

**QUEEN ANNE'S COUNTY PLANNING COMMISSION MINUTES**  
May 14, 2020

The Queen Anne's County Planning Commission met on Thursday, May 14, 2020, at 8:45 A.M. The following members were present: Jeffrey Reiss, Tom Leigh, Sharon Dobson, Robert Priest, Tom Jackson, Sheila Tolliver, and Teddy Baker.

Also present were Michael Wisnosky, Director Department of Planning and Zoning; Amy Moredock, Principal Planner; Rob Gunter, Development Review Principal Planner, Brennan Tarleton, Senior Planner; John Shelton, Clerk; Christopher F. Drummond, Esquire; and Sharon H. Brinster, Esquire.

**1. Public Comment** – No comments received

**2. Meeting Minutes Review** – Upon motion made by Commissioner Priest, seconded by Commissioner Dobson and passed by voice vote, the March 12, 2020 Planning Commission Minutes were approved as presented.

**3. Extension Requests** –

**Mears Point Associates / Safe Harbor Marinas LLC – Major Site Plan # 05-16-08-0008C** – Mr. Joseph Stevens Esq, Stevens Palmer, LLC, on behalf of Mears Point Associates/Safe Harbor Marinas Narrow Point LLC, described the request for a 5-month extension to the previously approved Major Site Plan. He went on to describe previous approvals for the project and explained the recent sale of the property which includes all the rights associated with the apartment plans, approvals, sewer and water allocations etc., to Safe Harbor Marinas. Mr. Stevens said Safe Harbor Marina is now digesting what to do and will make a decision by September when the non-refundable sewer allocation payment is due. He said at or before the October Planning Commission meeting representatives will appear and update the Planning Commission.

Upon review and further consideration, the following motion was made by Commissioner Tolliver, seconded by Commissioner Priest and passed by unanimous voice vote:

**RESOLVED**, that at the request of **Mears Point Associates/Safe Harbor Marinas Narrow Point LLC**, the conditionally approved Major Site Plan, Department of Planning and Zoning **File #05-16-08-0008C**, shall be and is hereby extended through and including the date of the regularly scheduled Planning Commission meeting on **October 8, 2020**.

**4. UPDATES: Legislation and Legal Matters** – Mr. Michael Wisnosky, Planning and Zoning Director, said there he had no legislative or legal updates.

**5. Major Site Plan – Fisherman’s Village – SP#19-07-0028** – Mr. Rob Gunter, Development Review Principal Planner, described the highlights of the applicant’s request for Major Site Plan, Shoreline Buffer Reduction, and Bonus Height and a floor area bonus approvals for the construction of an 83,262 square foot 120-room hotel with banquet facility with associated parking on 5 parcels (TM57, Parcels 329,333,432,494; TM58D, Parcel 73) on Kent Narrows Way South, in the Kent Narrows.

Mr. Tom Davis, DMS & Associates, said the hotel footprint has been moved but is substantially similar to the earlier version. He described changes to the parking and the adjustments to pedestrian crossings to make them more useable and connect to the Cross Island Trail. Additionally, he described the lighting and the location of propane tanks and generators.

Mr. Jody Schulz, Fisherman’s Village, described changes to the hotel to reduce the size of the banquet capacity and increase the number of rooms. He also said they have reached agreement regarding the State Highway Administration’s small parcel of land and are now negotiating the price.

Chairman Reiss asked if there were members of the public who wished to comment, at which time written comment submitted via email by Andrew Hansen were read. Mr. Hansen was in favor of the project, supports the redevelopment and approval of the project as proposed, shoreline buffer reduction and bonus height and floor area.

Upon review and further consideration, the following motion was made by Commissioner Dobson, seconded by Commissioner Priest, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Schulz Development, LLC (Fisherman’s Village)** to reduce the 300 foot Shore Buffer on Parcel 33 to 0 feet under §18:1-67.B(3) and as more particularly described in the **Department of Planning & Zoning file SP#19-07-0028**, hereby finds; (1) the proposal is entirely within a growth area as identified by the 2006 Kent Narrows Community Plan, (2) the Waterfront Village Center district permits nonresidential development and this proposal is large scale, and (3) without the reduction the development would not be possible as the entire developing parcel is within the 300 foot shore buffer, and hereby grants approval of the requested reduction.

Upon further review, the following motion was made by Commissioner Leigh, seconded by Commissioner Priest, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Schulz Development, LLC (Fisherman’s**

**Village)**, for approval of a Bonus Height under §18:1-26.N(1)(c)[2] and as more particularly described in the **Department of Planning & Zoning file SP#19-07-0028**, hereby finds per §18:1-26.N(2)(c)[1],[2], and [3]; (1) that the proposed development is consistent with the overall development scheme of the 2006 Kent Narrows Community Plan, (2) that the proposed development will not overburden existing public services, including parking, water, sanitary sewer, public roads, storm drainage, and other public improvements, and (3) that the proposed development will not create a threat to the public health, safety or welfare, and hereby grants the requested Bonus Height up to 52 feet.

Upon further review, the following motion was made by Commissioner Priest, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Schulz Development, LLC (Fisherman's Village)** for Floor Area Bonus on Parcel 33 under §18:1-26.N(1)(c)[1] and as more particularly described in the **Department of Planning & Zoning file SP#19-07-0028**, hereby finds per §18:1-26.N(2)(c)[1],[2], and [3]; (1) that the proposed development is consistent with the overall development scheme of the 2006 Kent Narrows Community Plan, (2) that the proposed development will not overburden existing public services, including parking, water, sanitary sewer, public roads, storm drainage, and other public improvements, and (3) that the proposed development will not create a threat to the public health, safety or welfare, and hereby grants the requested Floor Area Bonus of 8,156 square feet for Parcel 33.

Upon further review, the following motion was made by Commissioner Leigh, seconded by Commissioner Priest, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **Schulz Development, LLC (Fisherman's Village)** for Major Site Plan approval for the construction of an 83,262 square foot, 120 room hotel with banquet facility utilizing Height and Floor Area Bonuses, and as more particularly described in the **Department of Planning & Zoning file SP#19-07-0028**, hereby finds this Plan to be consistent with the goals and objectives of the Queen Anne's County Zoning Subdivision Regulations, the 2010 Queen Anne's County Comprehensive Plan and the 2006 Kent Narrows Community Plan, and hereby grants approval

subject to the following conditions; (1) the building constructed must be substantially consistent with the architectural drawings and elevations provided for approval, (2) all parcels involved in this application be titled in common ownership and the Site Plan be revised accordingly, (3) any remaining edits and/or documents required by the Departments of Public Works and Planning & Zoning be reviewed and approved, (4) all required legal documents including off-site parking agreements per §18:1-26.H(1)(b), and pedestrian access easements must be approved, signed and recorded, (5) any issues regarding parking within Queen Anne's County or the State of Maryland rights-of-way are addressed to the satisfaction of the County and State, (6) The public amenities offered for the Height and Floor Area Bonus requests are provided as enumerated in the applicant's narrative dated March 26, 2020, and the monetary contribution of \$37,191.36 is to be paid to Queen Anne's County and used in accordance with §18:1-26.N.2.(a)[1][b], for public open space improvements of public land, public art, and/or heritage signage within the Kent Narrows with payments being made as follows; (a) \$10,000.00 paid upon Planning Commission approval, (b) \$10,000.00 paid upon issuance of building permit, and (c) \$17,191.36 paid upon issuance of Certificate of Occupancy, (7) all required bonds, sureties, review and inspection fees must be submitted to the Departments of Public Works and Planning & Zoning as appropriate, and (8) all required signatures must be obtained.

The Planning Commission took a short break at 10:04 A.M. and reconvened at 10:14 A.M.

**6. Major Site Plan – The Gardens of Queen Anne's Phase II – SP#19-05-0024**– Mr. Rob Gunter, Development Review Principal Planner, described the highlights of the applicant's request for Major Site Plan approval for Phase II of the Gardens of Queen Anne's to include a club house, three (3) retail buildings, two (2) restaurants, pavilion bar, a seven-room Inn, storage building and recreational areas on 8.1 acres of land on Pier One Road in Stevensville. The applicant further requested approval for Phase II to be constructed in two different stages, Phase 2A and Phase 2B.

Mr. Tom Davis, DMS & Associates, described uses and amenities for guests. He also stated that the restaurants will be open to the public. Lastly, Mr. Davis requested the approval be extended for 1 year given the current social distancing restrictions.

Chairman Reiss asked if there were members of the public who wished to comment, at which time Mr. Jody Schulz stated that he was in full support of the project,

but questioned the lack of pedestrian connectivity to Hemmingway's, trails, Route 8, airport and nearby convenience stores.

In response to Mr. Schulz' comments, Mr. Davis said a concrete sidewalk along Pier One Road is coming on in phases as approved by the Department of Public Works. Mr. Trey Porter, Department of Public Works said they discouraged a sidewalk to the East because crossing Route 8 is just not safe, and the County can not require the Marina to connect until they request expansion.

Upon further review and consideration, the following motion was made by Commissioner Dobson, seconded by Commissioner Priest, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the request by **The Garden's of Queen Anne** for Major Site Plan approval to construct Phase II to include a club house, three (3) retail buildings, two (2) restaurants, pavilion bar, a seven-room Inn, storage building and recreational areas on 8.1 acres of land on Pier One Road in Stevensville, and as more particularly described in **Department of Planning & Zoning file SP #19-05-0024**, hereby finds this Plan to be consistent with the goals and objectives of the Queen Anne's County Zoning Subdivision Regulations, the 2010 Queen Anne's County Comprehensive Plan, and the 2007 Chester/Stevensville Community Plan, and hereby grants approval with the following conditions; (1) any remaining edits and/or documents required by the Departments of Public Works and Planning & Zoning be reviewed and approved, (2) the buildings shall be constructed substantially consistent with the architectural elevations as provided, (3) any required legal documents must be approved, signed and recorded, (4) any required bonds, sureties, review and inspection fees must be submitted to the Departments of Public Works and Planning & Zoning as appropriate, and (5) all required signatures must be obtained.

## **7. Text Amendments**

### **(A) Citizen Sponsored**

Prior to consideration of any specific Text Amendment, the following motion was made by Commissioner Tolliver, seconded by Commissioner Dobson and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission requests the Queen Anne's County Commissioners grant a 65-day extension to all Citizen Sponsored Text Amendments due to the delays caused by the Governor's declaration of a State of Emergency related to COVID-19.

**(i)TACO #20-04 William F. Reed: §14:1-39(2) Development standards in Resource Conservation Area** – Ms. Amy Moredock, Community Planner, presented the request by Mr. Reed to add Accessory Dwelling Unit provisions in the Resource Conservation Area incorporating provisions to permit an accessory dwelling unit with the Resource Conservation Area per the minimum standards established by Maryland Natural Resources Annotated Code Section 8-1808.1. Ms. Moredock said the County is currently more restrictive than the State. She added that Mr. Reed has an immediate family need, and with the delays to the Comprehensive Plan Update, this amendment makes sense to do now.

Upon review and discussion, the following motion was made by Chairman Reiss, seconded by Commissioner Dobson, and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the proposed Text Amendment **TACO #20-03 sponsored by William F. Reed**, , to amend §14:1-39(2) Development standards in Resource Conservation Area, to permit an accessory dwelling unit with the Resource Conservation Area per the minimum standards established by Maryland Natural Resources Annotated Code Section 8-1808.1, shall be and is hereby tabled to allow time for the proposed language to be amended.

**(ii) TACO #20-05 COHBROS Properties, LLC. c/o William Thomas Davis Jr.: §18:1-32.D(2)(b)[5][b] and §18:1-33.D(2)(b)[5][b] Grasonville Neighborhood Commercial (GNC) and Grasonville Village Commercial (GVC) Residential Development Standards, Dimensional and Bulk requirements, Minimum Lot Width, Multifamily** – Ms. Amy Moredock, Community Planner described the request by the applicant stating that it would allow duplex units in the GNC and GVC to be consistent with lot width dimensions and other bulk standards in accordance with the Planned Residential Development Standards outlined under §18:1-36.

Mr. Tom Davis, DMS & Associates, said the lot width is (currently) excessive for multifamily units and this would make for consistency for infill duplex or triplexes in the Grasonville Village.

Mr. Michael Wisnosky, Director, said the Economic Development Commission reviewed and is support, finding that this was good for workforce housing and aligns with the GVC and GNVC Districts.

Chairman Reiss asked if there were members of the public who wished to be heard at which time no comments were received.

Upon review and further consideration, the following motion was made by Commissioner Tolliver, seconded by Commissioner Leigh and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, makes a favorable recommendation to the Queen Anne's County Commissioners for **TACO #20-05** a citizen sponsored Text Amendment requested by **COHBROS Properties, LLC. c/o William Thomas Davis Jr.**, to modify §18:1-32.D(2)(b)[5][b] and §18:1-33.D(2)(b)[5][b] Grasonville Neighborhood Commercial (GNC) and Grasonville Village Commercial (GVC) Residential Development Standards, Dimensional and Bulk requirements, Minimum Lot Width, Multifamily based upon the following finding the amendment is; (1) consistent with the purpose and location statements of both the GNC and GVNC Districts, (2) consistent with the lot width minimum standards of the SE, SR, E, UR, CS, NC and VC districts which are directed to §18:1-36 Planned residential development standards, (3) consistent with many goals and strategies specific to providing a diverse, affordable housing market in the County, and (4) is consistent with smart growth strategies which direct infill and higher density development with designated growth areas such as Grasonville, as attached hereto and labeled "EXHIBIT A".

**(B) County Sponsored**

**(i) TACO #20-03 – Development Impact Fees (Imposition/Enforcement) –**

Ms. Amy Moredock, Community Planner described the background and purpose of the proposed Text Amendment to §18:3-7 to modify the timing of development impact fee collection and assign an administrative fee for the processing of promissory notes to incentivize the upfront payment of impact fees upon issuance of a building permit or zoning certificate.

Ms. Vivian Swanson, Zoning Director, said the current system has turned the department into a collection agency trying to track down and collect the fees.

Ms. Moredock said the Economic Development Commission reviewed the proposed amendment and is opposed as it is not conducive to economic development. Additionally, she said that Patrick Thompson, County Attorney, recommended the to language related to liens be moved from Section A.(1)(b) to Section A.(1)(c).

Chairman Reiss asked if there were members of the public who wished to be heard, at which time no comments were received.

Upon review and further consideration, the following motion was made by Commissioner Tolliver, seconded by Commissioner Priest and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding **TACO #20-03 Development Impact Fees (Imposition/Enforcement)** to modify §18:3-7 Imposition and enforcement of Development Impact Fees, finding it to be consistent with the Annotated Code of Maryland §18:3-2 and §4-204 and the Queen Anne's County Comprehensive Plan Section 8.1.1, and Section 8.2, hereby makes a favorable recommendation to the Queen Anne's County Commissioners with the amendment of the location of the proposed lien language to be moved as suggested by County Attorney Thompson, and as attached hereto and labeled "EXHIBIT B".

The Planning Commission recessed for a short break at 11:48 A.M. and reconvened at 12:03 P.M.

**(ii) TACO #20-08 – Agritourism Provisions – Alcohol Production Uses** – Ms. Amy Moredock, Community Planner provided a summary of the proposed text amendment to §18App-1 (Definitions) and §18:1 Article V (Zoning and Subdivision Regulations, District Standards and Permitted uses in Open Space) to resolve the staff-identified need to address a hole in the County's agritourism provisions relating to alcohol production and affiliated promotional events. She said the amendment intends to;(1) clarify the existing definition of "agriculture" specific to "alcohol production", (2) add specific definitions of "alcohol production facilities" and "distillery", (3) establish Conditional Use review requirements in Agricultural and Countryside Districts, while prohibiting them in open space areas, (4) clarify language for all alcohol production facility definitions for distilleries, farm breweries, and wineries relative to the percentage of product grown on site and promotional event uses which are incidental to the alcohol production uses, and (5) correct a typographical error in a previous text amendment for farm breweries.

Chairman Reiss asked if there were members of the public who wished to be heard, at which time the following comments were received:

- (a) Mr. Joe Stevens, Esq, opposed the Text Amendment as written, and said he provided the Planning Commission with written comments and said his objection is to the requirement for 50% of the products used to be grown on site or within the County which is onerous and suggested it be changed to a minimum of one product.
- (b) Mr. Brian and Mrs. Shawna Truitt opposed the Text Amendment as written, and said they currently operated a farm that has been in the family for over 100 years and earn supplemental income with a farm brewery that was approved in 2017.

- He said the percentage requirement is too high because it is nearly impossible to grow hops in the Maryland. He suggested 10% of State products and 0% local.
- (c) Mr. Kevin Atticks, Grow and Fortify, opposed the text amendment as written, and provided a letter to the Planning Commission detailing numerous recommendations including aligning with the change from multiple definitions such as “distillery”, “farm brewery” and “winery” of the past into the combined definition for simplicity of “Alcohol Production” and “Agricultural Alcohol Production” recently codified by the General Assembly.
  - (d) Ms. Janna Howly, opposed the Text Amendment as written, and said the ingredient percentage is incredibly restrictive and the barriers are already high to enter the industry and Montgomery County requires “some” ingredients to be grown on site. Lastly, she explained that good products are made with multiple crops from a variety of areas.
  - (e) Mr. Barry Griffith. Lane Engineering, opposed the Text Amendment as written stating that it is counterproductive. He said he agrees with Mr. Stevens and this is over-regulating. He said they have provided suggestions that are more balanced.
  - (f) Mr. James Fooks is opposed to the Text Amendment as written. He said he is currently building a farm brewery in the County and has one in Parkville and in his experience, customers stop in to experience the farm and the products produced. He added that these are not all-day events and the farm is still working. Lastly, he said the massive amount of crops needed and the need to rotate crops would mean farms don’t have what they need.
  - (g) Ms. Jenny Rhodes, University of Maryland Extension Office and county farmer, opposed the Text Amendment as written and said that it is important to remember that all ingredients come from a farm somewhere...so it is Agriculture.

Mr. Kevin Atticks was asked, and then described the different classes of licenses issued for alcohol production.

Upon extensive discussion and further review, the following motion was made by Chairman Reiss, seconded by Commissioner Dobson and passed by unanimous voice vote:

**RESOLVED**, that the Planning Commission, regarding the proposed Text Amendment **TACO #20-08 Agritourism Provisions – Alcohol Production Uses** to amend §18App-1 (Definitions) and §18:1 Article V (Zoning and Subdivision Regulations, District Standards and Permitted uses in Open Space), shall be and is hereby tabled to allow time to obtain information regarding licensing, acreage needs, and a chart showing provisions in other counties.

**8. Miscellaneous** – Ms. Amy Moredock, Community Planner said the County Commissioners approved Wallace Montgomery as the new consultant for the

Comprehensive Plan Update authorizing the Department of Planning & Zoning to enter into a contract within the next week.

**9. Public Comment**

(A) Ms. Barbara Obert said she made a public information request regarding the Comprehensive Plan Update consultant's abruptly ended contract. She said she is looking for transparency about what happens off camera and expressed concern regarding the impact to county taxpayers. Additionally, she opined that she did not receive all documents requested and asked what process was in place to assure that it does not happen again?

The Planning Commission and public were reminded that the June Planning Commission Meeting would be held at the County Commissioner's Hearing Room in the Liberty building due to elections.

There being no further business to come before the Planning Commission, the meeting was adjourned at 2:07 P.M.

RESPECTFULLY SUBMITTED,

  
Tom Leigh, Secretary

6/11/20

**EXHIBIT A**

COUNTY ORDINANCE NO. 20-05

A BILL ENTITLED

AN ACT CONCERNING lot width dimensions and other bulk standards for duplex units in Grasonville Neighborhood Commercial (GNC) and Grasonville Village Commercial (GVC) Zoning Districts.

FOR THE PURPOSE of making Planned residential development standards outlined in § 18:1-36 consistent with lot width dimensions and other bulk standards in GNC and GVC Zoning Districts found in the Code of Public Local Laws of Queen Anne's County, Maryland.

BY AMENDING §18:1-32.D(2)(b)[5][b] and §18:1-33.D(2)(b)[5][b]of the Code of Public Local Laws of Queen Anne's County, Maryland.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that §18:1-32.D(2)(b)[5][b] and §18:1-33.D(2)(b)[5][b]of the Code of Public Local Laws be and are hereby AMENDED to read as follows:

Article V. District Standards

§18:1-32 Grasonville Neighborhood Commercial (GNC) District.

...

D. Development standards.

...

(2) Residential development standards

...

(b) Dimensional and bulk requirements.

...

[5] Minimum lot width.

[a] Single-family cluster: 50 feet.

[b] Multifamily: ~~50 feet.~~ See §18:1-36.

[c] Large-lot subdivision: 60 feet.

§18:1-33 Grasonville Village Commercial (GVC) District.

- ... D. Development standards.
  - ... (2) Residential development standards
    - ... (b) Dimensional and bulk requirements.
      - ... [5] Minimum lot width.
        - [a] Single-family cluster: 50 feet.
        - [b] Multifamily: ~~50 feet.~~ See §18:1-36.
        - [c] Large-lot subdivision: 60 feet.

SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its adoption.

INTRODUCED BY: Commissioner \_\_\_\_\_

DATE: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

VOTE: \_\_\_\_\_ Nay \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

## EXHIBIT B

### COUNTY ORDINANCE NO. 20-03

#### A BILL ENTITLED

AN ACT CONCERNING the timing of development impact fee collection and assignment of an administrative fee for the processing of deferred impact fee payments in Queen Anne's County.

FOR THE PURPOSE of clarifying specific standards in the unincorporated areas of Queen Anne's County for the imposition and enforcement of development impact fees in Chapter 18:3-7 of the Code of Public Local Laws of Queen Anne's County, Maryland.

BY AMENDING Section 18:3-7 of the Code of Public Local Laws of Queen Anne's County, Maryland.

### SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 18:3-7 of the Code of Public Local Laws be and is hereby AMENDED to read as follows:

§ 18:3-7. Imposition and enforcement of development impact fees.

A. Unincorporated County.

(1) A building permit or zoning certificate shall not be issued by the County for a new development until either:

- a. The development impact fees required under this Chapter 18:3 have been calculated and paid; or
- b. The applicant for a building permit or zoning certificate has executed a promissory note and a Notice of Lien filed in the Land Records of Queen Anne's County obligating the applicant to pay required impact fees ~~upon the earlier of the following~~ as follows: 50% of the impact fee must be paid at time of building permit submittal; 25% paid at time of framing inspection (or third inspection); and 25% paid prior to time of final inspection.

~~[1] Within 18 months of the issuance of the building permit or zoning certificate; or~~

~~[2] Upon issuance of the certificate of occupancy.~~

The Applicant shall pay a 3% administrative fee at the time of application.

(2) In no event shall a certificate of occupancy be issued unless the development impact fees required under this Chapter 18:3 have been paid. The amount of the development impact fee due is the amount of the fee in effect on the date of application for the building permit or zoning certificate.

B. Municipal corporations. Development impact fees on new development within municipal corporations shall be collected by the County prior to issuance of a building permit or zoning certificate as required by this Chapter 18:3. No municipal corporation shall issue a building permit or zoning certificate until the applicant demonstrates that all impact fees required by this Chapter 18:3 have been paid to the County.

C. Lien. In the event new development is undertaken without the payment of all applicable development impact fees, the unpaid development impact fees shall:

(1) Be a lien against the site of development and a Notice of Lien may be filed in the Land Records of Queen Anne's County.

(2) Be levied, collected, and enforced in the same manner as real property taxes imposed by the County; and

(3) Have the same priority and bear the same interest and penalties as real property taxes.

D. Actions to recover. In the event a development impact fee is not paid as required by this Chapter 18:3, the County Attorney may institute an action to recover the fee and enjoin the use of the property until the fee is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

## SECTION II

BE IT FURTHER ENACTED that this Ordinance shall take effect on the forty-sixth (46<sup>th</sup>) day following its adoption.

INTRODUCED BY: Commissioner \_\_\_\_\_

DATE: \_\_\_\_\_

PUBLIC HEARING HELD: \_\_\_\_\_

VOTE: \_\_\_\_\_ Nay \_\_\_\_\_

DATE OF ADOPTION: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_