

ORDINANCE NO. 19-16

**AN ORDINANCE AMENDING SECTION 210.01(f) OF THE
CODIFIED ORDINANCES OF THE CITY OF AVON
REGARDING PLANNING AND ZONING CODE FEES
AND DECLARING AN EMERGENCY**

WHEREAS, the Planning Coordinator and other members of the Administration reviewed Section 210.01(f) of the Codified Ordinances for the City of Avon, Lorain County, Ohio, as it pertains to fees for various services provided by the City’s Planning Department; and

WHEREAS, it has been recommended that certain fees be increased to cover the cost of review by privately contracted engineers, architects and other professional personnel on behalf of the City; and

WHEREAS, Council finds that this recommendation is reasonable and in the best interests of the safety, health and welfare of the City and deems it desirable that Section 210.01(f) of the Codified Ordinances be amended.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON, LORAIN COUNTY, OHIO:

Section 1 - That Section 210.01(f) of the Codified Ordinances of the City of Avon which currently reads as follows:

(f)	<u>Planning and Zoning Code.</u>	<u>Fee</u>
(1)	Zoning Code	
	A. Zoning permits	\$15.00 upon filing of application with Clerk of Council for placement on agenda
	B. Rezoning	\$200.00 plus \$10.00 per person to be notified of public hearing to be fixed by the Board, upon presentation to the Clerk for placement on agenda hearing to be fixed by Board
	C. Appeals	\$100.00 plus \$10.00 per person to be notified upon the filing by the applicant with the Secretary of the Planning Commission with a list of adjacent property owners to be

Ordinance No. 19-16 (Con't)

		served with notice of hearing
	D. Special use permits	
	1. Planning Commission and City Council review fee:	\$100.00
	2. Engineering and Legal review fee	\$200.00
(2)	Planning Commission fees for any informal presentation to Planning Commission (PC)	\$100.00
(3)	Subdivision Regulations	
	A. Major subdivision preliminary plat fee:	\$850.00 (\$150.00 for PC; \$700.00 for engineering and legal combined; plus \$10.00 per person to be notified of public hearing on preliminary plat)
	B. Major subdivision final plat review fee:	\$1,500.00 (\$300.00 plus \$10.00 per lot in proposed subdivision; \$1,200.00 for engineering and legal combined, plus \$40.00 per lot)
	C. Nonresidential development fee/deposit:	
	1. Minor modifications to a site or structure (does not require legal or engineering review)	\$200.00 (\$100.00 for PC; \$100.00 administrative review fee)
	a. Minor modifications to a site or structure (requiring less than two hours of engineering and/or legal review)	\$300.00
	2. Developments up to two acres	\$1,000.00 (\$100.00 for PC; \$900.00 for engineering and legal fees combined)

Ordinance No. 19-16 (Con't)

- | | |
|--|---|
| 3. Developments of two to five acres | \$2,100.00 (\$100.00 for PC; \$2,000.00 for engineering and legal fees combined) |
| 4. Developments over five acres | \$5,100.00 (\$100.00 for PC; \$5,000 for engineering and legal fees combined, with upward adjustment as deemed necessary by the Law Director and/or the City Engineer for major developments) |
| <p>5. In the event the City is required, upon the recommendation of Planning Commission, Planning Coordinator or the City Engineer to obtain the assistance of outside professional services, including but not limited to, architectural, engineering and traffic, the developer shall reimburse the City any cost above and beyond the initial fee collected at the time of submission. From the date of billing by the City, the developer shall have thirty days to pay said costs. The costs set forth herein shall be paid regardless of plan approval or disapproval.</p> | |
| D. Minor subdivision/lot split review fee: | \$50.00, plus \$50.00 per lot split from remainder |
| E. Zoning map: | \$15.00 |
| F. City street map: | \$1.00 |
| G. Planning and zoning code: | \$20.00 |
| H. Standard construction drawings: | \$75.00 |
| I. Sign application review fee: | \$25.00 |
| J. Special meeting, request of Planning Commission | \$500.00 (Payable at the time the matter is placed on the agenda by the Planning Commission Secretary. May be waived only upon a majority vote of all members of the Planning Commission.) |

Ordinance No. 19-16 (Con't)

- (4) Storm water fees and deposits
- A. Stabilization deposit
- | | |
|--|---------------------|
| 1. Residential subdivision less than 1 acre | \$50.00 per subplot |
| 2. Residential subdivision greater than 1 acre | \$50.00 per subplot |
| 3. Industrial or commercial less than 1 acre | \$250.00 |
| 4. Industrial or commercial greater than 1 acre | \$250.00 per acre |
| 5. Individual industrial or commercial less than 1 acre | \$250.00 |
| 6. Individual industrial or commercial greater than 1 acre | \$250.00 per acre |
- B. Storm water inspection fees
- | | |
|--|------------|
| 1. Residential subdivision less than 1 acre | \$350.00 |
| 2. Residential subdivision greater than 1 acre | \$1,500.00 |
| 3. Industrial or commercial less than 1 acre | \$600.00 |
| 4. Industrial or commercial greater than 1 acre | \$1,500.00 |
| 5. Individual industrial or commercial less than 1 acre | \$600.00 |
| 6. Individual industrial or commercial greater than 1 acre | \$1,500.00 |
- C. Storm drainage*
- | | |
|---|--|
| 1. Except as provided in §1050.193, for all developments to be improved in the City, a drainage charge per gross acre of area to be developed or altered from its existing state, at a rate of \$650.00 per acre of developed land. | Payable with building permit application or at final plat approval |
|---|--|
- *Adjusted annually by the Cleveland Construction Cost Index
- D. Storm water detention fees (ACO §1050.194)
- | | |
|---|---|
| 1. Fees to be charged upon the total acreage of each lot or parcel of land developed within the City by any person, firm, corporation, public agency, partnership or association shall be set by the Finance Director annually. | Payable with building permit application or at final plat approval. |
|---|---|

Shall be amended to read as follows: (new language in bold print)

(f)	<u>Planning and Zoning Code.</u>	<u>Fee</u>
	(1) Zoning Code	
	A. Zoning permits	\$15.00 upon filing of application with Clerk of Council for placement on agenda
	B. Rezoning	\$200.00 plus \$10.00 per person to be notified of public hearing to be fixed by the Board, upon presentation to the Clerk for placement on agenda hearing to be fixed by Board
	C. Appeals	\$100.00 plus \$10.00 per person to be notified upon the filing by the applicant with the Secretary of the Planning Commission with a list of adjacent property owners to be served with notice of hearing
	D. Special use permits	
	1. Planning Commission and City Council review fee:	\$100.00
	2. Engineering and Legal review fee – Residential	\$200.00 \$300.00
	3. Legal review fee – Commercial	\$600.00
	(2) Planning Commission fees for any informal presentation to Planning Commission (PC)	\$100.00

Ordinance No. 19-16 (Con't)

(3) Subdivision Regulations

A. Major subdivision preliminary plat fee:	\$850.00 (\$150.00 for PC; \$700.00 for engineering and legal combined; plus \$10.00 per person to be notified of public hearing on preliminary plat)
B. Major subdivision final plat review fee:	\$1,500.00 (\$300.00 plus \$10.00 per lot in proposed subdivision; \$1,200.00 for engineering and legal combined, plus \$40.00 per lot)
C. Nonresidential development fee/deposit:	
1. Minor modifications to a site or structure (does not require legal or engineering review)	\$200.00 (\$100.00 for PC; \$100.00 administrative review fee)
a. Minor modifications to a site or structure (requiring less than two hours of engineering and/or legal review)	\$300.00
2. Developments up to two acres	\$1,000.00 (\$100.00 for PC; \$900.00 for engineering and legal fees combined)
3. Developments of two to five acres	\$2,100.00 (\$100.00 for PC; \$2,000.00 for engineering and legal fees combined)

Ordinance No. 19-16 (Con't)

4. Developments over five acres \$5,100.00 (\$100.00 for PC; \$5,000 for engineering and legal fees combined, with upward adjustment as deemed necessary by the Law Director and/or the City Engineer for major developments)

~~5. In the event the City is required, upon the recommendation of Planning Commission, Planning Coordinator, or the City Engineer, or Law Director to obtain the assistance of outside professional services, including but not limited to, architectural, engineering, **planning, legal,** and traffic, the developer shall reimburse the City any cost above and beyond the initial fee collected at the time of submission. From the date of billing by the City, the developer shall have thirty (30) days to pay said costs. The costs set forth herein shall be paid regardless of plan approval or disapproval.~~

D. Minor subdivision/lot split review fee: \$50.00, plus \$50.00 per lot split from remainder

E. Zoning map: \$15.00

F. City street map: \$1.00

G. Planning and zoning code: \$20.00

H. Standard construction drawings: \$75.00

I. Sign application review fee: \$25.00

J. Special meeting, request of Planning Commission \$500.00 (Payable at the time the matter is placed on the agenda by the Planning Commission Secretary. May be waived only upon a majority vote of all members of the Planning Commission.)

(4) Storm water fees and deposits

A. Stabilization deposit

1. Residential subdivision less than 1 acre \$50.00 per subplot

2. Residential subdivision greater than 1 acre \$50.00 per subplot

Ordinance No. 19-16 (Con't)

3. Industrial or commercial less than 1 acre	\$250.00
4. Industrial or commercial greater than 1 acre	\$250.00 per acre
5. Individual industrial or commercial less than 1 acre	\$250.00
6. Individual industrial or commercial greater than 1 acre	\$250.00 per acre
B. Storm water inspection fees	
1. Residential subdivision less than 1 acre	\$350.00
2. Residential subdivision greater than 1 acre	\$1,500.00
3. Industrial or commercial less than 1 acre	\$600.00
4. Industrial or commercial greater than 1 acre	\$1,500.00
5. Individual industrial or commercial less than 1 acre	\$600.00
6. Individual industrial or commercial greater than 1 acre	\$1,500.00
C. Storm drainage*	
1. Except as provided in §1050.193, for all developments to be improved in the City, a drainage charge per gross acre of area to be developed or altered from its existing state, at a rate of \$650.00 per acre of developed land.	Payable with building permit application or at final plat approval
*Adjusted annually by the Cleveland Construction Cost Index	
D. Storm water detention fees (ACO §1050.194)	
1. Fees to be charged upon the total acreage of each lot or parcel of land developed within the City by any person, firm, corporation, public agency, partnership or association shall be set by the Finance Director annually.	Payable with building permit application or at final plat approval.

- (5) **In the event the City is required, upon the recommendation of Planning Commission, Planning Coordinator, ~~or~~ the City Engineer, or Law Director to obtain the assistance of outside professional services, including but not limited to, architectural, engineering, planning, legal, and traffic, the**

Ordinance No. 19-16 (Con't)

developer or subdivider shall reimburse the City any cost above and beyond the initial fee collected at the time of submission. From the date of billing by the City, the developer shall have thirty (30) days to pay said costs. The costs set forth herein shall be paid regardless of plan approval or disapproval.

Section 2 - That it is found and determined that all formal actions of this Council concerning and relating to the passage 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 actions 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 preservation of the public peace, health, safety and welfare of the citizens of the City of Avon, the immediate emergency being the necessity to provide for increases in fees for certain planning related functions performed by contracted professionals; therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _____ DATE SIGNED: _____

By: _____
Craig Witherspoon, Council President

DATE APPROVED BY THE MAYOR: _____

Bryan K. Jensen, Mayor

APPROVED AS TO FORM:

John A. Gasior, Law Director
City of Avon, Ohio

ATTEST:

Ellen R. Young
Clerk of Council

Ordinance No. 19-16 (Con't)

Posted: _____
In Five Places as
Provided by Council

Prepared By:
John A. Gasior, Esq.
Law Director