

Resolution No.: 16-1396  
Introduced: May 18, 2010  
Adopted: June 15, 2010

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

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By: District Council

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**SUBJECT:** Revision to Board of Appeals Special Exception Filing Fees

**Background**

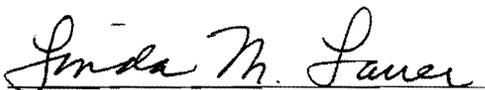
1. Subject to the approval of the County Council, the Board of Appeals may adopt rules of procedure to govern its proceedings. The Board's rules may govern filing fees, the conduct of meetings and hearings, and other procedures necessary to hear and decide cases.
2. The Board of Appeals has submitted for approval a revised special exception fee schedule.
3. The Council approved the last general revision to the special exception filing fee schedule on June 19, 2007.
4. On June 15, 2010, the County Council held a public hearing on the proposed revised special exception filing fee schedule.
5. On June 15, 2010, 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 fee schedule is established for filing a special exception application with 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>	
			<b>Revised Fee</b>
<b>59-G-2.00.2</b>	Abattoir	<b>\$8,250.00</b>	<b>\$9,075.00</b>
<b>59-G-2.00</b>	Accessory Apartment	<b>\$250.00</b>	<b>\$275.00</b>
<b>59-G-2.00.1</b>	Accessory Dwelling	<b>\$1,375.00</b>	<b>\$1,512.50</b>
<b>59-G-2.00.3 -repealed</b>	Adult Entertainment Business	<b>\$20,625.00</b>	<b>\$22,687.50</b>
	Airstrip	<b>\$13,750.00</b>	<b>\$1,5125.00</b>
<b>59-G-2.00.4</b>	Airstrip, associated with farms	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.54.1</b>	Agricultural Processing, secondary	<b>\$6,875.00</b>	<b>\$7,562.50</b>
	Alcoholic Beverage Manufacturer	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.01</b>	Ambulance or Rescue Squad – privately supported	<b>\$2,062.50</b>	<b>\$2,268.75</b>
	Amusement Center (see Recreation & Entertainment Establishments)		
<b>59-G-2.02</b>	Animal Boarding Place:		
	Up to 10 animals	<b>\$2,062.50</b>	<b>\$2,268.75</b>
	Over 10 animals	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.03</b>	Animal Cemetery	<b>\$6,875.00</b>	<b>\$7,562.50</b>
<b>59-G-2.04</b>	Antique Shop	<b>\$2,062.50</b>	<b>\$2,268.75</b>
	Appliance Repair	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.05</b>	Art or Cultural Center (non-commercial)	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.05.1</b>	Auction Facility	<b>\$11,000.00</b>	<b>\$12,100.00</b>
	Auditorium or Convention Hall	<b>\$8,250.00</b>	<b>\$9,075.00</b>
<b>59-G-2.06</b>	Automobile Filling Station	<b>\$13,750.00</b>	<b>\$15,125.00</b>

**BOARD OF APPEALS FEE SCHEDULE**

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>		<b>Revised Fee</b>
<b>59-G-2.07</b>	Auto & Light Truck & Trailer Rental Lot – outdoor	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Auto Repair & Service – indoor	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Auto Repair & Service	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Auto Sales Lot – outdoor/indoor	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Auto Sales & Service Center	<b>\$10,000.00</b>	<b>\$11,000.00</b>
<b>59-G-2.08</b>	Auto Storage Lot	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.09</b>	Auto Truck & Trailer Rental Lot – outdoor	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Barber & Beauty Shop (see Retail Sales & Personal Services)		
<b>59-G-2.09.2</b>	Bed and Breakfast	<b>\$550.00</b>	<b>\$605.00</b>
<b>59-G-2.09.1</b>	Blacksmith	<b>\$825.00</b>	<b>\$907.50</b>
<b>59-G-2.10</b>	Boardinghouse	<b>\$825.00</b>	<b>\$907.50</b>
	Boat Repair & Service	<b>8,250.00</b>	<b>\$9,075.00</b>
	Boat Sales – indoors	<b>8,250.00</b>	<b>\$9,075.00</b>
	Bowling Alley (see Recreational & Entertainment Establishment)		
	Bus Terminal	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.10-1</b>	Cable Communication System	<b>\$20,625.00</b>	<b>\$22,687.50</b>
<b>59-G-2.11</b>	Campground	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.11.1</b>	Car Wash	<b>\$8,250.00</b>	<b>\$9,075.00</b>
<b>59-G-2.11.2</b>	Catering Facilities, outdoors	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.12</b>	Cemeteries	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.12.1</b>	Chancery and International Organization	<b>\$8,250.00</b>	<b>\$9,075.00</b>
<b>59-G-2.15.1</b>	Conference Center w/lodging	<b>\$20,625.00</b>	<b>\$22,687.50</b>

**BOARD OF APPEALS FEE SCHEDULE**

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>		<b>Revised Fee</b>
<b>59-G-2.21</b>	Charitable and Philanthropic Institution	<b>\$6,875.00</b>	<b>\$7,562.50</b>
<b>59-G-2.13.1</b>	Child Day Care		
	Non-profit – over 30	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	For profit – over 30	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.14</b>	Clinic; Medical or Dental	<b>\$8,250.00</b>	<b>\$9,075.00</b>
<b>59-G-2.15.2</b>	Country Market	<b>\$687.50</b>	<b>\$756.25</b>
	Delicatessen (see Retail Sales or Personal Services)		
	Drugstore (see Retail Sales & Personal Services)		
	Dry Cleaning & Laundry, Pickup (see Retail Sales & Personal Services)		
<b>59-G-2.36.2</b>	Dwelling in Industrial or Commercial Zone (per unit)	<b>\$687.50</b>	<b>\$756.25</b>
	Eating and Drinking Establishment excluding drive-ins (see Retail Sales & Personal Services)		
<b>59-G-2.16</b>	Drive-in Restaurant	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.19</b>	Educational Institution, Private		
	Up to 10 students	<b>\$1,375.00</b>	<b>\$1,512.50</b>
	11 to 40 students	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	Over 40 students	<b>\$6,875.00</b>	<b>\$7,562.50</b>

**BOARD OF APPEALS FEE SCHEDULE**

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>		<b>Revised Fee</b>
<b>59-G-2.13</b>	Elderly Day Care:		
	Non-profit – up to 10	<b>\$137.50</b>	<b>\$151.25</b>
	11 to 20	<b>\$275.00</b>	<b>\$302.50</b>
	21 to 30	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	Over 30	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.13</b>	Elderly Day Care:		
	For profit – up to 10	<b>\$687.50</b>	<b>\$756.25</b>
	11 to 20	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	21 to 30	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	Over 30	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.43</b>	Electric Power Transmission & Distribution Lines more than 69,000 volts (see Public Utility Building)		
<b>59-G-2.49</b>	Equestrian facility in a Residential Zone	<b>\$687.50</b>	<b>\$756.25</b>
<b>59-G-2.49.1</b>	Equestrian facility in an Agricultural Zone	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.21.2</b>	Farm Machinery	<b>\$4,125.00</b>	<b>\$4,537.50</b>
	[Farm Market, Roadside	<b>\$687.50</b>	<b>\$756.25</b>
<b>59-G-2.21.3</b>	Farm Supply	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.21.4</b>	Farm Tenant Mobile Homes – more than 1 – less than 4 per DU	<b>\$1,375.00</b>	<b>\$1,512.50</b>
<b>59-G-2.22</b>	Fertilizer Mixing Plants	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	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>Revised Fee</u>
	Fraternity or Sorority House	\$3,437.50	\$3,781.25
	Fuel Production as agriculture by-product	\$6,875.00	\$7,562.50
59-G-2.23	Funeral Parlor or Undertaking Establishment	\$8,250.00	\$9,075.00
	Furniture or Upholstery Repair Shop	\$4,125.00	\$4,537.50
59-G-2.24	Golf Course/Country Club	\$13,750.00	\$15,125.00
	Mini Golf	\$6,875.00	\$7,562.50
59-G-2.25	Golf Driving Range	\$6,875.00	\$7,562.50
59-G-2.25.1	Grain Elevator	\$6,875.00	\$7,562.50
59-G-2.26	Group Residential Facility – Exceptional Persons	\$550.00	\$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	\$15,125.00	\$16,637.50
59-G-2.28	Highway Fuel and Food Service	\$13,750.00	\$15,125.00
59-G-2.29	Home Occupation, Major	\$550.00	\$605.00
59-G-2.30	Horticultural Nursery & Commercial Greenhouse	\$6,875.00	\$7,562.50
59-G-2.30.1	Hospice	\$1,100.00	\$1,210.00
59-G-2.31	Hospital	\$15,125.00	\$16,637.50
59-G-2.32	Hospital, Veterinary (see Veterinary Hospital)		
59-G-2.33	Hotels and Motels	\$20,658.00	\$22,723.80

**BOARD OF APPEALS FEE SCHEDULE**

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>		<b>Revised Fee</b>
<b>59-G-2.35</b>	Housing, Elderly & Handicapped		
	Non- Profit – per unit	<b>\$137.50</b>	<b>\$151.25</b>
	Minimum	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	Maximum	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Commercial – per unit	<b>\$137.50</b>	<b>\$151.25</b>
	Minimum	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Maximum	<b>\$20,658.00</b>	<b>\$22,723.80</b>
	Laboratories, Medical & Dental	<b>\$13,750.00</b>	<b>\$15125.00</b>
<b>59-G-2.30.00</b>	Landscape Contractor (see Horticultural Nursery)		
<b>59-G-2.35.1</b>	Life Care Facility (see Housing, Elderly)		
<b>59-G-2.30.00</b>	Manufacture of Mulch/Composting	<b>\$6,875.00</b>	<b>\$7,562.50</b>
<b>59-G-2.36.4</b>	Meeting Centers for use of residents	<b>\$1,375.00</b>	<b>\$1,512.50</b>
<b>59-G-2.36.1</b>	Milk Plant	<b>\$6,875.00</b>	<b>\$7,562.50</b>
	Mobil Home, single wide, per unit	<b>\$275.00</b>	<b>\$302.50</b>
<b>59-G-2.36.3</b>	Newspaper, village	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	Newsstand (see Retail Sales and Services)		
<b>59-G-2.37</b>	Nursing Home or Domiciliary Care Home		
	Non- profit – up to 5 persons	<b>\$275.00</b>	<b>\$302.50</b>
	6 to 20 persons	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	20 to 40 persons	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	over 40 persons	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Commercial – up to 5 persons	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	6 to 20 persons	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	20 to 40 persons	<b>\$13,750.00</b>	<b>\$15,125.00</b>
	over 40 persons	<b>\$20,658.00</b>	<b>\$22,723.80</b>

**BOARD OF APPEALS FEE SCHEDULE**

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>		<b>Revised Fee</b>
<b>59-G-2.38.1</b>	Office, General	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.36</b>	Office, Medical Practitioner – non-resident	<b>\$8,250.00</b>	<b>\$9,075.00</b>
<b>59-G-2.38</b>	Office, Professional – non-resident	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Office, Professional – resident	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Outdoor Sales Lot (see Automobile Sales Lot)		
	Parking Garage – Automobile/per space	<b>\$275.00</b>	<b>\$302.50</b>
	- Maximum	<b>\$20,658.00</b>	<b>\$22,723.80</b>
<b>59-G-2.39</b>	Parking of Automobiles – off street, in connection		
<b>59-G-2.39.1</b>	with commercial -		
	Per Space	<b>\$550.00</b>	<b>\$605.00</b>
	Maximum	<b>\$11,000.00</b>	<b>\$1,210.00</b>
<b>59-G-2.41</b>	Pet Shop	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.41.1</b>	Pipeline – above ground	<b>\$20,658.00</b>	<b>\$22,723.80</b>
<b>59-G-2.24</b>	Private Club and Service Organization	<b>\$6,875.00</b>	<b>\$7562.50</b>
<b>59-G-2.43</b>	Public Utility Buildings, Public Utility Structures and Telecommunications facilities	<b>\$13,750.00</b>	<b>\$18,750.00</b>
	Racquetball, Squash, Indoor Tennis, Handball Courts – commercial (see Recreation & Entertainment Establishment)		
<b>59-G-2.45</b>	Radio & TV Broadcasting Stations & Towers	<b>\$20,658.00</b>	<b>\$22,723.80</b>
<b>59-G-2.44</b> (see 59-G-2.43)	Recreation or Entertainment Establishment, commercial	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.45</b>	Recreation Facility primarily for use of residents	<b>\$1,375.00</b>	<b>\$1512.50</b>
	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>		<b>Revised Fee</b>
<b>59-G-2.47</b>	Retail Sales and Personal Services Establishment in multi-family housing per square foot	<b>\$6.87</b>	<b>\$7.55</b>
<b>59-G-2.30</b>	Retail Nursery and Garden Center (see Horticultural Nursery)		
<b>59-G-2.48</b>	Retail Sales and Personal Services – per square foot (Retail establishment in Office Building)	<b>\$8.25</b>	<b>\$9.07</b>
<b>59-G-2.46</b>	Retail and Service Establishments		
<b>59-G-2.50</b>	Rifle, Pistol, Skeet Shooting Range	<b>\$6,875.00</b>	<b>\$7,562.50</b>
<b>59-G-2.51</b>	Roofing Contractor	<b>\$4,125.00</b>	<b>\$4,537.50</b>
<b>59-G-2.52</b>	Sand, Gravel, Clay Pit or Extraction of other natural material – Temporary use	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.53.1</b>	Sanitarium – Non-profit – up to 5 persons	<b>\$275.00</b>	<b>\$302.50</b>
	6 to 20 persons	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	20 to 40 persons	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	over 40 persons	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Sanitarium - Commercial – up to 5 persons	<b>\$1,100.00</b>	<b>\$1,210.00</b>
	6 to 20 persons	<b>\$3,437.50</b>	<b>\$3,781.25</b>
	20 to 40 persons	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	over 40 persons	<b>\$13,750.00</b>	<b>\$15,125.00</b>
	Sanitary Fills and Incinerators	<b>\$13,750.00</b>	<b>\$15,125.00</b>
<b>59-G-2.54</b>	Sawmill	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.54.2</b>	Service Organization	<b>\$1,375.00</b>	<b>\$1512.50</b>
	Solid Waste Transfer Station Private	<b>\$6,875.00</b>	<b>\$7,562.50</b>
	Specialty Shop (see Retail and Personal Services)		

**BOARD OF APPEALS FEE SCHEDULE**

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>		<b>Revised Fee</b>
	Stadium or Arena (see Recreation or Entertainment Establishment, commercial)		
	Stockyard		
<b>59-G-2.55</b>	Swimming Pool – commercial	<b>\$6,875.00</b>	<b>\$7,562.50</b>
<b>59-G-2.56</b>	Swimming Pool – community	<b>\$1,375.00</b>	<b>\$1,512.50</b>
<b>59-G-2.57</b>	Teahouses and Restaurants in Residential Zones		
	Temporary Structures, including wayside stands for sales of farm produce	<b>\$687.50</b>	<b>\$756.25</b>
<b>59-G-2.58</b>	Telecommunications Facility	<b>\$13,750.</b>	<b>\$15,125.00</b>
<b>59-G-2.59</b>	Theater, legitimate	<b>\$11,000.00</b>	<b>\$12,100.00</b>
<b>59-G-2.60</b>	Theater, indoor	<b>\$6,875.00</b>	<b>\$7,562.50</b>
<b>59-G-2.62</b>	Tire, Battery and Accessory Store	<b>\$4,125.00</b>	<b>\$4,537.50</b>
	Trade, Artistic or Technical School	<b>\$3,437.50</b>	<b>\$3,781.25</b>
<b>59-G-2.32</b>	Veterinary Hospital	<b>\$8,250.00</b>	<b>\$9,075.00</b>
	Warehouse Building – wholly enclosed	<b>\$6,875.00</b>	<b>\$7,562.50</b>
	Wholesale Nursery or Greenhouse (see Horticultural Nursery)		
<b>59-G-2.63</b>	Winery	<b>\$6,875.00</b>	<b>\$7,562.50</b>

**VARIANCES**

Single Family Residential **	<b>\$400.00</b>
Single Family Residence; Under construction or Newly constructed	<b>\$800.00</b>
Multi-Family	<b>\$2,500.00</b>
Commercial/Industrial	<b>\$3,000.00</b>

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

**BOARD OF APPEALS FEE SCHEDULE**

**ADMINISTRATIVE APPEALS**

Residential Property \* **\$200.00**

Commercial Property \* **\$200.00**

\* Refundable if appeal is granted

**SIGN DEPOSIT**

Deposit **\$200.00**

Refundable upon return of sign **\$100.00**

**MODIFICATIONS, MINOR, WITHOUT  
PUBLIC HEARING**

Extension of Time/Transfer of Special Exception **\$200.00**

Other: 10% of prevailing fee with a Minimum of: **\$500.00**

**MODIFICATIONS, MAJOR, WITH PUBLIC  
HEARING**

Changes in previously granted special exceptions involving no new construction **25% prevailing SE filing fee**

New Construction Proposed **50% prevailing SE filing fee**

*Clerk's note: The attachment was corrected to reflect the description in the resolution of the Council's action to increase special exception filing fees. A resolution to increase other filing fees will be introduced.*