

Part 8: Enforcement

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1 **Part 27-8 ENFORCEMENT**

2 **Sec. 27-8100 Use and Occupancy Permits**

3 **27-8101. Generally**

4 (a) None of the following activities shall take place unless a
5 use and occupancy permit certifying compliance with this
6 Subtitle has been issued for the activity by the Building
7 Inspector:

- 8 (1) Use of a building, structure, or land;
- 9 (2) Conversion of a building, structure, or land from one
10 use to another use;
- 11 (3) Medical practitioner’s, insurance sale, and real estate
12 sales offices;
- 13 (4) Conversion of a one-family detached dwelling to
14 include additional dwelling units (by Special
15 Exception);

16 (b) Use and occupancy permits shall not be required for the
17 following:

- 18 (1) One-family dwelling (other than a new home-family
19 dwelling used for a single family);
- 20 (2) Agricultural uses;
- 21 (3) Accessory uses (except where a specific use is allowed
22 as accessory to another use); or
- 23 (4) Home occupations for which no permit is specifically
24 required, unless requested by the applicant.
- 25 (c) All use of the property shall be in conformance with the
26 temporary use permit or the use and occupancy permit,
27 including the accompanying plans.
- 28 (d) When an occupant vacates premises, and a different
29 occupany assumes possession of such premises, the new
30 occupany is required to obtain a use and occupancy
31 permit, regardless of whether the use has changed.
- 32 (e) No temporary use permit shall be issued except in
33 accordance with the procedures of Section 27-3607,
34 Temporary Use Permit.
- 35 (f) No use and occupancy permit shall be issued by the
36 Department of Permitting, Inspections, and Enforcement
37 until after the expiration of the specified appeal period
38 from a Planning Board decision concerning the subject
39 property of the permit, unless the right of appeal has been
40 waived; nor shall any permit be issued during the
41 pendency of any appeal to, or review by, the District
42 Council.
- 43 (g) The Chief of Police and the Fire Chief are authorized to
44 direct the Police Department and the Fire/Emergency
45 Medical Services Department, respectively, to take all
46 immediate reasonable and necessary action to cease and
47 desist the operation of any activity requiring a temporary

1 use permit or use and occupancy permit when such permit 34
2 has not been issued. 35

3 **(h)** The Chief of Police, the Fire Chief, and the Director of the 36
4 Department of Permitting, Inspections, and Enforcement 37
5 are authorized to direct the Police Department, the 38
6 Fire/Emergency Medical Services Department, and the 39
7 Department of Permitting, Inspections, and Enforcement, 40
8 respectively, to take all immediate and necessary action
9 to cease and desist the operation of any activity requiring
10 a temporary use permit or a use and occupancy permit
11 when such permit has been issued and is not in
12 compliance with the provisions of this Part and all
13 applicable temporary and use and occupancy provisions
14 of the Zoning Ordinance.

15 **(i)** The Chief of Police and the Fire Chief are authorized to
16 direct the Police Department and the Fire/Emergency
17 Medical Services Department respectively, to take all
18 immediate reasonable and necessary action to cease and
19 desist the operation of any activity requiring a temporary
20 use permit or use and occupancy permit when the activity
21 is found to present an imminent danger and threat to the
22 health, safety, and welfare of the public by not doing so,
23 that there are no other mitigating actions to be taken to
24 resolve the imminent danger and threat to the health,
25 safety, and welfare of the public, and that there are no
26 other reasonable means of preventing further danger and
27 threat to the health, safety, and welfare of the public
28 resulting from the continuation of the activity.

29 **(j)** Immediate reasonable and necessary action shall include,
30 but not be limited to: entering the building, structure, and
31 land; securing the building, structure, and land; removing
32 the occupants of the building, structure, and land;
33 padlocking the building, structure, and land; and

34 preventing the use and occupancy of the building,
35 structure, and land.

36 **(k)** Actions taken pursuant to Sections 27-8101(g), (h), and (i),
37 above, shall remain in force and effect unless amended or
38 vacated by a decision of the Zoning Hearing Examiner in
39 accordance with Section 27-8204(g) or by a decision of a
40 court of competent jurisdiction.

Sec. 27-8200 Enforcement

27-8201. Authorization

- 41
42
43 **(a)** The Department of Permitting, Inspections, and
44 Enforcement and, when specified, the Police Department,
45 and the Fire/Emergency Medical Services Department
46 shall have the duty of enforcing the requirements of this
47 Subtitle.
- 48 **(b)** The Department of Permitting, Inspections, and
49 Enforcement shall also have enforcement authority to
50 enforce Section Sec. 27-61500, Signage regarding signs in
51 the County right-of-way. As used in this Section, right-of-
52 way is defined in Section 23-102 of this Code.

27-8202. Inspections and Complaints

- 53
54 **(a)** The Department of Permitting, Inspections, and
55 Enforcement, and when specified, pursuant to Sections
56 27-8101(g), (h), and (i) of the Zoning Ordinance, the Police
57 Department and the Fire/Emergency Medical Services
58 Department shall conduct a Zoning Enforcement Program
59 to assure continuing compliance with the Zoning
60 Ordinance.
- 61 **(b)** Inspections shall primarily be programmed on an area-by-
62 area basis, but shall also include the investigation of

1 individual complaints from private sources of alleged 32
2 zoning violations. All complaints shall be submitted to the 33
3 Department, and when specified, to the Police 34
4 Department and the Fire/Emergency Medical Services 35
5 Department. 36

6 **27-8203. Enforcement Procedures** 37

7 **(a) Erection of Building or Structure** 38

8 When it determines that a violation of this Subtitle has occurred 39
9 with respect to the erection of a building or other structure, the 40
10 Department shall order the work to stop and shall post the 41
11 building or structure with a “Stop Work” order form. The owner 42
12 or builder shall also be given formal written notice of the “Stop 43
13 Work” order. No work shall proceed after posting, except to 44
14 correct the violation and continue in full compliance with the 45
15 provisions of this Subtitle. If the work does not stop, or 46
16 corrective action has not been completed within five (5) 47
17 business days of posting (or another greater grace period 48
18 determined by the Department), the Department shall take 49
19 appropriate action against the violator. 50

20 **(b) Use** 51

21 **(1)** Notwithstanding the provisions of Parts 3 and 7 of the 52
22 Zoning Ordinance, when it determines that a violation 53
23 of this Subtitle has occurred with respect to the use of 54
24 any building, structure, or land, or there is a failure to 55
25 obtain a use and occupancy permit, with the exception 56
26 of violations of Sections 27-5303(b)(16)(8), (14), and 57
27 (15), the Department shall serve notice (on the form 58
28 provided) upon the owner, general agent, or lessee of 59
29 the building, structure, or land, directing that the 60
30 violation cease. If, at the expiration of five (5) business 61
31 days of the notice (or another greater period 62
63
64

determined by the Department), the violation has not
ceased, the Department shall take appropriate action
against the violator. If it is not possible to serve the
notice, the building, structure, or land shall be posted
with the notice.

(2) When it determines that a violation of Sections 27-
5303(b)(16)(8), (14), and (15) has occurred with respect
to the use of any building, structure, or land, the
Department shall serve notice (on the form provided)
upon the owner, general agent, or lessee of the building,
structure, or land, and upon the person, firm, or
corporation conducting the activities, directing that the
violation cease. If, at the expiration of forty-eight (48)
hours of the notice, the violation has not ceased or a
temporary use and occupancy permit has not been
issued, the Department of Permitting, Inspections, and
Enforcement shall notify the Police Department to take
appropriate action against the violator, as set forth
below.

(A) A police officer shall direct the violator to remove
all goods and equipment from the property. If
the violator fails to obey said direction and
continues in violation of this Subtitle, the
equipment and goods shall be removed by the
Department of Permitting, Inspections, and
Enforcement and taken to a designated County
facility.

(B) Goods and equipment removed pursuant to this
provision may be claimed by their owner on the
next business day or within fifteen (15) days
thereafter upon payment of any fine which has
not been appealed. Any goods or equipment not
claimed by the owner within fifteen (15) days

1 shall be deemed abandoned and shall become 32
2 the property of the County. 33

3 (C) The Department of Permitting, Inspections, and 34
4 Enforcement shall have no responsibility to 35
5 preserve or protect any equipment or goods 36
6 removed under this Section. 37

7 (D) A violation notice issued for the conducting of 38
8 activities without a temporary use and 39
9 occupancy permit shall serve as notice of a 40
10 continuing violation by those persons at the 41
11 subject site or any other site within the County, 42
12 and no further notice of violation need be issued 43
13 prior to utilizing the procedures in 44
14 subparagraphs (A) and (B), above. 45

15 (3) When it determines that a violation has occurred with 46
16 respect to the use of any building, structure, or land for 47
17 an adult use, the Department shall serve notice (on the 48
18 form provided) upon the owner, general agent, or lessee 49
19 of the building, structure, or land, and upon the person, 50
20 firm, or corporation conducting the activities, directing 51
21 that the violation cease. If, at the expiration of forty- 52
22 eight (48) hours of the notice, the violation has not 53
23 ceased, the Department shall notify the Police 54
24 Department to take appropriate action against the 55
25 violator as set forth below. 56

26 (A) A police officer may direct the violator to 57
27 discontinue operation as an adult use. 58

28 (B) If the violation continues, the violator shall be 59
29 deemed to be guilty of a misdemeanor and, upon 60
30 conviction thereof, shall be subject to a fine of 61
31 Five Hundred Dollars (\$500.00), or imprisonment 62

in jail for a period of not more than six (6)
months, or both such fine and imprisonment.

(c) Repeated Violation

- (1) A grace period for correction of a civil violation need not be given in the case of a subsequent, repeated violation of the same provision of this Subtitle by the same violator. A “repeated violation,” for the purposes of this Subsection, may take place at a location which is identical to or different from the first violation within a thirty-six (36) month period from the first violation. If it determines that a repeated violation has occurred, the Department can immediately take appropriate action against the violator.
- (2) Notwithstanding the provisions of Subtitle 28, Section 28-111 of this Code, repeated violations for operating outside the scope of a valid use and occupancy permit shall be subject to a fine of One Thousand Dollars (\$1,000.00) for each “repeated violation.”

27-8204. Expedited Enforcement Procedures

- (a) The Chief of Police, the Fire Chief, and the Director of the Department of Permitting, Inspections, and Enforcement shall establish policies, rules, and procedures to implement this Part.
- (b) Notwithstanding the provisions of Section 27-8203, Enforcement Procedures, when the Chief of Police, the Fire Station, or the Director of the Department of Permitting, Inspections, and Enforcement determine that a violation has occurred with respect to the use of any building, structure, or land, or there is a failure to obtain a use and occupancy permit, the Chief of Police, the Fire Chief, and the Director of the Department of Permitting,

1 Inspections, and Enforcement are authorized to direct the 35
2 Police Department, the Fire/Emergency Medical Services 36
3 Department, and the Department of Permitting, 37
4 Inspections, and Enforcement, respectively, to issue a 38
5 written violation notice directing that the violation cease 39
6 and that all activities in the building, structure, and on the 40
7 land cease pending a hearing before the Zoning Hearing 41
8 Examiner in accordance with Section 27-8204(g), below. 42

9 **(c)** The Chief of Police, the Fire Chief, and the Director of the 43
10 Department of Permitting, Inspections, and Enforcement 44
11 shall provide the written violation notice, issued pursuant 45
12 to Section 27-8204, to one (1) of the following: the owner, 46
13 general agent, or lessee of the building, structure, or land; 47
14 the person, firm, or corporation conducting the activities; 48
15 or any person in the building, structure, or on the land that 49
16 directs, manages, or is in control or is in apparent control 50
17 or management of the activity or activities on the 51
18 property. In the event that no person or no person 52
19 representing entities set forth in this Section are present 53
20 or any person or any person representing entities set forth 54
21 in this Section flees when the activity or activities take 55
22 place and the written violation notice is being issued, the 56
23 written violation notice shall be posted on the building, 57
24 structure, or on the land in which or upon which the 58
25 activity or activities took place, directing that the violation 59
26 cease and that all activities in the building, structure, or on 60
27 the land cease pending a hearing before the Zoning 61
28 Hearing Examiner in accordance with Section 27-8204(g), 62
29 below. Posting of the issued written notice shall be 63
30 deemed to be constructive notice to the owner, general 64
31 agent, or lessee of the building, structure, or land; the 65
32 person, firm, or corporation conducting the activities; or
33 any person in the building, structure, or on the land that
34 directs, manages, or is in control or is in apparent control

or management of the building, structure, or on the land
in which or upon which the activity or activities took place.

(d) For violations of Sections 27-8101(g), (h), and (i) of the
Zoning Ordinance, the owner, general agent, or lessee of
the building, structure, or land, the person, firm, or
corporation conducting the activities, or any person in the
building, structure, or on the land that directs, manages,
or is in control or is in apparent control or management of
the building, structure, or on the land in which or upon
which the activity or activities took place may request a
hearing before the Zoning Hearing Examiner. The Zoning
Hearing Examiner shall commence a hearing within four
(4) days following receipt of the request for a hearing.

(e) The Zoning Hearing Examiner shall provide a hearing on
the record.

(f) The enforcement action of the Police Department, the
Fire/Emergency Medical Services Department, or the
Department of Permitting, Inspections, and Enforcement
shall not be stayed during the pendency of the hearing.

(g) The Zoning Hearing Examiner shall render a decision on
the enforcement action within two (2) days after the
conclusion of the hearing on the record. The decision shall
include the following findings of fact: whether a use and
occupancy permit has been issued for the use alleged to
be in violation; whether the activity in the building,
structure, or on the land in which the activity took place is
in compliance with any existing use and occupancy
permits; whether there was an imminent danger and
threat to the public health, safety, and welfare, and
whether the activity constitutes a continuing threat to the
public health, safety, and welfare.

- 1 **(h)** The Zoning Hearing Examiner may reverse, modify, or 32
2 remand the decision of the Police Department, the 33
3 Fire/Emergency Medical Services Department, or the 34
4 Department of Permitting, Inspections, and Enforcement, 35
5 respectively, only if the decision of the Policy Department, 36
6 the Fire/Emergency Medical Services Department, or the 37
7 Department of Permitting, Inspections, and Enforcement, 38
8 respectively, is clearly erroneous, or arbitrary and 39
9 capricious, or unsupported by any substantial evidence. 40
10 **(i)** The enforcement action of the Police Department, the 41
11 Fire/Emergency Medical Services Department, or the 42
12 Department of Permitting, Inspections, and Enforcement, 43
13 respectively, shall terminate or continue according to the 44
14 determination of the Zoning Hearing Examiner. 45
15 **(j)** Any party aggrieved by a decision of the Zoning Hearing 46
16 Examiner may appeal the decision to the Circuit Court for 47
17 Prince George’s County, Maryland. The appeal shall 48
18 proceed in accordance with the provisions of Title 7 of the 49
19 Maryland Rules of Procedure. 50
- 20 **27-8205. Computation of Time Pursuant to this** 51
21 **Part** 52
- 22 For purposes of computing a period of time pursuant to the 53
23 provisions of this Part, the day of the act, event, or default, after 54
24 which the designated period of time begins to run is not to be 55
25 included. The last day of the period so computed is to be included 56
26 unless: 57
- 27 **(a)** It is a Sunday or a legal holiday, in which event the period 58
28 runs until the end of the next day, which is neither a 59
29 Sunday or a holiday; or 60
30 **(b)** The act to be done is the filing of some paper in court and 61
31 the office of the clerk of said court on said last day of the 62

period is not open, or is closed for a part of a day, in which event, the period runs until the end of the next day which is neither a Sunday, Saturday, a legal holiday, or a day on which the said office is not open the entire day during ordinary business hours. When the period of time allowed is more than seven (7) days, intermediate Sundays and holidays shall be considered as other days; but if the period of time allowed is seven (7) days or less, intermediate Sundays and holidays shall not be counted in computing the period of time.

42 **27-8206. Penalties**

- 43 **(a)** Any person may be liable for a civil fine (provided for in 44
45 Subtitle 28 of the Code) or be prosecuted for a 46
47 misdemeanor if he: 48
- 49 **(1)** Erects, maintains, or uses any structure or land in 50
51 violation of any portion of the Zoning Ordinance; 52
52 **(2)** Violates any order issued in accordance with this 53
53 Subtitle; or 54
54 **(3)** Fails to erect structures or use land in accordance with 55
55 the provisions of this Subtitle. 56
- 56 **(b)** If a person is convicted of a misdemeanor, the violator 57
57 shall be subject to a fine of Five Hundred Dollars (\$500.00) 58
58 or up to ninety (90) days imprisonment, or both, in the 59
59 discretion of the Court. The application of the penalty shall 60
60 not preclude abatement of the violation through 61
61 appropriate proceedings in equity. 62
- 62 **(c)** If the violation is of a continuing nature, each and every 63
63 day during which the violation continues is a separate 64
64 violation. Each violation issued within a thirty-six (36) 65
65 month period from the first violation to the same person 66
66 will be considered a violation of a continuing nature. 67

1	(d) Relation to Subtitle 28:	26	(3) A reduction in the fee may be permitted by the Planning Board if it finds that payment will be an undue hardship on the applicant.
2	(1) The County Arrotney has been authorized to prosecute violations noted herein in accordance with the provisions of Subtitle 28.	27	
3		28	
4		29	(c) Zoning Map Amendments
5	(2) Subtitle 28 also sets forth the procedures, fines, and penalties for the enforcement of, and all violations of this Ordinance.	30	(1) Base Zones. The applicant shall remit a fee of Five Thousand Dollars (\$5,000.00) plus Two Hundred Dollars (\$200.00) per acre up to and including ten (10) acres, plus One Hundred Dollars (\$100.00) for each additional acre.
6		31	(2) Planned Development Zones. The applicant shall remit a fee of Five Thousand Dollars (\$5,000.00) plus Two Hundred Dollars (\$200.00) per acre up to and including fifty (50) acres, plus One Hundred Dollars (\$100.00) for each additional acre.
7		32	
8	27-8207. Extension of Grace Period	33	(3) Chesapeake Bay Critical Area Overlay Zone.
9	The Board of Zoning Appeals may grant additional time to correct a violation in accordance with Section 27-3616, Appeal to Board of Appeals (BOA),	34	(A) If no changes are proposed to the underlying zoning, the applicant shall remit a fee of Five Thousand Dollars (\$5,000.00), plus Two Hundred Dollars (\$200.00) per acre up to and including ten (10) acres, plus One Hundred Dollars (\$100.00) for each additional acre.
10		35	(B) If changes to the underlying zone are proposed, the applicant shall remit the fee stated in Section 27-8301(c)(2), above.
11		36	(C) The total fee shall not exceed Sixty Thousand Dollars (\$60,000.00).
12	Sec. 27-8300 Fees	37	
13	27-8301. Fee Regulations	38	
14	(a) In General	39	
15	A check or money order convering all applicable fees shall accompany the application, made payable to the Maryland-National Capital Park and Planning Commission, unless otherwise provided.	40	
16		41	
17		42	
18		43	
19	(b) Alternative Compliance	44	
20	(1) Upon filing an application for Alternative Compliance, the applicant (or his agent) shall pay a fee to the Planning Board to help defray the costs related to processing the application.	45	
21		46	
22		47	
23		48	
24	(2) The schedule of fees shall be determined by the Planning Board.	49	
25		50	
		51	
		52	
		53	(d) Special Exceptions
		54	(1) The following table describes the fee ratings, H (high), M (medium), and L (low), for various Special Exceptions in the Zoning Ordinance. The ratings for the Special
		55	

1 Exceptions are indicative of the time and effort
 2 necessary for the review of the specific application.
 3

Table 27-8301(d): Special Exception Fees	
TYPE	RATING
Abrasives and asbestos products manufacturing	H
Accessory building, increase in height	L
Adaptive reuse of surplus public school	Depends on Specific Use
Adaptive use of a Historic Site	Depends on Specific Use
Adult day care center	L
Agriculture	L
Airfield, Airpark, or Airport, private	H
Amusement park	H
Animals, not customarily household pets	L
Antique shop	L
Apartment housing for elderly or physically handicapped families	L
Asphalt mixing plant	H
Boardinghouse or rooming house	L
Bus maintenance at a private school or church	H
Cement manufacturing	H
Cemetery or Crematory	L
Church or similar place of worship	M
Commercial recreational attraction	H
Commercial recreational facilities (privately owned) on land leased from a public agency	M
Community piers and noncommercial boat docking and storage	L
Concrete batching plant	H
Concrete living facility	L
Consolidated storage	H
Container fabrication	H
Conversion of one-family detached dwelling	L
Country Inn	L
Day care center for children	L
Distillery for production of fuel alcohol	H
Drive-in or fast-food restaurant	H
Drug Store	M
Dwelling units within building containing commercial uses	L
Eating or drinking establishment	M

Table 27-8301(d): Special Exception Fees	
TYPE	RATING
Elderly housing (single-family attached dwellings)	L
Farm implement sales or repair; farm supply sales	M
Fertilizer manufacturing	H
Food or beverage store	M
Foundry	H
Fraternity or sorority house	M
Funeral parlor or undertaking establishment	M
Gas Station	H
Golf course; private club; nonprofit recreational uses	L
Group residential facility	L
Heavy armament fabrication	H
Health campus	H
Height limit, dwellings in R-10A and R-10 Zones	L
Hospital; nursing or care home; eleemosynary or Philanthropic institution	L
Hotel or motel	M
Insurance sales office	L
Junk yard	H
Kennel	H
Landscaping contractor's business	H
Lawn mower or bicycle repair shop (motorized)	M
Limited professional uses in multifamily projects	L
Marinas and marina expansions	M
Massage establishment	H
Medical practitioner's office in a one-family dwelling	L
Medical/residential campus	H
Methadone Treatment Centers	H
Miscellaneous industrial, manufacturing, and related uses	H
Mobile home	L
Model studio	H
Multifamily dwelling; bedroom percentages increase	L
Newspaper publishing establishment; printing office	M
Nonconforming buildings, structures, and uses; alteration, enlargement, extension, or reconstruction	Depends on Specific Use
Nursery and garden center	M
Offices (general business and professional)	M
Office (other than accessory to another use)	M
Outdoor display of merchandise	H
Paper and paperboard products	H
Paper recycling collection center	H

Table 27-8301(d): Special Exception Fees	
TYPE	RATING
Parking lot (required) serving adjacent Commercial or Industrial Zone	M
Parking lot, commercial	M
Parking of commercial vehicles	M
Pawnshop	H
Planned retirement community	L
Private school	M
Public utility use or structure	M
Racetracks, pari-mutuel	H
Real estate sales office	L
Recreational campground	M
Recycling plant	H
Retail sales and consumer service establishments	L
Riding stable	M
Rifle, pistol, or skeet shooting range	H
Sand and gravel wet-processing	H
Sanitary landfill; rubble fill	H
Satellite dish antenna	H
Sawmill	H
Seafood market	M
Skating facility	M
Smoking and curing of food products; pickling processes	H
Soap, cleaner, polish, sanitation products, bleach or detergent manufacturing	H
Spa, community (same as pool)	H
Stationery or office supply corporate headquarters (including office, showroom, and distribution)	H
Surface mining	H
Swimming pools; community	H
Taxicab dispatching station	M
Temporary structures, and uses; wayside stands	M
Theater, outdoor (drive-in)	H
Tourist cabin camp	M
Tower, pole, monopole, or antenna	H
Townhouses	L
Transfer station	H
Vehicle lubrication and tune-up facilities	H
Vehicle and trailer rental display	H
Vehicle parts and tire store (including installation)	H
Vehicle, boat, mobile home, trailer, and camping trailer sales room or lot	H
Vehicle salvage yard	H

Table 27-8301(d): Special Exception Fees	
TYPE	RATING
Wholesaling or distribution uses	H

- 1 **(2)** The following fees per impact level shall apply:
- 2 **(A)** For low impact uses, the fee is Two Thousand,
- 3 Five Hundred Dollars (\$2,500.00) up to and
- 4 including fifty (50) acres, plus Fifty Dollars
- 5 (\$50.00) per acre over fifty (50) acres.
- 6 **(B)** For medium impact uses, the fee is Four
- 7 Thousand Dollars (\$4,000.00) up to and including
- 8 fifty (50) acres, plus Fifty Dollars (\$50.00) per
- 9 acre over fifty (50) acres.
- 10 **(C)** For high impact uses, the fee is Five Thousand,
- 11 Five Hundred Dollars (\$5,500.00) up to and
- 12 including fifty (50) acres, plus Fifty Dollars
- 13 (\$50.00) per acre over fifty (50) acres.
- 14 **(D)** For a mobile home as a one-family dwelling, the
- 15 fee is Two Hundred Dollars (\$200.00).
- 16 **(E)** For a day care center in a single-family residence,
- 17 the fee is One Hundred Dollars (\$100.00).
- 18 **(F)** There shall be no fee for a Special Exception
- 19 application filed by a place of worship.
- 20 **(e) Revision of a Special Exception Site Plan**
- 21 The fee is one-half of the original fee.

1	(f) Departures	26	(i) Conservation Plan
2	(1) The fee for single-family attached or detached units, not	27	(1) Upon filing a Conservation Plan, the applicant (or his
3	exceeding ten (10) acres, is One Hundred Dollars	28	agent) shall pay to the Planning Board a fee to help
4	(\$100.00).	29	defray the costs related to processing the application.
5	(2) For all other applications, the fee is Two Thousand	30	(2) The fee schedule shall be determined by the Planning
6	Dollars (\$2,000.00).	31	Board.
7	(g) Certification of Nonconforming Uses	32	(3) The Planning Board may permit a reduction in the fee if
8	(1) For a maximum of two houses on one lot, the fee is One	33	the Board finds that payment will be an undue hardship
9	Hundred Dollars (\$100.00)	34	on the applicant.
10	(2) For each mobile home, the fee is One Hundred Dollars	35	(j) Zoning Certification and Buildable Lot Letters
11	(\$100.00).	36	(1) Upon requesting a Zoning Certification Letter, a letter
12	(3) For places of worship, there shall be no fee.	37	signed by the Planning Department staff certifying that
13	(4) For all other uses, the fee is One Thousand Dollars	38	a use or structure on a given piece of property is allowed
14	(\$1,000.00).	39	as a permissible use in accordance with the existing
15	(5) For a revision of site plan for a nonconforming use, one	40	zoning, the applicant (or his agent) shall pay to the
16	half of the original fee.	41	Planning Board a fee to help defray the costs related to
17	(h) Tree Conservation Plans	42	processing the application.
18	(1) Upon filing a Tree Conservation Plan, the applicant (or	43	(2) The fee schedule shall be determined by the Planning
19	his agent) shall pay to the Planning Board a fee to help	44	Board.
20	defray the costs related to processing the application.	45	(3) The Planning Board may permit a reduction in the fee if
21	(2) The fee schedule shall be determined by the Planning	46	the Board finds that payment will be an undue hardship
22	Board.	47	on the applicant.
23	(3) The Planning Board may permit a reduction in the fee if	48	(k) Variances
24	the Board finds that payment will be an undue hardship	49	(1) For existing single-family attached and detached
25	on the applicant.	50	residences, the applicant shall remit a fee of Two
		51	Hundred Dollars (\$200.00).
		52	(2) For single-family attached and detached residences that
		53	are proposed, newly constructed, or under

1	construction, the applicant shall remit a fee of Five	29
2	Hundred Dollars (\$500.00).	30
3	(3) For all other structures, the applicant shall remit a fee of	31
4	One Thousand, Five Hundred Dollars (\$1,500.00).	32
5	(4) For places of worship in conjunction with a special	33
6	exception, there shall be no fee.	34
7	(I) Other Related Fees; Refunds	35
8	(1) Sign Posting Fees	36
9	(A) In addition to the filing fee, a fee of Thirty Dollars	37
10	(\$30.00) shall be paid for posting each public	38
11	notice sign, except as provided below.	39
12	(B) Where the application involves a public utility	40
13	right-of-way, the fee shall be Thirty Dollars	41
14	(\$30.00) each for the first four (4) signs, plus Five	42
15	Dollars (\$5.00) for each sign over four (4).	43
16	(C) The Department of Permitting, Inspections, and	44
17	Enforcement shall not be required to pay a sign	45
18	posting fee for any application or petition filed.	46
19	(D) The applicant shall not be required to pay a sign-	47
20	posting fee for any application for a special	48
21	exception to establish a place of worship.	49
22	(2) Revision of Approved Plan Fees	50
23	With the filing of each application for the revision of an	51
24	approved plan, a fee equal to fifty percent (50%) of the	52
25	filing fee, shall be paid, except as otherwise provided.	53
26	(3) Fees for Amendment of Applications	54
27	(A) If an application is amended by increasing the	55
28	total area of the property, the appropriate	56

additional fees (including filing and sign posting fees) for the additional land shall be paid (except where this land was the subject of another application that was withdrawn for the purpose of adding the land to the subject application).

(B) If an application is amended by requesting a different zoning classification or special exception use, and if the new zone or special exception use has a greater filing fee than previously requested, the difference shall be paid.

Refunds and Waivers(4) Refunds and waivers(A) No part of a fee shall be refunded or waived unless the Planning Board determines that one (1) of the following applies:

- (i)** The fee was paid by mistake, and the applicant has requested (in writing) a refund.
- (ii)** The application is filed by (or on behalf of) any department or agency of the County, or any municipal, State, or Federal government, except as otherwise provided.

(iii) Filing Fee (Original Application)

(aa) A request to withdraw an application is received in proper form prior to the release of the Technical Staff Report. In this case, fifty percent (50%) of the filing fee shall be refunded.

(bb) A request to withdraw an application is received in proper form after the public release of the Technical Staff report. In this

1	case, twenty-five percent (25%) of the filing	32
2	fee shall be refunded.	33
3	(iv) An error was made on an approved application	34
4	through governmental action, and the filing of an	35
5	additional application is necessary to correct the	36
6	error. In this case, all fees may be refunded.	37
7	(v) An application is filed and property rezoned	38
8	because of a clear mistake by a governmental	39
9	agency in the adoption of a Sectional Map	40
10	Amendment. In this case, the Council may direct	41
11	the refunding of all fees.	
12	(vi) Sign Posting Fee	
13	(aa) The application is withdrawn prior to the	
14	posting of the sign. In this case, the entire	
15	sign posting fee shall be refunded.	
16	(bb) The application is withdrawn after the	
17	posting of the sign(s). In this case no portion	
18	of the sign posting fee shall be refunded.	
19	(B) The refund provisions of subparagraph 27-	
20	8301(l)(3)(B)(iii), above, shall not apply to:	
21	(vii) Any application which is for property within the	
22	boundaries of a Sectional Map Amendment and	
23	the application was pending upon transmittal of	
24	the Sectional Map Amendment to the District	
25	Council (provided the Sectional Map	
26	Amendment is approved by the District Council);	
27	or	
28	(viii) Any portion of property subject to a Zoning Map	
29	Amendment application which has been	
30	withdrawn and then added by amendment to	
31	another application on adjoining land. That	

portion of the property which was withdrawn (but not added to the other application) shall be entitled to a refund under the provisions of subparagraph 27-8301(l)(3)(B)(iii), above.

(5) Application in a Revitalization Tax Credit District

With the filing of each application in a Revitalization Tax Credit District, the fee equal to fifty percent (50%) of the standard fee shall be paid.