



ARLINGTON COUNTY, VIRGINIA

County Board Agenda Item Meeting of September 17, 2011

DATE: August 24, 2011

SUBJECT: Request to Advertise public hearings to amend the zoning fee schedule to include a fee for "Open-Air Market" special exception use permit applications.

C. M. RECOMMENDATION:

Adopt the attached resolution to authorize advertisement of a public hearing by the County Board on October 15, 2011 to amend the schedule of Zoning fees to include an application fee for an "Open-Air Market" special exception use permit application.

ISSUES: This is a request to advertise a public hearing to adopt a special exception use permit fee for "Open-Air Markets" and no issues have been identified.

SUMMARY: This is a request to advertise a public hearing to amend the Zoning fee schedule to adopt an application fee for a special exception use permit for open-air markets. Staff proposes a total application fee of \$634.20, which is the same application fee that is charged to churches and lodges for secondary uses of their parking lots. Therefore, staff recommends the County Board adopt the attached resolution to authorize advertisement of a public hearing by the County Board on October 15, 2011 to amend the schedule of Zoning fees to include an application fee for an "Open-Air Market" special exception use permit application.

BACKGROUND: At their public hearing June 11, 2011, the County Board adopted a text amendment to the Zoning Ordinance to include farmers' markets in the definition of "Open-Air Markets" and to permit open-air markets in all commercial and industrial Zoning districts subject to obtaining a special exception use permit. At the time of the text amendment adoption, a reduced fee for the use permit approval was discussed and determined to be appropriate because of the staff review requirements.

DISCUSSION: From time to time the County Board, through a Zoning Text Amendment, amends the Zoning Ordinance to require a certain use to obtain a special exception use permit. When this happens, unless the Board adopts a different application fee, the application fee for

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County Attorney: *CEW*

Staff: Peter Schulz, DCPHD, Planning Division

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that new use permit will automatically be \$1,782, plus a 10% Automation Enhancement Fee of \$178.20, for a total fee of \$1,960.20.

In 2006, the County Board adopted a Zoning Text Amendment to permit by special exception use permit the use of parking lots of places of worship and lodges as a secondary use by other users. At the time, a new, reduced fee was adopted with the Text Amendment, as well as a reduced fee for DES review. Staff recommends advertising a fee for open-air markets that is identical to the fee for secondary parking lot use as they have similar review requirements. Both use permit applications require submittal of a parking lot plat in order for staff to determine if there is enough parking on the site for all existing and proposed uses, as well as impacts on the transportation system. Both use permits do not involve the construction of permanent buildings. Staff believes that both use permits will require similar amounts of staff time and effort to research and analyze. Furthermore, staff is desirous to reduce clutter in the Zoning fee schedule by not creating a unique fee for every possible use permit. Therefore, staff recommends that the Board advertise a fee that is the same as the one used for secondary parking, which is currently \$302 plus a DES review fee of \$302, for a total fee to the applicant of \$634.20. The required 10% Automation Enhancement Fee is not applied to the DES fee.

As a final note, the fee will only apply to new applications submitted after adoption of the new fee. Use permits for the existing open-air markets will be advertised On The County Board's Own Motion for action on November 19, 2011.

CONCLUSION: The staff effort necessary to review the new use permit for open-air markets is very similar to the review of use permit applications for secondary parking for places of worship and lodges. For this reason, staff believes the zoning fees should be the same. Therefore, staff recommends adopting the attached resolution to authorize advertisement of public hearings by the County Board on October 15, 2011 to amend the schedule of Zoning fees to include an application fee for an "Open-Air Market" special exception use permit application.

RESOLUTION TO AUTHORIZE THE ADVERTISEMENT OF A PUBLIC HEARING ON THE PROPOSED AMENDMENT TO THE ZONING FEE SCHEDULE FOR THE OCTOBER 15, 2011, COUNTY BOARD MEETING, TO ADD A FEE FOR A SPECIAL EXCEPTION USE PERMIT FOR OPEN-AIR MARKETS; AND TO PROVIDE FOR EFFICIENT ADMINISTRATION OF THE COUNTY'S ZONING ORDINANCE; TO ENCOURAGE ECONOMIC DEVELOPMENT; AND TO PROMOTE THE HEALTH, SAFETY, AND GENERAL WELFARE OF THE PUBLIC

The County Board of Arlington County hereby resolves to authorize advertisement of a public hearing at the October 15, 2011, County Board meeting to consider adoption of a schedule of zoning fees necessary to provide for:

**ARLINGTON COUNTY, VIRGINIA{PRIVATE }
DEPARTMENT OF COMMUNITY PLANNING, HOUSING AND
DEVELOPMENT
ZONING ADMINISTRATION**

**CONSOLIDATED FEE SCHEDULE FOR
APPLICATIONS, VARIOUS PERMITS,
BUILDING PERMITS AND SUBDIVISION
PLATS**

APPLICATION FEES

JULY 1, 2010 October 15, 2011

USE PERMITS

Places of worship or lodges permitting secondary use of parking lots and Open-Air Markets - \$302 plus DES fee of \$302.
