Resolution No.: 15-999
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 Zoning Compliance Letters and Revision to Index Fees to Labor Cost Increases

Background

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

2. The Department of Permitting Services (DPS) receives requests from financial institutions, attorneys and others to confirm that a use at a specific location is in compliance with the Zoning Ordinance. Prior to responding to each request, DPS must research the property to identify past and current zoning classifications, pending zoning violations, pending rezoning applications and applicable zoning laws. DPS responds to each request in writing which becomes an official document for financial institutions, attorneys and others.

3. The fee is intended to cover the resources and staff time it takes to research and respond to letters requesting confirmation of a particular use being permitted at a specific location.

4. The fees approved by Resolution No. 15-225 adopted on June 17, 2003 for zoning compliance letters for each lot/address researched are:

Residential (single family dwelling)	$ 80.00
Commercial (other than single family dwelling)	$160.00

5. Resolution No. 15-225 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.

6. On July 1, 2004 the fee for Zoning Compliance Letters were increased from $160.00 to $165.00 for commercial dwellings as directed by background item #5 of resolution. The fee for residential commercial dwellings remained the same.

7. 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.

8. This resolution increases fees for zoning compliance letters by 6.4%.

Action

The County Council for Montgomery County Maryland approves the following resolution

1. The fees approved for zoning compliance letters for each lot/address researched are:

Residential (single family dwelling)	$ 85.00
Commercial (other than single family dwelling)	$175.00

2. The fee for Zoning Compliance Letters must be paid when the request is made.

3. The Director of Permitting Services must adjust each fee set in or under this regulation 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 15-225.

This is a correct copy of Council action.

Linda M. Lauer

Linda M. Lauer, Clerk of the Council