

Resolution No.: 16-211  
Introduced: May 17, 2007  
Adopted: June 19, 2007

**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**

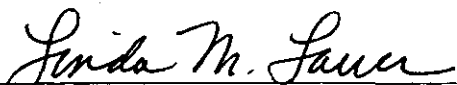
1. Subject to the approval of the County Council, the Board of Appeals may adopt rules of procedure to govern its proceedings. The Board's rules may govern filing fees, the conduct of meetings and hearings, and other procedures necessary to hear and decide cases.
2. The Board of Appeals has submitted for approval a revised special exception fee schedule.
3. The last general revision to the special exception filing fee schedule was approved by the Council on September 28, 2004.
4. On June 19, 2007, the County Council held a public hearing on the proposed revised special exception filing fee schedule.
5. On June 19, 2007, 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

<b><u>SECTION OF THE ZONING ORDINANCE SPECIAL EXCEPTION USE</u></b>		<b><u>Old Fee</u></b>	<b><u>New Fee</u></b>
59-G-2.00.2	Abattoir	7,500	<b>8,250.00</b>
59-G-2.00	Accessory Apartment	250	N/A
59-G-2.00.1	Accessory Dwelling	1,250	<b>1,375.00</b>
59-G-2.00.3 - repealed	Adult Entertainment Business	18,750	<b>20,625.00</b>
	Airstrip	12,500	<b>13,750.00</b>
59-G-2.00.4	Airstrip, associated with farms	3,750	<b>4,125.00</b>
59-G-2.54.1	Agricultural Processing, secondary	6,250	<b>6,875.00</b>
	Alcoholic Beverage Manufacturer	12,500	<b>13,750.00</b>
59-G-2.01	Ambulance or Rescue Squad – privately supported	1,875	<b>2,062.50</b>
	Amusement Center (see Recreation & Entertainment Establishments)		
59-G-2.02	Animal Boarding Place:		
	Up to 10 animals	1,875	<b>2,062.50</b>
	Over 10 animals	3,125	<b>3,437.50</b>
59-G-2.03	Animal Cemetery	6,250	<b>6,875.00</b>
59-G-2.04	Antique Shop	1,875	<b>2,062.50</b>
	Appliance Repair	3,125	<b>3,437.50</b>
59-G-2.05	Art or Cultural Center (non-commercial)	3,125	<b>3,437.50</b>
59-G-2.05.1	Auction Facility	10,000	<b>11,000.00</b>
	Auditorium or Convention Hall	7,500	<b>8,250.00</b>
59-G-2.06	Automobile Filling Station	12,500	<b>13,750.00</b>

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
59-G-2.07	Auto & Light Truck & Trailer Rental Lot – outdoor	7,500	<b>8,250.00</b>
	Auto Repair & Service – indoor	7,500	<b>8,250.00</b>
	Auto Repair & Service	7,500	<b>8,250.00</b>
	Auto Sales Lot – outdoor/indoor	7,500	<b>8,250.00</b>
59-G-2.08	Auto Storage Lot	3,750	<b>4,125.00</b>
	Auto Sales & Service Center		
59-G-2.09	Auto Truck & Trailer Rental Lot – outdoor	7,500	<b>8,250.00</b>
	Barber & Beauty Shop (see Retail Sales & Personal Services)		
59-G-2.09.2	Bed and Breakfast	500	<b>550.00</b>
59-G-2.09.1	Blacksmith	750	<b>825.00</b>
59-G-2.10	Boardinghouse	750	<b>825.00</b>
	Boat Repair & Service	7,500	<b>8,250.00</b>
	Boat Sales – indoors	7,500	<b>8,250.00</b>
	Bowling Alley (see Recreational & Entertainment Establishment)		
	Bus Terminal	12,500	<b>13,750.00</b>
59-G-2.10-1	Cable Communication System	18,750	<b>20,625.00</b>
59-G-2.11	Campground	12,500	<b>13,750.00</b>
59-G-2.11.1	Car Wash	7,500	<b>8,250.00</b>
59-G-2.11.2	Catering Facilities, outdoors	12,500	<b>13,750.00</b>
59-G-2.12	Cemeteries	12,500	<b>13,750.00</b>
59-G-2.12.1	Chancery and International Organization	7,500	<b>8,250.00</b>
59-G-2.15.1	Conference Center w/lodging	18,750	<b>20,625.00</b>
	Charitable and Philanthropic Institution	6,250	<b>6,875.00</b>

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
59-G-2.13.1	Child Day Care		
	Non-profit – over 30	3,125	<b>3,437.50</b>
	For profit – over 30	3,750	<b>4,125.00</b>
59-G-2.14	Clinic; Medical or Dental	7,500	<b>8,250.00</b>
59-G-2.15.2	Country Market	625	<b>687.50</b>
	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)	625	<b>687.50</b>
	Eating and Drinking Establishment excluding drive-ins (see Retail Sales & Personal Services)		
59-G-2.16	Drive-in Restaurant	12,500	<b>13,750.00</b>
59-G-2.19	Educational Institution, Private		
	Up to 10 students	1,250	<b>1,375.00</b>
	11 to 40 students	3,125	<b>3,437.50</b>
	Over 40 students	6,250	<b>6,875.00</b>

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
59-G-2.13	Elderly Day Care:		
	Non-profit – up to 10	125	<b>137.50</b>
	11 to 20	250	<b>275.00</b>
	21 to 30	1,000	<b>1,100.00</b>
	Over 30	3,125	<b>3,437.50</b>
59-G-2.13	Elderly Day Care:		
	For profit – up to 10	625	<b>687.50</b>
	11 to 20	1,000	<b>1,100.00</b>
	21 to 30	3,125	<b>3,437.50</b>
	Over 30	3,750	<b>4,125.00</b>
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	625	<b>687.50</b>
59-G-2.49.1	Equestrian facility in an Agricultural Zone	3,750	<b>4,125.00</b>
59-G-2.21.2	Farm Machinery	3,750	<b>4,125.00</b>
	[Farm Market, Roadside	625]	<b>687.50</b>
59-G-2.21.3	Farm Supply	3,750	<b>4,125.00</b>
59-G-2.21.4	Farm Tenant Mobile Homes – more than 1 – less than 4 per DU	1,250	<b>1,375.00</b>
59-G-2.22	Fertilizer Mixing Plants	7,500	<b>8,250.00</b>
	Florist (see Retail Sales & Personal Services)		
	Food & Beverage Store (see Retail Sales & Personal Services)		

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
	Fraternity or Sorority House	3,125	<b>3,437.50</b>
	Fuel Production as agriculture by-product	6,250	<b>6,875.00</b>
59-G-2.23	Funeral Parlor or Undertaking Establishment	7,500	<b>8,250.00</b>
	Furniture or Upholstery Repair Shop	3,750	<b>4,125.00</b>
59-G-2.24	Golf Course/Country Club	12,500	<b>13,750.00</b>
	Mini Golf	6,250	<b>6,875.00</b>
59-G-2.25	Golf Driving Range	6,250	<b>6,875.00</b>
59-G-2.25.1	Grain Elevator	6,250	<b>6,875.00</b>
59-G-2.26	Group Residential Facility – Exceptional Persons	500	<b>550.00</b>
59-G-2.26.1	Group Picnic, Catering and Recreation Facility in RDT zone (See outdoor catering)		
59-G-2.27	Heliports and Helistops	13,750	<b>15,125.00</b>
59-G-2.28	Highway Fuel and Food Service	12,500	<b>13,750.00</b>
59-G-2.29	Home Occupation, Major	500	<b>550.00</b>
59-G-2.30	Horticultural Nursery & Commercial Greenhouse	6,250	<b>6,875.00</b>
59-G-2.30.1	Hospice	1,000	<b>1,100.00</b>
59-G-2.31	Hospital	13,750	<b>15,125.00</b>
59-G-2.32	Hospital, Veterinary (see Veterinary Hospital)		
59-G-2.33	Hotels and Motels	18,750	<b>20,658.00</b>

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
59-G-2.35	Housing, Elderly & Handicapped		
	Non- Profit -- per unit	125	<b>137.50</b>
	Minimum	1,000	<b>1,100.00</b>
	Maximum	7,500	<b>8,250.00</b>
	Commercial -- per unit	125	<b>137.50</b>
	Minimum	7,500	<b>8,250.00</b>
	Maximum	18,750	<b>20,658.00</b>
	Laboratories, Medical & Dental	12,500	<b>13,750.00</b>
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	6,250	<b>6,875.00</b>
59-G-2.36.4	Meeting Centers for use of residents	1,250	<b>1,375.00</b>
59-G-2.36.1	Milk Plant	6,250	<b>6,875.00</b>
	Mobil Home, single wide, per unit	250	<b>275.00</b>
59-G-2.36.3	Newspaper, village	3,125	<b>3,437.50</b>
	Newsstand (see Retail Sales and Services)		
59-G-2.37	Nursing Home or Domiciliary Care Home		
	Non- profit -- up to 5 persons	250	<b>275.00</b>
	6 to 20 persons	1,000	<b>1,100.00</b>
	20 to 40 persons	3,125	<b>3,437.50</b>
	over 40 persons	7,500	<b>8,250.00</b>
	Commercial -- up to 5 persons	1,000	<b>1,100.00</b>
	6 to 20 persons	3,125	<b>3,437.50</b>
	20 to 40 persons	12,500	<b>13,750.00</b>
	over 40 persons	18,750	<b>20,658.00</b>

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
59-G-2.38.1	Office, General	3,750	4,125.00
59-G-2.36	Office, Medical Practitioner – non-resident	7,500	8,250.00
59-G-2.38	Office, Professional – non-resident	7,500	8,250.00
	Office, Professional – resident	7,500	8,250.00
	Outdoor Sales Lot (see Automobile Sales Lot)		
	Parking Garage – Automobile/per space	250	275.00
	- Maximum	18,750	20,658.00
59-G-2.39	Parking of Automobiles – off street, in		
59-G-2.39.1	connection with commercial -		
	Per Space	500	550.00
	Maximum	10,000	11,000.00
59-G-2.41	Pet Shop	3,125	3,437.50
59-G-2.41.1	Pipeline – above ground	18,750	20,658.00
59-G-2.24	Private Club and Service Organization	6,250	6,875.00
59-G-2.43	Public Utility Buildings, Public Utility Structures and Telecommunications facilities Racquetball, Squash, Indoor Tennis, Handball Courts – commercial (see Recreation & Entertainment Establishment)	12,500	13,750.00
59-G-2.45	Radio & TV Broadcasting Stations & Towers	18,750	20,658.00
59-G-2.44 (see 59-G- 2.43)	Recreation or Entertainment Establishment, commercial	12,500	13,750.00
59-G-2.45	Recreation Facility primarily for use of residents	1,250	1,375.00
	Research Institute – non-commercial (See Charitable & Philanthropic)		
	Restaurant (see Eating & Drinking Establishment)		



<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
59-G-2.47	Retail Sales and Personal Services Establishment in multi-family housing per square foot	6.25	6.87
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)	7.50	8.25
59-G-2.46	Retail and Service Establishments		
59-G-2.50	Rifle, Pistol, Skeet Shooting Range	6,250	6,875.00
59-G-2.51	Roofing Contractor	3,750	4,125.00
59-G-2.52	Sand, Gravel, Clay Pit or Extraction of other natural material – Temporary use	12,500	13,750.00
59-G-2.53.1	Sanitarium – Non-profit – up to 5 persons	250	275.00
	6 to 20 persons	1,000	1,100.00
	20 to 40 persons	3,125	3,437.50
	over 40 persons	7,500	8,250.00
	Sanitarium - Commercial – up to 5 persons	1,000	1,100.00
	6 to 20 persons	3,125	3,437.50
	20 to 40 persons	7,500	8,250.00
	over 40 persons	12,500	13,750.00
	Sanitary Fills and Incinerators	12,500	13,750.00
59-G-2.54	Sawmill	3,125	3,437.50
59-G-2.54.2	Service Organization	1,250	1,375.00
	Solid Waste Transfer Station Private	6,250	6,875.00
	Specialty Shop (see Retail and Personal Services)		

<u>SECTION OF THE ZONING ORDINANCE</u>	<u>SPECIAL EXCEPTION USE</u>	<u>Old Fee</u>	<u>New Fee</u>
	Stadium or Arena (see Recreation or Entertainment Establishment, commercial)		
	Stockyard	-----	
59-G-2.55	Swimming Pool – commercial	6,250	<b>6,875.00</b>
59-G-2.56	Swimming Pool – community	1,250	<b>1,375.00</b>
59-G-2.57	Teahouses and Restaurants in Residential Zones		
	Temporary Structures, including wayside stands for sales of farm produce	625	<b>687.50</b>
59-G-2.58	Telecommunications Facility	12,500	<b>13,750.00</b>
59-G-2.59	Theater, legitimate	10,000	<b>11,000.00</b>
59-G-2.60	Theater, indoor	6,250	<b>6,875.00</b>
59-G-2.62	Tire, Battery and Accessory Store	3,750	<b>4,125.00</b>
	Trade, Artistic or Technical School	3,125	<b>3,437.50</b>
59-G-2.32	Veterinary Hospital	7,500	<b>8,250.00</b>
	Warehouse Building – wholly enclosed	6,250	<b>6,875.00</b>
	Wholesale Nursery or Greenhouse (see Horticultural Nursery)		
59-G-2.63	Winery	6,250	<b>6,875.00</b>

**VARIANCES**

**N/A**

Single Family Residential **	400
Single Family Residence; Under construction or Newly constructed	800
Multi-Family	2,500
Commercial/Industrial	3,000

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

**ADMINISTRATIVE APPEALS**

N/A

Residential Property \* 200

Commercial Property \* 200

\* Refundable if appeal is granted

**SIGN DEPOSIT**

N/A

Deposit 200

Refundable upon return of sign 100

**MODIFICATIONS, MINOR, WITHOUT  
PUBLIC HEARING**

Extension of Time/Transfer of Special Exception 200

Other: 10% of prevailing fee with a Minimum of: 500

**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