

Sec. 13-2101. - Cost recovery system.

- (a) *Intent and purpose.* The intent and purpose of this section is to ensure that the various costs incurred by the Town, including its outside consultants, in reviewing and processing certain applications for development approvals is directly absorbed by those persons deriving the benefit of the review, not the general public.
- (b) *Cost recovery imposed.* An administrative fee for the various costs incurred by Town staff and outside consultants for the processing and review of applications, submissions, or requests concerning development, utilization, or improvement of property in the Town, such fee to be equal in amount to the Town's costs, in terms of staff and outside consultants' time expended in such review and processing, including advertising and similar directly related charges is imposed. The types of applications for development approval that are subject to the provisions of this section shall include those as determined by the procedure specified in Section 13-2102. The Town Council may, by resolution, amend the fees, cost recovery deposits and list of development approvals that are subject to cost recovery.
- (c) *Cost recovery deposit.* Any person who files any application for a development approval which necessitates Town staff or outside consultant review and processing shall pay, prior to or at the time the application is made, an initial cost recovery deposit which shall be credited toward the fee charged for such review and processing, and shall pay additional deposits as may be required from time to time. A debit based upon the actual time expended reviewing an application and the applicable hourly rate shall be charged against the cost recovery deposit.
- (d) *Supplemental deposit.* The Town shall monitor the cost recovery deposit on a periodic basis. Whenever the balance is zero or negative, a supplemental deposit shall be required. The Town shall notify the applicant when a supplemental deposit is required. The amount of the supplemental deposit shall be equal to the amount of the original cost recovery deposit. The Town shall not issue any development approval until the required supplemental deposit has been deposited with the Town and any approval granted shall be void if all fees and costs are not paid in full within 60 days of the approval.
- (e) *Return of cost recovery deposit.* Within 60 days from the date that the applicant receives a certificate of occupancy or other applicable final approval from the Town, and the Administrative Official determines that no further action is necessary for the review and processing of the application or the applicant voluntarily withdraws the application, the Town shall refund any remaining cost recovery funds to the applicant. In no event, however, shall the Town refund any remaining cost recovery funds if the applicant fails to obtain a development approval within one calendar year of applying for the approval.
- (f) *Records of work performed.* The Town shall maintain records of the time expended and tasks conducted regarding each application.

(g) *Review and appeal process.* In the event an applicant is financially unable to pay the cost recovery deposit, or believes the Town overcharged the applicant for the work performed in reviewing and processing an application, the applicant may:

- (1) Request that the Administrative Official waive the cost recovery deposit on the basis of a bona fide financial hardship; or
- (2) Request a review by the Administrative Official of the work performed by the Town.

Upon a determination by the Administrative Official that the applicant has demonstrated a bona fide financial hardship, or a miscalculation concerning the work performed by the Town on the application, the Administrative Official may waive or refund a portion or all of the cost recovery deposit.

(h) *Applicability of provisions.* This cost recovery program shall not apply to development projects that are originally initiated by or on behalf of the Town.

(LDC 2008, Div. 12.1; Ord. No. 08-106, § 2(Div. 12.1), 10-21-2008; Ord. No. 14-177, § 2, 10-28-2014)