

Freedom Township Resolution Establishing Fees for Reimbursable Expenses

WHEREAS, the cost of the Township review of applications for zoning approval can be considerable, can differ greatly between different applications and cannot always be accurately predicted at the time application is made; and

WHEREAS, the actual cost of review should properly be borne by the applicant.

NOW, THEREFORE, BE IT HEREBY RESOLVED, AS FOLLOWS:

1. The stated fees for applications for zoning permits and/or approvals, established by resolution of the Township Board from time to time, are to be considered basic application fees which cover only consideration of the application at regularly scheduled Planning Commission, Zoning Board of Appeals, and/or Township Board meetings and publication and mailing of notice of hearing as applicable.
2. In addition to the basic application fee, applicants for zoning permits and/or approval shall pay the costs of review of applications for variances, special use permits, site plans, rezoning, planned unit developments, subdivisions, site condominiums, and similar requests. Such charges shall be in addition to the basic application fee, in an amount equal to the Township's actual expenses incurred for reviewing the application, including but not limited to the cost of:
 - A. Planning Commission subcommittee meetings;
 - B. Special meetings;
 - C. Reports and review by Township attorney and preparation of appropriate approving resolutions or ordinances;
 - D. Reports and review by Township planner;
 - E. Reports and review by Township engineer;
 - F. Additional notices of public hearing;
 - G. Traffic studies'
 - H. Environmental impact studies;
 - I. Similar services and expenses.
3. If the Planning Commission (PC) determines that the application is one for which such costs for review are likely to be incurred, the Planning Commission shall require the applicant to pay into escrow, in advance, an amount estimated to be sufficient to cover the expected costs. The amount to be paid into escrow shall be established in increments of at least \$500, commencing with an initial deposit of not less than \$500. If the Planning Commission determines review costs are likely to exceed \$500, they may increase the initial escrow amount. No application shall be processed prior to the required escrow fee having been deposited with the Clerk. If an applicant objects to the amount of the escrow funds required to be deposited, it may appeal that determination to the Township Board within 30 days after the initial decision by the Planning Commission.

4. If funds in the escrow account are depleted, the applicant shall make an additional deposit sufficient to cover any deficit and to re-establish a balance of at least \$500. The amount of the additional deposit sufficient to cover any deficit in the account shall be at least \$500, or such greater amount as is determined by the Planning Commission to be reasonably necessary in order to cover anticipated remaining or future expenses. No further action shall be taken on an application until the escrow account has been re-established to such appropriate level, as determined by the Planning Commission.
5. The Clerk and/or Treasurer shall maintain accurate records regarding the expenditures made on behalf of each applicant from the escrow account. Such escrow funds (from one or more applicants) shall be kept in a separate bank account or bank account category.
6. Any excess funds remaining in the escrow account after the application has been fully processed, reviewed and a final decision has been rendered regarding the application will be refunded to the applicant with no interest to be paid on those funds. If the balance of the expenses for the application for any reason exceeds the amount remaining in escrow following final action by the Township, the Township shall send the applicant a statement for such additional fees. Until the applicant pays such fees for the expenses of review, no further building permit or certificate of occupancy or other permit for the project shall be issued, and if such expenses remain unpaid for a period of 14 days, the Township and/or building official may issue appropriate stop work orders or take other action to halt work on the project. In addition, the Township may take legal action to collect unpaid fees.
7. The application for zoning approval or other approvals covered by this resolution shall indicate that the applicant agrees to pay the Township's expenses for review of the application and other above-stated expenses.