

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND
Legislative Session 2019, Legislative Day No. 8

Bill No. 16-19

Mr. David Marks, Councilman

By the County Council, April 15, 2019

A BILL
ENTITLED

AN ACT concerning

Development Impact ~~Fees~~ Surcharge and Fee

FOR the purpose of imposing a nonresidential excise tax known as the Development Impact Surcharge; providing for certain exceptions; providing for the determination of the surcharge; providing for the rate of the surcharge for certain types of nonresidential buildings; providing for the collection of the surcharge; providing for an appeal of the surcharge imposed; providing for the refund of the surcharge paid under certain circumstances; preserving certain authority of the County; providing that the surcharge constitutes a lien on certain nonresidential real property; providing for certain credits;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
 [Brackets] indicate matter stricken from existing law.
 ~~Strike-out~~ indicates matter stricken from bill.
 Underlining indicates amendments to bill.

establishing a Development Impact Surcharge Fund; providing for the financing of the Fund; providing for the purpose of the Fund; providing for the custody of the Fund and expenditures from the Fund; requiring a certain annual report; defining certain terms; requiring the Director of Permits, Approvals, and Inspections to recommend certain rates for certain nonresidential development to be adopted by the County Council; establishing a Development Impact Fees Fee; setting forth the purpose and scope; defining certain terms; providing for the calculation and amount of the fee; providing for the payment and collection of the fee; providing for adjustments to the fee; providing for the use of the funds collected; providing for the review of the fee schedule; providing for credits and exemptions; and generally relating to ~~Development and Development Impact Fees~~ the imposition of a Development Impact Surcharge and the establishment of a Development Impact Fee.

By adding

Sections 10-16-101 through 10-16-104
Article 10 - Finance
Title 16 - Development Impact Surcharge Fund
Baltimore County Code, 2015

By adding

Sections 11-4-301 through 11-4-305
Article 11 - Taxation
Title 4 - Various Taxes
Subtitle 16 – Development Impact Surcharge
Baltimore County Code, 2015

BY adding

Section 32-6-111
Article 32 - Planning, Zoning, and Subdivision Control
Title 6 - Adequate Public Facilities
Baltimore County Code, 2015

WHEREAS, Baltimore County has a pressing need for school construction and capital improvements throughout the County; and

WHEREAS, Baltimore County is authorized by law to impose and levy new taxes; and

WHEREAS, the tax newly proposed in this Act was advertised once each week in two newspapers of general circulation in the county for two weeks; and

WHEREAS, the County Council held a hearing on the tax imposed and levied in this Act on April 30, 2019; and

WHEREAS, development impact fees have been a vital tool of local governments in Maryland to provide funds for various public facilities proportionate to development; and

WHEREAS, development impact fees have been imposed in other jurisdictions in Maryland that pay for additional or expanded transportation infrastructure, and public school and public safety facilities, and debt service on bonds issued for additional or expanded infrastructure and facilities; and

WHEREAS, House Bill 449 of the Acts of the General Assembly of 2019 authorizes the Baltimore County Council, by ordinance, to impose development impact fees to finance the capital cost of certain public works, improvements, and facilities; now therefore,

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE
2 COUNTY, MARYLAND, that the Laws of Baltimore County read as follows:

1 Article 32—Planning, Zoning, and Subdivision control

2 Title 6—Adequate Public Facilities

3 ~~§ 32-6-111. DEVELOPMENT IMPACT FEE.~~

4 ~~(A) PURPOSE AND SCOPE.~~

2

5 ~~—— (1) THIS SECTION IS ADOPTED FOR THE PURPOSE OF PROMOTING THE~~
6 ~~HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS OF THE COUNTY~~
7 ~~BY REQUIRING NEW RESIDENTIAL DEVELOPMENT TO PAY ITS PROPORTIONATE~~
8 ~~FAIR SHARE OF THE COSTS FOR LAND, CAPITAL FACILITIES, AND OTHER~~
9 ~~EXPENSES NECESSARY TO ACCOMMODATE DEVELOPMENT IMPACTS ON~~
10 ~~INFRASTRUCTURE AND PUBLIC SCHOOL AND PUBLIC SAFETY FACILITIES.~~

11 ~~—— (2) NOTHING IN THIS SECTION SHALL AFFECT, IN ANY MANNER, THE~~
12 ~~PERMISSIBLE USE OF PROPERTY, DENSITY, INTENSITY OF DEVELOPMENT, DESIGN~~
13 ~~AND IMPROVEMENT STANDARDS OR OTHER APPLICABLE STANDARDS OR~~
14 ~~REQUIREMENTS SET FORTH IN DEVELOPMENT POLICIES, LAWS AND~~
15 ~~REGULATIONS OF THE COUNTY WHERE APPLICABLE.~~

16 ~~—— (3) NO ACTION TAKEN OR PAYMENT MADE UNDER THIS SECTION SHALL~~
17 ~~ELIMINATE ANY AUTHORITY TO APPLY ANY TEST CONCERNING THE ADEQUACY~~
18 ~~OF PUBLIC FACILITIES UNDER THE COUNTY'S ADEQUATE PUBLIC FACILITIES~~
19 ~~ORDINANCE.~~

20 ~~(B) DEFINITIONS. IN THIS SECTION THE FOLLOWING WORDS HAVE THE~~
21 ~~MEANINGS INDICATED:~~

1 ~~—— (1) “APPLICANT” HAS THE MEANING STATED IN § 32-4-101(E) OF THE CODE.~~

2 ~~—— (2) “BUILDING” HAS THE MEANING STATED IN § 32-4-101(G) OF THE CODE.~~
3 ~~BUILDING DOES NOT INCLUDE A TEMPORARY STRUCTURE, AS DEFINED IN THE~~
4 ~~BALTIMORE COUNTY BUILDING CODE.~~

5 ~~—— (3) “DEVELOPMENT” HAS THE MEANING STATED IN § 32-4-101(P) OF THE~~
6 ~~CODE. DEVELOPMENT MAY ALSO INCLUDE, BUT NOT BE LIMITED TO, DUMPING,~~
7 ~~EXTRACTION, DREDGING, GRADING, PAVING, STORAGE OF MATERIALS OR~~
8 ~~EQUIPMENT, LAND EXCAVATION, LAND CLEARING, LAND IMPROVEMENT,~~
9 ~~LANDFILL OPERATION, OR ANY COMBINATION THEREOF, AND ANY CHANGE IN~~
10 ~~THE USE OF A BUILDING FOR WHICH A BUILDING PERMIT IS REQUIRED BY LAW.~~

11 ~~—— (4) “DEVELOPMENT IMPACT FEE” MEANS A FEE ADOPTED BY THE COUNTY~~
12 ~~WHICH IS IMPOSED ON NEW DEVELOPMENT ON A PRO RATA BASIS IN~~
13 ~~CONNECTION WITH AND AS A CONDITION OF THE ISSUANCE OF A BUILDING~~
14 ~~PERMIT, AND WHICH IS CALCULATED TO DEFRAY ALL OR A PORTION OF THE~~
15 ~~COSTS OF THE PUBLIC FACILITIES REQUIRED TO ACCOMMODATE NEW~~
16 ~~DEVELOPMENT AT COUNTY DESIGNATED LEVEL OF SERVICE (LOS) STANDARDS~~
17 ~~AND WHICH REASONABLY BENEFITS THE NEW DEVELOPMENT. IT MAY ALSO BE~~
18 ~~REFERRED TO AS AN IMPACT FEE.~~

19 ~~—— (5) “NEW CONSTRUCTION” MEANS CONSTRUCTION OF A BUILDING WHICH~~
20 ~~REQUIRES A BUILDING PERMIT. NEW CONSTRUCTION DOES NOT INCLUDE IF THE~~
21 ~~BUILDING REPLACES AN EXISTING BUILDING, REPLACEMENT OF A BUILDING DUE~~
22 ~~TO CASUALTY OR LOSS WITHIN THREE YEARS OF THAT CASUALTY OR LOSS, OR~~

1 ~~REPLACEMENT OF A MOBILE HOME ON A SITE, EXCEPT TO THE EXTENT THE~~
2 ~~GROSS SQUARE FOOTAGE OF THE REPLACEMENT BUILDING OR REPLACEMENT~~
3 ~~MOBILE HOME EXCEEDS THE GROSS SQUARE FOOTAGE OF THE BUILDING OR~~
4 ~~MOBILE HOME BEING REPLACED.~~

5 ~~———— (6) “OCCUPIABLE” MEANS SPACE THAT IS:~~

6 ~~———— (I) DESIGNED FOR HUMAN OCCUPANCY IN WHICH INDIVIDUALS MAY~~
7 ~~LIVE, WORK, OR CONGREGATE FOR AMUSEMENT; AND~~

8 ~~———— (II) EQUIPPED WITH MEANS OF EGRESS, LIGHT, AND VENTILATION.~~

9 ~~———— (7) “RESIDENTIAL” MEANS A BUILDING THAT CONTAINS ONE OR MORE~~
10 ~~DWELLING UNITS AND INCLUDES A BOARDING HOUSE.~~

11 ~~———— (I) RESIDENTIAL INCLUDES ALL AREAS THAT ARE CONTAINED~~
12 ~~WITHIN A RESIDENTIAL BUILDING, INCLUDING AN ATTACHED GARAGE OR AREA~~
13 ~~FOR HOME OCCUPATIONS.~~

14 ~~———— (II) RESIDENTIAL DOES NOT INCLUDE:~~

15 ~~———— 1. TRANSIENT ACCOMMODATIONS, INCLUDING A HOTEL,~~
16 ~~COUNTRY INN, OR BED AND BREAKFAST INN;~~

17 ~~———— 2. NONRESIDENTIAL USES IN A MIXED-USE STRUCTURE; OR~~

18 ~~———— 3. DETACHED ACCESSORY BUILDINGS, INCLUDING A~~
19 ~~DETACHED GARAGE OR SHED THAT DOES NOT CONTAIN LIVING QUARTERS.~~

20 ~~———— (8) “GROSS FLOOR AREA” MEANS THE SUM OF THE GROSS HORIZONTAL~~
21 ~~AREAS OF ALL FLOORS OF A BUILDING, MEASURED FROM THE EXTERIOR FACES~~
22 ~~OF EXTERIOR WALLS AND FROM THE CENTER LINE OF WALLS SEPARATING TWO~~

1 ~~OR MORE BUILDINGS, BUT NOT INCLUDING FLOOR SPACE USED FOR OFF STREET~~
2 ~~PARKING, OR ANY SPACE WHERE THE FLOOR TO CEILING HEIGHT IS LESS THAN~~
3 ~~SIX FEET. THIS TERM DOES NOT INCLUDE ANY FLOOR SPACE IN A BASEMENT OR~~
4 ~~CELLAR THAT IS UNFINISHED AND WHICH IS USED EXCLUSIVELY FOR STORAGE~~
5 ~~OR UPON WHICH ARE SITUATED ACCESSORY HEATING OR AIR CONDITIONING~~
6 ~~EQUIPMENT OR OTHER ACCESSORY MECHANICAL OR ELECTRICAL UTILITY~~
7 ~~EQUIPMENT, NOR DOES IT INCLUDE ANY FLOOR SPACE IN AN ATRIUM OR LOBBY~~
8 ~~WHICH IS NOT LEASABLE TO OR OCCUPIED BY INDIVIDUAL TENANTS.~~

9 ~~(C) FEE IMPOSED; AMOUNT.~~

10 ~~—— (1) THERE IS IMPOSED A DEVELOPMENT IMPACT FEE IN BALTIMORE~~
11 ~~COUNTY.~~

12 ~~—— (2) THE COUNTY SHALL IMPOSE A DEVELOPMENT IMPACT FEE ON~~
13 ~~RESIDENTIAL NEW CONSTRUCTION FOR WHICH A DEVELOPMENT PLAN HAS BEEN~~
14 ~~APPROVED ON OR AFTER JULY 1, 2019.~~

15 ~~—— (3) FOR FISCAL YEAR 2020, A DEVELOPMENT IMPACT FEE IMPOSED ON~~
16 ~~RESIDENTIAL NEW CONSTRUCTION SHALL BE IN THE AMOUNT OF THREE~~
17 ~~DOLLARS (\$3.00) PER SQUARE FOOT OF OCCUPIABLE GROSS FLOOR AREA IN THE~~
18 ~~RESIDENTIAL NEW CONSTRUCTION.~~

19 ~~—— (4) BEGINNING IN FISCAL YEAR 2021, AND CONTINUING EVERY TWO YEARS~~
20 ~~THEREAFTER, THE COUNTY ADMINISTRATIVE OFFICER SHALL SUBMIT TO THE~~
21 ~~COUNTY COUNCIL, NO LATER THAN APRIL 15, A PROPOSAL FOR ANY CHANGE TO~~
22 ~~THE AMOUNT OR CALCULATION OF THE FEE PAYABLE UNDER THIS SECTION,~~

1 ~~AFTER CONSULTATION WITH THE PLANNING BOARD, THE OFFICE OF BUDGET~~
2 ~~AND FINANCE, THE DEPARTMENT OF PLANNING, THE DEPARTMENT OF PUBLIC~~
3 ~~WORKS, AND THE DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS.~~

4 ~~(D) FEE CALCULATION.~~

5 ~~—— (1) AN APPLICANT SHALL INCLUDE WITH THEIR SUBMITTED~~
6 ~~DEVELOPMENT PLAN THE OCCUPIABLE GROSS FLOOR AREA OF THE~~
7 ~~DEVELOPMENT.~~

8 ~~—— (2) THE APPLICANT SHALL CALCULATE THE FEE BASED ON THE~~
9 ~~DEVELOPMENT IMPACT FEE AMOUNT IN EFFECT AS OF THE DATE THE~~
10 ~~APPLICATION WAS RECEIVED.~~

11 ~~—— (3) THE FINAL CALCULATION AND FEE AMOUNT SHALL BE SET AT THE~~
12 ~~HEARING OFFICERS HEARING BY THE ADMINISTRATIVE LAW JUDGE AND STATED~~
13 ~~IN THE OPINION AND ORDER APPROVING THE DEVELOPMENT PLAN. NO AMOUNT~~
14 ~~OF THE REQUIRED DEVELOPMENT IMPACT FEE MAY BE REDUCED OR WAIVED BY~~
15 ~~THE ADMINISTRATIVE LAW JUDGE.~~

16 ~~(E) PAYMENT AND COLLECTION OF THE FEE.~~

17 ~~—— (1) THE DEVELOPMENT IMPACT FEE SHALL BE DUE WITHIN THIRTY (30)~~
18 ~~DAYS OF RECORDATION OF A DEVELOPMENT PLAN PLAT. THE APPLICANT MAY~~
19 ~~NOT APPLY FOR BUILDING PERMITS PRIOR TO FULL PAYMENT OF THE IMPACT~~
20 ~~FEE. THE FEE SHALL BE PAID TO THE DEPARTMENT OF PERMITS, APPROVALS,~~
21 ~~AND INSPECTIONS.~~

1 ~~———— (2) THE PAYMENT OF DEVELOPMENT IMPACT FEES SHALL NOT ENTITLE~~
2 ~~THE APPLICANT TO A BUILDING PERMIT UNLESS ALL OTHER APPLICABLE LAND~~
3 ~~USE, ZONING, PLANNING, ADEQUATE PUBLIC FACILITIES, FOREST RESOURCE,~~
4 ~~PLATTING, SUBDIVISION OR OTHER RELATED REQUIREMENTS, STANDARDS AND~~
5 ~~CONDITIONS HAVE BEEN MET. SUCH OTHER REQUIREMENTS, STANDARDS AND~~
6 ~~CONDITIONS ARE INDEPENDENT OF THE REQUIREMENT FOR PAYMENT OF A~~
7 ~~DEVELOPMENT IMPACT FEE.~~

8 ~~(F) REFUND OF FEE; SUPPLEMENTAL FEE.~~

9 ~~———— (1) WITHIN NINETY (90) DAYS OF THE ISSUANCE OF A USE AND OCCUPANCY~~
10 ~~PERMIT, THE APPLICANT MAY REQUEST REVIEW BY THE DIRECTOR OF THE~~
11 ~~DEVELOPMENT IMPACT FEE. UPON SUCH REQUEST THE PROPERTY SHALL BE~~
12 ~~INSPECTED TO OBTAIN THE ACTUAL SQUARE FOOTAGE OF THE OCCUPIABLE~~
13 ~~GROSS FLOOR AREA. WITHIN FIFTEEN (15) DAYS OF INSPECTION, THE DIRECTOR~~
14 ~~SHALL RE-CALCULATE THE DEVELOPMENT IMPACT FEE USING THE ACTUAL~~
15 ~~SQUARE FOOTAGE OF OCCUPIABLE GROSS FLOOR AREA.~~

16 ~~———— (2) UPON RE-CALCULATION:~~

17 ~~———— (I) IF THE NEW DEVELOPMENT IMPACT FEE IS LESS THAN THE~~
18 ~~AMOUNT PAID BY THE APPLICANT, THE DIRECTOR SHALL AUTHORIZE A REFUND~~
19 ~~FOR THE DIFFERENCE.~~

20 ~~———— (II) IF THE NEW DEVELOPMENT IMPACT FEE IS GREATER THAN THE~~
21 ~~AMOUNT PAID BY THE APPLICANT, A SUPPLEMENTAL FEE SHALL BE ISSUED AND~~
22 ~~DUE FROM THE APPLICANT. IF THE APPLICANT DOES NOT PAY A SUPPLEMENTAL~~

1 ~~FEE WITHIN THIRTY (30) DAYS OF ASSESSMENT, ANY USE AND OCCUPANCY~~
2 ~~PERMITS ISSUED SHALL BE REVOKED UNTIL THE SUPPLEMENTAL FEE IS PAID IN~~
3 ~~FULL.~~

4 ~~(G) REVENUE AND APPROPRIATION.~~

5 ~~—— (1) REVENUE COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED IN A~~
6 ~~SEPARATE DEVELOPMENT IMPACT FEE ACCOUNT AND IS INTENDED TO~~
7 ~~SUPPLEMENT FUNDING FOR INFRASTRUCTURE AND OTHER PUBLIC FACILITIES~~
8 ~~AND MAY NOT SUPPLANT OTHER COUNTY OR STATE FUNDING FOR SUCH~~
9 ~~FACILITIES.~~

10 ~~—— (2) ALL FUNDS COLLECTED FROM DEVELOPMENT IMPACT FEES SHALL BE~~
11 ~~USED FOR CAPITAL IMPROVEMENTS FOR EXPANSION OF THE CAPACITY OF~~
12 ~~PUBLIC SCHOOLS, ROADS, AND PUBLIC SAFETY FACILITIES OR DEBT SERVICE ON~~
13 ~~BONDS ISSUED FOR SUCH IMPROVEMENTS.~~

14 ~~—— (I) EXPANSION OF THE CAPACITY OF A ROAD INCLUDES EXTENSIONS,~~
15 ~~WIDENING, INTERSECTION IMPROVEMENTS, UPGRADING SIGNALIZATION,~~
16 ~~IMPROVING PAVEMENT CONDITIONS, AND ALL OTHER ROAD AND INTERSECTION~~
17 ~~CAPACITY ENHANCEMENT.~~

18 ~~—— (II) EXPANSION OF THE CAPACITY OF A PUBLIC SCHOOL INCLUDES~~
19 ~~ALL CONSTRUCTION AND REMODELING TO THE EXTENT THAT THE~~
20 ~~CONSTRUCTION INCREASES THE CAPACITY OF THE PUBLIC SCHOOLS.~~

21 ~~—— (III) EXPANSION OF THE CAPACITY OF PUBLIC SAFETY FACILITIES~~
22 ~~INCLUDES THE CONSTRUCTION OF NEW OR EXPANDED POLICE STATIONS, FIRE~~

1 ~~STATIONS, AND HEADQUARTERS BUILDINGS, EXPANSION AND UPGRADING OF~~
2 ~~COMMUNICATIONS EQUIPMENT, AND NEW ADDITIONS TO THE INVENTORIES OF~~
3 ~~POLICE PATROL VEHICLES, FIRE FIGHTING VEHICLES, AND PARAMEDIC~~
4 ~~EMERGENCY VEHICLES.~~

5 ~~(H) DISTRICTS; APPROPRIATION.~~

6 ~~—— (1) THE BOUNDARIES OF THE DEVELOPMENT IMPACT FEE DISTRICTS SHALL~~
7 ~~BE ESTABLISHED AS THE MAPPED BOUNDARIES OF THE SOUTHWEST AREA,~~
8 ~~NORTHWEST AREA, CENTRAL AREA, NORTHEAST AREA, AND SOUTHEAST AREA~~
9 ~~ACCORDING TO THE BALTIMORE COUNTY PUBLIC SCHOOLS FACILITIES MAP IN~~
10 ~~EFFECT FOR THE SCHOOL YEAR.~~

11 ~~—— (2) DEVELOPMENT IMPACT FEE FUNDS FOR CAPITAL IMPROVEMENTS~~
12 ~~SHALL BE APPROPRIATED ONLY IN THE DEVELOPMENT IMPACT FEE DISTRICT~~
13 ~~WHERE THE DEVELOPMENT OCCURRED AND FROM WHICH THE DEVELOPMENT~~
14 ~~IMPACT FEE WAS COLLECTED.~~

15 ~~(I) CREDITS.~~

16 ~~—— (1) (I) ANY CONVEYANCE OF LAND OR CONSTRUCTION RECEIVED AND~~
17 ~~ACCEPTED BY THE COUNTY OR THE BOARD OF EDUCATION OF BALTIMORE~~
18 ~~COUNTY FROM A DEVELOPER, INCLUDING CONSTRUCTION OF A SCHOOL BY A~~
19 ~~DEVELOPER OR A DEVELOPER'S AGENT PURSUANT TO AN AGREEMENT WITH THE~~
20 ~~BOARD OF EDUCATION, MAY BE CREDITED AGAINST THE DEVELOPMENT IMPACT~~
21 ~~FEE DUE IF THE CONVEYANCE OR CONSTRUCTION MEETS THE SAME NEEDS AS~~

1 ~~THE DEVELOPMENT IMPACT FEE IN PROVIDING EXPANDED CAPACITY OVER AND~~
2 ~~ABOVE THE REQUIREMENTS OF THIS TITLE.~~

3 ~~————— (II) IF THE DEVELOPER WISHES TO RECEIVE CREDIT AGAINST THE~~
4 ~~AMOUNT OF THE DEVELOPMENT IMPACT FEE DUE FOR SUCH CONVEYANCE OR~~
5 ~~CONSTRUCTION, THE DEVELOPER SHALL ENTER INTO A WRITTEN IMPACT FEE~~
6 ~~CREDIT AGREEMENT WITH THE COUNTY PRIOR TO SUCH CONVEYANCE OR~~
7 ~~CONSTRUCTION. THE IMPACT FEE CREDIT AGREEMENT SHALL PROVIDE FOR~~
8 ~~ESTABLISHMENT OF CREDITS AND THE PROCEDURE AND TIME ALLOWED FOR~~
9 ~~REDEMPTION OF SUCH CREDITS.~~

10 ~~————— (III) THE VALUE OF LAND CONVEYED BY A DEVELOPER AND~~
11 ~~ACCEPTED BY THE COUNTY FOR PURPOSES OF THIS SUBSECTION SHALL BE~~
12 ~~DETERMINED BY AN APPRAISAL BASED ON THE FAIR MARKET VALUE OF THE~~
13 ~~LAND. THE VALUE OF FACILITIES CONSTRUCTED BY A DEVELOPER AND~~
14 ~~ACCEPTED BY THE COUNTY FOR PURPOSES OF THIS SUBSECTION SHALL BE~~
15 ~~ESTABLISHED BY THE COUNTY. CONSTRUCTION OF FACILITIES SHALL BE IN~~
16 ~~ACCORDANCE WITH COUNTY AND STATE DESIGN STANDARDS AND~~
17 ~~SPECIFICATIONS.~~

18 ~~————— (2) IMPACT FEE CREDITS SHALL BE ALLOWED FOR TRANSPORTATION~~
19 ~~IMPROVEMENTS PROVIDING TRANSPORTATION CAPACITY OVER AND ABOVE THE~~
20 ~~ADEQUATE ROAD FACILITIES REQUIREMENTS FOR A DEVELOPMENT PROJECT SET~~
21 ~~FORTH IN THIS ARTICLE. THE DEVELOPMENT PROVIDING THE CAPITAL~~
22 ~~IMPROVEMENTS SHALL BE ALLOWED IMPACT FEE CREDITS IN THE AMOUNT~~

1 ~~PROVIDED IN THE IMPACT FEE CREDIT AGREEMENT. CREDIT MAY NOT BE GIVEN~~
2 ~~FOR SITE RELATED TRANSPORTATION IMPROVEMENTS.~~

3 ~~—— (3) IN THE EVENT THAT A DEVELOPER PROVIDES CAPITAL IMPROVEMENTS~~
4 ~~TO CREATE ADDITIONAL SCHOOL CAPACITY, INCLUDING CONSTRUCTION OF A~~
5 ~~SCHOOL, THE DEVELOPER SHALL BE ENTITLED TO A CREDIT IN THE AMOUNT~~
6 ~~PROVIDED IN THE IMPACT FEE CREDIT AGREEMENT. CREDITS MAY NOT BE GIVEN~~
7 ~~FOR CAPITAL IMPROVEMENTS NECESSARY TO MEET EXISTING SCHOOL~~
8 ~~CAPACITY DEFICIENCIES.~~

9 ~~—— (4) (I) ANY LAND AWARDED CREDIT UNDER THIS SUBSECTION SHALL BE~~
10 ~~CONVEYED NO LATER THAN THE TIME AT WHICH DEVELOPMENT IMPACT FEES~~
11 ~~ARE REQUIRED TO BE PAID.~~

12 ~~—— (II) THE PORTION OF THE DEVELOPMENT IMPACT FEE REPRESENTED~~
13 ~~BY A CREDIT FOR CONSTRUCTION SHALL BE DEEMED PAID WHEN THE~~
14 ~~CONSTRUCTION IS COMPLETED AND ACCEPTED BY THE COUNTY FOR~~
15 ~~MAINTENANCE OR WHEN ADEQUATE SECURITY FOR THE COMPLETION OF THE~~
16 ~~CONSTRUCTION HAS BEEN PROVIDED.~~

17 ~~—— (5) A DEVELOPMENT CONTAINING AFFORDABLE HOUSING MAY RECEIVE A~~
18 ~~CREDIT OF 35 PERCENT OF THE DEVELOPMENT IMPACT FEE IMPOSED FOR EACH~~
19 ~~AFFORDABLE HOUSING UNIT.~~

20 ~~—— (6) IMPACT FEE CREDITS ARE NOT TRANSFERABLE OR ASSIGNABLE UNLESS~~
21 ~~EXPRESSLY PERMITTED IN AN IMPACT FEE CREDIT AGREEMENT. UNUSED OR~~
22 ~~UNCLAIMED CREDITS MAY NOT BE REFUNDED.~~

1 ~~(J) EXEMPTIONS. TYPE OF DEVELOPMENT NOT AFFECTED.~~

2 ~~—— (1) NO DEVELOPMENT IMPACT FEE SHALL BE IMPOSED ON NEW~~
3 ~~DEVELOPMENT FOR WHICH A DEVELOPMENT PLAN CONFERENCE HAS BEEN HELD~~
4 ~~PRIOR TO THE EFFECTIVE DATE OF THIS ACT.~~

5 ~~—— (2) NO DEVELOPMENT IMPACT FEE SHALL BE IMPOSED ON ANY NEW~~
6 ~~RESIDENTIAL DEVELOPMENT WHICH DOES NOT ADD A NEW DWELLING UNIT. NO~~
7 ~~IMPACT FEE SHALL BE IMPOSED FOR ALTERATION OR EXPANSION OF AN~~
8 ~~EXISTING DWELLING UNIT WHERE NO ADDITIONAL DWELLING UNIT IS CREATED.~~

9 ~~—— (3) NO DEVELOPMENT IMPACT FEES SHALL BE IMPOSED ON THE~~
10 ~~DEVELOPMENT OF PUBLIC FACILITIES BY THE STATE OF MARYLAND, THE~~
11 ~~COUNTY, OR THE FEDERAL GOVERNMENT.~~

12 ~~(K) BI ANNUAL REPORT.~~

13 ~~—— (1) BEGINNING ON JULY 1, 2020 AND EVERY TWO YEARS THEREAFTER, THE~~
14 ~~COUNTY ADMINISTRATIVE OFFICER, IN CONSULTATION WITH THE DIRECTORS OF~~
15 ~~THE OFFICE OF BUDGET AND FINANCE, DEPARTMENT OF PUBLIC WORKS,~~
16 ~~DEPARTMENT OF PERMITS, APPROVALS AND INSPECTIONS, AND DEPARTMENT OF~~
17 ~~PLANNING, SHALL PROVIDE AN ANNUAL REPORT TO THE COUNTY COUNCIL OF:~~

18 ~~—— (I) THE AMOUNT OF DEVELOPMENT FEES ASSESSED AND COLLECTED~~
19 ~~BY DEVELOPMENT IMPACT FEE DISTRICT; AND~~

20 ~~—— (II) THE AMOUNT OF REFUNDS, SUPPLEMENTAL FEES, AND REBATES~~
21 ~~GIVEN OR COLLECTED.~~

22 ~~—— (2) THE REPORT SHALL INCLUDE:~~

1 ~~————— (I) THE NAME OF EACH DEVELOPMENT PROJECT;~~
2 ~~————— (II) THE ADDRESS AND COUNCILMANIC DISTRICT AND~~
3 ~~DEVELOPMENT FEE DISTRICT IN WHICH THE PROJECT IS LOCATED;~~
4 ~~————— (III) THE NUMBER AND TYPE OF DEVELOPMENT UNITS TO BE~~
5 ~~CONSTRUCTED;~~
6 ~~————— (IV) THE AMOUNT OF FEE COLLECTED FOR SUCH PROJECTS; AND~~
7 ~~————— (VI) AN ACCOUNTING OF REVENUES FOR EACH COUNCILMANIC~~
8 ~~DISTRICT AND DEVELOPMENT IMPACT FEE DISTRICT AND CORRESPONDING~~
9 ~~APPROPRIATIONS.~~
10 ~~———— (3) THE BI ANNUAL REPORT MAY ALSO INCLUDE ANY OR ALL OF THE~~
11 ~~FOLLOWING:~~
12 ~~————— (I) RECOMMENDATIONS FOR AMENDMENTS, IF APPROPRIATE, TO~~
13 ~~THIS SECTION IN ORDER TO IMPROVE THE DEVELOPMENT IMPACT FEES PROGRAM~~
14 ~~IN THE COUNTY;~~
15 ~~————— (II) PROPOSED CHANGES TO THE COUNTY’S CAPITAL~~
16 ~~IMPROVEMENTS PROGRAM, INCLUDING THE IDENTIFICATION OF ADDITIONAL~~
17 ~~PUBLIC FACILITY PROJECTS ANTICIPATED TO BE FUNDED WHOLLY OR~~
18 ~~PARTIALLY WITH DEVELOPMENT IMPACT FEES;~~
19 ~~————— (III) PROPOSED CHANGES TO THE BOUNDARIES OF DEVELOPMENT~~
20 ~~IMPACT FEE DISTRICTS, IF APPLICABLE;~~
21 ~~————— (IV) PROPOSED CHANGES TO THE AMOUNT OF THE DEVELOPMENT~~
22 ~~IMPACT FEE;~~

1 ~~————— (V) PROPOSED CHANGES TO THE CALCULATION OF THE~~
2 ~~DEVELOPMENT IMPACT FEE; AND~~

3 ~~————— (VI) ANY OTHER DATA, ANALYSIS OR RECOMMENDATIONS RELATED~~
4 ~~TO THE DEVELOPMENT IMPACT FEE PROGRAM.~~

5 ~~————— (4) THE REPORT SHALL BE POSTED ON THE COUNTY COUNCIL INTERNET~~
6 ~~WEBSITE.~~

7
8 ~~———— SECTION 2. AND BE IT FURTHER ENACTED, that this Act, having been passed by~~
9 ~~the affirmative vote of five members of the County Council, shall take effect on June 5, 2019.~~

10
11 Article 10. Finance.

12
13 § 10-16-101.

14 THERE IS A NONLAPSING DEVELOPEMENT IMPACT SURCHARGE FUND.

15
16 § 10-16-102.

17 THE FUND MAY ONLY BE USED FOR PAYMENT FOR PUBLIC WORKS AND
18 SCHOOL CONSTRUCTION PROJECTS.

19
20 § 10-16-103.

1 (A) THE FUND SHALL BE FINANCED FROM THE DEVELOPMENT IMPACT
2 SURCHARGE PROVIDED FOR UNDER ARTICLE 11, TITLE 4, SUBTITLE 3 OF THE
3 CODE.

4 (B) MONIES PROVIDED TO THE FUND SHALL BE TREATED AS A GRANT TO
5 THE FUND.

6 (C) THE FUND SHALL BE CHARGED FOR THE REASONABLE EXPENSES OF
7 ADMINISTERING THE PROVISIONS OF THIS TITLE.

8
9 § 10-16-104.

10 (A) THE DIRECTOR OF BUDGET AND FINANCE SHALL HAVE CUSTODY OF
11 AND ACCOUNT FOR THE FUND ACCORDING TO ACCEPTED PRINCIPLES OF SOUND
12 ACCOUNTING AND FISCAL MANAGEMENT.

13 (B) THE DIRECTOR OF BUDGET AND FINANCE SHALL COLLECT THE
14 DEVELOPMENT IMPACT SURCHARGE AND SHALL MAINTAIN RECORDS IN
15 ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

16 (C) THE DIRECTORS OF BUDGET AND FINANCE AND PUBLIC WORKS SHALL
17 JOINTLY AUTHORIZE ANY PAYMENTS BY OR CHARGES AGAINST THE FUND.

18 (D) BY FEBRUARY 1 OF EACH YEAR, THE DIRECTORS OF BUDGET AND
19 FINANCE AND PUBLIC WORKS SHALL JOINTLY PROVIDE THE SECRETARY OF THE
20 COUNTY COUNCIL AND EACH MEMBER OF THE COUNTY COUNCIL WITH A
21 REPORT COVERING THE PRECEDING CALENDAR YEAR THAT INCLUDES:

1 (1) THE AMOUNT OF MONEY COLLECTED UNDER THE
2 DEVELOPMENT IMPACT SURCHARGE;

3 (2) THE AMOUNT THAT HAS BEEN SPENT AS REQUIRED UNDER THIS
4 TITLE; AND

5 (3) A DESCRIPTION OF THE PROJECTS UNDERTAKEN AND
6 LOCATIONS WHERE THEY WERE UNDERTAKEN.

7
8 Article 11. Taxation.

9
10 § 11-4-301.

11 IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
12 INDICATED.

13 (A) "APPLICANT" MEANS THE INDIVIDUAL, PARTNERSHIP, CORPORATION,
14 OR LEGAL ENTITY WHOSE SIGNATURE APPEARS ON A BUILDING PERMIT
15 APPLICATION.

16 (B) "BUILDING" HAS THE MEANING STATED IN § 32-4-101 OF THE CODE.

17 (C) "CAPITAL IMPROVEMENT" HAS THE MEANING STATED IN § 10-2-101 OF
18 THE CODE.

19 (D) "CONSTRUCTION" MEANS CONSTRUCTION OR ALTERATION OF A
20 BUILDING OR A PART OF A BUILDING THAT REQUIRES A BUILDING PERMIT.

21 (E) "DEVELOPMENT IMPACT SURCHARGE" MEANS THE TAX IMPOSED
22 UNDER THIS SUBTITLE.

1 (F) "DIRECTOR" MEANS THE DIRECTOR OF PERMITS, APPROVALS, AND
2 INSPECTIONS, UNLESS OTHERWISE STATED WITHIN A PARAGRAPH.

3 (G) "FARM USE" MEANS THE RAISING OF FARM PRODUCTS FOR USE OR
4 SALE, INCLUDING ANIMAL OR POULTRY HUSBANDRY, ANIMAL HUSBANDRY
5 FACILITIES, AQUACULTURE AND GROWING OF CROPS INCLUDING GRAIN,
6 VEGETABLES, FRUIT, GRASS FOR PASTURE OR SOD TREES, SHRUBS, FLOWERS
7 AND SIMILAR PRODUCTS OF THE SOIL.

8 (H) "GROSS LEASABLE AREA" HAS THE MEANING SITED IN SECTION 101.1
9 OF THE BALTIMORE COUNTY ZONING REGULATIONS.

10 (I) "GROSS SQUARE FOOTAGE" MEANS THE GROSS FLOOR AREA OF A
11 BUILDING AS DEFINED BY SECTION 101.1 OF THE BALTIMORE COUNTY ZONING
12 REGULATIONS.

13 (J) "MIXED-USE BUILDING" MEANS THE USE OF A BUILDING OR PART OF A
14 BUILDING, BUT NOT A SEPARATED OCCUPANCY, HAVING ANY COMBINATION OF
15 RESIDENTIAL USE OR NONRESIDENTIAL USE. NOT WITHSTANDING ANY
16 REGULATIONS TO THE CONTRARY, A MIXED-USE BUILDING SHALL
17 CONSTITUTE A COMMERCIAL BUILDING FOR PURPOSES OF CALCULATING
18 BUILDING SETBACKS.

19 (K) (1) "NEW CONSTRUCTION" MEANS CONSTRUCTION OF A NEW
20 BUILDING THAT REQUIRES A BUILDING PERMIT.

21 (2) "NEW CONSTRUCTION" DOES NOT INCLUDE:

1 (I) FOR A RESIDENTIAL BUILDING WHERE THE CONSTRUCTION
2 INVOLVES:

3 1. REPLACEMENT OF A BUILDING DUE TO CASUALTY,
4 LOSS, OR DEMOLITION WITHIN THREE YEARS AFTER THAT CASUALTY, LOSS OR
5 DEMOLITION; OR

6 2. REPLACEMENT OF A MOBILE HOME ON SITE; OR

7 (II) FOR A NONRESIDENTIAL BUILDING, REPLACEMENT OF A
8 BUILDING READY FOR OCCUPANCY EXCEPT TO THE EXTENT THAT THE GROSS
9 SQUARE FOOTAGE OF THE REPLACEMENT BUILDING EXCEEDS THE GROSS
10 SQUARE FOOTAGE OF THE BUILDING BEING REPLACED.

11 (L) "NONRESIDENTIAL" MEANS THE USE OF A BUILDING FOR PURPOSES
12 OTHER THAN LIVING OR PERMANENT HABITATION.

13 (M) "NONRESIDENTIAL FARM CONSTRUCTION" MEANS NONRESIDENTIAL
14 CONSTRUCTION, OR ANY NONRESIDENTIAL PART OF A CONSTRUCTION PROJECT,
15 INTENDED TO BE ACTIVELY USED FOR COMMERCIAL FARM USE OR
16 AGRICULTURAL ACTIVITY.

17 (N) "OCCUPANCY" MEANS DESIGNED FOR HUMAN OCCUPANCY IN WHICH
18 INDIVIDUALS MAY LIVE, WORK, OR CONGREGATE FOR AMUSEMENT,
19 EDUCATIONAL OR SIMILAR PURPOSES AND WHICH IS EQUIPPED WITH MEANS OF
20 EGRESS, LIGHT AND VENTILATION FACILITIES.

21 (O) "SEPARATED OCCUPANCY" MEANS A DISCRETE PART OF A BUILDING
22 HAVING A PRINCIPAL USE THAT IS DISTINCT FROM OTHER USES IN THE SAME

1 BUILDING, INCLUDING A STORE IN A MALL OR AN OFFICE IN A MULTI-UNIT
2 OFFICE BUILDING.

3
4 § 11-4-302.

5 (A) IN ACCORDANCE WITH § 11-1-102 OF THIS ARTICLE, THERE IS LEVIED
6 AND IMPOSED A TAX KNOWN AS THE DEVELOPMENT IMPACT SURCHARGE ON
7 ALL NEW NONRESIDENTIAL CONSTRUCTION IN THE COUNTY AS SPECIFIED
8 FURTHER HEREIN.

9 (B)(1) THE DEVELOPMENT IMPACT SURCHARGE SHALL APPLY TO ALL
10 NONRESIDENTIAL NEW CONSTRUCTION THAT HAS BEEN INITIATED ON OR
11 AFTER JULY 1, 2020.

12 (2) FOR PURPOSES OF THIS SUBSECTION, NEW NONRESIDENTIAL
13 CONSTRUCTION SHALL BE DEEMED INITIATED AND SUBJECT TO THE
14 DEVELOPMENT IMPACT SURCHARGE:

15 (I) WHEN ANY LIMITED EXEMPTION IS GRANTED BY THE
16 DEVELOPMENT REVIEW COMMITTEE UNDER § 32-4-106 OF THE CODE;

17 (II) FOR DEVELOPMENT WITHOUT A LIMITED EXEMPTION, A
18 MIXED-USE DEVELOPMENT UPON SUBMISSION OF A CONCEPT PLAN TO THE
19 COUNTY; AND

20 (III) FOR A PLANNED UNIT DEVELOPMENT, WHEN AN
21 APPLICATION IS SUBMITTED TO THE COUNTY COUNCIL MEMBER IN WHOSE

1 DISTRICT THE PLANNED UNIT DEVELOPMENT IS TO BE LOCATED IN
2 ACCORDANCE WITH § 32-4-242 OF THE CODE.

3
4 § 11-4-303.

5 THE DEVELOPMENT IMPACT SURCHARGE SHALL NOT APPLY TO:

6 (A) NONRESIDENTIAL FARM CONSTRUCTION SO LONG AS THE
7 CONSTRUCTION CONTINUES TO BE ACTIVELY USED FOR FARM USE. IF THE
8 CONSTRUCTION IS USED FOR SOME PURPOSE OTHER THAN ACTIVE FARM USE,
9 THE DEVELOPMENT IMPACT SURCHARGE SHALL BE REMITTED TO THE
10 DIRECTOR AT THE THEN EXISTING AMOUNT OF THE DEVELOPMENT IMPACT
11 SURCHARGE.

12 (B) CONSTRUCTION BY THE COUNTY, THE BALTIMORE COUNTY BOARD OF
13 EDUCATION, THE COMMUNITY COLLEGE OF BALTIMORE COUNTY, THE STATE OF
14 MARYLAND, OR THE FEDERAL GOVERNMENT.

15 (C) BUILDINGS OWNED BY CORPORATE ENTITIES ORGANIZED AND
16 OPERATED EXCLUSIVELY FOR RELIGIOUS PURPOSES WITHIN THE MEANING OF
17 26 U.S.C. § 501 AND USED PRIMARILY FOR RELIGIOUS PURPOSES.

18 (D) CONSTRUCTION THAT OCCURS ON PROPERTY LOCATED IN WHOLE OR
19 IN PART IN:

20 (1) AN ENTERPRISE ZONE AS DEFINED IN § 5-701 OF THE ECONOMIC
21 DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

1 (2) A BALTIMORE COUNTY COMMERCIAL REVITALIZATION
2 DISTRICT; OR

3 (3) A MARYLAND OPPORTUNITY ZONE.

4 (E) PRIVATE PRIMARY AND SECONDARY EDUCATION SCHOOLS, PRIVATE
5 NON-PROFIT UNIVERSITIES, PRIVATE NON-PROFIT COLLEGES, AND PUBLIC OR
6 PRIVATE NON-PROFIT HOSPITALS.

7 (F) STATE-DESIGNATED TRANSIT ORIENTED DEVELOPMENTS.

8 (G) PROPERTIES AND FACILITIES, PUBLIC OR PRIVATE, ELIGIBLE TO BE
9 CONSIDERED AS STATE HOSPITAL REDEVELOPMENT UNDER THE MD ECONOMIC
10 DEVELOPMENT CODE (2017 REVISION), TITLE 12 LOCAL DEVELOPMENT
11 AUTHORITIES & RESOURCES, SUBTITLE 2 TAX INCREMENT FINANCING ACT,
12 SECTION 201 DEFINITIONS, ITEM (Q) STATE HOSPITAL REDEVELOPMENT,
13 SUBITEMS (1) (I) AND (II).

14
15 § 11-4-304

16 (A) THE AMOUNT OF THE DEVELOPMENT IMPACT SURCHARGE TO BE PAID
17 BY THE APPLICANT SHALL BE DETERMINED BY THE DIRECTOR BASED ON THE
18 SCHEDULE OF RATES IN SUBSECTION (C) OF THIS SECTION, AND OTHER
19 SUBSECTIONS HEREIN AS APPLICABLE.

20 (B) AN APPLICANT AGGRIEVED BY A DECISION OF THE DIRECTOR
21 REGARDING THE CALCULATION OF THE AMOUNT OF THE DEVELOPMENT
22 IMPACT SURCHARGE MAY APPEAL THE DECISION TO THE OFFICE OF

1 ADMINISTRATIVE HEARINGS WITHIN 30 DAYS AFTER THE DIRECTOR'S DECISION,

2 PROVIDED THAT:

3 (1) THE ISSUANCE OF THE USE AND OCCUPANCY PERMIT IS STAYED
4 PENDING THE DECISION OF THE ADMINISTRATIVE LAW JUDGE; OR

5 (2) THE APPLICANT PAYS THE DEVELOPMENT IMPACT SURCHARGE
6 BEFORE FILING THE APPEAL.

7 (C) THE NONRESIDENTIAL DEVELOPMENT IMPACT SURCHARGE RATES
8 SHALL BE IMPOSED AS FOLLOWS:

9		
10	<u>MULTI-FAMILY – RENTAL</u>	<u>\$1.50 PER SQUARE FOOT</u>
11	<u>COMMERCIAL</u>	<u>\$1.00 PER SQUARE FOOT</u>
12	<u>MIXED-USE</u>	<u>\$1.00 PER SQUARE FOOT</u>
13	<u>OFFICE</u>	<u>\$1.00 PER SQUARE FOOT</u>
14	<u>INDUSTRIAL</u>	<u>\$0.80 PER SQUARE FOOT</u>
15		

16 (D) THE DIRECTOR SHALL REVIEW THE SCHEDULE OF RATES FOR THE
17 DEVELOPMENT IMPACT SURCHARGE EVERY FOUR YEARS CONCURRENTLY WITH
18 THE COMPREHENSIVE ZONING MAPPING PROCESS AND, AFTER CONSULTATION
19 WITH THE OFFICE OF BUDGET AND FINANCE AND THE DEPARTMENT OF
20 PLANNING, SHALL RECOMMEND TO THE COUNTY COUNCIL BY THE DATE OF
21 SUBMISSION FOR THE ANNUAL BUDGET AND APPROPRIATION ORDINANCE

1 WHETHER OR NOT TO MODIFY THE SCHEDULE FOR THE NEXT FISCAL YEAR
2 BASED ON NEW DATA OR TECHNICAL INFORMATION.

3 (E)(1)(I) UPON APPLICATION, THE DIRECTOR MAY RECOMMEND FOR
4 APPROVAL BY THE COUNTY ADMINISTRATIVE OFFICER A CREDIT AGAINST THE
5 DEVELOPMENT IMPACT SURCHARGE FOR PROVIDING TRANSPORTATION OR
6 SEWER CAPACITY OVER AND ABOVE THE REQUIREMENTS OF ARTICLE 32, TITLE
7 6 OF THE CODE.

8 (II) THE DIRECTOR MAY SET REQUIREMENTS FOR THE
9 APPLICATION, INCLUDING BUT NOT LIMITED TO THE FORM OF THE APPLICATION
10 AND TIME TO SUBMIT THE APPLICATION.

11 (III) UPON APPROVAL, THE CREDIT PROVIDED UNDER THIS
12 PARAGRAPH SHALL BE EQUAL TO THE AMOUNT SPENT BY THE APPLICANT ON
13 THE PROVISION OF THE TRANSPORTATION OR SEWER CAPACITY ADDED.

14 (IV) THE DIRECTOR MAY NOT GRANT A CREDIT FOR ON-SITE-
15 RELATED TRANSPORTATION OR SEWER IMPROVEMENTS.

16 (2)(I) UPON APPLICATION, THE DIRECTOR MAY RECOMMEND FOR
17 APPROVAL BY THE COUNTY ADMINISTRATIVE OFFICER A CREDIT AGAINST THE
18 DEVELOPMENT IMPACT SURCHARGE FOR PROVIDING CAPITAL IMPROVEMENTS
19 TO CREATE ADDITIONAL PUBLIC SCHOOL CAPACITY, OR IMPROVEMENTS TO
20 THE EXISTING FACILITIES, INCLUDING FIELDS.

1 (II) THE DIRECTOR MAY SET REQUIREMENTS FOR THE
2 APPLICATION, INCLUDING BUT NOT LIMITED TO THE FORM OF THE APPLICATION
3 AND TIME TO SUBMIT THE APPLICATION.

4 (III) THE CREDIT PROVIDED UNDER THIS PARAGRAPH SHALL
5 BE EQUAL TO THE AMOUNT SPENT BY THE APPLICANT ON THE PROVISION OF
6 THE SCHOOL CAPACITY ADDED, WHICH SHALL BE INDEPENDENTLY
7 CALCULATED.

8 (IV) THE DIRECTOR MAY NOT GRANT A CREDIT FOR CAPITAL
9 IMPROVEMENTS REQUIRED TO MEET EXISTING PUBLIC SCHOOL CAPACITY
10 DEFICIENCIES.

11 (3)(I) CREDITS GRANTED UNDER THIS SUBSECTION ARE NOT
12 TRANSFERABLE OR ASSIGNABLE.

13 (II) UNUSED OR UNCLAIMED CREDITS MAY NOT BE
14 REFUNDED.

15 (4) THE CREDIT GRANTED UNDER THIS SUBSECTION MAY NOT BE
16 GREATER THAN THE AMOUNT OF THE DEVELOPMENT IMPACT SURCHARGE.

17 (F) THE COUNTY MAY ACCEPT A CONVEYANCE OF LAND, THE VALUE OF
18 WHICH SHALL BE DETERMINED BY THE COUNTY, AS A CREDIT AGAINST THE
19 DEVELOPMENT IMPACT SURCHARGE AS FOLLOWS:

20 (1) THE LAND CONVEYED MEETS A MINIMUM THRESHOLD OF
21 ACRAGE THAT SHALL BE REVIEWED IN THE SAME MANNER AND AT THE SAME
22 TIME AS THE SCHEDULE OF RATES FOR THE DEVELOPMENT IMPACT SURCHARGE

1 AND SHALL, UNTIL THE FIRST SUCH REVIEW, BE SET AT TWELVE (12) ACRES,
2 UNLESS EXPRESSLY WAIVED BY THE COUNTY IN WRITING;

3 (2) THE LAND IS LOCATED ON-SITE OF THE PROPERTY BEING
4 DEVELOPED;

5 (3) THE PROPERTY TO BE DEDICATED IS NOT ENVIRONMENTALLY
6 CONSTRAINED;

7 (4) THE PROPERTY TO BE DEDICATED IS ACCEPTABLE TO THE
8 COUNTY COUNCIL;

9 (5) THE CONVEYANCE IS COMPLETE NO LATER THAN WHEN THE
10 DEVELOPMENT IMPACT SURCHARGE MUST BE PAID; AND

11 (6) THE AMOUNT OF CREDIT FOR AN APPLICANT MAY RECEIVE FOR
12 A CONVEYANCE OF LAND SHALL BE DETERMINED BY THE COUNTY WITHIN A
13 REASONABLE AMOUNT OF TIME AFTER THE AMOUNT OF DEVELOPMENT IMPACT
14 SURCHARGE IS SET AND, IF SUCH CREDIT DOES NOT COMPLETELY COVER THE
15 ASSESSED DEVELOPMENT IMPACT SURCHARGE, SHALL PROMPTLY NOTIFY THE
16 APPLICANT OF THE REMAINING BALANCE DUE.

17
18 § 11-4-305.

19 (A) AN APPLICANT SHALL PAY THE DEVELOPMENT IMPACT SURCHARGE
20 AT ANY TIME AFTER THE ISSUANCE OF A BUILDING PERMIT BUT NO LATER
21 THAN THE ISSUANCE OF A USE AND OCCUPANCY PERMIT.

1 (B) THE PAYMENT SHALL BE SUBMITTED TO THE DIRECTOR ALONG WITH
2 ANY FORM AND ANY INFORMATION REQUIRED BY THE DIRECTOR.

3 (C)(1) THE DIRECTOR SHALL REFUND TO THE APPLICANT THE
4 DEVELOPMENT IMPACT SURCHARGE PAID IF THE BUILDING PERMIT IS
5 DISAPPROVED, CANCELED OR EXPIRES.

6 (2) IF, ON APPEAL BY AN APPLICANT WHO HAS PAID THE
7 DEVELOPMENT IMPACT SURCHARGE, A FINAL NONAPPEALABLE DECISION HAS
8 FOUND THAT THE DIRECTOR HAS ERRED IN CALCULATING THE DEVELOPMENT
9 IMPACT SURCHARGE, THE DIRECTOR SHALL REFUND TO THE APPLICANT THE
10 DIFFERENCE BETWEEN THE AMOUNT OF THE DEVELOPMENT IMPACT
11 SURCHARGE PAID BY THE APPLICANT AND THE CORRECT AMOUNT.

12 (D) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO CHANGE OR
13 SUPERSEDE ANY OTHER REQUIREMENT OF COUNTY, STATE OR FEDERAL LAW
14 THAT MAY APPLY TO THE DEVELOPMENT, INCLUDING COUNTY ZONING LAW
15 AND THE DEVELOPMENT REGULATIONS THAT MAY IMPOSE ON-SITE AND OFF-
16 SITE INFRASTRUCTURE OR OTHER CAPITAL IMPROVEMENT REQUIREMENTS.

17 (E) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO LIMIT THE
18 COUNTY'S AUTHORITY TO ENTER INTO DEVELOPMENT AGREEMENTS WITH
19 APPLICANTS FOR NEW OR EXPANDED DEVELOPMENTS THAT PROVIDE FOR A
20 DEDICATION OF LAND, PAYMENTS IN LIEU OF TAXES OR FEES, OR ACTUAL
21 INFRASTRUCTURE IMPROVEMENTS.

1 (F) UNPAID DEVELOPMENT IMPACT SURCHARGES ARE A LIEN AGAINST
2 THE REAL PROPERTY FOR WHICH THE BUILDING PERMIT IS ISSUED AND SHALL
3 BE LEVIED, COLLECTED AND ENFORCED IN THE SAME MANNER AS COUNTY
4 REAL PROPERTY TAXES AND SHALL HAVE THE SAME PRIORITY AND BEAR THE
5 SAME INTEREST AND PENALTIES AS COUNTY REAL PROPERTY TAXES FOR LIEN
6 PURPOSES.

7
8 Article 32 – Planning, Zoning, and Subdivision control

9 Title 6 – Adequate Public Facilities

10
11 § 32-6-111. - DEVELOPMENT IMPACT FEE.

12
13 (A) PURPOSE AND SCOPE.

14 (1) THIS SECTION IS ADOPTED FOR THE PURPOSE OF PROMOTING THE
15 HEALTH, SAFETY, AND GENERAL WELFARE OF THE RESIDENTS OF THE COUNTY
16 BY REQUIRING NEW RESIDENTIAL DEVELOPMENT TO PAY ITS PROPORTIONATE
17 FAIR SHARE OF THE COSTS FOR LAND, CAPITAL FACILITIES, AND OTHER
18 EXPENSES NECESSARY TO ACCOMMODATE DEVELOPMENT IMPACTS ON
19 INFRASTRUCTURE AND PUBLIC SCHOOL AND PUBLIC SAFETY FACILITIES.

20 (2) NOTHING IN THIS SECTION SHALL AFFECT, IN ANY MANNER, THE
21 PERMISSIBLE USE OF PROPERTY, DENSITY, INTENSITY OF DEVELOPMENT,
22 DESIGN AND IMPROVEMENT STANDARDS OR OTHER APPLICABLE STANDARDS

1 OR REQUIREMENTS SET FORTH IN DEVELOPMENT POLICIES, LAWS AND
2 REGULATIONS OF THE COUNTY WHERE APPLICABLE.

3 (3) NO ACTION TAKEN OR PAYMENT MADE UNDER THIS SECTION SHALL
4 ELIMINATE ANY AUTHORITY TO APPLY ANY TEST CONCERNING THE ADEQUACY
5 OF PUBLIC FACILITIES UNDER THE COUNTY'S ADEQUATE PUBLIC FACILITIES
6 ORDINANCE.

7
8 (B) DEFINITIONS. IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE
9 MEANINGS INDICATED:

10 (1) "APPLICANT" MEANS THE INDIVIDUAL, PARTNERSHIP, CORPORATION,
11 OR LEGAL ENTITY WHOSE SIGNATURE APPEARS ON A BUILDING PERMIT
12 APPLICATION.

13 (2) "BUILDING" HAS THE MEANING STATED IN § 32-4-101 OF THE CODE.

14 (3) "DEVELOPMENT" HAS THE MEANING STATED IN § 32-4-101(P) OF THE
15 CODE. DEVELOPMENT MAY ALSO INCLUDE, BUT NOT BE LIMITED TO, DUMPING,
16 EXTRACTION, DREDGING, GRADING, PAVING, STORAGE OF MATERIALS OR
17 EQUIPMENT, LAND EXCAVATION, LAND CLEARING, LAND IMPROVEMENT,
18 LANDFILL OPERATION, OR ANY COMBINATION THEREOF, AND ANY CHANGE IN
19 THE USE OF A BUILDING FOR WHICH A BUILDING PERMIT IS REQUIRED BY LAW.

20 (4) "DEVELOPMENT IMPACT FEE" MEANS A FEE ADOPTED BY THE COUNTY
21 WHICH IS IMPOSED ON A PRO RATA BASIS IN CONNECTION WITH THE SALE OF
22 NEW RESIDENTIAL DEVELOPMENT PRIOR TO THE ISSUANCE OF A USE AND

1 OCCUPANCY PERMIT, AND WHICH IS CALCULATED TO DEFRAY ALL OR A
2 PORTION OF THE COSTS OF THE PUBLIC FACILITIES REQUIRED TO
3 ACCOMMODATE NEW DEVELOPMENT AT COUNTY-DESIGNATED LEVEL OF
4 SERVICE (LOS) STANDARDS AND WHICH REASONABLY BENEFITS THE NEW
5 DEVELOPMENT. IT MAY ALSO BE REFERRED TO AS AN IMPACT FEE.

6 (5) “GROSS SALES PRICE” MEANS THE SALES PRICE IDENTIFIED IN
7 SECTION K, LINE 1 OF THE CLOSING DISCLOSURE AT SETTLEMENT OR LINE 101
8 OF THE HUD-1 OR THEIR EQUIVALENT, WHICH MAY BE IDENTIFIED BY THE
9 DIRECTOR SO LONG AS THE LINE OR AMOUNT IS INTENDED TO BE OR
10 REPRESENT THE GROSS SALES PRICE.

11 (6) “NEW CONSTRUCTION” MEANS CONSTRUCTION OF A NEW BUILDING
12 WHICH REQUIRES A BUILDING PERMIT. NEW CONSTRUCTION DOES NOT
13 INCLUDE IF THE BUILDING REPLACES AN EXISTING BUILDING, REPLACEMENT OF
14 A BUILDING DUE TO CASUALTY OR LOSS WITHIN THREE YEARS OF THAT
15 CASUALTY OR LOSS, OR REPLACEMENT OF A MOBILE HOME ON A SITE, EXCEPT
16 TO THE EXTENT THE GROSS SQUARE FOOTAGE OF THE REPLACEMENT BUILDING
17 OR REPLACEMENT MOBILE HOME EXCEEDS THE GROSS SQUARE FOOTAGE OF
18 THE BUILDING OR MOBILE HOME BEING REPLACED.

19 (7) “OCCUPIABLE” MEANS SPACE THAT IS:

20 (I) DESIGNED FOR HUMAN OCCUPANCY IN WHICH INDIVIDUALS
21 MAY LIVE, WORK, OR CONGREGATE FOR AMUSEMENT; AND

22 (II) EQUIPPED WITH MEANS OF EGRESS, LIGHT, AND VENTILATION.

1 (8) “RESIDENTIAL” MEANS A BUILDING THAT CONTAINS ONE OR MORE
2 DWELLING UNITS AND INCLUDES A BOARDING HOUSE.

3 (I) RESIDENTIAL INCLUDES ALL AREAS THAT ARE CONTAINED
4 WITHIN A RESIDENTIAL BUILDING, INCLUDING AN ATTACHED GARAGE OR AREA
5 FOR HOME OCCUPATIONS.

6 (II) RESIDENTIAL DOES NOT INCLUDE:

7 1. TRANSIENT ACCOMMODATIONS, INCLUDING A HOTEL,
8 COUNTRY INN, OR BED AND BREAKFAST INN;

9 2. NONRESIDENTIAL USES IN A MIXED-USE STRUCTURE; OR

10 3. DETACHED ACCESSORY BUILDINGS, INCLUDING A
11 DETACHED GARAGE OR SHED OR OTHER ACCESSORY STRUCTURE THAT DOES
12 NOT CONTAIN LIVING QUARTERS.

13
14 (C) FEE IMPOSED; AMOUNT.

15 (1) THERE IS IMPOSED A DEVELOPMENT IMPACT FEE IN BALTIMORE
16 COUNTY.

17 (2) THE COUNTY SHALL IMPOSE A DEVELOPMENT IMPACT FEE ON
18 RESIDENTIAL NEW CONSTRUCTION IN THE COUNTY, AS SPECIFIED FURTHER
19 HEREIN.

20 (3) A DEVELOPMENT IMPACT FEE ON RESIDENTIAL NEW CONSTRUCTION
21 SHALL BE CALCULATED AS FOLLOWS:

1	<u>SINGLE-FAMILY DETACHED</u>	<u>1.5% OF GROSS SALES PRICE</u>
2	<u>SINGLE-FAMILY SEMI-DETACHED</u>	<u>1.5% OF GROSS SALES PRICE</u>
3	<u>SINGLE-FAMILY ATTACHED</u>	<u>1.5% OF GROSS SALES PRICE</u>
4	<u>MULTI-FAMILY – FOR SALE CONDOMINIUM</u>	<u>1.5% OF GROSS SALES PRICE</u>

5

6 (4) THE DIRECTOR OF PERMITS, APPROVALS AND INSPECTIONS SHALL
7 REVIEW THE SCHEDULE OF RATES FOR THE DEVELOPMENT IMPACT FEE EVERY
8 FOUR YEARS CONCURRENTLY WITH THE COMPREHENSIVE ZONING MAPPING
9 PROCESS AND, AFTER CONSULTATION WITH THE OFFICE OF BUDGET AND
10 FINANCE AND THE DEPARTMENT OF PLANNING, SHALL RECOMMEND TO THE
11 COUNTY COUNCIL BY THE DATE OF SUBMISSION FOR THE ANNUAL BUDGET
12 AND APPROPRIATION ORDINANCE WHETHER OR NOT TO MODIFY THE SCHEDULE
13 FOR THE NEXT FISCAL YEAR BASED ON NEW DATA OR TECHNICAL
14 INFORMATION.

15

16 (D) PAYMENT AND COLLECTION OF THE FEE.

17 (1) THE APPLICANT SHALL PAY THE DEVELOPMENT IMPACT FEE AT THE
18 TIME OF SETTLEMENT IF THERE WILL BE A WRITTEN INSTRUMENT THAT
19 CONVEYS TITLE TO, OR A LEASEHOLD INTEREST IN, REAL PROPERTY;
20 OTHERWISE, PRIOR TO THE ISSUANCE OF A USE AND OCCUPANCY PERMIT,
21 WHICH MAY NOT BE ISSUED PRIOR TO PAYMENT IF REQUIRED AT THAT TIME.

1 THE FEE SHALL BE PAID TO THE DEPARTMENT OF PERMITS, APPROVALS, AND
2 INSPECTIONS.

3 (2) THE PAYMENT OF DEVELOPMENT IMPACT FEES SHALL NOT ENTITLE
4 THE APPLICANT TO A USE AND OCCUPANCY PERMIT UNLESS ALL OTHER
5 APPLICABLE LAND USE, ZONING, PLANNING, ADEQUATE PUBLIC FACILITIES,
6 FOREST RESOURCE, PLATTING, SUBDIVISION OR OTHER RELATED
7 REQUIREMENTS, STANDARDS AND CONDITIONS HAVE BEEN MET. SUCH OTHER
8 REQUIREMENTS, STANDARDS AND CONDITIONS ARE INDEPENDENT OF THE
9 REQUIREMENT FOR PAYMENT OF A DEVELOPMENT IMPACT FEE.

10
11 (E) REVENUE AND APPROPRIATION.

12 (1) REVENUE COLLECTED UNDER THIS SECTFION SHALL BE DEPOSITED IN
13 A SEPARATE DEVELOPMENT IMPACT FEE ACCOUNT AND IS INTENDED TO
14 SUPPLEMENT FUNDING FOR INFRASTRUCTURE AND OTHER PUBLIC FACILITIES
15 AND MAY NOT SUPPLANT OTHER COUNTY OR STATE FUNDING FOR SUCH
16 FACILITIES.

17 (2) ALL FUNDS COLLECTED FROM DEVELOPMENT IMPACT FEES SHALL BE
18 USED FOR CAPITAL IMPROVEMENTS FOR EXPANSION OF THE CAPACITY OF
19 PUBLIC SCHOOLS, ROADS, AND PUBLIC SAFETY FACILITIES INCLUDING BUT NOT
20 LIMITED TO SITE ACQUISITION OR IMPROVEMENTS, PLANNING, DESIGN, OR
21 ENGINEERING AND CONSTRUCTION, OR DEBT SERVICE ON BONDS ISSUED FOR
22 SUCH IMPROVEMENTS.

1 (I) EXPANSION OF THE CAPACITY OF A ROAD INCLUDES
2 EXTENSIONS, WIDENING, INTERSECTION IMPROVEMENTS, UPGRADING
3 SIGNALIZATION, IMPROVING PAVEMENT CONDITIONS, AND ALL OTHER ROAD
4 AND INTERSECTION CAPACITY ENHANCEMENT.

5 (II) EXPANSION OF THE CAPACITY OF A PUBLIC SCHOOL INCLUDES
6 ALL CONSTRUCTION AND REMODELING TO THE EXTENT THAT THE
7 CONSTRUCTION INCREASES THE CAPACITY OF THE PUBLIC SCHOOLS.

8 (III) EXPANSION OF THE CAPACITY OF PUBLIC SAFETY FACILITIES
9 INCLUDES THE CONSTRUCTION OF NEW OR EXPANDED POLICE STATIONS, FIRE
10 STATIONS, AND HEADQUARTERS BUILDINGS, EXPANSION AND UPGRADING OF
11 COMMUNICATIONS EQUIPMENT, AND NEW ADDITIONS TO THE INVENTORIES OF
12 POLICE PATROL VEHICLES, FIRE FIGHTING VEHICLES, AND PARAMEDIC
13 EMERGENCY VEHICLES.

14
15 (F) DISTRICTS; APPROPRIATION.

16 (1) THE BOUNDARIES OF THE DEVELOPMENT IMPACT FEE DISTRICTS
17 SHALL BE ESTABLISHED AS THE MAPPED BOUNDARIES OF THE SOUTHWEST
18 AREA, NORTHWEST AREA, CENTRAL AREA, NORTHEAST AREA, AND SOUTHEAST
19 AREA ACCORDING TO THE BALTIMORE COUNTY PUBLIC SCHOOLS FACILITIES
20 MAP IN EFFECT FOR THE SCHOOL YEAR.

21 (2) DEVELOPMENT IMPACT FEE FUNDS FOR CAPITAL IMPROVEMENTS
22 SHALL BE APPROPRIATED ONLY IN THE DEVELOPMENT IMPACT FEE DISTRICT

1 WHERE THE DEVELOPMENT OCCURRED AND FROM WHICH THE DEVELOPMENT
2 IMPACT FEE WAS COLLECTED.

3
4 (G) CREDITS.

5 (1) (I) ANY CONVEYANCE OF LAND OR CONSTRUCTION RECEIVED AND
6 ACCEPTED BY THE COUNTY OR THE BOARD OF EDUCATION OF BALTIMORE
7 COUNTY FROM AN APPLICANT, INCLUDING CONSTRUCTION OF A SCHOOL BY AN
8 APPLICANT OR AN APPLICANT'S AGENT PURSUANT TO AN AGREEMENT WITH
9 THE BOARD OF EDUCATION, MAY BE CREDITED AGAINST THE DEVELOPMENT
10 IMPACT FEE DUE IF:

11 (A) THE CONVEYANCE OR CONSTRUCTION MEETS THE SAME
12 NEEDS AS THE DEVELOPMENT IMPACT FEE IN PROVIDING EXPANDED CAPACITY
13 OVER AND ABOVE THE REQUIREMENTS OF THIS TITLE;

14 (B) THE LAND CONVEYED IS LOCATED ON-SITE OF THE
15 PROPERTY BEING DEVELOPED;

16 (C) THE LAND CONVEYED IS NOT ENVIRONMENTALLY
17 CONSTRAINED.

18 (II) IF THE APPLICANT WISHES TO RECEIVE CREDIT AGAINST THE
19 AMOUNT OF THE DEVELOPMENT IMPACT FEE DUE FOR SUCH CONVEYANCE OR
20 CONSTRUCTION, THE APPLICANT SHALL ENTER INTO A WRITTEN IMPACT FEE
21 CREDIT AGREEMENT WITH THE COUNTY PRIOR TO SUCH CONVEYANCE OR
22 CONSTRUCTION. THE IMPACT FEE CREDIT AGREEMENT SHALL PROVIDE FOR

1 ESTABLISHMENT OF CREDITS AND THE PROCEDURE AND TIME ALLOWED FOR
2 REDEMPTION OF SUCH CREDITS.

3 (III) THE VALUE OF LAND CONVEYED BY AN APPLICANT AND
4 ACCEPTED BY THE COUNTY FOR PURPOSES OF THIS SUBSECTION SHALL BE
5 DETERMINED BY AN APPRAISAL BASED ON THE FAIR MARKET VALUE OF THE
6 LAND. THE VALUE OF FACILITIES CONSTRUCTED BY AN APPLICANT AND
7 ACCEPTED BY THE COUNTY FOR PURPOSES OF THIS SUBSECTION SHALL BE
8 ESTABLISHED BY THE COUNTY. CONSTRUCTION OF FACILITIES SHALL BE IN
9 ACCORDANCE WITH COUNTY AND STATE DESIGN STANDARDS AND
10 SPECIFICATIONS.

11 (2) IMPACT FEE CREDITS SHALL BE ALLOWED FOR TRANSPORTATION
12 IMPROVEMENTS PROVIDING TRANSPORTATION CAPACITY OVER AND ABOVE
13 THE ADEQUATE ROAD FACILITIES REQUIREMENTS FOR A DEVELOPMENT
14 PROJECT SET FORTH IN THIS ARTICLE. THE DEVELOPMENT PROVIDING THE
15 CAPITAL IMPROVEMENTS SHALL BE ALLOWED IMPACT FEE CREDITS IN THE
16 AMOUNT PROVIDED IN THE IMPACT FEE CREDIT AGREEMENT. CREDIT MAY NOT
17 BE GIVEN FOR SITE-RELATED TRANSPORTATION IMPROVEMENTS.

18 (3) IN THE EVENT THAT AN APPLICANT PROVIDES CAPITAL
19 IMPROVEMENTS TO CREATE ADDITIONAL SCHOOL CAPACITY, INCLUDING
20 CONSTRUCTION OF A SCHOOL, THE APPLICANT SHALL BE ENTITLED TO A
21 CREDIT IN THE AMOUNT PROVIDED IN THE IMPACT FEE CREDIT AGREEMENT.

1 CREDITS MAY NOT BE GIVEN FOR CAPITAL IMPROVEMENTS NECESSARY TO
2 MEET EXISTING SCHOOL CAPACITY DEFICIENCIES.

3 (4) (I) ANY LAND AWARDED CREDIT UNDER THIS SUBSECTION SHALL
4 BE CONVEYED NO LATER THAN THE TIME AT WHICH DEVELOPMENT IMPACT
5 FEES ARE REQUIRED TO BE PAID.

6 (II) THE PORTION OF THE DEVELOPMENT IMPACT FEE REPRESENTED
7 BY A CREDIT FOR CONSTRUCTION SHALL BE DEEMED PAID WHEN THE
8 CONSTRUCTION IS COMPLETED AND ACCEPTED BY THE COUNTY FOR
9 MAINTENANCE OR WHEN ADEQUATE SECURITY FOR THE COMPLETION OF THE
10 CONSTRUCTION HAS BEEN PROVIDED.

11 (5) A DEVELOPMENT CONTAINING AFFORDABLE HOUSING MAY RECEIVE
12 A CREDIT OF 35 PERCENT OF THE DEVELOPMENT IMPACT FEE IMPOSED FOR
13 EACH AFFORDABLE HOUSING UNIT.

14 (6) IMPACT FEE CREDITS ARE NOT TRANSFERABLE OR ASSIGNABLE
15 UNLESS EXPRESSLY PERMITTED IN AN IMPACT FEE CREDIT AGREEMENT.
16 UNUSED OR UNCLAIMED CREDITS MAY NOT BE REFUNDED.

17
18 (H) EXEMPTIONS.

19 (1) NO DEVELOPMENT IMPACT FEE SHALL BE IMPOSED ON NEW
20 RESIDENTIAL DEVELOPMENT FOR WHICH ANY NON-APPEALABLE APPROVAL
21 HAS BEEN GRANTED PRIOR TO THE EFFECTIVE DATE OF THIS ACT.

1 (2) NO DEVELOPMENT IMPACT FEE SHALL BE IMPOSED ON ANY NEW
2 RESIDENTIAL DEVELOPMENT WHICH DOES NOT ADD A NEW DWELLING UNIT.
3 NO IMPACT FEE SHALL BE IMPOSED FOR ALTERATION OR EXPANSION OF AN
4 EXISTING DWELLING UNIT WHERE NO ADDITIONAL DWELLING UNIT IS
5 CREATED.

6 (3) NO DEVELOPMENT IMPACT FEES SHALL BE IMPOSED ON THE
7 DEVELOPMENT OF PUBLIC FACILITIES BY THE STATE OF MARYLAND, THE
8 COUNTY, OR THE FEDERAL GOVERNMENT.

9 (4) NO DEVELOPMENT IMPACT FEES SHALL BE IMPOSED ON ANY
10 DEVELOPMENT THAT IS SOLEY INTENDED FOR USE AS DORMITORIES.

11 (5) NO DEVELOPMENT IMPACT FEES SHALL BE IMPOSED ON NEW
12 CONSTRUCTION OF NEW MULTI-FAMILY DWELLINGS WHICH ARE CERTIFIED BY
13 THE DEPARTMENT OF PLANNING AS A SENIOR-RESTRICTED COMMUNITY, OR
14 THAT IS OTHERWISE CONSIDERED SENIOR HOUSING FOR RESIDENTS 55 YEARS
15 OLD OR OLDER.

16 (6) RESIDENTIAL DEVELOPMENT THAT OCCURS ON PROPERTY LOCATED
17 IN WHOLE OR IN PART IN:

18 (I) AN ENTERPRISE ZONE AS DEFINED IN § 5-701 OF THE ECONOMIC
19 DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND;

20 (II) A BALTIMORE COUNTY COMMERCIAL REVITALIZATION
21 DISTRICT; OR

22 (III) A MARYLAND OPPORTUNITY ZONE.

1 (7) PRIVATE PRIMARY AND SECONDARY EDUCATION SCHOOLS, PRIVATE
2 NON-PROFIT UNIVERSITIES, PRIVATE NON-PROFIT COLLEGES, AND PUBLIC OR
3 PRIVATE NON-PROFIT HOSPITALS.

4 (8) STATE-DESIGNATED TRANSIT ORIENTED DEVELOPMENTS.

5 (9) RESIDENTIAL DEVELOPMENT ON PROPERTIES AND FACILITIES, PUBLIC
6 OR PRIVATE, ELIGIBLE TO BE CONSIDERED AS STATE HOSPITAL
7 REDEVELOPMENT UNDER THE MD ECONOMIC DEVELOPMENT CODE (2017
8 REVISION), TITLE 12 LOCAL DEVELOPMENT AUTHORITIES & RESOURCES,
9 SUBTITLE 2 TAX INCREMENT FINANCING ACT, SECTION 201 DEFINITIONS, ITEM
10 (Q) STATE HOSPITAL REDEVELOPMENT, SUBITEMS (1) (I) AND (II).

11 (10) RESIDENTIAL DEVELOPMENT OWNED BY CORPORATE ENTITIES
12 ORGANIZED AND OPERATED EXCLUSIVELY FOR RELIGIOUS PURPOSES WITHIN
13 THE MEANING OF 26 U.S.C. § 501 AND USED PRIMARILY FOR RELIGIOUS
14 PURPOSES.

15
16 (I) ANNUAL REPORT.

17 (1) BEGINNING ON JULY 1, 2021 AND ANNUALLY THEREAFTER, THE
18 PLANNING BOARD, IN CONSULTATION WITH THE DIRECTORS OF THE OFFICE OF
19 BUDGET AND FINANCE, DEPARTMENT OF PUBLIC WORKS, DEPARTMENT OF
20 PERMITS, APPROVALS AND INSPECTIONS, AND DEPARTMENT OF PLANNING,
21 SHALL PROVIDE NO LATER THAN APRIL 15, AN ANNUAL REPORT TO THE
22 COUNTY COUNCIL OF:

1 (I) THE AMOUNT OF DEVELOPMENT FEES ASSESSED AND
2 COLLECTED BY DEVELOPMENT IMPACT FEE DISTRICT; AND

3 (II) THE AMOUNT OF CREDITS, EXEMPTIONS, AND REBATES GIVEN
4 OR COLLECTED.

5 (2) THE REPORT SHALL INCLUDE:

6 (I) THE NAME OF EACH DEVELOPMENT PROJECT;

7 (II) THE ADDRESS AND COUNCILMANIC DISTRICT AND
8 DEVELOPMENT FEE DISTRICT IN WHICH THE PROJECT IS LOCATED;

9 (III) THE NUMBER AND TYPE OF DEVELOPMENT UNITS TO BE
10 CONSTRUCTED;

11 (IV) THE AMOUNT OF FEE COLLECTED FOR SUCH PROJECTS; AND

12 (VI) AN ACCOUNTING OF REVENUES FOR EACH COUNCILMANIC
13 DISTRICT AND DEVELOPMENT IMPACT FEE DISTRICT AND CORRESPONDING
14 APPROPRIATIONS.

15 (3) THE ANNUAL REPORT MAY ALSO INCLUDE ANY OR ALL OF THE
16 FOLLOWING:

17 (I) RECOMMENDATIONS FOR AMENDMENTS, IF APPROPRIATE, TO
18 THIS SECTION IN ORDER TO IMPROVE THE DEVELOPMENT IMPACT FEES
19 PROGRAM IN THE COUNTY;

20 (II) PROPOSED CHANGES TO THE COUNTY'S CAPITAL
21 IMPROVEMENTS PROGRAM, INCLUDING THE IDENTIFICATION OF ADDITIONAL

1 PUBLIC FACILITY PROJECTS ANTICIPATED TO BE FUNDED WHOLLY OR
2 PARTIALLY WITH DEVELOPMENT IMPACT FEES;

3 (III) PROPOSED CHANGES TO THE BOUNDARIES OF DEVELOPMENT
4 IMPACT FEE DISTRICTS, IF APPLICABLE;

5 (IV) PROPOSED CHANGES TO THE AMOUNT OF THE DEVELOPMENT
6 IMPACT FEE;

7 (V) PROPOSED CHANGES TO THE CALCULATION OF THE
8 DEVELOPMENT IMPACT FEE; AND

9 (VI) ANY OTHER DATA, ANALYSIS OR RECOMMENDATIONS
10 RELATED TO THE DEVELOPMENT IMPACT FEE PROGRAM.

11 (4) THE REPORT SHALL BE POSTED ON THE PLANNING BOARD PAGE OF
12 THE DEPARTMENT OF PLANNING INTERNET WEBSITE.

13
14 SECTION 2. AND BE IT FURTHER ENACTED, that this Act shall not apply to any
15 development or construction project for which the filing of the following has occurred prior to
16 July 1, 2020: a concept plan; a request for limited exemption or waiver; a development plan and
17 any subsequent amendments thereto; an application for a Planned Unit Development; or an
18 application for a permit..

19
20 SECTION 3. AND BE IT FURTHER ENACTED, that this Act shall have no application
21 to any development which has vested prior to July 1, 2020, or to any subsequent amendments to
22 a vested project.

1 SECTION 4. AND BE IT FURTHER ENACTED, that neither the Development Impact
2 Surcharge nor the Development Impact Fee under this Act may be imposed prior to January 1,
3 2021 on new construction related to the development or redevelopment of land used as a country
4 club for which a concept plan has been submitted and which is located inside the urban-rural
5 demarcation line.”

6
7 SECTION 5. AND BE IT FURTHER ENACTED, that this Act shall take effect 45 days
8 from the date of enactment.