Resolution No.: 15-998
Introduced: April 5, 2005
Adopted: May 19, 2005

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: District Council at the request of the County Executive

SUBJECT: Increase in Fees for the Waiving of Parking Standards and Revision to Index Fees to Labor Cost Increases

Background

1. Section 59-A-1.10 of the County Code states: "The Director may establish fees, if approved by Council Resolution, to cover the cost of administration of this chapter."

2. Sec. 59-E-4.5. Waiver - parking standards states: The Director, Planning Board, or Board of Appeals may waive any requirement in this Article not necessary to accomplish the objectives in Section 59-E-4.2, and in conjunction with reductions may adopt reasonable requirements above the minimum standards. Any request for a waiver under this Section must be referred to all adjoining property owners and affected citizen associations for comment before a decision on the requested waiver.

3. The Department of Permitting Services currently performs the following functions in processing a parking waiver: DPS notifies all adjoining property owners and affected citizen associations in writing of the request for a waiver to the parking standards and invites them to a public hearing; and the Director's designee and staff hold a public hearing where the applicant presents his request for a parking waiver and attendees ask questions and comment. The final decision to grant or deny the parking waiver is not given at the hearing. The record is left open for a specified amount of time should additional information be required of the applicant or for additional public comment. The Director's designee makes a recommendation to the Director whether to approve or deny the waiver. The Director makes the final decision. The applicant and all attendees of the public hearing are notified of the results of the waiver request.

4. The fee for parking waivers will cover all resources required to administer the request.

5. The fee approved by Resolution No. 15-224 adopted on June 17, 2003 for the waiving of parking standards was $600.00.

6. Resolution 15-224 stated the following: The Director of Permitting Services must adjust each fee set in or under this section on July 1 of each year by the annual average increase in the Consumer Price Index for all urban consumers for the Washington-Baltimore

Metropolitan area, or any successor index, for the most recent calendar year. The Director must calculate the revised fee to the nearest five dollars. The director must publish the amount of this adjustment not later than July 1 of each year.

7. On July 1, 2004 the fee for the waiving of parking standards was increased from $600.00 to $615.00 as directed by background item #6 of this resolution

8. The Department of Permitting Services was established as a fee-supported enterprise within the Executive Branch of Montgomery County in 1996. Revenues that support the Department are established by Method 2 or Method 3 Executive Regulations and by County Council resolution. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. These cost increases reflect negotiated labor agreements, employee-benefit cost adjustments, proficiency advancements, and other personnel cost factors Where possible, productivity enhancements will be made to minimize fee increases.

9. This resolution increases fees for the waiving of parking standards by 6.4%.

Action

The County Council for Montgomery county Maryland approves the following resolution:

1. The fee to process a request to waive parking standards is $655.00

2. The fee for requests to the Department of Permitting Services to waive parking standards must be paid at the time the request is made.

3. The Director of Permitting Services must adjust each fee set in or under this section on July 1 of each year. The Department of Permitting Services may raise this fee annually by regulation by a percentage that does not exceed the rate of the increase (if any) in the department's approved personnel costs for the then-current fiscal year compared to the approved personnel costs for the preceding fiscal year. For fees of $100 or more, the Director must calculate the revised fee to the nearest five dollars. For fees under $100, the Director must calculate the revised fee to the nearest dollar. The director must publish the amount of this adjustment not later than July 1 of each year.

4. This resolution becomes effective July 1, 2005 and supercedes Council Resolution 15-224.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council