

ORDINANCE NO. 39-1992

Offered by Mr. Kostandaras

AN ORDINANCE TO AMEND ORDINANCE NOS. 68-1991, 73-1980, 67-1989 & SECTIONS 1103.05, 1103.07, 1103.99, 1105.05, 1107.08 AND 1175.03 OF THE ZONING CODE AND SECTION 7.5 OF THE PLATTING CODE AND OTHER OF THE ZONING ORDINANCES OF THE VILLAGE OF RICHFIELD, OHIO BY AMENDING THE FEE SCHEDULE FOR ZONING PERMITS, FOR APPEALS TO THE BOARD OF ZONING APPEALS AND SPECIAL STUDIES AND OTHER MATTERS AND ENACTING SECTIONS 125.03 AND 1103.071 ESTABLISHING FEES FOR ZONING BOOKS, PLANNED COMMERCE DISTRICTS AND OTHER MATTERS

BE IT ORDAINED by the Council of the Village of Richfield, State of Ohio:

SECTION 1. That the fee schedules for various zoning permits, appeals to the Board of Zoning Appeals, special studies and other matters contained in Sections 1103.05, 1103.07, 1103.99, 1105.05, 1107.08 and 1175.03 of the Zoning Code, Section 7.5 of the Flatting Rules and Ordinance Nos. 73-1980, 68-1991 and 67-1989 be amended to read as follows:

A. 1103.05 CERTIFICATES OF OCCUPANCY.

(a) Required. * * *

(b) Temporary Certificates. * * *

(c) Permit. The fee for a Certificate of Occupancy shall be ~~twenty dollars (\$20.00)~~ twenty-five dollars (\$25.00).

B. 1103.07 PAYMENT OF FEES

(a) The fee for a Zoning Certificate shall be as shown in the following schedule:

(1) Buildings and additions.

A. For all residential structures, additions, garages, barns, outbuildings and ancillary structures, the fee will be ~~two cents (\$0.02) per square foot for every square foot of ground area covered by the structure, but in no case will the minimum fee be less than twenty-five dollars (\$20.00)~~ (\$25.00).

B. For all business, commercial or industrial structures, or additions, or multi-family the fee will be four cents

foot of ground area covered by the structure for the first ten thousand (10,000) square feet; two cents (\$0.02) per square foot for over ten thousand (10,000) square feet but less than fifty thousand (50,000) square feet of ground area covered by the structure and one cent (\$0.01) per square foot for over fifty thousand (50,000) square feet of ground covered by the structure, but in no case will the minimum fee be less than forty dollars (\$40.00).

(2) Advertising signs and sign structures.

A. No charge for certain signs. No fee is required for residential identification signs, tradesmen's identification signs, real estate signs, signs advertising community organization events, "No Hunting" or "No Fishing" signs, "No Trespassing" or "Danger" signs, and other warning signs.

B. Signs and sign structures generally. The fee for all signs shall be twenty-five dollars (\$25.00).

C. Political Signs. * * *

(b) The fee for a conditional zoning certificate shall be the same as for a Zoning Certificate.

(c) When the Planning Commission finds it necessary to maintain a strict record of public hearing procedures, or when the Commission deems it necessary to cause special studies to be made, the applicant shall bear all direct and related costs. The Commission may require the applicant to deposit with the Finance Director, prior to authorizing the special study, such sums as in its opinion will insure the payment of all expenses incurred by the Village in the special study. The actual expenditures shall be paid by the Finance Director and, if additional deposits are required, the applicant upon demand of the Finance Director shall pay the actual expenditure. Any unexpended balance of the deposit shall be refunded to the applicant upon the completion of all administrative proceedings involved in connection therewith. No filing fee shall be refunded or returned. No building permits zoning certificate shall be issued until any amounts required to be paid by the applicant have been paid.

C. 1103.99 PENALTY.

Unless otherwise specifically provided for, the owner of any building, premises or part thereof where anything in violation of this Zoning Code is placed or exists and any tenant or occupant of such building or premises, and any architect, builder or contractor who assists in the commission of any such violation, and any person who violates the foregoing provisions of this Zoning Code or fails to comply therewith, is for each violation guilty of a misdemeanor of the third degree and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00). A separate offense shall be deemed committed each day during or on which a violation or non-compliance occurs or continues.

D. 1105.05 APPLICATIONS AND FEES.

Appeal applications shall be filed on forms prescribed therefor and shall be completely filled in. Applications for a regularly scheduled hearing shall be accompanied by a non-refundable fee of twenty-five dollars (\$25.00) for residential applications and one hundred fifty dollars (\$150.00) for multi-family, commercial or industrial applications. The Board of Zoning Appeals will meet at four regularly scheduled hearings, such regular hearings to be set by the Board at a meeting in January. Special hearings, called at the request of an aggrieved person, shall be accompanied by a non-refundable fee of one hundred fifty dollars (\$150.00). Interpretation cases filed under Section 1105.09(c) shall not require any fee. In the event Board finds a necessity, and the appellant agrees, to draw upon any planning, legal, engineering or other expert testimony, the appellant shall bear all direct and related costs.

E. 1107.08 APPLICATION FEE.

Any application for an amendment to this Zoning Code shall include a fee of two hundred fifty dollars (\$250.00) to cover the cost of publishing and posting, mailing the notices of the hearing and other expenses incident thereto. In the event the expenses amount to more than two hundred fifty dollars (\$250.00), the applicant shall pay the additional amount to the Village. Such fee shall not apply to any amendment initiated by Council or the Planning and Zoning Commission.

F. 1175.03 APPLICATION FOR PERMIT.

No person who desires a permit to change the grade of any lot or parcel of land within the Village shall fail to apply to the Zoning Inspector for such a permit, using an application form furnished by the Inspector. The fee for such permit shall be twenty-five dollars (\$25.00). Such person shall post a cash deposit and bond in an amount to be determined by the Zoning Inspector, not to exceed ten thousand dollars (\$10,000), from which the Village Engineer shall be paid for inspections of the permittee's work, at his or her normal hourly rate. Such application shall be accompanied by a drawing of the area of land for which the change of grade is required, together with a drawing of the entire parcel owned by the applicant, and also the parcels and the roads abutting on its boundary lines, including the dimensions of and the elevations for all lot lines and streets. If land is to be filled, such drawing shall show the area to be filled with elevations for the proposed filled-in area, both before and after the filling, and the slope of the fill on all sides, which shall exceed two feet vertically for each three feet horizontally. Such application shall also include the amount of material in cubic yards requested to be used as fill, the length of time requested for filling and any other information requested by the Zoning Inspector that is necessary in order to understand the application.

SECTION 2.

That Section 7.5 of the Rules and Regulations for Plats and Subdivisions of the Village be amended to read as follows:

7.5 FEES

7.5.1 Filing Fees

Filing fees in the amount fixed as follows shall be paid when application for a schedule is submitted. The fees shall be paid in legal tender or by check or money order made payable to the Village of Richfield and conveyed to the Zoning Inspector. The Zoning Inspector will notify the Recording Secretary of the Commission of each and every transaction.

7.5.1.1 Minor Subdivision Fee

\$10.00 per lot, \$25.00 minimum.

7.5.1.2 Major Subdivision Fees

7.5.1.2.1 Preliminary Plan Fees - \$100.00 minimum plus \$5.00 per lot for the first 50 lots plus \$4.00 per lot for the lots 51-100 plus \$3.00 per lot for all lots over 100.

7.5.1.2.2 Final Plat Fees - \$50.00 minimum plus \$3.00 per lot for the first 50 lots plus \$2.00 per lot for lots 51-100 plus \$1.50 per lot for all lots over 100.

7.5.1.2.3 Preliminary Plan Time Extension Fee - \$5.00.

7.5.1.2.4 Preliminary Plan Resubmittal Fee - Where the approved preliminary plan has not been changed, but the approval period has expired, the fee shall be one-half (1/2) of the preliminary plan fee (see 7.5.1.2.1).

7.5.1.3 Refunds

The Commission may order that the subdivider be refunded an amount not exceeding one-half (1/2) of the preliminary plan fee (see 7.5.1.2.1).

7.5.2 Plan Checking and Field Inspection Fees

At the time calculations, plats, improvement plans, profiles, specifications, etc., are submitted by the subdivider for review, the Engineer shall prepare an estimate of cost for office checking of all such data. The Subdivider shall thereupon deposit with the Village Finance Director an amount of money equal to said estimated costs. All work done by the Engineer in connection with checking, computing, and correcting such plans for improvements shall be charged against such deposit. If, during the progress of the work, the cost thereof appears to exceed the amount so deposited, the Engineer shall notify the Subdivider of this fact and shall do no further work in connection with such review until the subdivider has deposited such additional sum of money determined necessary by the Engineer to cover the cost of the work. The Subdivider shall also pay the total cost of field inspection of the improvements during construction. The inspection fees shall be determined by the Engineer and deposited with the Village Finance Director. The inspector's salary shall be paid from the inspection fee. The Subdi-

vider is held responsible for all inspection fees, which will be payable monthly. The performance bond posted by the Subdivider guarantees the payment of all inspection fees and no bonds will be released until all inspection fees have been paid in full.

SECTION 3. That Section 125.03 of the Administrative Code be enacted to read as follows:

"125.03 CHARGE FOR ZONING MATERIALS.

The following charges are hereby established for purchased of zoning materials:

Zoning Book - \$25.00
Subdivision Regulations - \$15.00
Zoning Map - \$3.00"

SECTION 4. That Section 1103.071 of the Zoning Code be enacted to read as follows:

"1103.071 FEE FOR PLANNED COMMERCE DISTRICT.

Any application for rezoning of property into a Planned Commerce District pursuant to the provisions of Chapter 1150 of the Planning and Zoning Code shall be accompanied by a fee of twenty-five dollars (\$25.00) per acre requested to be rezoned."

SECTION 5. That all Ordinances and Resolutions inconsistent herewith be, and the same hereby are, repealed.

SECTION 6. This Ordinance shall take effect and be in force within the earliest time allowed by law.

Passed: September 15, 1992

[Signature]
President of Council
[Signature]
Mayor
Dated 9/15/92

ATTEST:
[Signature]
Clerk of Council