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| Resolution No.: | 19-1149           |
| Introduced:     | November 30, 2021 |
| Adopted:        | January 25, 2022  |

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND  
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION  
OF THE MARYLAND-WASHINGTON REGIONAL DISTRICT  
IN MONTGOMERY COUNTY**

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Lead Sponsor: District Council at the Request of the Hearing Examiner

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**SUBJECT:** Additions to the Office of Zoning and Administrative Hearings' Fee Schedule

**Background**

1. 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.
2. 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"). These were amended again on April 21, 2015 (Resolution 18-291), August 2, 2016 (Resolution 18-601), and July 27, 2021 (Resolution 19-951) to include fees for additional conditional uses.
3. On July 17, 2021, the District Council adopted Zoning Text Amendment (ZTA) 19-07, which established a modified conditional use and a waiver process for certain new telecommunications towers.
4. The District Council introduced this resolution on November 30, 2021, to establish fees to process applications for conditional uses and waivers for telecommunications towers allowed by ZTA 19-07.
5. The Council held a public hearing on this resolution on January 18, 2022. The District Council finds that the attached revised 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 Fee Schedule is revised, effective January 25, 2022, to add fees for conditional uses and waivers for certain telecommunications towers authorized under Section 3.5.2.C.2.d and 3.5.2.2.f of the Zoning Ordinance.

This is a correct copy of Council action.

  
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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**

| <b>Zone Classification</b>                               | <b>Basic Fee for Designated Acreage or Less</b> | <b>Additional Fee Per Acre or Portion of Acre Above Designated Acreage</b> |
|----------------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------|
| <b>Residential, One-Family Detached Zones</b>            |                                                 |                                                                            |
| <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. &amp; 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. &amp; 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                                                                        |
| <b>Residential, One-Family Attached Zones</b>            |                                                 |                                                                            |
| <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                                                                        |
| <b>Residential, Multi-Family Zones</b>                   |                                                 |                                                                            |
| <i>R-30, R-20, R-10, R-H</i>                             | 6,000                                           | 500                                                                        |
| <i>Apartment Floating (AF)</i>                           |                                                 |                                                                            |
| <b>Commercial/Residential Zones</b>                      |                                                 |                                                                            |
| <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                                                                        |
| <b>Employment Zones</b>                                  |                                                 |                                                                            |
| <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                                                                        |
| <b>Industrial Zones</b>                                  |                                                 |                                                                            |
| <i>Light Industrial (IL) (2 acres)</i>                   | 9,540                                           | 840                                                                        |
| <i>Moderate Industrial (IM) (2 acre)</i>                 | 7,150                                           | 650                                                                        |

| <b>Zone Classification</b>                                                                    | <b>Basic Fee for Designated Acreage or Less</b> | <b>Additional Fee Per Acre or Portion of Acre Above Designated Acreage</b> |
|-----------------------------------------------------------------------------------------------|-------------------------------------------------|----------------------------------------------------------------------------|
| <i>Heavy Industrial (IH) (1 acre)</i>                                                         | 7,800                                           | 840                                                                        |
| <b><u>Residential Floating Zones</u></b>                                                      |                                                 |                                                                            |
| <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                                                                        |
| <b><u>Commercial/Residential Floating Zones</u></b>                                           |                                                 |                                                                            |
| <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                                                                        |
| <b><u>Employment Floating Zones</u></b>                                                       |                                                 |                                                                            |
| <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                                                                        |
| <b><u>Industrial Floating Zones</u></b>                                                       |                                                 |                                                                            |
| <i>Light Industrial Floating (ILF) (2 acres)</i>                                              | 9,540                                           | 840                                                                        |
| <i>Moderate Industrial Floating (IMF) (2 acre)</i>                                            | 7,150                                           | 650                                                                        |
| <b><u>Amendment to Schematic Development Plan (SDPA) approved before October 30, 2014</u></b> | 3,800                                           |                                                                            |
| <b><u>Amendment to Development Plan (DPA) Approved before October 30, 2014</u></b>            |                                                 |                                                                            |
| – Initial Request                                                                             | 4,120                                           |                                                                            |
| – Supplemental fee if public hearing is conducted                                             | 4,170                                           |                                                                            |
| <b><u>Modifications to SDPAs and DPAs approved before October 30, 2014</u></b>                | 2,090                                           |                                                                            |
| <b><u>Major Amendments to Floating Zone Plans</u></b>                                         | 8,290                                           |                                                                            |
| <b><u>Fees for Application Signs</u></b>                                                      | 200                                             |                                                                            |
| – Refunds for signs returned in usable condition                                              | 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><br>or<br><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      |

| <b>Conditional Use</b>                                                                                                               | <b>Filing Fee</b> |
|--------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <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             |

| <b>Conditional Use</b>                                                                                                      | <b>Filing Fee</b> |
|-----------------------------------------------------------------------------------------------------------------------------|-------------------|
| <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.2.c)</i><br><i>Per tower or group of applications consolidated for public hearing</i> | 16,390            |
| <b><i>Telecommunications Tower (§3.5.2.C.2.d)</i></b>                                                                       | <b>2,600</b>      |
| <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 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) providing outpatient care (§3.5.7.A)</i>                                          | 9,830             |
| <i>Clinic (more than 4 medical practitioners) (§3.5.7.B)</i>                                                                | 9,830             |
| <i>Office (§3.5.8.B)</i>                                                                                                    | 9,830             |
| <i>Surface Parking for Commercial Uses in an 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            |

| <b>Conditional Use</b>                                                                                                                                                                                                                        | <b>Filing Fee</b> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|
| <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        |
| <u><i>Solar Collection System (§3.7.2.B.2)</i></u>                                                                                                                                                                                                                                                                                                                                                                      |               |
| <u><i>-- Tract Area 50 acres or less</i></u>                                                                                                                                                                                                                                                                                                                                                                            | <u>8,200</u>  |
| <u><i>--Tract Area 51 acres or more</i></u>                                                                                                                                                                                                                                                                                                                                                                             | <u>10,250</u> |
| <i>Conditional Use Amendments, Transfers and Extensions</i>                                                                                                                                                                                                                                                                                                                                                             |               |
| <i>– Transfers or Extensions of Time</i>                                                                                                                                                                                                                                                                                                                                                                                | 240           |
| <i>– Minor Amendments</i>                                                                                                                                                                                                                                                                                                                                                                                               |               |

| Conditional Use                                                                                                             | Filing Fee                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"> <li>○ <i>Without a Public Hearing</i></li> </ul>                                         | 10% of the prevailing fee with a minimum of \$540                                                                              |
| – <i>Major Amendments</i>                                                                                                   |                                                                                                                                |
| <ul style="list-style-type: none"> <li>○ <i>Without new construction</i></li> <li>○ <i>With new construction</i></li> </ul> | 25% of the prevailing application fee for the conditional use<br>50% of the prevailing application Fee for the conditional use |
| <i>Signs</i>                                                                                                                |                                                                                                                                |
| – <i>Deposit</i>                                                                                                            | 200                                                                                                                            |
| – <i>Refund upon return of sign</i>                                                                                         | 100                                                                                                                            |

  

| Waiver                                        | Filing Fee |
|-----------------------------------------------|------------|
| <i>Telecommunication Tower (§3.5.2.C.2.f)</i> | 690        |