

Resolution No.: 18-317
Introduced: September 29, 2015
Adopted: November 3, 2015

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND**

Lead Sponsor: District Council at the request of the County Executive

SUBJECT: Amendment to Department of Permitting Services fees for services provided under Chapter 59 of the Montgomery County Code

Background

1. Section 59-7.6.5 of the County Code states: "Where DPS ... is the deciding body, fees to cover the cost of administering this Chapter must be approved by District Council resolution."
2. The Department of Permitting Services was established in 1996 and treated for budget purposes as a fee-supported enterprise fund. Revenues that support the Department are established by Method 2 or Method 3 Executive Regulations under Chapters 8, 19, and 49. Services provided by the Department under Chapter 59 are approved by District Council resolution.
3. The last change to these fees was in 2008, by Resolution 16-551.
4. The Department of Permitting Services engaged in a comprehensive study of its fee structure in Fiscal Year 2015. As a result of that study, certain recommendations were made to simplify several elements of its fee structure, including: eliminate the Maryland-National Capital Park and Planning Commission (MNCPPC) surcharge; adjust fees based upon functional analysis; replace multiple construction-type based fee rates with a per square foot construction rate or flat fees; and apply a rate stabilization factor to address revenue volatility and avoid excess reserve.
5. This resolution supersedes the fees approved by Resolution 16-551 and establishes an annual rate stabilization factor consistent with Executive Regulations 8-15 and 9-15AMII.
6. Council Resolution 16-603 and Executive Regulation 13-08, concerning reduced rates for non-profit organizations, are unchanged and remain in effect.


7. The Council conducted a public hearing on October 13, 2015. In response to the public hearing, the Department of Permitting Service's Director recommended reducing the proposed fees for a permanent sign from \$490 to \$300.
8. The Planning Housing and Economic Development Committee held a worksession concerning the proposed fees on October 29, 2015 and recommended approval of the fees with the revision recommended by the Director of the Department of Permitting Services.

Action

The District Council for Montgomery County, Maryland approves the following resolution:

1. The attached schedule of fees for DPS service under Chapter 59 in Table 1, attached, is approved; and
2. The effective date of the fees is December 1, 2015.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council

Table 1:

A. DEPARTMENT OF PERMITTING SERVICES FEES 2015

| | |
|--|------------|
| Equestrian Event Permit: | \$455.00 |
| Home Occupation Fee: | \$420.00 |
| Nonconforming Use Certificate: | \$385.00 |
| Request to Waive Parking Standards: | \$1,085.00 |
| Enforcement of Conditional Use: | \$245.00 |
| Zoning Compliance Letters Residential: | \$350.00 |
| Zoning Compliance Letters Commercial: | \$455.00 |

Sign Fees:

| | |
|-------------------------------|------------|
| 1. Permanent Sign | \$ 300.00 |
| 2. Limited Duration Sign | \$ 140.00 |
| 3. Sign Review Board Variance | \$ 595.00 |
| 4. Sign Concept Plan | \$1,295.00 |

B. ANNUAL ADJUSTMENT TO 2015 FEES

The Director of Permitting Services must calculate an enterprise fund stabilization factor (EFSF) each year to be applied to each fee set in or under this regulation on July 1 of each year. The EFSF is the factor by which the fee calculation is adjusted, up or down, to cover DPS labor and operating costs and to manage the DPS reserve policy under the 2002 Principles of the Fiscal Management of the Permitting Services Fund. The Director must publish the EFSF for each upcoming fiscal year not later than March 15 of the current fiscal year. For any year in which the EFSF will be less than .80 or greater than 1.20, the Department must review its fee rates and functional analysis behind the fee rates to determine if changes need to be made to the fee rates.