

SBO-19 AN ORDINANCE ESTABLISHING INDIVIDUAL COST BASED FEES FOR MUNICIPAL LAND USE APPLICATIONS

Section 1: Authorization and Purposes

1.1 To establish a schedule of fees, pursuant to Section 8-1c of the Connecticut General Statutes, which requires new development to fund the actual municipal administrative costs of reviewing, evaluating and processing land use applications, and ensures that fees do not cause new development to subsidize municipal expenses which are not directly attributable to reviewing, evaluating and processing land use applications.

1.2 To establish a reasonable and equitable schedule of fees for reviewing, evaluating and processing land use applications to the Planning and Zoning Commission ("Commission") and the Zoning Board of Appeals ("Board") which calculates fees separately and individually for each land use application.

1.3 To improve the services provided to land use applicants for reviewing, evaluating and processing land use applications.

1.4 To encourage land use applicants to submit complete land use applications which comply with applicable Borough of Stonington ("Borough") regulations and to submit plans, proposals and/or applications with a minimum of errors and omissions.

Section 2: Definitions

2.1 Land Use Application - Any application to the Commission or Board, including but not limited to those requiring fees as listed in Section 3 of this Ordinance.

2.2 Review, Evaluation and Processing - Review, evaluation and processing shall include all functions performed in direct connection with a land use application by the Commission, Board, Zoning Officer, fire department, any consultant retained by the Borough; and any other municipal or other governmental staff/agency.

2.3 Applicant - Any person or entity who submits a land use application, or his or her agent or successor in interest.

Section 3: Fees Charged for Land Use Applications

3.1 The Commission and Board are authorized to collect fees for the processing of land use applications in accordance with the following schedule:

NOTE SECTION 3.3

a) All of the following:	\$ 25.00
Fence less than 4 ft in height (Sect. 3.6.1 of the Zoning Regulations)	
Sign (Sect. 3.7.7)	
Customary Home Occupation (Sect. 3.5.1)	
Zoning Compliance - if no other application required (Sect. 11.2)	
Minor Site Plan Amendment (Sect. 9.9)	
Demolition Permit (Ordinance Requiring Notice of Demolition of Certain Buildings)	
b) Site Plan - without Public Hearing (Sect. 9.4)	\$ 100.00
- with Public Hearing (Sect. 9.4, 9.12)	\$ 200.00
c) Coastal Site Plan - without Public Hearing (Sect. 3.3.1.1)	\$ 100.00
- with Public Hearing (Sect. 3.3.1.6)	\$ 200.00
(if both b) and c) required, only one fee shall be charged)	
d) Special Permit (Sect. 10.2)	\$ 200.00
e) Amendment to Zoning Regulations and/or Zoning Map (Sect. 12.2)	\$ 300.00
f) Planned Area Development - Preliminary Review (Sect. 7.7)	\$ 200.00
- Formal Applic. (Sect. 7.8)	\$1000.00
g) Zoning Board of Appeals Variance (Sect. 13)	\$ 200.00
h) Subdivisions - Preliminary Layout (Sect. 3.2 of Subdiv. Regs)	\$ 200.00
- Final Subdivision Plan (Sect. 3.3 of Subdiv. Regs)	\$ 300.00
	+\$100.00/lot

3.2 In addition to the fixed fees set forth in Section 3.1, the Commission or Board shall collect payment for direct costs of materials and services performed by those, other than Borough employees, who are directed by the Commission or Board to undertake or participate in the review, evaluation and processing of land use applications. Services may include, but not be limited to, professional consulting services (i.e., legal, engineering, architectural, planning etc.), specialized inspections, third party professional certifications, and stenographic and transcription services. In the alternative, or in addition, the Commission may require an applicant to provide certifications, inspections or professional consultant reports at the applicant's expense.

3.3 In addition to all other fees required by this Ordinance, the applicant shall pay any fees that may be required by state law, including but not limited to the fees that are required by Section 22a-22j of the Connecticut General Statutes. (CURRENTLY \$60 PER APPLICATION)

Section 4: Computation of Fees

4.1 The expense of those services required under Section 3.2 shall be approved by the Commission or Board based upon an estimated cost of review prepared by the Zoning Officer and approved by the Commission or Board. One hundred fifty percent (150%) of the estimated cost of review shall be deposited with the Zoning Officer by the applicant within fifteen (15) days of the receipt by the applicant of the notification of the required amount. Failure of the applicant to deposit the required amount shall be deemed a failure of the applicant to submit an appropriate fee for the application, and the application shall be deemed incomplete.

4.2 Upon completion of the professional review under Section 3.2 and final action on the application, the Zoning Officer shall determine the actual costs incurred for the review, and the Commission or Board shall refund any excess funds to the applicant. Applicants shall not be responsible for costs incurred or professional assistance which exceeds one hundred fifty percent (150%) of the estimated cost of review.

Section 5: Exemptions

All boards, commissions and agencies of the Borough of Stonington or the Town of Stonington, including fire company properties for fire protection purposes, shall be exempt from the payment of fees established pursuant to this Section. The Commission or Board may reduce or waive application fees where (1) the applicant is a non-profit entity which qualifies for tax deductible charitable contributions under regulations of the U. S. Internal Revenue Service or (2) the application is for low or moderate income housing or special needs housing. The Commission or Board may also credit all or a portion of application fees from previous application(s) which were denied or withdrawn, where the review work performed on the previous application(s) may be of benefit in reviewing the new application. The Commission or Board exempting an application from payment of a fee, in whole or in part, shall state in the minutes of the meeting at which the application was received the fee type exempted, the percentage exempt, and reasons for granting the exemption. This exemption shall not prohibit the Commission or Board from requiring consultant reports, professional certification or conducting inspections to ensure conformance with land use regulations.

Section 6: 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 Commission. The Commission shall hear the appeal within sixty-five (65) days and make a ruling within an additional sixty-five (65) days from the completion of the hearing. The filing of an appeal shall not relieve the applicant from the duty to pay fees hereunder in a timely manner. Any such payments, if on appeal, shall be made under protest by the applicant, and the remedy, if the appeal is sustained, shall be by rebate.