

APR 21 2010

FEB 25 2013

St. Mary's County
Land Use & Growth Management

St. Mary's County

ORDINANCE

WHEREAS, Chapter 223, Article III, of the Code of Public Local Laws and Ordinances of St. Mary's County, Maryland provides for user fees for the Department of Land Use and Growth Management and the Department of Public Works and Transportation reviews applications and inspections; and

WHEREAS, the establishment of fees are necessary to administer and cover the costs of directly-related government services to accomplish the purposes intended; and

WHEREAS, the Report on Potential Revenue Sources submitted February 23, 1988 by the Revenue Task Force to the St. Mary's County Board of County Commissioner recommended the determination of user fees commensurate with County resources expended in the provision of various services by various County Departments to the public; and

WHEREAS, the processing of construction and development applications and the inspection of construction and development projects by the Department of Land Use and Growth Management and the Department of Public Works and Transportation requires the charging of fees to developers in order to cover County review, evaluation, and inspection costs; and

WHEREAS, the Comprehensive Zoning Ordinance adopted May 13, 2002 (as amended), requires certain fees, fines and penalties to be enumerated in a schedule adopted by the Board of County Commissioners; and

WHEREAS, the Planning Commission, at their meeting of January 9, 1989, voted to support the "pay-as-you-go" concept for construction and development plans submitted to the County for review, and for construction and development inspected by the County; and

WHEREAS, after publication of notice, as required by law, in the April 8, 2005 and April 15, 2005 issues of the *Enterprise*, a newspaper of general circulation in St. Mary's County, the Board of County Commissioners conducted a public hearing on the proposed fee schedule on April 26, 2005; and

WHEREAS, having reviewed the proposed fee schedule, the Board of County Commissioners find the current fees are inadequate to support County services and the proposed increases are necessary to ensure enforcement and protection of the public welfare; and

WHEREAS, the Board of County Commissioners has determined that the costs of reviewing development proposals and inspecting construction projects should be borne by the applicants; and

WHEREAS, the Board, following due notice published in the March 10, 2010 and March 17, 2010 editions of *The Enterprise*, a newspaper of general circulation in St. Mary's County, held a public hearing on March 30, 2010 regarding the proposed amendment of County Ordinance 05-03, User Fees, Section Y; and

WHEREAS, upon due consideration of the comments of the public and staff, and the recommendation of the Planning Commission, and in finding that it is in the best interest of public health, safety and welfare of the citizens of St. Mary's County, Maryland, to the County Ordinance as set forth below, which shall otherwise remain in full force and effect.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, MARYLAND, that Chapter 223 of the Code of Public Local Laws and Ordinances of St. Mary's County, Maryland Article III is hereby repealed and readopted to read as follows:

SCHEDULE OF FEES FOR ST. MARY'S COUNTY

FEES

1. LAND USE AND GROWTH MANAGEMENT (LUGM) AND PUBLIC WORKS AND TRANSPORTATION (DPWT) REVIEW, APPLICATION AND INSPECTION FEES

A. Minor Subdivision: 1 - 5 Lots or Farmstead Lots

LUGM TEC & Review Fees	\$ 600 + \$ 60 per lot
DPWT TEC & Review Fees	\$ 150 + \$ 40 per lot
Total	\$ 750 + \$ 100 per lot

Fees are due upon application which will be collected upon issuance of a Public Works Agreement for a minor subdivision by DPWT. Additional DPWT inspection fees of \$60 per reinspection are charged for all reinspections. Minor subdivisions not entailing detailed review of road plans are subject to the Land Use and Growth Management TEC and review

fees for minor subdivisions. Resubmitted plans that do not address all DPWT comments are subject to an additional charge of 50% of the DPWT review fee.

B. <u>Major Subdivision: More than 5 Lots</u>	
LUGM TEC & Review Fees	\$ 1500 + \$ 70 per lot
DPWT TEC & Review Fees	<u>\$ 400 + \$ 30 per lot</u>
Total	\$ 1,900 + \$ 100 per lot

Fees are due which will be collected upon issuance of a Public Works Agreement by DPWT. Additional DPWT inspection fees of \$60 per reinspection are charged for all reinspections. Major subdivisions not entailing detailed review of road plans are subject to the Land Use and Growth Management TEC and review fees for major subdivisions. Where submitted plans require outside review due to technical matters beyond the expertise of the staff, the applicant will be charged the consultant's fee plus 5% processing charge. Resubmitted plans that do not address all DPWT comments are subject to an additional charge of 50% of the DPWT review fee.

C. <u>Major Site Plan:</u>	
LUGM TEC & Review Fees	\$ 1100 per acre of disturbed area
DPWT TEC & Review Fees	<u>\$ 400 per acre of disturbed area</u>
Total	\$ 1,500 per acre of disturbed area

D. <u>Minor Site Plan:</u>	
LUGM Review Fee – Over 500 Square Feet of Development; or	\$ 250
LUGM Review Fee - Under 500 Square Feet of Development	\$ 125
DPWT Review Fee	\$ 125

E. <u>Farmsteads Subdivision – 15+acres</u>	
LUGM TEC & Review Fees	\$ 600 + \$60 per lot

F. <u>Sketch Plans</u>	
LUGM Development Review Application & Review Fees	\$ 10 + \$60

G. <u>Boundary Line Adjustment Plat</u>	
LUGM Development Review Application & Review Fees	\$ 10 + \$60

H. <u>Confirmatory Plats</u>	
LUGM Development Review Application & Review Fees	\$ 10 + \$60

I. <u>Boundary Surveys</u>	
LUGM Development Review Application & Review Fees	\$ 10 + \$60

J. <u>Plat Exempt Division by Deed/Plat</u>	
LUGM FCP/FSD/TDR or Non-Parcel of Record	\$ 10 + \$60 review fee

K. <u>Review of Resubmissions</u>	
LUGM	\$ 20 per resubmission

L. <u>Review of Recording Documents/Plat Packages Review</u>	
LUGM Review Fee	\$ 60 + recording costs
DPWT 1-10 Lots; or	\$ 30 + (if determined applicable by agency)
DPWT More than 10 Lots	\$ 60 + (if determined applicable by agency)

M. <u>Concept Site Plan</u>	
LUGM TEC & Review Fee	\$ 600
DPWT TEC & Review Fee	<u>\$ 125</u>
Total	\$ 725

N. **PUD Application**
 LUGM \$10,000

PUD fees collected will be credited against future charges incurred for projects which are initiated as part of the PUD. The purpose is to encourage quality development.

O. **Zoning or Text Amendment (including request for Critical Area Growth Allocation)**
 LUGM TEC & Review Fee \$ 3,000
 The Planning Director may waive the Zoning Amendment fees for "H" Overlay Districts

P. **Inspection Fees:**
 LUGM Over Lot Grading \$ 120 per visit
 DPWT Public Works Agreement 3% of construction cost
 DPWT Grading Permit \$ 310 per disturbed acre
 DPWT Offsite Entrance Improvement 3% of construction cost
 DPWT Inspection Extension Fee 3% of bond balance after 3 years

Q. **Board of Appeals Actions**
 Appeal \$ 340 + \$50 advertising fee (as required)
 Conditional Use \$ 750 + \$50 advertising fee (as required)
 Expansion of Non-Conforming Use \$ 670 + \$50 advertising fee (as required)
 Variance of Zoning Ordinance \$ 500 + \$50 advertising fee (as required)

R. **Administrative Variances**
 LUGM Fees \$ 500 + \$50 advertising fee (as required)
 DPWT Fees \$ 500

S. **Consultant Review Fee; for projects other than major subdivisions where submitted plans require outside review**
 LUGM Fees *Consultant fee + 5%
 DPWT Fees *Consultant fee + 5%
 *Contact LUGM and/or DPWT for Consultant Fee Cost

T. **Zoning Permit**
 LUGM Fees \$ 15
 Environmental Permit Review Fee \$ 25

U. **BOCC Railroad Right-of-Way**
 DPWT Railroad Right-of-Way Review Fees \$ 500 each per easement

V. **Bond Reduction & Re-Inspection Fee**
 DPWT Grading Permit or Public Works Agreement Bond Reduction & Reinspection Fees \$ 250 each

W. **Traffic Impact Study Review**
 DPWT Traffic Impact Study Review Fees \$ 200 per study

X. **DPWT Application Fees:**
 Public Works Agreement \$ 100
 Grading Permit \$ 50
 Construction Right-of-Way Permit \$ 25
 Utility Permit \$ 25

Y. Critical Area and Forest Conservation Fees, Bonds, and Fines for Violations:

Fee-in-lieu of planting for 20 to 30% of forest area cleared in the Critical Area	\$1.20 per square foot of forest area cleared
Fee-in-lieu of planting for more than 30% of forest area cleared in the Critical Area (allowed by variance only)	\$1.80 per square foot of forest area cleared
Fee-in-lieu for new impervious surface in the Critical Area above threshold on a legal lot in existence before December 1, 1985 (allowed by variance only)	\$1.20 per square foot of impervious area
Fee-in-lieu of planted mitigation for new impervious surface inside a Critical Area Buffer Management Area	\$1.80 per two times the square footage of newly developed impervious
Bond amount for planting required for Critical Area compliance	\$1.00 per square foot of required planting
Fine for clearing in violation of Critical Area law (includes clearing in excess of 30% without variance and clearing without an approved Environmental permit)	\$1.80 per square foot of area AND replanting at three to one for area cleared
Fee-in-lieu of planting required for forestation or afforestation under Forest Conservation regulations	\$0.30 per square foot of the area required to be replanted, as required by State law.
Fee-in-lieu of planting for noncompliance with a declaration of intent, forest conservation plan or the associated 2 year management agreement under Forest Conservation regulations	\$0.30 per square foot of forest area found to be in non-compliance, as required by State law.
Bonds for afforestation and reforestation required by Forest Conservation regulations	Amount equivalent to the estimated cost of afforestation and reforestation planting in accordance with the approved Forest Conservation plan
Fine for violation of Forest Conservation Law	\$1,000 per day in addition to any cost for non-compliance

2. SIGN PERMIT

LUGM Sign Permit Fee – Up to and Including 32 Sq. Ft. of Sign Area	\$ 60
LUGM Sign Permit Fee – Over 32 Sq. Ft. of Sign Area	\$ 110

3. TRAILER PARK LICENSE FEE

2 – 50 Lots/Pads	\$200.00 Per Annual, Due July 1 of each year
51 – 100 Lots/Pads	\$400.00 Per Annual, Due July 1 of each year
Over 100 Lots/Pads	\$400.00 + 10.00 Per Lot/Pad

4. IMPACT FEE

Each Residential Dwelling Unit Not Subject to Exemption or Waiver	\$4,500.00
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5. SALES

Copies of Reference Maps, Ordinances, etc.	Fees are computed annually by cost of printing as determined by the Planning Director or designee.
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6. CERTIFICATE OF USE AND OCCUPANCY PERMITS

<u>Use/Structure</u>	
Single Family Dwelling	No fee
Duplex Structure	\$15.00
Home Occupations	\$15.00

Multi-family, Garden Apartments, Townhouse dwelling structures.	\$15.00 per structure plus \$3.00 per unit
Swimming pools, Commercial	\$15.00
Commercial parking structure and other commercial uses not herein listed as determined by the Planning Director or designee.	\$15.00
Hotel, Motels (Inns)	\$15.00 per structure plus \$3.00 per unit
Mobile Home Park/Camper Park/Pads/Lots/Spaces	An Occupancy Permit will be issued in increments of ten or less - \$15.00
Commercial Office, Marinas, Food Processing	\$15.00 per 5,000 sq. ft. gross floor area or fraction thereof, not to exceed maximum fee of \$200.00
Industrial uses	\$15.00 per 5,000 sq. ft. gross floor area or fraction thereof, not to exceed maximum fee of \$200.00
Government-owned, operated, and/or sponsored facilities and activities, and civic association, historical buildings, non-profit organizations, and similar uses.	No Fee
Uses such as: private schools, churches, day nurseries, boarding camps, day care, foster care temporary or seasonal sales operated by non-profit organizations.	No Fee
Minimum fee for each Certificate of Use & Occupancy Permit not covered herein, as determined by the Planning Director or Designee.	\$15.00

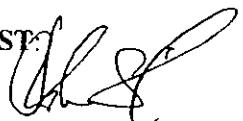
7. COIN OPERATED AMUSEMENT MACHINES

License for coin operated Amusement Machines such as, Bowling Alley, Pool Tables, Shuffle Board, etc., where such license is required by the Board of County Commissioners.	\$100.00 per machine, Due July 1 of each year
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DATE OF ADOPTION: 4/20/10

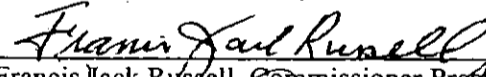
EFFECTIVE DATE: 5/4/10

ATTEST:

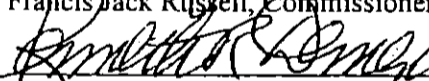


John Savich
County Administrator


BOARD OF COUNTY COMMISSIONERS
ST. MARY'S COUNTY, MARYLAND



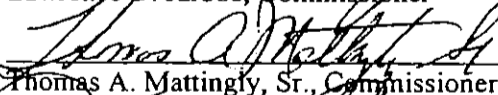
Francis Jack Russell, Commissioner President



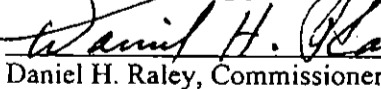
Kenneth R. Dement, Commissioner



Lawrence D. Jarboe, Commissioner

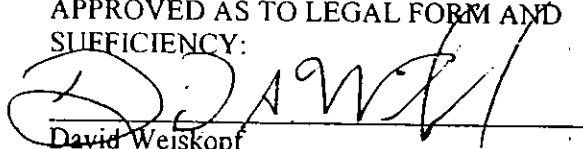


Thomas A. Mattingly, Sr., Commissioner



Daniel H. Raley, Commissioner

APPROVED AS TO LEGAL FORM AND SUFFICIENCY:



David Weiskopf
Deputy County Attorney