

Special Session

Agenda Item #	5
Meeting Date	November 17, 2008
Prepared By	Daryl Braithwaite Public Works Director
Approved By	Barbara B. Matthews City Manager

Discussion Item	Recommended for Rejection: Second Reading Ordinance 2008-38 Amending Chapter 16.04 of the Takoma Park Code to Amend Permit Fees for Multi-Family, Commercial, Industrial and Institutional Development
Background	<p>On April 14, 2008, the City Council adopted Ordinance No. 2008-14, amending the Stormwater Code to require commercial, industrial, and institutional development activities—regardless of the size of the disturbed area—to receive a stormwater permit. The ordinance became effective on 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 multi-family 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 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. A new ordinance was prepared for discussion and consideration by the City Council at a worksession on November 10, 2008.</p> <p>The new ordinance is scheduled for first reading on November 24, 2008. Since Ordinance No. 2008-38 passed at first reading, the City Attorney’s Office has recommended that the ordinance be rejected at second reading in order to close it out.</p>
Policy	The Council amends the City Code by a two-reading ordinance.
Fiscal Impact	None, if the ordinance is rejected as recommended.
Attachments	Ordinance 2008-38
Recommendation	Reject Ordinance 2008-38 at second reading.
Special Consideration	

Introduced by: Councilmember Snipper

First Reading: September 15, 2008

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2008-38

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

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, the Stormwater Code was revised, effective May 5, 2008, and fees were amended for multifamily developments and established for commercial, industrial, and institutional developments; AND

WHEREAS, the City's Stormwater review and permit fees vary significantly from the surrounding jurisdictions which have programs and the City Engineer recommends they be revised to be similar.

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

Section 1. Title 16, Chapter 16.04 of the Takoma Park Code be amended as follows:

Section 16.04.170 Fees.

* * *

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. Single family dwellings: \$100.00.

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

c. 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.

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. Minimum fee of \$1,500, maximum fee of \$4,000.

Section 2. This ordinance shall become effective upon adoption.

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~~.