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*Judy E. Walling*

**AMENDMENT TO  
ORDINANCE ESTABLISHING  
INDIVIDUAL COST-BASED FEES FOR  
MUNICIPAL LAND USE APPLICATIONS**  
**ADOPTED: FEBRUARY 26, 2013**  
**EFFECTIVE: MARCH 22, 2013**  
*(Originally Adopted: March 22, 1989)*

BE IT ORDAINED THAT THE TOWN OF WOODSTOCK HEREBY REPEALS THE MUNICIPAL LAND USE FEE ORDINANCE IN EFFECT AND ADOPTS THE FOLLOWING ORDINANCE AND FEES CONTAINED HEREIN IN LIEU THEREOF:

**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 "Earth & Gravel Operations" Earth filling and removal operations as defined and regulated in the Woodstock Zoning Regulations.
- 2.5 "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.
- 2.6 "Post Approval Construction Review" includes a review of the structure(s) and site construction before site work begins to ensure compliance with the Special Permit approval as well as checking that any required bonds have been submitted as required and to review approval conditions with builder.
- 2.7 "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.
- 2.8 "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.
- 2.9 "Special Permit: New Use" for new specially permitted uses as defined by the Zoning Regulations
- 2.10 "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.

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

2.12 "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.

2.13 "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.

#### 2.14 Zoning Permits and Certificates

a. "Accessory Apartment" A second dwelling unit, not to exceed the specified size in the standards for the applicable district, that is contained on the same lot as a single family residence and that is clearly subordinate to the main dwelling unit in terms of size and appearance.

b. "Accessory Structure" a detached structure on an individual lot. Exemption: Handicap ramps do not require a permit or fee.

c. "Addition" Construction of additional covered or enclosed space attached to original structure, thereby increasing the footprint.

d. "Home Occupation Certificate ~~Permit~~" Requires a review by the Zoning Enforcement Officer for establishment of a home occupation per Zoning Regulations.

e. "Garage / Outbuilding" for construction of garage or outbuilding greater than 200 square feet in footprint size, whether attached or detached.

- f. "New Business Location Certificate" consists of a review of a proposed new business on a particular property for eligibility per the Zoning Regulations. To be eligible the proposed business must be compatible in size, scale and volume with the previous business(s) or non-residential use(s) existing on-site as of the adoption of Zoning on January 1, 1992.
- g. "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.
- h. "Sign Permit" as defined in the Zoning Regulations
- i. "Student Housing" for the use of an existing single or two-family house for students as defined in the Zoning Regulations. Any proposed change to the property that would otherwise require a Zoning Permit such as an addition, accessory structure, deck, or other applicable work is not included in this definition and requires a separate Zoning Permit and payment of separate applicable fees.
- j. "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, including but not limited to staff review, public hearing, legal notices, erosion and sediment control review and inspections with direct reimbursement for engineering review, 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 additional 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, 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 A postponement of the public hearing at the request of an applicant shall require reimbursement by the applicant for the costs of all additional published legal notices.

#### 3.4 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.

#### 3.5 Fees for Technical, Legal and Consultant Assistance

(a) The Planning and Zoning Commission may require additional technical, legal and other consultative assistance in reviewing and evaluating matters directly related to applications for land development projects if the Commission determines that the nature, intensity, scope or impact of the proposed developments are beyond the professional capacity of town staff to fully evaluate and that the actual costs of processing such municipal land use applications exceeds the established minimum fees. The requested assistance shall directly pertain to the statutory jurisdiction of the Commission. The requested supplemental fees shall be limited to the documented actual costs of the retained assistance.

(b) No application shall be deemed complete unless accompanied by the appropriate fixed fees, with the understanding that engineering or other consultant costs are to be reimbursed within 30 days of receipt of the invoice.

(d) Any fees for additional assistance or portion thereof not expended on review of the application shall be refunded to the applicant not later than forty-five (45) days after the completion of the review done or as otherwise required by C.G.S as may be amended.

(e) In the event that the costs for additional assistance are in excess of the 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.

### 3.6 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, religious organizations, and non-profit organizations are not exempt.

### 3.7 Payment of Fees

- 3.7.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.
- 3.7.b All fees received by a commission or board as part of a formal land use application submission shall be non-refundable unless otherwise provided herein.
- 3.7.c All fixed fees shall be paid by cash, check or money order made payable to the Town of Woodstock,.
- 3.7.d Application fees shall be paid at the time of application submission with any reimbursements for engineering or other consultant review paid within thirty (30) days of receipt of invoice.
- 3.7.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.
- 3.7.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 REDUCTION OR WAIVER OF FEE

5.1 Any entity authorized by this article to charge fees may reduce or waive a fee after taking into consideration one or more of the following factors:

5.1a Such application is substantially similar to one previously filed and withdrawn, or denied without prejudice; or

5.1b The amount of the application fee is clearly excessive in relation to the costs to the Town for reviewing and processing the application.

5.2 An applicant seeking a waiver or reduction of a fee imposed by this article must submit a written request to the agency to which the application has or will be filed setting forth the basis for the proposed waiver or reduction. Any request to reduce the amount of fee required for any aspect of the application should be made within 30 days of the application, except that a request for a reduction in fees related to an additional fee for technical review should be made within thirty (30) days of receipt of a billing invoice for the work done. The agency receiving the request shall review said request and issue a decision within sixty-five (65) days of receipt.

## SECTION 6 VALIDITY

6.1 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.

6.2 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.

6.3 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.

<b>A. Subdivision &amp; Resubdivision fees</b>		
1. Fee	\$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		Direct reimbursement
b. Other		Direct reimbursement
5. State fee (additional)		as may be amended and required by state
<b>B. Modification to Approved Subdivision or Resubdivision</b>		
1. Modification Fee	\$200	
2. Public Hearing (additional, if applicable) flat fee	\$225	(includes 3 legal notices)
3. Consultants		
a. Engineer		Direct reimbursement
b. Other		Direct reimbursement
4. State fee (additional)		as may be amended and required by state
<b>C. Special Permits</b>		
1. Type		
a. Special Permit: New Use	\$400	Flat fee
b. Special Permit: Change of Use	\$75	Flat fee
c. Earth & Gravel Operation - new	\$250	Flat fee
d. Earth & Gravel Operation - renewal	\$100	Flat fee
2. Public Hearing (additional, if applicable) flat fee	\$225	(includes 3 legal notices)
3. Consultants		
a. Engineer		Direct reimbursement
c. Other		Direct reimbursement
4. State fee (additional)		as may be amended and required by state
<b>D. Modification to Approved Special Permit</b>		
1. Modification Fee	\$100	
2. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
3. Consultants		
a. Engineer		Direct reimbursement
b. Other		Direct reimbursement



4. State fee (additional)		as may be amended and required by state
E. 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
F. 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
G. 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		Direct reimbursement
b. Other		Direct reimbursement
3. State fee (additional)		as may be amended and required by state
H. Scenic Road		
1. Activity on a Scenic Road		
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		
a. Public Hearing (additional) flat fee	\$225	(includes 3 legal notices)
I. 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
J. Post Approval Costs		
1. Engineering and Other Consultant Follow-up Review and Inspections		Direct reimbursement
K. Zoning Permits		
1. All Uses		
a. New Single-family Dwelling Construction	\$150	
b. Multi-family Residential Development	\$75	Per dwelling in the development
c. Garage/outbuildings (equal to or greater	\$75	

than 200 square feet)		
d. Addition / accessory apartments / Cottage in Seasonal Cottage Resort /Temporary Health Care Structure	\$75	
e. Accessory Structure (less than 200 SF) Any size deck / ground mounted solar panels	\$25	
f. Agricultural Building	\$25	
g. Swimming Pool	\$25	
h. Cell Tower	\$150	
i. Sign Permit	\$20	
2. Public Hearing	\$225	(includes 3 legal notices)
3. State fee (additional)		as may be amended and required by state
O. Other		
1. Letter of Zoning Compliance	\$50	
P. Student Housing		
1. Initial Permit	\$125	
a. Public Hearing	\$225	(includes 3 legal notices)
b. State Fee (additional)		as may be amended and required by state
2. Renewal Application		
a. If Public Hearing to be held	\$225	(includes 3 legal notices)
b. Fee	\$75	
c. If no Public Hearing to be held: Decision Legal Notice to be published	\$30	
1. State Fee (additional)		as may be amended and required by state
Q. Certificates		
1. Home Occupation	\$25	
2. New Business Location	\$ 25	