

**ALPINE TOWNSHIP
KENT COUNTY, MICHIGAN
RESOLUTION NO. 12-37**

AN AMENDMENT TO THE RESOLUTION SETTING ZONING AND LAND DEVELOPMENT APPLICATION FEES AND ESTABLISHING AN ESCROW FUND REQUIREMENT FOR CERTAIN ZONING AND LAND DEVELOPMENT APPLICATIONS AND DEVELOPMENTS

WHEREAS, the Alpine Township Board of Trustees (the "Township Board") desires to establish certain application fees for zoning and other land development reviews and approvals pursuant to the Alpine Township Zoning Ordinance, Ord. No. 89-9, as amended (the "Zoning Ordinance"); the Alpine Township Land Division Ordinance, Ord. No. 97-8, as amended; the Alpine Township Storm Water Ordinance, Ord. No. 01-06, as amended; the Land Division and Utility Extension Ordinance, Ord. No. 89-10, as amended; the Unplatted Property Ordinance, Ord. No. 91-4, as amended; and state law; and

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

WHEREAS, the Township Board believes that it is reasonable and appropriate to place the cost of processing zoning and land development applications and decisions on the applicants involved rather than on the taxpayers of the Township; and

WHEREAS, the Township intends that the zoning and land development review and escrow fees be in addition to the fixed application fees and also be reasonably related and proportionate to the costs incurred by the Township for the particular application or zoning process involved, and that such fees and reimbursements be used to defray the costs of administering and enforcing the Zoning Ordinance, the Michigan Zoning Enabling Act, as amended (MCL 125.3101 et seq.); the Alpine Township Land Division Ordinance, the Alpine Township Storm Water Ordinance, the Land Division and Utility Extension Ordinance, and the Unplatted Property Ordinance; and

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

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

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

Zoning Board of Appeals:

Variations, Interpretations & Appeals in AG, RA, R-1 and R-2 zones:	\$200.00
Variations, Interpretations & Appeals in all other zones:	\$400.00
Special Meeting requested by applicant in AG, RA, R-1 and R-2 zones:	\$300.00
Special Meeting requested by applicant in all other zones:	\$600.00

Rezoning:

Rezoning (map or text) in accordance with Master Plan:	\$300.00
Rezoning (map or text) not in accordance with Master Plan:	\$700.00
Planning Unit Developments:	\$1,000.00*
*This fee includes site plan review	

Special Land Uses:

*This fee includes site plan review

\$1,000.00*

Special Land Use Permit Renewal for Removal of Natural Resources \$500.00
(TB Added 12/19/11)

Special Land Use Permit for Child Day Care Homes

(Homes That Care for Between 7 and 12 Children)

Application Fee	\$200.00
Escrow Fee	\$500.00

Site Plan Review:

Site Plan Review by full Planning Commission:	\$1,000.00
Site Plan Review by Planning Commission Subcommittee:	\$1,000.00

Plats, Site Condominiums and Developments of 5 or more lots per the Unplatted Property Ord. #91-4:

Preliminary:	\$1,000.00
Final:	\$200.00

Subcommittee of the Planning Commission:

For other than Site Plan Review:	\$500.00
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Planning Commission Special Meeting:

\$400.00

Administrative Amendments to PUDs, Special Uses and Site Plans (those requiring staff review only):

\$50.00

Private Roads:

For one or two parcels: (All other private roads are a special land use)	\$200.00
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Fill Permits:

500 to 5,000 cubic yards:	\$250.00
Greater than 5,000 cubic yards:	\$1,000.00

Land Divisions:

For Each Resulting Legal Description (For Lot Line/Boundary Shift or the Creation of Two Resulting Parcels.)	\$200.00
For <u>E</u> ach <u>A</u> dditional Parcel Created	\$100.00

Storm Water Permits: \$100.00

Zoning Administrator review of Antenna Co-Locations: \$50.00

Zoning Administrator review of Farm Markets and Farm Recreation Enterprises:
\$50.00

**Zoning Permits for Agricultural Buildings and
Other Buildings Not Requiring a Building Permit:** \$25.00

Inspections after Zoning Approval:

Private Roads: \$25.00 per inspection
PUD: \$50.00 per inspection
Other: \$50.00 per inspection

2. The fixed basic zoning and land development application fees specified in Section 1, above shall hereafter cover costs associated with the following:
 - Applicant's appearance at regular Planning Commission, Planning Commission subcommittees, Zoning Board of Appeals, and/or Township Board meetings.
 - Mailing and legal notice requirements for public hearings.
 - Involvement by Township Board members and employees (excluding outside contractors or professionals such as Township engineering, planning, legal counsel, and other services)

3. In addition to the fixed basic zoning and land development application fees, all other expenses and costs incurred by the Township which are directly associated with reviewing and processing a zoning or land development application for uses specified in Section 4 of this Resolution 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:
 - Mailing, legal notices and Commission member compensation for special Planning Commission meetings and Planning Commission subcommittee meetings.
 - Mailing, legal notices, and Township Board member compensation for special Township Board meetings and Township Board subcommittee meetings.
 - Mailing, legal notices, and Zoning Board of Appeals member compensation for special Zoning Board of Appeals meetings.
 - Services of the Township Attorney directly related to the application.
 - Services of the Township Engineer directly related to the application.
 - Services of the Township Planner directly related to the application.
 - Services of other professionals working for the Township which are directly related to the application.
 - Any additional public hearings, required mailings and legal notice requirements

necessitated by the application.

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

- Rezoning, at the discretion of Township officials and staff
- Planned Unit Developments (PUD)
- Special Land Uses
- Site Plan reviews, whether by full Planning Commission or Subcommittee
- Plats, Site Condominiums and Developments of 5 or more lots per the Unplatted Property Ord. No. 91-4
- Private Roads
- Variance, interpretation or appeal 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 the Township professionals or involve additional costs referred to in Section 3
- Land division applications if the Township Board or Zoning Board of Appeals is involved or where Township officials determine that the scope of the request will probably require the assistance of the Township professionals or involve additional costs referred to in Section 3
- Planning Commission Subcommittees, at the discretion of Township officials and staff
- Fill permits
- Storm Water permits
- Administrative Amendments to PUDs, Special Land Uses and Site Plans (those requiring staff review only), as the discretion of Township officials and staff
- Antennas Co-Location reviews, as the discretion of Township officials and staff

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

Notwithstanding the preceding, the escrow fee deposit for private roads involving only one or two parcels and antenna co-location reviews requiring an escrow shall be 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 drop below \$250.00.

Regarding escrow funds for storm water permits, the Township Engineer may recommend additional escrow fees be forwarded to the Township Treasurer for oversight and inspection of storm water facilities through completion of the development. Appeal to the amount of additional escrow monies being required can be made to the Township Board. Non-compliance with payment of these additional escrow funds may result in a Stop Work Order on the development project.

6. 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.
7. The Township Treasurer shall maintain records regarding the Escrow Account and shall authorize the disbursement of escrow funds in writing. Such escrow funds (from one or more applicants) shall be accounted for separately and maintained in a Trust and Agency account.
8. The Township shall collect and apply escrow funds in a reasonable fashion. 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 Township's 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 the receipt of any Township bill 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 supercede any prior resolutions to the extent of any conflict, including Resolutions 98-34, 99-03, 02-15 and 02-43.

At a regular meeting of the Township Board held on Monday, December 17, 2012 a motion to approve Resolution No. 12-37 was presented by May, with support from M. Wahlfield. The motion carried in a vote as follows:

AYE: Arends, Cordes, May, Townsend, J. Wahlfield, and M. Wahlfield.
NAY: None.
ABSENT: William Schweitzer.

RESOLUTION NO 12-37 WAS DECLARED ADOPTED.

Jean Wahlfield, Clerk

I, Jean Wahlfeld, Clerk of Alpine Township, hereby certify that the foregoing constitutes a true and complete copy of Resolution No. 12-37 adopted by the Board of Trustees at a regular meeting held on December 17, 2012.

Jean Wahlfeld, Clerk

Amends Resolution No. 10-02