Resolution No.:	18-601
Introduced:	August 2, 2016
Adopted:	September 13, 2016

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: Council President at the request of the Hearing Examiner

SUBJECT: Additions to the Office of Zoning and Administrative Hearings' Comprehensive Fee Schedule

Background

1. The District Council approved comprehensive revisions to the fee schedule for the Office of Zoning and Administrative Hearings (OZAH) on July 15, 2014 to implement the 2014 Zoning Ordinance (Zoning Text Amendment 13-04), which established new zones and new conditional uses (formerly "special exceptions").

2. Section 59-7.6.5.A.1 of the 2014 Zoning Ordinance authorizes the District Council to establish filing fees, following a public hearing on reasonable notice, for matters to be decided by the Hearing Examiner or the District Council.

3. The District Council again amended OZAH's Comprehensive Fee Schedule on April 21, 2015 (Resolution No. 18-291) to add a fee for "Townhouse Living", adopted by Ordinance No. 18-02.

4. The District Council introduced this resolution on August 2, 2016 to add fees to OZAH's Comprehensive Fee Schedule to process applications for conditional uses allowed in the 2014 Zoning Ordinance, but which do not currently have assigned fees. These include conditional uses for a Cemetery (§3.5.4.A); an Office (§3.5.8.B); a Helistop (§3.5.14.F); a Mining/Excavation operation (§3.6.5); a Self-storage facility (§3.6.8.D); and a Landfill, Incinerator, or Transfer Station (§3.6.9.A).

5. On September 13, 2016, the Council held a public hearing concerning this resolution.

6. The District Council finds that the attached Fee Schedule for the Office of Zoning and Administrative hearings is consistent with the Montgomery County Code.

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 revised, effective September 14, 2016, for filing with the Office of Zoning and Administrative Hearings of the listed applications for Local Map Amendments, Development Plan Amendments, Schematic Development Plan Amendments, Floating Zone Plan Amendments, and Conditional Uses and their amendments.

This is a correct copy of Council action.

Linda M. Lauer

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		
AR, Agricultural Reserve (25 acres)	$790	$190
R, Rural (5 acres)	790	190
RC, Rural Cluster (5 acres)	870	240
RNC, Rural Neighborhood Cluster (5 acres)	1,080	240
Low-density Resid. & TDR (1 acre) *- RE-2, RE-2C and RE-1* *- R-200, Residential--200*	 2,700 4,230	 490 490
Medium-density Resid. & TDR (1 acre) *- R-90, R-60 and R-40*	 5,420	 490
Residential Detached Floating (RDF) (1 acre)	7,150	620
Residential, One-Family Attached Zones		
TLD, Townhouse Low Density (1 acre)	6,500	490
TMD, Townhouse Medium Density (1 acre)	6,500	490
THD, Townhouse High Density (1 acre)	6,500	490
Townhouse Floating Zone (TFZ) (1 acre)	6,500	490
Residential, Multi-Family Zones		
R-30, R-20, R-10, R-H (1 acre)	6,500	540
Apartment Floating (AF) (2 acres)	11,920	700
Commercial/Residential Zones		
Commercial Residential Neighborhood (CRN) (1 ac.)	7,800	620
Commercial Residential Town (CRT) (1 acre)	7,800	700
Commercial Residential (CR) (1 acre)	7,800	700
Commercial Residential Neighborhood Floating Zone (CRNF) (1 acre)	7,800	620
Commercial Residential Town Floating (CRTF) Zone (1 acre)	7,150	700
Commercial Residential Floating (CRF) Zone (1 acre)	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		
General Retail (GR) (1 acre)	7,800	700
Neighborhood Retail (NR) (1 acre)	7,800	700
Life Sciences Center (LSC) (1 acre)	19,670	950
Employment Office (EO) (1 acre)	7,800	700
General Retail Floating (GRF) Zone (1 acre)	7,800	700
Neighborhood Retail Floating (NRF) (1 acre)	7,800	950
Employment Office Floating (EOF) (1 acre)	7,800	700
Life Sciences Center Floating (LSCF) (1 acre)	19,670	950
Industrial Zones		
Light Industrial (IL) (2 acres)	9,540	840
Moderate Industrial (IM) (2 acre)	7,800	700
Heavy Industrial (IH) (1 acre)	7,800	840
Light Industrial Floating (ILF) (2 acres)	9,650	840
Moderate Industrial Floating (MIF) (2 acres)	7,800	700
Amendment to Schematic Development Plan (SDPA) approved before October 30, 2014	3,800	
Amendment to Development Plan (DPA) Approved before October 30, 2014 – *Initial Request* – *Supplemental fee if public hearing is conducted*	 4,120 4,170	
Major Amendments to Floating Zone Plans	8,290	
Fees for Application Signs – *Deposit* – *Refunds for signs returned in usable condition*	 200 100	

Conditional Use Fee Schedule

Conditional Use	Filing Fee
Agricultural Auction Facility (§3.2.1)	13,110
Agricultural Processing; includes milk plant, grain elevator, mulch and compost production, and agric. mfr. (§3.2.2)	8,200
Equestrian Facility (§3.2.4) *– In a Residential Zone* *– In An Agricultural Zone*	 820 4,920
Farm Supply, Machinery Sales, Storage, and Service (§3.2.5)	4,920
Nursery (Retail) (§3.2.7.A)	8,200
Nursery (Wholesale) (§3.2.7.B)	8,200
Slaughterhouse (§3.2.8)	9,830
Winery (§3.2.10)	8,200
Farm Airstrip, Helistop (§3.2.11.A)	1,640
Townhouse Living (§3.3.1.D.2.b) *or* *Independent Living Facility for Seniors or Persons with Disabilities (§3.3.2.C)* *– Non-Profit --per unit* *--minimum* *--maximum* *– Commercial—per unit* *--minimum* *--maximum*	 160 1,310 9,830 160 9,830 24,620
Personal Living Quarters (over 50 individual living units) (§3.3.2.D)	4,100
Residential Care Facility (9-16 persons) (§3.3.2.E) *– Non-Profit* *– For-Profit*	 1,310 5,000

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

Conditional Use	Filing Fee
Animal Boarding and Care (§3.5.1.B.1) *– Up to 10 animals* *– Over 10 animals*	 2,460 4,100
Veterinary Office/Hospital (§3.5.1.B.1)	9,830
Cable Communications System (§3.5.2.A)	24,580
Media Broadcast Tower (§3.5.2.B)	24,620
Telecommunications Tower (§3.5.2.C)	16,390
Country Inn (§3.5.3.A)	7,150
Cemetery (§3.5.4.A)	16,390
Crematory (§3.5.4.B.1)	12,000
Funeral Home, Undertaker (excludes crematory) (§3.5.4.C)	9,830
Landscape Contractor (§3.5.5)	8,200
Bed and Breakfast (§3.5.6.B)	660
Clinic (up to 4 medical practitioners) providing outpatient care (§3.5.7.A)	9,830
Clinic (more than 4 medical practitioners) §(3.5.7.B)	9,830
Office (§3.5.8.B)	9,830
Surface Parking for Commercial Uses in an Historic District (§3.5.9.D) *– Per space* *– Maximum*	 660 1,310
Campground (§3.5.10.B)	16,390
Conference Center (§3.5.10.C)	24,580
Golf Course, Country Club	16,390

Conditional Use	Filing Fee
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.	16,390
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	16,390
Recreation and Entertainment Facility, Major (Capacity over 1,000 persons)	18,030
Shooting Range (Indoor) (3.5.10.I)	8,200
Shooting Range (Outdoor) (§3.5.10.J)	8,200
Combination Retail *– Per square foot*	9.80
Retail/Service Establishment (120,001 square feet and over) §3.5.11.B) *– Per Square Foot*	9.80
Rural Antique Shop (§3.5.11.C)	2,460
Rural Country Market (§3.5.11.D)	820
Light Vehicle Sales and Rental (Outdoor) (§3.5.12.C)	9,830
Automobile Storage Lot (§3.5.13.A)	4,920
Car Wash (§3.5.13.B)	9,830
Filling Station (§3.5.13.C)	16,390
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	9,830

Conditional Use	Filing Fee
Repair (Minor) (§3.5.13.F):	9,830
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.	20,320
Drive-Thru (§3.5.14.E)	16,390
Helistop (§3.5.14.F): a designated area, either at ground level or elevated on a structure, used for the landing and takeoff of helicopters. Helistop includes a small fuel tank for a ground level facility and minor support facilities such as a small sheltered waiting or loading area, a small administrative office, and one permanent tie-down space. Helistop does not include major support facilities	4,920
Mining, Excavation (§3.6.5)	16,390
Helipad, Heliport (§3.6.6.B.2):	18,030
Pipeline (above ground) (§3.6.7.C)	24,620.00
Public Utility Structure (§3.6.7.E)	20,290.00
Hazardous Material Storage (§3.6.8.B)	16,390.00
Self-Storage (§3.6.8.D)	8,190
Landfill, Incinerator, or Transfer Station (§3.6.9.A)	16,390

Conditional Use	Filing Fee
Conditional Use Amendments, Transfers and Extensions	
– *Transfers or Extensions of Time*	240
– *Minor Amendments to Approved Conditional Uses and Special Exceptions*	10% of the prevailing fee with a minimum of $540
– *Major Amendments to Approved Conditional Uses and Special Exceptions*	
o *Without new construction*	25% of the prevailing application fee for the conditional use
o *With new construction*	50% of the prevailing application Fee for the conditional use
Signs	
– *Deposit*	200
– *Refund upon return of sign*	100