



Bill No. 22-26
Concerning: Amend the Development Impact
Fee Ordinance

Introduced: September 20, 2022
Revised: _____ Draft No. _____
Enacted: October 25, 2022
Effective: December 24, 2022
Expires: December 19, 2022
Frederick County Code, Chapter 1-22
Section(s) 3

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council Member Steve McKay

AN ACT to amend the Development Impact Fee Ordinance to exempt an existing dwelling unit that is relocated from a lot in Frederick County to another lot in Frederick County if certain conditions are met.

Date Council Approved: 10/25/2022 Date Transmitted to Executive: 10/27/2022

Executive: Jan H. Andros Date Received: 10/27/2022

Approved: ✓ Date: 10/27/2022

Vetoed: _____ Date: _____

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

By amending:

Frederick County Code, Chapter, 1-22 Section(s) 3

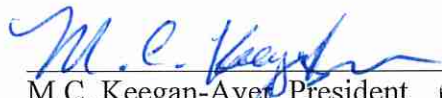
Other: _____

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Heading or defined term.
Added to existing law.
Deleted from existing law.
Existing law unaffected by bill.

The County Council of Frederick County, Maryland, finds it necessary and proper to amend the Development Impact Fee Ordinance, by exempting the imposition of development impact fees on the relocation of an existing dwelling unit from one lot to another within Frederick County. Further, the Council finds and it necessary and proper to apply this change to any residential building permit that satisfies this criteria, which are dated 1 January 2017 or later.

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.


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

§ 1-22-3. GENERAL PROVISIONS; APPLICABILITY.

...

(E) Type of development not required to pay development impact fees.

- (1) Previously-issued building permits/ zoning certificates.

...

- (2) No net increase in dwelling units.

(a) No development impact fee shall be imposed on any new residential development which does not add a new dwelling unit, provided that the dwelling unit being replaced must have been habitable and occupied as of July 1, 2001 and must have been continuously habitable and occupied from July 1, 2001 through the date of application for a replacement building permit for the dwelling unit.

(b) No development impact fee shall be imposed for alteration or expansion of an existing dwelling unit where no additional dwelling unit is created.

(c) No development impact fee shall be imposed if a dwelling unit has been destroyed by a catastrophic event, and the applicant:

1. Requests this exemption within 2 years after the date of the catastrophic event; and
2. Submits a building permit application for the replacement dwelling unit.

(d) No development impact fee shall be imposed for the relocation of an existing dwelling unit from a lot located in Frederick County to another lot located in Frederick County.

1. This condition shall only apply to an existing dwelling unit which has been continuously habitable and occupied for at least one (1) year prior to the proposed relocation.

2. This condition shall be applied retroactively to any residential building permit which satisfies the condition stated in (d) above, which is dated January 1, 2017 or later.

(i) Applications for refunds under this subsection shall be made on a form provided by the County for such purposes and shall include information evidencing that the dwelling unit was continuously habitable and occupied for at least one year prior to the proposed relocation.

(ii) Upon receipt of a complete application for a refund, the Director shall review the application and documentary evidence submitted by the applicant as well as such other information and evidence as may be deemed relevant and make a determination as to whether a refund is due.

Underlining indicates entirely new matter added to existing law.

[Single boldface brackets with strikethrough] indicates matter deleted from existing law.

**** - indicates existing law unaffected by bill.*

Bill No. 22-26

Refunds by direct payment shall be made following an affirmative determination by the Director.

3. This subsection shall not apply to the relocation of a dwelling unit purchased from a dealer or retailer that sells dwelling units.

(e[~~d~~]) The burden of proof shall be on the permit applicant to demonstrate that the requirements of (E)(2)(a), (b),~~[-or]~~ (c) or (d) above have been satisfied

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~~[Single boldface brackets with strikethrough]~~ indicates matter deleted from existing law.

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