

ORDINANCE 2021-35

AN ORDINANCE AMENDING THE ZONING CODE OF THE VILLAGE OF COMMERCIAL POINT TO REPEAL AND REPLACE SECTION 1117.04 OF THE ZONING CODE AS TO SITE DEVELOPMENT PLAN FEES, AND DECLARING AN EMERGENCY.

WHEREAS, Ohio Revised Code Chapters 711, 713, and 715 provide a statutory village the authority to enact zoning laws, rules, and regulations and provide for the enforcement thereof; and

WHEREAS, the Village of Commercial Point has adopted a Zoning Code, as amended from time to time, to regulate property within the Village; and

WHEREAS, the Village of Commercial Point continues to experience rapid residential, commercial, and industrial development; and

WHEREAS, professional engineers hired by the Village must review Site Development Plans, as defined in the Zoning Code of the Village of Commercial Point, submitted in connection with certain development projects; and

WHEREAS, Section 1117.04 of the Zoning Code presently provides for the payment of a Site Development Plan Fee; and

WHEREAS, the Site Development Plan Fee(s) currently authorized by Section 1117.04 of the Zoning Code are generally inadequate to cover the costs of the professional engineering review required by each Site Development Plan; and

WHEREAS, the Village Council wishes to update Section 1117.04 of the Zoning Code of the Village of Commercial Point to increase the Site Development Plan Fees described in that Section to cover the costs of the professional engineering review of Site Development Plans performed by the Village's engineers; and

WHEREAS, the Village intends to retain all rights and authority provided to it under the Ohio Revised Code and Zoning Code as amended to enforce the zoning laws, rules, and regulations of the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE OF COMMERCIAL POINT, PICKAWAY COUNTY, OHIO THAT:

SECTION 1. Repeal and Replacement of Section 1117.04 of the Zoning Code. The Zoning Code of the Village of Commercial Point is hereby amended to repeal the current version of Section 1117.04 in its entirety and replace it with Exhibit A attached to this Ordinance and which is incorporated herein by reference. All other components of the Zoning Code of the Village of Commercial Point, as amended, are hereby reaffirmed and readopted. Nothing in this Section shall be construed as the Village waiving any of its rights or authority under the Ohio Revised Code or Zoning Code as amended to enforce the zoning laws, rules, and regulations of the Village.

SECTION 2. Open Meetings Certification. 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 of any other committees that resulted in such 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 3. Emergency Declaration and Effective Date. Because the Village must collect the necessary fees to cover the costs of review by the Village's engineers, this Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety in the Village of Commercial Point, and shall, therefore, go into effect immediately upon passage.

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Vote on Passage of the Ordinance:

Motion by: Jason Thompson

2nd: Nancy Geiger

Roll Call:

Yes Jason Thompson

Yes Aaron Grassel

Yes Ryan Mitchem

Yes Nancy Geiger

Yes Tracy Joiner

N/A Laura Wolfe

Adopted this 1st day of November, 2021.



Allan D. Goldhardt, Mayor



Wendy Hastings, Fiscal Officer

Approved as to Form:



Joshua Cartee, Village Solicitor

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Exhibit A

1117.04 FEES.

Subdividers shall be responsible for payment of the following fees, which shall be submitted with the plats, unless otherwise noted. These fees are subject to review and revision by Council.

1. For processing of a Preliminary Subdivision Plat, the sum of \$400.00, plus \$5.00 per lot for each plat.
2. For processing of a Final Subdivision Plat and final improvement plans, the sum of \$200.00, plus \$10.00 per lot, plus two percent of the estimated construction cost.
3. For processing of Minor Subdivision Plats that require improvement plans, two percent of the estimated construction cost (\$600 minimum).
4. For processing of Minor Subdivision Plats that do not require improvement plans, the sum of \$400.00 plus \$10.00 per lot.
5. Processing of resubmitted Final Plats are subject to a fee of \$5.00 per lot, and are subject to a fee of up to 50 percent of the original fees.
6. A retainer for all inspection fees, supervision, and testing of materials, in the amount of five (5) percent of the cost of construction of the required improvements based upon the subdivider's detailed estimate of said cost as approved by the Municipal Engineer. Said fee to be paid prior to the beginning of construction. If the inspecting, supervision, and testing fees are anticipated to exceed the retained amount, an additional amount will be required to be deposited. Any of these amounts remaining at the completion of construction will be returned to the subdivider.
7. Tests performed for the Village by commercial laboratories to verify compliance with construction standards shall be billed to the subdivider at the rates charged by the laboratories.
8. If the fees collected for processing of plats exceed the costs incurred by the Village, the balance will be returned to the subdivider.
9. For Re-Zoning of a Planned District, the sum of \$500 (five-hundred) dollars.
10. Site Development Plan Fees: ~~Major, \$.10 per sq.ft.; maximum fee of \$2,500 and a minimum fee of \$500. Minor Site Development Plan Fee, \$100 (one hundred).~~
(a) Major: \$500 (five hundred) Processing Fee and \$10,000 (ten thousand) Review Retainer Fee.
(b) Minor: \$100 (one hundred) Processing Fee and \$2,000 (two thousand) Review Retainer Fee.
If the amount incurred by the Village in reviewing any Site Development Plan exceeds the Review Retainer Fee, then an additional amount will be charged to the developer and required to be deposited. This amount shall not exceed the actual amounts incurred by the Village in reviewing the Site Development Plan. Any Review Retainer Fee(s) remaining at the completion of the review shall be returned to the developer.
11. Flood Plain Development Permit Fee, the sum of \$500 (five-hundred) dollars.

In addition to the required fees for processing a subdivision application, said fees as stipulated by ordinance, the subdivider shall be responsible for the following:

(a) Payment to the municipality of a retainer for inspection, monitoring and the testing of materials consisting of an amount as stipulated by ordinance of the construction cost of the required improvements based on the subdivider's engineer's detailed estimate of said costs as reviewed by the municipal engineer. Any retainage remaining at the completion of the construction will be returned to the subdivider. If the inspection, supervision and testing fees are anticipated to exceed the original retainage amount, the subdivider shall be required to deposit additional fees to the municipality. The Planning and Zoning Administrator shall inform the subdivider if this situation should occur. The municipality may temporarily stop construction work until additional retainage has been provided.

(b) A water tower maintenance impact fee of one-thousand dollars (\$1,000) per each platted lot. This fee will be paid in phases at the time each phase is approved for construction.

(c) Other applicable fees as stipulated by ordinance.