



## Legislation Details (With Text)

**File #:** O-19-19      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Failed

**File created:** 4/24/2019      **In control:** City Council

**On agenda:** 4/12/2021      **Final action:** 4/12/2021

**Title:** Adequate Public Facilities - Auto transportation facilities - For the purpose of clarifying the circumstances that would require a traffic impact analysis for a proposed project; clarifying the standards to be used to determine adequacy; and generally relating to the adequacy of auto transportation facilities.

**Sponsors:** Ross Arnett, Rob Savidge

**Indexes:** Planning Commission, Public Safety Committee, Rules and City Government Committee, Transportation Committee

**Code sections:**

**Attachments:** 1. O-19-19 First Reader.pdf, 2. O-19-19 Staff Report and Fiscal Impact Note.pdf, 3. O-19-19 DPZ Staff Report to PC.pdf, 4. O-19-19 Arnett Amendments Redlined 6-9-20.pdf, 5. O-19-19 AS AMENDED ON SECOND READING 6-22-20, 6. O-19-19 Staff Report to PC, 7. O-19-19 PC Findings and Recommendations, 8. Adequate Public Facilities - Transportation Impacts 4 4 2021, 9. O-19-19 Amendments 1-5 Rules Committee Updated 2-9-21, 10. O-19-19 Amendments 6-10 - Savidge

Date	Ver.	Action By	Action	Result
4/12/2021	1	City Council	adopt on second reader	Pass
4/12/2021	1	City Council	amended	Pass
4/12/2021	1	City Council	amended	Pass
4/12/2021	1	City Council	amended	Fail
4/12/2021	1	City Council	amended	Pass
4/12/2021	1	City Council	adopt as amended	Fail
4/12/2021	1	City Council	Cosponsor added	
4/6/2021	1	Rules & City Government Committee	recommend with amendments	Pass
3/11/2021	1	Transportation Committee	postpone	Pass
3/2/2021	1	Rules & City Government Committee	postpone	Pass
3/1/2021	1	Public Safety Committee	postpone	Pass
2/11/2021	1	Transportation Committee	postpone	Pass
2/9/2021	1	Rules & City Government Committee	postpone	Pass
2/9/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/9/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/9/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/2/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass

2/2/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/2/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
2/2/2021	1	Rules & City Government Committee	postpone	Pass
2/1/2021	1	Public Safety Committee	recommend unfavorably	Pass
1/14/2021	1	Transportation Committee	recommend unfavorably	Pass
1/5/2021	1	Rules & City Government Committee	postpone	Pass
12/21/2020	1	City Council	declare the public hearing closed	
6/22/2020	1	City Council	adopt on second reader	Pass
6/22/2020	1	City Council	amended	Pass
6/22/2020	1	City Council	amended	Pass
6/9/2020	1	Rules & City Government Committee		
5/11/2020	1	City Council	postpone	Pass
4/13/2020	1	City Council	postpone	Pass
3/9/2020	1	City Council	postpone	Pass
11/18/2019	1	City Council	postpone	Pass
11/14/2019	1	Transportation Committee	postpone	Pass
11/12/2019	1	Rules & City Government Committee	postpone	Pass
11/4/2019	1	Public Safety Committee	Continue	Pass
10/28/2019	1	City Council	declare the public hearing closed	
4/29/2019	1	City Council	adopt on first reader	Pass
4/29/2019	1	City Council	refer	
4/29/2019	1	City Council	refer	
4/29/2019	1	City Council	refer	
4/29/2019	1	City Council		

**Adequate Public Facilities - Auto transportation facilities** - For the purpose of clarifying the circumstances that would require a traffic impact analysis for a proposed project; clarifying the standards to be used to determine adequacy; and generally relating to the adequacy of auto transportation facilities.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 19-19**

**Introduced by: Alderman Arnett**

**Referred to**  
Planning Commission  
Rules and City Government Committee

Transportation Committee

AN ORDINANCE concerning

**Adequate Public Facilities - Auto transportation facilities**

**FOR** The purpose of clarifying the circumstances that would require a traffic impact analysis for a proposed project; clarifying the standards to be used to determine adequacy; and generally relating to the adequacy of auto transportation facilities.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2019 Edition  
22.21.010

**BY** adding the following portions to the Code of the City of Annapolis, 2019 Edition  
22.21.020  
22.21.030  
22.21.040  
22.21.050

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**TITLE 22 - ADEQUATE PUBLIC FACILITIES**

**Chapter 22.21 - TRAFFIC IMPACT ANALYSES REVIEW CRITERIA AND CERTIFICATION FOR AUTO TRANSPORTATION FACILITIES**

**22.21.010 - ~~Traffic impact analyses.~~ RESPONSIBILITY**

THE DIRECTOR OF PLANNING AND ZONING SHALL BE RESPONSIBLE FOR REVIEW AND ASSESSMENT OF A PROPOSED PROJECT WITH REGARD TO THE ADEQUACY OF AUTO TRANSPORTATION FACILITIES. THE REVIEW AND ASSESSMENT SHALL CONSIDER RECOMMENDATIONS OF THE DIRECTOR OF PUBLIC WORKS.

~~A. Applicability. Notwithstanding any other provisions of this title, a traffic impact analysis shall be required for:~~

~~1. A project must have a traffic impact study if:~~

- ~~a. The proposed development and/or additions to existing structure is expected to generate two hundred fifty daily trips or more based upon trip generation rates published in the latest edition of the Trip Generation Manual, published by the Institute of Transportation Engineers (ITE); or~~
- ~~b. There are current traffic problems or issues in the project area, e.g. high traffic accident frequency;~~

~~or~~

~~c. The proposed entrances and exits from the site are too close to an intersection.~~

~~2. Exceptions. There are no exceptions to the criteria above.~~

~~B. Procedures for the preparation of traffic impact analyses~~

- ~~1. The traffic impact analysis will be prepared based upon a uniform scope of work and methodology for traffic impact analyses entitled Traffic Impact Analysis for Proposed Development, City of Annapolis;~~

~~Maryland, maintained by the Department of Planning and Zoning.~~

2. The traffic impact analysis will be performed under the oversight of the Department of Planning and Zoning as follows:
  - a. ~~Upon a determination that a development will require a Traffic Impact Analysis, the applicant will be notified of such.~~
  - b. ~~The Department of Planning and Zoning will prepare a scope of services for the traffic impact analysis and solicit a cost estimate(s) from a competent consulting firm(s) for the preparation of the analysis.~~
  - c. ~~The applicant will remit to the Department of Planning and Zoning sufficient funds for the completion of the analysis plus an administrative fee not to exceed ten percent of the projected cost of the analysis. If the completion of the analysis exceeds the funds applicant remitted to the Department of Planning and Zoning, the Department may withhold approval until full payment is remitted.~~
  - d. ~~The Department of Planning and Zoning will contract directly with the consulting firm and oversee the preparation of the traffic impact analysis.~~
  - e. ~~All traffic analysis results will be incorporated into any Adequate Public Facilities Ordinance considerations.~~
3. ~~The Department of Planning and Zoning shall be a party to all communications between the project developer and the consultant performing the Traffic Impact Analysis. Should communication occur, to which the Department of Planning and Zoning is not a party, the consultant may not be utilized again by the City of Annapolis, or the Department may, at its sole discretion, stop the Analysis and reinitiate a Traffic Impact Analysis with an alternative consultant at applicant expense.~~

#### **22.21.020 - GOAL.**

THE GOAL OF ADEQUATE AUTO TRANSPORTATION FACILITIES IS TO ENSURE THAT ALL PROJECTS GENERATING TRAFFIC ONTO PUBLIC ROADS AND INTERSECTIONS MITIGATE THE PROPOSED PROJECTS' IMPACT ON THOSE PUBLIC ROADS AND INTERSECTION FACILITIES.

#### **22.21.030 - EXEMPTIONS.**

THERE ARE NO EXEMPTIONS UNDER THIS CHAPTER FOR ANY PROPOSED PROJECTS.

#### **22.21.040 - APPLICABILITY.**

- A. NOTWITHSTANDING ANY OTHER PROVISIONS OF THIS TITLE, A TRAFFIC IMPACT ANALYSIS SHALL BE REQUIRED WHEN:
  1. A PROPOSED PROJECT IS EXPECTED TO GENERATE A NET OF TWO HUNDRED AND FIFTY ADDITIONAL DAILY TRIPS OR MORE AS DETERMINED USING THE TRIP GENERATION RATES SET FORTH IN THE EDITION OF THE TRIP GENERATION MANUAL, PUBLISHED BY THE INSTITUTE OF TRANSPORTATION ENGINEERS (ITE), IN EFFECT AT THE TIME OF THE FINAL ADMINISTRATIVE APPROVAL OF THE PROJECT APPLICATION; OR
  2. THE FREQUENCY OF ACCIDENTS OR OTHER TRAFFIC SAFETY ISSUES WITHIN THE 150 FEET DISTANCE DESCRIBED IN 22.21.040A3 HAVE BEEN IDENTIFIED; OR
  3. THE PROPOSED ENTRANCES OR EXITS FROM THE PROPOSED PROJECT ARE WITHIN 150 FEET FROM A STREET CLASSIFIED AS A LOCAL ROAD OR A HIGHER FUNCTIONAL CLASSIFICATION ON THE FUNCTIONAL CLASSIFICATION MAP AS

SHOWN IN THE CITY'S COMPREHENSIVE PLAN IN EFFECT AT THE TIME OF THE FINAL ADMINISTRATIVE APPROVAL OF THE PROJECT APPLICATION.

- B. THE APPLICANT FOR A PROPOSED PROJECT THAT MEETS ANY OF THE REQUIREMENTS IN 22.21.040(A) SHALL SUBMIT A TRAFFIC IMPACT ANALYSIS (TIA) IN ACCORDANCE WITH "POLICIES AND GUIDELINES FOR TRAFFIC IMPACT ANALYSIS FOR PROPOSED PROJECT IN THE CITY OF ANNAPOLIS" IN EFFECT OF THE DATE OF THE SUBMISSION OF THE APPLICATION.

#### **22.21.050- STANDARDS.**

- A. EXISTING CITY, COUNTY AND STATE ROADS SHALL BE CONSIDERED ADEQUATE TO ACCOMMODATE THE TRAFFIC PROJECTED TO BE GENERATED BY THE PROPOSED PROJECT IF:
1. A PROPOSED PROJECT THAT GENERATES BETWEEN 250 AND 400 TRIPS PER DAY ON THE EXISTING AND PROPOSED CITY, COUNTY AND STATE INTERSECTIONS IN ALL DIRECTIONS WITHIN ONE QUARTER OF A MILE FROM EACH POINT OF ENTRANCE OF THE PROPOSED PROJECT ARE CAPABLE OF ACCOMMODATING A PROJECTED LEVEL OF SERVICE "D" AS DEFINED BY THE HIGHWAY CAPACITY MANUAL PUBLISHED BY THE TRANSPORTATION RESEARCH BOARD OF THE NATIONAL ACADEMY OF SCIENCES AND AS AMENDED FROM TIME TO TIME.
  2. A PROPOSED PROJECT THAT GENERATES OVER 400 TRIPS PER DAY ON THE EXISTING AND PROPOSED CITY, COUNTY AND STATE INTERSECTIONS IN ALL DIRECTIONS WITHIN ONE HALF OF A MILE FROM EACH POINT OF ENTRANCE OF THE PROPOSED PROJECT ARE CAPABLE OF ACCOMMODATING A PROJECTED LEVEL OF SERVICE "D" AS DEFINED BY THE HIGHWAY CAPACITY MANUAL PUBLISHED BY THE TRANSPORTATION RESEARCH BOARD OF THE NATIONAL ACADEMY OF SCIENCES AND AS AMENDED FROM TIME TO TIME.
- B. IF THE RESULTS OF THE TIA ARE THAT THE INTERSECTIONS IN THE STUDY AREA WILL OPERATE BELOW LOS D WITH THE PROPOSED PROJECT IN THE TOTAL TRAFFIC SCENARIO, THE REQUIRED ROADWAY AND/OR INTERSECTION IMPROVEMENTS SHALL BRING THE LEVEL OF SERVICE TO AT LEAST LOS D.
- C. IF THE RESULTS OF THE TIA ARE THAT THE EXISTING OR BACKGROUND LEVEL OF SERVICE IS "E" OR LOWER, THEN THE APPLICANT SHALL MITIGATE THE PORTION OF TRIPS GENERATED FROM THE PROPOSED PROJECT.
- D. IF THE RESULTS OF THE TIA ARE THAT A PROJECT PROPOSAL IS SUBJECT TO MITIGATE ITS PORTION OF TRIPS GENERATED FROM THE SITE, THEN THE APPLICANT SHALL CONSTRUCT THE IMPROVEMENTS AS REQUIRED BY THE DEPARTMENT OF PUBLIC WORKS OR THE OPERATING AGENCY.
- E. THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE A SCOPE OF SERVICES FOR THE TRAFFIC IMPACT ANALYSIS.
- F. THE APPLICANT SHALL REMIT TO THE DIRECTOR OF THE DEPARTMENT OF PLANNING AND ZONING SUFFICIENT FUNDS FOR THE COMPLETION OF THE TRAFFIC IMPACT ANALYSIS PLUS AN ADMINISTRATIVE FEE NOT TO EXCEED TEN PERCENT OF THE PROJECTED COST OF THE TRAFFIC IMPACT ANALYSIS. IF THE COST OF THE COMPLETION OF THE TRAFFIC IMPACT ANALYSIS EXCEEDS THE FUNDS THAT THE APPLICANT HAS REMITTED TO THE DEPARTMENT OF PLANNING AND ZONING, THE

DIRECTOR SHALL WITHHOLD APPROVAL UNTIL THE APPLICANT REMITS FULL PAYMENT.

- G. IF THE ROADWAY OR INTERSECTION THAT IS BEING CONSIDERED FOR MITIGATION IS OWNED BY ANOTHER JURISDICTION SUCH AS STATE HIGHWAY ADMINISTRATION OR ANNE ARUNDEL COUNTY, THE OTHER JURISDICTION SHALL DECIDE MATTERS PERTAINING TO THE IMPACT OF A PROPOSED PROJECT ON PUBLIC ROADS AND INTERSECTION FACILITIES. THE CITY OF ANNAPOLIS SHALL MAKE A FINDING AS TO WHETHER THE DECISION OF THE OTHER JURISDICTION CONCURS WITH THE MITIGATING IMPROVEMENT(S) THAT ARE PROPOSED BY THE APPLICANT.
- H. CAPITAL PROJECTS WITH 100% OF THE CONSTRUCTION COSTS ALLOCATED IN THE CITY OR COUNTY'S CURRENT YEAR ADOPTED CAPITAL IMPROVEMENT PROGRAM OR APPROVED FOR CONSTRUCTION IN THE CURRENT YEAR STATE CONSOLIDATED TRANSPORTATION PROGRAM MAY BE UTILIZED IN THE TRAFFIC ANALYSIS. NECESSARY IMPROVEMENTS IDENTIFIED IN THE TIA TO MEET THE LEVEL OF SERVICE STANDARDS IN 22.21.050A SHALL BE PROVIDED BY THE APPLICANT

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

**EXPLANATION**

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.