

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 4

Bill No. 8-19

Introduced by Mr. Pruski, Chairman
(by request of the County Executive)

By the County Council, February 19, 2019

Introduced and first read on February 19, 2019
Public Hearing set for March 18, 2019
Bill Expires May 25, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Subdivision and Development – Adequate Public Facilities

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3 FOR the purpose of revising the standards for transportation capacity mitigation
4 agreements; and generally relating to subdivision and development.

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6 BY repealing and reenacting, with amendments: § 17-5-901(h)(as amended by Bill No. 78-
7 18)

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Anne Arundel County Code (2005, as amended)

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10 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
11 That Section(s) of the Anne Arundel County Code (2005, as amended)(and as amended by
12 Bill No. 78-18) read as follows:

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ARTICLE 17. SUBDIVISION AND DEVELOPMENT

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TITLE 5. ADEQUATE PUBLIC FACILITIES

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17-5-901. Mitigation.

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18 (h) **Transportation Capacity Mitigation Agreement.** Pursuant to this section and §
19 17-5-401 a developer may enter into a Transportation Capacity Mitigation Agreement to
20 provide capital improvements to increase road capacity to resolve existing roadway
21 deficiencies and to mitigate the traffic impact of all phases of a proposed development by
22 providing roadways adequate for the project, provided those improvements are compatible
23 with the function, safety, and capacity of existing or planned multi-modal transportation
24 infrastructure. TRANSPORTATION CAPACITY MITIGATION SHALL INCREASE ROAD
25 CAPACITY SO THAT THE ROAD FACILITIES IN THE IMPACT AREA OF THE PROPOSED
26 DEVELOPMENT OPERATE AT OR ABOVE THE MINIMUM “D” LEVEL OF SERVICE AND HAVE
27 AN ADEQUACY RATING OF NOT LESS THAN 70 AS DEFINED BY THE ANNE ARUNDEL
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1 COUNTY ROAD RATING PROGRAM. IF TRANSPORTATION CAPACITY MITIGATION IS
2 SOUGHT FOR ROAD FACILITIES THAT HAVE NOT BEEN RATED BY THE COUNTY, THE ROAD
3 FACILITIES SHALL BE RATED BY THE COUNTY UNDER THE ANNE ARUNDEL COUNTY ROAD
4 RATING PROGRAM BEFORE ENTERING INTO A TRANSPORTATION CAPACITY MITIGATION
5 AGREEMENT. Approvals for development within the project may not be granted until the
6 capital improvements specified in the Transportation Capacity Mitigation Agreement are
7 completed by the developer and accepted by the County, or adequate security for
8 completion of the capital improvements is provided by the developer. The capital
9 improvements provided by the developer pursuant to a Transportation Capacity Mitigation
10 Agreement shall be available to any portion of the developer's specified property or project
11 and shall provide roadway capacity to allow approval of sketch plan or site development
12 plan applications filed for the property or project within six years of the date of the
13 Transportation Capacity Mitigation Agreement. The six year filing deadline may be
14 extended by the Planning and Zoning Officer for good cause shown.

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16 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
17 from the date it becomes law.