

First Reading: July 14, 2014
Second Reading: August 11, 2014

ORDINANCE NO. ARTICLE 6 TITLE 2

AN ORDINANCE ESTABLISHING A PLANNING AND ZONING COMMITTEE REVIEW FEE AND SETTING STANDARDS GOVERNING THE REIMBURSEMENT AND FORFEITURE OF THE FEE

WHEREAS, the Town Council of the Town of Felton is authorized pursuant to section 3 of the Town Charter to “grant licenses and impose fees for licenses, issue permits, and regulate any activity within the corporate limits of the town”;

WHEREAS, the Planning and Zoning Committee reviews applications for construction within the Town of Felton; and

WHEREAS, in the opinion of the Town Council, it is necessary to impose a fee for the Planning and Zoning Committee to review construction applications and plans, which fee can be refunded under certain circumstances.

BE IT HEREBY ENACTED by the Town Council of the Town of Felton, a majority thereof concurring in Council duly met, as follows:

Section 1. Intent. The intent of this ordinance is to clarify and establish procedures for setting the fee amount for the Planning and Zoning Committee to review construction plans and applications and to establish standards governing the reimbursement and forfeiture of those fees.

Section 2. Planning and Zoning Committee Review Fee. Whenever proposed construction in the Town of Felton requires a building permit, the application and construction plans shall be reviewed by the Felton Planning and Zoning Committee. The applicant shall be required to pay a fee for the Planning and Zoning Committee’s review, and the fee amount shall be set annually by the Town Council as part of the annual budgeting process of the Town. The failure by the Town Council to formally set the Planning and Zoning Committee review fee amount in one or more years shall not be construed as a waiver of the fee, and the most recently established fee shall remain in place until such time as it is amended by the Town Council. Notwithstanding anything herein to the contrary, the Town Council may increase or decrease the fee amount at such other times throughout the year as considered necessary by the Town Council.

Section 3. Reimbursement of Fee. If the applicant, or an agent of the applicant, is present at the Planning and Zoning Committee meeting at which the construction plans and application are to be reviewed by the Planning and Zoning Committee, the Planning and Zoning Committee review fee shall be reimbursed to the applicant. The applicant shall have the option of receiving the reimbursement amount directly from the Town or having the reimbursement amount applied towards the fee the applicant must pay to obtain a Certificate of Zoning Compliance.

Section 4. Forfeiture of Fee. If the applicant, or an agent of the applicant, fails to attend the Planning and Zoning Committee meeting at which the applicant's construction plans and application are to be reviewed by the Planning and Zoning Committee, the fee shall be forfeited by the applicant, and the Planning and Zoning Committee shall not be required to act on the application. If the applicant subsequently seeks to have the construction application scheduled for review by the Planning and Zoning Committee at a future meeting, a new review fee shall be required, which fee shall be subject to the same reimbursement and forfeiture procedures outlined herein.

Synopsis

This ordinance allows for the reimbursement of Planning and Zoning Committee review fee where the applicant or an agent of the applicant attends the Planning and Zoning Committee meeting at which the construction plans and application are considered and provides for the forfeiture of the same fee where the applicant or an agent of the applicant does not attend the Planning and Zoning Committee meeting.

This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Felton at a duly-noticed and convened meeting at which a quorum was present on August 11, 2014.

Attest: Amy Lupinetti
Town Clerk

So Certifies:
D. L. Kelly
Mayor

This shall certify that the title and synopsis of the foregoing ordinance was posted in three public places in the Town (including the Town Hall) on August 4, 2014.

8/12/14
Date

So Certifies:
Amy Lupinetti
Town Clerk