

# Regular Meeting

<b>Agenda Item #</b>	2
<b>Meeting Date</b>	January 12, 2009
<b>Prepared By</b>	Daryl Braithwaite Public Works Director
<b>Approved By</b>	Barbara B. Matthews City Manager

<b>Discussion Item</b>	Second Reading - Proposed Amendments to Takoma Park Code Chapter 16. Stormwater Management Fee Structure
<b>Background</b>	<p>The proposed amendments were discussed at first reading on November 24, 2008. If approved, the amendments would bring the City's stormwater permit fees in line with those of surrounding jurisdictions, as well as provide an incentive for applicants who exceed the Code requirements to receive up to 50 percent reduction in their permit fee.</p> <p>The Ordinance reviewed at first reading provided the fee reduction incentive to commercial, industrial, and institutional developments. The draft ordinance has been amended since first reading to enable the fee reduction incentive to apply to single-family and multi-family residential properties, as well as commercial, industrial, and institutional developments.</p> <p>The Public Works Department will establish Administrative Regulations to define the process that will be used to evaluate requests for fee reduction.</p> <p>On November 24, 2008, Robert Goo of the Friends of Sligo Creek provided the Council with written comments about the proposed ordinance, a copy of which is attached. Director of Public Works Daryl Braithwaite will be prepared to address Mr. Goo's comments on January 12, 2009.</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>	Draft Ordinance amending Chapter 16.04 of the City Code, as revised since first reading
<b>Recommendation</b>	Staff recommends that the City Council accept the proposed ordinance at second reading.
<b>Special Consideration</b>	

Introduced by: Councilmember Clay

First Reading: November 24, 2008

Second Reading:

Effective Date:

**CITY OF TAKOMA PARK, MARYLAND  
ORDINANCE NO. 2008-57**

**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 new fee structure would provide an incentive through a reduction of up to 50% of the permit fee for applicants who exceed the minimum Code requirements; 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.~~ *Aan amount equal to 10% of the estimated construction costs for the required stormwater management controls.*

*4. If the planned stormwater management controls exceed the requirements set forth in this Chapter, then the applicant may be eligible for a reduction of the fee by up to 50%. The criteria by which the fee reduction will be determined will be established by regulation.*

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.~~

Revisions to the language accepted at first reading are indicated by underlined red text.