

FINAL

AMENDED
September 17, 2018

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

1 AN ORDINANCE concerning: Subdivision and Development – Roads – Multi-Modal
2 Transportation
3
4 FOR the purpose of adding a multi-modal transportation component to County subdivision
5 and development policies and processes; defining certain terms; amending County
6 subdivision and development procedures to include bicycle, pedestrian, and transit
7 assessment; exempting certain subdivisions and developments from the requirement of
8 a bicycle, pedestrian, and transit assessment; amending provisions for mitigation of
9 adequate public facilities to ensure compatibility with multi-modal transportation
10 infrastructure; amending the road design provisions to include multi-modal
11 transportation options; permitting shared-use paths to satisfy certain open space and
12 recreation area requirements; adding the design requirements for bikeways and shared-
13 use paths; adding provisions for bicycle, pedestrian, and transit infrastructure in
14 subdivision and development; providing cost caps and fee-in-lieu options for certain
15 bicycle, pedestrian, and transit infrastructure requirements; providing for the
16 application of this Ordinance; and generally relating to subdivision and development.
17
18 BY renumbering: §§ 17-1-101(5) through (91) to be 17-1-101(7) through (96),
19 respectively; and 17-4-202(c)(8) through (17) to be 17-4-202(c)(9) through (18),
20 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.

1 Anne Arundel County Code (2005, as amended)

2
3 BY adding: §§ 17-1-101(5), (6), (65), (66) and (84); 17-3-201(d); 17-3-301(d); 17-4-
4 201(c); 17-4-202(c)(8) and (d); 17-6-111(j); and 17-6-113

5 Anne Arundel County Code (2005, as amended)

6
7 BY repealing and reenacting, with amendments: §§ 17-2-102(3), (10), and (11); 17-3-
8 201(b) and (c); 17-3-301(c); 17-3-403(a); 17-5-901(a) and (h); 17-5-902; 17-6-
9 103(i)(1) and (j); 17-6-111(c), (d), (e), and (h); and 17-11-101

10 Anne Arundel County Code (2005, as amended)

11
12 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
13 That §§ 17-1-101(5) through (91); and 17-4-202(c)(8) through (17) of the Anne Arundel
14 County Code (2005, as amended) are hereby renumbered to be §§ 17-1-101(7) through
15 (96); and 17-4-202(c)(9) through (18), respectively.

16
17 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
18 Code (2005, as amended) read as follows:

19
20 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

21
22 **TITLE 1. DEFINITIONS**

23
24 **17-1-101. Definitions.**

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

29
30 (5) "BICYCLE PEDESTRIAN AND TRANSIT INFRASTRUCTURE" MEANS BIKEWAYS,
31 SHARED-USE PATHS, SIDEWALKS, TRANSIT STOPS, TRANSIT STATIONS, AND OTHER
32 INFRASTRUCTURE THAT SUPPORTS BICYCLE AND PEDESTRIAN TRANSPORTATION.

33
34 (6) "BIKEWAY" MEANS ANY ROAD, STREET, PATH, OR WAY WHICH IN SOME MANNER
35 IS SPECIFICALLY DESIGNATED FOR BICYCLE TRAVEL, REGARDLESS OF WHETHER SUCH
36 FACILITIES ARE DESIGNATED FOR THE EXCLUSIVE USE OF BICYCLES OR ARE TO BE
37 SHARED WITH OTHER TRANSPORTATION MODES.

38
39 (65) "MULTI-MODAL TRANSPORTATION" MEANS ANY MODE OF PUBLIC OR PRIVATE
40 MOBILITY, INCLUDING MOTORIZED TRANSPORTATION, BICYCLING, WALKING, OR ANY
41 COMBINATION THEREOF.

42
43 (66) "MULTI-MODAL TRANSPORTATION INFRASTRUCTURE" MEANS ROADS, BICYCLE,
44 PEDESTRIAN, AND TRANSIT INFRASTRUCTURE, AND OTHER INFRASTRUCTURE THAT
45 SUPPORTS MULTI-MODAL TRANSPORTATION.

46
47 (84) "SHARED-USE PATH" MEANS A BIKEWAY THAT CAN ALSO BE A TRAIL, WHICH IS
48 PHYSICALLY SEPARATED FROM MOTOR VEHICLE TRAFFIC BY AN OPEN SPACE OR
49 BARRIER, AND IS EITHER WITHIN THE PUBLIC RIGHT-OF-WAY OR EASEMENT. SHARED-USE
50 PATHS MAY ALSO BE USED BY PEDESTRIANS, SKATERS, WHEELCHAIR USERS, JOGGERS,
51 AND OTHER NON-MOTORIZED USERS, AND MOTORIZED USERS ONLY AS PERMITTED IN
52 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;

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

2
3 (6) maps of existing and proposed drainage areas at a scale of 1" = 100' for sites
4 less than 25 acres and 1" = 200' for sites greater than 25 acres;

5
6 (7) a traffic impact study;

7
8 (8) A BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT, UNLESS EXEMPT
9 PURSUANT TO SUBSECTION (D);

10
11 [(8)] (9) in the critical area:

12
13 (i) a sediment control plan for all forest or woodland disturbance of 5,000
14 square feet or more;

15
16 (ii) a buffer management plan as required by COMAR, Title 27;

17
18 (iii) a critical area report and habitat assessment; and

19
20 (iv) all computations and data necessary to determine if the 10% pollutant
21 reduction requirements of § 16-4-205 of this Code are met;

22
23 [(9)] (10) an equivalent dwelling unit (EDU) worksheet; and

24
25 [(10)] (11) a copy of a summary of comments received at the pre-submission
26 community meeting; an affidavit signed by the developer or other evidence acceptable to
27 the Office of Planning and Zoning to prove that a community meeting was held and that a
28 copy of the summary of comments was mailed to each participant at the pre-submission
29 community meeting, to all lot owners within [175] 300 feet of the property to be subdivided,
30 and to the County Councilmember of the Councilmanic District where the property is
31 located and, if the property abuts another Councilmanic District, to that County
32 Councilmember.

33
34 (D) **Exemption from bicycle pedestrian transit assessment.** THE FOLLOWING
35 SUBDIVISIONS OR DEVELOPMENTS MAY OPT TO PAY BICYCLE PEDESTRIAN AND TRANSIT
36 INFRASTRUCTURE FEES IN LIEU OF PREPARING A BICYCLE PEDESTRIAN AND TRANSIT
37 ASSESSMENT:

38
39 (1) SUBDIVISIONS OF FIVE OR FEWER DWELLING UNITS;

40
41 (2) NON-RESIDENTIAL DEVELOPMENTS COMPRISING LESS THAN 5,000 ENCLOSED
42 SQUARE FEET, OTHER THAN WAREHOUSE DEVELOPMENTS; AND

43
44 (3) WAREHOUSE DEVELOPMENTS COMPRISING LESS THAN 15,000 ENCLOSED
45 SQUARE FEET.

46
47 **17-3-301. Final plan application.**

48
49 (c) **Attachments.** A final plan shall be accompanied by all information required by the
50 Office of Planning and Zoning and the Department of Inspections and Permits, including

1 to the extent applicable:
2

3 (1) a final infrastructure construction plan, including a stormwater management
4 plan in accordance with Article 16 of this Code, a storm drain plan, a water and sewer plan,
5 and a public MULTI-MODAL TRANSPORTATION [road] plan;
6

7 (2) a forest conservation plan;
8

9 (3) drafts of all other deeds, easements, rights-of-way, agreements, and other
10 documents required by this article and requested by the Office of Planning and Zoning;
11

12 (4) final quantities of proposed excavation and fill;
13

14 (5) a bog protection plan for a bog protection area;
15

16 (6) a traffic IMPACT study IF NOT PREVIOUSLY PROVIDED;
17

18 (7) A BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT, IF NOT PREVIOUSLY
19 PROVIDED, UNLESS EXEMPT PURSUANT TO SUBSECTION (D);
20

21 [(7)] (8) a buffer management plan as required by COMAR, Title 27;
22

23 [(8)] (9) a demonstration of external ADA accessibility as required by law;
24

25 [(9)] (10) for subdivisions consisting of six or more lots, drafts of documents
26 required in connection with the creation and incorporation of a community association or
27 homeowners association;
28

29 [(10)] (11) a proposed record plat; and
30

31 [(11)] (12) a digital copy of the proposed record plat or the fee for digital conversion
32 of a proposed record plat.
33

34 **(D) Exemption from bicycle pedestrian transit assessment.** THE FOLLOWING
35 SUBDIVISIONS OR DEVELOPMENTS MAY OPT TO PAY BICYCLE, PEDESTRIAN, AND TRANSIT
36 INFRASTRUCTURE FEES IN LIEU OF PREPARING A BICYCLE, PEDESTRIAN, AND TRANSIT
37 ASSESSMENT:
38

39 (1) SUBDIVISIONS OF FIVE OR FEWER DWELLING UNITS;
40

41 (2) NON-RESIDENTIAL DEVELOPMENTS COMPRISING LESS THAN 5,000 ENCLOSED
42 SQUARE FEET, OTHER THAN WAREHOUSE DEVELOPMENTS; AND
43

44 (3) WAREHOUSE DEVELOPMENTS COMPRISING LESS THAN 15,000 ENCLOSED
45 SQUARE FEET.
46

47 **17-3-403. Reservation of land for public facilities.** 48

49 (a) **Land needed for public facilities.** The Planning and Zoning Officer may require
50 that land in a subdivision be reserved for acquisition by the County or the Board of
51 Education for use as a park, COUNTY OR STATE MULTI-MODAL TRANSPORTATION

1 INFRASTRUCTURE, school, or other public facility if the Planning and Zoning Officer
2 determines after receipt of a written request from a department or other public entity
3 charged with responsibility for the facility that the land is needed and the facility is funded
4 in the Capital Improvement Program of the County or State.

5
6 **TITLE 4. SITE DEVELOPMENT**

7
8 **17-4-201. Preliminary plan.**

9
10 (C) **Exemption from bicycle pedestrian transit assessment.** THE FOLLOWING
11 SUBDIVISIONS OR DEVELOPMENTS MAY OPT TO PAY BICYCLE, PEDESTRIAN, AND TRANSIT
12 INFRASTRUCTURE FEES IN LIEU OF PREPARING A BICYCLE, PEDESTRIAN, AND TRANSIT
13 ASSESSMENT:

14
15 (1) SUBDIVISIONS OF FIVE OR FEWER DWELLING UNITS;

16
17 (2) NON-RESIDENTIAL DEVELOPMENTS COMPRISING LESS THAN 5,000 ENCLOSED
18 SQUARE FEET, OTHER THAN WAREHOUSE DEVELOPMENTS; AND

19
20 (3) WAREHOUSE DEVELOPMENTS COMPRISING LESS THAN 15,000 ENCLOSED
21 SQUARE FEET.

22
23 **17-4-202. Site development plan.**

24
25 (c) **Attachments.** A site development plan shall be accompanied by all information
26 required by the Office of Planning and Zoning and the Health Department, including to the
27 extent applicable:

28
29 (8) A BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT, IF NOT PREVIOUSLY
30 PROVIDED, UNLESS EXEMPT PURSUANT TO SUBSECTION (D);

31
32 (D) **Exemption from bicycle pedestrian transit assessment.** THE FOLLOWING
33 SUBDIVISIONS OR DEVELOPMENTS MAY OPT TO PAY BICYCLE PEDESTRIAN AND TRANSIT
34 INFRASTRUCTURE FEES IN LIEU OF PREPARING A BICYCLE PEDESTRIAN AND TRANSIT
35 ASSESSMENT:

36
37 (1) SUBDIVISIONS OF FIVE OR FEWER UNITS;

38
39 (2) NON-RESIDENTIAL DEVELOPMENTS COMPRISING LESS THAN 5,000 ENCLOSED
40 SQUARE FEET, OTHER THAN WAREHOUSE DEVELOPMENTS; AND

41
42 (3) WAREHOUSE DEVELOPMENTS COMPRISING LESS THAN 15,000 ENCLOSED
43 SQUARE FEET.

44
45 **TITLE 5. ADEQUATE PUBLIC FACILITIES**

46
47 **17-5-901. Mitigation.**

48
49 (a) **General requirement.** Except as provided in this section, mitigation consists of the
50 construction or funding of improvements to offsite public facilities by a developer that
51 increase capacity, ARE COMPATIBLE WITH THE FUNCTION, SAFETY, AND CAPACITY OF
52 MULTI-MODAL TRANSPORTATION INFRASTRUCTURE, and improve environmental
53 effectiveness or safety of each public facility that is below the minimum standard in the

1 impact area so that the capacity, environmental effectiveness or safety of the facility in the
2 scheduled completion year will be equal to or greater than if the development had not been
3 constructed. A school capacity mitigation plan may also include donation of land to the
4 Board of Education for future school facilities construction. A mitigation plan may include
5 donation of land to the Board of Education for future school facilities construction pursuant
6 to subsection (g)(2), physical improvements secured by bond, letter of credit or other
7 security acceptable to the County, which shall be provided under a public works agreement
8 or grading permit, or an agreement with the Board of Education to construct school
9 facilities, including a contract school, or payment of storm drain fees in excess of those
10 required by Title 11, or contributions to existing capital projects and shall be approved by
11 the Planning and Zoning Officer. The developer shall submit the most recent tax
12 assessment information for any land to be donated to the Board of Education, a cost
13 estimate to establish the value of construction or off-site improvements offered in
14 mitigation, and a cost estimate for construction and improvements in conformance with
15 County specifications may be approved by the Planning and Zoning Officer WHO may also
16 require a mitigation agreement to ensure compliance with the requirements of this section.
17 An agreement with the Board of Education to construct school facilities or for the donation
18 of land for a school site must comply with applicable State law and be approved by
19 resolution introduced by the County Executive and adopted by the County Council.
20

21 **(h) Transportation Capacity Mitigation Agreement.** Pursuant to this section and §
22 17-5-401, a developer may enter into a Transportation Capacity Mitigation Agreement to
23 provide capital improvements to increase road capacity to resolve existing roadway
24 deficiencies and to mitigate the traffic impact of all phases of a proposed development by
25 providing roadways adequate for the project, PROVIDED THOSE IMPROVEMENTS ARE
26 COMPATIBLE WITH THE FUNCTION, SAFETY, AND CAPACITY OF EXISTING OR PLANNED
27 MULTI-MODAL TRANSPORTATION INFRASTRUCTURE. Approvals for development within
28 the project may not be granted until the capital improvements specified in the
29 Transportation Capacity Mitigation Agreement are completed by the developer and
30 accepted by the County, or adequate security for completion of the capital improvements
31 is provided by the developer. The capital improvements provided by the developer pursuant
32 to a Transportation Capacity Mitigation Agreement shall be available to any portion of the
33 developer's specified property or project and shall provide roadway capacity to allow
34 approval of sketch plan or site development plan applications filed for the property or
35 project within six years of the date of the Transportation Capacity Mitigation Agreement.
36 The six year filing deadline may be extended by the Planning and Zoning Officer for good
37 cause shown.
38

39 **17-5-902. Delay in or alternative method of accomplishing mitigation.**
40

41 If the Planning and Zoning Officer, after consultation with the Director of Public Works
42 AND THE DIRECTOR OF THE OFFICE OF TRANSPORTATION, determines that the timing of
43 capital projects or the need to ensure continuity in the transportation network makes it more
44 efficient to delay the construction of all or part of proposed mitigation, the Planning and
45 Zoning Officer shall require the developer to:
46

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

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

4
5 **TITLE 6. GENERAL DEVELOPMENT PROVISIONS**

6
7 **17-6-103. Road design.**

8
9 (i) **Public roads.** Public roads within a proposed subdivision shall be designed, to the
10 maximum extent practicable, to minimize impervious surfaces, grading, and impacts to
11 natural features, AND TO ENHANCE MULTI-MODAL TRANSPORTATION OPTIONS.

12
13 (1) The right-of-way for public roads shall be conveyed by dedicating and deeding
14 the land to the County or State in fee simple. If a proposed subdivision other than an
15 agricultural preservation subdivision borders a County or State road that does not comply
16 with County or State standards, the developer shall dedicate and deed sufficient right-of-
17 way to comply with the standards and to accommodate pedestrian and bicycle facilities
18 identified in the CURRENT County Pedestrian and Bicycle Master Plan AND OTHER
19 TRANSPORTATION OR DEVELOPMENT PLANS OR PROGRAMS ADOPTED BY THE COUNTY,
20 except that in a cluster development in an RA or RLD District, the developer shall dedicate
21 and deed in fee simple sufficient right-of-way to comply with the standards on the road
22 frontage of the cluster lots only.

23
24 (j) **Private roads; declaration.** Proposed new private roads shall be designed to
25 accommodate areas for mail delivery and the collection of residents' garbage and
26 recyclable materials AND TO ENCOURAGE OPPORTUNITIES FOR MULTI-MODAL
27 TRANSPORTATION CONNECTIONS. Generally these areas shall be in close proximity to
28 public roads. The developer shall prepare and record a declaration of covenants, conditions,
29 and restrictions requiring that, in the absence of a homeowners association or condominium
30 regime legally responsible for maintenance of the private road, owners of newly created
31 lots abutting a private road shall be responsible for the maintenance of the private road. For
32 private roads developed in connection with a subdivision requiring the creation of a
33 homeowners association, the declaration shall be binding on the homeowners association
34 and the homeowners association shall be responsible for maintenance of the private road.
35 For private roads developed in connection with a condominium regime, the declaration
36 shall be binding on the condominium regime's council of unit owners and the council of
37 unit owners shall be responsible for maintenance of the private road. For development in
38 the absence of a homeowners association or condominium regime the declaration shall be
39 binding on all abutting property owners and those abutting property owners shall be
40 responsible for maintenance of the private roads. Any declaration required by this section
41 shall be recorded in the land records.

42
43 **17-6-111. Open space; recreation area; open area.**

44
45 (c) **Required recreation area generally.** Unless the Planning and Zoning Officer
46 under subsection (g) requires the developer to pay a fee in lieu of recreation area, a single-
47 family detached, townhouse, semi-detached, or duplex subdivision that provides open

1 space under subsection (b) shall have at least 1,000 square feet of recreation area for each
2 dwelling unit. A multifamily subdivision that provides open space under subsection (b)
3 shall dedicate and use 20% of the gross area of the site as recreation area. At least 50% of
4 the required recreation area shall be reserved for active recreation, such as SHARED-USE
5 PATHS, tennis courts, swimming and boating areas, playgrounds, and playfields. The
6 remainder of the recreation area may be passive recreation area and may be encumbered
7 by forest conservation easements that permit minimal disturbance for trails, stormwater
8 management areas, or environmentally sensitive areas.

9
10 **(d) Open area and required recreation area for certain multifamily dwellings.** A
11 multifamily dwelling that has not provided an open space lot under subsection (b) shall
12 have 45% of the gross area of the site as open area and 20% of the gross area of the site as
13 recreation area. At least 50% of the required recreation area shall be reserved for active
14 recreation, such as SHARED-USE PATHS, tennis courts, swimming and boating areas,
15 playgrounds, and playfields.

16
17 **(e) Characteristics of recreation area generally.** Recreation area shall be designed to
18 demonstrate ADA accessibility to the maximum extent practicable, and may not include
19 parking lot islands, transmission line easements, or strips with a width of less than 20 feet,
20 OTHER THAN SHARED-USE PATHS.

21
22 **(h) Characteristics of active recreation area.** Recreation area to be used for active
23 recreation may not include wetlands or stream buffers, floodplains, forest conservation
24 easements, stormwater management or drainage facility easements, inlets, outfalls,
25 stormwater management credit areas, or slopes over five percent. Recreation area shall:

26
27 (1) be integrated into the subdivision design to create focal points along roads and
28 at entrances;

29
30 (2) be square or rectangular in shape, to the extent practical, and suitable for
31 recreation uses, such as tot lots, ball fields, and courts, or for recreation in formal parks and
32 squares;

33
34 (3) have at least 20 feet of frontage on a public or private road;

35
36 (4) be centrally located among the lots it serves; [and]

37
38 (5) be equitably distributed into two areas if the subdivision or site contains at least
39 50 residential lots or the site contains at least 50 residential units[.]; AND

40
41 (6) MAY INCLUDE SHARED-USE PATHS, WHICH ARE NOT SUBJECT TO THE
42 RESTRICTIONS SET FORTH IN PARAGRAPHS (1) THROUGH (5) OF THIS SUBSECTION.

43
44 **(J) Design of bikeways and shared-use paths.** BIKEWAYS AND SHARED-USE PATHS
45 SHALL BE DESIGNED TO BE AVAILABLE FOR USE BY ALL LOT OR UNIT OWNERS IN THE
46 SUBDIVISION AND IN ACCORDANCE WITH THE DESIGN MANUAL. SHARED-USE PATHS
47 PROVIDED AS ACTIVE RECREATION AREA MAY ONLY BE CONSIDERED AS COMPLYING
48 WITH ALL OR PART OF THE REQUIREMENTS OF § 17-6-113 IF THE SHARED-USE PATHS
49 SUPPORT THE OBJECTIVES OF BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE
50 AND CONNECTIVITY TO EXISTING, PLANNED, OR FUTURE OFFSITE INFRASTRUCTURE, AND

1 IF THE SHARED-USE PATHS ARE PLACED IN A PUBLIC EASEMENT OR PUBLIC RIGHT-OF-
2 WAY.

3
4 **17-6-113. Bicycle, Pedestrian and Transit Infrastructure.**

5
6 (A) **Purpose.** EACH SUBDIVISION OR DEVELOPMENT SHALL BE DESIGNED TO PROVIDE
7 INTERCONNECTIONS TO PROMOTE THE CIRCULATION AND FLOW OF BICYCLES AND
8 PEDESTRIANS BETWEEN DEVELOPMENTS AND EXISTING USES AND TO INCORPORATE
9 BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE, SUCH AS CONNECTABLE PUBLIC
10 SIDEWALKS, CROSSWALKS, BIKEWAYS, SHARED-USE PATHS, AND TRANSIT STOPS OR
11 TRANSIT STATIONS TO FACILITATE THE USE OF PEDESTRIAN TRANSPORTATION, BICYCLE
12 TRANSPORTATION, AND PUBLIC TRANSIT.

13
14 (B) **Requirements.**

15
16 (1) IN ADDITION TO ANY OTHER DESIGN REQUIREMENTS OF THIS CODE, EACH
17 DEVELOPMENT OR SUBDIVISION SHALL PROVIDE PUBLIC ON- OR OFF-SITE BICYCLE,
18 PEDESTRIAN, OR TRANSIT INFRASTRUCTURE, THAT CONNECTS TO OR EXPANDS THE
19 EXISTING, PLANNED, OR FUTURE PUBLIC BICYCLE, PEDESTRIAN, OR TRANSIT
20 INFRASTRUCTURE. THE DEVELOPER SHALL PROVIDE THE BICYCLE, PEDESTRIAN, AND
21 TRANSIT INFRASTRUCTURE IMPROVEMENTS IN ACCORDANCE WITH THE APPROVED
22 BICYCLE PEDESTRIAN AND TRANSIT ASSESSMENT.

23
24 (2) THE DEVELOPER MAY ACQUIRE PROPERTY NOT ALREADY OWNED BY THE
25 DEVELOPER TO BE DEDICATED FOR PUBLIC USE TO IMPLEMENT THE REQUIREMENTS OF
26 THIS SECTION.

27
28 (C) **Plans and guidelines.**

29
30 (1) A TRANSPORTATION FUNCTIONAL MASTER PLAN SHALL BE PREPARED BY THE
31 OFFICE OF TRANSPORTATION, IN CONJUNCTION WITH OTHER APPROVING AGENCIES, NO
32 LATER THAN ONE YEAR AFTER THE EFFECTIVE DATE OF BILL 78-18.

33
34 (2) BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT GUIDELINES SHALL BE
35 PREPARED BY THE OFFICE OF TRANSPORTATION, IN CONJUNCTION WITH OTHER
36 APPROVING AGENCIES, NO LATER THAN 60 DAYS AFTER THE EFFECTIVE DATE OF BILL 78-
37 18.

38
39 (D) **Limit.** THE COST TO THE DEVELOPER FOR DESIGN AND CONSTRUCTION OF PUBLIC
40 BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE REQUIRED UNDER THIS SECTION
41 MAY NOT BE REQUIRED TO EXCEED THE AMOUNT OF THE BICYCLE, PEDESTRIAN, AND
42 TRANSIT FEE-IN-LIEU THAT WOULD BE DUE FOR THE SUBDIVISION OR DEVELOPMENT
43 UNDER § 17-11-101.

44
45 (E) **Fee-in-Lieu.**

46
47 (1) **Authorized.** UPON A FINDING BY THE PLANNING AND ZONING OFFICER THAT,
48 DUE TO SPECIFIC EXISTING SITE CONDITIONS, CONSTRUCTION OF CONNECTABLE PUBLIC
49 SIDEWALKS, BIKEWAYS, SHARED-USE PATHS, OR TRANSIT STOPS, AS REQUIRED BY THIS
50 SECTION, THAT WOULD FACILITATE CONNECTIONS OR ACCESSIBILITY TO NEARBY
51 BICYCLE, PEDESTRIAN, OR TRANSIT INFRASTRUCTURE CANNOT REASONABLY BE
52 ACCOMPLISHED WITHIN THE COST LIMITS OF THIS SECTION, OR WHERE A DEVELOPMENT
53 IS EXEMPT FROM PROVIDING A BICYCLE, PEDESTRIAN, AND TRANSIT ASSESSMENT UNDER
54 THIS ARTICLE, A DEVELOPER MAY PAY A FEE-IN-LIEU IN THE AMOUNT PROVIDED IN § 17-
55 11-101 FOR BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE. THE BICYCLE,
56 PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU FUND SHALL BE ESTABLISHED
57 BY THE OFFICE OF TRANSPORTATION NO LATER THAN 60 DAYS AFTER THE EFFECTIVE

1 DATE OF BILL 78-18, AND SHALL BE ADMINISTERED BY THAT OFFICE. A FEE-IN-LIEU SHALL
 2 BE PAID INTO THE BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU
 3 FUND PRIOR TO THE ISSUANCE OF A GRADING PERMIT OR BUILDING PERMIT WHEN A
 4 GRADING PERMIT IS NOT REQUIRED.
 5

6 (2) **Use of funds.** FUNDS IN THE BICYCLE, PEDESTRIAN, AND TRANSIT
 7 INFRASTRUCTURE FEE-IN-LIEU FUND MAY ONLY BE UTILIZED FOR THE DESIGN AND
 8 CONSTRUCTION COSTS ASSOCIATED WITH EXPANDING EXISTING BICYCLE, PEDESTRIAN,
 9 AND TRANSIT INFRASTRUCTURE, OR CREATING NEW BICYCLE, PEDESTRIAN, AND TRANSIT
 10 INFRASTRUCTURE. THE DIRECTOR OF THE OFFICE OF TRANSPORTATION MAY APPROVE A
 11 REQUEST TO USE FUNDS FROM THE BICYCLE, PEDESTRIAN, AND TRANSIT
 12 INFRASTRUCTURE FEE-IN-LIEU FUND TO EXPAND EXISTING OR CREATE NEW BICYCLE,
 13 PEDESTRIAN OR TRANSIT INFRASTRUCTURE.
 14

15 (F) **Design requirements.** THE DESIGN OF FACILITIES FOR BICYCLISTS AND
 16 PEDESTRIANS SHALL BE IN ACCORDANCE WITH THOSE PROVIDED IN THE DESIGN
 17 MANUAL, OR, IN THE ABSENCE OF INFORMATION IN THE DESIGN MANUAL, GUIDANCE
 18 FROM GENERALLY RECOGNIZED AND COMMONLY USED TRANSPORTATION ENGINEERING
 19 AND PLANNING STANDARDS INCLUDING GUIDANCE FROM THE FEDERAL HIGHWAY
 20 ADMINISTRATION (FHWA), THE MARYLAND DEPARTMENT OF TRANSPORTATION (MDOT),
 21 THE AMERICAN ASSOCIATION OF STATE HIGHWAY AND TRANSPORTATION OFFICIALS
 22 (AASHTO), THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), AND THE NATIONAL
 23 ASSOCIATION OF CITY TRANSPORTATION OFFICIALS (NACTO).
 24

25 (G) **Applicability.** THE PROVISIONS OF THIS SECTION SHALL APPLY TO ALL
 26 DEVELOPMENT SUBJECT TO THIS ARTICLE, INCLUDING DEVELOPMENT IN THE ODENTON
 27 GROWTH MANAGEMENT AREA, THE PAROLE TOWN CENTER, AND THE GLEN BURNIE TOWN
 28 CENTER.
 29

30 **TITLE 11. FEES AND SECURITY**

31
 32 **17-11-101. Fees and security.**
 33

34 The following fees shall be paid and security given as provided in the following chart,
 35 except that fees paid on an application governed by the law as it existed prior to May 12,
 36 2005 shall be credited against the fees in the following chart if the application is withdrawn
 37 and a new application is filed under this article:
 38

Category	Fee or Security
***	***
Amended record plat	\$350
BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU, RESIDENTIAL	\$330 PER RESIDENTIAL DWELLING UNIT
BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU, NON-RESIDENTIAL, COMPRISING LESS THAN 5,000 SQUARE FEET OF ENCLOSED SPACE, OTHER THAN WAREHOUSES	\$0.40 PER SQUARE FOOT OF ENCLOSED SPACE
BICYCLE, PEDESTRIAN, AND TRANSIT INFRASTRUCTURE FEE-IN-LIEU, NON-RESIDENTIAL, WAREHOUSES COMPRISING LESS THAN 15,000 SQUARE FEET OF ENCLOSED SPACE	\$0.11 PER SQUARE FOOT OF ENCLOSED SPACE

1 SECTION 3. *And be it further enacted*, That this Ordinance shall apply only
2 prospectively and shall not apply to any application for sketch plan approval, final plan
3 approval, preliminary plan approval, site development plan approval, or for approval of a
4 building or grading permit associated with a site development plan or subdivision, that is
5 filed on or before, or that has received sketch or preliminary plan approval on or before
6 January 1, 2019.

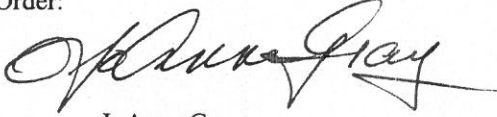
7
8 SECTION 4. *And be it further enacted*, That all references in this Ordinance to “the
9 effective date of Bill No. 78-18”, or words to that effect, shall, upon codification, be
10 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
11 County Charter as certified by the Administrative Officer to the County Council.

12
13 SECTION 5. *And be it further enacted*, That this Ordinance shall take effect December
14 1, 2018.

AMENDMENT ADOPTED: September 17, 2018

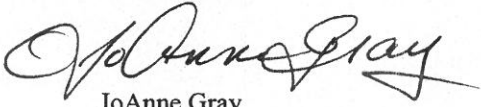
READ AND PASSED this 1st day of October, 2018

By Order:



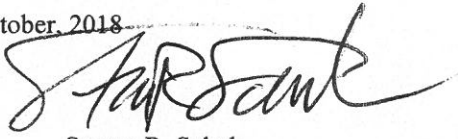
JoAnne Gray
Administrative Officer

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