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CITY OF STAMFORD, CONNECTICUT
INTER-OFFICE CORRESPONDENCE

August 12, 1999

TO: Andrew J. McDonald
Director of Legal Affairs

FROM: Richard A. Robinson
Assistant Corporation Counsel

RE: Zoning Board Fees

I have completed my review of the issue concerning Zoning Board fees.

The conclusion that I have come to is that the Zoning Board does have the power to set application fees for the following things: Fees for Petitions for Amendment to Master Plan (Section C6-30-6 of the Charter); Fees for "Applications for Amendments to the Zoning Map After Effective Date of the Master Plan" (Section C6-40-4 of the Charter); Fees for "Applications for Amendments to Zoning Regulations, Other Than Zoning Map, After Effective Date of the Master Plan" (Section C6-40-8 of the Charter); Fees for Applications for Approval of Site and Architectural Plans and/or Requested Uses (Section C6-40-14 of the Charter).

It should be noted that the State of Connecticut requires the City to collect a ten dollar fee for municipal planning, zoning, wetlands and coastal area management applications. This amount would be in addition to the fee set by the jurisdictional boards (See §22a-27j C.G.S.).

After reviewing all of the material, including copies of my 1994 letters to Mr. Stein, I have come to the conclusion that the current situation may be one of

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comparing apples to oranges. I agree that the Zoning Board has the power to create a fee schedule covering the aforementioned situations without the approval of the Board of Representatives. However, the attachment with the materials that you presented to me contains a number of additional fees that are not covered by the previously cited sections of the City Charter. Nor are there any other Charter provisions that cover how these fees are established.

The reason that the Zoning Board is able to establish certain fees is because there is specific enabling legislation in the Charter that empowers it to do so. As to fee schedule in the attachments, since the Charter does not specifically grant the power to the Zoning Board to set such fees, the provisions of Section C2-10-2(6) apply, i.e., the Board of Representatives has the power to "establish the fees charged by City agencies" and therefore said fees must be approved by the Board of Representatives.

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