

VILLAGE OF ELBERTA
Ordinance No. 39 of 2022

AN ORDINANCE TO AMEND THE VILLAGE OF ELBERTA ZONING
ORDINANCE

THE VILLAGE OF ELBERTA, BENZIE COUNTY, MICHIGAN ORDAINS:

Section 1. Amendment of Section 5.04.

Section 5.04 of the Village of Elberta Zoning Ordinance is hereby amended to add a new subsection 1A, which shall read in its entirety as follows:

- 1A. If the Zoning Administrator 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 desires assistance in the review of the application and/or participation in the review process or appeal by qualified professional planners, engineers, attorneys, or other professionals, then the applicant shall deposit with the Village Treasurer such additional zoning fees in an amount determined by the Zoning Administrator 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 Zoning Administrator may require the applicant to deposit additional fees into escrow in an amount 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 Village 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. Effective Date.

This Ordinance shall become effective eight (8) days after being published in a newspaper of general circulation within the Village.

Ordinance No. 39 of 2022 was adopted on the 20th day of January, 2022, by the Elberta Village Council as follows:

Motion by: JEN WILKINS

Seconded by: BILL SOPER

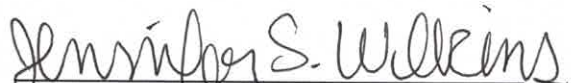
Yeas: 3 Jennifer Wilkins; Ken Holmes; Bill Soper

Nays: 0

Absent: 2 vacant seats on council



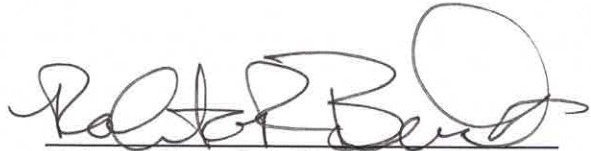
Roberta Benedict, Clerk



Jennifer Wilkins, President

I certify that this is a true copy of Ordinance No. 39 of 2022 that was adopted at a regular meeting of the Elberta Village Council on January, 20, 2022, and published in the Record Patriot on January 26, 2022

Dated: January 26, 2022



Roberta Benedict, Clerk