



Committee: PHED
Staff: Livhu Ndou, Legislative Attorney
Purpose: To receive testimony – no vote expected
Keywords: #solar collection, #solar panels, #AR zone, #OZAH fees

AGENDA ITEM 5
April 6, 2021
Public Hearing

SUBJECT

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

EXPECTED ATTENDEES

N/A

COUNCIL DECISION POINTS & COMMITTEE RECOMMENDATION

N/A

DESCRIPTION/ISSUE

- The District Council adopted ZTA 20-01 on February 23, 2021. ZTA 20-01 allows Solar Collection Systems as a conditional use in the AR Zone.
- ZTA 20-01 became effective on March 15, 2021.
- The proposed amended fee schedule adds an application fee for Solar Collection Systems.

SUMMARY OF KEY DISCUSSION POINTS

The proposed fee for Solar Collection Systems is \$8,200. In consultation with the Planning Department (which receives 25% of the fee), the fee proposed is modeled after the existing application fee for "Agricultural Processing".

This report contains:

OZAH Transmittal Memo
Resolution Cover Sheet
Proposed Fee Schedule

Pages

© 1
© 2-3
© 4-11


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MONTGOMERY COUNTY, MARYLAND

March 4, 2021

TO: Pam Dunn, Senior Legislative Analyst
Livhu Ndou, Legislative Analyst

FROM: Lynn Robeson Hannan 
Director, OZAH

RE: Addition to OZAHs Land Use Fee Schedule for Solar Collection Systems

Attached please find a proposed amended fee schedule adding an application fee for Solar Collection Systems. As you know, the District Council recently adopted ZTA 20-01, which allows Solar Collection Systems as a conditional use in the AR Zone. ZTA 20-01 becomes effective on March 15, 2021.

In consultation with the Planning Department (which receives 25% of the fee), the fee proposed is modeled after the existing application fee for "Agricultural Processing".

As you know, amendments to OZAH's fees require a public hearing after "reasonable notice" before the County Council. *Montgomery County Zoning Ordinance*, §59.7.6.5.A.

Please let me know if you need anything additional for the District Council's review.

cc: Selena Singleton, Clerk
Susan Mabie, Administrative Specialist

Resolution No.: _____
Introduced: _____
Adopted: _____

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT
WITHIN 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 59.6.5.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. On February 23, 2021, the District Council adopted Ordinance No. 19-14 (ZTA 20-01) allowing certain Solar Collection Systems as a new conditional use. This resolution establishes the conditional use application fee for a Solar Collection System.
4. The Council held a public hearing on this resolution on _____, 2021.
5. 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 _____, 2021, 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.

Selena Mendy Singleton, Esq.
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</i>	870	240
<i>RNC, Rural Neighborhood Cluster (5 acres)</i>	1,080	240
<i>Low-density Resid. & TDR (1 acre)</i>	2,710	490
- <i>RE-2, RE-2C and RE-1</i>	2,700	490
- <i>R-200, Residential--200</i>	4,230	490
<i>Medium-density Resid. & TDR (1 acre)</i>		
- <i>R-90, R-60 and R-40</i>	5,420	490
<i>Residential Detached Floating (RDF)</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>	6,000	450
<i>THD, Townhouse High Density (1 acre)</i>	6,000	450
Residential, Multi-Family Zones		
<i>R-30, R-20, R-10, R-H</i>	6,000	500
<i>Apartment Floating (AF)</i>		
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
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)</i>	19,670	950
<i>Employment Office (EO)</i>	7,800	700
Industrial Zones		
<i>Light Industrial (IL) (2 acres)</i>	9,540	840
<i>Moderate Industrial (IM) (2 acre)</i>	7,150	650

Zone Classification	Basic Fee for Designated Acreage or Less	Additional Fee Per Acre or Portion of Acre Above Designated Acreage
<i>Heavy Industrial (IH) (1 acre)</i>	7,800	840
<u>Residential Floating Zones</u>		
<i>Residential Detached Floating Zone (RDF) (2 acres)</i>	11,920	700
<i>Townhouse Floating Zone (TFZ) (1 acre)</i>	6,500	490
<i>Apartment Floating (AF) (2 acres)</i>	10,840	760
<u>Commercial/Residential Floating Zones</u>		
<i>Commercial Residential Neighborhood Floating (CRNF) (1 acre)</i>	7,800	620
<i>Commercial Residential Town Floating (CRTF) (1 acre)</i>	7,800	700
<i>Commercial Residential Floating (CRF) (1 acre)</i>	7,800	700
<u>Employment Floating Zones</u>		
<i>General Retail Floating (GRF) (1 acre)</i>	7,800	700
<i>Neighborhood Retail Floating (NRF)</i>	7,800	700
<i>Employment Office Floating (EOFF)</i>	19,670	950
<i>Life Sciences Center Floating (LSCF)</i>	19,670	950
<u>Industrial Floating Zones</u>		
<i>Light Industrial Floating (ILF) (2 acres)</i>	9,540	840
<i>Moderate Industrial Floating (IMF) (2 acre)</i>	7,150	650
<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>Modifications to SDPAs and DPAs approved before October 30, 2014</u>	2,090	
<u>Major Amendments to Floating Zone Plans</u>	8,290	
<u>Fees for Application Signs</u>	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>Townhouse Living (§3.3.1.D.2.b)</i> or <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	
- Non-Profit	4,100
- For-Profit	16,390
– Over 40 persons	
- Non-Profit	16,390
- 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:	
– 11 to 40 students:	1,640
– Over 40 students:	4,100
	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> <i>Per tower or group of applications</i> <i>consolidated for public hearing</i>	16,390
<i>Country Inn (§3.5.3.A)</i>	10,000
<i>Cemetery (§3.5.4.A)</i>	16,390
<i>Crematory (§3.5.4.B.1)</i>	12,000
<i>Funeral Home, Undertaker (excludes</i> <i>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)</i> <i>providing outpatient care (§3.5.7.A)</i>	9,830
<i>Clinic (more than 4 medical practitioners)</i> <i>§(3.5.7.B)</i>	9,830
<i>Office (§3.5.8.B)</i>	9,830
<i>Surface Parking for Commercial Uses in an</i> <i>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

Conditional Use	Filing Fee
<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
<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>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</i>	4,920
<i>Mining, Excavation (§3.6.5)</i>	16,390
<i>Helipad, Heliport (§3.6.6.B.2): A designated area that is used on a regular basis for the landing and take-off of rotorcraft. It includes support facilities such as refueling services, maintenance and cargo loading areas, tie-downs and hangars, administration offices and other appropriate terminal facilities.</i>	18,030
<i>Pipeline (above ground) (§3.6.7.C)</i>	24,620
<i>Public Utility Structure (§3.6.7.E)</i>	20,290
<i>Hazardous Material Storage (§3.6.8.B)</i>	16,390
<i>Self-Storage (§3.6.8.D)</i>	8,190
<i>Landfill, Incinerator, or Transfer Station (§3.6.9.A)</i>	16,390
Solar Collection System (§3.7.2.B.2)	8,200
<i>Conditional Use Amendments, Transfers and Extensions</i>	
– <i>Transfers or Extensions of Time</i>	240
– <i>Minor Amendments</i>	
○ <i>Without a Public Hearing</i>	10% of the prevailing fee with a minimum of \$540
– <i>Major Amendments</i>	

Conditional Use	Filing Fee
<ul style="list-style-type: none"> ○ <i>Without new construction</i> ○ <i>With new construction</i> 	<p style="text-align: center;">25% of the prevailing application fee for the conditional use</p> <p style="text-align: center;">50% of the prevailing application Fee for the conditional use</p>
<p><i>Signs</i></p> <ul style="list-style-type: none"> – <i>Deposit</i> – <i>Refund upon return of sign</i> 	<p style="text-align: right;">200</p> <p style="text-align: right;">100</p>