

Chapter 191 - Zoning Regulations

Article X. - Adequate Public Facilities Requirements

§ 191.86. Purpose.

The purpose of the adequate public facilities review is to:

- A. Require developers to provide new, additional, or upgraded public facilities for water, sewage, roads and school seating capacity, when necessary, to ensure the Town's ability to provide adequate public facility levels to serve new developments without impacting the existing community.
- B. Ensure that all proposed development will not adversely affect the public's health, safety, and welfare; and,
- C. Encourage new development to occur in areas of the Town where public facilities are being provided.

§ 191.87. Adequate public facilities required.

- A. Unless stated otherwise within this Ordinance, no preliminary plat maps or site plans shall be approved by the Town unless it can be demonstrated that the development will not impact the adequacy of the Town's public facilities to provide adequate water, sewage, roads and school seating capacity to serve the development, as specified in this Ordinance.
- B. This Ordinance does not apply to minor residential subdivisions, minor site plans, and non-residential developments containing less than 1,200 square feet of gross floor area unless determined necessary by the Planning Director due to unique or unusual circumstances associated with the development and/or the surrounding environs of the development.
- C. Unless exempted within this Ordinance, all preliminary plat maps and site plans submitted to the Town for approval shall be accompanied by an Adequate Public Facilities Study (APFS) pursuant to Section 191.93. The vehicular trip generation threshold for requiring a traffic study shall be 50 or more peak-hour vehicular trips during any of the peak study periods.

§191.88. Roads. ~~(Reserved)~~

- A. The traffic generated by a proposed development shall not reduce the level of service (LOS) at intersections or along roads below the standards established in this section.
- B. This section does not apply to any proposed development project that generates fewer than 50 peak-hour vehicular trips during any of the study peak periods.
- C. Roads shall be considered adequate to accommodate the projected vehicular traffic generated by a proposed development if:
 - (1) All existing traffic, the traffic expected from a proposed development, and the cumulative traffic from previously approved developments within the traffic study area must either meet, or be capable of being adequately mitigated to meet, the minimum Level of Service (LOS) required for the roadways affected by the proposed new development. Traffic service levels at all intersections within the traffic study area defined in §191.93(F) shall be evaluated using the following methodology:

- (a) Primary Analysis Methodology. All Traffic Impact Studies (TIS) shall use the most current edition of the Highway Capacity Manual (HCM), published by the Transportation Research Board, as the sole primary method of traffic analysis. HCM-based analysis shall be performed by the project developer using traffic analysis software capable of producing HCM-based measures of effectiveness for signalized and unsignalized intersections, including overall intersection, average control delay, approach delay, individual movement delay, volume-to-capacity ratios, and 95th percentile queue lengths. The Critical Lane Volume (CLV) method shall not be used as a substitute for, or screening alternative to, HCM-based analysis.
- (b) Level of Service (LOS) Determination. Level of Service shall be determined using HCM delay-based measures of effectiveness. For signalized intersections, the LOS shall be based on the overall intersection average control delay using a weighted average across all approaches. For unsignalized intersections, the LOS shall be based on the worst minor-street movement or approach delay, as specified by the HCM. The 95th percentile queue lengths from traffic simulation analysis shall be reported for all study intersections.
- (c) Signal Timing Baseline. All traffic analysis models for roads shall use the existing signal timing data obtained from the controlling jurisdiction (i.e., Town of La Plata, Charles County, or State Highway Administration) as the baseline. Developer-assumed signal timing shall not be used. Where the controlling jurisdiction for a road has developed and made available calibrated traffic model files for study intersections, project developers shall use those files as the basis to start their analysis.
- (d) Trip Generation Standard. All trip generation calculations shall use the most current edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual. Trip generation shall be based on new net trips, which is defined as vehicular trips generated by a proposed development minus vehicular trips generated by any existing or previously approved development on the same site for which APFO approval has been granted by the Town.
- (e) Adequacy Standards: The adequacy of roadway operations shall be evaluated using the following impact-based thresholds, applied separately to each study intersection under opening-year total traffic conditions for a proposed new development:
- (i) If the proposed development's opening-year background Level of Service (LOS), excluding site-generated traffic, is LOS "D" or better, then the overall intersection LOS with total traffic, including the proposed development's traffic, must also remain at LOS "D" or better. If the opening-year background LOS is LOS "E" or worse, then the overall average control delay per vehicle under total traffic conditions may not exceed the average control delay under background conditions. The proposed development may not increase traffic delays at any intersection that is already operating below acceptable standards.
 - (ii) Individual Movement Floor. Regardless of the overall intersection result under subsection (i), no individual turning movement or approach at a signalized intersection shall operate at LOS "F" under total traffic conditions where the movement operated at LOS "E" or better under background conditions. At unsignalized intersections, the worst minor-street movement or approach shall serve as the basis for the adequacy determination, using the same background-versus-total comparison framework as referenced in subsection (i).
 - (iii) The Traffic Impact Study (TIS) for a proposed development must report the following for each study intersection: peak AM and PM traffic levels, plus any additional periods required under §191.96(B)(3); the opening-year background LOS and average control delay; the opening-year total traffic LOS and average control delay; the change in delay attributable to the proposed development; and the 95th-percentile queue lengths for all movements based on traffic simulation analysis.
- (f) Model File Submission. All traffic analysis model files used in a TIS must be submitted

electronically to the Town as part of the APFS submittal, in a format that is readable by the Town.

(g) Peer Review: The Town of La Plata reserves the right to retain a qualified, independent, traffic engineer to review all TIS submittals to the Town for their input and recommendations. The total cost of all reviews shall be borne by the project developer.

(2) Infrastructure Priority Hierarchy. In evaluating CIP programmed improvements for developer credit under this subsection, and in programming new transportation CIP projects funded in whole or in part through Escrow Fund contributions under §191.94(F), the Town shall apply the following priority hierarchy. Higher-priority improvements shall be advanced ahead of lower-priority improvements when Escrow Fund balances or CIP capacity require sequencing decisions:

Priority 1 — Multimodal Traffic Safety: Improvements that demonstrably reduce crash frequency or severity for all road users, including vehicle-vehicle, vehicle-pedestrian, and vehicle-bicycle conflicts. This includes intersection geometry corrections, sight distance improvements, speed management measures, signal safety upgrades, and projects identified in any Town or State Highway Administration Road Safety Audit or Pedestrian Safety Action Plan. Consistent with Maryland's Vision Zero goal and MDOT's Complete Streets Policy, safety improvements shall be the first call on available Escrow Fund balances.

Priority 2 — Emergency Vehicle Access: Improvements that enhance the reliability and speed of emergency vehicle response within the Town, including intersection modifications to facilitate emergency preemption, turning radius corrections at constrained intersections, and roadway geometry improvements to reduce response times to residential and commercial areas. The Town shall certify that proposed improvements satisfy emergency access standards prior to CIP programming.

Priority 3 — Pedestrian and Bicycle Accessibility and Complete Streets Conformance: Improvements that expand or close gaps in the Town's pedestrian and bicycle network, bring existing facilities into conformance with the Town's adopted Complete Streets standards, improve ADA accessibility, enhance Safe Routes to Schools connections, and provide protected or separated facilities for non-motorized users on high-volume corridors. Consistent with Maryland Department of Transportation's Complete Streets Policy, which requires APFOs to ensure Complete Streets design features are provided, this priority shall apply to all Escrow Fund-eligible improvements involving the reconstruction or significant modification of existing roadway cross-sections.

Priority 4 — Vehicle Capacity and Operations: Improvements primarily intended to increase vehicle throughput or reduce vehicle delay, including intersection turn lane additions, signal coordination, and roadway widening for vehicular capacity. Such improvements remain eligible for Escrow Fund programming but shall be sequenced after Priorities 1 through 3 have been adequately addressed in the affected corridor or study area.

(3) A sufficient public right-of-way width is provided to serve the volume of pedestrian and vehicular traffic to accommodate the proposed development, including adequate road widths to facilitate vehicular mobility, maneuverability, and on-street parking, when applicable to the roadway type and context.

D. Levels of Service.

(1) The established minimum level of service (LOS) standards shall be tiered based on roadway jurisdiction and context, as follows:

(a) Town of La Plata Controlled Roads: LOS "C" for all Town-owned and maintained roads.

(b) Charles County-Controlled Roads: LOS "D" for all Charles County-owned and maintained roads

within the La Plata Town limits, consistent with the “Charles County Adequate Public Facilities Manual.” The Town shall defer to the County's adopted adequacy standards for County-controlled roads.

(c) State Highway Administration (SHA) Controlled Roads: LOS “E,” or no worse than the background (pre-development) LOS where existing conditions already exceed LOS “E,” for all SHA-controlled and maintained highways in the Town. The Town shall defer to SHA's adopted “Traffic Impact Study Guidelines” for its facilities. Any mitigation requirement involving the SHA right-of-way shall be expressly subject to SHA review and approval. If SHA declines to approve proposed mitigation, the Town of La Plata shall consider alternative mitigation strategies, including but not limited to pro-rata contributions toward SHA-programmed improvements.

(2) When a TIS is conducted pursuant to §191.88(C)(1) and it determines that a study intersection fails the adequacy standards established in §191.88(C)(1)(e), the following mitigation framework shall apply. All adequacy determinations and mitigation calculations under this section shall use opening-year background conditions (existing traffic plus approved-but-unbuilt development traffic) as the baseline, consistent with §191.88(C)(1)(e).

(a) At Functioning Intersections (opening-year background LOS “D” or better) under the applicable tiered standard in §191.88(D)(1)). Mitigation is required where the proposed new development causes the overall intersection LOS under total traffic conditions to fall below LOS “D,” or causes any individual movement that operated at LOS “E” or better under background conditions to fall to LOS “F.” The project developer shall mitigate the proposed development’s impact to restore the intersection to its existing background LOS or better.

(b) At Deficient Intersections (opening-year background LOS “E” or worse). Mitigation is required where the proposed new development increases the average control delay per vehicle under total traffic conditions above the average control delay per vehicle under the proposed new development’s opening-year background conditions (i.e., where the proposed development measurably worsens delay at an already-deficient intersection). The project developer shall adequately mitigate impacts to restore total traffic delay to no worse than the opening-year background delay. Mitigation may consist of one or more of the following, as approved by the Town:

(i) Proportional Impact Mitigation. At the discretion of the Town, the project developer may contribute toward the cost of the improvement in proportion to the proposed development’s share of the total traffic delay increase calculated as: $(\text{Proposed Development-Attributable Delay Increase} \div \text{Total Delay Under Total Traffic Conditions}) \times \text{Total Improvement Cost}$, based on a third-party engineering estimate.

(ii) Pro-Rata Escrow Contribution. At the discretion of the Town, the developer may contribute to the Town's Transportation Improvement Escrow Fund pursuant to §191.94(F) in lieu of direct construction, where the improvement is programmed in the Town's CIP or is a shared improvement benefiting multiple developments.

(iii) Alternative Improvements. At the Town’s discretion, a project developer may propose alternative improvements that clearly restore total traffic delay to a level no worse than the proposed development’s opening-year background delay without the project. Any such proposal shall be reviewed and approval by the Town and, when applicable, by SHA or the County. When evaluating alternative improvements, the Town shall apply the Infrastructure Priority Hierarchy established in §191.88(C)(2).

(c) Denial. The Planning Commission shall deny a proposed development if the developer fails to demonstrate a feasible, secured, mitigation pathway under subsections (a) or (b) above. The Planning Commission shall not deny a project solely because an intersection operates below the applicable LOS standard under background conditions unrelated to the proposed development.

E. The determination of the Level of Service for a road shall consider the effects of existing traffic and traffic projected to be generated from proposed new developments in the traffic study area, as determined by the Town, for which final subdivision plats and site plans have been approved as well as increases in through traffic and all traffic projected to be generated from the proposed development for a specified development completion year.

F. Unless exempted within this Ordinance, the project developer shall submit with their preliminary plat map or site plan, a preliminary Adequate Public Facilities Study (APFS) which indicates the proposed development's anticipated vehicular trip generation rates, a list of existing roads and intersections that will be impacted by traffic to and from the proposed development, and the anticipated completion date of the proposed development. The Planning Director shall review the APFS to determine whether it satisfies the standards adopted herein for the proposed development and shall add or remove roads or intersections as necessary to evaluate the impact of the proposed development.

§191.89. Schools.

See Section 173-92 under Article IX (School Seat Allocation Policy) of the La Plata Subdivision and Land Development Ordinance.

§191.90. Sewage system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there are adequate wastewater systems and supporting infrastructure. Therefore, no site plan or subdivision plat shall be approved for any new or expanded development in La Plata unless the Town's wastewater treatment plant and infrastructure has or will have sufficient capacity to support new development prior to its commencement. It is the intent of this Chapter to ensure that sewer infrastructure capacity serving existing residential and non-residential users are not adversely affected by the sewage capacity and infrastructure needs from new development.
- B. Standard for Adequacy. The Town's sewage system shall be considered inadequate and the development deemed to create an adverse impact on the Town's wastewater treatment plant and its infrastructure when a development causes it to operate at or above eighty percent (80%) of the plant's maximum capacity. This limitation is to ensure the Town maintains sufficient reserve capacity to account for system inefficiencies and short-term spikes in treatment demand. Eighty percent (80%) of sewage capacity shall be determined by multiplying the Town's treatment plant's design flow (MGD) by 0.80, then comparing that value to the facility's average daily wastewater flow.. If this standard is exceeded, the project shall not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a sewage capacity report identifying the Town's current wastewater treatment plant capacity level and its remaining availability to serve new development. The most current wastewater capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's wastewater capacity limit as part of any Adequate Public Facilities Study submitted to the Town.

§191.91. Water supply system.

- A. Pursuant to Title 9 of the Annotated Code of Maryland, new development can only be approved if there is an adequate water supply and infrastructure to support it. Therefore, no preliminary plat map or site plan for any new or expanded development requiring water allocation from the Town of La Plata shall be approved unless there is or will be sufficient water supply to support the development prior to its commencement. It is the intent of this chapter that water supplies serving existing residential and non-residential users are not adversely affected by the water usage from new development.
- B. Standard for Adequacy. The Town's water supply system is considered inadequate and a proposed development is considered to have an adverse impact on the Town's ability to provide sufficient water when the projected water demand from new development will cause the Town to reach or exceed eighty percent (80%) of its maximum water appropriation permit for annual average daily withdrawal, as issued by the Maryland Department of the Environment. The 80% threshold is intended to ensure the Town maintains sufficient reserve capacity to account for water loss, system inefficiencies, and short-term spikes in water usage. Eighty percent (80%) of the Town's water allocation is calculated by multiplying the permitted annual average daily withdrawal limit by 0.80 and comparing that value to the Town's actual annual average daily water use. If the projected demand from a development causes this threshold to be exceeded, the development may not be approved unless adequate mitigation is provided in accordance with §191.94 (Mitigation).
- C. The Town of La Plata shall publish on its website every six (6) months a water capacity report of the Town's water allocation usage for determining the remaining water availability to serve new development against its maximum water appropriations permit limit for average daily withdrawal. The most current water capacity report shall be used as the authoritative reference source for determining a development's impact on the Town's water supply as part of any Adequate Public Facilities Study submitted to the Town.

§ 191.92. Water, sewage, and school capacity allocations

- A. Water and sewer capacity allocation shall be guaranteed to any approved preliminary plat map or site plan requiring such allocation for a period of six (6) years after its original approval by the Town. Failure, for any reason, to obtain a building permit within six (6) years to begin construction for a new building(s) under an approved site plan or preliminary plat map or for a new development shall render the water and sewer allocation void.
- B. For preliminary plat maps and site plans that have been previously approved without water and sewer allocations prior to the adoption of this Ordinance, water and sewer allocations shall be based on the following allocation methodology:
 - (1) All preliminary plat maps and site plans that have been approved and are still valid as of the date of the adoption of this Ordinance shall be exempt from Section 191.92(A) unless the approved preliminary plat map or site plan is allowed to expire for any reason. Water and sewer allocations for previously approved and legally valid preliminary plat maps and site plans shall have priority over any preliminary plat maps and site plans not approved by the Town as of the date of the adoption of this Ordinance. Water and sewer allocations for unexpired preliminary plat maps and site plans under this code provision shall be allocated as follows:
 - (a) Each year, the Town of La Plata shall identify the maximum water and sewer capacity allocations to be devoted to previously approved preliminary plat maps and site plans that are valid.
 - (b) Water and sewer allocations shall be distributed by the Town to each previously approved

- preliminary plat map or site plan beginning with the oldest to the most recent until all such water and sewer allocations have been distributed by the Town of La Plata for each calendar year.
- (c) Failure to begin using authorized water and sewer allocations within six years shall render the water and sewer allocations under this provision of the Ordinance null and void.
- C. Once all previously approved preliminary plat maps and site plans have received their necessary water and sewer allocations under Section 191.92(B), water and sewer allocations required for the approval of new preliminary plat maps and site plans may be granted by the Town as provided in this Ordinance.
- D. School capacity allocations shall be granted pursuant to Article IX (School Seat Allocation Policy) of the La Plata Municipal Code.

§ 191.93. Adequate public facilities study.

- A. An Adequate Public Facilities Study (APFS) shall be prepared by qualified, independent, third parties, in conformance with the requirements of this Ordinance, and submitted as part of any preliminary plat map or site plan submittal to the Town for approval.
- B. An APFS shall contain the following information:
- (1) Background information describing the proposed development, its location, and the most current conditions of all public facilities that are regulated by this Ordinance.
 - (2) Analyses and identification of all anticipated project impacts and facility needs for water, sewer, roads and school seating capacity to serve the proposed development.
 - (3) As necessary, a proposed mitigation program to eliminate all anticipated environmental impacts caused by the development to enable the Town to provide sufficient water, sewage, roads and school seating capacity to serve the proposed development.
 - (4) Any other additional information deemed necessary by the Planning Director to adequately evaluate a project's impact(s) on the Town's water, sewage, and school seating capacity.
- C. An APFS must address the incremental and cumulative impacts of a project that is to be developed in phases, including all incremental mitigation measures.
- D. The Planning Commission shall review the APFS and other information submitted by the project developer to determine if the level of public infrastructure exists or will exist to meet the standards of this Ordinance and whether the approval of the proposed development will be in the public interest.
- E. The project developer applicant shall pay all the ecosts associated with the Town's review of an APFS in addition to all other applicable development fees in the Town's current fee schedule.
- F. Traffic Study Area Definition. The Traffic Impact Study shall analyze, at a minimum, the following baseline study area:
- (1) All signalized intersections providing direct access to the proposed development site;
 - (2) The nearest two principal arterial intersections in each direction from the primary vehicular street entrance(s) to the proposed development;
 - (3) All intersections within 1.5 miles of the primary site entrance(s) that receive 50 or more peak-hour trips generated by the proposed development;
 - (4) The Planning Director may expand the required study area based on: (i) the proposed development generating more than 250 peak-hour vehicular trips; (ii) known traffic distribution patterns affecting more distant facilities; (iii) proximity to sensitive uses such as schools or hospitals; or (iv) reasonable justification demonstrating a project nexus for the expanded scope of the study.

G. Piecemeal Development. Circumventing the trip threshold by submitting piecemeal development applications is not permitted. If a project developer submits a new preliminary plat map or site plan for proposed development at the same property location where a previous preliminary plat map or site plan was approved within the preceding five (5) years, the Traffic Impact Study shall include all trips generated by both the proposed and previous development approvals when determining whether the 50 peak-hour trip threshold is met or exceeded.

H. For public reference, the Town shall update its "Official Street Map of the Town of La Plata, Maryland" each year to identify all new roads and road extensions in La Plata pursuant to the updating processes and procedures contained in Section 170-7 of the La Plata Municipal Code. The "Official Street Map of the Town of La Plata, Maryland" shall include the minimum Level of Service (LOS) for all Town, County and State Highway Administration roadways in La Plata.

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§ 191.94. Mitigation.

Creative development design measures are encouraged within each new development to reduce or eliminate impacts to the Town's water, sewage, roads and school seating capacity limits whenever possible. However, if the Planning Commission determines that one or more public facilities associated with water, sewage, roads, or school seating capacity are not adequate, the Planning Commission shall deny the project or require sufficient development mitigation measures as follows:

- A. Mitigation by the project developer is required to avoid exceeding water, sewer, roads and school seating capacity limits to enable the Town to provide sufficient public facilities to support the developer's project and comply with all applicable provisions of the Town's Municipal Code and Maryland Department of the Environment permitting requirements, conditions, and regulations placed upon the Town. If the mitigation measures are considered infeasible to implement for a new development, the Town may accept an in-lieu fee equal to the developer's pro-rata share of the total estimated cost of their required mitigation measures for their project, as determined by the Chief Executive Officer of the Town.
- B. If one or more mitigation measures are required for an approved development to comply with this Ordinance and those mitigation measures will be fully completed through a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project before all Town issued development permits are finalized, the Town shall consider the required development mitigation measures necessary to comply with this Ordinance satisfied. However, if a Town of La Plata, Charles County, or State Highway Administration approved capital improvement project does not fully satisfy all mitigation measures required for an approved development to comply with this Ordinance, the developer shall be responsible for completing their pro-rata share of the remaining mitigation measures. Otherwise, the developer shall provide the Town an in-lieu fee equal to their pro-rata share of the total estimated cost for the remaining mitigation measures required for their project development, as determined by the Chief Executive Officer ~~fof~~ of the Town.
- C. The Planning Commission shall review and have final approval of the proposed mitigation program for a proposed subdivision or site plan. A mitigation program shall include the type(s) of mitigation, the methods of mitigation, and time schedules, including project phasing, if applicable, for the successful implementation of the mitigation program.
- D. A mitigation program shall be contained in a legally binding, adequate public facilities agreement between the project developer and the Town of La Plata, in a legal form approved by the Town Attorney.

E.E.—A mitigation program shall run with the land. The deed or title for a property shall contain references to the mitigation program and be recorded with the Charles County Clerk to the satisfaction of the Planning Director.

F. Transportation Improvement Escrow Fund.

- (1) Establishment. The Town of La Plata shall establish and maintain a "Transportation Improvement Escrow Fund" ("Escrow Fund") for the purpose of collecting pro-rata share contributions from developers toward the cost of transportation improvements that exceed any single developer's proportional impact or that require coordination across multiple developments or jurisdictions.
- (2) Applicability. The Town may require pro-rata Escrow Fund contributions through an in-lieu fee and/or direct mitigation construction by the project developer pursuant to Section 191.94.
- (3) Calculation. The developer's pro-rata contribution shall equal: (Proposed Development Peak Hour Trips ÷ Total Peak Hour Capacity Added by the Improvement) × Total Improvement Cost, based on an independent third-party engineering cost estimate reviewed and approved by the Chief Executive Officer of the Town.
- (4) Fund Administration. All Escrow Fund contributions shall be deposited in a dedicated, interest-bearing account, separately maintained by the Town. Funds shall be used solely for the construction of the identified transportation improvement(s). Unexpended funds shall be returned to contributing developers on a pro-rata basis if a project is canceled or if alternative funding sources fully finance the improvement.
- (5) Construction Trigger. For Town-controlled roads, the Town shall initiate construction of funded road improvement(s) when:
 - (i) Sufficient pro-rata contributions have been collected to fund at least fifty percent (50%) of the project cost; or
 - (ii) Alternative public and/or private funding sources are secured by the Town to complete the project road improvement(s).
- (6) CIP Alignment and Investment Priorities. The Escrow Fund shall be reviewed annually in connection with the Town's CIP process. The Chief Executive Officer shall recommend to the Town Council allocation of Escrow Fund balances to advance programmed improvements in coordination with Charles County and the State Highway Administration. In making such recommendations, the Chief Executive Officer shall apply the Infrastructure Priority Hierarchy established in §191.88(C)(2), advancing safety improvements ahead of capacity improvements, pedestrian and bicycle accessibility improvements ahead of vehicle throughput improvements, and preserving emergency vehicle access as a non-negotiable baseline condition. Any deviation from the recommended priority ranking shall be documented with written findings explaining why a lower-priority improvement better serves the public interest in specific circumstances. For mitigation projects along State or County roads and intersections, the Town may provide a funding contribution from the pro rata Escrow fund.
- (7) Payment. The required pro-rata Escrow Fund contribution by a project developer shall be made prior to the issuance of any building permits for their project.

§ 191.95. Bonding or surety.

- A. The Planning Commission shall require bonding or surety as appropriate to cover the costs of the facilities and lands not under the project developer's ownership that are part of a mitigation program.
- B. Upon default, the Town of La Plata has the authority to redeem the bonds or surety in addition to any other remedy provided by law.

§ 191.96. Standards, criteria and procedures for adequate public facilities studies.

A. Except as may be stated elsewhere in this Ordinance, the Charles County Adequate Public Facilities Implementation Manual may be referenced for guidance to help support the successful implementation of this Ordinance. In no case shall the Charles County APFO Manual supersede any requirements of this Ordinance unless stated otherwise in this Ordinance.

B. Standards for Traffic Studies. All Traffic Impact Studies (TIS) submitted as part of an Adequate Public Facilities Study (APFS) shall be conducted in accordance with the following methodology:

(1) Methodology Alignment: The tiered HCM methodology described in §191.88(C)(1) shall be used as the primary standard for all TIS analyses. The Charles County Adequate Public Facilities Manual may be referenced for supplemental guidance on County-controlled roads, provided it does not conflict with the standards established in this Article. In the event of conflict, this Article shall govern.

(2) Standardized Data: All TIS submissions shall use the most current traffic count data, obtained from Town-approved traffic counts, rather than applicant-generated proprietary data unless approved by the Town. Traffic counts shall be no older than two years at the time of submission.

(3) Special Conditions: For retail, food service, entertainment, and religious uses, the TIS shall include an appropriate Saturday or Sunday peak-hour analysis in addition to peak weekday AM and PM traffic volumes. For uses with significant school-hour traffic, an analysis of the afternoon peak traffic shall also be identified. The Planning Director may specify additional conditions at the TIS scoping stage.

(4) The scope of work for all TIS's shall be approved in advance by the Planning Director prior to execution and satisfactorily completed at the discretion of the Planning Director.

(5) The Town of La Plata shall create and utilize an administrative Traffic Impact Study Implementation Manual that sets forth the procedural standards, forms, contact directories, and interagency coordination protocols with Charles County Government and the Maryland State Highway Administration for the preparation, scoping, submittal, and review of Traffic Impact Studies and for the implementation of recommended road and traffic mitigation measures when deemed necessary to mitigate impacts caused by new development approved in the Town of La Plata.

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B. C. Upon recommendation by the Planning Commission, the Town Council shall consider approving any revisions to the adopted standards, criteria, and procedures for adequate public facilities.

C. D. The Town of La Plata shall be the sole provider of all water and sewer facilities for new and existing developments in Town. The Town will require developers to fund, construct, and provide bonding for all new or upgraded facilities deemed necessary for mitigation under this Ordinance. All new water and sewer facilities shall be dedicated by the project developer to the Town of La Plata, consistent with all applicable provisions of the Town's Municipal Code as determined by the Director of Public Works.

§ 191.97. Exemptions to Adequate Public Facilities Requirements

A. The provisions of this APFO Ordinance shall not apply to any development that, as of the effective date of this Ordinance, satisfies all of the following criteria:

(1) The property was subject to an Annexation Agreement executed on or before December 31, 1998, and recorded among the Land Records of Charles County, Maryland, regardless of any amendments to such agreement occurring after that date; and

(2) A preliminary plat map or site plan for the development has received Town approval and remains valid under applicable law.

(3) A development that satisfies both of the criteria in the above Sections A(1) and A(2) as of the effective date of this Ordinance shall be deemed vested for purposes of this Article and shall remain exempt from the requirements of Chapter 173, Article IX (School Seat Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements) provided that such development proceeds in accordance with the approved preliminary plat map or site plan as well as any applicable vesting or expiration provisions of this Code.

B. Notwithstanding the foregoing in Section “A,” above, any significant modification to an approved preliminary plat or site plan that results in an increase in residential density, non-residential square footage, or overall development intensity shall not be eligible for this exemption unless such modification independently satisfies the requirements of Chapter 173, Article IX (School Seating Allocation Policy) and Chapter 191, Article X (Adequate Public Facilities Requirements).

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