

Resolution No.: 17-1168
Introduced: June 17, 2014
Adopted: July 15, 2014

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

By: District Council

SUBJECT: Resolution to approve comprehensive revisions to the Office of Zoning and Administrative Hearings' Fee Schedule

Background

1. The District Council approved the Zoning Ordinance Rewrite (ZTA 13-04) that established new zones and new conditional uses (formerly known as "special exceptions"). It has an effective date of October 30, 2014.
2. By Resolution 17-1087, the District Council adopted interim fees solely for Local Map Amendment applications on May 13, 2014. Those fees are in effect through October 29, 2014. The May 13, 2014 temporary fee schedule did not provide any increases from the last comprehensive Office of Zoning and Administrative Hearings' (OZAH's) fee schedule, which was adopted by the Council on June 15, 2010 in Resolution 16-1395.
3. The Office of Zoning and Administrative Hearings requested approval of comprehensive revisions to its fee schedule, to be effective on October 30, 2014.
4. Sections 59-H-2.32 and 59-G-1.12 of the current Montgomery County Code authorize the District Council to establish filing fees for Local Map Amendment and Special Exception applications filed with the Hearing Examiner. Section 7.6.5.A.1. of the Zoning Ordinance Rewrite, effective October 30, 2014, authorizes the District Council to establish filing fees, following a public hearing on reasonable notice, for matters to be decided by the Hearing Examiner, the Board of Appeals, or the District Council.
5. The Council introduced this resolution on June 17, 2014 to revise OZAH's filing fees to conform to the zones and conditional uses permitted under the Zoning Ordinance Rewrite and to appropriately increase fees to account for rising costs of processing applications. The Council held a public hearing on the proposed filing fee schedule on July 15, 2014 and reviewed the proposed filing fee schedule on July 15, 2014.

Action

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

The attached Comprehensive Fee Schedule is established, effective October 30, 2014, for filing Local Map Amendments, Development Plan Amendments, Schematic Development Plan Amendments, Floating Zone Plan Amendments and Conditional Uses and their amendments with the Office of Zoning and Administrative Hearings.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

**Local Map Amendment, Development Plan Amendment,
Schematic Development Plan Amendment, and Floating Zone
Plan Amendment Fee Schedule**

Zone Classification	Basic Fee for Designated Acreage or Less	Additional Fee Per Acre or Portion of Acre Above Designated Acreage
Residential, One-Family Detached Zones		
<i>AR, Agricultural Reserve (25 acres)</i>	\$790	\$190
<i>R, Rural (5 acres)</i>	790	190
<i>RC, Rural Cluster (5 acres)</i>	870	240
<i>RNC, Rural Neighborhood Cluster (5 acres)</i>	1,080	240
<i>Low-density Resid. & TDR (1 acre)</i> - RE-2, RE-2C and RE-1 - R-200, Residential-200	2,700 4,230	490 490
<i>Medium-density Resid. & TDR (1 acre)</i> - R-90, R-60 and R-40	5,420	490
<i>Residential Detached Floating (RDF)(1 acre)</i>	7,150	620
Residential, One-Family Attached Zones		
<i>TLD, Townhouse Low Density (1 acre)</i>	6,500	490
<i>TMD, Townhouse Medium Density (1 acre)</i>	6,500	490
<i>THD, Townhouse High Density (1 acre)</i>	6,500	490
<i>Townhouse Floating Zone (TFZ) (1 acre)</i>	6,500	490
Residential, Multi-Family Zones		
<i>R-30, R-20, R-10 (1 acre)</i>	6,500	540
<i>Apartment Floating (AF) (2 acres)</i>	11,920	700
Commercial/Residential Zones		
<i>Commercial Residential Neighborhood (CRN) (1 ac.)</i>	7,800	620
<i>Commercial Residential Town (CRT) (1 acre)</i>	7,800	700
<i>Commercial Residential (CR) (1 acre)</i>	7,800	700
<i>Commercial Residential Neighborhood Floating Zone (CRNF) (1 acre)</i>	7,800	620
<i>Commercial Residential Town Floating (CRTF) Zone (1 acre)</i>	7,150	700
<i>Commercial Residential Floating (CRF) Zone (1 acre)</i>	7,800	700

Zone Classification	Basic Fee for Designated Acreage or Less	Additional Fee Per Acre or Portion of Acre Above Designated Acreage
Employment Zones		
<i>General Retail (GR) (1 acre)</i>	7,800	700
<i>Neighborhood Retail (NR) (1 acre)</i>	7,800	700
<i>Life Sciences Center (LSC) (1 acre)</i>	19,670	950
<i>Employment Office (EO) (1 acre)</i>	7,800	700
<i>General Retail Floating (GRF) Zone (1 acre)</i>	7,800	700
<i>Neighborhood Retail Floating (NRF) Zone (1 acre)</i>	7,800	950
<i>Employment Office Floating (EOF) (1 acre)</i>	7,800	700
<i>Life Sciences Center Floating (LSCF) Zone (1 acre)</i>	19,670	950
Industrial Zones		
<i>Light Industrial (IL) (2 acres)</i>	9,540	840
<i>Moderate Industrial (IM) (2 acre)</i>	7,800	700
<i>Heavy Industrial (IH) (1 acre)</i>	7,800	840
<i>Light Industrial Floating (ILF) (2 acres)</i>	9,650	840
<i>Moderate Industrial Floating (MIF) (2 acres)</i>	7,800	700
<u>Amendment to Schematic Development Plan (SDPA) approved before October 30, 2014</u>	3,800	
<u>Amendment to Development Plan (DPA) Approved before October 30, 2014</u>		
– <i>Initial Request</i>	4,120	
– <i>Supplemental fee if public hearing is conducted</i>	4,170	
<u>Major Amendments to Floating Zone Plans</u>	8,290	
<u>Fees for Application Signs</u>		
– <i>Deposit</i>	200	
– <i>Refunds for signs returned in usable condition</i>	100	

Conditional Use Fee Schedule

Conditional Use	Filing Fee
<i>Agricultural Auction Facility (§3.2.1)</i>	\$13,110
<i>Agricultural Processing; includes milk plant, grain elevator, mulch and compost production, and agric. mfr. (§3.2.2)</i>	8,200
<i>Equestrian Facility (§3.2.4)</i>	
<i>– In a Residential Zone</i>	820
<i>– In An Agricultural Zone</i>	4,920
<i>Farm Supply, Machinery Sales, Storage, and Service (§3.2.5)</i>	4,920
<i>Nursery (Retail) (§3.2.7.A)</i>	8,200
<i>Nursery (Wholesale)(§3.2.7.B)</i>	8,200
<i>Slaughterhouse (§3.2.8)</i>	9,830
<i>Winery (§3.2.10)</i>	8,200
<i>Farm Airstrip, Helistop (§3.2.11.A)</i>	1,640
<i>Independent Living Facility for Seniors or Persons with Disabilities (§3.3.2.C)</i>	
<i>– Non-Profit –per unit</i>	160
<i>--minimum</i>	1,310
<i>--maximum</i>	9,830
<i>– Commercial—per unit</i>	160
<i>--minimum</i>	9,830
<i>--maximum</i>	24,620
<i>Personal Living Quarters (over 50 individual living units) (§3.3.2.D)</i>	4,100
<i>Residential Care Facility (9-16 persons) (§3.3.2.E)</i>	
<i>– Non-Profit</i>	1,310
<i>– For-Profit</i>	5,000

Conditional Use	Filing Fee
<i>Residential Care Facility (over 16 persons) (§3.3.2.E)</i>	
– 17-40 persons	
o Non-Profit	4,100
o For-Profit	16,390
– Over 40 persons	
o Non-Profit	16,390
o For-Profit	24,620
<i>Attached Accessory Apartment (§3.3.3.B)</i>	300
<i>Detached Accessory Apartment (§3.3.3.C)</i>	300
<i>Home Health Practitioner (Major Impact) (3.3.3.G)</i>	9,830
<i>Home Occupation (Major)(3.3.3.H)</i>	660
<i>Ambulance, Rescue Squad (Private) (§3.4.1)</i>	2,460
<i>Charitable, Philanthropic Institution (§3.4.2)</i>	8,190
<i>Group Day Care (9-12 persons) (includes children, the elderly, and persons with disabilities) (§3.4.4.D)</i>	490
<i>Day Care Center (13-30 persons) (Day care includes children under 17, elderly persons, and persons with disabilities) §3.4.4.</i>	1,190
<i>Day Care Center (over 30 persons)</i>	
– Non-Profit	4,100
– For Profit	4,920
<i>Educational Institution, Private (§3.4.5)</i>	
– Up to 10 students:	1,640
– 11 to 40 students:	4,100
– Over 40 students:	8,200
<i>Hospital (§3.4.6)</i>	18,030
<i>Private Club, Service Organization (§3.4.8)</i>	8,200
<i>Swimming Pool (Community) (§3.4.11)</i>	1,640

Conditional Use	Filing Fee
<i>Animal Boarding and Care (§3.5.1.B.1)</i>	
– Up to 10 animals	2,460
– Over 10 animals	4,100
<i>Veterinary Office/Hospital (§3.5.1.B.1)</i>	9,830
<i>Cable Communications System (§3.5.2.A)</i>	24,580
<i>Media Broadcast Tower (§3.5.2.B)</i>	24,620
<i>Telecommunications Tower (§3.5.2.C)</i>	16,390
<i>Country Inn (§3.5.3.A)</i>	7,150
<i>Crematory (§3.5.4.B.1)</i>	12,000
<i>Funeral Home, Undertaker (excludes crematory) (§3.5.4.C)</i>	9,830
<i>Landscape Contractor (§3.5.5)</i>	8,200
<i>Bed and Breakfast (§3.5.6.B)</i>	660
<i>Clinic (up to 4 medical practitioners) providing outpatient care (§3.5.7.A)</i>	9,830
<i>Clinic (more than 4 medical practitioners) (§3.5.7.B)</i>	9,830
<i>Surface Parking for Commercial Uses in an Historic District (§3.5.9.D)</i>	
– Per space	660
– Maximum	1,310
<i>Campground (§3.5.10.B)</i>	16,390
<i>Conference Center (§3.5.10.C)</i>	24,580
<i>Golf Course, Country Club</i>	16,390
<i>Recreation and Entertainment Facility, Indoor (Capacity up to 1,000 persons)(§3.5.10.F): includes sport facilities, theaters, and dance clubs, but excludes indoor shooting ranges and health clubs and facilities.</i>	16,390

Conditional Use	Filing Fee
<i>Recreation and Entertainment Facility, Outdoor (Capacity up to 1,000 persons)(§3.5.10.G): includes driving range, group picnic, catering and recreation facilities; excludes indoor and shooting ranges and country club/golf courses</i>	16,390
<i>Recreation and Entertainment Facility, Major (Capacity over 1,000 persons)</i>	18,030
<i>Shooting Range (Indoor) (3.5.10.I)</i>	8,200
<i>Shooting Range (Outdoor) (§3.5.10.J)</i>	8,200
<i>Combination Retail</i>	
<i>– Per square foot</i>	9.80
<i>Retail/Service Establishment (120,001 square feet and over) §3.5.11.B)</i>	
<i>– Per Square Foot</i>	9.80
<i>Rural Antique Shop (§3.5.11.C)</i>	2,460
<i>Rural Country Market (§3.5.11.D)</i>	820
<i>Light Vehicle Sales and Rental (Outdoor) (§3.5.12.C)</i>	9,830
<i>Automobile Storage Lot (§3.5.13.A)</i>	4,920
<i>Car Wash (§3.5.13.B)</i>	9,830
<i>Filling Station (§3.5.13.C)</i>	16,390
<i>Repair (Major) (§3.5.13.D): Includes general vehicle repair and service, such as engine and transmission replacement or rebuild, body, and paint shops; does not include repair or services for commercial vehicles or heavy equipment</i>	9,830
<i>Repair (Minor) (§3.5.13.F):</i>	9,830

Conditional Use	Filing Fee
<i>Amateur Radio Facility (over 65 feet in height) (§3.5.14.B): any structure used for personal, non-commercial radio communications licensed by the Federal Communications Commission over 65 feet in height.</i>	20,320
<i>Drive-Thru (§3.5.14.E)</i>	16,390
<i>Helipad, Heliport (§3.6.6.B.2)</i>	18,030
<i>Pipeline (above ground) (§3.6.7.C)</i>	24,620.00
<i>Public Utility Structure (§3.6.7.E)</i>	20,290.00
<i>Hazardous Material Storage (§3.6.8.B)</i>	16,390.00
<i>Conditional Use Amendments, Transfers and Extensions</i>	
– <i>Transfers or Extensions of Time</i>	240
– <i>Minor Amendments to Approved Conditional Uses and Special Exceptions</i>	10% of the prevailing fee with a minimum of \$540
– <i>Major Amendments to Approved Conditional Uses and Special Exceptions</i>	
○ <i>Without new construction</i>	25% of the prevailing application fee for the conditional use
○ <i>With new construction</i>	50% of the prevailing application Fee for the conditional use
<i>Signs</i>	
– <i>Deposit</i>	200
– <i>Refund upon return of sign</i>	100