

Council Initiated Amendments to Certain Sections of the Zoning Code

I. Council initiates the following amendment to Section 3.04(f) of the Zoning Code:

Expenses of Inspection or Investigation for Compliance: The applicant shall be responsible for all expenses incurred by the Village for engineering, legal, and other costs of experts arising from any inspection and/or investigation reasonably necessary for the Village to assure compliance with any developmental approval or to determine whether or not any Village action is required prior to the expiration of any performance bond issued pursuant to paragraph (d) herein. Such costs shall constitute an appropriate charge against the deposit made by the applicant pursuant to Schedule 1 and Section 3.10 herein. If no amounts remain in said deposit by the time said costs are incurred, the development approved shall be considered null and void if such costs are not reimbursed to the Village within thirty (30) days after written demand.

II. Council initiates the following amendment to Section 3.05(a)(2) of the Zoning Code:

The deposit fee specified on Schedule 1.

III. Council initiates the following amendment to Section 3.06(a)(2) of the Zoning Code:

The deposit fee specified on Schedule 1. Every amendment initiated by a property owner shall include a non-refundable fee of \$100. The deposit shall be utilized to cover all costs of the municipality as set forth in Section 3.10 of this Code. In the event the actual cost and fees exceeds the amount of the deposit fee, the applicant shall pay such additional costs and fees to the Clerk upon receipt of an invoice for such additional fees or costs and no amendment shall be adopted until the same has been paid to the municipality. In the event the deposit drops to less than \$250, the applicant must restore the balance to \$1,000. (Ord. 2001-19).

IV. Council initiates the following amendment to Section 3.07(a)(2) of the Zoning Code:

The deposit fee specified on Schedule 1. Every amendment initiated by a property owner shall include a non-refundable fee of \$100. The deposit shall be utilized to cover all costs of the municipality as set forth in Section 3.10 of this Code. In the event the actual cost and fees exceeds the amount of the deposit fee, the applicant shall pay such additional costs and fees to the Clerk upon receipt of an invoice for such additional fees or costs and no amendment shall be adopted until the same has been paid to the municipality. In the event the deposit drops to less than \$250, the applicant must restore the balance to \$1,000. (Ord. 2001-19).

V. Council initiates the following amendment to Section 3.10 of the Zoning Code:

Fees and deposits specified on Schedule 1 shall be paid by the applicant to the Municipality before the applicable application is processed. Prior to making application for a conditional use permit, development approval, zoning amendment or variance the applicant shall make pay the deposit fee specified on Schedule 1 with the Clerk to cover advertising costs, court reporter fees, other recording fees, legal fees, engineering and hydrology fees, other expert fees necessary to review the proposed development and all other administrative costs and review fees. The deposit shall be placed in a separate fund in the name of the applicant. If during the review of the

~~application the balance of the fund is reduced to less than one hundred dollars (\$100.00) the Clerk shall notify the applicant in writing to provide additional funds which will return the balance to the amount specified in Schedule 1. If such funds are not provided within seven (7) days thereafter, the Clerk shall so notify the applicant that his application will not be processed further until the required additional funds are deposited. No zoning permit shall be issued until all such costs and fees incurred are paid to the municipality.~~

- VI. Council initiated an amendment to Schedule 1 to the Zoning Code (see attachment).**

SCHEDULE 1 - REQUIRED FEES AND DEPOSITS

FEES:

Zoning Permits:

Fencing of 25 lineal feet or less of connected fencing or 50 lineal feet or less of total fencing on a lot. fee	No
Decks of 200 square foot area or less, no roof or sides fee	No
Detached accessory structures at 200 square feet or less fee	No
A new residence, condominium, business use or industrial use 00	\$75.
All other permits 00	\$25.

Occupancy Permits:
Fee

No

FEES/DEPOSITS:

Conditional Use Permits:

Fee Deposit for all applications except gas and oil wells which are governed by Section 7.02 0.00	\$50
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Development Approval:

Fee Deposit for all applications 0.00	\$25
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Minor Subdivision 0.00	\$10
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Major Subdivision - See Subdivision Regulations

Amendments:

00.00 \$1,0

Appeals:

0.00 \$50

~~All required deposits include a \$100.00 non-returnable fee.~~ No ~~fee deposit~~ shall be required for applications initiated by the municipality.

SCHEDULE 1 - REQUIRED FEES AND DEPOSITS

FEES:

Zoning Permits:

Fencing of 25 lineal feet or less of connected fencing or 50 lineal feet or less of total fencing on a lot.	No fee
Decks of 200 square foot area or less, no roof or sides	No fee
Detached accessory structures at 200 square feet or less	No fee
A new residence, condominium, business use or industrial use	\$75.00
All other permits	\$25.00

Occupancy Permits:

No Fee

FEES/DEPOSITS:

Conditional Use Permits:

Fee/Deposit for all applications except gas and oil wells which are governed by Section 7.02 \$500.00

Development Approval:

Fee/Deposit for all applications \$250.00

Minor Subdivision \$100.00

Major Subdivision - See Subdivision Regulations

Amendments:

\$1,000.00

Appeals:

\$500.00

All required deposits include a \$100.00 non-returnable fee. No fee/deposit shall be required for applications initiated by the municipality.

3.06 AMENDMENTS.

Whenever the public necessity, general welfare or good zoning practice require, Council may, after receipt of a Commission recommendation amend or repeal any provision of this Code. Amendments may be initiated by Council or the Commission or by property owner within the area to be changed or affected by the amendment according to the following procedure.

(a) (1) If initiated by Council, Clerk shall forward a copy of the proposed amendment to the Secretary who shall place it on the agenda of the next regular Commission meeting.

(2) If initiated by a property owner, the Secretary shall place the proposed amendment on the next regularly-scheduled Planning Commission meeting provided the property owner has submitted to the Secretary:

A. One copy of the Form Z-5 completed by the applicant and required data specified thereon.

B. The deposit specified on Schedule 1. Every amendment initiated by a property owner shall include a non-refundable fee of one hundred dollars (\$100.00). The deposit shall be utilized to cover all costs of the municipality as set forth in Section 3.10. In the event the actual cost and fees exceeds the amount of the deposit, the applicant shall pay such additional costs and fees to the Clerk upon receipt of an invoice for such additional costs or fees and no amendment shall be adopted until the same has been paid to the municipality. In the event the deposit drops to less than two hundred fifty dollars (\$250.00), the applicant must restore the balance to one thousand dollars (\$1,000). (Ord. 2001-19.)

(3) In all cases, the filing date of the proposed amendment shall be the date when it first appears on the agenda.

(b) Director of Transportation Review: If the proposed amendment involves land within 300 feet of the centerline of a certified proposed new or altered state highway, or within 500 feet of the point of intersection of such centerline with any other street, the Secretary shall forward a copy to the State Director of Transportation. The Commission may thereafter proceed to act on the amendment, but Council shall not approve it for 120 days after referral to the Director. If during this period the Director notifies the municipality that land acquisition shall proceed, Council shall deny the amendment. If the Director notifies the municipality that land acquisition shall not proceed or upon the expiration of 120 days, Council may approve the amendment.

(c) Recommendation: The Commission may hold a public hearing within thirty days after the filing date of the proposed amendment by giving notice on Form Z-4 and at least one publication in a newspaper of general circulation in the municipality at least ten days before such hearing. Form Z-4 shall also be mailed by the Secretary at least ten days before the hearing to the applicant and property owners within, contiguous to, and across the street from any lot of record involved in an amendment to this Code. The proponent of the amendment may require the Commission to recommend approval or disapproval of the amendment exactly as proposed or may consent to modifications of the amendment recommended by the Commission or may request the Commission to recommend approval of an amendment with modifications agreed to and those not consented to by the proponent. Within fifteen days after the hearing or forty-five days after the filing date if no hearing is held, the Commission shall recommend approval, disapproval, or modification of the amendment. Commission action including any conditions thereto shall be certified by the Secretary on Form Z-5 and shall return one to the property owner and forward one to the Clerk.

(d) Council Hearing: Upon receipt of the Commission recommendation, the Clerk shall place the proposed amendment on the agenda of the next regular Council meeting. At such meeting Council shall schedule a public hearing giving thirty days notice thereafter. Notice of the hearing on Form Z-4 shall be given in at least one publication of a newspaper of general circulation in the municipality at least thirty days before such hearing. If the amendment involves rezoning or redistricting of ten or less parcels listed on a tax duplicate, Form Z-4 shall also be mailed by the Clerk at least thirty days before the hearing to property owners within, contiguous to or across the street from the area involved.

(e) Council Action: Within thirty days after the completion of the required readings, or any waiver thereof, Council shall by ordinance adopt, modify or deny the amendment. No Council action however, shall overrule a Commission recommendation except by an affirmative vote of three-fourths of the Council members.