



Bill No. 22-29
 Concerning: Exemption of Moderately Priced Dwelling Units from Development Impact Fees
 Introduced: September 20, 2022
 Revised: _____ Draft No. _____
 Enacted: _____
 Effective: _____
 Expires: December 19, 2022
 Frederick County Code, Chapter 1-22
 Section(s) 7

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Jessica Fitzwater

AN ACT to: exempt Moderately Priced Dwelling Units (MPDUs) from Development Impact Fees

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, Chapter 1-22 Section(s) 7

Other: _____

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law.</i>
[Single boldface brackets]	<i>Deleted from existing law.</i>
***	<i>Existing law unaffected by bill.</i>

Bill No. 22-29

The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend the Frederick County Code to exempt Moderately Priced Dwelling Units (MPDUs) from Development Impact 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.

AND BE IT FURTHER ENACTED, that the amendments shown on Exhibit 1 will be effective for building permits issued on or after the effective date of this Bill.

M. C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

CHAPTER 1-22: DEVELOPMENT IMPACT FEE

ARTICLE I: DEVELOPMENT IMPACT FEE PROCEDURES AND REQUIREMENTS

§ 1-22-7. EXEMPTIONS/WAIVERS.

(A) Filing of application. Petitions for waivers from specific development impact fees shall be filed with the county on forms provided by the county.

(B) Effect of grant of exemption. If an exemption from the application of the provisions of this chapter is authorized by the terms of a specific impact fee ordinance, the county shall not be required to provide any funds equal to the amount of any development impact fee which would have been due without such exemption.

(C) Effect of grant of waiver. If the county grants a waiver in whole or in part of development impact fees otherwise due, the amount of the development impact fees waived shall be provided by the county from nondevelopment impact fee funds, and such funds shall be deposited to the appropriate development impact fee account within a reasonable period of time consistent with the applicable county capital improvements program.

(D) Development agreements. Nothing herein shall be deemed to limit the county’s authority or ability to enter into development agreements with applicants for new development which may provide for dedication of land, payments in lieu of development impact fees, or actual infrastructure improvements. Such development agreements may allow offsets or credits against development impact fees for contributions made or to be made in the future in cash, or by taxes or assessments or dedication of land or by actual construction of all or part of a public facility by the affected property owner.

~~(E) [Reserved.]~~ Exemption for Moderately Priced Dwelling Units (MPDUs).

(1) Moderately priced dwelling units (MPDUs) are not required to pay development impact fees if each MPDU:

(a) Has been constructed under §1-6A-5 or §1-6A-5.2 of the Frederick County Code and in conformance with §§1-19-8.620.1 through 1-19-620.6 of the Frederick County Code;

(b) Satisfies all applicable requirements of Chapter 1-6A of the Frederick County Code for the construction and use of MPDUs; and

(c) Remains in use as an MPDU for a minimum of 40 years.

(2) If any MPDU fails to continue to satisfy the applicable requirements under Chapter 1-6A, the owner of the MPDU shall immediately pay the full amount of the exempted development impact fees to the County.

Underlining indicates matter added to existing law.
[Single boldface brackets] indicates matter deleted from existing law.
**** - indicates existing law unaffected by bill.*