

AGENDA ITEM #19
July 13, 2010

Public Hearing/Action

MEMORANDUM

July 9, 2010

TO: County Council

FROM: Amanda M. Mihill, Legislative Analyst *A. Mihill*

SUBJECT: **Public Hearing/Action:** Resolution to approve revisions to the Board of Appeals' Filing Fees

On June 15, the Council adopted Resolution No. 16-1396, which increased the special exception filing fees for the Board of Appeals. The District Council introduced a resolution to approve revisions to the filing fees for the Board of Appeals on June 29. Although it was the Council's intent to comprehensively increase the Board's filing fees, Resolution No. 16-1396 inadvertently increased only special exception filing fees. The attached resolution would increase the Board's filing fees for variances, administrative appeals, sign deposits, extensions of time to implement, and transfer of special exceptions by approximately 10%. This percentage is consistent with the Council action's in Resolution No. 16-1396.

This packet contains

Draft Resolution

Proposed Fee Increases

Circle

1

2

Resolution No.: _____
Introduced: June 29, 2010
Adopted: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN MONTGOMERY COUNTY, MARYLAND**

By: District Council

SUBJECT: Revision to Board of Appeals Filing Fees

Background

1. Subject to the approval of the County Council, the Board of Appeals may adopt rules of procedure to govern its proceedings. The Board's rules may govern filing fees, the conduct of meetings and hearings, and other procedures necessary to hear and decide cases.
2. The Board of Appeals has submitted for approval a revised fee schedule.
3. The Council approved a revision to the special exception filing fee schedule on June 15, 2010 in Resolution No. 16-1396.
4. On {date}, the County Council held a public hearing on the proposed revised filing fee schedule.
5. On {date}, the County Council reviewed the proposed filing fee schedule.

Action

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland approves the following resolution:

The attached filing fee schedule is established for the Board of Appeals.

This is a correct copy of Council action.

Linda M. Lauer, Clerk of the Council

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.00.2	Abattoir	\$9,075.00
59-G-2.00	Accessory Apartment	\$275.00
59-G-2.00.1	Accessory Dwelling	\$1,512.50
59-G-2.00.3 -repealed	Adult Entertainment Business	\$22,687.50
	Airstrip	\$1,5125.00
59-G-2.00.4	Airstrip, associated with farms	\$4,537.50
59-G-2.54.1	Agricultural Processing, secondary	\$7,562.50
	Alcoholic Beverage Manufacturer	\$15,125.00
59-G-2.01	Ambulance or Rescue Squad – privately supported	\$2,268.75
	Amusement Center (see Recreation & Entertainment Establishments)	
59-G-2.02	Animal Boarding Place:	
	Up to 10 animals	\$2,268.75
	Over 10 animals	\$3,781.25
59-G-2.03	Animal Cemetery	\$7,562.50
59-G-2.04	Antique Shop	\$2,268.75
	Appliance Repair	\$3,781.25
59-G-2.05	Art or Cultural Center (non-commercial)	\$3,781.25
59-G-2.05.1	Auction Facility	\$12,100.00
	Auditorium or Convention Hall	\$9,075.00
59-G-2.06	Automobile Filling Station	\$15,125.00

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.07	Auto & Light Truck & Trailer Rental Lot – outdoor	\$9,075.00
	Auto Repair & Service – indoor	\$9,075.00
	Auto Repair & Service	\$9,075.00
	Auto Sales Lot – outdoor/indoor	\$9,075.00
	Auto Sales & Service Center	\$11,000.00
59-G-2.08	Auto Storage Lot	\$4,537.50
59-G-2.09	Auto Truck & Trailer Rental Lot – outdoor	\$9,075.00
	Barber & Beauty Shop (see Retail Sales & Personal Services)	
59-G-2.09.2	Bed and Breakfast	\$605.00
59-G-2.09.1	Blacksmith	\$907.50
59-G-2.10	Boardinghouse	\$907.50
	Boat Repair & Service	\$9,075.00
	Boat Sales – indoors	\$9,075.00
	Bowling Alley (see Recreational & Entertainment Establishment)	
	Bus Terminal	\$15,125.00
59-G-2.10-1	Cable Communication System	\$22,687.50
59-G-2.11	Campground	\$15,125.00
59-G-2.11.1	Car Wash	\$9,075.00
59-G-2.11.2	Catering Facilities, outdoors	\$15,125.00
59-G-2.12	Cemeteries	\$15,125.00
59-G-2.12.1	Chancery and International Organization	\$9,075.00
59-G-2.15.1	Conference Center w/lodging	\$22,687.50

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.21	Charitable and Philanthropic Institution	\$7,562.50
59-G-2.13.1	Child Day Care	
	Non-profit – over 30	\$3,781.25
	For profit – over 30	\$4537.50
59-G-2.14	Clinic; Medical or Dental	\$9,075.00
59-G-2.15.2	Country Market	\$756.25
	Delicatessen (see Retail Sales or Personal Services)	
	Drugstore (see Retail Sales & Personal Services)	
	Dry Cleaning & Laundry, Pickup (see Retail Sales & Personal Services)	
59-G-2.36.2	Dwelling in Industrial or Commercial Zone (per unit)	\$756.25
	Eating and Drinking Establishment excluding drive-ins (see Retail Sales & Personal Services)	
59-G-2.16	Drive-in Restaurant	\$15,125.00
59-G-2.19	Educational Institution, Private	
	Up to 10 students	\$1,512.50
	11 to 40 students	\$3,781.25
	Over 40 students	\$7,562.50

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.13	Elderly Day Care:	
	Non-profit – up to 10	\$151.25
	11 to 20	\$302.50
	21 to 30	\$1,210.00
	Over 30	\$3,781.25
59-G-2.13	Elderly Day Care:	
	For profit – up to 10	\$756.25
	11 to 20	\$1,210.00
	21 to 30	\$3,781.25
	Over 30	\$4,537.50
59-G-2.43	Electric Power Transmission & Distribution Lines more than 69,000 volts (see Public Utility Building)	
59-G-2.49	Equestrian facility in a Residential Zone	\$756.25
59-G-2.49.1	Equestrian facility in an Agricultural Zone	\$4,537.50
59-G-2.21.2	Farm Machinery	\$4,537.50
	[Farm Market, Roadside	\$756.25
59-G-2.21.3	Farm Supply	\$4,537.50
59-G-2.21.4	Farm Tenant Mobile Homes – more than 1 – less than 4 per DU	\$1,512.50
59-G-2.22	Fertilizer Mixing Plants	\$9,075.00
	Florist (see Retail Sales & Personal Services)	
	Food & Beverage Store (see Retail Sales & Personal Services)	

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
	Fraternity or Sorority House	\$3,781.25
	Fuel Production as agriculture by-product	\$7,562.50
59-G-2.23	Funeral Parlor or Undertaking Establishment	\$9,075.00
	Furniture or Upholstery Repair Shop	\$4,537.50
59-G-2.24	Golf Course/Country Club	\$15,125.00
	Mini Golf	\$7,562.50
59-G-2.25	Golf Driving Range	\$7,562.50
59-G-2.25.1	Grain Elevator	\$7,562.50
59-G-2.26	Group Residential Facility – Exceptional Persons	\$605.00
59-G-2.26.1	Group Picnic, Catering and Recreation Facility in RDT zone (See outdoor catering)	
59-G-2.27	Heliports and Helistops	\$16,637.50
59-G-2.28	Highway Fuel and Food Service	\$15,125.00
59-G-2.29	Home Occupation, Major	\$605.00
59-G-2.30	Horticultural Nursery & Commercial Greenhouse	\$7,562.50
59-G-2.30.1	Hospice	\$1,210.00
59-G-2.31	Hospital	\$16,637.50
59-G-2.32	Hospital, Veterinary (see Veterinary Hospital)	
59-G-2.33	Hotels and Motels	\$22,723.80

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.35	Housing, Elderly & Handicapped	
	Non- Profit – per unit	\$151.25
	Minimum	\$1,210.00
	Maximum	\$9,075.00
	Commercial – per unit	\$151.25
	Minimum	\$9,075.00
	Maximum	\$22,723.80
	Laboratories, Medical & Dental	\$15125.00
59-G-2.30.00	Landscape Contractor (see Horticultural Nursery)	
59-G-2.35.1	Life Care Facility (see Housing, Elderly)	
59-G-2.30.00	Manufacture of Mulch/Composting	\$7,562.50
59-G-2.36.4	Meeting Centers for use of residents	\$1,512.50
59-G-2.36.1	Milk Plant	\$7,562.50
	Mobil Home, single wide, per unit	\$302.50
59-G-2.36.3	Newspaper, village	\$3,781.25
	Newsstand (see Retail Sales and Services)	
59-G-2.37	Nursing Home or Domiciliary Care Home	
	Non- profit – up to 5 persons	\$302.50
	6 to 20 persons	\$1,210.00
	20 to 40 persons	\$3,781.25
	over 40 persons	\$9,075.00
	Commercial – up to 5 persons	\$1,210.00
	6 to 20 persons	\$3,781.25
	20 to 40 persons	\$15,125.00
	over 40 persons	\$22,723.80

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.38.1	Office, General	\$4,537.50
59-G-2.36	Office, Medical Practitioner – non-resident	\$9,075.00
59-G-2.38	Office, Professional – non-resident	\$9,075.00
	Office, Professional – resident	\$9,075.00
	Outdoor Sales Lot (see Automobile Sales Lot)	
	Parking Garage – Automobile/per space	\$302.50
	- Maximum	\$22,723.80
59-G-2.39	Parking of Automobiles – off street, in connection	
59-G-2.39.1	with commercial -	
	Per Space	\$605.00
	Maximum	\$1,210.00
59-G-2.41	Pet Shop	\$3,781.25
59-G-2.41.1	Pipeline – above ground	\$22,723.80
59-G-2.24	Private Club and Service Organization	\$7562.50
59-G-2.43	Public Utility Buildings, Public Utility Structures and Telecommunications facilities	\$18,750.00
	Racquetball, Squash, Indoor Tennis, Handball Courts – commercial (see Recreation & Entertainment Establishment)	
59-G-2.45	Radio & TV Broadcasting Stations & Towers	\$22,723.80
59-G-2.44 (see 59-G-2.43)	Recreation or Entertainment Establishment, commercial	\$15,125.00
59-G-2.45	Recreation Facility primarily for use of residents	\$1512.50
	Research Institute – non-commercial (See Charitable & Philanthropic)	
	Restaurant (see Eating & Drinking Establishment)	

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
59-G-2.47	Retail Sales and Personal Services Establishment in multi-family housing per square foot	\$7.55
59-G-2.30	Retail Nursery and Garden Center (see Horticultural Nursery)	
59-G-2.48	Retail Sales and Personal Services – per square foot (Retail establishment in Office Building)	\$9.07
59-G-2.46	Retail and Service Establishments	
59-G-2.50	Rifle, Pistol, Skeet Shooting Range	\$7,562.50
59-G-2.51	Roofing Contractor	\$4,537.50
59-G-2.52	Sand, Gravel, Clay Pit or Extraction of other natural material – Temporary use	\$15,125.00
59-G-2.53.1	Sanitarium – Non-profit – up to 5 persons	\$302.50
	6 to 20 persons	\$1,210.00
	20 to 40 persons	\$3,781.25
	over 40 persons	\$9,075.00
	Sanitarium - Commercial – up to 5 persons	\$1,210.00
	6 to 20 persons	\$3,781.25
	20 to 40 persons	\$9,075.00
	over 40 persons	\$15,125.00
	Sanitary Fills and Incinerators	\$15,125.00
	59-G-2.54	Sawmill
59-G-2.54.2	Service Organization	\$1512.50
	Solid Waste Transfer Station Private	\$7,562.50
	Specialty Shop (see Retail and Personal Services)	

BOARD OF APPEALS FEE SCHEDULE

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>FILING FEE</u>
	Stadium or Arena (see Recreation or Entertainment Establishment, commercial)	
	Stockyard	
59-G-2.55	Swimming Pool – commercial	\$7,562.50
59-G-2.56	Swimming Pool – community	\$1,512.50
59-G-2.57	Teahouses and Restaurants in Residential Zones	
	Temporary Structures, including wayside stands for sales of farm produce	\$756.25
59-G-2.58	Telecommunications Facility	\$15,125.00
59-G-2.59	Theater, legitimate	\$12,100.00
59-G-2.60	Theater, indoor	\$7,562.50
59-G-2.62	Tire, Battery and Accessory Store	\$4,537.50
	Trade, Artistic or Technical School	\$3,781.25
59-G-2.32	Veterinary Hospital	\$9,075.00
	Warehouse Building – wholly enclosed	\$7,562.50
	Wholesale Nursery or Greenhouse (see Horticultural Nursery)	
59-G-2.63	Winery	\$7,562.50

<u>VARIANCES</u>		<u>Revised Fee</u>
Single Family Residential **	\$400.00	\$440.00
Single Family Residence; Under construction or Newly constructed	\$800.00	\$880.00
Multi-Family	\$2,500.00	\$2,750.00
Commercial/Industrial	\$3,000.00	\$3,300.00

** If the variance is only for the existing non-conforming dwelling in

BOARD OF APPEALS FEE SCHEDULE

ADMINISTRATIVE APPEALS

Revised Fee

Residential Property *	\$200.00	\$220.00
Commercial Property *	\$200.00	\$220.00

* Refundable if appeal is granted

SIGN DEPOSIT

Deposit	\$200.00	\$220.00
Refundable upon return of sign	\$100.00	\$110.00

MODIFICATIONS, MINOR, WITHOUT PUBLIC HEARING

Extension of Time/Transfer of Special Exception	\$200.00	\$220.00
Other: 10% of prevailing fee with a Minimum of:	\$500.00	\$500.00

MODIFICATIONS, MAJOR, WITH PUBLIC HEARING

Changes in previously granted special exceptions involving no new construction	25% prevailing SE filing fee	25% prevailing SE filing fee
New Construction Proposed	50% prevailing SE filing fee	50% prevailing SE filing fee