

Bill No. 16-05

Concerning: Revisions to APFO School Construction

Fees and Annual Adjustments

Revised: March 1, 2016 Draft No. \_\_\_\_\_

Introduced: January 19, 2016

Expires: \_\_\_\_\_

Enacted: April 5, 2016

Executive: Jan H. Gardner 4/7/16

Effective: June 4, 2016

Frederick County Code, Chapter 1-20, Section(s) 62

---

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

---

By: Council President Bud Otis on behalf of County Executive Jan Gardner

---

### AN ACT to:

Revise the School Construction Fees and provide for an annual adjustment of these fees under Chapter 1-20 (Adequate Public Facilities) of the Frederick County Code.

By amending:

Frederick County Code, Chapter 1-20, Section(s) 62  
Other:

**Boldface**

*Heading or defined term.*

**Underlining**

*Added to existing law by original bill.*

[Single boldface brackets]

*Deleted from existing law by original bill.*

**Double underlining**

*Added by amendment.*

[[Double boldface brackets]]

*Deleted from existing law or the bill by amendment.*

\* \* \*

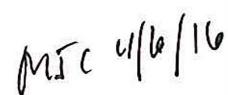
*Existing law unaffected by bill.*

Bill No. 16-05

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend Chapter 1-20 (Adequate Public Facilities) of the Frederick County Code to revise the required payments for School Construction Fees and to provide for an annual adjustment of the School Construction Fees.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

  
Harold F. (Bud) Otis, President  
County Council of Frederick County,  
Maryland

  
MJC 4/6/16

## ARTICLE VI: SCHOOLS

\*\*\*\*\*

**§ 1-20-62 SCHOOL CONSTRUCTION FEE OPTION.**

(A) A developer may elect to satisfy the school adequacy standards of § 1-20-61 by the payment to Frederick County of school construction fees as described in subsection (E) below.

(B) School construction fees shall be paid in addition to, and not in lieu of, public school development impact fees under Chapter 1-22 of the Frederick County Code.

(C) The developer may elect to satisfy the school adequacy standards of § 1-20-61 by any combination of: (1) constructing the required public school facilities; or (2) waiting for the public school facilities to become adequate; or (3) paying the school construction fee.

(D) If the developer elects the school construction fee option, the APFO Letter of Understanding, and any development rights and responsibilities agreement ("DRRA"), for the development shall incorporate provisions for payment of the school construction fees.

(E) School construction fees due to the county shall be determined by using the chart below. The school construction fees shall be calculated by multiplying the appropriate school construction fee component(s) (based on the proposed development's failure to meet public school adequacy at the elementary, middle or high school level) by the number of residential units of each type.

School Construction Fees			
<i>Housing Unit Type</i>	<i>Failure at Elementary School Level</i>	<i>Failure at Middle School Level</i>	<i>Failure at High School Level</i>
Single Family Detached	\$3,977 <u>[\$6,709]</u>	\$1,752 <u>[\$2,660]</u>	\$3,721 <u>[\$5,623]</u>
Townhouse/Duplex	\$4,981 <u>[\$8,402]</u>	\$1,533 <u>[\$2,327]</u>	\$2,894 <u>[\$4,373]</u>
Other Residential	\$2,181 <u>[\$3,680]</u>	\$594 <u>[\$902]</u>	\$1,148 <u>[\$1,735]</u>

(F) School construction fees shall be paid at the time of recording of subdivision plats for each unit, except for multi-family units, which shall be paid not later than the time of building permit application. The school construction fees to be applied to each residential unit shall be the fees in effect at the time of plat recordation or building permit application.

**Boldface Heading or defined term.**

Underlining *Added to existing law by original bill.*

[Single boldface brackets] *Deleted from existing law by original bill.*

Double underlining *Added by amendment*

[[Double boldface brackets]] and strikethrough *Deleted by amendment*

Bill No. 16-05 – As Amended 3-1-2016

**(G) ~~Reserved~~ ANNUAL ADJUSTMENT.**

[[On July 1, 2017, and on July 1 of each year thereafter in which the school construction fees are in effect, the amount of the school construction fees, per dwelling unit and school level, shall be adjusted as follows:]]

(A) On or before January 15, 2017, and on or before January 15 of each year thereafter, the County Executive shall provide to the County Council a report which proposes an annual adjustment to the school construction fees, based on the most recent data from the State of Maryland School Construction Cost Index.

(B) The proposed annual adjustment [[shall automatically]] will not take effect [[on the following July 1]]unless the County Council enacts a bill adopting it. [[to change the public school development impact fee by the May 1 following receipt of the report.]]

(C) Unless the County Council bill to change the public school construction fees takes effect before the following June 30, then the proposed annual adjustment shall automatically take effect on the July 1 following receipt of the report.]]

**Boldface Heading or defined term.**

Underlining *Added to existing law by original bill.*

[Single boldface brackets] *Deleted from existing law by original bill.*

Double underlining *Added by amendment*

[[Double boldface brackets]] and strikethrough *Deleted by amendment*

**Bill No. 16-05 – As Amended 3-1-2016**