

WAYLAND TOWNSHIP

ZONING APPLICATION FEES & ESCROW POLICY

The Wayland Township Board is authorized by state statute and Township Zoning Ordinance to establish fees for the processing of various types of zoning applications. To properly place the cost of processing these applications primarily upon the applicant instead of the public at large, the Wayland Township Board has by resolution adopted the following fees and escrow policy.

1. The following Basic Application Fees are established:

	<u>Application Fee</u>	<u>Escrow</u>
<u>Zoning Board of Appeals</u>		
<i>Variance</i>	\$400	\$1,000
<u>Planning Commission</u>		
<i>Site Plan Review</i>	\$1,000	\$1,000
<i>Rezone / Text Amendment</i>	\$600	\$1,000
<i>Special Use Permit</i>	\$400	\$1,000
<u>Construction Board of Appeals</u>		
<i>Application</i>	\$600	

2. For those matters for which no escrow requirement is indicated, the basic application fee shall cover the entire cost of the proceeding. The basic application fee shall be increased as indicated* if the applicant requests that a special meeting be called for consideration of the application.

3. For those above matters for which an escrow requirement is indicated, the basic application fee shall cover the following:

- A. Processing of application and any additional meetings with staff to finalize application before submission to Planning Commission or ZBA.
- B. Applicant's appearances at Township meetings at which the application is considered. (This may include meetings with both the Planning Commission and the Township Board if related to amendments to the zoning ordinance map (rezoning) or text).

All other expenses directly incurred by the Township in executing and processing the application shall be paid by the applicant from an escrow account established with the Township. These expenses include but are not limited to:

- A. Preparation of legal notices required for a public hearing at a regularly scheduled meeting. Publish in the newspaper and mailings.
- B. Review, research, and memoranda and ordinance drafting by Township Attorney.

- C. Review by Township Planning Consultant.
- D. Any additional public hearings required mailing and legal notices.
- E. The costs of surveys, studies and investigations made necessary by the application.

General Procedure for Application and Escrow Fees.

The following Steps are provided to outline the process:

1. Application submitted, fee paid, and signed escrow affidavit will place the application on the next scheduled meeting, IF THE AGENDA ALLOWS (deadline for submission not less than 29 days before the meeting).
2. Staff will review documents and direct the public hearing notice for preparation by the Township Planner. Applicants will receive a copy of the agenda and any reviews prior to the meeting. If additional escrow is required, the applicant will be notified.
3. A regular meeting (generally held on the held-on 2nd (second) Wednesday of the month unless the regular schedule has been amended due to holidays). Failure of the applicant or their representative to attend the meeting may result in a tabling of the matter. The Planning Commission, ZBA or Construction Board of Appeals, may determine that additional information is needed to consider the application prior to final decision.
4. The applicant is notified if their escrow balance falls below 20% of their original amount. They must replenish this escrow deposit back to its original amount should this happen.
5. Failure to do so will result in this status being included within a report to the Township Board (1st Monday of the month). The Township Board will suspend further consideration of the matter (by the Planning Commission or the ZBA). Late payments will not cause consideration of the matter to be revived until the following regular meeting.
6. Applicant is notified that such action has taken place to remove their application from consideration until escrow has been replenished. Application remains as a tabled item.
7. Failure to replenish the escrow within 60 days will result in the Planning Commission or ZBA removing the item from the table and denying the application.

4. The escrow fee deposit will be established in an initial amount as determined by the Township Board based on the type of application. The initial escrow deposit along with the Basic Application Fee shall be paid to the Township at the time of application. The applicant shall also at the time of application review this policy and sign an Escrow Policy Affidavit in the form attached to this policy. The application will not be processed without the escrow deposit and the signing of the Escrow Policy Affidavit.

5. The Township shall maintain records and authorize disbursement of escrow funds. At no time prior to the Township's completion of review and process and the application shall the escrow balance fall below 20% of the initial escrow deposit. If an Escrow Account balance drops below 20% of the initial escrow deposit, the Township shall notify the applicant. An additional deposit equal to at least the amount of the initial deposit shall be required to continue the review.

5a. Increase in Escrow Fee Deposit May be Required. Additional amounts above the initial escrow fee amount may be required by the Township Supervisor and upon recommendation of the Township Planning Consultant, Township Engineer and/or Township Attorney that such additional funds shall reasonably be required in order to process, review and take action on (if applicable) the application.

6. In its discretion, the Township Board may, from time to time, amend or otherwise revise the fees schedule.

7. Any additional deposits into the escrow fee account required by the Township must be deposited properly to the Township to continue processing the application. Failure of the applicant to maintain an escrow balance as specified above shall be cause for the application to be removed from further Township consideration until the shortfall is eliminated.

8. The Township Planning Commission or Zoning Board of Appeals shall stop processing the application if the applicant is more than thirty (30) days in arrears. The arrears owed to the Township will accrue interest at 3% per month commencing on the first day of the month following the missed payment until the same is paid in full to the Township. No further review or processing of the application shall occur until the escrow fee account has been re-established to the appropriate level as determined by the Township.

9. Within 60 days after final Township action on the application or withdrawal of the application by the applicant, the Township shall refund to the applicant any excess escrow funds without interest, having subtracted for administrative costs.

10. No final approval, building permit, certificate of use and occupancy permit, or other similar approvals shall be issued, or final Township zoning approval be deemed granted until the escrow funds are paid in full.

11. Should the applicant withdraw its application or otherwise fail to complete all actions necessary for the Township to issue a final building permit or final zoning approval, the Township may seek reimbursement for its costs incurred in responding to the application. The Township shall be permitted to take any legal action to collect such costs and shall be permitted to assess all costs and legal fees incurred in the collection process.

12. In the event an applicant objects to the reasonableness or the amount of an escrow fee, the amount of additional deposits required, or how the Township has applied the funds from the escrow fee account, the aggrieved applicant may appeal the determination regarding the matter to the Township Board. All such appeals shall be in writing and shall be made not later than thirty (30) days after receipt of the disputed escrow fee filing or of the decision of the Township. The Township Board shall establish a date and time to hear the appeal and shall permit the

applicant or the applicant's agent to appear before the Township Board at a regularly scheduled Board meeting to object and to appeal the decision of the Township. The Township Board may affirm, modify, or reverse the decision. This provision applies only to a determination as to the reasonableness of the escrow fees and not to any other appeal from the Township's decision, which shall be processed by the Zoning Board of Appeals in accordance with the Zoning Ordinance and the Zoning Enabling Act.

13. Escrow Reimbursements. Any application in which the applicant has filed an affidavit related to reimbursement of an escrow account, shall be deemed to be in violation of this ordinance if, when notified by the Township, that they have exceeded the balance of the escrow account and have not provided reimbursement within 30 days of receipt of notification.

I have read the Wayland Township Zoning Application and Fees Policy and agree to abide by the same. I understand that the payment of the prescribed application and escrow fees is intended to cover the Township's cost associated with the processing and / or review of my zoning application and should not in any manner be construed as suggesting any particular outcome for the application. I agree that I shall be obligated to pay the fees prescribed under the policy regardless of whether my application is approved, denied, modified or withdrawn.

Name _____
Please Print

Signature _____

Person / Company responsible for account (Billing Purposes)

Name _____
Please Print.

Mailing
Address _____
Complete address including City, State, & Zip

Email _____

Phone _____ Fax _____

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Name _____
Please print

Signature _____

Person / Company responsible for account (Billing Purposes)

Name _____
Please print

Mailing Address _____
Complete address including City, State, & Zip

Email _____

Phone _____ **Fax** _____

ESCROW POLICY 02162021

WAYLAND TOWNSHIP
ESCROW POLICY AFFIDAVIT

I have read and accept the Wayland Township Zoning Application Escrow Policy and agree to abide by the same. I understand that the payment of the prescribed application and escrow fees is intended to cover the Township's costs associated with the processing and/or review of my zoning application and should not in any manner be construed as suggesting any particular outcome for the application. I agree that I shall be obligated to pay the fees prescribed under the policy regardless of whether my application is approved, denied, modified or withdrawn. In addition, I agree the Township shall be permitted to take any legal action to collect its fees and costs and shall be permitted to assess to me all costs and legal fees incurred in the collection process.

I understand that the Township may stop processing my application if the escrow fee drops below the parameters set forth in the Zoning Application Escrow policy. It will be my responsibility to replenish the escrow fee to the amount required by the policy before processing my application resumes. I understand that the Township Planning Commission or Zoning Board of Appeals may dismiss my application if the escrow fee deposit is more than 90 days in arrears.

Name: _____

Signed: _____

Print Name: _____

Date: _____

Person/Company Responsible for Account (Billing Purposes)

Address: _____

City: _____ State: _____ Zip: _____

Telephone number: _____ Fax or Email: _____