

PROPOSED

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 October 20, 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 mitigation for additional modes of transportation; revising the
8 standards for granting impact fee credits for transportation improvements over and
9 beyond mitigation requirements; amending certain titles of sections and subtitles; and
10 generally relating to subdivision and development.
11

12 BY repealing: §§ 17-4-201(e); 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)
17

18 BY adding: §§ 17-5-403 through 17-5-407; and 17-5-902
19 Anne Arundel County Code (2005, as amended)
20

21 BY repealing and reenacting, with amendments: §§ 17-1-101(27) and (33); 17-2-101(b);
22 17-3-201; 17-3-301; 17-4-202; 17-5-201(b); 17-5-401(a), under the amended section

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.

1 title “Road standards”; 17-5-402, under the amended subtitle title “Subtitle 4. Adequate
2 Transportation Facilities”; 17-5-901; 17-6-111(i); 17-11-101; and 17-11-207(a) and (c)
3 Anne Arundel County Code (2005, as amended) (as amended by Bill No. 31-25)
4

5 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
6 *That §§ 17-4-201(e); 17-5-403; and 17-6-113 of the Anne Arundel County Code (2005, as*
7 *amended) are hereby repealed.*
8

9 SECTION 2. *And be it further enacted,* That § 17-5-902, respectively, of the Anne
10 Arundel County Code (2005, as amended) is hereby renumbered to be § 17-5-903,
11 respectively.
12

13 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
14 Code (2005, as amended) (as amended by Bill No. 31-25) read as follows:
15

16 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

17

18 **TITLE 1. DEFINITIONS.**

19

20 **17-1-101. Definitions.**

21

22 Unless defined in this article, the Natural Resources Article of the State Code, or
23 COMAR, the definitions of words defined elsewhere in this Code apply in this article. The
24 following words have the meanings indicated:
25

26 ***
27

28 (27) “Design Manual” [[has the meaning stated in Article 16 of this Code]] MEANS
29 THE DEPARTMENT OF PUBLIC WORKS DESIGN MANUAL, DESIGN AND CONSTRUCTION
30 STANDARDS - 2024, AS AMENDED.
31

32 ***
33

34 (33) “DPW Design Manual” [[has the meaning stated in Article 16 of this Code]]
35 MEANS THE DEPARTMENT OF PUBLIC WORKS DESIGN MANUAL, DESIGN AND
36 CONSTRUCTION STANDARDS - 2024, AS AMENDED.
37

38 ***
39

40 **TITLE 2. GENERAL PROVISIONS**

41

42 **17-2-101. Scope; applicability.**

43

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

1 ***

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

5
6 (i) an application for approval of or revision to a sketch plan, final plan,
7 preliminary plan, site development plan, or any building or grading permits filed on or
8 before February 2, 2025 and any other applications associated with these plans; and

9
10 (ii) an application for any building or grading permits not associated with a final
11 plan or site development plan filed on or before February 2, 2025; [[and]]

12
13 (20) an application for a sketch plan, preliminary plan, final plan, or building
14 permit, site development plan, or grading permit associated with a proposed development
15 filed before July 1, 2025, shall be governed by the law as it existed prior to July 1, 2025[.];
16 AND

17
18 (21) AN APPLICATION FOR APPROVAL OF A SKETCH PLAN, FINAL PLAN,
19 PRELIMINARY PLAN, OR A BUILDING OR GRADING PERMIT ASSOCIATED WITH A SITE
20 DEVELOPMENT PLAN FILED BEFORE JUNE 1, 2025, SHALL BE GOVERNED BY THE
21 PROVISIONS OF TITLES 5 AND 11 AS THEY EXISTED PRIOR TO THE EFFECTIVE DATE OF BILL
22 NO. 81-25.

23 24 TITLE 3. SUBDIVISION

25 26 SUBTITLE 2. SKETCH PLANS

27 28 17-3-201. Sketch plan application.

29 ***

30
31
32 (c) **Attachments.** A sketch plan shall be accompanied by all information required by
33 the Office of Planning and Zoning and the Department of Inspections and Permits,
34 including to the extent applicable:

35
36 ***

37
38 [[(8) a bicycle, pedestrian, and transit assessment, unless exempt pursuant to
39 subsection (d);]]

40
41 [[(9)]] (8) in the critical area:

42
43 ***

44
45 [[(10)]] (9) an equivalent dwelling unit (EDU) worksheet;

46
47 [[(11)]] (10) a copy of a summary of comments received at the pre-submission
48 community meeting; an affidavit signed by the developer or other evidence acceptable to
49 the Office of Planning and Zoning to prove that a community meeting was held and that a
50 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;

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

[[(13)] (12) identification of each lot that will contain a moderately priced dwelling unit or units, and a notation that use of each unit is subject to the recorded agreement required by § 17-12-104(b).

[(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.]]

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

SUBTITLE 2. SITE DEVELOPMENT PLANS

17-4-201. Preliminary plan.

[(e) Exemption from bicycle, pedestrian, and 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:

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

3
4 [[(9)]] (8) a forestation agreement and all other deeds, easements, rights-of-way,
5 agreements, and other documents as required by this article;

6
7 [[(10)]] (9) in the critical area:

8
9 ***

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

12
13 ***

14
15 [[(12)]] (11) for water-dependent uses, information showing that:

16
17 ***

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19 [[(13)]] (12) information that demonstrates compliance with the Glen Burnie Town
20 Center Plan, the Odenton Town Center Master Plan, or any other applicable plan or law;

21
22 [[(14)]] (13) a copy of a summary of comments received at a community meeting
23 and an affidavit signed by the developer or other evidence acceptable to the Office of
24 Planning and Zoning that a community meeting was held and that a copy of the summary
25 of comments was mailed to each participant at the pre-submission community meeting, to
26 all lot owners within 175 feet of the property to be developed, and to the County
27 Councilmember of the Councilmanic District where the property is located and, if the
28 property abuts another Councilmanic district, to that County Councilmember;

29
30 [[(15)]] (14) if required by the Office of Planning and Zoning, an application for
31 approval of a proposed amended record plat to ensure the conformance of site conditions
32 to those conditions reflected on the record plat;

33
34 [[(16)]] (15) for development of six or more dwelling units, evidence of the creation
35 and incorporation of an association of homeowners or unit owners;

36
37 [[(17)]] (16) a demonstration of ADA accessibility as required by federal law and
38 § 15-2-101 of this Code, including designated handicapped parking spaces, ingress and
39 egress for the proposed buildings, and travelways between the proposed buildings and the
40 designated handicapped parking spaces; and

41
42 [[(18)]] (17) an equivalent dwelling unit (EDU) worksheet, if not previously
43 provided.

44
45 **[[(d) Exemption from bicycle, pedestrian, and transit assessment.** The following
46 subdivisions or developments may opt to pay bicycle, pedestrian, and transit infrastructure
47 fees in lieu of preparing a bicycle, pedestrian, and transit assessment:

1 (1) subdivisions of five or fewer units;

2

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

5

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

7

8 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

9

10 **SUBTITLE 2. PROCESSING**

11

12 **17-5-201. Requirement to pass adequacy of public facilities tests; exemptions.**

13

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

20

21 The chart uses the following key: S = subject to the test and E = exempted from the
22 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 ROADS ADJOINING THE DEVELOPMENT AND PROVIDING ACCESS TO THE DEVELOPMENT ARE IMPROVED TO COUNTY STANDARDS AS DEFINED IN THE DESIGN MANUAL; OR

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

17-5-402. Roads included.

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

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

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

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

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

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

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

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

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

17-5-403. Impact area.

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

17-5-404. Adequate Road Facilities Matrix.

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

THE CHART USES THE FOLLOWING KEY: APF = ADEQUATE PUBLIC FACILITIES; ADT = AVERAGE DAILY TRIPS; LOS = LEVEL OF SERVICE; AND CLV = CRITICAL LANE 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 LOS D OR BETTER	ROAD RATING ≥ 70
		251-1000	2		
		1000+	3		
PENINSULA	ALL	51-250	2	CLV <1300, OR OVERALL INTERSECTION LOS D OR BETTER	ROAD RATING ≥ 70
		251-1000	3		
		1000+	4		
	ALL	51-250	1		

RURAL AND AGRICULTURAL		251-1000	2	CLV <1300, OR OVERALL INTERSECTION LOS D OR BETTER	ROAD RATING ≥70
		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	1	EXEMPT FROM ANALYSIS; SHALL PAY FEE-IN-LIEU
	2-5	800'
	6-10	1500'

ORIENTED DEVELOPMENT	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) 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) THE DISTANCES TO ANALYZE BEYOND THE SITE BOUNDARIES 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.

17-5-407. Transit standards.

(A) Standards.

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

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

(II) IT MEETS THE REQUIREMENTS OF THE ADEQUATE PUBLIC TRANSPORTATION FACILITIES MATRIX, AS PROVIDED IN SUBSECTION (C); 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 Transit Facilities Matrix.

(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 (FREQUENCY GOAL)	TRANSIT METRIC ACCESS (ACCESS TO 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	1	ZONAL	N/A
RURAL AND AGRICULTURAL	1	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 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.]] TRANSPORTATION MITIGATION SHALL BE COMPATIBLE WITH THE FUNCTION, SAFETY, AND CAPACITY OF THE MULTI-MODAL TRANSPORTATION INFRASTRUCTURE. ALL MITIGATION PROPOSALS SHALL BE ASSESSED FOR AND CONFIRMED AS BEING ROUGHLY PROPORTIONAL TO THE EXPECTED IMPACT OF THE DEVELOPMENT ON TRANSPORTATION FACILITIES, AND SHALL BE TAILORED TO MITIGATE THE EFFECT OF THAT IMPACT.

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

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

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

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

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

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

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

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

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

1 use of annual bus or rail transit passes, the levels of participation in ride share programs,
2 or other evidence of mitigation as required by the Office of Planning and Zoning.]]

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

7
8 [[(i)]] (C) **School Capacity Mitigation Agreement.**

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

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

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

44
45 1. the land to be donated is suitable for a school site in the same feeder
46 district as the development;

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

3. the land to be donated is suitable for use as a portion of a school site in the same feeder district as the development, and the Board of Education reasonably expects other school mitigation land donations sufficient to comprise a developable school site; and

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

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

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

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

[(j)] (D) Transportation Capacity Mitigation Agreement. Pursuant to this section and **[[§ 17-5-401]] §§ 17-5-401 AND 17-5-902**, 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 UNDER THE STANDARDS SET FORTH IN § 17-5-902. 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 SUBDIVISION **[[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. Transportation mitigation.

(A) Traffic mitigation.

(1) INTERSECTION MITIGATION CONSISTS OF CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC ROADS BY A DEVELOPER THAT IMPROVES THE INTERSECTION LEVEL OF SERVICE. THE IMPROVEMENTS SHALL BE COMPATIBLE WITH THE FUNCTION, SAFETY, AND CAPACITY OF THE MULTI-MODAL TRANSPORTATION

1 INFRASTRUCTURE, SO THAT THE INTERSECTION LEVEL OF SERVICE IN THE SCHEDULED
2 COMPLETION YEAR WILL BE EQUAL TO OR GREATER THAN IF THE DEVELOPMENT HAD
3 NOT BEEN CONSTRUCTED.

4
5 (2) ROAD CORRIDOR MITIGATION CONSISTS OF CONSTRUCTION OR FUNDING OF
6 IMPROVEMENTS TO OFFSITE PUBLIC FACILITIES BY A DEVELOPER THAT IMPROVES THE
7 ROAD RATING. THE IMPROVEMENTS SHALL BE COMPATIBLE WITH THE FUNCTION,
8 SAFETY, AND CAPACITY OF THE MULTI-MODAL TRANSPORTATION INFRASTRUCTURE, SO
9 THAT THE ROAD RATING OF THE IMPROVED SECTION IN THE SCHEDULED COMPLETION
10 YEAR WILL BE EQUAL TO OR GREATER THAN IF THE DEVELOPMENT HAD NOT BEEN
11 CONSTRUCTED.

12
13 (3) A MITIGATION FEE SET FORTH IN SUBSECTION (E) SHALL BE PAID FOR PROPOSED
14 DEVELOPMENTS THAT ARE EXEMPT FROM ANALYSIS UNDER THE ADEQUATE ROAD
15 FACILITIES MATRIX IN §17-5-404.

16
17 (4) MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING
18 ORDER:

19
20 (I) 1. IMPROVEMENTS TO BICYCLE, PEDESTRIAN, OR TRANSIT
21 INFRASTRUCTURE THAT WOULD RESULT IN A REDUCTION OF VEHICLE TRIPS BY SHIFTING
22 USERS TO OTHER MODES OF TRANSPORTATION; AND

23
24 2. IF A MITIGATION IMPROVEMENT IS PROVIDED THAT THE COUNTY
25 AGREES REDUCES VEHICULAR TRIPS FROM THE DEVELOPMENT, A CREDIT MAY BE
26 APPLIED TO THE VEHICULAR TRIPS GENERATED FOR A RE-EVALUATION OF REQUIRED
27 VEHICULAR MITIGATION;

28
29 (II) CONSTRUCTION TO ADDRESS EACH FAILURE;

30
31 (III) MITIGATION OVER AND ABOVE MITIGATION REQUIREMENTS AT SPECIFIC
32 FAILURES TO IMPROVE THE OVERALL SYSTEM;

33
34 (IV) IF THE IMPACT AREA IS IN A HIGH-INJURY AREA OR CONGESTED AREA, AS
35 DETERMINED BY THE PLANNING AND ZONING OFFICER, CONSTRUCTION OF SAFETY-
36 RELATED IMPROVEMENTS AND COUNTER-MEASURES AS INDICATED BY THE APPLICANT'S
37 SAFETY AND CRASH MODIFICATION FACTOR ANALYSIS, SUBJECT TO THE APPROVAL OF
38 THE DEPARTMENT OF PUBLIC WORKS;

39
40 (V) 1. IMPROVEMENTS OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDE
41 OVERALL SYSTEM IMPROVEMENTS; AND

42
43 2. THE COST OF THESE IMPROVEMENTS SHALL BE EQUIVALENT TO THE
44 COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES; AND

45
46 3. IF THE COST IS NOT EQUIVALENT, A FEE-IN-LIEU MAY BE REQUIRED FOR
47 THE REMAINDER OF THE COST, AS PROVIDED IN SUBSECTION (A)(5).

48
49 (5) IF THE PLANNING AND ZONING OFFICER DETERMINES THAT THE MITIGATION
50 OPTIONS SET FORTH IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE-IN-
51 LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION PLANNING
52 ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE-IN-LIEU SHALL BE
53 EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES, PLUS AN
54 ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR DESIGN.

55
56 (6) IF THE PLANNING AND ZONING OFFICER AGREES THAT THE IDENTIFIED
57 IMPROVEMENTS ARE BEYOND THE MEANS OF THE PROPOSED DEVELOPMENT TO PROVIDE,
58 THE MITIGATION FEE-IN-LIEU MAY BE CALCULATED AS A PERCENTAGE OF THE TOTAL
59 COST BASED ON THE RATIO OF THE TRIPS GENERATED BY THE DEVELOPMENT THAT

1 IMPACT THE FAILURE TO THE TOTAL TRIPS AT THE FAILURE UNDER EXISTING
2 CONDITIONS.

3
4 **(B) Bicycle mitigation.**

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

12
13 (2) MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING
14 ORDER:

15
16 (I) CONSTRUCTION TO ADDRESS EACH FAILURE;

17
18 (II) OVER-MITIGATION AT SPECIFIC FAILURES TO IMPROVE THE OVERALL
19 SYSTEM;

20
21 (III) IMPROVEMENTS OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDES
22 OVERALL SYSTEM IMPROVEMENTS, AND THE COST OF THESE IMPROVEMENTS SHALL BE
23 EQUIVALENT TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES,
24 AND, IF THE COST IS NOT EQUIVALENT, A MITIGATION FEE-IN-LIEU MAY BE REQUIRED FOR
25 THE REMAINDER OF THE COST AS PROVIDED IN SUBSECTION (B)(3).

26
27 (3) IF THE PLANNING AND ZONING OFFICER DETERMINES THAT MITIGATION
28 OPTIONS IDENTIFIED IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE-
29 IN-LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION
30 PLANNING ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE-IN-
31 LIEU SHALL BE EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED
32 FAILURES, PLUS AN ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR
33 DESIGN.

34
35 **(C) Pedestrian mitigation.**

36
37 (1) PEDESTRIAN MITIGATION CONSISTS OF:

38
39 (I) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC
40 FACILITIES BY A DEVELOPER THAT INCREASES THE PEDESTRIAN LEVEL OF COMFORT OF
41 THE PATHWAYS IN THE STUDY AREA TO THE REQUIRED LEVEL; OR

42
43 (II) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC
44 FACILITIES BY A DEVELOPER THAT INCREASES THE PEDESTRIAN LEVEL OF COMFORT OF
45 THE CROSSINGS IN THE STUDY AREA TO THE REQUIRED LEVEL; OR

46
47 (III) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC
48 FACILITIES BY A DEVELOPER THAT IMPROVES STREET LIGHT FACILITIES IN THE STUDY
49 AREA TO CURRENT COUNTY STANDARDS; OR

50
51 (IV) CONSTRUCTION OR FUNDING OF IMPROVEMENTS TO OFFSITE PUBLIC
52 FACILITIES BY A DEVELOPER THAT IMPROVES THOSE FACILITIES IN THE STUDY AREA TO
53 MEET ADA STANDARDS.

54
55 (2) THE MITIGATION FEE REQUIREMENTS FOR ELIGIBLE DEVELOPMENTS SHALL BE
56 AS PROVIDED IN THE DESIGN MANUAL.

1 (3) A MITIGATION FEE, AS PROVIDED IN § 17-5-902(E), SHALL BE PAID FOR PROJECTS
2 THAT ARE EXEMPT FROM ANALYSIS PER THE ADEQUATE PEDESTRIAN FACILITIES MATRIX
3 IN § 17-5-406(C).
4

5 (4) MITIGATION IMPROVEMENTS SHALL BE EVALUATED IN THE FOLLOWING
6 ORDER:
7

8 (I) CONSTRUCTION TO ADDRESS EACH FAILURE;
9

10 (II) OVER-MITIGATION AT SPECIFIC FAILURES TO IMPROVE OVERALL SYSTEM;
11

12 AND
13

14 (III) IMPROVEMENT OTHER THAN AT AN IDENTIFIED FAILURE THAT PROVIDES
15 OVERALL SYSTEM IMPROVEMENTS. THE COST OF THESE IMPROVEMENTS SHALL BE
16 EQUIVALENT TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED FAILURES. IF
17 THE COST IS NOT EQUIVALENT, A MITIGATION FEE-IN-LIEU MAY BE REQUIRED FOR THE
18 REMAINDER OF THE COST, AS PROVIDED IN SUBSECTION (C)(5).
19

20 (5) IF THE PLANNING AND ZONING OFFICER DETERMINES THAT THE MITIGATION
21 OPTIONS IDENTIFIED IN THIS SUBSECTION ARE NOT FEASIBLE, THEN A MITIGATION FEE-
22 IN-LIEU MAY BE CONSIDERED IN THE FORM OF A CONTRIBUTION TO THE REGION
23 PLANNING ZONE CAPITAL PROGRAM OF THE DEVELOPMENT. THE MITIGATION FEE-IN-
24 LIEU SHALL BE EQUAL TO THE COST OF IMPROVEMENTS TO ADDRESS THE IDENTIFIED
25 FAILURES, PLUS AN ADDITIONAL 15% OF THE ESTIMATED CONSTRUCTION COST FOR
26 DESIGN.
27

28 **(D) Transit service mitigation.**

29 (1) TRANSIT SERVICE MITIGATION IS PAYMENT OF A MITIGATION FEE FOR A SHARE
30 OF THE NECESSARY INFRASTRUCTURE AND EQUIPMENT TO ENABLE THE SYSTEM TO
31 PROVIDE THE REQUIRED SERVICE FREQUENCY, AND SHALL CONSIST OF THE FOLLOWING:
32

33 (I) A MITIGATION FEE SHALL BE PAID TO THE CAPITAL ACCOUNT FOR THE
34 PURCHASE OF COUNTY TRANSIT VEHICLES BASED ON THE FOLLOWING CALCULATION:
35

36 1. FOR PURPOSES OF THIS SECTION, "CUTAWAY BUS" MEANS A BUS BODY
37 MOUNTED ON A VAN OR LIGHT- TO MEDIUM-DUTY TRUCK CHASSIS.
38

39 2. THE DETERMINATION OF THE TYPE OF COUNTY TRANSIT VEHICLE TO BE
40 UTILIZED SHALL BE BASED ON THE DEVELOPMENT POLICY AREA OR OVERLAY, AS
41 FOLLOWS:
42

43 A. TOWN CENTER - CUTAWAY BUS;
44

45 B. VILLAGE CENTER - CUTAWAY BUS;
46

47 C. TRANSIT ORIENTED DEVELOPMENT – CUTAWAY BUS;
48

49 D. CRITICAL ECONOMIC – CUTAWAY BUS;
50

51 E. CRITICAL CORRIDOR – CUTAWAY BUS;
52

53 F. NEIGHBORHOOD PRESERVATION – CUTAWAY BUS;
54

55 G. PENINSULA – CUTAWAY BUS; AND
56

57 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.

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.]]

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]]

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

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

SECTION 4. *And be it further enacted,* That all references in this Ordinance to "the effective date of Bill No. 81-25", or words to that effect, shall, upon codification, be

1 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
2 County Charter as certified by the Administrative Officer to the County Council.

3

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