



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

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By: Council Member Jessica Fitzwater

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

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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: \_\_\_\_\_

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

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

1   **CHAPTER 1-22: DEVELOPMENT IMPACT FEE**

2   **ARTICLE I: DEVELOPMENT IMPACT FEE PROCEDURES AND REQUIREMENTS**

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4   **§ 1-22-7. EXEMPTIONS/WAIVERS.**

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

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

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

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

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

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

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

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

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

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

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Underlining indicates matter added to existing law.

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

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