



The City of Frederick
Water and Sewer Allocation
and
Impact Fee
Administrative Regulations

Adopted September 19, 2012

Revised February 4, 2019

Revised November 3, 2021

● Revised June 22, 2022

City of Frederick Water & Sewer Service Committee
FREDERICK, MARYLAND, USA

www.cityoffrederickmd.gov



Accessory Dwelling Units (ADU's)

Frequently Asked Questions

This is a summary of the Ordinance G-21-15. Please read the entire ordinance to understand all the requirements of creating an Accessory Dwelling Unit.

ADU's are permitted in the following RO, R4, R6, R8, R12, R16, R20, DBO, and DR residential zoning districts.

ADU's are permitted in single family, duplex or townhouse units as integrated ADUs or as separate structure on single family, duplex, or townhouse lots.

Only one ADU is permitted per lot.

Unless the lot has excess parking, a parking space for the new unit will be required.

The owner must live in either the primary residence or the ADU and the non-owner occupied unit cannot be rented for less than 90 days.

A Declaration of Restriction must be recorded with the ADU.

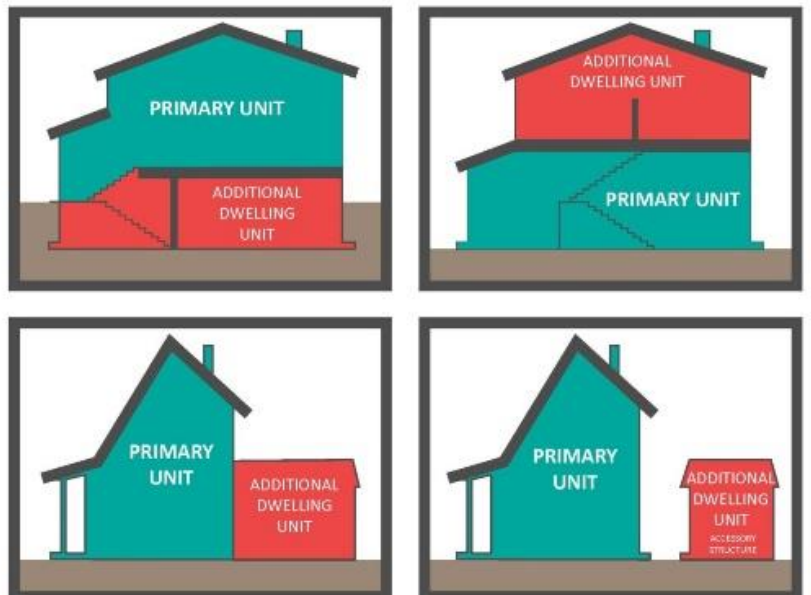
ADU's within existing primary residence

Can't exceed 35% of the floor area of the primary residence itself.

Any new entrance must be in the rear or the non street side of the primary residence .

ADU's detached from the primary residence

Can be either in an existing accessory structure or in a new accessory structure. The regulations, including height limitations and setbacks, are different for new structures versus conversion of existing structures, however, neither may exceed 800 square feet in size.



New construction:

- Can only be located in the rear yard of the primary residence and as such, are not permitted on corner lots or other lot types with no rear yard.
- Is subject to architectural standards.
- Must meet the setbacks for the primary residence if within 6' of the primary residence or if greater than 6', must provide setbacks equal to ½ the distance of those required for the primary residence, not to be less than 3'.
- Cannot exceed 25' in height or the height of the primary residence, whichever is less.

Other Items to Consider

- If you live in a development that has a Homeowner's Association (HOA), please check with your HOA to see if a ADU is permitted in your development.
- How will water and sewer be provided to the ADU:
 - Are existing lines adequate to serve the primary residence and ADU?
 - For detached ADU's, how will lines be installed to service the ADU?
- Ensuring that Fire Codes for the ADU are being met:
 - Will sprinklers be required?
 - What type of fire separation will be required?
- Ensuring that Building Codes for the ADU are being met.
- The following Impact Fees are applicable on all ADU's:
 - Parkland
 - Water
 - Sewer
 - County School
 - County Library
- Your property's value may increase. Please check with the State Assessment Office to determine how the ADU will add value to your primary residence. You can contact the State Assessment Office at

E-mail: sdat.fred@maryland.gov

Questions about:

Zoning & Setbacks please contact 301-600-1499

Building Codes please contact 301-600-3816 or 301-600-3817



BUILDING PERMIT APPLICATION REQUIREMENTS FOR ACCESSORY DWELLING UNIT (ADU)

(Effective October 18, 2021)

- Completed Accessory Dwelling Unit Application.
- Three (3) sets of construction plans (for building). These construction plans must be signed and sealed by a MD registered Architect or Engineer, **unless the plans are for the developer's, builder's or contractor's own construction.** (However, any elements of construction that are beyond the scope of the building code must still be designed, sealed and signed by a MD licensed Engineer).
- Five (5) copies of site plan showing grades, water and sewer connections/cleanout, house setbacks, driveway location, sidewalks (for building).
- Two (2) copies of REScheck.
- New Residential Dwelling Assessment Worksheet.
- One (1) copy of **Declaration of Restriction.**
- One (1) copy of **recorded** plat.
- Residential Water and Sewer Allocation Application (w/copy of approved Exhibit #1 of Water Service Contract if applicable).
- Print out from the Maryland Department of Assessments and Taxation website www.dat.state.md.us from [Real Property Data Search](#)
(If the ownership is different, you will need to provide Proof of Ownership with signature (i.e., recorded deed or HUD1 closing statement)).
- Monocacy Sewer System County Form – **This is ONLY REQUIRED IF ON COUNTY SEWER** (see *Note below).

NOTE: City fees are payable by cash, credit card or check payable to The City of Frederick

BUILDING APPLICATION FEE	Required with the permit application submittal	\$ 400.00
ELECTRICAL WORK	Requires separate permit	See fee schedule
PLUMBING/GAS WORK	Requires separate permit obtained by a Frederick City licensed contractor	See fee schedule
FIRE SUPPRESSION SYSTEMS (SPRINKLERS)	Requires separate permit obtained by a licensed contractor	See fee schedule

**Once the City has completed review of the permit application, you will receive a statement of all applicable fees.
Payment of these fees are due PRIOR to the permit being issued.**

WATER IMPACT FEE	\$ 1,872.75
SEWER IMPACT FEE (*If on COUNTY sewer system, refer to note below)	\$ 1,644.00
PARK FACILITIES DEVELOPMENT IMPACT FEE (HOA = Homeowner's Association)	\$ 304.00 not under HOA or a HOA with NO swimming pool OR \$ 199.00 for HOA WITH swimming pool
WATER CONNECTION, WATER METER - Upgrades	Refer to Water/Sewer Connection & Meter Fee schedule

***NOTE:** If the property is located in Ballenger Creek, Cannon Bluff, Clover Ridge, Dearbought, Main Farm, North Crossing, Tuscarora Creek, Tuscarora Knolls, Willowbrook, Worman's Mill (**or on Frederick County Sewer System**), **this fee will not be charged by the City of Frederick.** Contact Lauren Englar with the Frederick County Division of Utilities at 301-600-1179. Please complete and submit the **Monocacy Sewer System Form** with your building application packet.

FREDERICK COUNTY FEES ARE PAID DIRECTLY TO FREDERICK COUNTY PRIOR TO PERMIT ISSUANCE

Once the City has completed review of the permit application, the County payment form along with instructions on making payment will be provided to you.

FREDERICK COUNTY SCHOOL & LIBRARY IMPACT FEES	ADU LESS THAN / EQUAL TO 800 SF	ADU GREATER THAN 800 SF
SCHOOL IMPACT FEE PER ADU	EXEMPT	\$7,462.00
LIBRARY IMPACT FEE PER ADU	\$409.00	\$ 409.00
TOTAL COUNTY IMPACT FEES	\$409.00	\$7,871.00



FREDERICK
MARYLAND

The City of Frederick, Maryland
Building Department
140 W. Patrick Street, Frederick MD 21701 / 301-600-3808 / FAX 301-600-3826
www.cityoffrederick.com

BUILDING / ZONING PERMIT APPLICATION

Accessory Dwelling Unit

FOR OFFICE USE ONLY

Appl. # _____

App. Type Code _____

Tax ID 02 - _____

App. Date _____

SECTION I – Complete in its entirety. Application will NOT be accepted unless all spaces are FULLY completed.

Location of Work	Address of Principal Structure:	Gross Sq. Ft. of Lot:
	Address of Proposed ADU:	

Builder Applicant	Contact Person:	
	Contractor:	MHIC#
	Address:	
	Phone:	E-Mail:

IMPROVEMENT COST = \$ _____ (DO NOT include Plumbing, Electric, Land)

Description of Work	Is there a Homeowner's Association community swimming pool? <input type="checkbox"/> Yes <input type="checkbox"/> No	Location of ADU in relation to principal structure:
	Number of parking spaces on lot: _____ Existing _____ Proposed	<input type="checkbox"/> Attached <input type="checkbox"/> Detached <input type="checkbox"/> Integral
	Gross Sq. Ft. of Existing Dwelling:	Gross Sq. Ft. of ADU:
	Number of ADU's on property: _____ Existing _____ Proposed	Current use of principal structure: <input type="checkbox"/> Residential <input type="checkbox"/> Non-Residential
	Gross Sq. Ft. of impervious surface on lot: _____ Existing _____ Proposed	
	Height of principal structure: _____ Height of proposed ADU: _____	
	Does the principal structure have fire sprinklers? <input type="checkbox"/> Yes <input type="checkbox"/> No If NO are they proposed <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Are fire sprinklers proposed for the ADU? <input type="checkbox"/> Yes <input type="checkbox"/> No	
	Brief Description of Work:	

Proposed Setbacks of ADU	Distance from rear of property:	Distance from front property line:
	Distance from right property line: (Looking at property from street)	Distance from left property line: (Looking at property from street)

Water	Is an increase in water service required? <input type="checkbox"/> No <input type="checkbox"/> Yes If YES , what size tap is needed:
	Does the existing water meter need to be upgraded? <input type="checkbox"/> No <input type="checkbox"/> Yes If YES , what size and type is needed:

Sewer	Is Sewer Served by: <input type="checkbox"/> Frederick City <input type="checkbox"/> Frederick County <input type="checkbox"/> Septic
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Public Right-of-Way Will any work associated with this permit be performed within the City's Right-of-Way? Yes No

Is Public Works Agreement & Surety in Place? Yes No **If YES**, provide Grading / Public Improvement Permit #:

Is Property located in the Historic District? Yes No **If YES**, provide Historic Preservation Case #:

Is Property located in the Flood Plain? Yes No **A Declaration of Restriction is required with this application, Copy Attached** Yes

Applicant/Owner Initial: _____ Date: _____

The City of Frederick, Maryland
BUILDING / ZONING PERMIT APPLICATION
Accessory Dwelling Unit
(Page Two)

FOR OFFICE USE ONLY

Appl. # _____

APPLICANT/OWNER CERTIFICATION: The Applicant/Owner hereby certifies and agrees as follows:

That I am the owner, or authorized by the owner to act in their behalf as the owner's agent to make this Application. That the information given herein is true and correct and that all work being done under this application will comply with all applicable Federal, State and Local regulations. That work will be in accordance with and as indicated on the approved site and building plans, review comments, agreements, specifications, etc. unless otherwise approved by the Division Manager of Permits and Inspections. That the Division Manager of Permits and Inspections can revoke the building permit or stop work being done under the building permit for non-compliance with this agreement in part or in whole. Please be advised if the Building Permit is revoked **all fees are non-refundable and non-transferable**. I further understand and agree that plans will be reviewed, inspections made, and occupancy certificates issued, however, I assume ultimate responsibility for compliance of all codes, regulations, etc.

***PROPERTY OWNER SIGNATURE:** _____ **PRINT** _____ **TITLE** _____
***MUST PROVIDE AGENT LETTER FROM PROPERTY OWNER if signed by anyone other than Property Owner**

Property Owner Name (as listed on Deed): _____

Mailing Address: _____

City _____ **State** _____ **Zip** _____

Phone # _____ **Fax #** _____

Cell # _____ **Email Address:** _____

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

SECTION II (For Office Use Only)

Building Permit Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Park Facilities Dev Impact Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Water Impact Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Sewer Impact Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Water & Sewer Allocation Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Water Connection Fee	\$ _____	Date Paid: _____	Rec'd by: _____
Meter/Kornerhorn & Console	\$ _____	Date Paid: _____	Rec'd by: _____
Other _____	\$ _____	Date Paid: _____	Rec'd by: _____
Other _____	\$ _____	Date Paid: _____	Rec'd by: _____

Frederick County Fees:

Impact Fee - (School/Library) \$ _____ Receipt Due - Date Rec'd: _____ Rec'd by: _____

SECTION III (For Staff Use Only) - REVIEW COMMENTS (Please write legibly)

Rev. Site Plan Attached Rev. Construction Plan Attached Fee Calculations attached _____

REVIEWED BY: _____ **APPROVAL DATE:** _____

Building (Blue) Planning (Green) Engineering (Salmon) Fire Code Review (Yellow) Other _____ Other _____

Applicant/Owner Initial: _____ *Date:* _____

.01 GENERAL

- A. **Authority.** The Water and Sewer Service Committee of The City of Frederick adopts these regulations pursuant to the authority of Chapter 25, Article IX of the Frederick City Code, 1966 (as amended), commonly known as the Water and Sewer Allocation and Impact Fees Ordinance (hereinafter the "Ordinance").
- B. **Purpose.** The purpose of these regulations is to provide for the effective implementation and administration of the Ordinance.
- C. **Time.** In computing any period of time prescribed by the Ordinance or these regulations, the day of the act, event, or default after which the designated period of time begins to run is not included but intermediate Saturdays, Sundays, and City holidays are counted. The last day of the period so computed is included unless it is a Saturday, Sunday, or City holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or City holiday. In any case in which a date certain is given as a deadline, if such date certain is a Saturday, Sunday, or City holiday, the actual deadline will be deemed to be the next day that is not a Saturday, Sunday or City holiday.
- D. **Application for Action by Committee.** Any person wishing to appeal a decision to the Committee or have any matter of business placed on a Committee meeting agenda shall do so in accordance with any Committee rules of procedure in effect at the time of application and in accordance with the procedures and submission requirements established by the Engineering Department.
- E. **Notice.** Any notice issued pursuant to these regulations is deemed to be properly served if a copy thereof is delivered personally to the person to be served or the person's authorized agent, or is sent by first class mail to the person's last known mailing address. The last known mailing address is that given on the building permit/allocation application, or as updated by the property owner. Notice is deemed received when it is personally delivered or on the third business day after it is mailed.

.02 DEFINITIONS

As used in these regulations, the following words have the meanings indicated:

- **“Accessory Dwelling Unit”** means a secondary dwelling unit established in conjunction with and subordinate to a primary dwelling unit, whether a part of the same structure as the primary home or a detached dwelling unit on the same lot. Reference: LMC Sec. 802

“CO” means a certificate of occupancy.

“DED” means the City’s Department of Economic Development.

“Multi-family Age Restricted” means any development project or redevelopment project involving the creation or alteration of apartment-style dwelling units which are intended to house, by deed restriction or other legal covenant, elderly occupants. The definition of elderly occupation is that the head-of-household, or primary tenant, is 62 years of age or older.

.03. CAPACITY AND TRACKING

(Reference Ordinance § 25-84.)

A. Determination of Available Capacity.

1. **Water.** Available water capacity will be determined by subtracting the current 24-month average water daily production rate and all allocated water (for projects that have not received certificates of occupancy) from the safe yield value (divided by the current peaking factor = 1.6) of all sources available to the City. This figure will be divided according to the category percentages as determined below for each sewer basin.
2. **Sewer.** Available sewer capacity will be determined by subtracting the current 24-month average daily sewer treatment rate and all allocated sewer (for projects that have not received certificates of occupancy) from the allowable treatment/transport system capacity for each of the following three basins individually:
 - a) **City Basin 1:** All sewage collected and treated at the City’s Gas House Pike Wastewater Treatment Plant (GHP WWTP) and limited by the capacity thereof and that of the collection interceptors.
 - b) **County Basin 2:** All sewage collected, transferred to, and treated at the County’s Ballenger/McKinney Wastewater Treatment Plant and limited to the capacity thereof and the collection interceptor. This flow is measured at the Parshall Flume (less contributions from Non-City

County customers) and pumped from the City's equalization basin to the County through the Monocacy Interceptor.

- c) **County Basin 3:** Sewage from properties within the City boundary which are located south of the intersection of Route 340/15 and Route 40/270 including Centergate and Ballenger Creek Center developments. These properties are allocated and served by sewer directly by Frederick County and are not limited by sewer capacity provided by City facilities.

B. Limiting Capacity. The amount of water and sewer capacity available for allocation within each basin above shall be the lesser of the water or the sewer capacity available within the basin as determined above. No more capacity of either system shall be allocated than the amount which is determined to be the lesser, or limiting, amount within each basin, unless other arrangements have been made between the City and County for providing additional capacity within the limited basin.

C. Tracking. The City Engineer will track the allocation of water and sewer capacity and will make allocation information available to the public periodically. The amount of capacity available from the limiting system will be published on the City web page and updated quarterly. To the extent practicable, each development project which has been granted an allocation will be transferred from the allocation listing to the existing average daily rate to determine available capacity.

.04. REDISTRIBUTION.

(Reference Ordinance § 25-85(b).)

The Committee may choose to redistribute capacity in accordance with the Ordinance.

.05 ELIGIBILITY

(Reference Ordinance § 25-86(d)(1))

- A. Business Retention Projects.** To be eligible to receive an allocation from the business retention, institutional and infill category, a business retention project must be certified by the DED and receive a score of at least 15 based on the following scoring system:
- B. Infill projects.** To be eligible to receive an allocation from the business retention, institutional and infill category, an infill project must meet the following additional criteria:
 - (1) The project is proposed to be built on an existing lot of record or site plan with all conditions met;
 - (2) The lot is located within the downtown zoning districts, or the lot was

platted at least 15 years ago and 60% of the surrounding structures are at least ten years old;

(3) The lot is served by utilities including water, sewer and electricity; and

(4) Except for properties in the downtown zoning districts, no further subdivision to create lots is associated with the development project.

.06 ALLOCATION AMOUNT

(Reference Ordinance § 25-88. Allocation Amount)

A. Residential projects. The amount of capacity allocated to a residential development project is based on the number of equivalent dwelling units comprising the project, as further described below:

Dwelling Type	Average Daily Use	Maximum Daily Use	Equivalent Dwelling Units (EDU)
Single Family	250	400	1.0
Townhouse	225	360	0.9
Multi-family/Condo	175	280	0.7
Multi-family Age Restricted	75	120	0.3
Accessory Dwelling Unit	75	120	0.3

B. Non-residential projects - flow factor matrix.

An amount of capacity based on flow factors must be calculated in accordance with the following chart:

Flow Capacity Matrix

TYPE OF DEVELOPMENT	Flow Factor Unit of Measure		Flow Factor		Calculated Flow, gpd
Restaurant > 100 seats	# of Seats	X	18.0	=	
Restaurant < 100 seats	# of Seats	X	13.0	=	
Fast Food/Carryout	Gross Sq. Ft.	X	0.37	=	
General Office Building	Gross Sq. Ft.	X	0.03	=	
Medical Office Building	Gross Sq. Ft.	X	0.07	=	
Laboratory / Office Building	Gross Sq. Ft.	X	0.25	=	
Beauty Salon	Gross Sq. Ft.	X	0.3	=	
Barber Shop	Gross Sq. Ft.	X	0.2	=	
Laundromat	# of Machines	X	180	=	
Hotels/Motel	# of Units	X	100	=	
Garage/Gas Station	Gross Sq. Ft.	X	0.04	=	
Auto Sales/Storage	Gross Sq. Ft.	X	0.03	=	
Warehouse	Gross Sq. Ft.	X	0.00	=	
Bank	Gross Sq. Ft.	X	0.01	=	
Retail Store, stand-alone	Gross Sq. Ft.	X	0.04	=	
Shopping Center	Gross Sq. Ft.	X	0.07	=	
Strip Mall	Gross Sq. Ft.	X	0.08	=	
Supermarket	Gross Sq. Ft.	X	0.1	=	
Day Care Facility	# of Students	X	9.0	=	
Elementary School	# of Students	X	6.0	=	
Middle School	# of Students	X	5.0	=	
High School	# of Students	X	5.0	=	
Church	# of Sanctuary	X	3.0	=	
Club, Social	Gross Sq. Ft.	X	0.02	=	
Domiciliary Care	# of Beds	X	200	=	
Hospital	# of Beds	X	300	=	
Single Family Dwelling (SF)	1 SF	X	250	=	
Town House Dwelling (TH)	1 TH	X	225	=	
Multi Family Dwelling (MF) Apt./Condo	1 MF	X	175	=	
Multi Family Age Restricted (MFAR)	1 MFAR	X	75	=	
Accessory Dwelling Units (ADU)	1 ADU	X	75	=	

The following conditions will require submittal of proposed water/sewer usage based on an engineering analysis (M.3 below):

- a.) Any use not listed on the above flow matrix and supported with comparable documentation.
- b.) The use of water-intensive equipment, such as cooling towers, irrigation systems, etc.
- c.) Where required as supporting documentation per the City Engineer.

An applicant for non-residential allocation may request that the proposed consumption amount be based on flow factors other than those set forth above. The applicant has the burden of showing why an alternative flow factor should be used and the proposed alternate consumption is applicable. Alternate consumption amounts proposed for any uses not listed above will be reviewed and approved by the Engineering Department. The applicant may appeal the decision of disapproval of the Engineering Department to the Committee through the appeal process as outlined in the Ordinance.

.07 REVOCATION

(Reference Ordinance § 25-94.)

A. Process. Allocations may be revoked pursuant to the Ordinance, in accordance with the following process:

- (1) The City Engineer will notify the property owner that the allocation is to be revoked and will provide the grounds for the revocation.
- (2) Not more than fifteen days after the mailing of the notice, the property owner may contact the Engineering Department to request a hearing before the Committee. The Engineering Department will schedule the hearing for the next Committee meeting for which the agenda has not yet been published, and will notify the property owner of the date and time of the hearing.
- (3) If the property owner fails to contact the Engineering Department within the time specified in paragraph (2) of this subsection, the allocation will be revoked. The Engineering Department will notify the property owner that the allocation has been revoked.
- (4) If the Committee holds a hearing pursuant to paragraph (2) of this subsection, the Committee may hear and consider whatever testimony and other evidence it deems appropriate. The property owner and any agent thereof will have the opportunity to appear and be heard at such hearing.
- (5) Not later than ten days after a hearing held in accordance with this subsection, the Committee will issue a written decision stating whether the allocation will be revoked and the reasons for the decision. A copy of the decision will be provided to the property owner.

- B. Fees.** Administrative fees associated with an allocation that is revoked will not be refunded.

STAFF RECOMMENDATION

Request:

1. The following definition will be added to “.02 DEFINITIONS” of the regulations, “**Accessory Dwelling Unit**” means a secondary dwelling unit established in conjunction with and subordinate to a primary dwelling unit, whether a part of the same structure as the primary home or a detached dwelling unit on the same lot. Reference: LMC Sec. 802
2. Add an additional row to section 06 ALLOCATION AMOUNT, A) Residential projects table to include Accessory dwelling Unit with a 75gpd capacity, max. day of 120gpd and equivalent EDU of 0.3
3. Add an additional row to the Flow Factor Matrix table to include Accessory dwelling Unit with a 75gpd capacity

Recommendation: Staff recommends approval of the items as discussed.

Attachment:

- Water and Sewer Allocation and Impact Fee Administrative Regulations, Adopted September 19, 2012 and Revised February 4, 2019