COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2018, Legislative Day No. 34

Bill No. 78-18

Introduced by Mr. Peroutka, Chairman
(by request of the County Executive)
and by Mr. Trumbauer

By the County Council, July 16, 2018

Introduced and first read on July 16, 2018
Public Hearing set for and held on September 17, 2018
Public Hearing on AMENDED bill set for and held on October 1, 2018
Bill Expires October 19, 2018

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

AN ORDINANCE concerning: Subdivision and Development – Roads – Multi-Modal Transportation

FOR the purpose of adding a multi-modal transportation component to County subdivision and development policies and processes; defining certain terms; amending County subdivision and development procedures to include bicycle, pedestrian, and transit assessment; exempting certain subdivisions and developments from the requirement of a bicycle, pedestrian, and transit assessment; amending provisions for mitigation of adequate public facilities to ensure compatibility with multi-modal transportation infrastructure; amending the road design provisions to include multi-modal transportation options; permitting shared-use paths to satisfy certain open space and recreation area requirements; adding the design requirements for bikeways and shared-use paths; adding provisions for bicycle, pedestrian, and transit infrastructure in subdivision and development; providing cost caps and fee-in-lieu options for certain bicycle, pedestrian, and transit infrastructure requirements; providing for the application of this Ordinance; and generally relating to subdivision and development.

BY renumbering: §§ 17-1-101(5) through (91) to be 17-1-101(7) through (96), respectively; and 17-4-202(c)(8) through (17) to be 17-4-202(c)(9) through (18), respectively

EXPLANATION: CAPITALS indicate new matter added to existing law. [Brackets] indicate matter stricken 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 amendments to bill. Strikeover indicates matter stricken from bill by amendment.
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Anne Arundel County Code (2005, as amended)

BY adding: §§ 17-1-101(5), (6), (65), (66) and (84); 17-3-201(d); 17-3-301(d); 17-4-201(c); 17-4-202(c)(8) and (d); 17-6-111(j); and 17-6-113
Anne Arundel County Code (2005, as amended)

BY repealing and reenacting, with amendments: §§ 17-2-102(3), (10), and (11); 17-3-201(b) and (c); 17-3-301(c); 17-3-403(a); 17-5-901(a) and (h); 17-5-902; 17-6-103(i)(1) and (j); 17-6-111(e), (d), (e), and (h); and 17-11-101
Anne Arundel County Code (2005, as amended)

SECTION 1. Be it enacted by the County Council of Anne Arundel County, Maryland, That §§ 17-1-101(5) through (91); and 17-4-202(c)(8) through (17) of the Anne Arundel County Code (2005, as amended) are hereby renumbered to be §§ 17-1-101(7) through (96); and 17-4-202(c)(9) through (18), respectively.

SECTION 2. And be it further enacted, That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

ARTICLE 17. SUBDIVISION AND DEVELOPMENT

TITLE 1. 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:

(5) “BICYCLE PEDESTRIAN AND TRANSIT INFRASTRUCTURE” MEANS BIKEWAYS, SHARED-USE PATHS, SIDEWALKS, TRANSIT STOPS, TRANSIT STATIONS, AND OTHER INFRASTRUCTURE THAT SUPPORTS BICYCLE AND PEDESTRIAN TRANSPORTATION.

(6) “BIKEWAY” MEANS ANY ROAD, STREET, PATH, OR WAY WHICH IN SOME MANNER IS SPECIFICALLY DESIGNATED FOR BICYCLE TRAVEL, REGARDLESS OF WHETHER SUCH FACILITIES ARE DESIGNATED FOR THE EXCLUSIVE USE OF BICYCLES OR ARE TO BE SHARED WITH OTHER TRANSPORTATION MODES.

(65) “MULTI-MODAL TRANSPORTATION” MEANS ANY MODE OF PUBLIC OR PRIVATE MOBILITY, INCLUDING MOTORIZED TRANSPORTATION, BICYCLING, WALKING, OR ANY COMBINATION THEREOF.

(66) “MULTI-MODAL TRANSPORTATION INFRASTRUCTURE” MEANS ROADS, BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE, AND OTHER INFRASTRUCTURE THAT SUPPORTS MULTI-MODAL TRANSPORTATION.

(84) “SHARED-USE PATH” MEANS A BIKEWAY THAT CAN ALSO BE A TRAIL, WHICH IS PHYSICALLY SEPARATED FROM MOTOR VEHICLE TRAFFIC BY AN OPEN SPACE OR BARRIER, AND IS EITHER WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENT. SHARED-USE PATHS MAY ALSO BE USED BY PEDESTRIANS, SKATERS, WHEELCHAIR USERS, JOGGERS, AND OTHER NON-MOTORIZED USERS, AND MOTORIZED USERS ONLY AS PERMITTED IN THIS CODE AND IN STATE CODE, AND MAY BE DESIGNED FOR TWO-WAY TRAVEL.
TITLE 2. GENERAL PROVISIONS

17-2-102. Policy.

The policy of the County is to:

(3) provide for the proper AND SAFE arrangement AND CONNECTIVITY of [roads] MULTI-MODAL TRANSPORTATION INFRASTRUCTURE in relation to those existing or planned and to provide for the most beneficial relationship between the use of land, buildings, traffic, and [pedestrian movements] MULTI-MODAL TRANSPORTATION;

(10) ensure that existing and proposed public improvements conform with and are related to the proposals shown AND RECOMMENDATIONS CONTAINED in the CURRENT General Development Plan, Capital Improvement Program, AND OTHER TRANSPORTATION OR MASTER development PLANS OR programs ADOPTED BY [of] the County; and

(11) supplement and facilitate the enforcement of the provisions and standards contained in Article 15 of this Code, Article 18 of this Code, the RECOMMENDATIONS CONTAINED IN THE CURRENT General Development Plan, Capital Improvement Program, AND OTHER TRANSPORTATION OR DEVELOPMENT PLANS OR PROGRAMS ADOPTED BY Anne Arundel County.

TITLE 3. SUBDIVISION

17-3-201. Sketch plan application.

(b) Contents. A sketch plan shall be on a 24” x 36” sheet at a scale that is no smaller than 1” = 100’ and shall contain all information required by the Office of Planning and Zoning, including attachments appearing on the current sketch plan checklist maintained by the Office of Planning and Zoning. The sketch plan shall show the initial location of all development, including MULTI-MODAL TRANSPORTATION INFRASTRUCTURE, roads, buildings, parking, stormwater management, and utilities, identify conservation and environmentally sensitive areas, and provide other information required by the Office of Planning and Zoning to clearly identify areas on the site that are suitable for development.

(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:

(1) a sketch plan showing an initial location of stormwater management, utilities, forest conservation area, and any other pertinent information requested by the Office of Planning and Zoning to facilitate determination of the development envelope on the site;

(2) a landscape plan that is in compliance with the Landscape Manual;

(3) the estimated quantity of proposed excavation and fill;

(4) a forest stand delineation;
(5) a bog protection plan for a bog protection area;

(6) maps of existing and proposed drainage areas at a scale of 1" = 100’ for sites less than 25 acres and 1" = 200’ for sites greater than 25 acres;

(7) a traffic impact study;

(8) A BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT, UNLESS EXEMPT PURSUANT TO SUBSECTION (D);

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

(i) a sediment control plan for all forest or woodland disturbance of 5,000 square feet or more;

(ii) a buffer management plan as required by COMAR, Title 27;

(iii) a critical area report and habitat assessment; and

(iv) all computations and data necessary to determine if the 10% pollutant reduction requirements of § 16-4-205 of this Code are met;

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

[(10)] (11) 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 [175] 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.

(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.

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:

(1) a final infrastructure construction plan, including a stormwater management plan in accordance with Article 16 of this Code, a storm drain plan, a water and sewer plan, and a public MULTI-MODAL TRANSPORTATION [road] plan;

(2) a forest conservation plan;

(3) drafts of all other deeds, easements, rights-of-way, agreements, and other documents required by this article and requested by the Office of Planning and Zoning;

(4) final quantities of proposed excavation and fill;

(5) a bog protection plan for a bog protection area;

(6) a traffic IMPACT study IF NOT PREVIOUSLY PROVIDED;

(7) A BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT, IF NOT PREVIOUSLY PROVIDED, UNLESS EXEMPT PURSUANT TO SUBSECTION (D);

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

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

[(9)] (10) 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;

[(10)] (11) a proposed record plat; and

[(11)] (12) a digital copy of the proposed record plat or the fee for digital conversion of a proposed record plat.

(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.

17-3-403. Reservation of land for public facilities.

(a) Land needed for public facilities. The Planning and Zoning Officer may require that land in a subdivision be reserved for acquisition by the County or the Board of Education for use as a park, COUNTY OR STATE MULTI-MODAL TRANSPORTATION
INFRASTRUCTURE, school, or other public facility if the Planning and Zoning Officer determines after receipt of a written request from a department or other public entity charged with responsibility for the facility that the land is needed and the facility is funded in the Capital Improvement Program of the County or State.

TITLE 4. SITE DEVELOPMENT

17-4-201. Preliminary plan.

(C) 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.

17-4-202. Site development plan.

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

(8) A bicycle, pedestrian, and transit assessment, if not previously provided, unless exempt pursuant to subsection (d);

(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 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

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 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 (g)(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
estimate to establish the value of construction or off-site improvements offered in
mitigation, and a cost estimate for construction and improvements in conformance with
County specifications may be approved by the Planning and Zoning Officer WHO may also
require a mitigation agreement to ensure compliance with the requirements of this section.
An agreement with the Board of Education to construct school facilities or for the donation
of land for a school site must comply with applicable State law and be approved by
resolution introduced by the County Executive and adopted by the County Council.

(h) Transportation Capacity Mitigation Agreement. Pursuant to this section and §
17-5-401, a developer may enter into a Transportation Capacity Mitigation Agreement to
provide capital improvements to increase road capacity to resolve existing roadway
deficiencies and to mitigate the traffic impact of all phases of a proposed development by
providing roadways adequate for the project, PROVIDED THOSE IMPROVEMENTS ARE
COMPATIBLE WITH THE FUNCTION, SAFETY, AND CAPACITY OF EXISTING OR PLANNED
MULTI-MODAL TRANSPORTATION INFRASTRUCTURE. Approvals for development within
the project may not be granted until the capital improvements specified in the
Transportation Capacity Mitigation Agreement are completed by the developer and
accepted by the County, or adequate security for completion of the capital improvements
is provided by the developer. The capital improvements provided by the developer pursuant
to a Transportation Capacity Mitigation Agreement shall be available to any portion of the
developer’s specified property or project and shall provide roadway capacity to allow
approval of sketch plan or site development plan applications filed for the property or
project within six years of the date of the Transportation Capacity Mitigation Agreement.
The six year filing deadline may be extended by the Planning and Zoning Officer for good
cause shown.

17-5-902. 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.

TITLE 6. GENERAL DEVELOPMENT PROVISIONS

17-6-103. Road design.

(i) Public roads. Public roads within a proposed subdivision shall be designed, to the maximum extent practicable, to minimize impervious surfaces, grading, and impacts to natural features, AND TO ENHANCE MULTI-MODAL TRANSPORTATION OPTIONS.

(1) The right-of-way for public roads shall be conveyed by dedicating and deeding the land to the County or State in fee simple. If a proposed subdivision other than an agricultural preservation subdivision borders a County or State road that does not comply with County or State standards, the developer shall dedicate and deed sufficient right-of-way to comply with the standards and to accommodate pedestrian and bicycle facilities identified in the CURRENT County Pedestrian and Bicycle Master Plan AND OTHER TRANSPORTATION OR DEVELOPMENT PLANS OR PROGRAMS ADOPTED BY THE COUNTY, except that in a cluster development in an RA or RLD District, the developer shall dedicate and deed in fee simple sufficient right-of-way to comply with the standards on the road frontage of the cluster lots only.

(j) Private roads; declaration. Proposed new private roads shall be designed to accommodate areas for mail delivery and the collection of residents’ garbage and recyclable materials AND TO ENCOURAGE OPPORTUNITIES FOR MULTI-MODAL TRANSPORTATION CONNECTIONS. Generally these areas shall be in close proximity to public roads. The developer shall prepare and record a declaration of covenants, conditions, and restrictions requiring that, in the absence of a homeowners association or condominium regime legally responsible for maintenance of the private road, owners of newly created lots abutting a private road shall be responsible for the maintenance of the private road. For private roads developed in connection with a subdivision requiring the creation of a homeowners association, the declaration shall be binding on the homeowners association and the homeowners association shall be responsible for maintenance of the private road. For private roads developed in connection with a condominium regime, the declaration shall be binding on the condominium regime’s council of unit owners and the council of unit owners shall be responsible for maintenance of the private road. For development in the absence of a homeowners association or condominium regime the declaration shall be binding on all abutting property owners and those abutting property owners shall be responsible for maintenance of the private roads. Any declaration required by this section shall be recorded in the land records.

17-6-111. Open space; recreation area; open area.

(c) Required recreation area generally. Unless the Planning and Zoning Officer under subsection (g) requires the developer to pay a fee in lieu of recreation area, a single-family detached, townhouse, semi-detached, or duplex subdivision that provides open
space under subsection (b) shall have at least 1,000 square feet of recreation area for each
dwelling unit. A multifamily subdivision that provides open space under subsection (b)
shall dedicate and use 20% of the gross area of the site as recreation area. At least 50% of
the required recreation area shall be reserved for active recreation, such as SHARED-USE
PATHS, tennis courts, swimming and boating areas, playgrounds, and playfields. The
remainder of the recreation area may be passive recreation area and may be encumbered
by forest conservation easements that permit minimal disturbance for trails, stormwater
management areas, or environmentally sensitive areas.

(d) Open area and required recreation area for certain multifamily dwellings. A
multifamily dwelling that has not provided an open space lot under subsection (b) shall
have 45% of the gross area of the site as open area and 20% of the gross area of the site as
recreation area. At least 50% of the required recreation area shall be reserved for active
recreation, such as SHARED-USE PATHS, tennis courts, swimming and boating areas,
playgrounds, and playfields.

(e) Characteristics of recreation area generally. Recreation area shall be designed to
demonstrate ADA accessibility to the maximum extent practicable, and may not include
parking lot islands, transmission line easements, or strips with a width of less than 20 feet,
OTHER THAN SHARED-USE PATHS.

(h) Characteristics of active recreation area. Recreation area to be used for active
recreation may not include wetlands or stream buffers, floodplains, forest conservation
easements, stormwater management or drainage facility easements, inlets, outfalls,
stormwater management credit areas, or slopes over five percent. Recreation area shall:

(1) be integrated into the subdivision design to create focal points along roads and
at entrances;

(2) be square or rectangular in shape, to the extent practical, and suitable for
recreation uses, such as tot lots, ball fields, and courts, or for recreation in formal parks and
squares;

(3) have at least 20 feet of frontage on a public or private road;

(4) be centrally located among the lots it serves; [and]

(5) be equitably distributed into two areas if the subdivision or site contains at least
50 residential lots or the site contains at least 50 residential units[.]; AND

(6) MAY INCLUDE SHARED-USE PATHS, WHICH ARE NOT SUBJECT TO THE
RESTRICTIONS SET FORTH IN PARAGRAPHS (1) THROUGH (5) OF THIS SUBSECTION.

(j) 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
SUBDIVISION 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.

(A) Purpose. Each subdivision or development shall be designed to provide interconnections to promote the circulation and flow of bicycles and pedestrians between developments and existing uses and to incorporate bicycle, pedestrian, and transit infrastructure, such as connectable public sidewalks, crosswalks, bikeways, shared-use paths, and transit stops or transit stations to facilitate the use of pedestrian transportation, bicycle transportation, and public transit.

(B) Requirements.

1. In addition to any other design requirements of this code, each development or subdivision shall provide public on- or off-site bicycle, pedestrian, or transit infrastructure that connects to or expands the existing, planned, or future public bicycle, pedestrian, or transit infrastructure. The developer shall provide the bicycle, pedestrian, and transit infrastructure improvements in accordance with the approved bicycle pedestrian and transit assessment.

2. The developer may acquire property not already owned by the developer to be dedicated for public use to implement the requirements of this section.

(C) Plans and guidelines.

1. A transportation functional master plan shall be prepared by the office of transportation, in conjunction with other approving agencies, no later than one year after the effective date of Bill 78-18.

2. Bicycle, pedestrian, and transit assessment guidelines shall be prepared by the office of transportation, in conjunction with other approving agencies, no later than 60 days after the effective date of Bill 78-18.

(D) Limit. The cost to the developer for design and construction of public bicycle, pedestrian, and transit infrastructure required under this section may not be required to exceed the amount of the bicycle, pedestrian, and transit fee-in-lieu that would be due for the subdivision or development under § 17-11-101.

(E) Fee-in-Lieu.

(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 the effective
DATE OF BILL 78-18, AND SHALL BE ADMINISTERED BY THAT OFFICE. A 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 IN THE BICYCLE, PEDESTRIAN, AND TRANSIT
INFRASTRUCTURE FEE-IN-LIEU FUND MAY ONLY BE UTILIZED FOR THE DESIGN AND
CONSTRUCTION COSTS ASSOCIATED WITH 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.

(F) **Design requirements.** THE DESIGN OF FACILITIES FOR BICYCLISTS AND
PEDESTRIANS SHALL BE IN ACCORDANCE WITH THOSE PROVIDED IN THE DESIGN
MANUAL, OR, IN THE ABSENCE OF INFORMATION IN THE DESIGN MANUAL, GUIDANCE
FROM GENERALLY RECOGNIZED AND COMMONLY USED TRANSPORTATION ENGINEERING
AND PLANNING STANDARDS INCLUDING GUIDANCE FROM THE FEDERAL HIGHWAY
ADMINISTRATION (FHWA), THE MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT),
THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
(AASHTO), THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), AND THE NATIONAL
ASSOCIATION OF CITY TRANSPORTATION OFFICIALS (NACTO).

(G) **Applicability.** THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL
DEVELOPMENT SUBJECT TO THIS ARTICLE, INCLUDING DEVELOPMENT IN THE ODENTON
GROWTH MANAGEMENT AREA, THE PAROLE TOWN CENTER, AND THE GLEN BURMIE TOWN
CENTER.

**TITLE 11. 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:

<table>
<thead>
<tr>
<th>Category</th>
<th>Fee or Security</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Amended record plat</strong></td>
<td><strong>$350</strong></td>
</tr>
<tr>
<td>BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU, RESIDENTIAL</td>
<td><strong>$330 PER RESIDENTIAL DWELLING UNIT</strong></td>
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<tr>
<td>BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU, NON-RESIDENTIAL, COMPRISING LESS THAN 5,000 SQUARE FEET OF ENCLOSED SPACE, OTHER THAN WAREHOUSES</td>
<td><strong>$0.40 PER SQUARE FOOT OF ENCLOSED SPACE</strong></td>
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<tr>
<td>BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU, NON-RESIDENTIAL, WAREHOUSES COMPRISING LESS THAN 15,000 SQUARE FEET OF ENCLOSED SPACE</td>
<td><strong>$0.11 PER SQUARE FOOT OF ENCLOSED SPACE</strong></td>
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</tbody>
</table>
SECTION 3. And be it further enacted, That this Ordinance shall apply only prospectively and shall not apply to any application for sketch plan approval, final plan approval, preliminary plan approval, site development plan approval, or for approval of a building or grading permit associated with a site development plan or subdivision, that is filed on or before, or that has received sketch or preliminary plan approval on or before January 1, 2019.

SECTION 4. And be it further enacted, That all references in this Ordinance to "the effective date of Bill No. 78-18", or words to that effect, shall, upon codification, be replaced with the actual date on which this Ordinance takes effect under Section 307 of the County Charter as certified by the Administrative Officer to the County Council.

SECTION 5. And be it further enacted, That this Ordinance shall take effect December 1, 2018.

AMENDMENT ADOPTED: September 17, 2018

READ AND PASSED this 1st day of October, 2018

By Order:

JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 2nd day of October, 2018

JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 9th day of October, 2018

Steven R. Schuh
County Executive

EFFECTIVE DATE: NOV 23 2018
I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO. 78-18, THE ORIGINAL OF WHICH IS RETAINED IN THE FILES OF THE COUNTY COUNCIL.

JoAnne Gray
Administrative Officer