

Resolution No.:	<u>20-1223</u>
Introduced:	<u>September 15, 2026</u>
Adopted:	<u>September 29, 2026</u>

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

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

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

Background

1. Section 59.7.6.5.A. 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), July 27, 2021 (Resolution 19-951), January 25, 2022 (Resolution 19-1149) and February 3, 2026 (Resolution 20-1032) to include fees for additional conditional uses.
3. The District Council enacted ZTA 26-08 (Ordinance 20-34) on July 28, 2026, effective August 17, 2026, to allow for reinstatement of an abandoned non-conforming used under certain conditions which must follow the same process as an application for a Conditional Use, except that a hearing is only required under certain conditions.
4. This resolution will update the fee schedule to establish a fee for "Nonconforming Use Reinstatement," as authorized in ZTA 26-08 (Ordinance 20-34) and under Section 7.7.2.E. of the Zoning Ordinance.
5. The Council held a public hearing on this resolution on September 29, 2026.
6. The District Council finds that the 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 September 29, 2026, to add fees for an application for reinstatement of an abandoned nonconforming use under Section 59.7.7.2.E. of the Zoning Ordinance.

This is a correct copy of Council action.

A handwritten signature in black ink, appearing to read 'Sara', written over a horizontal line.

Sara R. Tenenbaum
Clerk of the Council

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)</i>	
<u>Or</u>	
<i>Independent Living Facility for Seniors or Persons with Disabilities (§3.3.2.D)</i>	
<u>Or</u>	
<i>Multi-Unit Living and Townhouse Living on properties with a Religious Assembly or Educational Institution (Private) (§3.3.1.E)</i>	
– <i>Non-Profit --per unit</i>	160
--minimum	1,310
--maximum	9,830
– <i>Commercial—per unit</i>	160
--minimum	9,830
--maximum	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

<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:	1,640
– 11 to 40 students:	4,100
– Over 40 students:	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
<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) Per tower or group of applications consolidated for public hearing</i>	16,390
<i>Telecommunications Tower (§3.5.2.C.2.d)</i>	2,600
<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>	660
– Per space	1,310
– Maximum	
<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
<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
<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
<i>Solar Collection System (§3.7.2.B.2)</i>	
-- Tract Area 50 acres or less	8,200
--Tract Area 51 acres or more	10,250
<i>Conditional Use Amendments, Transfers and Extensions</i>	240
– Transfers or Extensions of Time	
– Minor Amendments	10% of the prevailing fee with a minimum of \$540
○ Without a Public Hearing	
– Major Amendments	25% of the application fee for the conditional use
○ Without new construction	
○ With new construction prevailing	50% of the prevailing application [Fee] fee for the conditional use
<i>Signs</i>	
– Deposit	200
– Refund upon return of sign	100

Waivers and Other OZAH Fees' Schedule

Waiver	Filing Fee
<i>Telecommunication Tower (§3.5.2.C.2.f)</i>	690
<u>Nonconforming Use Reinstatement (§7.7.2.E)</u>	<u>25% of the prevailing application fee for a conditional use for such use if one exists. If no such fee exists then default to a base fee of \$540 plus \$9.80 per square foot.</u>