

ORDINANCE NO.	<u>2022-66</u>	FIRST READING	<u>August 8, 2022</u>
INTRODUCED BY:	<u>GERRY CANTON</u>	SECOND READING	<u>WAIVED</u>
		THIRD READING	<u>WAIVED</u>

**ORDINANCE AMENDING SECTIONS 3.04(b), 3.04(g), 3.05(a)(2), 3.06(a)(2)(B),
3.07(a)(2), 3.10 AND SCHEDULE 1 OF THE ZONING CODE OF THE VILLAGE OF
SOUTH RUSSELL TO REPLACE REQUIRING DEPOSITS WITH FEES
AND ESTABLISHING NEW FEES
FOR ZONING ACTION AND DECLARING AN EMERGENCY**

WHEREAS, after following the amendment process provided in Section 3.06 of the Zoning Code for the Village of South Russell and after two (2) public hearings, Council desires to amend pertinent sections of Chapter 3 and Schedule 1 of the Zoning Code of the Village of South Russell to replace requiring deposits with fees and establishing new fees for zoning action .

NOW, THEREFORE, BE IT RESOLVED by Council:

SECTION 1. Section 3.04(b) of the Zoning Code of the Village of South Russell shall be amended to delete the reference to a “deposit” required for development review and replacing “deposit” with “fee” as follows:

“3.04(b) The fee specified in Schedule 1.”

SECTION 2. Section 3.04(g) of the Zoning Code of the Village of South Russell shall be amended to delete any reference to a “deposit” within that section and replacing “deposit” with “fee” as well as deleting the application of costs incurred by the Village to conduct development review to a deposit, to read in full as follows:

“3.04 (g) 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.”

SECTION 3. Section 3.05(a)(2) of the Zoning Code of the Village of South Russell shall be amended to delete the reference to a “deposit” required for conditional use permits and replacing “deposit” with “fee” as follows:

“3.05(a)(2) The fee specified on Schedule 1.”

SECTION 4. Section 3.06(a)(2)(B) of the Zoning Code of the Village of South Russell shall be amended to delete any reference to a “deposit” within that section and replacing “deposit” with “fee” as well as deleting the application of costs incurred by the Village for amendments to the Zoning Code to a deposit, to read in full as follows:

“3.06(a)(2)(B) The fee specified on Schedule 1. In the event the actual cost and fees exceeds the amount of the 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. The Zoning Map, certified by the Commission Chairman and Secretary, shall be on file in the Village Building Department and/or with the Village records and no change thereon shall be made without legislative authority.”

SECTION 5. Section 3.07(a)(2) of the Zoning Code of the Village of South Russell shall be amended to delete any reference to a “deposit” within that section and replacing “deposit” with “fee” as well as deleting the application of costs incurred by the Village for appeals to a deposit, to be read in full as follows:

“3.07(a)(2) The fee specified on Schedule 1. In the event the actual cost and fees exceeds the amount of the 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 permit shall be issued until the same has been paid to the municipality.”

SECTION 6. Section 3.10 of the Zoning Code of the Village of South Russell shall be amended to delete any reference to a “deposit” within that section and replacing “deposit” with “fee” as well as deleting the procedure for the Village taking in deposits for zoning action, to be read in full as follows:

“3.10 FEES. Fees 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 pay the 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. No zoning permit shall be issued until all such costs and fees incurred are paid to the municipality.

SECTION 7. Schedule 1 of the Zoning Code of the Village of South Russell shall be amended to delete any reference to a “deposit” and replacing such reference to a “fee” as well as to establish new and updated fees for zoning action as described in the Schedule 1 attached hereto and incorporated herein by reference as EXHIBIT A.

SECTION 8. It is hereby 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 any of its committees on or after December 2, 1975, that resulted in formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

SECTION 9. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the Village of South Russell and to allow for the Zoning Code amendments to be immediately enforced; wherefore, provided it receives the affirmative vote of at least two-thirds (2/3) of all members elected to Council, this Ordinance shall be in full force and effect from and immediately upon its passage by this Council and approval by the Mayor.

William J. Korus

Mayor - President of Council

ATTEST:

Danielle Romanowski

Fiscal Officer

I certify that Ordinance No. 2022-06 was duly enacted on the 8TH day of AUGUST, 2022, by the Council of the Village of South Russell, and posted in accordance with the Codified Ordinances of the Village.

Danielle Romanowski

Fiscal Officer

SCHEDULE 1 - REQUIRED FEES

Zoning Permits:

Fencing	\$50.00
Decks	\$50.00
Detached accessory structures	\$25.00
A new residence, condominium, business use or industrial use	\$75.00
All other permits	\$25.00
Occupancy Permits	No Fee

Conditional Use Permits:

Fee for all applications (except gas and oil wells governed by Section 7.02)	\$500.00
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Development Approval:

Fee for all applications	\$250.00
Minor Subdivision	\$1000.00
Major Subdivision	See Subdivision Regulations

<u>Amendments:</u>	\$1,000.00
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Appeals:

Area Variance	\$250.00
All Other Appeals	\$500.00

No fee shall be required for applications initiated by the municipality.