

RECORD OF ORDINANCES

ORDINANCE NO. 21

Township of EVANGELINE County of CLARLEVOIX

Ordinance No. 21 enacted by the Board _____, 19__

Published: _____, 19__, within 10 days after enactment.

Effective _____, 19__.

Record of votes of Board Members:
(Yes or No)

(Yes or No.)

_____() _____()
_____() _____()
_____() _____()

I CERTIFY that publication was made on _____, 19__
within 10 days after enactment of ordinance.

Signed: _____, Township Clerk

THE TOWNSHIP OF _____ ORDAINS,

Signed _____ Supervisor _____ Clerk

**EVANGELINE TOWNSHIP
Ordinance No. 21 of 1998**

**AN ORDINANCE AMENDING SECTION 10.02.F. OF THE EVANGELINE
TOWNSHIP ZONING ORDINANCE REGARDING ZONING FEES**

THE TOWNSHIP OF EVANGELINE ORDAINS:

Section 1. Amendment of Section 10.02.F.

Section 10.02.F. of the Evangeline Township Zoning Ordinance is hereby amended to read in its entirety as follows:

D. Zoning Fees:

1. To assist in defraying the costs of investigating, reviewing, and administering zoning applications, appeals, rezoning requests from individual property owners, and other types of decisions which result in extra costs to the Township, the Township Board may from time to time adopt by resolution a fee schedule establishing basic zoning fees related to the following:
 - a. Building and zoning permits.
 - b. Special use permits.
 - c. Appeals to or requests for interpretations by the Zoning Board of Appeals. Appeals and requests for interpretations initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - d. Classification of unlisted property uses.
 - e. Requests to change a nonconforming use to another nonconforming use.
 - f. Requests for variances from the Zoning Board of Appeals.
 - g. Requests for rezoning of property by individual property owners or amendments to the zoning ordinance text. Rezoning of property or text amendments initiated by the Township Board, the Planning Commission, or the Zoning Administrator shall not be subject to a zoning fee.
 - h. Site plan reviews.

- i. Requests for a planned unit development (PUD).
- j. Any other discretionary decisions by the Planning Commission or Zoning Board of Appeals.

The amount of these zoning fees shall cover the costs associated with the review of the application or appeal, including but not limited to the costs associated with conducting public hearings, publishing notices in the newspaper, sending required notices to property owners, postage, photocopying, mileage, time spent by zoning staff, and time spent by the members of the Planning Commission and/or Zoning Board of Appeals. The basic zoning fees shall be paid before any application required under this Ordinance is processed. The basic zoning fees are non-refundable, even when an application or appeal is withdrawn by the applicant. No separate fee shall be required for accessory buildings or structures when application thereof is made at the same time as the principal building or structure.

2. If the Planning Commission or Zoning Board of Appeals determines that the basic zoning fees will not cover the actual costs of the application review or appeal, or if the Planning Commission or Zoning Board of Appeals determines that review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals is necessary, then the applicant shall deposit with the Township Treasurer such additional zoning fees in an amount determined by the Planning Commission or Zoning Board of Appeals equal to the estimated additional costs. The additional zoning fees shall be held in escrow in the applicant's name and shall be used solely to pay these additional costs. If the amount held in escrow becomes less than ten percent (10%) of the initial escrow deposit or less than ten percent (10%) of the latest additional escrow deposit and review of the application or decision on the appeal is not completed, then the Planning Commission or Zoning Board of Appeals may require the applicant to deposit additional fees into escrow in an amount determined by the Planning Commission or Zoning Board of Appeals to be equal to the estimated costs to complete the review or decide the appeal. Failure of the applicant to make any escrow deposit required under this Ordinance shall be deemed to make the application incomplete or the appeal procedurally defective thereby justifying the denial of the application or the dismissal of the appeal. Any unexpended funds held in escrow shall be returned to the applicant following final action on the application or the final decision on the appeal. Any actual costs incurred by the Township in excess of the amount held in escrow shall be billed to the applicant and shall be paid by the applicant prior to the issuance of any permit or the release of a final decision on an appeal.

Section 2. Severability.

If any section, clause, or provision of this Ordinance be declared unconstitutional or otherwise invalid by a court of competent jurisdiction, said declaration shall not affect the remainder of the Ordinance. The Township Board hereby declares that it would have passed this Ordinance and each part, section, subsection, phrase, sentence and clause irrespective of the fact that any one or more parts, sections, subsections, phrases, sentences or clauses be declared invalid.

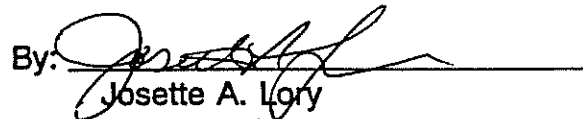
Section 3. Effective Date.

This Ordinance shall become effective thirty (30) days after being published in a newspaper of general circulation within the Township.

TOWNSHIP OF EVANGELINE

By: 
R. Douglas Shields

Its: Supervisor

By: 
Josette A. Lory

Its: Clerk