

1 **AMENDMENT 1 on Bill No. 21-12**

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3 **Introduced By:** Council Member Jerry Donald (District 1)

4 **Introduction Date:** December 7, 2021

5 **Adopted/Rejected/Withdrawn:** _____

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8 **AN ACT to:** adopt changes to Chapter 1-22 of the Frederick County Code (Development
9 Impact Fee Procedures and Requirements).

10 On Exhibit 1, it is hereby amended as follows:

11 **§ 1-22-16 CREDITS FOR LAND DEDICATION OR CONSTRUCTION OF PUBLIC**
12 **SCHOOL FACILITIES.**

13 *****

14 (F) Impact Fee Credits for Land Dedication.

15 (1) The County may approve impact fee credits for public school facility land dedication if
16 the applicant submits an impact fee credit application which: (a) specifies the location and
17 dimensions of the land which has been or will be dedicated for the public school facility; and (b)
18 identifies the applicant’s development and specific lots that are eligible for the land donation
19 credit. Residential development is exempt from the payment of a development impact fee if:

20 (2) To be eligible for this impact fee credit, land dedicated for public school facilities must:
21 (a) be subdivided as an outlot; (b) be of sufficient size, as determined by the Board of Education,
22 for the school type to be constructed; (c) comply with all applicable Board of Education Policies,
23 as amended; and (d) be formally accepted by the Board of Education.

24 ~~[(3) No credit shall be applied under this subsection (F) for public school development~~
25 ~~impact fees paid prior to July 1, 2019.]~~

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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

1 **AMENDMENT 2 on Bill No. 21-12**

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3 **Introduced By:** Council Member Jessica Fitzwater (District 4)

4 **Introduction Date:** December 7, 2021

5 **Adopted/Rejected/Withdrawn:** _____

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8 **AN ACT to:** adopt changes to Chapter 1-22 of the Frederick County Code (Development
9 Impact Fee Procedures and Requirements).

10 On Exhibit 1, it is hereby amended as follows:

11 **§ 1-22-7. EXEMPTIONS/WAIVERS.**

12 *****

13 (F) *Exemption for affordable housing program.*

14 (1) Residential development is exempt from the payment of a development impact fee if:

15 (a) The residential development is financed, in whole or part, by public funding that
16 requires mortgage restrictions or recorded covenants restricting the rental or sale of the housing
17 units to lower income residents in accordance with specific government program requirements
18 or

19 (b) The residential development is developed by a nonprofit organization that:

20 1. Has been exempt from federal taxation under § 501(c)(3) of the Internal Revenue
21 Code for a period of at least 3 years; and

22 2. Requires the homebuyer to participate in the construction of the residential
23 development; and

24 (2) The initial purchaser of the residential development may not have an income greater
25 than 60% of the Frederick County area median income.

26 (3) Rental housing must be financed by public funding with mortgage restrictions that
27 include:

28 (a) A requirement that the residential units must be part of an affordable housing program
29 for at least ~~25~~40 years; and

30 (b) Each residential unit shall be occupied by a household with initial income no greater
31 than 60% of the Frederick County area median income.

32 (4) If the residential development fails to continue to satisfy the requirements for this
33 development impact fee exemption, the owner of the property shall pay the development impact
34 fee immediately.

35 **(5) FOR PROPERTIES SUBJECT TO AN AFFORDABLE HOUSING LAND TRUST**
36 **AGREEMENT, THE IMPACT FEE EXEMPTION WILL CONTINUE AS LONG AS**
37 **THE PROPERTY REMAINS SUBJECT TO AN AFFORDABLE HOUSING LAND**
38 **TRUST AGREEMENT BETWEEN THE FREDERICK COUNTY AFFORDABLE**

EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.

1 **HOUSING LAND TRUST LLC AND THE HOMEOWNER. IF THE PROPERTY**
2 **CEASES TO BE SUBJECT TO AN AFFORDABLE HOUSING LAND TRUST**
3 **AGREEMENT, THE HOMEOWNER SHALL PAY THE DEVELOPMENT IMPACT**
4 **FEE IMMEDIATELY.**
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EXPLANATION:

BOLD CAPITALS INDICATE MATTER ADDED TO THE BILL.

[Brackets and ~~strikethrough~~] indicate matter deleted from the bill.