



TITLE #: 77

Ordinance #: 04-01-15-044

Date: April 1, 2015

ORDINANCE **for the Administration and** **Application of Land Use Ordinance Fees**

DESCRIPTION: This Ordinance shall be known as the Land Use, (LDU), Fee Application Ordinance.

Section 1. PURPOSE

The purpose of this Ordinance is to define and specify the application and requirements of the fee structure and associated payments, as shown on Form 2014-01-23-018 LDU – Land Development and Use Fee Schedule.

Section 2. AUTHORITY TO ACT

The authority to impose fees is granted by both the Land Use Ordinance – Article 9, Section B and the Town Charter – Section 4.2.20 which provides that the Town may grant licenses and impose fees for licenses, issue permits and regulate any activity within the corporate limits of the Town.

Section 3. APPLICABILITY

The guidelines of this Ordinance shall apply to all fees associated with Form 2014-01-23-018 LDU Land Development and Use Fee Schedule as existing at the date of approval of this Ordinance and as it may be revised by Town Council approval from time to time.

Section 4. DEFINITIONS

The following definitions apply to Form 2014-01-23-018 LDU Land Development and Use Fee Schedule:

- 4.1 Minimum Admin** – is the least amount required for the application fee for review by the Land Use Administrator and staff. It also includes the cost of copying; forwarding documents; phone calls; Town Attorney review fees if required and newspaper postings when required.
- 4.2 Minimum Review** – is the least amount required for the application fee by the Town Engineer.
- 4.3 Minimum Total** – is the aggregate of Minimum Admin and Mini Review costs, and the absolute least amount of costs that can be charged for an application fee.
- 4.4 Type** – defines the various land use situations for which an applicant may request a review by the Land Use Administrator, Planning Commission, Town Council, Board of Adjustment, Town Attorney or Town Engineer.

NOTE: Definitions for other terms on the form may be found in Section 2 of the Land Use Ordinance.

Section 5. ADMINISTRATION and REQUIREMENTS OF LDU FEES

- 5.1 All situations and types shown on Form 2014-01-23-018 LDU, shall require the payment of the **Minimum Total** fee for the applicable situation or type, at the time an application is submitted for review.
- 5.2 Applicants must submit the appropriate Land Use Ordinance Application Form, (see list of forms in Section 8 of this Ordinance). Forms may be obtained at the Cheswold Town Hall; 691 Main Street, Cheswold, DE 19936 or on the Town-website: cheswold.delaware.gov.
- 5.3 All checks and/or money orders must be made out to: Town of Cheswold
- 5.4 Upon receipt of the application and the Minimum Total fee required for the situation, the Land Use Administrator or his or her designee will review the application and fee for completeness and correctness and if found so, will forward the application to the Planning Commission, Town Engineer or Board of Adjustment as appropriate for the application type.
- 5.5 If upon receipt of the application and the Minimum Total fee required for the situation, the Land Use Administrator or his or her designee determines that either the application is incomplete, incorrect or the Minimum Total fee is insufficient, the applicant will be notified in writing and all documents returned, until such time as they are submitted and found correct and complete.
- 5.6 Fees submitted with incomplete applications will be returned to the applicant, until such time as the application is submitted correctly and completely.
- 5.7 Upon receipt of complete and correct applications by the Planning Commission, Town Engineer or Board of Adjustment, the processing of the application will continue as specified and directed by the Town of Cheswold Land Use Ordinance.
- 5.8 The Minimum Total required for the submission of the application may be not be sufficient to meet the total costs of the review. In such cases, the applicant shall be required to pay all additional costs, submitted by the Land Use Administrator, Town Engineer or Town Attorney, within fourteen (14), calendar of certified mailing notification, and all other applicable costs incurred by the Town relating to the application.

Section 6. APPLICATION OF LDU FEES

- 6.1 All fees shall be applied to the charges associated with completing the review of the situation for which the application was submitted.
- 6.2 All fees received shall be submitted to the Town Clerk for deposit in the Land Use Applicant's Account.
- 6.3 The Town Clerk shall be required to maintain a report by applicant name of the fees paid.
- 6.4 The Town Clerk shall record payments made from an applicant's account and the date and reason for such payment.
- 6.5 An applicant may request the status of his or account at any time and such request shall be completed in writing within three, (3), days of receipt of the request.

Section 6. APPLICATION OF LDU FEES

- 6.6 Review of applications by the Town Engineer will be paid from the Minimum Review fee based on the Engineering bill received by the Town for the review.
- 6.7 Minimum Administrative fee payments will be applied to the review costs related to the application, by the Town Attorney, the Town Land Use Administrator and/or costs incurred for newspaper publications.
- 6.8 Minimum fee costs are maintained by the Town in all situations, but any balance remaining for actual costs that are not used will be refunded to the applicant.

Section 7. CONSEQUENCES OF INSUFFICIENT FUNDS OR FEES

- 7.1 At any time during the processing of an application, the applicant's account is insufficient to meet the required payments, the application process shall cease until such time as the applicant replenishes the account sufficient to meet the costs of the review.
- 7.2 If at any time an applicant attempts to submit an application for review and Town Taxes; Permits; Tickets; Violations or Land Use Fees or Fees of any type are pending payment, the application shall be held in abeyance until such time as the fees and/or fines are paid in full.

Section 8 – LIST OF APPLICATION TYPES AND FORM NUMBERS

8.1 Administrative Review Application	2014-01-23-001 LDU
8.2 Certificate of Zoning Compliance Application	2014-01-23-002 LDU
8.3 Concept Plan Application	2014-01-23-003 LDU
8.4 Conditional Use Application	2014-01-23-004 LDU
8.5 Final Plan Application	2014-01-23-005 LDU
8.6 Preliminary Plan Application	2014-01-23-006 LDU
8.7 Re-Zoning Application	2014-01-23-007 LDU
8.8 Sign Permit Application	2014-01-23-008 LDU
8.9 Variance Request Application	2014-01-23-009 LDU
8.10 Lot Line Adjustment/Change Application	2014-06-17-010 LDU
8.11 Fence Permit Application	2014-01-23-016 LDU
8.12 Sample Site Plan Form	2014-01-23-017 LDU
8.13 Land Use Fee Schedule	2014-01-23-018 LDU

Whereas, the Town of Cheswold properly posted, published and conducted a Public Hearing on Monday, July 6, 2015, at 6:00 p.m., as required by the Town Charter, to receive public comment on the proposed administration and application of fees; and

Whereas, the Town Council, at their regularly scheduled Town Council meeting, on Monday, July 6, 2015, held at 6:30 p.m., in the Cheswold Town Hall, 691 Main Street, Cheswold, DE 19936, voted unanimously to approve Ordinance #04-01-15-044; and

Now Therefore Be It Resolved, that the Town Council of the Town of Cheswold hereby authorizes the implementation of said Ordinance.

This Ordinance was duly adopted by a unanimous vote of the Town Council at its' regularly scheduled monthly Town Council meeting, on Monday, July 6, 2015, held at 6:30 p.m., in the Town Hall at 691 Main Street, Cheswold, Delaware, 19936.

I, Donald F. Tinari, Mayor of the Town of Cheswold, do hereby certify that the foregoing is a true and correct copy of the Ordinance passed by an affirmative majority vote of Town Council members of the Town of Cheswold, at which a quorum was present and voting throughout, and that the same is still in force and effect.

Certified: Donald F. Tinari Date: July 6, 2015
Mayor

ATTEST: Shea E. Calder Date: July 6, 2015
Secretary/Treasurer

Agreed: Robert W. S. Date: July 6, 2015
Vice-Mayor

Agreed: Sherry Lamberton Date: July 6, 2015
Councilperson

Agreed: Position Vacant Date: July 6, 2015
Councilperson

Agreed: Position Vacant Date: July 6, 2015
Councilperson

NOTARIZED: [Signature] Date: July 6, 2015
Town Clerk

Note: Reviewed and approved by Christina Thompson, Esquire - May 22, 2015