

# Worksession

<b>Agenda Item #</b>	5
<b>Meeting Date</b>	November 10, 2008
<b>Prepared By</b>	Daryl Braithwaite Public Works Director
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Discussion of Proposed Amendments to Takoma Park Code Chapter 16. Stormwater Management
<b>Background</b>	<p>On April 14, 2008, the City Council adopted Ordinance No. 2008- 14, amending the Stormwater Code to require commercial, industrial, and institutional developments activities—regardless of the size of the disturbed area—to receive a stormwater permit effective May 5, 2008. Ordinance No. 2008-14 also corrected certain errors and discrepancies in the Stormwater Code, including the addition of a permit fee amount for multifamily and commercial, industrial, and institutional stormwater permits.</p> <p>Subsequent to the passage of Ordinance No. 2008-14, City staff became concerned that the Stormwater Code, as revised, imposed a significantly different fee structure than that of surrounding jurisdictions. The Council held a worksession on September 8, 2008 to discuss this matter, and first reading of an ordinance amending the Stormwater Code was held on September 15, 2008. Second reading of the ordinance was delayed in order to give staff sufficient time to consider questions and concerns raised by the City Council.</p> <p>Upon further analysis of the proposed fee structure set forth in the ordinance considered by the Council on September 15, 2008, the Public Works Director and the City Engineer have developed an alternative structure for the Council’s consideration. The proposed structure would bring the City’s permit fees in line with those of surrounding jurisdictions while providing an incentive for applicants whose stormwater management controls exceed the requirements of the Code.</p>
<b>Policy</b>	The Council amends the City Code by a two-reading ordinance.
<b>Fiscal Impact</b>	The actual fees paid will vary depending upon the development size and type, with some fees increasing and others decreasing compared to the existing rate structure.
<b>Attachments</b>	<p>Draft Ordinance amending Chapter 16.04 of the City Code</p> <p>Spreadsheet of Stormwater Permit Fees in Neighboring Jurisdictions</p>
<b>Recommendation</b>	Discuss the draft ordinance in preparation for First Reading.
<b>Special Consideration</b>	As noted in the background section, first reading of an ordinance amending the Stormwater Code was held on September 15, 2008. The City Attorney’s Office has recommended that the Council consider it for second reading at the same time as the new ordinance is set for first reading so that it can be closed out.

Introduced by:

First Reading:  
Second Reading:  
Effective Date:

**CITY OF TAKOMA PARK, MARYLAND  
ORDINANCE NO. 2008-**

**AMENDING CHAPTER 16.04 OF THE TAKOMA PARK CODE  
REVISING STORMWATER PERMIT FEES FOR  
MULTI-FAMILY, COMMERCIAL, INDUSTRIAL AND INSTITUTIONAL  
DEVELOPMENT**

WHEREAS, Title 16 of the Takoma Park Code sets forth the City's requirements and procedures relative to stormwater management; and,

WHEREAS, the purpose of the Stormwater Code is to protect, maintain and enhance the public health, safety, and general welfare by establishing minimum requirements and procedures to control the adverse impacts associated with increased stormwater runoff within the City; and,

WHEREAS, proper management of stormwater runoff will minimize damage to public and private property, reduce the effects of development on land, control stream channel erosion, reduce local flooding, and maintain after development, as nearly as possible, the pre-development runoff characteristics of the area; and,

WHEREAS, Chapter 16.04 of the Takoma Park Code was revised by Ordinance No. 2008-14; and,

WHEREAS, Ordinance No. 2008-14 amended fees for multifamily developments and established fees for commercial, industrial, and institutional developments; and,

WHEREAS, upon further analysis, staff determined that the fees established by Ordinance No. 2008-14 imposed a significantly different fee structure than that of surrounding jurisdictions; and,

WHEREAS, the Public Works Director and the City Engineer recommend that Chapter 16.04 be amended to establish a fee structure that is similar to those of surrounding jurisdictions; and,

WHEREAS, the proposed Code Revision also corrects some minor formatting errors.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND THAT:**

Title 16, Chapter 16.04.170 of the Takoma Park Code is amended to read as follows:

**Section 16.04.170 Fees.**

A non-refundable permit fee will be collected at the time the stormwater management plan or application for waiver is submitted. The permit fee will provide for the cost of plan review, administration, and management of the permitting process, and inspection of all projects subject to this chapter. A permit fee schedule shall be has been established by the City based upon the relative complexity of the project and may be amended from time to time.

There are 5 types of fees an applicant may be required to pay before receiving a stormwater management permit or waiver. These are review fee, revision fee, update fee, permit fee and waiver fee. These fees must be paid prior to the issuance of the stormwater management permit or waiver.

A. Review Fee. A non-refundable application and plan review fee shall be paid at the time the stormwater management plans are first submitted for technical review. The amount of the review fee shall be as follows:

~~1. Residential Development:~~

a. 1. Single family dwellings: \$100.00.

b. 2. Multifamily dwellings: 2 - 20 units, \$20 per unit, with a minimum of \$100.00.

c. 3. Commercial, industrial and institutional development and multifamily dwellings of 21 units or more: \$0.05 per square foot of impervious area. By way of example, “impervious area” includes the roof of a building and paved parking area. Minimum fee \$500, maximum fee \$1,000.

B. Revision Fee. No charge shall be made for the first plan revision submitted for review. The charge for the second and all subsequent plan revisions submitted for review shall be 50% of the original fee.

C. Update Renewal Fee. A plan update is required if a stormwater management permit is not obtained within 12 months after the approval of the stormwater management plans. A fee of \$100.00 will be charged for reviewing the updated plans.

D. Waiver Fee. When an applicant obtains a waiver of stormwater management requirements pursuant to Section 16.04.120, the applicant shall be assessed a waiver fee of \$0.50 per square foot of impervious area.

1. Imperviousness is determined for the area being developed and for contiguous existing developed areas owned by the applicant which contribute to the stormwater flow through the area being developed or through which stormwater from the area being developed will flow. Imperviousness of areas dedicated on a plat to open space is not included.

2. In lieu of all or part of the waiver fee, the City may enter into an agreement with the applicant for a land conveyance, other specific improvements, the granting of an easement or the dedication of land by the applicant to be used for the construction, operation and maintenance of an off-site stormwater management facility.

E. Permit Fee.

1. Single-family dwelling: \$500.00.

2. Multifamily dwellings: 2 to 20 units, \$100 per unit, with a minimum fee of \$500.

3. Commercial, industrial and institutional development and multifamily dwellings of 21 units and more: ~~\$0.25 per square foot of impervious area.~~ *An amount equal to 10% of the estimated construction costs for the stormwater management controls. If the planned stormwater management controls exceed the Code requirements, the applicant may be eligible for a reduction of the fee by up to 50%.*

Adopted this \_\_\_\_ day of \_\_\_\_, 2008 by roll-call vote as follows:

AYES:

NAYS:

ABSTAIN:

ABSENT:

**EXPLANATORY NOTE**

Additions to the existing language of the Takoma Park Code are indicated by *italics and underlining.*

Deletions to the existing language of the Takoma Park Code are indicated by ~~strikeout.~~

COMPARISON OF STORMWATER PERMIT FEES OF SURROUNDING JURISDICTIONS

<b>Gaithersburg</b>	<b>Concept Review</b>	<b>Permit Fee</b>	
Single Family	\$500	\$150 + 10% of cost of construction of SW facilities	
2-5 acres	\$750	minimum \$200	
> 5 acres	\$1,500	"	
<b>Rockville</b>	<b>Concept Review</b>	<b>Permit Fee</b>	
up to 2 acres	\$250	10% of cost of construction of SW facilities - minimum \$200	
2-5 acres	\$500	"	
> 5 acres	\$1,000	"	
<b>Montgomery County</b>	<b>Concept Review **</b>	<b>Permit Fee **</b>	<b>** Combines Stormwater &amp; Sediment Control</b>
Single Family	\$1,140	\$693	plus \$0.062 per sq ft of disturbed area
< 25 acres	\$2,684	\$1,391	
> 25 acres	\$3,432	\$1,391	

<b>CURRENT CITY CODI</b>	<b>Concept Review</b>	<b>Permit Fee</b>
Single Family	\$100	\$500
Multi-Family	\$20/unit, min. \$100	\$100/unit, min. \$500
Com., Indust., Instit.	\$0.05 per sq ft of impervious area	\$0.25 per sq. ft. of impervious area

<b>Proposed Code</b>	<b>Concept Review</b>	<b>Permit Fee</b>
Single Family	no change	no change
Multi-Family	no change	no change
Com., Indust., Instit.	\$0.05 per sq ft of impervious area - min. \$500, max.\$1,000	10% of cost of construction of SW facilities potential reduction up to 50% if exceed requirements

Example 1	2 acre commercial development, 5,000 sq ft impervious surface, cost of SW system \$25,000, 5,000 sq ft of disturbed area	
Gaithersburg	\$750 + \$150 + \$2,500	\$ 3,400
Rockville	\$250 + \$2,500	\$ 2,750
Montgomery County	\$2,684 + \$1,391 + \$310	\$ 4,385
Current Takoma Park	\$250 + \$1,250	\$ 1,500
Proposed Code	\$500 + \$2,500	\$ 3,000

Example 2	1.6 acre site, commercial redevelopment, 62,300 sq ft of impervious area, cost of SW system is \$48,000 5,000 feet of disturbed area	
Gaithersburg	\$750 + \$150 + \$4,800	\$ 5,700
Rockville	\$200 + \$4,800	\$ 5,000
Montgomery County	\$2,684 + \$1,391 + \$310	\$ 4,385
Current Takoma Park	\$3,115 + \$15,575	\$ 18,690
Proposed Code	\$1,000 + \$4,800	\$ 5,800

Example 3	3.88 acre site, 101,495 sq ft impervious area, cost of SW system \$907,000, 130,677 sq ft of disturbed area	
Gaithersburg	\$750 + \$150 + \$90,700	\$ 91,600
Rockville	\$500 + \$90,700	\$ 91,200
Montgomery County	\$2,684 + \$1,391 + \$8,102	\$ 12,177
Current Takoma Park	\$5,075 + \$25,374	\$ 30,449
Proposed Code	\$1,000 + \$90,700	\$ 91,700

Example 4	2 acre site, 8,712 SF of impervious surface, cost of SW system is \$100,000, 10,000 sq ft of disturbed area	
Gaithersburg	\$750 + \$150 + \$10,000	\$10,900
Rockville	\$250 + \$10,000	\$10,250
Montgomery County	\$2,684, + \$1,391, + \$522.72	\$4,598
Current Takoma Park	435.60, plus \$2178	\$2,614
Proposed Code	\$500 + \$10,000	\$10,500