

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 16-O-01

Introduced By:	Mayor Patrick L. McGrady
Date Introduced:	February 22, 2016
Public Hearing:	March 14, 2016
Amendments Adopted:	March 28, 2016
Date Adopted:	March 28, 2016
Date Effective:	April 18, 2016

AN ORDINANCE concerning

ADEQUATE PUBLIC FACILITIES ORDINANCE

FOR the purpose of requiring that certain adequate public facilities be provided for before certain residential and non-residential preliminary subdivision plats and site plans are approved; defining certain terms; providing processes for determining adequacy; providing certain grandfathering criteria for previously approved preliminary subdivision plats and site plans; establishing criteria for determining whether certain public facilities are adequate and providing a process for review; providing that the provisions of this Ordinance are severable; and generally relating to requiring that certain public services to adequate to support new development activities in the City of Aberdeen.

BY repealing
 Chapter 302. GROWTH MANAGEMENT,
 Sections 302-1 through 302-5
 Code of the City of Aberdeen (2010 Edition as amended)

BY adding
 Chapter 302. ADEQUATE PUBLIC FACILITIES,
 Sections 302-1 through 302-5
 Code of the City of Aberdeen (2010 Edition as amended)

EXPLANATION:

Bold Italics indicate matter added to existing law or new law.
((Double Parenthesis)) indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.
* * * indicates existing unmodified text omitted from Ordinance

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Chapter 302, Growth Management, consisting of Sections 302-1 through 302-5, inclusive, of the Code of the City of Aberdeen (2010 Edition as amended), is repealed, and new Chapter 302, Adequate Public Facilities, consisting of Sections 302-1 through 302-5, inclusive, is added to the Code of the City of Aberdeen (2010 Edition as amended), to read as follows:

CHAPTER 302. ADEQUATE PUBLIC FACILITIES

ARTICLE I
General Provisions

§302-1. Purpose.

The purpose of this chapter is to ensure that adequate public facilities have been provided prior to approval of a preliminary subdivision plan or site plan, and to define adequate public facilities requirements that shall be addressed in those plans.

§302-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

ADEQUATE PUBLIC FACILITIES – *Those facilities relating to schools, public roads, water supply and distribution systems, and sewage disposal systems meeting standards established in this Chapter.*

CITY – *The City of Aberdeen.*

DEVELOPER – *An entity (including but not limited to a person, business, corporation, partnership, limited liability company, or unincorporated association) responsible for the development of a piece of land.*

TRAFFIC IMPACT ANALYSIS (TIA) – *A technical appraisal or study that identifies the impacts of a new or expanded development on the public road system; identifies potential traffic operational problems or concerns and recommends appropriate actions to address such problems or concerns; and assists in determining the degree of financial responsibility of the developer in mitigating such impacts.*

§302-3. Finding of Intent to Avoid Requirements.

A developer shall not avoid the intent and requirements of this Chapter by submitting piecemeal applications for preliminary subdivision plan or site plan approvals. The Director of

the Department of Planning and Community Development and the Director of the Department of Public Works will make final determination on this particular matter, and whether a particular application will be subject to adequate public facilities review where the Directors find an intent to avoid the intent and requirements of this Chapter.

ARTICLE II

Adequacy Standards (Minimum Acceptable Level of Service) – Residential Development.

§302-4. Residential development.

Residential subdivision preliminary plats and site plans shall not be approved unless adequate public facilities are available to serve the development based on the standards set forth in this Section:

A. School capacity. All approval of residential subdivision plans and site plans for development shall be subject to determination of adequate school capacity based on the standards stated below and the current projected use level described in the Harford County Annual Growth Report as determined by the current State formula for rating school capacity.

(1) Preliminary approval. Preliminary subdivision plats exceeding five (5) lots and site plans for residential developments exceeding five (5) dwelling units shall not be approved at locations where either of the following conditions exists:

(a) The enrollment at the elementary school which serves the site is greater than one hundred fifteen percent (115%) of the rated capacity or is projected to be greater than one hundred fifteen percent (115%) of the rated capacity within five (5) years.

(b) The enrollment at either the middle school or high school which serves the site is greater than one hundred fifteen percent (115%) of the rated capacity or is projected to be greater than one hundred fifteen percent (115%) of the rated capacity within five (5) years.

(2) Waiting list. If a preliminary plat or site plan is for land that is located in an area that does not satisfy the requirements of Section 302-4.A(1), the approval of a preliminary plat or site plan shall be deferred and placed on a waiting list, arranged by date of completion of the review, until such time as the enrollment of the affected schools complies with the above requirements. Record plats, grading permits, and public works agreements for residential development shall not be executed by the City until the project is removed from the waiting list and approval of the preliminary plat or site plan is granted.

(3) Exemptions. The provisions of this Section do not apply to housing for the elderly, or to preliminary plats or site plans approved prior to the effective date of this Article.

1
2 ***B. Sewerage. All approval of residential preliminary subdivision plans and site plans for***
3 ***development shall be subject to determination of adequate sewerage capacity in accordance***
4 ***with this subsection B.***

5
6 ***(1) The following current and anticipated demands on the sewerage system shall be***
7 ***evaluated to determine adequacy of the system:***

8
9 ***(a) Demands on the system generated or projected to be generated by existing***
10 ***connections;***

11
12 ***(b) Buildings under construction that will be connected to the system;***

13
14 ***(c) All committed allocations evidenced by payment of area charges and***
15 ***connection fees;***

16
17 ***(d) All unexpired public works agreements;***

18
19 ***(e) All unexpired preliminary plans; and***

20
21 ***(f) Properties that are anticipated to connect to the system on completion of a***
22 ***capital project then under construction or for which funding has been***
23 ***authorized, right-of-way acquisition completed, and construction plans***
24 ***completed.***

25
26 ***(2) Taking into consideration demands on the system identified in subsection B.(1),***
27 ***the following components of the sewerage system must be determined to be adequate:***

28
29 ***(a) Collector systems to serve the proposed development are designed to***
30 ***accommodate expected ultimate peak gravity flows from the proposed***
31 ***development and other developable land within the drainage area;***

32
33 ***(b) Interceptors to serve the proposed development have sufficient available***
34 ***capacity to accommodate expected peak gravity flows from the proposed***
35 ***development;***

36
37 ***(c) Pumping stations and force mains, receiving flows from the collector system in***
38 ***the drainage/service area, have sufficient available capacity to accommodate***
39 ***ultimate peak flows from the proposed development and other developable land***
40 ***within the drainage area;***

41
42 ***(d) Pumping stations and force mains, receiving flows from interceptors to serve***
43 ***the proposed development, have sufficient available capacity to accommodate***
44 ***expected peak flow from the proposed development; and***
45

1 (e) *Treatment plant(s) have sufficient available capacity to accommodate expected*
2 *annual average and maximum daily loadings from the proposed development.*

3
4 (3) *The City sewerage system shall also be considered adequate under the following*
5 *circumstances:*

6
7 (a) *If there is compliance with paragraphs (2)(a) and (c) of this subsection and*
8 *the City has funded projects for the improvement of the facilities necessary to*
9 *comply with requirements of paragraphs (2)(b), (d), and (e) of this subsection.*

10
11 (b) *If there is compliance with paragraph (2)(e) of this subsection and the*
12 *developer agrees to construct the improvements to the system to meet the*
13 *requirements of paragraphs (2)(a), (b), (c), and (d) of this subsection, or the*
14 *developer executes an agreement with the City for improvements to the system*
15 *to meet the requirements of paragraphs (2)(a), (b), (c), and (d) of this*
16 *subsection. Under either scenario, the developer will be responsible for the*
17 *cost(s) of those improvements directly attributable to the impact produced by*
18 *the development.*

19
20 (4) *If the City sewerage system is found to be inadequate, then preliminary*
21 *subdivision plats exceeding five (5) lots, site plans for multi-family residential developments*
22 *exceeding five (5) dwelling units, and extensions of previously approved preliminary*
23 *subdivision plats and site plans shall not be approved.*

24
25 (5) *Conditional review.*

26
27 (a) *If paragraphs (2)(a), (b), (c), (d), or (e) of this subsection prevent approval or*
28 *the extension of a previous approval of a preliminary subdivision plat or site*
29 *plan, the City of Aberdeen's Department of Planning and Community*
30 *Development may proceed with conditional review of the plat or plan and*
31 *place it on a waiting list arranged by date of City Council approval and, for*
32 *previously approved plats or plans, by date of the request for extension.*

33
34 (b) *Record plats, grading permits, and public works agreements for utilities or*
35 *roads shall not be executed by the City until the proposed preliminary*
36 *subdivision plan or site plan for the project is removed from the waiting list*
37 *and approval or extension of the previous approval is granted. Removal from*
38 *the waiting list shall occur only when the condition(s) that prevented approval*
39 *under Paragraphs (2)(a), (b), (c), (d), or (e) of this subsection no longer*
40 *exist(s).*

41
42 (6) *Grandfathering.*

43
44 (a) *Unless an extension of the approval of the preliminary plat or site plan is*
45 *granted in accordance with the City's Development Code, development*

1 *conducted in accordance with a preliminary plat or site plan approved before*
2 *the effective date of this Chapter is exempt from the provisions of this*
3 *subsection concerning the adequacy of the sewerage system.*

4
5 ***(b) If an extension of the approval of the preliminary plat or site plan is granted,***
6 ***the development shall be subject to the provisions of this subsection***
7 ***concerning the adequacy of the sewerage system.***

8
9 ***(c) If development is exempt from the provisions of this subsection concerning the***
10 ***adequacy of the sewerage system, execution of public works agreements for***
11 ***such development is subject to availability of capacity in the sewerage system***
12 ***at the time of preparation of the public works agreements.***

13
14 ***C. Water. All approval of residential preliminary subdivision plans and site plans for***
15 ***development shall be subject to determination of adequate water capacity in accordance with***
16 ***this subsection C.***

17
18 ***(1) The following current and anticipated demands on the water system shall be***
19 ***evaluated to determine adequacy of the system:***

20
21 ***(a) Demands on the system generated or projected to be generated by existing***
22 ***connections;***

23
24 ***(b) Buildings under construction that will be connected to the system;***

25
26 ***(c) All committed allocations evidenced by payment of area charges and***
27 ***connection fees;***

28
29 ***(d) All unexpired public works agreements;***

30
31 ***(e) All unexpired preliminary plats; and***

32
33 ***(f) Properties that are anticipated to connect to the system on completion of a***
34 ***capital project then under construction or for which funding has been***
35 ***authorized, right-of-way acquisition completed, and construction plans***
36 ***completed.***

37
38 ***(2) Taking into consideration proposed demands on the system identified in***
39 ***subsection C.(1), the following components of the water system must be determined to be***
40 ***adequate:***

41
42 ***(a) The water distribution system is capable of providing the required pressures***
43 ***and flows during the maximum day demand and the minimum required***
44 ***pressures for fire flows, resulting from the proposed development, as***
45 ***established in the City's water and sewer design guidelines;***

(b) *Booster stations and/or transmission mains in the service area have sufficient available capacity to provide maximum day demand and minimum required pressure for fire flow to the proposed development;*

(c) *Storage tanks in the service area have sufficient available capacity to provide peak hour demand in addition to fire flow to the proposed development; and*

(d) *Source and treatment facilities in the service area have sufficient available capacity to provide maximum day demand to the proposed development.*

(3) *The City water system shall also be considered adequate under the following circumstances:*

(a) *If the City has funded projects for the improvement of the facilities necessary to comply with the requirements of paragraphs (2) (a), (b), (c), and (d) of this subsection.*

(b) *If there is compliance with paragraphs (2)(c) and (d) of this subsection and the developer agrees to construct the improvements to the system to meet the requirements of paragraphs (2)(a) and (b) of this subsection, or the developer executes an agreement with the City for improvements to the system to meet the requirements of paragraphs (2)(a) and (b) of this subsection.*

(4) *If the water system serving the proposed development is found to be inadequate, then preliminary subdivision plats exceeding five (5) lots, site plans for multi-family residential developments exceeding five (5) dwelling units, and extensions of previously approved preliminary subdivision plats and site plans shall not be approved.*

(5) *Conditional review.*

(a) *If paragraphs (2)(a), (b), (c), or (d) of this subsection prevents approval or the extension of a previous approval of a preliminary plat or site plan, the City of Aberdeen's Department of Planning and Community Development may proceed with conditional review of the plat or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plats and plans, by date of the request for extension.*

(b) *Record plats, grading permits and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs (2)(a), (b), (c), or (d) of this subsection no longer exists.*

1 ***(6) Grandfathering.***

- 2
- 3 ***(a) Unless an extension of the approval of a preliminary plat or site plan is***
4 ***granted in accordance with the City's Development Code, development***
5 ***conducted in accordance with a preliminary plat or site plan approved before***
6 ***the effective date of this Chapter is exempt from the provisions of this***
7 ***subsection concerning the adequacy of the water system.***
- 8
- 9 ***(b) If an extension of the approval of the preliminary plat or site plan is granted,***
10 ***the development shall be subject to the provisions of this subsection***
11 ***concerning the adequacy of the water system.***
- 12
- 13 ***(c) If development is exempt from the provisions of this subsection concerning the***
14 ***adequacy of the water system, execution of public works agreements for such***
15 ***development is subject to availability of capacity in the water system at the time***
16 ***of preparation of the public works agreements.***
- 17

18 ***D. Roads. All approval of residential preliminary subdivision plans and site plans for***
19 ***development shall be subject to determination of adequacy of road intersections in accordance***
20 ***with this subsection D.***

21

22 ***(1) Traffic impact analysis.***

- 23
- 24 ***(a) The developer of any project projected to generate either twenty-five (25) new***
25 ***peak hour trips per day or two hundred forty-nine (249) total trips per day***
26 ***using the latest version of the Institute of Transportation Engineers (ITE)***
27 ***Trip Generation Manual is required to submit a traffic impact analysis (TIA)***
28 ***to determine the level of service (LOS) of road intersections within the study***
29 ***area. If a development will generate fewer than twenty-five (25) new peak***
30 ***hour trips per day or two hundred forty-nine (249) total trips per day, or if the***
31 ***LOS of an affected intersection is graded "E" or "F," the City may, at its***
32 ***discretion, require a TIA.***
- 33
- 34 ***(b) The TIA shall be conducted by a traffic engineering firm that is ~~selected~~***
35 ***AGREED UPON by the City AND THE DEVELOPER, to include specific***
36 ***requirements as established by the City Department of Public Works. All costs***
37 ***for this TIA shall be borne by the developer.***
- 38
- 39 ***(c) The TIA shall be prepared, signed, and sealed by a traffic engineer, or a civil***
40 ***engineer licensed in the State of Maryland who is qualified to practice traffic***
41 ***engineering.***
- 42

43 ***(2) Minimum requirements for a TIA and Intersection Adequacy.***

- 44
- 45 ***(a) Trip generation projections shall be determined by utilizing methods set forth***

in the latest edition of the ITE Trip Generation Manual.

(b) The minimum acceptable level of service of road intersections in a residential development study area shall be "C" for intersections in or abutting a residential zoning district and "D" for all other intersections.

(c) The study area shall be determined by City staff, who shall consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:

[1] Study area.

[a] The typical study area for a TIA shall consist of a minimum area encompassed by a radius of one-quarter mile from the site to be developed, and shall include collector or higher-functioning classification road intersections from all approaches to the site as specified in the current edition of the City of Aberdeen's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the Maryland State Highway Administration (SHA) or Harford County. Coordination with these government agencies may be required.

[b] If the one-quarter mile radius does not include a collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher-functioning classification road intersection as part of the study area.

[2] Design year. The design year shall be the projected date of completion of the project as outlined in the public works agreement for that project. ~~If the projected date of completion is changed significantly, the preliminary plat may be subject to a new TIA, to be determined by the City.~~

[3] Trip generation requirements for residential project TIAs.

[a] Existing traffic counts shall be conducted within a twelve-month period of the submittal date of the TIA. Traffic counts should be taken on a Tuesday, Wednesday, or Thursday, not following a holiday unless approved by the City. If a school is located within the TIA study limits, traffic counts must be taken while school is in session.

[b] Trip generation for each land use shall be obtained by utilizing the current edition of the ITE Trip Generation Manual. The land use code in the manual shall be indicated for each category. Where a land use is not recognized within the ITE Manual or where local conditions indicate fewer trips than projected by the ITE standard for a particular

land use, local trip rates may be developed; however, the data must be submitted to the City with supporting documentation prior to approval of the rates.

[c] For developments generating peak trip numbers on weekends, the City may require the TIA to include traffic counts on either Saturday or Sunday (depending upon which day best reflects the proposed land use's peak operation), and the TIA shall include a traffic report for a single peak hour. Operational analyses may be required as well. Pass-by and diverted trip reduction factors may be considered for certain uses if City staff permits.

[4] Trip distribution and assignment.

[a] Any of the following methodologies may be acceptable for the purpose of determining trip distribution in a TIA:

[i] Gravity model. This technique may require calibration prior to its use if utilizing an old gravity model for the study area.

[ii] Utilization of demographic data.

[iii] Current directional distribution. (NOTE: This may be unacceptable if the directional distribution will change before the design year to future changes in the land use or transportation system improvements.)

[b] City staff shall approve the methodology to be used in the study.

[5] Capacity analysis in a TIA.

[a] Capacity analyses shall be performed for all intersections, roadways, ramps, weaving sections, internal circulation, and access points. The analysis shall be in accordance with the latest published version of the Highway Capacity Manual (HCM). Other types of capacity analysis may be requested, such as critical lane, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be required to determine both on- and off-site situations where queuing could impact the roadway/internal site operation. The SHA has established acceptable cycle lengths (see chart below). However, actual field-documented cycle lengths may be used if approved by City staff.

<i>Level of Service</i>	<i>2 Phases</i>	<i>3 to 5 Phases</i>	<i>6 to 8 Phases</i>
<i>A</i>	<i>90</i>	<i>100</i>	<i>120</i>
<i>B</i>	<i>90</i>	<i>100</i>	<i>120</i>
<i>C</i>	<i>100</i>	<i>120</i>	<i>135</i>
<i>D</i>	<i>120</i>	<i>135</i>	<i>150</i>
<i>E</i>	<i>135</i>	<i>150</i>	<i>165</i>
<i>F</i>	<i>150</i>	<i>165</i>	<i>180</i>

[b] Un-signalized intersections not meeting the adopted level of service established in paragraph (2)(b) of this subsection shall be required to complete a traffic signal warrant analysis. Un-signalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection shall be considered as well.

[c] When analyzing background and future conditions, only capital projects with one-hundred-percent (100%) funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed public works agreement or SHA highway access permit(s) may be utilized as well.

[6] Peak-hour observations. The City may require peak-hour observations performed by a qualified traffic engineer in a TIA. The observations shall be conducted at the direction of the City to address specific operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the TIA, along with recommendations to address traffic deficiencies.

[7] Recommendations. If any intersection within the study area has any of the failing conditions listed in D.2(b) or D.2(c)[5][a], the TIA shall recommend mitigating improvements. The improvements shall be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest American Association of State Highway and Transportation Officials (AASHTO), SHA, or City of Aberdeen guidelines. A TIA without specific recommendations to mitigate negative impacts shall not be considered complete. If recommended improvements are approved by the City, the developer shall implement the recommendations in the TIA at the developer's sole expense.

[a] If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer need only mitigate the portion of traffic impact generated by the development to ensure that post-

development traffic conditions are no worse than pre-development levels.

[b] If the TIA determines a developer is subject to mitigate its portion of trips generated from the site, the developer shall construct the improvements as stipulated by the City of Aberdeen's Department of Public Works. In the event the Department of Public Works determines the developer is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or State or Federal regulations, the developer, prior to issuance of the first building permit, shall deposit into an escrow account with the City one hundred twenty-five per cent (125%) of the funds necessary to cover the costs of the improvements as determined by the City. The City shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the City for longer than ten (10) years from date of deposit. At the conclusion of the ten (10) years, the existing owner(s) of record may request a refund. If such a request is not made within three hundred sixty-five (365) calendar days of the conclusion date, the escrowed money shall revert to the City of Aberdeen for use in improvement of roads and related structures within the City's right-of-way.

(3) Conditional review.

(a) If the requirements of this subsection prevent approval or the extension of a previous approval of a preliminary subdivision plat or site plan, the Department of Planning and Community Development may proceed with conditional review of the preliminary plat or site plan and place it on a waiting list arranged by date of City Council approval and, for previously-approved plans, by date of the request for extension.

(b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary subdivision plat or site plan approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under this subsection no longer exists.

(4) Grandfathering.

(a) Unless an extension of the approval of the preliminary subdivision plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this Chapter is exempt from the provisions of this subsection concerning the adequacy of the roadways.

(b) *If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the roadways.*

ARTICLE III

Adequacy Standards (Minimum Acceptable Level of Service) – Non-Residential Development.

§302-5. Non-residential development.

Non-residential subdivision preliminary plats and site plans shall not be approved unless adequate public facilities are available to serve the development based on the standards set forth in this Section:

A. Sewerage. All approval of non-residential preliminary subdivision plans and site plans for development shall be subject to determination of adequate sewerage capacity in accordance with this subsection A.

(1) The following current and anticipated demands on the sewerage system shall be evaluated to determine adequacy of the system:

(a) Demands on the system generated or projected to be generated by existing connections;

(b) Buildings under construction that will be connected to the system;

(c) All committed allocations evidenced by payment of area charges and connection fees;

(d) All unexpired public works utility agreements;

(e) All unexpired preliminary plans; and

(f) Properties that are anticipated to connect to the system on completion of a capital project then under construction or for which funding has been authorized, right-of-way acquisition completed, and construction plans completed.

(2) Taking into consideration demands on the system identified in subsection A.(1), the following components of the sewerage system must be determined to be adequate:

(a) Collector system to serve the proposed development is designed to accommodate expected ultimate peak gravity flows from the development and other developable land within the drainage area;

1 ***(b) Interceptors to serve the proposed development have sufficient available***
2 ***capacity to accommodate expected peak gravity flows from the development;***

3
4 ***(c) Pumping stations and force mains, receiving flows from the collector system in***
5 ***the drainage/service area, have sufficient available capacity to accommodate***
6 ***ultimate peak flows from the proposed development and other developable land***
7 ***within the drainage area;***

8
9 ***(d) Pumping stations and force mains, receiving flows from interceptors to serve***
10 ***the proposed development, have sufficient available capacity to accommodate***
11 ***expected peak flow from the proposed development; and***

12
13 ***(e) Treatment plant(s) have sufficient available capacity to accommodate expected***
14 ***annual average and maximum daily loadings from the proposed development.***

15
16 ***(3) The City sewerage system shall also be considered adequate under the following***
17 ***criteria:***

18
19 ***(a) If there is compliance with paragraphs (2)(a) and (c) of this subsection and***
20 ***the City has funded projects for the improvement of the facilities necessary to***
21 ***comply with requirements of paragraphs (2)(b), (d), and (e) of this subsection.***

22
23 ***(b) If there is compliance with paragraph (2)(e) of this subsection and the***
24 ***developer agrees to construct the improvements to the system to meet the***
25 ***requirements of paragraphs (2)(a), (b), (c), and (d) of this subsection, or the***
26 ***developer executes an agreement with the City for improvements to the system***
27 ***to meet the requirements of paragraphs (2)(a), (b), (c), and (d) of this***
28 ***subsection. Under either scenario, the developer will be responsible for the***
29 ***cost(s) of these improvements directly attributable to the impact produced by***
30 ***the development.***

31
32 ***(4) If the City sewerage system is found to be inadequate, then preliminary***
33 ***subdivision plans, site plans and extensions of previously approved preliminary subdivision***
34 ***plans shall not be approved.***

35
36 ***(5) Conditional review.***

37
38 ***(a) If paragraphs (2)(a), (b), (c), (d), or (e) of this subsection prevents approval or***
39 ***the extension of a previous approval of a preliminary subdivision plat or site***
40 ***plan, the Department of Planning and Community Development may proceed***
41 ***with conditional review of the plat or plan and place it on a waiting list***
42 ***arranged by date of City Council approval and, for previously approved plans,***
43 ***by date of the request for the extension.***
44

(b) *Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the proposed preliminary subdivision plan or site plan for the project is removed from the waiting list and approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under Paragraphs (2)(a), (b), (c), (d), or (e) of this subsection no longer exist(s).*

(6) Grandfathering.

(a) *Unless an extension of the approval of the preliminary plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this Chapter is exempt from the provisions of this subsection concerning the adequacy of the sewerage system.*

(b) *If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the sewerage system.*

(c) *If development is exempt from the provisions of this subsection concerning the adequacy of the sewerage system, execution of public works agreements for such development is subject to availability of capacity in the sewerage system at the time of preparation of the public works agreements.*

B. Water. *All approval of non-residential preliminary subdivision plans and site plans for development shall be subject to determination of adequate water capacity in accordance with this subsection B.*

(1) *The following current and anticipated demands on the water system shall be evaluated to determine adequacy of the system:*

(a) *Demands on the system generated or projected to be generated by existing connections;*

(b) *Buildings under construction that will be connected to the system;*

(c) *All committed allocations evidenced by payment of area charges and connection fees;*

(d) *All unexpired public works utility agreements;*

(e) *All unexpired preliminary plans; and*

1 (f) *Properties that are anticipated to connect to the system on completion of a*
2 *capital project then under construction or for which funding has been*
3 *authorized, right-of-way acquisition completed, and construction plans*
4 *completed.*

5
6 (2) *Taking into consideration proposed demands on the system identified in*
7 *subsection B.(1), the following components of the water system must be determined to be*
8 *adequate:*
9

10 (a) *The water distribution system is capable of providing the required pressures*
11 *and flows during the maximum day demand and the minimum required*
12 *pressures for fire flows, resulting from the proposed development, as*
13 *established in the City's water and sewer design guidelines;*

14
15 (b) *Booster stations and/or transmission mains in the service area have sufficient*
16 *available capacity to provide maximum day demand and minimum required*
17 *pressure for fire flow to the proposed development;*

18
19 (c) *Storage tanks in the service area have sufficient available capacity to provide*
20 *peak hour demand in addition to fire flow to the proposed development; and*
21

22 (d) *Source and treatment facilities in the service area have sufficient available*
23 *capacity to provide maximum day demand to the proposed development.*
24

25 (3) *The City water system shall also be considered adequate under the following*
26 *circumstances:*
27

28 (a) *If the City has funded projects for the improvement of the facilities necessary*
29 *to comply with the requirements of paragraphs (2)(a), (b), (c), and (d) of this*
30 *subsection.*
31

32 (b) *If there is compliance with paragraphs (2)(c) and (d) of this subsection and*
33 *the developer agrees to construct the improvements to the system to meet the*
34 *requirements of paragraphs (2)(a) and (b) of this subsection, or the developer*
35 *executes an agreement with the City for improvements to the system to meet*
36 *the requirements of paragraphs (2)(a) and (b) of this subsection.*
37

38 (4) *If the water system serving the proposed development is found to be inadequate,*
39 *then preliminary subdivision plats, site plans, and extensions of previously approved*
40 *preliminary subdivision plats and site plans shall not be approved.*
41

42 (5) *Conditional review.*
43

44 (a) *If paragraphs (2)(a), (b), (c), or (d) of this subsection prevents approval or the*
45 *extension of a previous approval of a preliminary plat or site plan, the*

Department of Planning and Community Development may proceed with conditional review of the plat or plan and place it on a waiting list arranged by date of City Council approval and, for previously approved plans, by date of the request for extension.

- (b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the plan for the project is removed from the waiting list and preliminary approval or extension of the previous approval is granted. Removal from the waiting list shall occur only when the condition that prevented approval under (2)(a), (b), (c), or (d) of this subsection no longer exists.*

(6) Grandfathering.

- (a) Unless an extension of the approval of a preliminary plat or site plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this Chapter is exempt from the provisions of this subsection concerning the adequacy of the water system.*
- (b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the water system.*
- (c) If development is exempt from the provisions of this subsection concerning the adequacy of the water system, execution of public works agreements for such development is subject to availability of capacity in the water systems at the time of preparation for the public works agreements.*

C. Roads. All approval of non-residential preliminary subdivision plans and site plans for development shall be subject to determination of adequacy of road intersections in accordance with this subsection C.

(1) Traffic impact analysis (TIA).

- (a) The developers of any project projected to generate twenty-five (25) new peak hour trips or two hundred forty-nine (249) trips per day using the latest version of the ITE Trip Generation Manual are required to submit a TIA to determine the level of service (LOS) of road intersections within the study area. If a development will generate fewer than twenty-five (25) new peak hour trips or two hundred forty-nine (249) total trips per day, or if the LOS of an affected intersection is graded "E" or "F," the City may, at its discretion, require a TIA.*

(b) *The TIA shall be conducted by a traffic engineering firm that is ~~selected~~ AGREED UPON by the City AND THE DEVELOPER, to include specific requirements as established by the Department of Public Works. All costs for this TIA shall be borne by the developer.*

(c) *The TIA shall be prepared, signed, and sealed by a traffic engineer, or a civil engineer licensed in the State of Maryland who is qualified to practice traffic engineering.*

(2) Minimum requirements for a TIA and Intersection Adequacy.

(a) *Trip generation projections shall be determined by utilizing methods set forth in the latest version of the ITE Trip Generation Manual.*

(b) *The minimum acceptable level of service in non-residential districts shall be "D."*

(c) *The study area shall be determined by City staff, who shall consider the following when determining the parameters of the study area and the requirements and sufficiency of the TIA:*

[1] Study area.

[a] The typical study area for a TIA shall consist of a minimum area encompassed by a radius of one quarter mile from the site to be developed, and shall include collector or higher-functioning classification road intersections from all approaches to the site as specified in the current edition of the City of Aberdeen's Comprehensive Plan. This area may include intersections which are subject to the jurisdiction of the SHA or Harford County. Coordination with these government agencies may be required.

[b] If the one-quarter mile radius does not include a collector or higher-functioning classification road intersection, the City may require the inclusion of the nearest collector or higher-functioning classification road intersection as part of the study area.

[2] Design year. *The design year shall be the projected date of completion of the project as outlined in the public works agreement for that project. ~~If the projected date of completion is changed significantly, the preliminary plat or site plan may be subject to a new TIA, to be determined by the City.~~*

[3] Trip generation requirements for non-residential project TIAs.

[a] Existing traffic counts shall be conducted within a twelve-month period

1 *of the submittal date of the TIA. Traffic counts should be taken on a*
2 *Tuesday, Wednesday, or Thursday, not following a holiday unless*
3 *approved by the City. If a school is located within the TIA study limits,*
4 *traffic counts must be taken while school is in session.*

5
6 ***[b] Trip generation for each land use shall be obtained by utilizing the***
7 ***current edition of the ITE Trip Generation Manual. The land use code***
8 ***in the Manual shall be indicated for each category. Where a land use is***
9 ***not recognized within the ITE Manual or where local conditions***
10 ***indicate fewer trips than projected by the ITE standard for a particular***
11 ***land use, local trip rates may be developed; however, the data must be***
12 ***submitted to the City with supporting documentation prior to approval***
13 ***of the rates.***

14
15 ***[c] For developments generating peak trip numbers on weekends, the City***
16 ***may require the TIA to include traffic counts on either Saturday or***
17 ***Sunday (depending upon which day best reflects the proposed land***
18 ***use's peak operation), and the TIA shall include a traffic report for a***
19 ***single peak hour. Operational analyses may be required as well. Pass-***
20 ***by and diverted trip reduction factors may be considered for certain***
21 ***uses if City staff permits.***

22
23 ***[4] Trip distribution and assignment.***

24
25 ***[a] Any of the following methodologies may be acceptable for the purpose***
26 ***of determining trip distribution in a TIA:***

27
28 ***[i] Gravity model. This technique may require calibration prior to its***
29 ***use if utilizing an old gravity model for the study area.***

30
31 ***[ii] Utilization of demographic data.***

32
33 ***[iii] Current directional distribution. (NOTE: This may be unacceptable***
34 ***if the directional distribution will change before the design year to***
35 ***future changes in the land use or transportation system***
36 ***improvements.)***

37
38 ***[b] City staff shall approve the methodology to be used in the study.***

39
40 ***[5] Capacity analysis in a TIA.***

41
42 ***[a] Capacity analyses shall be performed for all intersections, roadways,***
43 ***ramps, weaving sections, internal circulation, and access points. The***
44 ***analysis shall be in accordance with the latest published version of the***
45 ***Highway Capacity Manual (HCM). Other types of capacity analysis may***

be requested, such as critical lane, depending on requirements of other jurisdictions with road systems within the City. It may also be necessary to complete traffic progression analysis, utilizing such programs as the HCM or Synchro. Queuing analyses may be required to determine both on- and off-site situations where queuing could impact the roadway/internal site operation. The SHA has established acceptable cycle lengths (see chart below). However, actual field-documented cycle lengths may be used if approved by staff.

<i>Level of Service</i>	<i>2 Phases</i>	<i>3 to 5 Phases</i>	<i>6 to 8 Phases</i>
<i>A</i>	<i>90</i>	<i>100</i>	<i>120</i>
<i>B</i>	<i>90</i>	<i>100</i>	<i>120</i>
<i>C</i>	<i>100</i>	<i>120</i>	<i>135</i>
<i>D</i>	<i>120</i>	<i>135</i>	<i>150</i>
<i>E</i>	<i>135</i>	<i>150</i>	<i>165</i>
<i>F</i>	<i>150</i>	<i>165</i>	<i>180</i>

[b] Un-signalized intersections not meeting the adopted level of service established in paragraph (2)(b) shall be required to complete a traffic signal warrant analysis. Un-signalized intersections will be evaluated based on the level of service on the minor approaches to the intersection. Accident history of the intersection shall be considered as well.

[c] When analyzing background and future conditions, only capital projects with one-hundred-percent (100%) funding may be utilized. Other road improvements associated with other developments that have approved plans and an executed public works agreement or SHA highway access permit(s) may be utilized as well.

[6] Peak-hour observations. The City may require peak-hour observations performed by a qualified traffic engineer in a TIA. The observation shall be conducted at the direction of the City to address specific operational issues related to the proposed project. The specific traffic concerns of the City will be presented at the preliminary plan meeting. Documentation of the observations shall be included in the TIA, along with recommendations to address traffic deficiencies.

[7] Recommendations. If any intersection within the study area has any of the failing conditions listed in C.2(b) or C.2(c)[5][a], the TIA shall recommend mitigating improvements. The improvements shall be described in the TIA and should include a basic concept plan that illustrates the recommended improvements. The recommended improvements should be achievable utilizing the latest AASHTO, SHA, or Harford County guidelines. A TIA without specific recommendations to mitigate negative impacts shall not be considered complete. If recommended improvements are approved by the City, the

developer shall implement the recommendations in the TIA at the developer's sole expense.

[a] If the TIA determines the existing LOS does not meet the minimum requirements in the study area, the developer need only mitigate the portion of traffic impact generated by the development to ensure that post-development traffic conditions are no worse than pre-development levels.

[b] If the TIA determines a developer is subject to mitigate its portion of trips generated from the site, the developer shall construct the improvements as stipulated by the Department of Public Works. In the event the Department of Public Works determines the developer is unable to provide the improvements because of the inability to acquire the necessary rights-of-way, the physical constraints of the property, or State or Federal regulations, the developer, prior to issuance of the first building permit, shall deposit into an escrow account with the City one hundred twenty-five per cent (125%) of the funds necessary to cover the costs of the improvements as determined by the City. The City shall continue to hold the money in escrow until such time as the improvements are able to be constructed. In no event, however, shall the money be retained by the City for longer than ten (10) years from date of deposit. At the conclusion of the ten (10) years, the existing owner of record may request a refund. If such a request is not made within three hundred sixty-five (365) calendar days of the conclusion of the ten (10) years, the escrowed money shall revert to the City of Aberdeen for use in improvement of roads and related structures within the City's right-of-way.

(3) Conditional review.

(a) If the requirements of this subsection prevent approval or the extension of a previous approval of a preliminary subdivision plat or site plan, the Department of Planning and Community Development may proceed with conditional review of the preliminary plat or site plan and place it on a waiting list arranged by date of City Council approval and, for previously-approved plans, by date of the request for extension.

(b) Record plats, grading permits, and public works agreements for utilities or roads shall not be executed by the City until the project is removed from the waiting list and preliminary subdivision plat or site plan approval or extension is granted. Removal from the waiting list shall occur only when the condition that prevented approval under condition of this subsection no longer exists.

(4) Grandfathering.

(a) Unless an extension of the approval of the preliminary subdivision plat or site

plan is granted in accordance with the City's Development Code, development conducted in accordance with a preliminary plat or site plan approved before the effective date of this Chapter is exempt from the provisions of this subsection concerning the adequacy of the roadways.

(b) If an extension of the approval of the preliminary plat or site plan is granted, the development shall be subject to the provisions of this subsection concerning the adequacy of the roadways.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that the provisions of this Ordinance are severable. If any provision of this Ordinance, or the application of this Ordinance or any part of this Ordinance to any individual or situation is determined by a Court to be unlawful or unenforceable, the remainder of this Ordinance, and the lawful application of this Ordinance to other individuals and situations, shall remain in full force and effect.

SECTION 3. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that this Ordinance shall become effective at the expiration of twenty (20) calendar days following adoption.

COUNCIL OF THE CITY OF ABERDEEN

Patrick L. McGrady, Mayor

Sandra J. Landbeck, Councilwoman

Timothy W. Lindecamp, Councilman

Melvin T. Taylor, Councilman

Vacant

ATTEST:

SEAL:

Monica A. Correll, City Clerk

Date _____