

CHARTER TOWNSHIP OF CALEDONIA
COUNTY OF KENT, MICHIGAN

Minutes of a regular meeting of the Township Board of the Charter Township of Caledonia, Kent County, Michigan, held at the Township Hall, 250 Maple Street, Caledonia, Michigan, on the 21st day of March, 2007, at 7:00 p.m.

PRESENT: Members: Bujak, Snoeyink, Harrison, Christian, Stauffer, Robertson

ABSENT: Members: Koopmans

The following preamble and resolution was offered by Member Robertson and seconded by Member Harrison.

RESOLUTION NO. R2007-005

RESOLUTION ESTABLISHING PLANNING AND ZONING APPLICATION FEES AND ESCROW FEE POLICY TO PROVIDE FOR REIMBURSEMENT TO THE TOWNSHIP FOR EXPENSES INCURRED IN PLANNING AND ZONING PROCEEDINGS.

WHEREAS, in 1998, the Caledonia Charter Township Board adopted a resolution providing for an interim zoning fee schedule, in view of the decision of the Michigan Court of Appeals in *Cornerstone Investments v Cannon Township et al.*;

WHEREAS, on November 24, 1998, the Michigan Supreme Court entered an order reversing the decision of the Court of Appeals in *Cornerstone Investments v Cannon Township et al.*;

WHEREAS, on August 25, 1999, the Caledonia Charter Township Board adopted a resolution establishing zoning application fees, as well as a resolution establishing a zoning escrow fee policy, based on Section 25 of the Michigan Township Zoning Act and the ruling of the Michigan Supreme Court cited above;

WHEREAS, the Michigan Zoning Enabling Act, effective July 1, 2006, contains a similar enabling provision; and,

WHEREAS, the Caledonia Charter Township Board now desires to rescind the zoning application fees resolution, as well as the zoning escrow fee policy resolution, and to adopt a new, combined planning and zoning application fees and escrow fee policy, so as to provide reimbursement to the Township for its expenses in the review and handling of planning and zoning matters.

IT IS, THEREFORE, RESOLVED AS FOLLOWS:

1. The cost of Township review of applications for planning and zoning approvals can be a significant amount, and the Township Board believes that such cost and expenses, except for routine expenses, should properly be borne by the applicants for planning and zoning approvals.
2. The purpose of this resolution is to adopt as a policy of the Township the requirement that applicants for rezonings, special land uses, planned unit developments, site development plans, plats, site

condominiums, private roads, land divisions and other types of planning and zoning applications shall, where required, reimburse the Township for the Township's actual expenses incurred for professional reviews, site inspections, special meetings, publications, studies and other services and expenses incurred by the Township.

3. The fees for review of applications for rezonings, special land uses, planned unit developments, site development plans, plats, site condominiums, private roads, land divisions and other planning and zoning matters shall include the actual costs and expenses incurred by the Township for services performed and charged by the Township's professional consultants and the Township's other costs and expenses, for the review and consideration of such applications, as stated in paragraph 12 of this resolution.

4. At the time a planning and zoning application is filed with the Township, the appropriate application fee and advance payment into an escrow account is required, per the approved schedule, attached hereto as Exhibit A. No planning and zoning application shall be processed until the appropriate application fee and advance payment into an escrow account have been paid. All applicants must sign and date the Acknowledgment of Fees, as stated on the fees schedule.

5. In its discretion, the Township Board may, from time to time, amend or otherwise revise the fees schedule, attached hereto as Exhibit A.

6. When authorized by the Township Planner, the above-stated advance escrow account payment may be reduced to a lesser amount; provided, however, that such lesser amount shall thereafter be increased, and the increased amount shall be paid, in the event that the Township's expenses in the matter are greater than originally anticipated, and in such case, the Township shall promptly notify the applicant in accordance with paragraph 8 of this resolution.

7. If, in the case where no initial escrow deposit is required, the Township anticipates expenses for the review and consideration of such application as stated in paragraph 12 of this resolution, the Township shall require an escrow deposit from the applicant in an amount sufficient to cover its estimated costs in the matter. Applicants shall pay such billings fully and promptly. Should billings become overdue, the Township shall suspend further processing of an application, including agenda consideration by any board or commission as well as administrative actions or approvals. Interest, at the rate of 1% per month, will be added to overdue payments.

8. If at any time during a planning and zoning review process, the remaining balance of funds paid into escrow appears to be insufficient to defray additional costs, the Township shall so notify the applicant, and the applicant shall promptly make the required additional payment. Should subsequent billings become overdue, the Township shall suspend further processing of an application including agenda consideration by any board or commission as well as administrative actions or approvals. Interest, at the rate of 1% per month, will be added to overdue payments.

9. No building, occupancy or other approval or permit shall be given or issued until all application fees and all zoning escrow fees are paid in full. In its discretion, the Township may take all permitted legal action to recover any deficiencies of amounts required to be paid.

10. Following final approval, denial or withdrawal of an application, and after the total of all costs and expenses to the Township is determined, the Township shall refund, without interest, any surplus amounts that have been deposited by the applicant.

11. A separate fund or account shall be established by the Township to receive all monies deposited by applicants for planning and zoning matters. The fund or account shall be used only to pay planning and zoning expenses incurred by the Township in the review of planning and zoning

applications. A separate fund or account need not be maintained for each applicant, but the Township shall maintain sufficient records to show accurately all the amounts deposited by each applicant and all amounts paid out for the review of each application.

12. Such planning and zoning escrow fees shall be payable for all expenses incurred by the Township in its review of planning and zoning applications and other Township proceedings or actions with respect to a planning and zoning application, including but not limited to the cost of:

- (a) Special Planning Commission meetings, special committee meetings and other special meetings;
- (b) review and other services by Township legal counsel and preparation of appropriate resolutions or ordinances;
- (c) review and other services by Township engineer;
- (d) traffic studies;
- (e) environmental or economic impact studies or similar studies;
- (f) similar services and expenses; and,
- (g) publications.

13. This resolution relates only to reimbursement of Township expenses for planning and zoning proceedings, and shall not be construed as applying to or limiting the authority of the Township to charge fees for other types of approvals or services rendered by the Township.

14. This resolution replaces previous Township Board resolutions pertaining to planning and zoning application fees and planning and zoning escrow fee policy.

Attachment: Exhibit A

AYES: Members: Bujak, Snoeyink, Harrison, Christian, Stauffer, Robertson
NAYS: Members: None

RESOLUTION DECLARED ADOPTED.

Bryan Harrison, Township Supervisor

Jennifer Christian, Township Clerk

EXHIBIT A

Charter Township of Caledonia

PLANNING AND ZONING APPLICATION AND ESCROW FEES SCHEDULE

As approved by the Board of Trustees on March 21, 2006

<u>Zoning Amendments</u>	<u>Application Fee*</u>	<u>Escrow Fee*</u>
Map Amendment (rezoning)	\$500	\$2500
Text Amendment	\$500	\$2500
Planned Unit Development (PUD) (includes Site Plan Review)	\$500	\$3000
Planned Mineral Removal (PMR) (includes Site Plan Review)	\$500	\$3000
 <u>Special Land Use</u>		
Residential	\$250	\$1500
Non-Residential	\$500	\$2500
Accessory Building	\$200	\$0
 <u>Site Plan Review</u>		
Residential	\$500	\$2500
Commercial, Institutional or Industrial	\$500	\$2500
 <u>Platted Subdivision</u>		
	\$500	\$3000
 <u>Zoning Board of Appeals</u>		
Residential Variance	\$150	\$0
Non-Residential Variance	\$450	\$0
Interpretation of Zoning Ordinance Text or Map	\$0	\$0

<u>Amendments</u>	<u>Application Fee*</u>	<u>Escrow Fee*</u>
Major change to PUD, PMR or approved Site Plan	\$500	\$2500
Minor change to PUD, PMR or approved Site Plan	\$250	\$1500
Master Plan	\$500	\$2500
 <u>Home Occupation / Business Permit</u>		
Home Occupation	\$150	\$0
Home Business	\$350	\$0
 <u>Land Division</u>	 \$100 (up to 4 parcels) \$25/ea additional parcel	 \$0

* Application and escrow fees shall be in the amount established by resolution of the Township Board of Trustees. Application and escrow fees are for the purpose of reimbursing the Township for its expenses in the handling and review of applications. Application fees are not refundable. Additional escrow will be required if escrow funds are insufficient prior to the resolution of the case. Unused escrow fees will be refunded. One check may be written to cover both application and escrow fees.

Acknowledgment of Fees

I have received, read and understand Caledonia Township’s above stated policy regarding planning and zoning application and escrow fees. I acknowledge and accept responsibility for the prompt payment of the required application fee, advance escrow payment into an escrow account and any subsequent required escrow account payments.

I understand that in the event I claim that any charges have been inappropriately applied by the Township regarding my application, I may choose to make an appeal to the Township Finance Committee, whose decision I accept as final, or I may seek action through the civil court.

Applicant’s Signature

Date

Applicant’s Printed Name