

**LEE TOWNSHIP**

**CALHOUN COUNTY, MICHIGAN**

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

**Adopted: August 10, 2022**

**Effective: Immediately Upon Adoption**

WHEREAS, Township Planning Commission and Zoning Board of Appeals expenses and Township expenses related to the processing of applications under the Township Zoning and related land use Ordinances have increased within the Township; and

WHEREAS the Township have performed an analysis related to such costs and fees, as well as a comparison of fees charged by other municipalities related to such applications and finds that the amounts charged to the applicants is not sufficient to approximate the costs and fees incurred by the Township; and

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

WHEREAS, it is 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. An application fee and escrow deposit shall accompany any application to the Township Planning Commission under the Township Zoning Ordinance payable to Lee Township and in the amount set forth on the attached "Application and Escrow Fee" schedule.

2. An application fee and escrow deposit shall accompany any application or appeal to the Township Zoning Board of Appeals payable to Lee Township as set forth on the attached "fee and escrow" schedule attached hereto.

3. The application 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, subdivision or site condominium approval, special use approval, planned unit development (PUD), site plan, or a Zoning Ordinance text amendment, an escrow deposit 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 determining the legality of the requests, making a recommendation on the request 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.
- F. The Zoning Administrator, upon review of the application may waive this fee, in whole or in part.

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 \$500, 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 Supervisor, in consultation with the Chairman of the Planning Commission or the Chairman of the Zoning Board of Appeals, 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 falls below 20% of the value of the initial escrow deposit; if the escrowed amount is insufficient to cover the foregoing costs and expenses payable from the escrow account; or if the applicant fails to make additional escrow deposits as requested when the escrow balance falls below 20% of the initial escrow deposit.

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.

9. 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.

10. Any special meeting fee shall not require any escrow deposit and shall be in addition to the application fee and escrow deposit amount for the specified type of application.

11. The Township Board adopts the Zoning Application and Fees Schedule attached hereto and approves the form of the Escrow Policy Affidavit, which may be amended from time to time by mutual agreement of the Zoning Administrator, Township Planning Consultant and Township Treasurer without additional approval, so long as the affidavit is consistent with this resolution and the Zoning Application and Fees Policy adopted herein.

Motion was made by Piepkow and seconded by Hall, to adopt the foregoing Resolution.

Upon roll call vote the following voted "aye": Hall, Shrontz, Piepkow, VanDorsten, Letts

The following voted "nay":

The Supervisor 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 Lee Township Board held at the Township Hall on August, 10, 2022 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.

Samantha Van Dorsten, Clerk  
Lee Township

**SCHEDULE "A"**  
**BASIC APPLICATION FEES**

**Zoning Board of Appeals:**

Basic Application Fee	\$500
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**Planning Commission**

Basic Application Fee	\$500
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<b>Initial Escrow fee</b>	<b>\$1,000</b>
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[Escrow fee is required to accompany applications for rezoning, subdivision, condominium (including site condominium), special exception, zoning ordinance text amendment, PUDs, or any application to the ZBA.]

\*In accordance with Resolution No. 19-2022 adopted August 10, 2020 if the escrow amount is withdrawn to the extent that only 20% of the initial deposit remains, additional escrow money will be requested of the applicant, in \$500.00 increments.