

ORDINANCE NO. 174

**VILLAGE OF SOUTH ROCKWOOD, MONROE COUNTY,
MICHIGAN DEVELOPMENT COST ESCROW ORDINANCE**

An ordinance to establish development cost escrow procedures for the deposit of amounts to cover the expense of professional services for certain applications for developments filed with the Village of South Rockwood.

THE VILLAGE OF SOUTH ROCKWOOD, COUNTY OF MONROE AND STATE
MICHIGAN ORDAINS:

Section 1 - Title – This ordinance shall be known as development cost escrow ordinance.

Section 2. Applications to which ordinance applies.- Applications to which this ordinance applies are of three varieties:

- (1) Class one Major applications and procedures:
 - a. Building permit other than those excepted pursuant to Section 3
 - b. Site plan review other than those excepted pursuant to Section 3.
 - c. Rezoning.
 - d. Site condominium proposals
 - e. Manufactured housing development proposals.
 - f. Subdivision proposals.
 - g. Conditional uses.
 - h. Special land uses
 - i. Residential unit development
 - j. Planned unit development.
 - k. Lot divisions and combinations in excess of ten acres.
 - l. Any other application or proposal not excluded or listed in section 3.

- (2) Class 2 applications and procedures:
 - a. Variance request.
 - b. Lot divisions and combinations less than ten acres but more than two acres.

- (3) Class 3 applications and procedures:
 - a. Home occupations
 - b. Lot divisions or combinations less than 3 acres.

Section 3 Applications to which ordinance does not apply are

- (1) Single-family residential building permits and site plan review where the particular application is not part of a larger development which is subject to this ordinance
- (2) Single-family residential projects provided this ordinance does apply if engineering review is required pursuant to the law.

Section 4. When escrow fees are due - The initial development cost escrow fees are due at the time of the filing of the appropriate application with the Village clerk.

Section 5. Application of development cost escrow application fee.

- (1) The basic application fee shall be applied to the following:
 - a. The basic application fee shall be applied to the following:
 1. Review of the application and drafting of resolutions, ordinances or agreements as well as meeting attendance by village attorney
 2. Review, reports and meeting attendance by village planner.
 3. Review, reports and meeting attendance by village engineer.
 - b. The funds required pursuant to this ordinance are in addition to any application fees for administrative costs imposed by village ordinances and resolutions.
- (2) Village professionals may make written recommendations for an additional escrow amount based upon their review of the application. The additional development cost escrow amount shall be determined by the village council on written recommendation from the professionals and shall be based upon the anticipated nature of the professional services to be required for the particular proposal such as project size, location, cost of providing public services, environmental impact, time constraints, land use, traffic and other factors.

Section 6 The development cost escrow fees required pursuant to this ordinance are in addition to administrative, application, building permits, inspection fees and other fees required by other village ordinances.

Section 7. Amount of initial development cost escrow fee.

- (1) For class one applications and proposals described in section 2 is \$1,000.00
- (2) For class two applications and proposals described in section 2 is \$500.00.

- (3) For class three applications and proposals described in section 2 is \$500.00
- (4) The initial fee shall be deposited with the village at the time of the application. Any application or proposal is not complete and ready for review until the initial escrow fee is deposited with the village clerk. An application will not be accepted without this development cost escrow fee having been paid to the village

Section 8 Refund of unused funds.

Any funds deposited but not used will be refunded with no interest accumulating on those funds.

Section. 9. Additional deposit.

In the event the development cost escrow balance for a particular major application or proposal shall fall below \$200.00, an additional minimum deposit of \$1,000.00 shall be required consistent with the written recommendation of the village professionals involved by resolution of the village council.

Section 10. Records.

The village clerk shall maintain records for each application or proposal. Only the village council may authorize disbursement of cost development escrow funds.

Section 11. Positive balance in project's escrow fund required.

Any application before the planning commission must have a positive balance in the project's escrow fund. Any application having a balance owing may be cause for the application to be removed from the agenda until such time as the development cost escrow account balance is positive.

Section 12. Payment of development cost escrow sums required for grant of permits and approvals.

No building permit, final approval or certificate of occupancy shall be granted until all development cost escrow sums are paid.

Section 13. Severability:

This Ordinance and the various parts, sections, subsections, sentences, phrases and clauses thereof are hereby declared to be severable. If any part, sentence, paragraph, section, subsection, phrase of clause is adjudged unconstitutional or invalid, it is hereby declared that the remainder of this Ordinance shall not be affected thereby.

Section 14. Repeal:

All ordinances or parts thereof which are in conflict in whole or in part with any of the provisions of this Ordinance are hereby repealed to the extent of such conflict, except that terms defined herein for purposes of interpretation, administration and endorsement of this Ordinance only will in no way, manner or form repeal, modify or otherwise change the definition of any such terms as used in other ordinances of the Village of South Rockwood.

Section 15. Effective date:

This Ordinance shall become effective thirty (30) days after its publication, or publication of a summary thereof, in a newspaper in general circulation with the Village of South Rockwood.

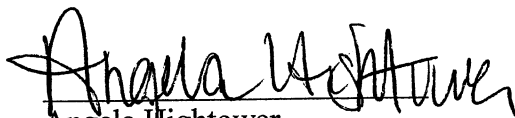
Section 16 Adoption of rules and regulations.

The village council is authorized to adopt rules and regulations for the implementation of this ordinance.

This ordinance was presented for readings on April 16, 2018, May 07, 2018 and June 18, 2018.

Published: June 24, 2018

VILLAGE OF SOUTH ROCKWOOD
MONROE COUNTY, MICHIGAN
AUTHENTICATED BY:



Angela Hightower
Village Clerk

Dated: June 18, 2018