

**CONSTANTINE TOWNSHIP**

**ST. JOSEPH COUNTY, MICHIGAN**

**RESOLUTION ESTABLISHING PLANNING COMMISSION  
AND ZONING BOARD OF APPEALS FEES**

**Adopted: 12/14/2010**

**Effective: 12/14/2010**

WHEREAS, Township Planning Commission and Zoning Board of Appeals expenses and Township expenses related to the processing of applications under the Township Zoning and Planning Ordinances have escalated within the Township causing these activities to become a major item in the Township's annual budget; and

WHEREAS, such expenses are incurred substantially for the benefit of the applicant for such services; and

WHEREAS, the Township Board finds it appropriate and desirable to pass on most of these expenses to the applicant and thereby eliminate the burden on the public of a majority of such costs and expenses,

NOW, THEREFORE, BE IT HEREBY RESOLVED AS FOLLOWS:

1. A basic application fee shall accompany any application to the Township Planning Commission under the Township Zoning Ordinance payable to the Township of Constantine and in the amount set forth in the "Constantine Township Fee Schedule".

2. A basic application fee shall accompany any application or appeal to the Township Zoning Board of Appeals payable to the Township of Constantine as set forth in the "Constantine Township Fee Schedule".

3. The basic fee is designed to cover a portion of the Township's preliminary costs of publishing and mailing any required legal notices for any necessary initial public hearing of the Township Planning Commission or Zoning Board of Appeals scheduled pursuant to the application, attorney costs in drafting such notice and affidavits pertinent thereto, Township planner's costs, if any, in reviewing and making a recommendation concerning such application and the per diem meeting costs of members of such Commission or Board and their consultants pertinent to such application.

4. Where an application involves rezoning, a zoning ordinance text amendment, a special exception use, non-residential requests, a multiple use development, subdivision or condominium development, site plan review, telecommunication towers or other special reviews and procedures an initial additional

“escrow” fee shall accompany the application in such amounts as set forth in the attached “escrow” schedule which shall be held by the Township Treasurer in an escrow account to cover additional costs of the Township incurred in processing the application including, but not limited to the following:

- A. Planning Commission special or subcommittee meetings concerning the application resulting from the size, location, infrastructure requirements, environmental impacts, time constraints, traffic implications and other developmental factors.
- B. Fees of the Township planner in reviewing and making recommendations concerning the application.
- C. Fees of the Township engineer in reviewing and making recommendations on the application.
- D. Fees of the Township attorney in ascertaining the legality of the requests, making a recommendation in this connection and drafting any required resolutions or ordinances pertinent thereto and any required additional statutory notices.
- E. The costs of any additional required public hearings or additional required consultants pertinent to the application.

5. The foregoing costs, A through E, shall be paid from the escrow account as such costs are incurred and billed to the Township. Should the escrow account be reduced by such payments to 20% or less of the initial escrow account, the applicant shall be required to make additional deposits in increments of \$1,000, as requested, into the escrow account to cover anticipated future expenses of the Township in processing the application.

6. Accurate records shall be maintained by the Township of expenditures from such escrow account and shall be subject to review by the applicant. Should the Township Treasurer, in consultation with the Chairman of the Planning Commission, determine that any of the charges payable from the escrow account are unreasonable, which decision is supported by the Township Board or by a court of law, the same shall be paid from the general fund of the Township either to the creditor or to the escrow account where such sums have been disbursed from the escrow account.

7. Additional processing of the application and any final decision on said application shall be suspended at any time the escrow account is insufficient to cover the foregoing costs and expenses payable from the escrow account.

8. At the conclusion of the processing of the application and the final decision pertinent thereto, any unexpended funds remaining in the escrow account and not obligated for the payment of such costs and expenses shall be returned to the applicant without interest. No final decision or permit pertinent to the application shall

be issued before the escrow account is in sufficient amounts to pay all of the costs and expenses attributable to the escrow account.

No building permit or final zoning permit or approval shall be issued before the escrow account is in sufficient amount to pay all of the foregoing costs and expenses of the Township.

Motion was made by \_\_\_\_\_ and seconded by \_\_\_\_\_, to adopt the foregoing Resolution.

Upon roll call vote the following voted "aye":

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The following voted "nay":

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The Chairman declared the motion carried and the Resolution duly adopted.

### **CERTIFICATE**

I hereby certify that the foregoing constitutes a true and complete copy of a Resolution adopted at a regular meeting of the Constantine Township Board held at the Township Hall on December 14, 2010 which meeting was preceded by required notices under the Michigan Open Meetings Act, being 1976 PA 267; that a quorum of the Board was present and voted in favor of said Resolution; and that minutes of said meeting were kept and will be or have been made available as required by said Open Meetings Act.

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Marti Brown  
Constantine Township Clerk