RESOLUTION ADOPTING
CHAPTER 24
LAND DEVELOPMENT FEE ORDINANCE

RECITAL

WHEREAS, the Mayor and Council of the Town of Keedsyville, Maryland as its duly constituted legislative body have determined and found that residential and non-residential development within the municipality imposes increased and excessive demands upon the Town facilities. It has been determined that it is in the best interest of the citizenry of the Town of Keedysville to impose a Land Development Fee to assist in defraying and financing the costs of said increased demands.

NOW THEREFORE, be it Enacted, Resolved and Ordained that the following Ordinance is hereby adopted:

CHAPTER 24
LAND DEVELOPMENT FEE ORDINANCE

SECTION 1. AUTHORITY

This Ordinance is adopted pursuant to the general police powers of the Town of Keedysville and is authorized pursuant to the Maryland Constitution, Article XI, the Charter of the Town of Keedysville, Maryland, and the provisions of Article 23A of the Annotated Code of the State of Maryland.

SECTION 2. FINDINGS

New residential and non-residential development imposes increased and excessive demands upon existing municipal facilities. Development overburdens existing public facilities. The tax revenues of the Town of Keedysville from new development do not generate sufficient funds to provide public facilities to serve the community and or development. Development fees collected pursuant to this Ordinance are designed to assist in defraying and financing the costs of said increased demands, placing the responsibility in whole or part for financing the provision of such facilities from the public to the developer/development creating said demands.

SECTION 3. PURPOSE AND INTENT

This Ordinance is also enacted for the purpose of implementing the Town's Comprehensive Plan, Subdivision Ordinance and other Ordinances requiring that new development pay for its fair share of public facilities through the imposition of certain land development fees in addition to taxes.

SECTION 4. APPLICABILITY

This Ordinance applies only to imposition of a Land Development Fee for new development.

Prior to the issuance or final approval of a building permit, development project and/or approval, payment of a Land Development Fee in the amount of Six Thousand Eight Hundred Fifty Dollars ($6,850.00) shall be payable to the Town of Keedysville as a Land Development Fee. This Fee shall be and is in addition to all other fees, charges, requirements of either the municipality, State of Maryland, Washington County, and/or any other governmental agency.

SECTION 5. NEW DEVELOPMENT OR PROJECT DEVELOPMENT DEFINED

New development or development project means any project undertaken for the purpose of development, including without limitation, a project involving the issuance of a permit for construction, re-construction, or change of use of either commercial or residential nature, but not a project involving the issuance of a permit to operate or to remodel, or to rehabilitate, or improve an existing structure which does not change the density or intensity of use, nor the rebuilding of a structure destroyed or damaged by an Act of God.

Non-residential development project means all development other than residential development projects.

Residential development project means any development undertaken to create a new dwelling unit (house, apartment, or condominium).

Dwelling unit is defined as one or more rooms in a building or a portion of a room designed or intended to be used, or actually used, for occupancy by one family for living and sleeping quarters and containing one kitchen only.

SECTION 6. OTHER EXEMPTIONS

This Ordinance does not apply to the following assessments and fees:

(a)   Taxes and special assessments.

(b)   Fees for processing development applications.

(c).   Fees for enforcement or inspections pursuant to regulatory ordinances.

(d)   Fees or sums and/or costs collected under development agreement and/or annexation agreements in existence or entered into in the future.

(e)   Fees or sums and/or costs imposed pursuant to a reimbursement agreement between the Town and a property owner for the portion of the costs of a public facility or all paid for by the property owner.

(f)   Fees to mitigate impact on the environment exacted by the State of Maryland or Washington County, Maryland.

(g)   Fees imposed, levied or collected by other governmental agencies of whatsoever nature or kind, including subdivisions of the State or Federal Government coupled to the development.

(h)   Fees in addition to all other fees and costs imposed by the Town of Keedysville pursuant to its administrative policies and/or ordinances.

SECTION 7. USE OF FEES

Use of the Land Development Fee shall be for municipal capital improvements. Capital improvements means lands or facilities for the storage, treatment or distribution of water, the collection or disposal of storm waters, improvements of streets, roads, public facilities of whatsoever nature or kind, and any other capital project that may be required or necessitated to upgrade facilities in connection with future development and growth. Capital improvement also includes design, engineering, inspection, testing, planning, legal land acquisition, and all other costs associated with construction of a public facility.

SECTION 8: SEVERABILITY

If any section, subsection, sentence, phrase or portion of this Ordinance is held to invalid or unconstitutional by the final decision of any Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 9. EFFECTIVE DATE

The provisions of this Ordinance shall become effective on the ___14th___ day of ___November___, 2004.

AND BE IT FURTHER RESOLVED, ENACTED and ORDAINED that the Mayor is hereby authorized to execute this Resolution and any other documents necessary to effectuate the purposes of this Ordinance.

WITNESS AND ATTEST   TOWN OF KEEDYSVILLE
AS TO CORPORATE SEAL

_____   _____
Amy Simmons, Clerk   K. Lee Brandenburg, II, Mayor

Introduced: October 18, 2004

Passed: October 25, 2004

Effective: _____, 2004