellings shall be included in information furnished to the City Manager;
- (5) A description of facilities for the collection and disposal of garbage and trash shall be submitted;
- (6) Elevations, to scale, of all structures other than detached single-family dwellings from all sides, showing exterior construction materials, size of windows, etc., shall be submitted;
- (7) A preliminary landscaping plan taking into account existing trees and other existing landscape features;
- (8) A preliminary sketch plan showing existing topography, proposed grades and proposed locations and types of structures;
- (9) A statement showing the approximate cost of the project, proposed covenants running with the land, deed restrictions, including those with respect to use of common land, other covenants, restrictions or easements proposed to be recorded and a detailed plan and covenant for the maintenance of the common ground;

- (10) A development schedule indicating the approximate date on which development will begin, annual accomplishment and the approximate date of completion;
- (11) If the applicant wishes to subdivide the parcel into two or more lots he shall:
 - A. Indicate the dimensions and sizes of all proposed lots;
 - B. Indicate the proposed method of insuring that open space continues in perpetuity;
 - C. Include documents, agreements, controls or other forms drawn by a member of the Bar setting forth the means by which the open space shall be maintained;
- (12) Any other information which the applicant wishes to present or the Planning Commission may require because of unusual circumstances or site features of a particular proposal.

(d) Distribution of Copies. The City Manager, shall within three working days, convey copies of the Development Plan as follows:

- Two copies to the Chairman of the Planning Commission;
- One copy to the Director of Public Works and the City Engineer for review and report;
- One copy to the City Solicitor for review as to legal sufficiency; and
- One copy to the City Manager's office for review and filing.

The City Solicitor will, within two weeks, provide the Planning Commission with a statement as to legal compliance and the City Manager will, within two weeks, provide a report from the Director of Public Works and the City Engineer containing their recommendations.

(e) Planning Commission's Report to Council; Variances.

- (1) Within thirty days after a Development Plan has been filed with the City Manager, the Planning Commission shall evaluate the Plan and required reports and shall furnish to Council its detailed report and recommendations with respect to the Development Plan. The report of the Commission shall include:
 - A. A finding as to whether the City or the adjacent property will be adversely affected;
 - B. A finding as to whether the Development Plan complies with the development standards prescribed in this chapter; and
 - C. A recommendation that the Development Plan be approved or disapproved. A copy of such Planning Commission report shall be furnished to the applicant and if a recommendation is made that the Development Plan be disapproved, the Commission's report shall state the instances in which the Plan failed to meet this chapter and the reasons for not recommending the approval of the Development Plan.
- (2) If, in its evaluation of the Development Plan, the Commission finds that the standards prescribed in Section 1338.03 are inapplicable because of the unusual conditions of the development area or the nature or imaginative character of the proposed design, it shall recommend to Council and Council may permit a deviation or variation from the standards of this chapter, provided that such deviation is consistent with the spirit of this chapter and the intent of the Zoning Ordinance, the public health, safety and general welfare.

- (3) One copy of the Development Plan, together with at least twelve copies of the Planning Commission's report, and the reports of the City Manager, Director of Public Works, Solicitor and Engineer shall be filed with the City Manager for submission to the members of Council.
- (f) Action by Council; Public Hearing.
- (1) Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the Development Plan and give at least thirty days notice of the time, place and purpose of such hearing by publication in two newspapers of general circulation in the City. The Development Plan and the Commission's report shall be on file with the Clerk of Council during this period. If the Commission recommends disapproval of the Plan, no public hearing shall be necessary for Council to concur in the disapproval.
- (2) On any public hearing concerning a Development Plan, Council shall also give notice in the manner specified in Section 1325.03 for the Board of Zoning Appeals to all abutting property owners and shall publish in accordance with existing ordinances.
- (3) Within thirty days following the public hearing, if one is required, Council shall either approve or disapprove the Development Plan. Council may affirm any report of the Planning Commission by a majority vote of its members. If the Council reverses a report of the Commission recommending disapproval of a preliminary plan, it shall require a simple majority of members.
- (4) If Council approves a Development Plan, all the land included within the development shall carry the designation "Planned Residential Development District No. ____." The approved Development Plan shall be signed by the Chairman of Council and the Chairman of the Planning Commission. The Zoning Map of the City shall be marked with the notation "the area to be carried as Planned Residential District No. ____."
- (5) After discussion by Council, the City Manager shall notify the applicant of the action by registered mail. If approval has been granted, the City Manager shall authorize the applicant to proceed with the Development Plan in accordance with the procedure and criteria set forth in this chapter and any special conditions under which this authorization to proceed was granted. The City Manager shall also advise the developer that Council's decision is subject to appeal to the courts and that he should advise himself as to the time interval within which such an appeal may be made prior to commencing any construction.

(g) Final Utilities Plan Submission. Prior to the issuance of any building or zoning permits, three copies of a general utilities plan in final form must be furnished to the City Manager who shall refer one copy to the Planning Commission, one copy to the City Engineer and retain one copy. Approval, in writing, by the City Engineer shall be a prerequisite for issuance of building or zoning permits.

(h) Performance and Maintenance Bonds. Within fifteen days after approval of the Development Plan, the applicant shall submit to the Planning Commission evidence as to how and by what means he can pay for the improvements. If this plan is not considered satisfactory to the Commission, it may require a performance bond acceptable to the City, or a certified check, guaranteeing the completion of those improvements to be accepted by the City within eighteen months of the issuance of building or zoning permits, or such reasonable extension of time as may be granted by Council, such performance to be 100 percent of the estimated cost of improvements. Upon completion of the improvements, as certified by the City Engineer, and the posting of a maintenance bond equal to ten percent of the cost of construction to guarantee the maintenance of the improvements for one year, the City shall accept the improvements.

(i) Subdivision of Land Within a Planned Residential Development District. If the Development Plan provides for the subdivision of the area into two or more lots, a subdivision plat and general utilities plan must be approved under the Subdivision Regulations, Title Three of Part Thirteen - Planning and Zoning Code, and shall have the following special requirements:

- (1) That there is a reverter clause concerning the open spaces, if such area is not used for open space that the fee simple of the open space will revert to the City.
- (2) That a declaration of covenants, conditions and restrictions relating to the management of the common areas and facilities, signed and acknowledged by those parties having any record title to the land to be subdivided, is recorded with the final map. Such declaration shall provide the method of assessment, the purpose, care, maintenance and improvement of the common area and the facilities upon any lot, and the assessment shall be enforced by the property owners according to law.

(j) Issuance of Building or Zoning Permits. Building or zoning permits may be issued at the earliest possible time after the land in the development area is zoned or rezoned as a "Planned Residential Development District," provided that:

- (1) The subdivision plat and final general utilities plan, if there is one, have been approved by the Planning Commission and the City Engineer;
- (2) The developer has posted the performance and maintenance bonds required by subsection (h) hereof; and
- (3) The building plans are in strict conformance to the Development Plan approved by the Planning Commission and Council.

(k) Certificates of Occupancy. A certificate of occupancy shall not be issued for any dwelling unit within a Planned Residential Development until an inspection of the project has been made by the Building Inspector to ascertain that the development complies with the final Development Plan. The Building Inspector shall, if he deems necessary, call upon the City Manager and/or the Chairman of the Planning Commission for advice as to this inspection and compliance."

is amended to read as follows:

"1338.04 DEVELOPMENT PLAN.

(a) Initial Proposal. A developer shall submit on an informal basis a plan of the development showing the proposed location, components of the development which, if constructed, would be subject to the requirements of this chapter and the names and addresses of all property owners within a radius of two hundred (200) feet of the proposed location of the development area.

(b) Public Hearing.

At its next regular meeting after submission of the plan the Planning Commission shall set a date for public hearing to be held within thirty (30) days. Notice of said hearing shall be published on two separate days prior to the hearing in a newspaper of general circulation within Lorain County, Ohio. Planning Commission shall further notify by registered mail each property owner within two hundred (200) feet of the proposed location of the date, time and place of said hearing. If any receipt for a registered letter is returned unsigned then service on said owner shall be deemed completed upon the mailing of said notice by ordinary mail. All costs of publication and mailing shall be the responsibility of the developer.

(c) Informal Review by Planning Commission; Nondiscrimination Requirements.

The developer will meet with the Planning Commission on an informal basis and discuss this proposed plan. In addition, the developer will meet with the Human Relations Commission and discuss fair housing and equal employment laws either before a formal application for the approval of the Development Plan is filed under this section, or immediately thereafter, and as a condition precedent to approval by Council shall submit a statement affirming nondiscriminatory practice in employment and marketing related to the development, and shall support this statement by submitting written plans which describe the methods by which the developer will actively seek to avoid discriminatory practices in employment and marketing. (Ord. 1049 AC. Passed 6-17-74.)

(d) Application Information. A formal application for approval of the Development Plan shall be initiated by the developer by filing with the City Manager five copies of the following material which shall constitute a Development Plan:

- (1) A plot plan to scale, showing the development area and the area lying outside the boundaries of the development area to a distance of 200 feet, including the names and addresses of the property owners therein, indicating the north point, the gross area of the development in square feet and acres and the number of dwelling units and showing the following, identified by use:
 - A. The location of existing and proposed structures and accessory uses and structures such as swimming pools, playground areas, garages, storage and community buildings and their sizes, in square feet and height;
 - B. The location and layout of all parking and loading areas, interior and exterior, number of parking spaces provided, gross area devoted to parking and indicating plans for illuminations, if any;
 - C. The location and amount of area devoted to usable open space;
 - D. The location and width of any existing or proposed public or private streets, drives and sidewalks;
- (2) The legend of the plot plan shall include:
 - A. The title of the plot plan; and
 - B. The name, address and telephone number of the applicant;
- (3) A preliminary sketch showing the utilities plan with statements of the source of the water supply, the storm water drainage, sewage, gas, telephone, electricity, street signs, and so forth should be submitted in preliminary form in order that the Planning Commission can check out the feasibility of connecting with the existing utilities and determine the location proposed by the developer to see if it meets the overall plan of the City. Likewise, the public and private streets, drives, sidewalks and parking areas should be submitted in sketch form in order to inform the Planning Commission;
- (4) Floor plans, to scale, of all structures other than single-family detached dwellings shall be included in information furnished to the City Manager;
- (5) A description of facilities for the collection and disposal of garbage and trash shall be submitted;
- (6) Elevations, to scale, of all structures other than detached single-family dwellings from all sides, showing exterior construction materials, size of windows, etc., shall be submitted;

- (7) A preliminary landscaping plan taking into account existing trees and other existing landscape features;
- (8) A preliminary sketch plan showing existing topography, proposed grades and proposed locations and types of structures;
- (9) A statement showing the approximate cost of the project, proposed covenants running with the land, deed restrictions, including those with respect to use of common land, other covenants, restrictions or easements proposed to be recorded and a detailed plan and covenant for the maintenance of the common ground;
- (10) A development schedule indicating the approximate date on which development will begin, annual accomplishments and the approximate date of completion;
- (11) If the applicant wishes to subdivide the parcel into two or more lots he shall:
 - A. Indicate the dimensions and sizes of all proposed lots;
 - B. Indicate the proposed method of insuring that open space continues in perpetuity;
 - C. Include documents, agreements, controls or other forms drawn by a member of the Bar setting forth the means by which the open space shall be maintained;
- (12) Any other information which the applicant wishes to present or the Planning Commission may require because of unusual circumstances or site features of a particular proposal.

(e) Distribution of Copies. The City Manager, shall, within three working days, convey copies of the Development Plan as follows:
Two copies to the Chairman of the Planning Commission;
One copy to the Director of Public Works and the City Engineer for review and report;
One copy to the City Solicitor for review as to legal sufficiency; and
One copy to the City Manager's office for review and filing.

The City Solicitor will, within two weeks, provide the Planning Commission with a statement as to legal compliance and the City Manager will, within two weeks, provide a report from the Director of Public Works and the City Engineer containing their recommendations.

(f) Planning Commission's Report to Council; Variances.

- (1) Within thirty days after the Development Plan as required by 1338.04 (d) has been filed with the City Manager, the Planning Commission shall evaluate the Plan and required reports and shall furnish to Council its detailed report and recommendations with respect to the Development Plan. The report of the Commission shall include:
 - A. A finding as to whether the City or the adjacent property will be adversely affected;
 - B. A finding as to whether the Development Plan complies with the development standards prescribed in this chapter; and
 - C. A recommendation that the Development Plan be approved or disapproved. A copy of such Planning Commission report shall be furnished to the applicant and if a recommendation is made that the Development Plan be disapproved, the Commission's report shall state the instances in which the Plan failed to meet this chapter and the reasons for not recommending the approval of the Development Plan.

- (2) If, in its evaluation of the Development Plan, the Commission finds that the standards prescribed in Section 1338.03 are inapplicable because of the unusual conditions of the development area or the nature or imaginative character of the proposed design, it shall recommend to Council and Council may permit a deviation or variation from the standards of this chapter, provided that such deviation is consistent with the spirit of this chapter and the intent of the Zoning Ordinance, the public health, safety and general welfare.
- (3) One copy of the Development Plan, together with at least twelve copies of the Planning Commission's report, and the reports of the City Manager, Director of Public Works, Solicitor and Engineer shall be filed with the City Manager for submission to the members of Council.

(g) Action by Council; Public Hearing.

- (1) Council, at its next regular meeting following receipt of the Planning Commission report, shall set a date for a public hearing on the Development Plan and give at least thirty days notice of the time, place and purpose of such hearing by publication in two newspapers of general circulation in the City. The Development Plan and the Commission's report shall be on file with the Clerk of Council during this period.
- (2) On any public hearing concerning a Development Plan, Council shall also give notice as specified by Section 1338.04 (b).
- (3) Within sixty days following the public hearing, Council shall finally pass an ordinance approving or disapproving, with or without amendments, the Development Plan.
- (4) If Council approves a Development Plan, all the land included within the development shall carry the designation "Planned Residential Development District No. ____." The approved Development Plan shall be signed by the Chairman of Council and the Chairman of the Planning Commission. The Zoning Map of the City shall be marked with the notation "the area to be carried as Planned Residential District No. ____."
- (5) After decision of Council, the City Manager shall notify the applicant of the action by registered mail. If approval has been granted, the City Manager shall authorize the applicant to proceed with the Development Plan in accordance with the procedure and criteria set forth in this chapter and any special conditions under which this authorization to proceed was granted.

(h) Final Utilities Plan Submission. Prior to the issuance of any construction permits, three copies of a general utilities plan in final form must be furnished to the City Manager who shall refer one copy to the Planning Commission, one copy to the City Engineer and retain one copy. Approval, in writing, by the City Engineer shall be a prerequisite for issuance of said permits.

(i) Performance and Maintenance Bonds. Within fifteen days after approval of the Development Plan, the applicant shall submit to the Planning Commission evidence as to how and by what means he can pay for the improvements. If this plan is not considered satisfactory to the Commission, it may require a performance bond acceptable to the City, or a certified check, guaranteeing the completion of those improvements to be accepted by the City within eighteen months of the issuance of any construction permits, or such reasonable extension of time as may be granted by Council, such performance to be 100 percent of the estimated cost of improvements. Upon completion of the improvements, as certified by the City Engineer, and the posting of a maintenance bond equal to ten percent of the cost of construction to guarantee the maintenance of the improvements for one year, the City shall accept the improvements.

(j) Subdivision of Land Within a Planned Residential Development District. If the Development Plan provides for the subdivision of the area into two or more lots, a subdivision plat and general utilities plan must be approved under the Subdivision Regulations, Title Three of Part Thirteen - Planning and Zoning Code, and shall have the following special requirements:

- (1) That there is a reverter clause concerning the open spaces, if such area is not used for open space that the fee simple of the open space will revert to the City.
- (2) That a declaration of covenants, conditions and restrictions relating to the management of the common areas and facilities, signed and acknowledged by those parties having any record title to the land to be subdivided, is recorded with the final map. Such declaration shall provide the method of assessment, the purpose, care, maintenance and improvement of the common area and the facilities upon any lot, and the assessment shall be enforced by the property owners according to law.

(k) Issuance of Construction Permits. Construction permits may be issued at the earliest possible time after the land in the development area is designated as a "Planned Residential Development District," provided that:

- (1) The subdivision plat and final general utilities plan, if there is one, have been approved by the Planning Commission and the City Engineer;
- (2) The developer has posted the performance and maintenance bonds required by subsection (h) hereof; and
- (3) The building plans are in strict conformance to the Development Plan approved by Council.

(l) Certificates of Occupancy. A certificate of occupancy shall not be issued for any dwelling unit within a Planned Residential Development until an inspection of the project has been made by the Building Inspector to ascertain that the development complies with the final Development Plan. The Building Inspector shall, if he deems necessary, call upon the City Manager and/or the Chairman of the Planning Commission for advice as to this inspection and compliance."

SECTION 3. That Section 1338.06 reading as follows:

"1338.06 AMENDMENT TO DEVELOPMENT PLANS.

After a parcel of land has been zoned or rezoned to be included in a Planned Residential Development District, any initial development or expansion must be in conformance with the plans approved by the Planning Commission and Council.

However, the owner or owners may request an amendment of the plans. Such request shall be filed with the Clerk of Council. If the amendment is in substantial agreement with the approved final Development Plan, it shall be processed by the Planning Commission.

Should the amendment represent a departure from the final Development Plan, as determined by the Planning Commission, the amendment shall be subject to the same procedure and conditions of approval as the original application."

is amended to read as follows:

"1338.06 AMENDMENTS TO DEVELOPMENT PLANS.

After a parcel of land has been designated as a Planned Residential Development District, any initial development or expansion must be in conformance with the plans approved by Council.

However, the owner or owners may request an amendment of the plans. Such request shall be filed with the Clerk of Council. If the amendment is in substantial agreement with the approved final Development Plan, it shall be processed by the Planning Commission.

Should the amendment represent a departure from the final Development Plan, as determined by the Planning Commission, the amendment shall be subject to the same procedure and conditions of approval as the original application."

SECTION 4. That Section 1338.07 reading as follows:

"1338.07 EXPIRATION.

In any case where land has been zoned or rezoned as a Planned Residential Development District, construction must be started within eighteen months of the date the ordinance was passed; otherwise the land shall revert to its previous zoning district, or if previously unzoned or unincorporated, it shall be placed in an "R-1A" Single-Family District and a new application shall have to be made.

is amended to read as follows:

"1338.07 EXPIRATION.

In any case where land has been designated as a Planned Residential Development District, construction must be started within eighteen months of the date the ordinance was passed; otherwise the land shall revert to its previous zoning district, or if previously unzoned or unincorporated, it shall be placed in an "R-1A" Single-Family District and a new application shall have to be made."

SECTION 5. That this ordinance shall take effect at the earliest date allowed by law.

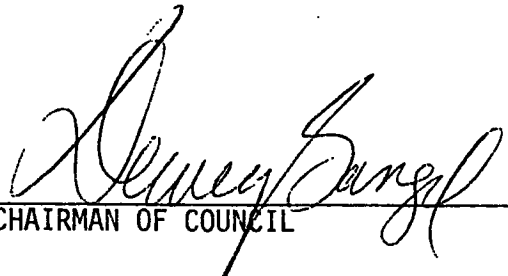
PASSED: 1st reading - November 21, 1977 (Public Hearing date set for 1/9/78)

2nd reading - December 19, 1977

3rd reading - January 9, 1978

ATTEST:


CLERK OF COUNCIL


CHAIRMAN OF COUNCIL

POSTED: January 10, 1978