

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

RESOLUTION NO. 22-15

A RESOLUTION concerning

Adequate Public Facilities – Downtown Frederick Mobility Fees

BACKGROUND

On August 18, 2022, the Board of Aldermen adopted Ordinance No. G-22-10, which amended the Adequate Public Facilities Ordinance (APFO) (Chapter 4 of The Code of the City of Frederick), effective September 1, 2022. That ordinance creates a Downtown Frederick Mobility Fee District and provides that the Board of Aldermen will establish by resolution a formula for determining the amount of the mobility fee payable for each development project within that district.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That any mobility fees payable in accordance with Section 4-23 of the APFO shall be calculated in accordance with this resolution.

- (1) For purposes of calculating the amount of the mobility fee payable for a particular development project, the Director will first determine whether the project is “residential”, “office”, “retail”, “industrial”, “other”, or any combination of those project types. For purposes of this resolution, the “Director” is the Director of Public Works or the Director’s designee.
- (2) In determining the classification of each project, the Director will refer to the definitions used by the Metropolitan Washington Council of Governments (MWCOC) Cooperative Forecast process; specifically:
 - (A) Residential (which generally corresponds to Institute of Traffic Engineers (ITE) Land Use Categories 200 series);
 - (B) Office (which generally corresponds to ITE Land Use Categories 700 series);
 - (C) Retail (which generally corresponds to ITE Land Use Categories 800 series);
 - (D) Industrial (which generally corresponds to ITE Land Use Categories 100 series); and
 - (E) Other (which generally covers all remaining ITE Land Use Categories)
- (3) After classifying the project, the Director will calculate the amount of the fee payable for the project using the table below.
- (4) The mobility fee for project comprising more than one category will be determined by calculating the fee for the individual components of the project and adding them together.

MOBILITY FEES

TYPE OF DEVELOPMENT PROJECT:	FEE:
RESIDENTIAL	\$ 311.07 per dwelling unit
OFFICE	\$ 1.72 per gross square foot
RETAIL	\$ 3.94 per gross square foot
INDUSTRIAL	\$ 0.96 per gross square foot
OTHER	\$ 1.72 per gross square foot

- (5) There will be an automatic annual increase to the fee amounts specified in the table above as of July 1, 2023 and every July 1 thereafter, equivalent to 100% percent of the annual change in the consumer price index. For purposes of this provision, "consumer price index" means the latest published version of the consumer price index for all urban consumers (CPI-U) of the U.S. Department of Labor for the Washington-Arlington-Alexandria, DC-VA-MD-WV area.


AND BE IT FURTHER RESOLVED, That mobility fees for any particular developer or development project shall not be waived, reduced, or otherwise modified except by ordinance duly adopted by the Board of Aldermen.

AND BE IT FURTHER RESOLVED, That the fees established by this resolution shall remain in effect unless or until amended by resolution or ordinance duly adopted by the Board of Aldermen.


ADOPTED AND APPROVED THIS 18th DAY OF AUGUST, 2022.

WITNESS




Michael C. O'Connor, Mayor

Reviewed and approved for legal sufficiency



City Attorney