

TOWNSHIP OF DANBY
COUNTY OF IONIA
DATE 4/27/06
AMENDED 2/18/09, 1-21-10, 6-26-14, 2-25-16

A RESOLUTION REGARDING ZONING APPLICATION FEES AND ESTABLISHING AN ESCROW FUND REQUIREMENT FOR CERTAIN ZONING APPLICATION AND DEVELOPMENTS

WHEREAS, the Danby Township Board (“Township Board”) desires to establish certain fixed application fees for zoning reviews and approvals pursuant to the Danby Township Zoning Ordinance (“Zoning Ordinance”) and State law; and

WHEREAS, there are certain developments, zoning applications, and projects which require the Township of Danby (“Township”) to incur additional and at times extraordinary out-of-pocket costs and expenses above and beyond what is associated with typical or average zoning reviews for minor projects; and

WHEREAS, the Township Board believes that it is reasonable and appropriate to place the cost of processing Zoning applications and decisions for medium and large-scale developments (or applications involving unusual cost to the Township) on applicants involved rather than the taxpayers of the Township; and

WHEREAS, the Township intends that the zoning review and escrow fees be in addition to the fixed application fees and also be reasonably related and proportionate to the cost incurred by the Township for the particular application or zoning process involved, and that such fees and reimbursements be used to defray the cost of administering and enforcing the zoning ordinance in the Township Rural Zoning Act as amended (MCL 125.271 et seq.); and

WHEREAS, the Township Board intends to establish this Zoning Application Fee Schedule and Escrow Policy to accomplish the above goals.

NOW, THEREFORE BE IT RESOLVED AS FOLLOWS:

1. The fixed basic zoning application, inspection and related fees are as follows:

Zoning Board of Appeals:

(a) Variance or Appeals	\$250.00
(b) Interpretations	\$250.00
(c) Other	\$250.00
(d) Special Meetings	\$250.00
(e) Temporary Uses and Buildings	\$250.00

Special Uses:

(a) Commercial use	\$300.00
(b) Industrial use	\$300.00
(c) Residential use	\$300.00

(d) Mineral Extractions	\$800.00
Annual Permit for mineral extractions	\$80.00
(e) Home Based Business	
Regular Planning Commission meeting	\$150.00
Special Planning Commission meeting	\$300.00
(f) Billboards	\$300.00
(g) Miscellaneous	\$300.00
(h) Commercial WECS	\$300.00

Private Streets:

(a) Private Street – 2 lots	\$150.00
(b) Private Street – 3 or more lots	\$300.00

Site Condominiums:

(a) Residential	\$500.00
(b) Commercial	\$800.00
(c) Industrial	\$800.00

Planned Unit Developments:

(a) Residential	\$500.00
(b) Commercial	\$800.00
(c) Industrial	\$800.00
(d) Mineral Extractions	\$800.00
(e) Other	\$500.00

Rezoning:

Rezoning (other than a PUD)	\$400.00
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Zoning Permits:

Zoning Permits – New Homes	\$50.00
(once approval has been obtained)	
Minor Projects by right	\$25.00
(Porches, decks, lean-to's)	
Accessory buildings, additions, in-ground pools	\$50.00
Renewal (on file good for year)	\$25.00
Temporary Dwelling	\$50.00
Recreational Vehicle temporary permit	\$25.00
On Site Test WECS for 1 Year	\$50.00

Plats:

Residential Plat	\$500.00
Other Plats	\$500.00

<u>Manufactured Home Developments:</u>	\$500.00
<u>Planning Commission:</u>	
Special Meetings	\$250.00
Industrial or Commercial Site Plan Review	\$250.00
Non AG - Non Residential Site Plan Review	\$200.00
(On Site WECS, churches, parks, playfields)	
Front Yard Home Occupation Signs	\$25.00
<u>Home Occupations</u>	\$50.00
<u>Signs:</u>	
Signs requiring permit	\$50.00
<u>Zoning Ordinance Book:</u>	
CD copy	\$1.00
Paper copy	\$5.00
*Note: Free on website – www.danbytwp.org	

The fixed basic zoning application fees specified in section 1 above, shall hereafter cover costs associated with the following:

- (a) Applicant’s appearance at regular Planning Commission, Zoning Board of Appeals, and / or Township Board meetings.
 - (b) Mailing and legal notice requirements for public hearings.
 - (c) Involvement by Township Board members and employees (excluding outside contractors or professionals such as Township engineering, planning, legal counsel, and other services).
2. In addition to the fixed zoning fees, all other expenses and costs incurred by the Township which are directly associated with reviewing and processing a zoning application for uses specified in Section 4 hereof shall be paid (or reimbursed to the Township) from the funds in an Escrow Account established by the applicant as provided herein. The Township may draw funds from an applicant's Escrow Account to reimburse the Township for out-of-pocket expenses incurred by the Township relating to the application. Such reimbursable expenses include, but are not limited to, expenses related to the following:
- (a) Mailing, legal notices and commission member compensation for special Planning Commission meetings and Planning Commission subcommittee meetings.
 - (b) Mailing, legal notices, and Township Board member compensation for special Township Board meetings and Township Board sub-committee meetings.

- (c) Mailing, legal notices, and Zoning Board of Appeals member compensation for special Zoning Board of Appeals meetings.
- (d) Services of the Township Attorney directly related to the application.
- (e) Services of the Township Engineer directly related to the application.
- (f) Services of the Township Planner directly related to the application.
- (g) Services of other professionals working for the township which are directly related to the application.
- (h) Any additional public hearings, required mailings and legal notice requirements necessitated by the application.

3. Applications involving the following shall be subject to this Escrow Fund requirement:

- (a) Site Plan reviews
- (b) Planned unit development (PUD)
- (c) Special use permits
- (d) Any rezoning
- (e) Plat approvals
- (f) Site condominiums
- (g) Private street approvals/permits
- (h) Manufactured home developments
- (i) Variance or interpretation proceedings before the Zoning Board of Appeals where Township officials determine that the scope of the project or application will probably require the assistance of Township professionals or involve the additional costs referred to in Section 3 hereof.
- (j) Land division approvals if the Township Board or Zoning Board of Appeals is involved.

4. The escrow fees for each application for uses specified in Section 3 hereof are established at \$500.00 increments commencing with an initial \$1,000.00 deposit by the applicant with the Township Clerk. The initial \$1,000.00 escrow fee shall be provided by the applicant to the Township Clerk at the time of application. No application shall be processed prior to the required escrow fee having been deposited with the Township Clerk. Any excess funds

remaining in the Escrow Account after the application has been fully processed, reviewed and the final Township decision has been rendered regarding the project will be refunded to the applicant with no interest to be paid on those funds. At no time prior to the Township's final decision on an application shall the balance in the Escrow Account fall below \$500.00. If the funds in the Escrow Account drop below \$500.00, and additional deposit of \$500.00 by the applicant into the Escrow Account shall occur before the application review process will be continued. Additional amounts above \$1,000.00 may be required to be placed in the Escrow Account by the applicant at the discretion of the Township. For applications listed in section 3 that consist of substantial acreage or project complexity that will require above normal review time, the initial deposit into the escrow account by the applicant shall be a minimum of \$3000.00 and must be replenished when the account falls below \$1500.00. Additional amounts above \$3,000.00 may be required to be placed in the Escrow Account by the applicant at the discretion of the Township. Notwithstanding the proceeding, the escrow fee deposit for a private street of 2 lots is established at an initial \$250.00 deposit with the funds in the Escrow Account being replenished back up to \$250.00 when the funds in the account for such private street drop below \$100.00 and the escrow fee deposit for private streets of 3 or more lots is established at an initial \$500.00 deposit with the funds in the Escrow Account being replenished back up to \$500.00 when the funds in the account for such private streets drop below \$250.00. For home based business applications and non-agriculture/non-residential site plan reviews, the escrow fee deposit is established at an initial \$500.00 with the funds in the Escrow Account being replenished back up to \$500.00 when the funds in the account fall below 20% or \$100.00.

5. No building permit or final Township approval or permit shall be granted for an application until all outstanding out-of-pocket costs and expenses incurred by the Township as specified above have been reimbursed to the Township from the Escrow Account.
6. The Township Clerk shall maintain records regarding the Escrow Account and shall authorize the disbursement of escrow funds in writing. Such escrow funds (from one of more applicants) shall be kept in a separate Township bank account. Copies of invoices for professional services paid out of the escrow account shall be provided to the applicant at reimbursement times and at the time of end of project refund (or as requested).
7. The Township shall collect and apply escrow funds in a reasonable fashion.
8. If an applicant objects to the reasonableness or amount of escrow funds it must deposit with the Township or how the escrow funds have been applied, it can appeal the Townships determination regarding these matters to the Township Board. All such appeals shall be in writing and shall be made not later than thirty (30) days after final Township action regarding the application.
9. Nothing herein shall be construed or interpreted as limiting the authority of the Township to adopt separate fee schedules relative to non-zoning matters involving the design, engineering, and construction of buildings, improvements and developments within the township.

10. This resolution shall invalidate and supersede any prior resolutions to the extent of any conflict.

Motion by Board Member Pohl, supported by Board Member McCormack, that this Resolution be adopted, the vote being as follows:

YEAS: 4

NAYS: 1

ABSENT: 0

RESOLUTION DECLARED ADOPTED.

Dan Platte

Danby Township Clerk

CERTIFICATION

I hereby certify the above to a true copy of a resolution adopted by the Danby Township Board at a meeting held at the Danby Township Hall on February 25, 2016 at 7:00 p. m. pursuant to the required statutory procedures.

Dated 2-25-16

Respectfully submitted,

By Dan Platte
Danby Township Clerk

(Original is signed by the Clerk)