

11/01/2019

ORDINANCE NO. _____

AN ORDINANCE TO AMEND SECTIONS 110-141, 110-171, 110-172, 110-203; 110-204, 110-286, 110-287, 110-372, 110-373, 110-374, 110-403 AND 110-438 TO REPEAL SECTION 110-1 AND TO ADD NEW SECTION 110-346 OF CHAPTER 110, FEES, OF THE CODE OF ORDINANCES OF THE CITY OF ROCHESTER HILLS, OAKLAND COUNTY, MICHIGAN, TO MODIFY AND SUPPLEMENT FEES CHARGED FOR VARIOUS CITY SERVICES, AND TO REPEAL CONFLICTING ORDINANCES.

THE CITY OF ROCHESTER HILLS ORDAINS:

Section 1. Section 110-1 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills is hereby repealed.

Section 2. Section 110-141 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-141. – Division of land.

(a) Fees to be charged pursuant to section 122-29 shall be as follows:

- (1) For a land division resulting in two newly created parcels, the fee shall be a minimum of ~~\$200~~800.00 plus an additional charge of ~~\$10~~100.00 for any additional newly created parcels thereafter.
- (2) For a ~~p~~Private ~~r~~Road, ~~the fee shall be in the amount of \$250.00, plus \$10.00 per description, plus an engineering fee of \$300.00, plus a fee of \$30.00 per acre or fraction thereof if the Land Division proposes a Private Road be constructed, additional review fees for Engineering Services will be charged in the course of the Land Improvement Permit process.~~
- (3) In addition, when there is a necessity for a public hearing, ~~a fee~~an additional charge of \$300.00 shall be paid by the applicant to the ~~p~~Planning and Economic Development ~~d~~Department.

(b) All fees shall be paid at the time an application for division or partition of land is submitted, ~~except as noted in items 2 and 3 above.~~

(c) (1) If an application is found to be “incomplete” by a department’s review authority, the applicant will be notified in writing of what is required to make the application complete. If the applicant does not comply within 60 days, the application will be officially denied by the City Assessor with forfeiture of fee.

(2) The application is null and void after one year from date of submittal with forfeiture of fee if requirements are not met by applicant.

Section 3. Section 110-171 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-171. – Subdivision plan and plat reviews.

Fees for the review of preliminary and final plats and open space plans and the other requirement of article III of chapter 122, such as the cost of street trees, shall be calculated to defray the administration, planning, engineering and legal expenses incurred thereby. All fees and charges must be paid at the time indicated in this article. The fees shall be as follows for the following departments and reviews:

- (1) *Building department.*
 - a. Charge for each review, \$85.00 per hour.
 1. Minimum escrow deposit prior to review, \$250.00.
- (2) *Department of public service.*
 - a. Preliminary: minimum fee of \$800.00 up to ten acres plus \$75.00 per acre or fraction thereof up to a maximum fee of \$2,500.00.
 - b. Tentative-preliminary: minimum fee of \$950.00 up to ten acres plus \$95.00 per acre or fraction thereof up to a maximum fee of \$3,500.00.
 - c. Final-preliminary: minimum fee of \$500.00 up to ten acres plus \$45.00 per acre or fraction thereof up to a maximum fee of \$1,800.00.
 - d. Final plat: minimum fee of \$1,800.00 plus \$95.00 per acre or fraction thereof.
- (3) *Planning department.*
 - a. Concept review:
 1. First meeting: no fee.
 2. Second and each additional meeting: \$250.00.
 - b. Tentative-preliminary:
 1. Regular plan: \$900.00 plus \$10.00 per lot.
 2. Open space option: an additional \$500.00.
 - c. Final-preliminary: \$600.00 plus \$10.00 per lot.
 - d. Final plat: \$600.00 plus \$10.00 per lot.
 - e. Internal review, consultation and/or field inspection:

1. If service(s) conducted by city staff, service shall be charged at a rate of \$85.00 per hour.
2. If outside consultants are employed to conduct planning reviews, consultations and/or inspections, the fee will be equivalent to the city's cost for such consultant services.

f. In addition, there shall be a charge of 50% of the full review fee for the third and each subsequent review.

- (4) *Fire department.* Charge for each review, \$85.00 per hour (one hour minimum).
- (5) *Administrative charges.* Twenty percent of the sum of the fees in subsections (1) through (3) of this section shall be an administrative fee. The minimum shall be \$100.00.
- (6) *Legal document review.* For the legal review of deeds, easements, restrictive covenants, maintenance agreements, or other legal documents, the applicant shall be charged a fee corresponding to the city's cost for legal services.

Section 4. Section 110-172 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-172. – Development fees.

The fees in section 110-171 cover review of subdivision plans and plats only. City charges for review of construction plans for improvements and for inspection of construction, engineering fees, inspection fees, water and sewer connection charges and other applicable development charges shall be as provided in this section.

- (1) *Engineering review of utility and road construction.* The review fee shall be based on a percent of the estimate, as determined by the department of public service, of the projected construction costs for retention/detention facilities, public or private roads, water mains, sanitary sewers, storm sewers, and pathways.

- a. The first two reviews shall be charged according to the following schedule:

Construction Costs	Percentage	Minimum Fee
\$0.00 to \$50,000.00	3.75	\$ 750.00
\$50,000.00 to \$100,000.00	3.25	2,200.00
\$100,000.00 to \$1,000,000.00	1.75	3,750.00
Over \$1,000,000.00	1.25	18,750.00

- b. Subsequent reviews. There shall be an hourly surcharge for the third and each subsequent review, as outlined in subsection (3) of this section.

- c. Consultants. If consulting engineering personnel are used to conduct construction plan review, one-quarter percent of the fee will be retained by the city.
- (2) *Off-site improvements review.* Charges for reviews shall be based on a percent of the estimated dollar amount of the work to be done, according to the above schedule.
- (3) *Construction engineering services.* Fees for construction engineering services shall be as follows:
 - a. *Review, consultation, inspection fees.*
 1. Per-hour charge, ~~\$6385~~.00.
 2. There shall be a minimum four-hour charge for cancellations without prior notification to the city of ~~\$252340~~.00.
 3. If consultant-engineering personnel are used to conduct construction reviews, consultations, and/or inspections, the fees will be equivalent to the city's cost for such consultant services, plus a 20-percent administrative fee.
 4. Escrow for services fees. There shall be an escrow account established for review, consultation, and inspection fees before work is commenced based on the construction contract amount according to the following schedule:

Construction Contract Amount	Percentage Amount of Deposit	Minimum Fee
Up to \$50,000.00	10	\$2,300.00
\$50,000.00 to \$100,000.00	7	5,000.00
Over \$100,000.00	5	7,000.00

- (4) Administrative charges. An administrative charge shall be added to such fees or deposits as prescribed in this section as set forth in section 110-205.

Section 5. Section 110-203 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-203. – Public service department; city engineer.

The fees for the public service department and city engineer related to one-family residential detached condominiums shall be as follows:

- (1) Preliminary plan: minimum of \$950.00 up to ten acres plus \$95.00 per acre for each acre in excess of ten acres. The maximum charge shall be \$3,500.00.

- (2) Final plan: minimum of \$500.00 up to ten acres plus \$45.00 per acre for each acre in excess of ten acres. The maximum charge shall be \$1,800.00.
- (3) Master deed and exhibits: minimum of \$700.00 up to ten acres plus \$35.00 per acre (no maximum).
- (4) Charge for steep slope analysis, if applicable. Charge will be applied to platted and unplatted parcels in accordance with section 138-1082. Department of public services, \$~~75~~85.00 per hour.

Section 6. Section 110-204 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-204. – Planning department.

Planning department fees for one-family residential detached condominiums shall be as follows:

- (1) Preliminary plan: \$900.00 plus \$10.00 per building site.
- (2) Final plan: \$600.00 plus \$10.00 per building site.
- ~~(3) Master deed: \$500.00 for each review by city attorney.~~
- (4~~3~~) Internal review, consultation and/or field inspection:
 - a. If service(s) conducted by city staff, service shall be charged at a rate of \$~~75~~85.00 per hour.
 - b. If outside consultants are employed to conduct planning reviews, consultations and/or inspections, the fee will be equivalent to the city's cost for such consultant services.
 - c. Charge for steep slope analysis; if applicable. Charge will be applied to platted and unplatted parcels in accordance with section 138-1082, planning department, \$75.00 per hour.
 - d. A down payment or escrow account may be required to cover anticipated services.

(4) In addition, there shall be a charge of 50% of the full review fee for the third and each subsequent review.

Section 7. Section 110-286 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-286. – Planning department.

Planning department fees pertaining to tree removal permits as provided in article III of chapter 126 shall be as follows:

- (1) *Escrow fee for plan review/inspections.* There shall be an escrow account established for site plan/plat review and inspections. Escrow deposits are to be made at the time of application. Any additional consulting and/or administrative fees shall be paid prior to permit issuance or approval. The minimum escrow deposit shall be \$~~750~~250.00.
- (2) *Internal review, consultation and/or field inspection.* If service(s) conducted by city staff, service shall be charged at a rate of \$85.00 per hour.
- (3) *Consulting fee.* When consulting personnel are employed for site plan/plat review, preconstruction meetings, and site inspections, their cost will be deducted from the escrow deposit. If costs exceed the escrowed amount, additional fees charged will be equivalent to the city's cost for such consulting service.
- (4) *Administrative fee.* Twenty percent of the sum of the fees in subsections (1), (2) and (3) of this section shall be an administrative fee.
- (5) *Payment.* All escrow fees are payable to the city at the time of application.

Section 8. Section 110-287 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-287. – Parks and forestry department.

- (1) Parks and forestry department fees pertaining to site plan, plats, single-family, and site condominium review shall be as follows:
 - a. Hourly fee\$~~75~~85.00
 - b. Minimum escrow deposit.....250.00
- (2) Parks and forestry department fees pertaining to tree removal permits as provided in article III of chapter 126 shall be as follows:
 - a. Minimum fee. A minimum fee of \$90.00 shall be paid at the time of submission of the plan.
 - b. Additional costs. Costs exceeding the fee amount will be charged at a rate of \$75.00 per hour.
 - c. Time of payment. The minimum fee shall be payable to the city at the time of application.

Section 9. Section 110-346 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be added as follows:

Sec. 110-346. – Historical Preservation.

The fees for review of work in designated and proposed historic districts shall be as follows:

- (1) Permit applications requiring Historic District Commission review: \$80.00.
- (2) Modifications to decrease the size of a designated historic district or removal of a property from a designated historic district.
 - a. The applicant shall be charged a review fee corresponding to the cost of consultant investigation and review.
 - b. There shall be charges for an escrow deposit made at the time of application to pay for the cost of city-retained consultants for investigation and plan review services and city administration costs shall be as follows:
 - i. For a parcel two acres in size or less: \$500.00
 - ii. For a parcel two acres to five acres in size: \$1,000.00
 - iii. For a parcel greater than five acres in size: \$1,500.00

The administrative cost shall be an amount equal to 20 percent of the total consultant charges or \$100.00, whichever is greater.

Section 10. Section 110-372 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-372. – Department of public service.

The fees for department of public service reviews and inspections pursuant to article III of chapter 130 pertaining to unplatted land development shall be as follows:

- (1) *Site plans.*
 - a. Up to ten acres\$1,100.00
 - b. Over ten acres..... 1,100.00
plus \$90.00 per acre or fraction thereof over ten acres
 - c. Steep slope analysis, per hour~~75~~85.00
- (2) *Construction plan review fee.* The review fee shall be based on the estimate, as determined by the department of public service, of the projected construction costs for retention/detention facilities, public or private roads, water mains, sanitary sewers, storm sewers and pathways. Charges for the first two reviews shall be based on the dollar amount of work to be done according to the following schedule:

Construction Costs	Percentage	Minimum Fee
\$0.00 to \$50,000.00	3.75	\$ 750.00
\$50,000.00 to \$100,000.00	3.25	2,200.00
\$100,000.00 to \$1,000,000.00	1.75	3,750.00
Over \$1,000,000.00	1.25	18,750.00

In addition, there shall be an hourly surcharge for the third and each subsequent review, as set forth in subsection (4) of this section.

- a. If consultant engineering personnel are used to conduct construction plan review, one-quarter percent of the fee will be retained by the city.
- (3) *Off-site improvements.* Charges for review shall be based on the dollar amount of the work to be done, according to the above schedule.
- (4) *Construction engineering services.* Construction engineering services fees shall be as follows:
 - a. *Review, consultation, inspection fees.*
 1. Per-hour charge, ~~\$75~~85.00.
 2. There shall be a minimum four-hour charge for cancellations without prior notification to the city of \$300.00.

If consultant engineering personnel are employed to conduct construction consultations, and/or inspections, the fees will be equivalent to the city's cost for such consultant employment plus a 20 percent city administrative fee.

- b. *Escrow for services fees.* There shall be an escrow account established for review, consultation, and inspection fees before work is commenced based on the construction contract amount according to the following schedule:

Construction Contract Amount	Percentage Amount of Deposit	Minimum Fee
Up to \$50,000.00	10	\$2,300.00
\$50,000.00 to \$100,000.00	7	5,000.00
Over \$100,000.00	5	7,000.00

- c. *Private road escrow deposit.* For private roads, there shall be an escrow deposit made based on the cost of grading, gravel, paving, curbing, shoulders and ditching according to the above schedule.
- d. *Administrative charges.* Twenty percent of the sum of the fees or escrow deposits, as set forth in this subsection shall be added to such fees or deposits as an engineering administrative fee; however, such fee shall not be less than \$100.00.

Section 11. Section 110-373 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-373. – Planning department.

The fees for planning department reviews and inspections pursuant to article III of chapter 130 pertaining to unplatted land development shall be as follows:

- (1) Site plans.
 - a. Administrative review, \$750.00
 - ~~ab.~~ Multifamily or cluster and mobile home parks, \$1,000.00 plus \$18.00 per unit.
 - ~~bc.~~ CommercialNon-residential, \$1,500.00 plus \$75.00 per acre.
 - ~~c.~~ Industrial, \$1,500.00 plus \$75.00 per acre.
 - ~~d.~~ Research office, \$1,500.00 plus \$75.00 per acre.
 - ~~ed.~~ If service(s) conducted by city staff, service shall be charged at the rate of \$7585.00 per hour.
 - ~~e.~~ In addition, there shall be a charge of 50% of the full review fee for the third and each subsequent review.
- ~~(2)~~ Rezoning requests, \$750.00.
- ~~(3)~~ Special/conditional land uses, \$7501,000.00.
 - a. In addition, there shall be a charge of 50% of the full review fee for the third and each subsequent review.
- ~~(4)~~ Semipublic uses (schools, churches), \$1,500.00 plus \$475.00 per acre.
- ~~(5)~~ Extensions of approval (site plans and plats):
 - a. Administrative approval, \$250.00
 - b. Planning commission or city council approval, \$500.00 per meeting.
- ~~(6)~~ Landscape plan review.
 - ~~a.~~ Plan review escrow deposit, \$500.00 minimum.
 - ~~ba.~~ Internal review, consultation and/or field inspection:
 1. If service(s) conducted by city staff, service shall be charged at a rate of \$7585.00 per hour.
 2. If outside consultants are employed to conduct planning reviews, consultations and/or inspections, the fee will be equivalent to the city's cost for such consultant services.
 - c. Landscape planting inspection fee. Landscape plan construction costs should be submitted to the city and include an itemized cost list for plant

materials and mulch. Sod, fill dirt, topsoil, finished grading, and irrigation systems should not be included. All such estimates are subject to review and approval by the planning department. Revised landscape planting plans shall require the resubmittal of the landscape plan and recalculation of estimated planting costs. Additional review fees may be required for subsequent resubmittal of plans.

Landscape Planting Costs	Percentage	Minimum Fee
\$0.00 to \$4,999.00		\$500.00
\$5,000.00 and greater*	3.00	\$500.00
* 3 percent of amount greater than \$5,000.00 is in addition to minimum fee of \$500.00		

In addition, all inspections fees must be paid prior to issuance of a building permit.

- (75) Brownfield Redevelopment Plan Review Fee, \$2,500.00 minimum to begin review process.
- (86) For work not covered in the scale in this section, the rate of charge shall be the actual cost to the city for the service, plus an administrative fee of 20 percent, with a minimum charge of \$100.00.
- (97) For additions to existing facilities the per acre fee shall not apply.
- (108) Charge for steep slope analysis, if applicable. Charge will be applied to platted and unplatted parcels in accordance with section 138-1082.

Section 12. Section 110-374 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-374. – Legal documents review.

The fees for legal documents review pursuant to article III of chapter 130 pertaining to unplatted land development shall be as follows:

- (1) For the legal review of deeds, easements, restrictive covenants, maintenance agreements, or other legal documents, the applicant shall be charged a fee of ~~\$115.00 per document~~ corresponding to the City’s cost for legal services.

Section 13. Section 110-403 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-403. – Permanent sign fees.

- (a) Prior to erection of a permanent sign, the following charges shall be paid:
 - (1) *Plan review fee.*

- a. Where review of construction documents is performed by city employees, the review fee shall be charged at \$85.00 per hour or fraction thereof.
- b. Where the review of construction documents is performed by outside consultants, the review fee shall be charged at ~~1.5~~1.25 times the actual cost. Payment shall be in advance based on estimated cost.

(2) *Sign permit fees.*

- a. Wall signs: \$85.00.
- b. Monument signs: \$165.00.

Permit fee covers one inspection for wall signs and two inspections for monument signs. All additional inspections will require the re-inspection fee prescribed in subsection (3), below.

(3) *Reinspections.* For reinspections under this article, the fee shall be \$85.00 per inspection.

- (b) Whenever a panel or the lettering of an existing sign is being changed, including alteration of the sign message, and it appears that no additional sign area will be used and there is no relocation of the sign, a permit fee of \$85.00 shall be charged in addition to the application fee.

Section 14. Section 110-438 of Chapter 110 of the Code of Ordinances of the City of Rochester Hills shall be amended as follows:

Sec. 110-438. – Zoning ordinance text and map changes.

The fees for zoning ordinance text and map changes as provided in section 138-7 shall be as follows:

- (1) Text, ~~\$25.00~~ amendment requests.
 - a. If service(s) conducted by city staff, service shall be charged at a rate of \$85.00 per hour.
- (2) Map, ~~\$4.00~~ rezoning requests, \$1,000.00.
 - a. In addition, there shall be a charge of 50% of the full review fee for the third and each subsequent review.

Section 15. Severability. This ordinance and each article, section, subsection, paragraph, subparagraph, part, provision, sentence, word and portion thereof are hereby declared to be severable, and if they or any of them are declared to be invalid or unenforceable for any reason by a court of competent jurisdiction, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

Section 16. Repeal, Effective Date, Adoption.

(1) Repeal. All regulatory provisions contained in other City ordinances, which are inconsistent with the provisions of this ordinance, are hereby repealed.

(2) Effective Date. This ordinance shall become effective on _____, following its publication in the *Oakland Press* on _____, 2019.

(3) Adoption. This ordinance was adopted by the City Council of the City of Rochester Hills at a meeting thereof held on _____, 2019.

Bryan K. Barnett, Mayor
City of Rochester Hills

CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS ADOPTED BY THE CITY COUNCIL OF THE CITY OF ROCHESTER HILLS AT A MEETING THEREOF ON _____, 2019.

Tina Barton, Clerk
City of Rochester Hills