

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2025, Legislative Day No. 17

Bill No. 81-25

Introduced by Ms. Hummer, Chair
(by request of the County Executive)

By the County Council, September 15, 2025

Introduced and first read on September 15, 2025
Public Hearing set for and held on October 20, 2025
Motioned to Hold Vote until November 3, 2025
Public Hearing on AMENDED bill set for and held on November 17, 2025
Public Hearing on AMENDED bill set for and held on December 1, 2025
Public Hearing on AMENDED bill set for and held on December 15, 2025
Bill Expires on December 19, 2025

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate Public Facilities
2 – Adequate Transportation Facilities – Mitigation – Fees and Securities – Development
3 Impact Fee Credits
4

5 FOR the purpose of revising the transportation adequate public facilities standards and
6 processes ~~to include additional modes of transportation for bicycles, pedestrians and~~
7 ~~transit~~; providing for revised and updated mitigation ~~for additional modes of~~
8 ~~transportation~~; revising the standards for granting impact fee credits for transportation
9 improvements over and beyond mitigation requirements; amending certain titles of
10 sections and subtitles; and generally relating to subdivision and development.
11

12 BY repealing: §§ ~~17-4-201(e)~~; ~~and~~ § 17-5-403; ~~and~~ ~~17-6-113~~
13 Anne Arundel County Code (2005, as amended)
14

15 BY renumbering: § 17-5-902, respectively, to be § 17-5-903, respectively
16 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.
Underlining indicates matter added to bill by amendment.
~~Strikeover~~ indicates matter removed from bill by amendment

BY adding: §§ 17-5-403 through ~~17-5-407~~ 17-5-404; ~~and~~ 17-5-902 and 17-5-904
Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments: §§ 17-1-101(27) and (33); 17-2-101(b);
~~17-3-201; 17-3-301; 17-4-202;~~ 17-5-201(b); 17-5-401(a), under the amended section
title “Road standards”; 17-5-402, under the amended subtitle title “Subtitle 4. Adequate
Transportation Facilities”; 17-5-901; 17-6-111(i); 17-6-113; 17-11-101; and 17-11-
207(a) and (c)
Anne Arundel County Code (2005, as amended) (as amended by Bill No. 31-25)

SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
That ~~§§ 17-4-201(e); and § 17-5-403; and 17-6-113~~ of the Anne Arundel County Code
(2005, as amended) ~~are~~ is hereby repealed.

SECTION 2. *And be it further enacted,* That § 17-5-902, respectively, of the Anne
Arundel County Code (2005, as amended) is hereby renumbered to be § 17-5-903,
respectively.

SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
Code (2005, as amended) (as amended by Bill No. 31-25) read as follows:

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 1. DEFINITIONS.

17-1-101. Definitions.

Unless defined in this article, the Natural Resources Article of the State Code, or
COMAR, the definitions of words defined elsewhere in this Code apply in this article. The
following words have the meanings indicated:

(27) “Design Manual” [[has the meaning stated in Article 16 of this Code]] MEANS
THE DEPARTMENT OF PUBLIC WORKS DESIGN MANUAL, DESIGN AND CONSTRUCTION
STANDARDS - 2024, AS AMENDED.

(33) “DPW Design Manual” [[has the meaning stated in Article 16 of this Code]]
MEANS THE DEPARTMENT OF PUBLIC WORKS DESIGN MANUAL, DESIGN AND
CONSTRUCTION STANDARDS - 2024, AS AMENDED.

TITLE 2. GENERAL PROVISIONS

17-2-101. Scope; applicability.

(b) **Applicability to pending and future proceedings.** Subject to the grandfathering provisions of COMAR Title 27, this article applies to all pending and future proceedings and actions of any board, department, or agency empowered to decide applications under this Code, except that:

(19) for a property located in a mixed use district, the following shall be governed by the law as it existed prior to February 2, 2025:

(i) an application for approval of or revision to a sketch plan, final plan, preliminary plan, site development plan, or any building or grading permits filed on or before February 2, 2025 and any other applications associated with these plans; and

(ii) an application for any building or grading permits not associated with a final plan or site development plan filed on or before February 2, 2025; [[and]]

(20) an application for a sketch plan, preliminary plan, final plan, or building permit, site development plan, or grading permit associated with a proposed development filed before July 1, 2025, shall be governed by the law as it existed prior to July 1, 2025[.]; AND

(21) AN APPLICATION FOR APPROVAL OF A SKETCH PLAN, FINAL PLAN, CONCEPT PLAN, PRELIMINARY PLAN, OR A BUILDING OR GRADING PERMIT ASSOCIATED WITH A SITE DEVELOPMENT PLAN FILED BEFORE JUNE 1, 2025, MARCH 1, 2026, SHALL BE GOVERNED BY THE PROVISIONS OF TITLES 5 AND 11 AS THEY EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL NO. 81-25.

~~TITLE 3. SUBDIVISION~~

~~SUBTITLE 2. SKETCH PLANS~~

~~17-3-201. Sketch plan application.~~

~~(c) **Attachments.** A sketch plan shall be accompanied by all information required by the Office of Planning and Zoning and the Department of Inspections and Permits, including to the extent applicable:~~

~~[(8) a bicycle, pedestrian, and transit assessment, unless exempt pursuant to subsection (d);]~~

~~[(9)] (8) in the critical area:~~

~~[(10)] (9) an equivalent dwelling unit (EDU) worksheet;~~

~~[(11)] (10) a copy of a summary of comments received at the pre-submission community meeting; an affidavit signed by the developer or other evidence acceptable to the Office of Planning and Zoning to prove that a community meeting was held and that a copy of the summary of comments was mailed to each participant at the pre-submission community meeting, to all lot owners within 300 feet of the property to be subdivided, and to the County Councilmember of the Councilmanic District where the property is located and, if the property abuts another Councilmanic District, to that County Councilmember; and~~

~~[(12)] (11) a moderately priced dwelling unit worksheet formulated by the Office of Planning and Zoning or the administrator, as that term is defined in § 17-12-101, that includes, at a minimum, the number and dwelling types of moderately priced dwelling units that will be offered for sale or rental and the number of bedrooms in each moderately priced dwelling unit, which shall be approved as a condition of the sketch plan application approval.~~

~~[(d) Exemption from bicycle pedestrian transit assessment. The following subdivisions or developments may opt to pay bicycle pedestrian and transit infrastructure fees in lieu of preparing a bicycle pedestrian and transit assessment:~~

~~(1) subdivisions of five or fewer dwelling units;~~

~~(2) non-residential developments comprising less than 5,000 enclosed square feet, other than warehouse developments; and~~

~~(3) warehouse developments comprising less than 15,000 enclosed square feet.]]~~

SUBTITLE 3. FINAL PLANS

17-3-301. Final plan application.

~~***~~

~~(c) Attachments. A final plan shall be accompanied by all information required by the Office of Planning and Zoning and the Department of Inspections and Permits, including to the extent applicable:~~

~~***~~

~~[(7) a bicycle, pedestrian, and transit assessment, if not previously provided, unless exempt pursuant to subsection (d);]]~~

~~[(8)] (7) a buffer management plan as required by COMAR, Title 27;~~

~~[(9)] (8) a demonstration of external ADA accessibility as required by law;~~

~~[(10)] (9) for subdivisions consisting of six or more lots, drafts of documents required in connection with the creation and incorporation of a community association or homeowners association;~~

~~1 ~~11~~(11) a proposed record plat;~~
~~2~~
~~3 ~~12~~(12) a digital copy of the proposed record plat or the fee for digital~~
~~4 conversion of a proposed record plat; and~~
~~5~~
~~6 ~~13~~(13) identification of each lot that will contain a moderately priced dwelling~~
~~7 unit or units, and a notation that use of each unit is subject to the recorded agreement~~
~~8 required by § 17-12-104(b).~~

~~9~~
~~10 ~~14~~(d) **Exemption from bicycle pedestrian transit assessment.** The following~~
~~11 subdivisions or developments may opt to pay bicycle, pedestrian, and transit infrastructure~~
~~12 fees in lieu of preparing a bicycle, pedestrian, and transit assessment:~~

- ~~13~~
~~14 (1) subdivisions of five or fewer dwelling units;~~
~~15~~
~~16 (2) non-residential developments comprising less than 5,000 enclosed square feet,~~
~~17 other than warehouse developments; and~~
~~18~~
~~19 (3) warehouse developments comprising less than 15,000 enclosed square feet.~~

~~20~~
~~21 ~~15~~(e) **Public notice.** Unless public notice has already been provided in connection~~
~~22 with an application for sketch plan approval, within seven days after the filing of an~~
~~23 application for final plan approval, signs shall be posted and notice to community~~
~~24 associations and others given as provided in § 17-3-202.~~

TITLE 4. SITE DEVELOPMENT

SUBTITLE 2. SITE DEVELOPMENT PLANS

17-4-201. Preliminary plan.

~~31~~
~~32 ~~16~~(e) **Exemption from bicycle, pedestrian, and transit assessment.** The following~~
~~33 subdivisions or developments may opt to pay bicycle, pedestrian, and transit infrastructure~~
~~34 fees in lieu of preparing a bicycle, pedestrian, and transit assessment:~~

- ~~35~~
~~36 (1) subdivisions of five or fewer dwelling units;~~
~~37~~
~~38 (2) non-residential developments comprising less than 5,000 enclosed square feet,~~
~~39 other than warehouse developments; and~~
~~40~~
~~41 (3) warehouse developments comprising less than 15,000 enclosed square feet.~~

17-4-202. Site development plan.

~~42~~
~~43~~
~~44~~
~~45 ***~~

~~46~~
~~47 ~~17~~(c) **Attachments.** A site development plan shall be accompanied by all information~~
~~48 required by the Office of Planning and Zoning and the Health Department, including to the~~
~~49 extent applicable:~~

1 ***

2
3 ~~[(8) a bicycle, pedestrian, and transit assessment, if not previously provided, unless~~
4 ~~exempt pursuant to subsection (d);]~~

5
6 ~~[(9)] (8) a forestation agreement and all other deeds, easements, rights of way,~~
7 ~~agreements, and other documents as required by this article;~~

8
9 ~~[(10)] (9) in the critical area:~~

10
11 ***

12
13 ~~[(11)] (10) for commercial or manufacturing uses:~~

14
15 ***

16
17 ~~[(12)] (11) for water dependent uses, information showing that:~~

18
19 ***

20
21 ~~[(13)] (12) information that demonstrates compliance with the Glen Burnie Town~~
22 ~~Center Plan, the Odenton Town Center Master Plan, or any other applicable plan or law;~~

23
24 ~~[(14)] (13) a copy of a summary of comments received at a community meeting~~
25 ~~and an affidavit signed by the developer or other evidence acceptable to the Office of~~
26 ~~Planning and Zoning that a community meeting was held and that a copy of the summary~~
27 ~~of comments was mailed to each participant at the pre-submission community meeting, to~~
28 ~~all lot owners within 175 feet of the property to be developed, and to the County~~
29 ~~Councilmember of the Councilmanic District where the property is located and, if the~~
30 ~~property abuts another Councilmanic district, to that County Councilmember;~~

31
32 ~~[(15)] (14) if required by the Office of Planning and Zoning, an application for~~
33 ~~approval of a proposed amended record plat to ensure the conformance of site conditions~~
34 ~~to those conditions reflected on the record plat;~~

35
36 ~~[(16)] (15) for development of six or more dwelling units, evidence of the creation~~
37 ~~and incorporation of an association of homeowners or unit owners;~~

38
39 ~~[(17)] (16) a demonstration of ADA accessibility as required by federal law and~~
40 ~~§ 15-2-101 of this Code, including designated handicapped parking spaces, ingress and~~
41 ~~egress for the proposed buildings, and travelways between the proposed buildings and the~~
42 ~~designated handicapped parking spaces; and~~

43
44 ~~[(18)] (17) an equivalent dwelling unit (EDU) worksheet, if not previously~~
45 ~~provided.~~

46
47 **~~[(d) Exemption from bicycle, pedestrian, and transit assessment.~~** The following
48 subdivisions or developments may opt to pay bicycle, pedestrian, and transit infrastructure
49 fees in lieu of preparing a bicycle, pedestrian, and transit assessment:

~~(1) subdivisions of five or fewer units;~~

~~(2) non-residential developments comprising less than 5,000 enclosed square feet, other than warehouse developments; and~~

~~(3) warehouse developments comprising less than 15,000 enclosed square feet.}}~~

TITLE 5. ADEQUATE PUBLIC FACILITIES

SUBTITLE 2. PROCESSING

17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.

(b) **General requirement.** The Planning and Zoning Officer may not give final approval to a proposed record plat, recommend approval of an application for a building or grading permit in connection with a preliminary plan or site development plan, or approve a site development plan for development that does not require a permit unless the development passes the tests for adequate public facilities set forth in this title if required by the chart in this section.

The chart uses the following key: S = subject to the test and E = exempted from the test.

Development Type	Fire Suppression	[[Roads]] TRANSPORTATION ¹	Schools	Sewage Disposal	Storm Drain	Water Supply
Non-Residential:						
Odenton Town Center: nonresidential developments other than building additions of less than 1,000 square feet and tenant improvements	S	[[E ¹]] s	E	S	S	S
Odenton Town Center and Parole Town Center: nonresidential building additions of less than 1,000 square feet and tenant improvements	E	E	E	S	E	S
Other non-residential subdivisions	S	S	E	S	S	S
Redevelopment in the Glen Burnie Sustainable Community Overlay Area under Subtitle 3 of Title 7	S	[[E ⁸]] s	E	S	S	S

Site development plans for religious facilities that do not contain a private academic school	S	[[E]] s	E	S	S	S
Site development plans for the site of a private academic school in existence on or before May 12, 2005	S	E	E	S	S	S
Other non-residential site development plans	S	S	E	S	S	S
Residential:						
Redevelopment in the Glen Burnie Sustainable Community Overlay Area under Subtitle 3 of Title 7	S	[[E ⁸]] s	E ⁷	S	S	S
Residential development in transit-oriented overlay development policy areas	S	S	E ⁹	S	S	S
Residential subdivisions not otherwise addressed in this chart	S	S	S ²	S	S	S
Residential development that is funded in part by low income tax credits	S	S	E ⁶	S	S	S
Residential development in Meade Village (located at 1710 Meade Village Circle Road, Severn, Maryland 21144)	S	S	E ⁵	S	S	S
Odenton Town Center: residential developments in the OTC-C	S	[[E ¹]] s	E	S	S	S
Parole Town Center: all residential developments	S	S	E ⁴	S	S	S
Odenton Town Center and Parole Town Center: residential building additions of less than 1,000 square feet	E	E	E	S	E	S

Odenton Town Center: all other residential developments	S	[[E ¹]] s	S	S	S	S
Housing for the elderly of moderate means	S	S	E	S	S	S
Affordable housing or workforce housing under Title 10, Article 18 of this Code	S	S	E	S	S	S
Institutional uses	S	S	E ³	S	S	S
Residential subdivisions restricted to persons 55 years of age or older without resident minor children	S	S	E	S	S	S
Residential subdivisions if no new dwelling unit potential is created	E	E	E	E	E	E
Residential site development plans other than those for a single- family detached dwelling	S	S	S ²	S	S	S
Residential site development plans for a single-family detached dwelling	E	E	E	S	E	S
Agricultural preservation subdivision	E	E	E	S	E	S
Dwelling unit, apartment, as an accessory use in a commercial district	S	S	E	S	S	S
Dwelling, caretaker or resident manager, in a commercial district	S	S	E	S	S	S

1 ¹ ~~But subject to the requirements in Subtitle 8 of Title 7.~~ ~~SATISFYING THE TEST FOR~~
2 ~~ADEQUATE PUBLIC TRANSPORTATION FACILITIES REQUIRES SATISFYING EACH OF THE~~
3 ~~TESTS FOR ROADS, BICYCLE, PEDESTRIAN, AND TRANSIT SET FORTH IN THIS TITLE.~~

4

5 ² But subject to the requirements of § 17-5-207.

6

7 ³ But subject to a determination by the Planning and Zoning Officer that the use will have
8 no impact on public school capacity.

⁴ But subject to the conditions listed in § 17-5-207(c).

⁵ But subject to the conditions listed in § 17-5-207(d).

⁶ But subject to the conditions listed in § 17-5-207(e).

⁷ But subject to the conditions listed in § 17-5-207(f).

⁸ But subject to the conditions listed in 17-5-401(f).

⁹ But subject to the conditions listed in § 17-5-207(g).

SUBTITLE 4. ADEQUATE TRANSPORTATION FACILITIES

17-5-401. Road standards.

(a) **Generally.** [[Except as provided in subsections (b), (c), and (d), and in § 17-6-504(9), a]] A development passes the test for adequate [[road]] PUBLIC TRANSPORTATION facilities FOR ROADS if in the scheduled completion year of the development it creates 50 or fewer NEW daily VEHICLE trips or if:

(1) [[the road facilities in the impact area of the proposed development will operate at or above the minimum of ‘D’ level of service after including the traffic generated by the development; and]] THE DEVELOPMENT MEETS THE INTERSECTION AND CORRIDOR METRIC REQUIREMENTS OF THE ADEQUATE PUBLIC TRANSPORTATION FACILITIES MATRIX IN § 17-5-404; AND

(2) [[road facilities in the impact area of the proposed development will have an adequacy rating of not less than 70 as defined by the Anne Arundel County road rating program or, if not rated by the Anne Arundel County road rating program, have been found by the County to be adequate with respect to road capacity, alignment, sight distance, structural condition, design, and lane width, except that the requirements of this subsection (a)(2) do not apply to development in a commercial revitalization area, to scenic or historic roads in the impact area of the proposed development, or to roads other than those that front on the cluster lots in a cluster development in an RA or RLD District; or]] ALL FRONTAGE ROADS AS THE TERM “FRONTAGE ROADS” IS DEFINED IN THIS SECTION, EXCEPT THAT AN EXISTING DEVELOPMENT UNDERGOING A CHANGE OF USE OR REDEVELOPMENT SHALL BE EXEMPT FROM THE REQUIREMENTS OF THIS PARAGRAPH; AND ADJOINING THE DEVELOPMENT AND PROVIDING ACCESS TO THE DEVELOPMENT ARE IMPROVED TO COUNTY STANDARDS AS DEFINED IN THE DESIGN MANUAL; OR

(3) FOR PURPOSES OF THIS SECTION ONLY, “FRONTAGE ROAD” SHALL MEAN A ROAD BORDERING AND PROVIDING ACCESS, WHICH IS NOT ONLY FOR EMERGENCY OR SERVICE USE, TO THE DEVELOPMENT INCLUDED IN THE DEVELOPMENT APPLICATION AND OWNED OR UNDER THE CONTROL OF THE DEVELOPER; OR

~~(3)~~ (4) the developer has an approved mitigation plan under §§ 17-5-901, et seq.

17-5-402. Roads included.

1 (A) **Existing roads.** The following road facilities are considered as existing in the
2 scheduled completion year of the development when determining whether a proposed
3 development passes the test for adequate road facilities:

4
5 (1) road facilities in existence on the date the developer submits the application for
6 approval of the development;

7 (2) new road facilities or improvements that in combination with existing roads and
8 intersections would meet the adequacy standards if there is an appropriation for at least
9 30% of the construction cost for the facilities or improvements with the remainder
10 programmed for construction in the County's current adopted Capital Improvement
11 Program or the current state consolidated transportation program and all applicable federal,
12 State, and County permits have been approved and rights-of-way have been ensured
13 through agreement, dedication, or conveyance;

14
15 (3) new road facilities or improvements to existing road facilities in approved
16 mitigation plans; and

17
18 (4) ~~[[the]]~~ ANY ROAD FACILITIES OR IMPROVEMENTS PROPOSED AS mitigation
19 ~~[[proposed]]~~ for the development under §§ 17-5-901, et seq.

20
21 (B) **Additional requirements.** WHEN DETERMINING WHETHER A PROPOSED
22 DEVELOPMENT PASSES THE TEST FOR ADEQUATE PUBLIC TRANSPORTATION FACILITIES
23 FOR ROADS:

24
25 (1) IF ONE OF THE INTERSECTIONS TO BE STUDIED IS PART OF A SYNCHRONIZED
26 SIGNAL SYSTEM, THE ENTIRE SYNCHRONIZED SIGNAL SYSTEM SHALL BE INCLUDED IN
27 THE MODELING, AND ANY ADDITIONAL INTERSECTIONS INCLUDED IN THE MODELING
28 WILL NOT BE SUBJECT TO THE ADEQUACY OF ROAD FACILITIES REQUIREMENTS;

29
30 (2) IF ONE LEG OF A FREEWAY INTERCHANGE IS INCLUDED IN A STUDY AREA, THE
31 ENTIRE FREEWAY INTERCHANGE SHALL BE INCLUDED IN THE MODELING; AND

32
33 (3) ALL SIGNALIZED INTERSECTIONS WITHIN THE STUDY AREA SHALL BE
34 ANALYZED.

35
36 **17-5-403. Impact area.**

37
38 THE IMPACT AREA OF A PROPOSED DEVELOPMENT SHALL BE AS REQUIRED IN THE
39 ADEQUATE ~~PUBLIC TRANSPORTATION~~ ROAD FACILITIES MATRIX IN § 17-5-404.

40
41 **17-5-404. Adequate Road Facilities Matrix.**

42
43 (A) ALL DEVELOPMENT SUBJECT TO §17-5-401(A) SHALL SATISFY THE FOLLOWING
44 STANDARDS.

45
46 THE CHART USES THE FOLLOWING KEY: APF = ADEQUATE PUBLIC FACILITIES;
47 ADT = AVERAGE DAILY TRIPS; LOS = LEVEL OF SERVICE; AND CLV = CRITICAL LANE
48 VOLUME.

TRAFFIC				TEST RESULTS REQUIRED FOR PASSING APF	
PLAN2040 DEVELOPMENT POLICY AREAS AND OVERLAYS	ROAD FUNCTIONAL CLASSIFICATION OR TOWN CENTER POLICY AREA	DEVELOPMENT ADT (NEW TRIPS)	STUDY LIMITS (ARTERIAL INTERSECTIONS IN EACH DIRECTION BEYOND SITE ENTRANCE)	INTERSECTION METRIC	CORRIDOR METRIC
GLEN BURNIE SUSTAINABLE COMMUNITY OVERLAY	NEW DEVELOPMENT	51+	1	OVERALL INTERSECTION LOS D OR BETTER	N/A
	REDEVELOPMENT	251+	1	OVERALL INTERSECTION LOS D OR BETTER	N/A
PAROLE TOWN CENTER	CORE SUBAREA	251+	1	OVERALL INTERSECTION LOS E OR BETTER	N/A
	ALL OTHER SUBAREAS		1	OVERALL INTERSECTION LOS D OR BETTER	N/A
ODENTON TOWN CENTER	OTC-C ZONING DISTRICT	251+	1	OVERALL INTERSECTION LOS E OR BETTER	N/A
	ALL OTHER OTC ZONING DISTRICTS			OVERALL INTERSECTION LOS D OR BETTER	
TRANSIT ORIENTED DEVELOPMENT	ALL	51+	1	OVERALL INTERSECTION LOS E OR BETTER	N/A
VILLAGE CENTER	ALL	51-250	1	OVERALL INTERSECTION LOS D OR BETTER	N/A
		251-1000	2		
		1000+	3		
CRITICAL ECONOMIC	ALL	51-250	1	OVERALL INTERSECTION LOS D OR BETTER	ROAD RATING ≥70
		251+	2		
CRITICAL CORRIDOR	ALL	51-250	1	OVERALL INTERSECTION LOS D OR BETTER	ROAD RATING ≥70
		251-1000	2		
		1000+	3		
NEIGHBORHOOD PRESERVATION	ALL	51-250	1	CLV <1300, OR OVERALL INTERSECTION	ROAD RATING ≥70
		251-1000	2		

		1000+	3	LOS D OR BETTER	
PENINSULA	ALL	51-250	2	CLV <1300, OR OVERALL INTERSECTION LOS D OR BETTER	ROAD RATING ≥70
		251-1000	3		
		1000+	4		
RURAL AND AGRICULTURAL	ALL	51-250	1	CLV <1300, OR OVERALL INTERSECTION LOS D OR BETTER	ROAD RATING ≥70
		251-1000	2		
		1000+	3		

(B) ALL SITE ACCESS POINTS SHALL BE ANALYZED. IF THE SITE ACCESS IS TO AN ARTERIAL ROAD, THE SITE ACCESS SHALL BE CONSIDERED THE FIRST ARTERIAL INTERSECTION.

(C) IN THE NEIGHBORHOOD PRESERVATION, PENINSULA, AND RURAL AND AGRICULTURAL DEVELOPMENT POLICY AREAS, ALL SIGNALIZED INTERSECTIONS SHALL BE ANALYZED USING THE HIGHWAY CAPACITY MANUAL METHODOLOGY.

(D) IN THE PAROLE TOWN CENTER AND ODENTON TOWN CENTER, INTERSECTIONS TO BE STUDIED DO NOT INCLUDE INTERSECTIONS LOCATED OUTSIDE OF THE TOWN CENTER.

(E) IF A SITE HAS AN OVERLAP OF MORE THAN ONE DEVELOPMENT POLICY AREA OR OVERLAY, THE POLICY OR OVERLAY THAT ENCOMPASSES THE MAJORITY OF THE AREA OF A SITE SHALL CONTROL.

~~17-5-405. Bicycle standards.~~

~~(A) Standards.~~

~~(1) A DEVELOPMENT PASSES THE TEST FOR ADEQUATE PUBLIC TRANSPORTATION FACILITIES FOR BICYCLES IF, IN THE SCHEDULED COMPLETION YEAR OF THE DEVELOPMENT:~~

~~(I) THE DEVELOPMENT DOES NOT GENERATE ANY NEW BICYCLE TRIPS; OR~~

~~(II) THE BICYCLE LEVEL OF TRAFFIC STRESS FOR ALL ANALYZED FACILITIES IS A "2" OR BETTER, UNDER THE TEST PROVIDED IN SUBSECTION (C); AND~~

~~(III) BICYCLE FACILITIES ALONG ALL ROADS ADJOINING THE DEVELOPMENT AND PROVIDING ACCESS TO THE DEVELOPMENT ARE IMPROVED TO COUNTY STANDARDS AS DEFINED IN THE DESIGN MANUAL; OR~~

~~(2) THE DEVELOPER HAS AN APPROVED MITIGATION PLAN UNDER §§ 17-5-901, ET SEQ.~~

~~(B) Impact Area. THE IMPACT AREA SHALL BE AS OUTLINED IN THE ADEQUATE PUBLIC TRANSPORTATION FACILITIES MATRIX IN SUBSECTION (C).~~

~~(C) Adequate Bicycle Facilities Matrix.~~

~~(1) IMPACT AREAS FOR ADEQUATE BICYCLE FACILITIES ARE AS FOLLOWS:~~

BICYCLE		
PLAN2040 DEVELOPMENT POLICY AREAS AND OVERLAYS	NEW BICYCLE TRIPS	DISTANCE TO ANALYZE BEYOND SITE BOUNDARIES
TOWN CENTER, VILLAGE CENTER, AND TRANSIT ORIENTED DEVELOPMENT	1	EXEMPT FROM ANALYSIS; SHALL PAY FEE IN LIEU
	2-5	800'
	6-10	1500'
	11+	2000'
CRITICAL ECONOMIC, CRITICAL CORRIDOR, NEIGHBORHOOD PRESERVATION, AND PENINSULA	1	EXEMPT FROM ANALYSIS; SHALL PAY FEE IN LIEU
	2-5	800'
	6-10	1500'
	11+	2000'
RURAL AND AGRICULTURAL	1	EXEMPT FROM ANALYSIS; SHALL PAY FEE IN LIEU
	2-5	1500'
	6-10	2500'
	11+	3500'

~~(2) THE DISTANCES TO ANALYZE BEYOND THE SITE BOUNDARIES IS TO BE CONSIDERED A RADIUS AROUND THE SITE AND MAY BE ADJUSTED TO ADDRESS SIGNIFICANT TRIP GENERATORS IN THE VICINITY WITH THE APPROVAL OF THE OFFICE OF PLANNING AND ZONING DURING THE SCOPING PROCESS REQUIRED BY THE DESIGN MANUAL.~~

17-5-406. Pedestrian standards.

(A) Standards.

~~(1) A DEVELOPMENT PASSES THE TEST FOR ADEQUATE PUBLIC TRANSPORTATION FACILITIES FOR PEDESTRIANS IF IN THE SCHEDULED COMPLETION YEAR OF THE DEVELOPMENT:~~

~~(I) THE DEVELOPMENT DOES NOT GENERATE ANY NEW PEDESTRIAN TRIPS;~~

~~(II) THE PEDESTRIAN LEVEL OF COMFORT FOR THE ANALYZED PATHWAYS IS A "2" OR BETTER, UNDER THE TEST PROVIDED IN SUBSECTION (C);~~

~~(III) THE PEDESTRIAN LEVEL OF COMFORT FOR THE ANALYZED CROSSINGS IS A "2" OR BETTER, UNDER THE TEST PROVIDED IN SUBSECTION (C);~~

~~(IV) THE STREET LIGHTING FOR THE ANALYZED FACILITIES MEET COUNTY REQUIREMENTS;~~

~~(V) THE ANALYZED FACILITIES MEET ALL ADA REQUIREMENTS; AND~~

~~(VI) PEDESTRIAN FACILITIES ALONG ALL ROADS ADJOINING THE DEVELOPMENT AND PROVIDING ACCESS TO THE DEVELOPMENT ARE IMPROVED TO COUNTY STANDARDS AS DEFINED IN THE DESIGN MANUAL; OR~~

~~(2) THE DEVELOPER HAS AN APPROVED MITIGATION PLAN UNDER §§ 17-5-901, ET SEQ.~~

~~(B) Impact Area. THE IMPACT AREA SHALL BE AS OUTLINED IN THE ADEQUATE PUBLIC TRANSPORTATION FACILITIES MATRIX IN SUBSECTION (C).~~

(C) Adequate Pedestrian Facilities Matrix.

1 (1) IMPACT AREAS FOR ADEQUATE PEDESTRIAN FACILITIES ARE AS FOLLOWS:

PEDESTRIAN		
PLAN2040 DEVELOPMENT POLICY AREAS AND OVERLAYS	NEW PEDESTRIAN TRIPS	DISTANCE TO ANALYZE BEYOND SITE BOUNDARIES
TOWN CENTER, VILLAGE CENTER, AND TRANSIT ORIENTED DEVELOPMENT	1-5	EXEMPT FROM ANALYSIS; SHALL PAY FEE IN- LIEU
	6-25	400'
	26-50	750'
	51+	1000'
CRITICAL ECONOMIC, CRITICAL CORRIDOR, NEIGHBORHOOD PRESERVATION, AND PENINSULA	1-5	EXEMPT FROM ANALYSIS; SHALL PAY FEE IN- LIEU
	6-25	400'
	26-50	750'
	51+	1000'
RURAL AND AGRICULTURAL	1-5	EXEMPT FROM ANALYSIS; SHALL PAY FEE IN- LIEU
	6-25	800'
	26-50	1500'
	51+	2000'

2 (2) THE DISTANCES TO ANALYZE BEYOND THE SITE BOUNDARIES MAY BE
3 ADJUSTED TO ADDRESS SIGNIFICANT TRIP GENERATORS IN THE VICINITY WITH THE
4 APPROVAL OF THE OFFICE OF PLANNING AND ZONING DURING THE SCOPING PROCESS
5 REQUIRED BY THE DESIGN MANUAL.

6

7 **17-5-407. Transit standards.**

8

9 **(A) Standards.**

10

11 (1) A DEVELOPMENT PASSES THE TEST FOR ADEQUATE PUBLIC TRANSPORTATION
12 FACILITIES FOR TRANSIT IF IN THE SCHEDULED COMPLETION YEAR OF THE
13 DEVELOPMENT:

14

15 (I) THE DEVELOPMENT DOES NOT GENERATE ANY NEW TRANSIT TRIPS; OR

16

17 (II) IT MEETS THE REQUIREMENTS OF THE ADEQUATE PUBLIC
18 TRANSPORTATION FACILITIES MATRIX, AS PROVIDED IN SUBSECTION (C); OR

19

20 (2) THE DEVELOPER HAS AN APPROVED MITIGATION PLAN UNDER §§ 17-5-901, ET
21 SEQ.

22

23 **(B) Impact area.** THE IMPACT AREA SHALL BE AS OUTLINED IN THE ADEQUATE PUBLIC
24 TRANSPORTATION FACILITIES MATRIX IN SUBSECTION (C).

25

26 **(C) Adequate Transit Facilities Matrix.**

27

28 (1) IMPACT AREAS FOR ADEQUATE TRANSIT FACILITIES ARE AS FOLLOWS:

TRANSIT		REQUIRED TESTS	
PLAN2040 DEVELOPMENT POLICY AREAS AND OVERLAYS	NEW TRANSIT TRIPS	TRANSIT METRIC SERVICE	TRANSIT METRIC ACCESS (ACCESS TO

		(FREQUENCY GOAL)	AND ADEQUATE BUS STOPS)
TOWN CENTER	1-10	15 MIN	2 WITHIN 750'
	11-20		2 WITHIN 1000'
	21+		2 WITHIN 1500'
VILLAGE CENTER	1-10	HOURLY OR ZONAL	1 WITHIN 750'
	11-20		1 WITHIN 1000'
	21+		2 WITHIN 1500'
TRANSIT-ORIENTED DEVELOPMENT	1-10	15 MIN	2 WITHIN 750'
	11-20		2 WITHIN 1000'
	21+		2 WITHIN 1500'
CRITICAL ECONOMIC	1-10	30 MIN	2 WITHIN 500'
	11-20		2 WITHIN 750'
	21+		2 WITHIN 1000'
CRITICAL CORRIDOR	1-10	30 MIN	2 WITHIN 500'
	11-20		2 WITHIN 750'
	21+		2 WITHIN 1000'
NEIGHBORHOOD PRESERVATION	1-10	HOURLY OR ZONAL	1 WITHIN 500'
	11-20		1 WITHIN 750'
	21+		1 WITHIN 1000'
PENINSULA	+	ZONAL	N/A
RURAL AND AGRICULTURAL	+	ZONAL	N/A

~~(2) THE DISTANCES IDENTIFIED IN THE TRANSIT METRIC ACCESS ARE THE DISTANCES TO ANALYZE BEYOND THE SITE BOUNDARIES AND MAY BE ADJUSTED TO ADDRESS SIGNIFICANT TRIP GENERATORS IN THE VICINITY WITH THE APPROVAL OF THE OFFICE OF PLANNING AND ZONING DURING THE SCOPING PROCESS AS REQUIRED BY THE DESIGN MANUAL.~~

SUBTITLE 9. MITIGATION

17-5-901. Mitigation.

(a) **General requirement.** Except as provided in this section, mitigation consists of the construction or funding of improvements to offsite public facilities by a developer that increase capacity, [[are compatible with the function, safety, and capacity of multi-modal transportation infrastructure,]] and [[improve]] DO NOT REDUCE THE environmental effectiveness or safety of each public facility [[that is below the minimum standard]] in the impact area so that the capacity[[, environmental effectiveness or safety]] of the facility in the scheduled completion year will be equal to or greater than if the development had not been constructed. [[A school capacity mitigation plan may also include donation of land to the Board of Education for future school facilities construction. A mitigation plan may include donation of land to the Board of Education for future school facilities construction pursuant to subsection (h)(2), physical improvements secured by bond, letter of credit or other security acceptable to the County, which shall be provided under a public works agreement or grading permit, or an agreement with the Board of Education to construct school facilities, including a contract school, or payment of storm drain fees in excess of those required by Title 11, or contributions to existing capital projects and shall be approved by the Planning and Zoning Officer. The developer shall submit the most recent tax assessment information for any land to be donated to the Board of Education, a cost

1 estimate to establish the value of construction or off-site improvements offered in
2 mitigation, and a cost estimate for construction and improvements in conformance with
3 County specifications may be approved by the Planning and Zoning Officer, who may also
4 require a mitigation agreement to ensure compliance with the requirements of this section.
5 An agreement with the Board of Education to construct school facilities or for the donation
6 of land for a school site must comply with applicable State law and be approved by
7 resolution introduced by the County Executive and adopted by the County Council.]]
8 TRANSPORTATION MITIGATION SHALL BE COMPATIBLE WITH THE FUNCTION, SAFETY,
9 AND CAPACITY OF THE MULTI-MODAL TRANSPORTATION INFRASTRUCTURE. ALL
10 MITIGATION PROPOSALS SHALL BE ASSESSED FOR AND CONFIRMED AS BEING ROUGHLY
11 PROPORTIONAL TO THE EXPECTED IMPACT OF THE DEVELOPMENT ON TRANSPORTATION
12 FACILITIES, AND SHALL BE TAILORED TO MITIGATE THE EFFECT OF THAT IMPACT.
13

14 **[(b) Freeway interchanges and freeway through lanes.** If mitigation to an
15 intersection under subsection (a) would require the construction of or improvements to
16 freeway interchanges or freeway through lanes, the mitigation required to pass the test for
17 adequate road facilities shall increase the capacity of the intersection to the fullest extent
18 possible without constructing the improvements to the freeway interchanges or freeway
19 through lanes.
20

21 **(c) Parole Town Center Growth Management Area.** In the Parole Town Center
22 Growth Management Area, mitigation consists of one or more of the following as directed
23 by the Office of Planning and Zoning:
24

25 (1) improvements to each substandard intersection that will have a positive effect
26 on the substandard intersection;
27

28 (2) construction of or improvements to one or more road links that will have a
29 positive effect on each substandard intersection;
30

31 (3) a significant capital improvement that will improve the County's ability to
32 provide public transportation in the Parole Town Center Growth Management Area; or
33

34 (4) an acceptable paratransit operation or ridesharing program to mitigate traffic
35 impact.
36

37 **(d) Glen Burnie Sustainable Community Overlay Area.** In addition to other
38 mitigation allowed under this section, mitigation in the Glen Burnie Sustainable
39 Community Overlay Area for redevelopment in accordance with Title 7, Subtitle 3 and
40 Article 18, Title 14, Subtitle 6, may include:
41

42 (1) improvements to a substandard intersection, construction of a new road,
43 improvements to other existing roads, provision of smart signalization systems, or
44 diversion of trips from
45 Overlay;
46

47 (2) contributions to a County capital project, a State project, or a County fund
48 earmarked for a State project for road improvements and construction in the Glen Burnie
49 Sustainable Community the County's ability to provide public transportation in the Glen
50 Burnie Sustainable Community Overlay;

1 (3) improvement of the County's ability to provide public transportation in the Glen
2 Burnie Sustainable Community Overlay;

3
4 (4) the provision of or contribution to long-term satellite parking in or in the vicinity
5 of the Glen Burnie Sustainable Community Overlay that is served by public transit, shuttle
6 service, or ride sharing; or

7
8 (5) the provision of traffic design and traffic directions using intelligent
9 transportation systems, transportation system management, or other measures to direct
10 traffic to alternate routes through less congested intersections.

11
12 (e) **Odenton Town Center.** In the Odenton Town Center, mitigation consists of one or
13 more of the following as directed by the Office of Planning and Zoning:

14
15 (1) improvements to a substandard intersection, construction of a new road,
16 improvements to other existing roads, provision of smart signalization systems, or
17 diversion of trips from automobile to other modes of transportation;

18
19 (2) contributions to a County capital project, a State project, or a County fund
20 earmarked for a State project for road improvements and construction in the Odenton Town
21 Center;

22
23 (3) a significant capital improvement that will improve the County's ability to
24 provide public transportation in the Odenton Town Center;

25
26 (4) the provision of or contribution to long-term satellite parking in or in the vicinity
27 of the Odenton Town Center that is served by public transit, shuttle service, or ride sharing;

28
29 (5) the provision of traffic design and traffic directions using intelligent
30 transportation systems, transportation system management, or other measures to direct
31 traffic to alternate routes through less congested intersections; or

32
33 (6) improvements to bicycle, pedestrian, and transit infrastructure.

34
35 (f) **Development within one-half mile of existing or programmed bus or rail**
36 **transit.** Mitigation for development within one-half mile of existing or programmed bus
37 or rail transit service may include the execution of an agreement in a form acceptable to
38 the County and binding on the developer and the developer's successors and assigns, to
39 mitigate for six years from the date of final plan approval. Mitigation may include the
40 purchase of annual bus passes, installation or construction and maintenance of bus stops
41 and passenger shelters at locations acceptable to the Office of Planning and Zoning, or
42 enrollment in a ride share program administered by the County. For purposes of this
43 subsection, programmed bus or rail transit service means routes with available funding.

44
45 (g) **Reports.** Except when mitigation is not required, the developer or the developer's
46 successors and assigns who provide mitigation pursuant to subsection (d) shall file with
47 the Office of Planning and Zoning an annual report attesting to the purchase and average
48 use of annual bus or rail transit passes, the levels of participation in ride share programs,
49 or other evidence of mitigation as required by the Office of Planning and Zoning.]]

1 ~~[[h)]~~ (B) **Watershed management tool.** The developer shall prepare a storm drainage
2 management plan using all available information from the watershed management tool to
3 avoid adverse environmental impacts and prioritize improvements.

4
5 ~~[[i)]~~ (C) **School Capacity Mitigation Agreement.**

6
7 (1) Pursuant to this section and § 17-5-501 a developer may enter into a School
8 Capacity Mitigation Agreement acceptable to the Planning and Zoning Officer to provide
9 capital improvements to increase school capacity, including construction of a contract
10 school, to resolve existing capacity deficiencies and to mitigate the predicted increase in
11 student enrollment in schools required to be adequate for the development, as determined
12 by the Board of Education, so that the capacity of the school in the scheduled completion
13 year will be equal to or greater than if the development had not been constructed. A SCHOOL
14 CAPACITY MITIGATION AGREEMENT MAY INCLUDE DONATION OF LAND TO THE BOARD
15 OF EDUCATION FOR FUTURE SCHOOL FACILITIES CONSTRUCTION; PHYSICAL
16 IMPROVEMENTS SECURED BY BOND, LETTER OF CREDIT OR OTHER SECURITY
17 ACCEPTABLE TO THE COUNTY, WHICH SHALL BE PROVIDED UNDER A PUBLIC WORKS
18 AGREEMENT OR GRADING PERMIT; OR AN AGREEMENT WITH THE BOARD OF EDUCATION
19 TO CONSTRUCT SCHOOL FACILITIES, INCLUDING A CONTRACT SCHOOL, PAYMENT OF
20 STORM DRAIN FEES IN EXCESS OF THOSE REQUIRED BY TITLE 11, OR CONTRIBUTIONS TO
21 EXISTING CAPITAL PROJECTS, AND SHALL BE APPROVED BY THE PLANNING AND ZONING
22 OFFICER. Approvals of the development may not be granted until the capital improvements
23 are completed by the developer and accepted by the Board of Education, or adequate
24 security for completion of the capital improvements is provided by the developer. The
25 capital improvements provided by the developer pursuant to a School Capacity Mitigation
26 Agreement shall be available to any portion of the developer's specified property or project
27 and shall provide school capacity to allow approval of subdivision sketch plan applications
28 filed for the property or project within six years of the date of the School Capacity
29 Mitigation Agreement. The six year filing deadline may be extended by the Planning and
30 Zoning Officer for good cause shown.

31
32 (2) If enrollment at an elementary, middle, or high school is in excess of 95% but
33 less than 100% of the State-rated capacity, then pursuant to this section and § 17-5-501, a
34 developer may enter into an agreement acceptable to the Planning and Zoning Officer and
35 approved by the Board of Education to donate land to the Board of Education for future
36 school facilities construction.

37
38 (i) Land donations as school mitigation may not be approved by the Planning
39 and Zoning Officer unless the Planning and Zoning Officer and the Board of Education
40 determine that:

41
42 1. the land to be donated is suitable for a school site in the same feeder
43 district as the development;

44
45 2. the land to be donated is suitable to be added to an existing school site
46 for a school that is over the State-rated capacity, in the same school feeder district as the
47 development, and suitable for expansion; or

48
49 3. the land to be donated is suitable for use as a portion of a school site in
50 the same feeder district as the development, and the Board of Education reasonably expects

1 other school mitigation land donations sufficient to comprise a developable school site;
2 and
3

4 4. that development of a donated site or partial site for new or expanded
5 school facilities can reasonably be expected to proceed to construction no later than six
6 years after the date of donation.
7

8 (ii) A land donation shall mitigate school capacity deficiencies based on the
9 following formula: the per-student school capacity created by a land donation shall be
10 calculated by dividing the State tax assessment at the time of donation of the property
11 donated by the current cost-per-student cost of school construction (as provided by the
12 Board of Education) of the same class of school facility as that which was deficient in the
13 feeder district.
14

15 (iii) Mitigation by land donation must be sufficient to mitigate existing school
16 deficiencies as well as the additional capacity generated by the development.
17

18 (iv) The capacity created by a land donation shall be available to any portion of
19 the developer's specified property or project and shall provide school capacity to allow
20 approval of subdivision sketch plan applications filed for the property or project within six
21 years of the date of the School Capacity Mitigation Agreement. The six year filing deadline
22 may be extended by the Planning and Zoning Officer for good cause shown.
23

24 **[[j)] (D) Transportation Capacity Mitigation Agreement.** Pursuant to this section
25 and **[[§ 17-5-401]] §§ 17-5-401 AND 17-5-902**, a developer may enter into a Transportation
26 Capacity Mitigation Agreement to provide capital improvements to **[[increase road**
27 **capacity to]]** resolve existing roadway deficiencies and to mitigate the traffic impact of all
28 phases of a proposed development by providing roadways adequate for the project UNDER
29 THE STANDARDS SET FORTH IN § 17-5-902. Approvals for development within the project
30 may not be granted until the capital improvements specified in the Transportation Capacity
31 Mitigation Agreement are completed by the developer and accepted by the County, or
32 adequate security for completion of the capital improvements is provided by the developer.
33 The capital improvements provided by the developer pursuant to a Transportation Capacity
34 Mitigation Agreement shall be available to any portion of the developer's specified
35 property or project and shall provide roadway capacity to allow approval of SUBDIVISION
36 **[[sketch plan]]** or site development plan applications filed for the property or project within
37 six years of the date of the Transportation Capacity Mitigation Agreement. The six year
38 filing deadline may be extended by the Planning and Zoning Officer for good cause shown.
39

40 **17-5-902. Transportation Traffic mitigation.**

41
42 **(A) Traffic Intersection mitigation.**

43
44 **(H) INTERSECTION MITIGATION CONSISTS OF CONSTRUCTION OR FUNDING OF**
45 **IMPROVEMENTS TO OFFSITE PUBLIC ROADS BY A DEVELOPER THAT IMPROVES THE**
46 **INTERSECTION LEVEL OF SERVICE. THE IMPROVEMENTS SHALL BE COMPATIBLE WITH THE**
47 **FUNCTION, SAFETY, AND CAPACITY OF THE MULTI-MODAL TRANSPORTATION ROAD**
48 **INFRASTRUCTURE, SO THAT THE INTERSECTION LEVEL OF SERVICE IN THE SCHEDULED**
49 **COMPLETION YEAR WILL BE EQUAL TO OR GREATER THAN IF THE DEVELOPMENT HAD**
50 **NOT BEEN CONSTRUCTED.**

~~(2)~~ **(B) Road corridor mitigation.** ROAD CORRIDOR MITIGATION CONSISTS OF CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC FACILITIES BY A DEVELOPER THAT IMPROVES THE ROAD RATING. THE IMPROVEMENTS SHALL BE COMPATIBLE WITH THE FUNCTION, SAFETY, AND CAPACITY OF THE ~~MULTI-MODAL TRANSPORTATION ROAD~~ INFRASTRUCTURE, SO THAT THE ROAD RATING OF THE IMPROVED SECTION IN THE SCHEDULED COMPLETION YEAR WILL BE EQUAL TO OR GREATER THAN IF THE DEVELOPMENT HAD NOT BEEN CONSTRUCTED.

~~(3) A MITIGATION FEE SET FORTH IN SUBSECTION (E) SHALL BE PAID FOR PROPOSED DEVELOPMENTS THAT ARE EXEMPT FROM ANALYSIS UNDER THE ADEQUATE ROAD FACILITIES MATRIX IN §17-5-404.~~

(4) (C) Priorities. MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING ORDER:

~~(I) 1. IMPROVEMENTS TO BICYCLE, PEDESTRIAN, OR TRANSIT INFRASTRUCTURE THAT WOULD RESULT IN A REDUCTION OF VEHICLE TRIPS BY SHIFTING USERS TO OTHER MODES OF TRANSPORTATION; AND~~

~~2.~~ **(1)** IF A MITIGATION IMPROVEMENT IS PROVIDED THAT THE COUNTY AGREES REDUCES VEHICULAR TRIPS FROM THE DEVELOPMENT, A CREDIT MAY BE APPLIED TO THE VEHICULAR TRIPS GENERATED FOR A RE-EVALUATION OF REQUIRED VEHICULAR MITIGATION;

~~(II)~~ **(2)** CONSTRUCTION TO ADDRESS EACH FAILURE;

~~(III)~~ **(3)** MITIGATION OVER AND ABOVE MITIGATION REQUIREMENTS AT SPECIFIC FAILURES TO IMPROVE THE OVERALL SYSTEM;

~~(IV)~~ **(4)** IF THE IMPACT AREA IS IN A HIGH-INJURY AREA OR CONGESTED AREA, AS DETERMINED BY THE PLANNING AND ZONING OFFICER, CONSTRUCTION OF SAFETY-RELATED IMPROVEMENTS AND COUNTER-MEASURES AS INDICATED BY THE APPLICANT'S SAFETY AND CRASH MODIFICATION FACTOR ANALYSIS, SUBJECT TO THE APPROVAL OF THE DEPARTMENT OF PUBLIC WORKS;

~~(V) 1.~~ **(5) (I)** IMPROVEMENTS OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDE OVERALL SYSTEM IMPROVEMENTS; ~~AND~~

~~2.~~ **(II)** THE COST OF THESE IMPROVEMENTS SHALL BE EQUIVALENT TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES; AND

~~3.~~ **(III)** IF THE COST IS NOT EQUIVALENT, A FEE-IN-LIEU MAY BE REQUIRED FOR THE REMAINDER OF THE COST, AS PROVIDED IN SUBSECTION ~~(A)(5) (D)~~.

(5) (D) Fee-in-lieu. **(1)** IF THE PLANNING AND ZONING OFFICER DETERMINES THAT THE MITIGATION OPTIONS SET FORTH IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE-IN-LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION PLANNING ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE-IN-LIEU SHALL BE EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES, ~~PLUS AN ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR DESIGN.~~

(6) (2) IF THE PLANNING AND ZONING OFFICER AGREES THAT THE IDENTIFIED IMPROVEMENTS ARE BEYOND THE MEANS OF THE PROPOSED DEVELOPMENT TO PROVIDE, THE MITIGATION FEE-IN-LIEU MAY BE CALCULATED AS A PERCENTAGE OF THE TOTAL COST BASED ON THE RATIO OF THE TRIPS GENERATED BY THE DEVELOPMENT THAT IMPACT THE FAILURE TO THE TOTAL TRIPS AT THE FAILURE UNDER EXISTING CONDITIONS.

1 **(E) Payment.** ANY MITIGATION FEE-IN-LIEU DUE UNDER THIS SECTION SHALL BE PAID
2 PRIOR TO THE ISSUANCE OF A GRADING PERMIT OR, IF A GRADING PERMIT IS NOT
3 REQUIRED, A BUILDING PERMIT.
4

5 **(F) Bicycle, pedestrian and transit option.** THE PLANNING AND ZONING OFFICER MAY
6 GRANT A DEVELOPER CREDIT AGAINST REQUIRED TRAFFIC MITIGATION IMPROVEMENTS
7 FOR BICYCLE, PEDESTRIAN OR TRANSIT IMPROVEMENTS THAT ARE REASONABLY
8 CALCULATED TO INCREASE ROAD CAPACITY BY PROVIDING ALTERNATE MODES OF
9 TRANSPORTATION.
10

11 **~~(B) Bicycle mitigation.~~**

12
13 ~~(1) BICYCLE MITIGATION CONSISTS OF CONSTRUCTION OR FUNDING OF~~
14 ~~IMPROVEMENTS TO OFFSITE PUBLIC FACILITIES BY A DEVELOPER THAT IMPROVES THE~~
15 ~~BICYCLE LEVEL OF TRAFFIC STRESS OF THE FACILITIES STUDIED TO THE REQUIRED LEVEL~~
16 ~~UNDER THE STANDARDS PROVIDED IN § 17-5-405(C). THE MITIGATION FEE, AS SET FORTH~~
17 ~~IN § 17-5-902(E) SHALL BE PAID FOR PROPOSED DEVELOPMENTS THAT ARE EXEMPT FROM~~
18 ~~ANALYSIS UNDER THE ADEQUATE BICYCLE FACILITIES MATRIX IN §17-5-405(C).~~
19

20 ~~(2) MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING~~
21 ~~ORDER:~~
22

23 ~~(I) CONSTRUCTION TO ADDRESS EACH FAILURE;~~
24

25 ~~(II) OVER MITIGATION AT SPECIFIC FAILURES TO IMPROVE THE OVERALL~~
26 ~~SYSTEM;~~
27

28 ~~(III) IMPROVEMENTS OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDES~~
29 ~~OVERALL SYSTEM IMPROVEMENTS, AND THE COST OF THESE IMPROVEMENTS SHALL BE~~
30 ~~EQUIVALENT TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES,~~
31 ~~AND, IF THE COST IS NOT EQUIVALENT, A MITIGATION FEE IN LIEU MAY BE REQUIRED FOR~~
32 ~~THE REMAINDER OF THE COST AS PROVIDED IN SUBSECTION (B)(3).~~
33

34 ~~(3) IF THE PLANNING AND ZONING OFFICER DETERMINES THAT MITIGATION~~
35 ~~OPTIONS IDENTIFIED IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE-~~
36 ~~IN-LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION~~
37 ~~PLANNING ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE IN-~~
38 ~~LIEU SHALL BE EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED~~
39 ~~FAILURES, PLUS AN ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR~~
40 ~~DESIGN.~~
41

42 **~~(C) Pedestrian mitigation.~~**

43
44 ~~(1) PEDESTRIAN MITIGATION CONSISTS OF:~~
45

46 ~~(I) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC~~
47 ~~FACILITIES BY A DEVELOPER THAT INCREASES THE PEDESTRIAN LEVEL OF COMFORT OF~~
48 ~~THE PATHWAYS IN THE STUDY AREA TO THE REQUIRED LEVEL; OR~~
49

50 ~~(II) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC~~
51 ~~FACILITIES BY A DEVELOPER THAT INCREASES THE PEDESTRIAN LEVEL OF COMFORT OF~~
52 ~~THE CROSSINGS IN THE STUDY AREA TO THE REQUIRED LEVEL; OR~~
53

54 ~~(III) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC~~
55 ~~FACILITIES BY A DEVELOPER THAT IMPROVES STREET LIGHT FACILITIES IN THE STUDY~~
56 ~~AREA TO CURRENT COUNTY STANDARDS; OR~~

~~(IV) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC FACILITIES BY A DEVELOPER THAT IMPROVES THOSE FACILITIES IN THE STUDY AREA TO MEET ADA STANDARDS.~~

~~(2) THE MITIGATION FEE REQUIREMENTS FOR ELIGIBLE DEVELOPMENTS SHALL BE AS PROVIDED IN THE DESIGN MANUAL.~~

~~(3) A MITIGATION FEE, AS PROVIDED IN § 17-5-902(E), SHALL BE PAID FOR PROJECTS THAT ARE EXEMPT FROM ANALYSIS PER THE ADEQUATE PEDESTRIAN FACILITIES MATRIX IN § 17-5-406(C).~~

~~(4) MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING ORDER:~~

~~(I) CONSTRUCTION TO ADDRESS EACH FAILURE;~~

~~(II) OVER MITIGATION AT SPECIFIC FAILURES TO IMPROVE OVERALL SYSTEM;~~

~~AND~~

~~(III) IMPROVEMENT OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDES OVERALL SYSTEM IMPROVEMENTS. THE COST OF THESE IMPROVEMENTS SHALL BE EQUIVALENT TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES. IF THE COST IS NOT EQUIVALENT, A MITIGATION FEE IN LIEU MAY BE REQUIRED FOR THE REMAINDER OF THE COST, AS PROVIDED IN SUBSECTION (C)(5).~~

~~(5) IF THE PLANNING AND ZONING OFFICER DETERMINES THAT THE MITIGATION OPTIONS IDENTIFIED IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE IN LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION PLANNING ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE IN LIEU SHALL BE EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES, PLUS AN ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR DESIGN.~~

~~(D) Transit service mitigation.~~

~~(1) TRANSIT SERVICE MITIGATION IS PAYMENT OF A MITIGATION FEE FOR A SHARE OF THE NECESSARY INFRASTRUCTURE AND EQUIPMENT TO ENABLE THE SYSTEM TO PROVIDE THE REQUIRED SERVICE FREQUENCY, AND SHALL CONSIST OF THE FOLLOWING:~~

~~(I) A MITIGATION FEE SHALL BE PAID TO THE CAPITAL ACCOUNT FOR THE PURCHASE OF COUNTY TRANSIT VEHICLES BASED ON THE FOLLOWING CALCULATION:~~

~~1. FOR PURPOSES OF THIS SECTION, "CUTAWAY BUS" MEANS A BUS BODY MOUNTED ON A VAN OR LIGHT-TO-MEDIUM DUTY TRUCK CHASSIS.~~

~~2. THE DETERMINATION OF THE TYPE OF COUNTY TRANSIT VEHICLE TO BE UTILIZED SHALL BE BASED ON THE DEVELOPMENT POLICY AREA OR OVERLAY, AS FOLLOWS:~~

~~A. TOWN CENTER CUTAWAY BUS;~~

~~B. VILLAGE CENTER CUTAWAY BUS;~~

~~C. TRANSIT ORIENTED DEVELOPMENT CUTAWAY BUS;~~

~~D. CRITICAL ECONOMIC CUTAWAY BUS;~~

~~E. CRITICAL CORRIDOR CUTAWAY BUS;~~

~~F. NEIGHBORHOOD PRESERVATION — CUTAWAY BUS;~~

~~G. PENINSULA — CUTAWAY BUS; AND~~

~~H. RURAL AND AGRICULTURAL — VAN.~~

~~3. THE AVERAGE COST OF THE COUNTY TRANSIT VEHICLE SHALL BE EQUAL TO THE MOST RECENT PURCHASE PRICE OF THE SAME TYPE OF COUNTY TRANSIT VEHICLE.~~

~~4. THE SERVICE MITIGATION REQUIREMENTS SHALL EQUAL THE AVERAGE COST OF THE COUNTY TRANSIT VEHICLE WHERE THE NUMBER OF PEAK HOURLY TRANSIT TRIPS, CALCULATED AS 10% OF THE ANNUAL DAILY TRANSIT TRIPS GENERATED BY THE SITE, ARE DIVIDED BY THE NUMBER OF SEATS ON A COUNTY TRANSIT VEHICLE. THE SEATS ON THE COUNTY TRANSIT VEHICLE FOR CALCULATION PURPOSES ARE AS FOLLOWS:~~

~~A. CUTAWAY BUS = 16 SEATS; AND~~

~~B. VAN = 8 SEATS.~~

~~II. TRANSIT SERVICE MITIGATION CONSISTS OF CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC FACILITIES BY A DEVELOPER THAT IMPROVES EXISTING BUS STOPS AND ACCESS TO BUS STOPS TO CURRENT COUNTY STANDARDS.~~

~~(2) A MITIGATION FEE, AS PROVIDED IN § 17-5-902(E), SHALL BE PAID FOR PROJECTS THAT ARE EXEMPT FROM ANALYSIS PER THE ADEQUATE TRANSIT FACILITIES MATRIX IN § 17-5-407(C).~~

~~(3) MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING ORDER:~~

~~(I) CONSTRUCTION TO ADDRESS EACH FAILURE;~~

~~(II) OVER MITIGATION AT SPECIFIC FAILURES TO IMPROVE OVERALL SYSTEM;~~

~~AND~~

~~(III) IMPROVEMENTS OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDES OVERALL SYSTEM IMPROVEMENTS. THE COST OF THESE IMPROVEMENTS SHALL BE EQUIVALENT TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES. IF THE COST IS NOT EQUIVALENT, A MITIGATION FEE IN LIEU MAY BE REQUIRED FOR THE REMAINDER OF THE COST, AS PROVIDED IN SUBSECTION (D)(4).~~

~~(4) IF THE PLANNING AND ZONING OFFICER DETERMINES THAT THE MITIGATION OPTIONS IDENTIFIED IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE IN LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION PLANNING ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE IN LIEU SHALL BE EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES, PLUS AN ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR DESIGN.~~

(E) Mitigation fees.

~~(1) THE MITIGATION FEE FOR PROJECTS THAT ARE EXEMPT FROM ANALYSIS PURSUANT TO THE ADEQUATE FACILITIES MATRICES IN §§ 17-5-401, ET SEQ. MAY BE AS FOLLOWS:~~

~~(I) A CONTRIBUTION TO AN EXISTING CAPITAL PROJECT IN THE AREA IMPACTED BY SITE TRAFFIC;~~

~~(II) A CONTRIBUTION TO AN EXISTING CAPITAL PROJECT WITHIN THE SAME
TRANSPORTATION IMPACT FEE DISTRICT; OR~~

~~(III) A MITIGATION FEE IF NONE OF THE PREVIOUS OPTIONS IDENTIFY
ACCEPTABLE MITIGATION.~~

~~(2) THE MITIGATION FEE FOR EACH MODE OF TRANSPORTATION SHALL BE EQUAL
TO THE AMOUNT OF THE TRANSPORTATION IMPACT FEE FOR THE PROJECT. IF A PROPOSED
USE IS EXEMPT FROM THE TRANSPORTATION IMPACT FEE, THE OFFICE OF PLANNING AND
ZONING SHALL DETERMINE THE CLOSEST COMPARABLE FEE TO BE USED.~~

[[17-5-902]] 17-5-903. Delay in or alternative method of accomplishing mitigation.

If the Planning and Zoning Officer, after consultation with the Director of Public Works and the Director of the Office of Transportation, determines that the timing of capital projects or the need to ensure continuity in the transportation network makes it more efficient to delay the construction of all or part of proposed mitigation, the Planning and Zoning Officer shall require the developer to:

(1) delay the construction of all or part of the improvements to a date certain and sign a public works agreement guaranteeing the construction of the delayed improvements;
or

(2) agree to pay the County the current estimated cost of the mitigation, which the County shall use to fund all or part of a capital project to improve the facilities that were to have been mitigated by the developer.

17-5-904. Tri-annual report.

BEGINNING JANUARY 1, 2029, BY JANUARY 1 OF EACH THIRD YEAR, THE OFFICE OF
PLANNING AND ZONING SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL DETAILING
THE ADEQUATE PUBLIC FACILITIES TRAFFIC IMPROVEMENTS AND CONTRIBUTIONS
ASSOCIATED WITH PROJECTS RECEIVING SITE DEVELOPMENT OR FINAL APPROVAL IN THE
PREVIOUS THREE YEARS.

TITLE 6. GENERAL DEVELOPMENT PROVISIONS

SUBTITLE 1. GENERAL

17-6-111. Open area; active recreation area.

(i) **Design of bikeways and shared-use paths.** Bikeways and shared-use paths shall be designed to be available for use by all lot or unit owners in the development and in accordance with the Design Manual. [[Shared-use paths provided as active recreation area may only be considered as complying with all or part of the requirements of § 17-6-113 if the shared-use paths support the objectives of bicycle, pedestrian, and transit infrastructure and connectivity to existing, planned, or future offsite infrastructure, and if the shared-use paths are placed in a public easement or public right-of-way.]]

17-6-113. Bicycle, pedestrian, and transit infrastructure.

(e) Fee-in-lieu.

(1) Authorized. Upon a finding by the Planning and Zoning Officer that, due to specific existing site conditions, construction of connectable public sidewalks, bikeways, shared-use paths, or transit stops, as required by this section, that would facilitate connections or accessibility to nearby bicycle, pedestrian, or transit infrastructure cannot reasonably be accomplished within the cost limits of this section, or where a development is exempt from providing a bicycle, pedestrian, and transit assessment under this article, a developer may pay a fee-in-lieu in the amount provided in § 17-11-101 for bicycle, pedestrian, and transit infrastructure. The Bicycle, Pedestrian, and Transit Infrastructure Fee-in-Lieu Fund shall be established by the Office of Transportation no later than 60 days after November 23, 2018, and shall be administered by that office. A) SHALL BE PAID INTO THE BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE CAPITAL PROJECT FOR THE REGIONAL PLANNING AREA WHERE THE FUNDS WERE COLLECTED. THE fee-in-lieu shall be paid into the Bicycle, Pedestrian, and Transit Infrastructure Fee-in-Lieu Fund prior to the issuance of a grading permit or building permit when a grading permit is not required.

(2) Use of funds. Funds from the Bicycle, Pedestrian, and Transit Infrastructure Fee-in-Lieu Fund may only be utilized for the design and construction costs associated with OF CAPITAL IMPROVEMENTS IN THE REGIONAL PLANNING AREA WHERE THE FUNDS WERE COLLECTED FOR expanding existing bicycle, pedestrian, and transit infrastructure, or creating new bicycle, pedestrian, and transit infrastructure. The Director of the Office of Transportation may approve a request to use funds from the Bicycle, Pedestrian, and Transit Infrastructure Fee-in-Lieu Fund to expand existing or create new bicycle, pedestrian, or transit infrastructure.

(G) Impact Fee Credits A DEVELOPER MAY CONSTRUCT BICYCLE, PEDESTRIAN OR TRANSIT INFRASTRUCTURE AT A COST THAT EXCEEDS THE AMOUNT OF THE BICYCLE, PEDESTRIAN AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU AND BE ELIGIBLE FOR TRANSPORTATION IMPACT FEE CREDITS EQUAL TO 125% OF THE COST OF THE IMPROVEMENTS IN EXCESS OF THE FEE-IN-LIEU AMOUNT.

(H) Tri-Annual Report. BY JANUARY 1 OF EACH THIRD YEAR, THE OFFICE OF PLANNING AND ZONING SHALL SUBMIT A REPORT TO THE COUNTY COUNCIL DETAILING THE BICYCLE, PEDESTRIAN, AND TRANSIT IMPROVEMENTS AND CONTRIBUTIONS ASSOCIATED WITH PROJECTS RECEIVING FINAL OR SITE DEVELOPMENT APPROVAL IN THE PREVIOUS YEAR.

[(g)] (I) Applicability. The provisions of this section shall apply to all development subject to this article, including development in the Odenton Town Center, the Parole Town Center, and the Glen Burnie Town Center.

TITLE 11. FEES AND SECURITIES

SUBTITLE 1. IN GENERAL

17-11-101. Fees and security.

The following fees shall be paid and security given as provided in the following chart, except that fees paid on an application governed by the law as it existed prior to May 12, 2005 shall be credited against the fees in the following chart if the application is withdrawn and a new application is filed under this article:

Category	Fee or Security

[[Bicycle, pedestrian, and transit infrastructure fee in lieu, residential]]	[[\$330 per residential dwelling unit]]
[[Bicycle, pedestrian, and transit infrastructure fee in lieu, non residential, other than warehouses]]	[[\$0.40 per square foot of enclosed space]]
[[Bicycle, pedestrian, and transit infrastructure fee in lieu, non residential, warehouses]]	[[\$0.11 per square foot of enclosed space]]

“Category	Fee or Security

<u>Bicycle, pedestrian, and transit infrastructure fee-in-lieu, residential</u>	<u>[[\$330]] \$425 per residential dwelling unit</u>
<u>Bicycle, pedestrian, and transit infrastructure fee-in-lieu, non-residential, other than warehouses</u>	<u>[[\$0.40]] \$0.52 per square foot of enclosed space</u>
<u>Bicycle, pedestrian, and transit infrastructure fee-in-lieu, non-residential, warehouses</u>	<u>[[\$0.11]] \$0.14 per square foot of enclosed space</u>
***”.	

SUBTITLE 2. DEVELOPMENT IMPACT FEES.

17-11-207. Credits.

(a) **When allowed.** Any conveyance of land or construction received and accepted by the County or the County Board of Education from a developer, including construction of a contract school by a developer or a developer’s agent pursuant to an agreement with the Board of Education, may be credited against the development impact fee due FOR ALL IMPROVEMENTS REQUESTED APPROVED BY THE COUNTY AND CONSTRUCTED BY A DEVELOPER THAT ARE OVER AND ABOVE ANY REQUIRED IMPROVEMENTS, if the conveyance or construction meets the same needs as the development impact fee in providing expanded capacity over and above the requirements of this article. If the developer wishes to receive credit against the amount of the development impact fee due for such conveyance or construction, the developer shall enter into a written Impact Fee Credit Agreement with the County prior to such conveyance or construction. The Impact

1 Fee Credit Agreement shall provide for establishment of credits and the procedure and time
2 allowed for redemption of such credits. Development impact fee credits shall be claimed
3 and applied at the time development impact fees are required to be paid.
4

5 (c) **Transportation impact fee credits.** Transportation impact fee credits shall be
6 allowed for transportation improvements ~~[[providing transportation capacity over and~~
7 ~~above the adequate road facilities requirements]]~~ OVER AND ABOVE THE ADEQUATE
8 PUBLIC TRANSPORTATION FACILITIES REQUIREMENTS AND ANY OTHER
9 TRANSPORTATION REQUIREMENTS for a development project set forth in this article,
10 PROVIDED THAT ALL IDENTIFIED FAILURES ARE INDIVIDUALLY ADDRESSED. The
11 development providing the capital improvements shall be allowed transportation impact
12 fee credits in the amount provided in the Transportation Impact Fee Credit Agreement.
13 TRANSPORTATION IMPACT FEE CREDITS MAY NOT BE ALLOWED UNLESS ALL OTHER
14 TRANSPORTATION REQUIREMENTS HAVE BEEN ADDRESSED AND THE COUNTY HAS
15 AGREED THAT THE ADDITIONAL TRANSPORTATION IMPROVEMENTS ARE APPROPRIATE
16 ~~AND NECESSARY BY ENTERING INTO A TRANSPORTATION IMPACT FEE CREDIT~~
17 ~~AGREEMENT WITH A DEVELOPER.~~ Credit may not be given for site-related transportation
18 improvements, OR FOR TRANSPORTATION IMPROVEMENTS ~~THAT WERE~~ CONSTRUCTED BY
19 A DEVELOPER THAT WERE NOT ~~SPECIFICALLY REQUESTED~~ APPROVED BY THE COUNTY.
20

21 SECTION 4. *And be it further enacted,* That all references in this Ordinance to “the
22 effective date of Bill No. 81-25”, or words to that effect, shall, upon codification, be
23 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
24 County Charter as certified by the Administrative Officer to the County Council.
25

26 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days
27 from the date it becomes law.

AMENDMENTS ADOPTED: November 3 and 17, and December 1, 2025

READ AND PASSED this 15th day of December, 2025

By Order:



Kaley Schultze
Administrative Officer

PRESENTED to the County Executive for his approval this 16th day of December, 2025



Kaley Schultze
Administrative Officer

APPROVED AND ENACTED this 18th day of December, 2025

A handwritten signature in blue ink, appearing to read "Stuart Pittman", with a long horizontal flourish extending to the right.

Steuart Pittman
County Executive

EFFECTIVE DATE: February 1, 2026

Bill No. 81-25

Page No. 30

**I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 81-25 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.**

A handwritten signature in black ink, appearing to read 'K. Schultze', with a long horizontal line extending to the right.

**Kaley Schultze
Administrative Officer**