

CITY OF CLAYTON, OHIO

ORDINANCE NO. 09-16-22

AN ORDINANCE AMENDING THE *CLAYTON IMPROVEMENT DISTRICT ORDINANCE TO PROVIDE FOR MODIFICATION OF COST RECOVERY IMPACT FEES AND DECLARING AN EMERGENCY*

WHEREAS, by Ordinance No. O-05-05-07 enacted May 19, 2005, as amended by Ordinance No. O-03-07-08 enacted April 5, 2007 (collectively the “Clayton Improvement District Ordinance”) Council approved the establishment of Clayton Improvement District No. 1 and the imposition of Cost Recovery/Impact Fees on development within said District; and

WHEREAS, staff and Council have periodically reviewed the fees specified in the Clayton Improvement District Ordinance and pursuant to their most recent review have concluded that a modification of the Cost Recovery/Impact Fee is appropriate for single family, commercial and office construction; and

WHEREAS, via enactment of Ordinance No. O-03-07-08 on April 5, 2007, the Cost Recovery/Impact Fees were increased by \$61.00 to provide for increased Montgomery County water costs; and

WHEREAS, via enactment of Ordinance No. O-07-12-07 on July 17, 2012, the Cost Recovery/Impact Fees were reduced to encourage land development; and

WHEREAS, via enactment of Ordinance No. O-03-15-04 on March 19, 2015, the Cost Recovery/Impact Fees were reduced to account for separate collection of the Montgomery County Sewer tap fee; and

WHEREAS, immediate implementation of the fee modification is important to encourage prompt commencement of development within time periods conducive to construction and in order to better protect the health, safety and welfare of the citizens of Clayton.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLAYTON, STATE OF OHIO:

1. That the Cost Recovery/Impact Fees set forth in Exhibit “2” of the Clayton Improvement District Ordinance and as further modified via subsequent enacted legislation shall be amended as follows:

Land Development Activity	Unit of Measure	Fee Per Unit of Measure
Single Family Dwelling Unit	One (1) Lot w/ maximum size of one (1) acre. Each additional acre or part thereof constitutes an additional Lot.	\$1,333.00
Commercial and Office	One (1) Commercial Unit with a maximum size of up to 17,000 square feet. Each additional 17,000 square feet shall be deemed an additional Unit.	\$1,333.00
Multi Family Dwelling	One (1) Multi Family Dwelling Unit with a maximum size of up to 17,000 square feet. Each additional 17,000 square feet shall be deemed an additional Unit.	\$1,333.00

2. That all other fees set forth in Exhibit 2 of the Clayton Improvement District Ordinance and as further modified via subsequent enacted legislation, shall remain in effect.

3. That the cost recovery/ impact fees collected from and after the effective date of this Ordinance may be used for any and all purposes deemed beneficial to the Clayton Improvement District, including, but not limited to, any or all purposes identified in Exhibit 2 of the Clayton Improvement District Ordinance No. O-05-05-07, and further including but not limited to, any and all infrastructure improvements deemed to be beneficial to the Clayton Improvement District and/or payment of debt service relative to the Clayton Improvement District.

4. That this Ordinance shall be effective as an exception to any ordinance, resolution or other legislation of the City of Clayton, Ohio, inconsistent with this Ordinance or which imposes additional requirements for effectiveness or validity.

5. That in accordance with Charter Section 4.031(B) the requirement that this ordinance be read on two different days is dispensed with by affirmative vote of at least five (5) of the members of Council.

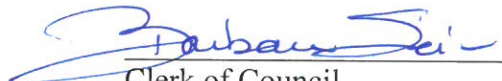
6. That the immediate implementation of this ordinance is necessary to provide increased incentive to developers to commence construction on lots within the Clayton Improvement District No. 1 and to encourage development within the and in order to better protect the welfare of the citizens of Clayton. Therefore, in accordance with Clayton Charter Section 4.033(A) this ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of public peace, health, safety, and welfare of the City and shall therefore be in full force and effect from and immediately upon affirmative vote of at least five (5) of the members of Council.

ADOPTED BY COUNCIL ON SEPTEMBER 15, 2016.

AUTHENTICATION:




Mayor (Presiding Officer of Council)



Clerk of Council

APPROVED AS TO FORM:

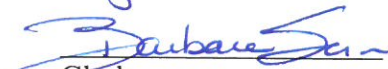


Law Director

CERTIFICATION OF PUBLICATION

This shall certify that the text of the above referenced enactment or a summary thereof was published once in the following newspaper and a summary posted in three places of public access as designated by Council.

Name of newspaper Date of publication
Englewood Independent Sept 22, 2016



Clerk