

ORDINANCE ESTABLISHING INDIVIDUAL COST-BASED FEES FOR MUNICIPAL LAND USE APPLICATIONS

Adopted: August 18, 2009
Effective: September 12, 2009

BE IT ORDAINED THAT THE TOWN OF WOODSTOCK ADOPT THE FOLLOWING ORDINANCE AND FEES CONTAINED HEREIN:

SECTION 1 AUTHORIZATION AND PURPOSES

- 1.1 To establish a schedule of fees, pursuant to Sections 8-1c of the Connecticut General Statutes, which requires new development to fund the town administrative costs of reviewing, evaluating, processing, and monitoring land use applications, while ensuring that fees do not cause new development to subsidize town expenses which are not directly attributable to reviewing, evaluating and processing land use applications.
- 1.2 To establish a schedule of fees for land use applications, which documents direct and indirect town expenses in reviewing land use applications and which calculates fees separately and individually for each land use application.
- 1.3 To establish a reasonable and equitable schedule of fees for reviewing, evaluating and processing applications to the Planning and Zoning Commission and the Zoning Board of Appeals, and for Zoning Permits.
- 1.4 To establish a fee schedule for land use applications, so that the fee system is not unduly burdensome in administration.
- 1.5 To improve services provided to land use applicants by recouping town expenses for reviewing, evaluating, and processing land use applications.
- 1.6 To encourage land use applicants to become familiar with and review town development regulations, to submit land use applications which comply with town regulations, and to submit plans and proposals with fewer errors and omissions.
- 1.7 The Planning and Zoning Commission shall review and amend as needed the fee schedule every two years at its annual organizational meeting in non-election years, or at other times as may be determined by the Commission.

SECTION 2 DEFINITIONS

- 2.1 "Agricultural Building" A structure, not limited in size, on agricultural land, designed, constructed, and used to house farm implements, feed, livestock, agricultural produce or products grown or raised on the premises.
- 2.2 "Applicant" Any person or entity who submits a land use application, or his or her agent or successor in interest.
- 2.3 "Commission" The Planning and Zoning Commission of the Town of Woodstock.
- 2.4 "Land Use Application" Any application submitted to the Planning and Zoning Commission for subdivision, resubdivision (any revision thereof), special permit, zone change, revision of zoning and subdivision regulations, or designation of or activity on a scenic road.
- 2.5 "Land Development Activities" Any man-made change or improvements to real estate, including but not limited to landscaping, construction, building, enlargement or extension of buildings, installation of utilities, parking areas, on-site traffic circulation areas/driveways, impervious surfaces, earth disturbance including grading, filling and excavation, installation of storm drainage and erosion and sediment control measures.
- 2.6 "Public Improvements" for the purposes of this ordinance, includes but is not limited to the construction of new roads, improvements to existing roads, storm drainage facilities, water and sewer lines, the setting aside of open space and

recreation areas, planting of trees or other landscaping, the installation of retaining walls or other structures and erosion and sediment controls.

2.7 "Review, Evaluation, and Processing" Review, evaluation and processing is to include all functions performed in direct connection with a land use application by the Planning department, building official, road foreman, fire marshal, and any other town or designated contractual agents who review, evaluate or process land use applications which is directly attributable to that land use application.

2.8 "Special Permit: New Use" for new specially permitted uses as defined by the Zoning Regulations

2.9 "Special Permit: Change of Use" for change of pre-existing non-residential use to another non-residential special permitted use as defined by Zoning Regulations, without alteration to building or parking lot.

2.10 "Staff" Town employees and designated contractual agents of the town directly involved in the review, evaluation or processing of land use applications.

2.11 "State Fee" as required by State PA 92-235, and amended by PA 03-06 and PA 04-144, or as may be otherwise amended, the municipality shall collect a fee from any person, firm, or corporation, other than a municipality, for any approval required by chapters 124 (zoning), 126 (Municipal Planning Commission), 440 (Wetlands and Watercourses), or 444 (Coastal Management) of the Connecticut General Statutes. The municipality shall retain the authorized amount of each such fee for administrative costs. The remainder of each such fee shall be forwarded to the Department of Environmental Quality Fund established pursuant to Section 22a-27g of the Connecticut General Statutes or as may be otherwise amended.

2.12 "Subdivision" The division of a tract or parcel of land after the enactment of Woodstock Subdivision Regulations in August, 1965 into three (3) or more parts or lots for the purpose, whether immediate or future, of sale or building development expressly excluding development for municipal, conservation, or agricultural purposes. The term "subdivision" includes resubdivision.

To calculate the number of lots in a proposed Subdivision / Resubdivision: All lots created for the purposes of new or existing development shall count towards the number of lots in the subdivision; this includes a new lot created that has an existing building on it. Parcels set aside for open space or conservation land in a subdivision or that qualify for agricultural exemptions do not count.

2.13 Zoning Permits

- a. "Accessory Structure" a detached structure of less than 200 square feet in footprint size.
- b. "Addition" Construction of additional covered or enclosed space attached to original structure, thereby increasing the footprint.
- c. "Business Permit" for the establishment of a new business or relocation of an existing business to a new location other than a home occupation.
- d. "Commercial Permit" for new uses requiring a special permit; this permit covers construction phase of new special permitted use.
- e. "Home Occupation Permit" Requires a review by the Zoning Enforcement Officer for establishment of a home occupation per Zoning Regulations.
- f. "New Dwelling Construction" Each proposed dwelling unit requires a permit and a site plan as indicated in the Zoning Regulations, and includes a review of driveway permit. Subsequent structures or additions not shown on the original site plan require a new zoning permit.
- g. "Garage / Outbuilding" for construction of garage or outbuilding greater than 200 square feet in footprint size, whether attached or detached.
- h. "Sign Permit" as defined in the Zoning Regulations

- i. "Swimming Pool" includes above ground and in-ground pools.

SECTION 3

FEES CHARGED FOR LAND USE APPLICATIONS

3.1 Land use applicants shall pay a fee calculated to cover town expenses for review, evaluation and processing land use applications which are directly attributable to a land use application; such fees are listed on "Schedule A" attached hereto.

3.2 Pre-Approval, Fees and Reimbursements.

It is anticipated that the fees in Schedule A will reimburse the Town for customary expenses incurred in the processing of each of the applications from the time of acceptance through to a decision. The Planning and Zoning Commission may assess additional fees for all reasonable and necessary consulting services at any time during the application process if the size, complexity, and/or potential impact of the project require additional staff time, specialized assistance or expertise. In such cases, as determined by the Commission and approved by the Board of Selectmen, the land use department will assess the applicant actual costs of consultants and other professional services performed. Failure to reimburse the Town for such costs may be a reason for denial of the application.

3.3 Post-Approval Costs

The applicant shall be responsible for the cost to inspect construction at reasonable intervals to ensure that construction complies with:

- The approved Plan;
- Requests for reductions of Performance Bonds;
- Review of Plan Revisions and documents necessary to implement or complete the Plan;
- And review inspection of all improvements necessary for Town acceptance of the Project-related infrastructure or for issuance of a Certificate of Zoning Compliance.

Failure to reimburse the town for these costs shall be grounds for the Zoning Enforcement Officer issuing a Stop Work or Cease and Desist Order. Upon completion of the project and acceptance by the Town of any Project-related infrastructure, no Certificate of Zoning Compliance shall be issued or remaining bond released until such costs have been paid.

3.4 Fees for Technical Assistance

(a) The Planning and Zoning Commission may require additional technical assistance in reviewing and evaluating applications for a land development projects if the Commission determines that the nature, intensity, scope or impact of the proposed development is beyond the technical capacity of town staff to fully evaluate and the actual cost of processing a municipal land use application exceeds the established minimum fee. The requested technical assistance shall directly pertain to the statutory jurisdiction of the Commission. The requested supplemental fee shall be limited to the documented actual cost of retained technical consultants.

(b) When, after consulting with its staff, the Commission makes such a determination that a consultant or consultants with technical expertise in engineering, traffic, environmental, planning and/or independent studies are required to process the application, the Commission shall obtain proposals from identified consultants. After receiving proposals for such consultation or consultants and/or independent studies, the Commission shall recommend the retention of selected consultants and prepare an estimated fee based on the actual costs of retaining such consultants and submit the proposed fee to the Board of Selectmen. The Commission shall give notice of the proposed fee to the applicant and provide the applicant with an opportunity to comment on the scope and amount of the proposed fee.

(c) After approval of the fee by the Board of Selectmen, the Commission shall bill the applicant for the approved fee. The approved fee for technical assistance together with the application fee from the fee schedule shall be paid forthwith. No application shall be deemed filed and complete unless accompanied by the appropriate application fees.

(d) Any consultant fees not expended on review of the application shall be refunded to the applicant upon conclusion of the application process.

(e) In the event that consultant costs are in excess of the approved fee paid by the applicant, the Commission shall bill the applicant, who shall pay such additional costs prior to the issuance of the permit or license sought. In no event shall the excess costs billed to the applicant exceed 110% of the approved fee.

3.5 Exemptions

The Town of Woodstock and all of its boards, commissions, agencies, and departments are exempt from the payment of any and all of the fees or deposits required by this ordinance. Charities, churches and non-profit organizations are not exempt.

3.6 Payment of Fees

- 3.6.a The payment of a fee established in accordance with the provisions of this Ordinance shall not relieve the applicant, owner or their agent from the payment of other fees that may be prescribed for a different type of land-use application, or by another ordinance of the Town of Woodstock.
- 3.6.b All fees received by a commission or board as part of a formal land use application submission shall be non-refundable.
- 3.6.c All fixed fees shall be paid by cash, check or money order made payable to the Town of Woodstock.
- 3.6.d Application fees shall be paid at the time of application submission.
- 3.6.e All direct costs shall be similarly paid prior to the release of the final plans and permits for filing or the initiation of work.
- 3.6.f All payments for services to be rendered during construction shall be paid prior to the issuance of a final certificate of zoning compliance on the project, or release of bonds.

SECTION 4 APPEAL

An applicant may challenge any aspect of a fee payable under this ordinance by submitting a written appeal within thirty (30) days of the date of the challenged billing to the Chairman of the Planning and Zoning Commission on a form available at the Town Hall. The Planning and Zoning Commission shall hear the appeal within sixty-five (65) days and make a ruling within an additional sixty-five (65) days.

SECTION 5 VALIDITY

5.1 If any section, subsection, clause or phrase of this ordinance is, for any reason found to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

5.2 This ordinance shall not apply to applications that have been officially accepted by the Planning and Zoning Commission prior to the effective date of this ordinance.

56.3 This ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having a circulation in the Town of Woodstock.

SCHEDULE A

SECTION 1 APPLICATION FEES

Fees are calculated by section as applicable.

A. Subdivision & Resubdivision fees		
1. Staff Review	\$300	per lot
2. Erosion and Sediment Control Fee	\$55	per lot
3. Public Hearing (additional, if applicable) flat fee	\$225	(includes 3 legal notices)
4. Consultants		
a. Engineer	\$250	per lot
b. Other		Applicant reimburses in full per Section 3.4.
5. State fee (additional)		as may be amended and required by state

B. Modification to Approved Subdivision or Resubdivision		
1. Modification Fee	\$200	
2. Public Hearing (additional, if applicable) flat fee	\$225	(includes 3 legal notices)
3. Consultants		
a. Engineer	\$250	per lot
b. Other		Applicant reimburses in full per Section 3.4.
4. State fee (additional)		as may be amended and required by state
C. Special Permits		
1. Type		
a. Special Permit: New Use	\$350	Flat fee
b. Special Permit: Change of Use	\$ 50	Flat fee
2. Public Hearing (additional, if applicable) flat fee	\$225	
3. Consultants		
a. Engineer		\$300 base fee + \$450 / acre of LDA, min. \$750
b. Other		Applicant reimburses in full per Section 3.4.
4. State fee (additional)		as may be amended and required by state
D. Modification to Approved Special Permit		
1. Modification Fee		same as Special Permit fee, see above
2. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
3. Consultants		
a. Engineer		\$300 base fee + \$450 / acre of LDA, min. \$750
b. Other		Applicant reimburses in full per Section 3.4.
4. State fee (additional)		as may be amended and required by state
E. New Road (Public or Private)		
1. Engineering Follow-up Review and Inspections		\$2,000 + \$1 / LF of new road or length of extension
F. Modifications to Existing Road		
1. Engineering Follow-up Review and Inspections	\$500	
G. Common Driveway		
1. Engineering Follow-up Review and Inspections	\$500	
H. Change of Zone		
1. Fee	\$300	
2. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
3. State fee (additional)		as may be amended and required by state
I. Text Change to Regulations (Zoning or Subdivision)		
1. Fee	\$300	
2. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
3. State fee (additional)		as may be amended and required by state
J. Village Green - floating zone - 2-step process		
1. Two Step Process		
Step One: Change of Zone	\$300	

a. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
Step Two: General Plan of Development	\$200	
2. Consultants		
a. Engineer		\$300 base fee + \$450 / acre of LDA, min. \$750
b. Other		Applicant reimburses in full per Section 3.4.
3. State fee (additional)		as may be amended and required by state
K. Scenic Road		
1. Activity on a Scenic Road	\$100	
a. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
b. State fee (additional)		as may be amended and required by state
2. Designation of Scenic Road (includes public hearing and 3 legal notices)	\$100	
L. Applications to Zoning Board of Appeals		
1. Variances, or Applications (includes public hearing)	\$ 225	Flat fee
2. Appeals	N/A	No fee
3. State fee (additional)		as may be amended and required by state
M. Post Approval Costs		
1. Engineering Follow-up Review and Inspections		\$100 / hour of review
N. Zoning Permits		
1. Residential Uses		
a. New Dwelling Construction	\$150	
b. Garage/outbuildings (greater 200 square feet)	\$75	
c. Addition	\$75	
d. Accessory Structure	\$25	
e. Agricultural Building	\$25	
f. Swimming Pool	\$25	
2. Non-Residential Use permits		
a. Commercial Permit	\$150	
b. Home Occupation	\$20	
c. Business Permit	\$25	
d. Sign Permit	\$20	
3. State fee (additional)		as may be amended and required by state
O. Other		
1. Letter of Zoning Compliance	\$50	