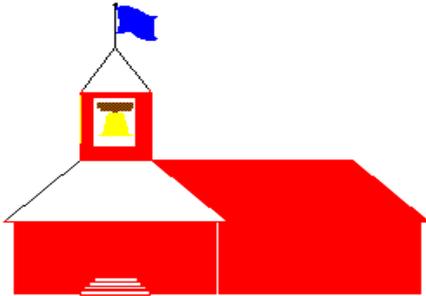


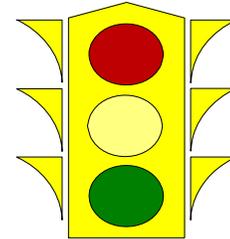
CHARLES COUNTY, MARYLAND

ADEQUATE PUBLIC FACILITIES MANUAL

PROCEDURES AND GUIDELINES FOR



SCHOOLS



TRAFFIC



**AND
GROUNDWATER SUPPLY**

Adopted July 7, 1997 - Revised June 28, 2008
Prepared by: PLANNING DIVISION
DEPARTMENT OF PLANNING AND GROWTH MANAGEMENT

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MISSION STATEMENT

The mission of the Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient and courteous manner. To achieve this goal government must operate in an open and accessible atmosphere, be based on comprehensive long and short term planning, and have an appropriate managerial organization tempered by fiscal responsibility

VISION STATEMENT

Charles County is a place where ...

- * Private initiative is rewarded and businesses grow and prosper, while the preservation of our heritage is paramount,*
- * Government services have reached the highest level of excellence and*
- * The quality of life is felt by its citizens to be the best in the region and its government is recognized as a leader in support of these expectations.*

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SAY NO TO DRUGS
AN EQUAL OPPORTUNITY COUNTY

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1.0 INTRODUCTION

The Adequate Public Facilities element of the *Charles County Zoning Ordinance* is designed to accomplish several things:

- Assure that proposed development will not adversely affect the public health, safety, and welfare.
- Encourage new development to occur in areas of the County where public facilities are being provided and which are designated in the *Comprehensive Plan*.
- Require developers to provide new, additional, or upgrades of existing public facilities which are necessary to address the impact on public facilities from their project, when the existing and planned facilities will not provide or maintain an adequate level of service.

This element of the *Zoning Ordinance* provides a significant tool for implementation of the *Comprehensive Plan*. Through the development and adoption process of both documents, the public identified the need for having adequate facilities in place when development occurs as a major issue facing the community. The ordinance addresses this need while also providing the opportunity for economic development to continue in the County.

The ordinance provides exemptions for small projects or those that will have a minimal impact. It also requires that an applicant only mitigate his or her impact on the facility and not the correction of previous capacity problems. The correction of any existing problems are the responsibility of the various levels of governmental agencies.

This manual is intended to provide clear guidance to the interpretation, administration, and application of this element of the *Charles County Zoning Ordinance*. It specifies the standards, criteria, and procedures that are to be followed by both the applicant and County staff in executing this provision of the ordinance.

1.1 WHEN REQUIRED

An Adequate Public Facilities Study (APFS) is required for any subdivision, site plan, or zoning permit application with the following exceptions:

- I. Minor residential or commercial subdivisions; containing five lots or less. Commercial site plans will be subject to the APF at the time of site plan submittal. Major commercial subdivisions will be subject to APF at subdivision and reviewed at site plan.
- ii. Non-residential development containing less than 1200 square feet of floor area. If the site plan involves a change in use, where the change doesn't involve adding more than 1200 square feet of floor area, and the new use has the same or a lesser trip generation rate than the previous legal or non-conforming use, then no further study will be required for roads.

In all other cases the Preliminary APF Analysis shall be submitted.

1.2 PROCESS

The attached flow chart (Appendix C) indicates the general path of a submittal for APF review. The majority of this process would run concurrent with the review of a subdivision or site plan submission. In the case of a subdivision, the Planning Commission would consider both the

preliminary subdivision plan and the APFS concurrently. In the case of a site plan, the Planning Commission will consider the APFS before site plan approval can be granted by the Zoning Officer.

2.0 PRELIMINARY APF ANALYSIS

Prior to submittal of an application which requires an APFS, a Preliminary APF Analysis (Appendix A) must be filed by the applicant with the County. The Preliminary APF Analysis is described as a "Preliminary Traffic Analysis" in the Zoning Ordinance. However, in practice it was found that it was more efficient to identify information for all elements of the study as early as possible. Therefore, the Preliminary APF Analysis considers roads, schools, and water supply and establishes how the study will proceed. The Preliminary APF Analysis will determine whether or not school impact or a traffic impact study is required by the applicant for the proposed project, and if so, what will be considered in the study. Furthermore, it will determine if there is a concern with groundwater supply in the area of the development which should be addressed in the APFS. If a development generates more than 140 vehicle trips per 24 hours, or 14 peak hour trips, it will require a traffic study for which parameters are determined prior to submittal of either a site plan or a subdivision plat. When a project is connecting to a county-owned public water system, no further study of groundwater is required.

The design year of a proposed project is the year at which the project, or the phase being considered when appropriate, is expected to be completed. This needs to be considered when background traffic is calculated as defined in 3.2 vi. The design year is less important in calculating school impact than the recordation date of the final plats.

There is no filing fee for the Preliminary APF Analysis. The determination regarding the acceptability of the Preliminary APF Analysis will be made by the Zoning Officer. Applicants are encouraged to consult with County staff prior to submittal of the Preliminary APF Analysis in order to minimize any issues that might exist and thereby expedite the entire process.

3.0 POLICY FOR DETERMINING ADEQUACY OF EXISTING ROADS

3.1 INTRODUCTION

This policy sets forth the criteria used to determine adequacy of existing roads to handle additional traffic proposed by land development or subdivision. This policy is intended to be used in conjunction with the Adequate Public Facilities (APF) element of Charles County Zoning Ordinance, effective October 1, 1992 or any latest revisions.

This policy establishes the minimum requirements for roadway elements and traffic operations prior to approval of a preliminary subdivision or site plan.

It should be noted that this policy is generic in scope. Because of the vast roadway configurations and inability to speculate the type of development proposed, the County has issued this policy only as a guide. The Zoning Officer reserves the right to evaluate each existing road segment on an individual basis and make a determination of the level of study required prior to approval of additional development by the Planning Commission.

Nothing in this policy shall prevent a development from being developed in phases (sections). Road adequacy determinations shall be binding only for those phases submitted for preliminary approval.

3.2 ROADWAY ELEMENTS

This portion of the policy describes the minimum requirements to deem a road adequate. Traffic generated by the development shall be assigned to the existing road network according to the probable origins and destinations based on existing traffic patterns and experience.

A facility is inadequate if its level of service (LOS) drops below the designated level stated in this manual for each specific type of analysis. The established minimum level of service (LOS) for multi-lane highways and signalized intersections are as follows:

**TABLE 3.1
MINIMUM LEVELS OF SERVICE FOR MULTI-LANE HIGHWAYS,
TWO LANE HIGHWAYS, SIGNALIZED INTERSECTIONS
AND UNSIGNALIZED INTERSECTIONS**

COMPREHENSIVE PLAN DISTRICT	PEAK HOUR
Development District	LOS C
Village Centers	LOS C
Rural/Ag Conservation Areas and Others	LOS B
Town Centers and Urban Core	LOS D

The LOS is a representation of volume (of vehicles) to capacity (of the road), or delay caused to a vehicle at a signalized intersection. Road segments and intersections must be analyzed and either can be the source of the inadequacy. The study must consider existing traffic, background traffic, and the traffic expected to be generated by the proposed development. This is evaluated for a design year, which is established in the preliminary traffic analysis as part of the PAPF form. The design year will usually correspond to projected build-out of the project, although it may be shorter for particularly large projects which are done in phases. In these cases the analysis shall be done for each phase as application is made for each phase. The analysis should also consider any projects that have been funded for construction in either the State, County or Towns Capital Improvement Projects budget.

If the facility will not meet the LOS standard and/or its volume to capacity ratio is degraded by a factor of 0.01 or more (a one percent change), then mitigation will be required to offset this impact. The calculations shall be done in accordance with the methods for link and intersection

analysis established in the Highway Capacity Manual, (Special Report #209) or any subsequent revisions by the Transportation Research Board. This manual describes techniques for computing highway capacity. A copy of the Highway Capacity Manual is available at the Department of Planning and Growth Management, Planning Office.

The following assumptions should be used wherever applicable for the traffic impact analyses.

- I. "Free Right Turns" are defined as movements typically isolated by channelization and controlled by a yield sign. Only if the right turning vehicles are separated from the queue of through vehicles on the approach leg, and there is sufficient exclusive acceleration opportunity on the turn leg, can they be excluded from the analysis.
- ii. Where no separate left turn lanes occur at high volume intersections, the left most approach lane should be assumed to handle all the lefts with the other lanes carrying the through traffic and rights. Actual observation/documentation of other conditions will be reviewed on a case by case basis.
- iii. On one lane approaches where a bypass of the left turning vehicle exists, a separate left turn lane can be assumed, only if there is sufficient stacking to accommodate a through/right lane. Otherwise, it should be considered a left/through/right lane. Actual observation/documentation of other conditions will be reviewed on a case by case basis.
- iv. The County will not accept turning movements or 24 hour counts more than 12 months out of date.
- v. If data is available, (e.g. peak hour factors, truck percentages) then those figures shall be used in the traffic analyses. Otherwise, default values in the Highway Capacity Manual shall be utilized unless specified by County staff.
- vi. Background traffic to be added to existing volumes should include traffic projected to be generated by any development or site plan that has preliminary approval and identified by County staff to have an impact on the study area and growth in traffic increased annually up to the project design year. Growth in traffic is described as a factor representative of travel growth outside the study area.
- vii. Transportation improvements to be used in the analysis must have 100% of the construction funds programmed in either a Town or current Charles County Capital Improvement Program or the current State Consolidated Transportation Program prior or concurrent to project design year.

3.3 TRIP GENERATION

The latest edition of the Institute of Transportation Engineers (ITE) Trip Generation Manual will be used as the primary source of trip generation factors for all land uses. The fitted curve equation shall be used for all trip generation estimates except for land uses where the fitted curve equation is not available or County staff recommends using an average rate instead of the fitted curve equation. Trip generation rates for many uses not specifically cited in the ITE Manual may be estimated by using other available sources of information, subject to approval by the Zoning Officer. All traffic studies will consider AM and PM peak hour trip generation, unless specified by County staff. In some cases, where a particular problem is known to exist or commercial retail development is proposed, weekend rates may be required to be analyzed by the Zoning Officer.

In addition to peak hour trip generation, a computation of average daily traffic generation should also be made and included in the Consultant's report.

For commercial retail development only, the applicant may make reasonable assumptions regarding pass-by traffic. Pass-by percentages may be selected after consultation with the Zoning Officer or his/her designee and in accordance with Chapter VII of the ITE, Trip Generation Manual. Pass-by percentages shall not be used to reduce parking or other on-site requirements, or to determine the threshold level for performing a full traffic impact study.

The Zoning Officer may approve the use of public transit or other transportation modes rather than vehicular traffic when performing traffic studies where available.

3.4 TRIP DISTRIBUTION

Site generated traffic volumes entering and exiting, shall be assigned to the roadway network within the impact area by the Applicant using the distribution factors based on the current directional distribution subject to approval by County staff. The Developer/Consultant may conduct independent traffic studies necessary to justify trip distribution factors different from the ones established by the historical trends.

3.5 INTERSECTION ANALYSIS

Any intersection that has been identified in the preliminary analysis (PAPF) shall be analyzed using the methods identified in the following sections. Any intersection that is not controlled by at least a three-section traffic signal (red, yellow, green) is required to perform the unsignalized analysis. Any intersection that is controlled by at least a three-section traffic signal shall utilize the signalized intersection analysis.

3.5.1 Unsignalized Intersections

At any unsignalized intersection the procedures recommended in the Highway Capacity Manual (Chapter 10) for analyzing such intersections should be employed. Unsignalized intersections make up the vast majority of at-grade junctions in any street system. Stop and yield signs are used to assign the right-of-way to one street at such intersections. This designation forces drivers on the controlled street to judgementally select gaps in the major street flow through which to execute crossing or turning maneuvers.

The Highway Capacity Manual unsignalized intersection analysis is used to determine the reserve capacity of the conflicting movements as well as average total delay during the peak hour flow. The following table shall be used to determine the level-of-service at an unsignalized intersection:

TABLE 3.2
LEVEL OF SERVICE CRITERIA
UNSIGNALIZED INTERSECTIONS - TWO WAY STOP CONTROLLED

LEVEL OF SERVICE	Average Total Delay (Sec/Veh)
A	≤ 5.0
B	>5 and ≤ 10
C	>10 and ≤ 20
D	>20 and ≤ 30
E	>30 and ≤ 45
F	>45

The above Table 3.2 corresponds to the HCM Manual's Table 10.3.

Unsignalized intersections shall be determined to be inadequate if future traffic analyses result in intersection delay / level of service which drops below the designated levels of service for the different Comprehensive Planning Districts as outlined in Table 3.1, or if there is no reserve capacity in any movement in the future traffic condition. If negative capacity exists for the background analyses, then any degradation of the negative capacity (future traffic shows a greater negative number, e.g. -20 future vs -10 background) will be deemed as creating an inadequate condition. For 1994 HCM Unsignalized computer program, reserve capacity is to be calculated (as with the 1985 HCM) by subtracting movement capacity minus the flow rate for each applicable movement.

Additional studies should be conducted to determine potential means to correct the deficiency. The type of study deemed appropriate should be determined after consultation with County staff. If a traffic signal warrant analysis is deemed appropriate, the study must be conducted in accordance with the requirements set forth in the latest edition of the Manual of Uniform Traffic Control Devices (MUTCD).

3.5.2 Signalized Intersections

Signalized intersections shall be analyzed utilizing the Highway Capacity Manual (Chapter 9) for determining its level of service. Capacity analysis of signalized intersections results in the computation of volume to capacity (v/c) ratios for individual movements and a composite v/c ratio for the sum of critical movements. The v/c ratio is the actual or projected rate of flow on an approach or designated group of lanes during a peak 15-minute interval divided by the capacity of the approach or designated group of lanes. Level of service is based on the average stopped delay per vehicle for various movements within the intersection. While v/c ratios affect delay, there are other parameters that more strongly affect it, such as the quality of progression, length of green phases, cycle lengths, and others.

The following level-of-service criteria for signalized intersections will be used:

**TABLE 3.3
LEVEL OF SERVICE CRITERIA
SIGNALIZED INTERSECTIONS**

LEVEL OF SERVICE	STOPPED DELAY PER VEHICLE (Seconds)
A	≤ 5.0
B	5.1 to 15.0
C	15.1 to 25.0
D	25.1 to 40.0
E	40.1 to 60.0
F	> 60.0

Progression analysis shall be performed, if requested by County staff, for impacted arterials containing two or more traffic signals within one-half of a mile, where the development proposal will generate a significant impact. The TRANSYT-7F or Passer II-90 computer software program shall be utilized for the purpose of progression analysis. Intersections shall be analyzed for queuing, (i.e. queuing analysis to determine the required storage area needed for a left turn lane) if requested by County staff. The Maryland State Highway Administration queuing analysis method shall be utilized to determine the required storage area needed.

3.6 ROADWAY LINK ANALYSIS

Rated capacity for roadway links shall be determined using acceptable methods described in the Highway Capacity Manual, (Chapter 7 and 8).

The following information is required as inputs to the operational analysis procedure:

I. Geometrics - refers to the physical roadway characteristics.

- Design Speed - the maximum safe speed the road was designed or constructed that can be maintained over a specified section of highway,
- Lane Widths - the widths of the travel lane
- Shoulder and Median Clearances - the distance of any object from the travel lane, such as curbs, poles, guardrails etc.
- Grades and Lengths of Grades - Describes the slope of a section of Highway.
- Type of Terrain - 3 general types of terrain: Level, Rolling, Mountainous

II. Volumes

- Existing traffic volume and the projected future volume

III. Traffic Characteristics

- Peak Hour Factor (PHF) - depicts the flow rates during the peak hour
- Percent Trucks - Percentage of total traffic comprised of trucks
- Percent Recreation Vehicles (RVs) - Percentage of total traffic comprised of Recreation vehicles
- Percent Buses - Percentage of total traffic comprised of Buses
- Driver Population - factors in users utilizing highway: commuter, Recreational, etc.

3.6.1 Multi-lane Highways: Level of Service Criteria

An operational analysis for a multi-lane highway will require input in terms of geometric conditions for an existing highway or projections of those for a future highway. These are analyzed to determine the existing or projected level-of-service and the approximate speed and density of the traffic stream. The multi-lane highway must also be classified as either divided or undivided and either rural or suburban.

Level-of-service (LOS) criteria for multi-lane highways is defined in terms of density. Density is a measure which quantifies the proximity to other vehicles in the traffic stream or passenger cars per mile per lane (pc/mi/ln). It expresses the degree of maneuverability within the traffic stream. Boundary values of density are given, as follows, for the various levels of service:

**TABLE 3.4
LEVEL OF SERVICE CRITERIA-
MULTI-LANE HIGHWAYS**

LEVEL OF SERVICE	MAXIMUM DENSITY (pc/mi/ln)
A	12
B	20
C	28
D	34
E	40

Complete LOS criteria are given in Chapter 7 (Table 7.1) of the Highway Capacity Manual. For average free-flow speeds of 60 mph, 55 mph, 50 mph, and 45 mph, the table gives the average travel speed, the maximum value of volume to capacity ratio (v/c), and the corresponding maximum service flow rate (MSF), for each level of service. The speeds, v/c ratios, and maximum service flow rates tabulated are expected to exist in traffic streams operating at the densities defined for each level of service under ideal conditions.

Level-of-Service criteria depend on the free-flow speed of the highway element being studied. A "highway element" can be an isolated geometric element, such as a curve or grade having a reduced design speed, or a series of such geometric elements that dominate the operation of a longer segment of highway.

3.6.2 Two Lane Highways: Level of Service Criteria

Two lane highways may be defined as a two lane roadway having one lane for use in each direction. An operational analysis will be performed to analyze the level of service on the two lane road. The inputs will consist of existing traffic, roadway conditions or projected future conditions, and general terrain or specific grades. To perform a two lane highway link analysis the study will follow the standards and methodology mentioned in Chapter 8 of the Highway Capacity Manual.

The Highway Capacity Manual analysis evaluates the potential delay due to the unavailability of vehicles to pass or get by slower vehicles. Therefore, when there is a significant volume of vehicles on a roadway with little or no passing opportunities, there is a chance that some vehicles will experience a delay, due to slower vehicles. This type of situation could be labeled as a LOS "E" condition, which would require mitigation under existing conditions, even though the roadway is not operating at or near capacity. These analyses have illustrated that many of the two-lane roadways would need to be four-lanes in order to operate at acceptable levels of service. Other local jurisdictions (Prince George's County, Frederick County and Washington County) have opted to modify the LOS standards to be consistent with actual conditions. Therefore, two-

lane highways shall be determined to be adequate if actual capacity does not exceed 80% of rated capacity as determined by the Highway Capacity Manual.

3.7 CAPITAL IMPROVEMENTS

Any project that is included in an adopted Capital Improvements Program of the State, Charles County, or an incorporated Town, may be considered when calculating the adequacy of road facilities. The capacity associated with such an improvement may only be counted when the project is scheduled for completion prior or concurrent to project design year. If the road facilities are not adequate to serve the proposed development, and improvements are programmed that would address the needs of the proposed development, then the proposed development may not proceed until those improvements are scheduled to be in place.

3.8 IMPACTS OF APPROVED PRELIMINARIES

In calculating the impact of a development proposal, all approved preliminary subdivisions and site plans must be considered. The applicant should consult with County staff in order to determine which approved subdivisions will have an impact on the roads associated with the development proposal. Only those approved preliminary subdivisions and site plans that directly impact the road facilities adjacent to the proposal will need to be considered. This determination will be made formally as part of the Preliminary APF Analysis. The impact of these approved subdivisions are then incorporated into the background traffic volumes that are analyzed in the Traffic Study.

4.0 POLICY FOR DETERMINING ADEQUACY OF SCHOOLS

This document is intended to provide guidance in the application of the Adequate Public Facilities element of the *Charles County Zoning Ordinance* as it applies to school facilities. It sets forth the criteria to be used in combination with the *Zoning Ordinance* to determine the ability of existing school facilities to adequately accommodate the students projected to be generated by the proposed development.

I. PURPOSE

In order to provide for the orderly expansion of public school facilities and at the same time manage the county's growth in a manner consistent with the goals and objectives of the comprehensive plan, this policy for the allocation of school capacity has been developed. The statutory authority and regulatory requirements, as specified in Article 66B, Annotated Code of Maryland, and in Article XVI, Adequate Public Facilities Requirement, Charles County Zoning Ordinance, provide the basis for the establishment of a policy to allocate school capacity.

Further, the Charles County Commissioners recognize the value of such a policy and also that the policy is being adopted in the best interests of the county. The school capacity allocation policy presented herein is designed to:

- a. Provide for public knowledge regarding available school capacity in public school facilities at each of the three levels of schools;
- b. Establish a procedure for fair and equitable allocation of available school capacity in such a manner as to protect the public health, safety, comfort and welfare of the county;
- c. Establish a method by which available capacity is calculated and allocated, and to assure that adequate capacity is available over time;
- d. Establish the priority by which available school capacity is apportioned;

- e. Responsibly plan for the future growth of Charles County in accordance with the county's land use and growth management goals and objectives, as established in the comprehensive plan;
- f. Provide for the administrative procedures and guidance for the allocation of school capacity in a reasonable, fair and equitable manner.

II. APPLICABILITY

This policy applies to all residential subdivisions and developments proposing dwelling units in the unincorporated areas of Charles County. This policy is not applicable to subdivisions or developments within the limits of any incorporated towns in the county.

III. Allocation of Available Capacity

- A. An allocation shall be required for any residential project located within the unincorporated areas of Charles County which is potentially capable of generating school students, as required in *II. Applicability*, above, and as required by the adequate public facilities requirements of the Charles County Zoning Ordinance. No plat of subdivision shall be submitted to the County without School Allocations, either through the bulk allocations, School Adequate Public Facilities Eligibility List allocations, or Developer Rights and Responsibilities Agreement allocations.
- B. The annual school capacity allocation committee, composed of the Charles County Commissioners and the Charles County Board of Education, and/or their designated representatives, will meet to decide on the appropriate allocations for the upcoming year. This committee will consider the following factors, as well as any other information deemed pertinent, in establishing the allocatable school capacity for the upcoming year:
 - 1. Current enrollments;
 - 2. Projected enrollments;
 - 3. Current capacities of individual schools;
 - 4. Capacity to be provided by any current Capital Improvement Program (CIP) projects;
 - 5. Additional capacity provided by the use of relocatables within the Board of Education's relocatable policy guidelines;
 - 6. Current district boundaries for school attendance and redistricting opportunities within the Board of Education's policy guidelines;
 - 7. Residential development and growth within the incorporated towns which will impact the enrollments at county schools;
 - 8. Number of lots from minor subdivisions recorded in previous year;
- C. When determining the amount of allocatable school capacity, allocation may be made to a project only if school capacity currently exists or is programmed to exist under the then applicable capital improvement projects program. School capacity must exist at all three school levels within the current school district attendance boundaries for which Board of Education has determined the students from the project will attend. All schools (elementary, middle and high) to which the students from the project attend must have capacity. When capacity is programmed to exist through an approved CIP Project, allocations may not be granted until the January of the calendar year that a new school facility opens.

- D. Allocation amounts may not exceed the amount of capacity available in the allocatable school capacity currently in effect. These allocation amounts shall be based on the factors listed in (B) above.
- E. Upon agreement on the amount of allocatable school capacity for the upcoming year, the County Commissioners shall publish a listing of the approved allocatable school capacity.
- F. Residential school capacity allocations shall be granted in the order in which projects appear on the school capacity allocation eligibility list. The maximum number that any project may receive in any calendar year is 75 units.
- G. The project allotments may be supplemented from unused allocations in an amount not to exceed an additional 25% of the total number of units for which the project was approved by the Planning Commission. In no case shall a project be eligible for an additional allocation prior to Charles County Government first offering allocatable capacity to all eligible projects on the school capacity allocation eligibility list.
- H. In no circumstances, however, may a single project receive 50% or greater of the target allocations as set by the commissioners for that year. This includes any supplemental allotments described in G above.
- I. All valid preliminary subdivision plans shall be placed on the school capacity eligibility list in the order in which they receive approval from the Planning Commission. Site plans approved after the effective date of this policy shall be placed on the list in the order in which they receive approval from either the Charles County Planning Commission or the Department of Planning and Growth Management, whichever is applicable. If two or more projects receive preliminary approval on the same date, the order of position shall be determined by the date in which the projects were originally submitted for review.
- Minor subdivisions creating four (4) or more lots including the parent parcel shall be placed on the list according to their official submittal date to the Department of Planning and Growth Management. Preliminary plans that create no more than three (3) new lots since October 1992, the adoption of the APF Provisions, may proceed to final plat without waiting on the school allocation eligibility list. This is consistent with the treatment of minor subdivisions which create no more than three (3) new lots.
- J. Bulk reservations- A quantity of bulk reservations shall be set aside annually to provide for the approval of School APF minor subdivisions, as defined by this policy, and lots recorded prior to the effective date of this policy. Although exempt from the requirement of having to be placed on the school capacity allocation eligibility list, the following projects will be subject to all other provisions of this policy.
1. APF School Minor subdivisions - No individual, project, entity or corporation may receive allocations for more than three (3) new building lots in any 2 year period under this provision.
 2. Residential lots recorded as of the effective date of this policy applying for a building permit.
 3. Multi-family dwelling unit buildings up to three (3) new units; however, multi-family buildings may not be phased such that three (3) units are approved with the balance of the building being unfinished. Where a habitable residential structure(s) exist(s) on the lot, parcel or property and a building permit is submitted to replace or improve the existing structure(s), then that unit will not be counted toward the 3 new units and will not be deducted from the bulk allocation. The determination of habitable structure will be as set forth in the policy and procedure for excise tax exemption adopted 8/24/2005.

- K. The Director of Planning and Growth Management, or the Director's designee, is authorized to approve allocations for school capacity in conformance with this policy, and in the manner established in Section VIII, "Administrative Procedures for the Allocation of School Capacity."

IV. Transition Provisions

- A. Allocatable school capacity shall be decided on a semi-annual basis. Initial allocation amounts set by the County Commissioners and the Board of Education shall be effective for a period of six months.
- B. Any lot recorded prior to the effective date of this policy shall be considered as part of the bulk reservation allocation.
- C. Commencing with the July 2008 Allocation Cycle, the use of core capacity by the School Capacity Allocation Committee will be replaced with state rated capacity over a six year period by incrementally decreasing the difference between state rated capacity and core capacity amounts by twenty five (25) percent every two years until the maximum number of allocations for each school will not exceed state rated capacity.
- D. The owner of any project on the school allocation eligibility list may file for a consideration of a hardship for a period of 60 days from the effective date of the provisions adopted herein to implement the provisions of County Commissioner Resolution 08-09. The Commissioners may grant a variance from the strict application of these provisions when, by reason of extraordinary situations or conditions of the specific property, the strict application of this manual would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the subject property.

V. Transfers of Allocation

- A. An approved school capacity allocation may be transferred from one developer or builder to another developer or builder for the same number of units in the same project, subject to the same conditions and time limit as the original allocation and subject to approval as explained below. A school capacity allocation is granted for a specific site plan or subdivision and may not be transferred to another project.
- B. All requests for a transfer of allocation shall be made in writing to the Director of Planning and Growth Management (Director) with reasons given for the need for a transfer. The Charles County Commissioners shall set appropriate fees for the transfer of school capacity allocations. The Charles County Commissioners may elect to deny such a request for a transfer of allocation if such request is deemed to be not in the best interest of the health, safety, welfare, or convenience of the citizens of Charles County. All such requests shall be made subject to the provisions of *Section V. A.* above.
- C. A grant of a special exception, zoning reclassification or change of use of any project does not entitle a person, corporation or public entity to an allocation, or an increase in a previous allocation, of school capacity. If a grant of special exception, zoning reclassification or change of use within a part of any project reduces the school capacity needed for that project, the excess allocated capacity may be transferred within the remainder of that project but may not be transferred to another project. This excess allocated capacity, if not transferred within a specific project, shall be duly allocated to the next project in line on the priority listing. If a grant of special exception, zoning reclassification or change of use within a part of any project increases the school capacity needed for that project, an "application for school capacity allocation" must be submitted and approved in accordance with these regulations. In cases where a Planned Development Zone (PDZ) is applied to an approved preliminary plan, the preliminary plan may maintain the position on the school eligibility list as long as the preliminary plan remains valid.

In cases where a preliminary plan of subdivision is reconfigured to add more lots, the portion of the project with the increased lots will be treated separately with a new approval date. The additional lots

will be placed on the school allocation eligibility list based on the approval date of the revised preliminary plan. The additional lots can be shown on the revised preliminary plan of subdivision; however, they need to be clearly identified.

VI. Time Limit on Allocations

- A. Whenever preliminary plans, site plans or other Planning Commission reviews are part of a project, an allocation will not be granted until the plans have been (1) approved by the Planning Commission, as in the case of preliminary plans or other projects required to be approved by the Planning Commission, or (2) administratively approved by the Director of Planning and Growth Management, as in the case of site plans. Any allocation granted after the adoption of this policy shall be valid for a period of twenty-four (24) months from the date granted. One extension of time may be granted for a period not exceeding twenty-four(24) additional months. Such request for an extension of time shall be made in writing, prior to the expiration date, to the Planning Director or his designee located in the Planning Office of Planning and Growth Management Department, with reasons given for the need for the extension. The Planning Director or his designee will review the request for extension, the project progress, and if applicable, the extension will be granted administratively. The Planning Director will not have the authority to deny a request for extension. If the Planning Director is unable to support ~~lain~~ the extension for any reason, the request for extension will be presented to the County Commissioners for approval or denial. An allocation for school capacity will automatically become void if the preliminary plan or site plan with which it is associated becomes invalid for any reason.
- B. The County shall set appropriate fees for the extension of time for school capacity allocations. The Charles County Commissioners may elect to deny such a request for an extension of time if such request is deemed to be not in the best interest of the health, safety, welfare, or convenience of the citizens of Charles County. Any period of time attributable to County Government processing of an extension of time limit, transfer of allocation or other change shall not be counted as part of the time limit of the allocation.
- C. Failure of the applicant (or his successor or assignee) to record the lots for which an allocation has been granted, or in the case of a site plan, receive a development services permit, within 24 months of the date of the grant of the allocation unless extended under paragraph (A), will result in the forfeiture of the allocation and 50% of the deposit.

VII. Severability

If any section, subsection, sentence, phrase, or portion of these regulations is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and said holding shall not affect the validity of the remaining portion of these regulations; it being the intent of the County Commissioners of Charles County that these regulations remain in effect, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase or portion thereof.

VIII. Administrative Procedures for the Allocation of School Capacity

- A. Prior to seeking approval for a school capacity allocation, the applicant shall have obtained preliminary plan and/or site plan approval, or, in the case of APF school minor subdivisions shall have submitted their final plats, in accordance with the requirements above and be placed on the school capacity allocation eligibility list. If two or more projects receive preliminary approval on the same date, the order of position shall be determined by the order in which the projects were originally submitted for review.
- B. Projects may seek school capacity allocation only from the individual schools to which the students they generate will attend. However, if a project's location is split between more than one school attendance zone, the following provisions shall apply:

1. Projects containing 100 lots or less - the school attendance zone in which the project may apply for and receive allocation will be decided by where the majority of the lots approved for the preliminary or site plan (not the majority of the land area) are located. Allocation for all lots in the project will be granted from the district in which the majority of the lots are located. For example, if the project contains 96 lots and 56 are located in a certain school attendance zone, all allocations will be granted from that zone.
 2. Projects greater than 100 lots - school capacity allocation must be granted for each lot shown on the approved preliminary or site plan only from the school attendance zone in which the lots are actually located.
- C. Within 30 days of the effective date of this policy and every six (6) months, the Department of Planning and Growth Management shall notify the owners of the residential projects on the school capacity allocation eligibility list of their opportunity to apply for allocations.
- D. The Department of Planning and Growth Management shall allow those residential projects currently on the school capacity allocation eligibility list 30 calendar days from the date of the notice to apply for allocations and to make a payment of the School Allocation Deposit on all lots or units for which allocation is sought. The allocation shall be granted upon payment of the School Allocation Deposit. Failure to pay the School Allocation Deposit within the thirty day (30) period shall result in forfeiture of the allocation.
- E. Application for school capacity shall require the submittal of an "Application for School Capacity Allocation" provided by the Charles County Department of Planning and Growth Management. These applications shall include, but not be limited to, the following information:
1. Location;
 2. Specific address, plus location, description and tax map and parcel numbers for the subject proper, school impact fee districts for elementary, middle and high school;
 3. Name, address and telephone number of developer, builder and owner;
 4. Tax identification number;
 5. Type of project;
 6. Total number of lots or units to be developed, and type(s) of units;
 7. Number of lots current application is requesting approval for
 8. Date of preliminary or site plan approval;
 9. Phasing plan or number of units to be constructed per year;
 10. Date application filed;
 11. Signature of owner and developer, builder;
 12. A block "for office use only", stating the action taken (granted, conditioned, denied, amount of allocation, number of units allocated, signature of acting official, time limitations, time extensions or other changes).
- F. The Department of Planning and Growth Management shall notify all applicants within thirty (30) calendar days after the application closing date what action has been taken on the applications.
- G. School capacity allocations may be granted for residential projects containing less than three lots or those projects proposing the creation of three (3) or less dwelling units upon request of the property owner. The annual school capacity allocation committee shall decide on the number of bulk reservations which shall be set aside each year. No individual, project, corporation or other entity may receive allocations for more than three lots in any 2 year period under this provision.
- H. Within 24 months of the date of the grant of an allocation, the applicant (or successor or assignee) shall record all lots for which allocation has been granted on a final plat of subdivision or, in the case of a site

plan, shall have their development services permit issued for all portions of the project for which allocation has been granted. Failure to do so shall cause a forfeiture of the allocation and 50% of the deposit.

- I. No application for allocation on a project will be accepted on a project that has had a previous allocation forfeited until the next allocation cycle following the forfeiture.
- J. When an allocation is forfeited, the resultant number of lots or units shall be offered to those applicants whose allocation requests have been denied during the most recent application cycle as a result of insufficient allocations.
- K. If an application for allocation of units within a project does not cover all units within the project, the remaining units shall retain the same priority as the original project for allocations in subsequent years.
- M. Approval of an allocation for a portion of a site plan or subdivision project in no way assures the future availability of school capacity on demand for lots or units other than those with approved allocations.

5.0 POLICY FOR DETERMINING ADEQUACY OF GROUNDWATER SUPPLY

This document is intended to provide guidance in the application of the Adequate Public Facilities element of the *Charles County Zoning Ordinance* as it applies to water supply. It sets forth the criteria to be used in combination with the *Zoning Ordinance* to determine the ability of existing ground water supplies and facilities to accommodate the demands projected to be generated by the proposed development.

5.1 PUBLIC SYSTEMS

If a development is to be connected to the public water system, then the adequacy of the system which will provide the water to the site is the concern and then such issues as line size, capacity, looping, fire protection, and ultimate system design will be considered in the project design and in the review of the engineering drawings.

5.2 GROUND WATER

If a development is proposed to utilize groundwater from wells, then a Ground Water Appropriation Permit (GAP) shall be required prior to recordation of the final site plan. The applicant shall also demonstrate that there is no adverse impact on adjacent properties. In practice, this shall require that in appropriating groundwater, the applicant will demonstrate in any area where there has been a problem with any existing wells, that this appropriation would not effect the water levels of wells in that aquifer. The GAP, for a development will be approved based on the 80% safe yield management level as permitted by the Maryland Department of Natural Resources, Water Rights Division. The 80% safe yield is generally considered to be the quantity of water that can be withdrawn indefinitely without lowering the water levels to uneconomical limits and without impairing the quality of the water. In determining the rates of withdrawal from a groundwater reservoir, the limiting factors are rates of recharge, the transmissibility (or productivity) of the aquifer, and its susceptibility to contamination.

5.3 FIRE SUPPRESSION FOR THE RURAL AREAS

I. Subdivision Design Criteria

Residential preliminary major subdivision plans located in a W6 Water Service Area will be required to provide adequate fire suppression, as per Section 261 of the Zoning Ordinance. The level of service for fire suppression is directly related to the size of the development. If adequate water sources are not found to exist, then the developer must mitigate.

II. Determination of Acceptable Water Source

For locations where an off site water source is acceptable, the developer may contact existing landowners (private party, County, State, or Federal Government) with ponds or streams meeting the requirements, and negotiate access to the water source. The developer may need to develop all weather access to the water source. The distance from the existing water source to the project will be scaled off a map to check that the source is within the four (4) mile round trip distance. This distance, from the water source to the project, is driving distance and not straight line distance.

III. Alternative Mitigation Options

1. If the existing water source does not have all weather access, a dry hydrant may be installed to provide all weather access if it can draw at least 1,000 gallons per minute (gpm) of flow for a minimum duration of thirty (30) minutes. This could be applied to either streams or ponds which are easily accessible from a County or State road.
2. The developer may use existing water sources or develop new sources such as designing a pond with a dry hydrant or installing an underground storage tank.
3. A storage tank must be capable of holding 30,000 gallons and a suitable method for replenishment of the tank must be approved by the Planning Commission.
4. The Planning Commission can approve alternative but equal mitigation for fire suppression, as a condition of the adequate public facilities findings for a residential subdivision.

IV. General Regulations for Existing Water Source or Mitigation Options

1. The developer must convey a perpetual easement to the County or dedicate the easement to the fire department, for water sources within the subdivision or elsewhere. The easement is for access to the water source, either existing or proposed. This easement will be required at the time of approval of the final plat(s) of subdivision.
2. All water sources, whether on-site or off-site, must be approved by the County and coordinated with the "first due" fire department prior to final design of the storage tank or dry hydrant assembly. This approval will be part of the preliminary subdivision review process and will be approved by all parties before being presented to the Planning Commission.

6.0 APFS SUBMITTAL

At the time of site plan or subdivision submittal, an APFS shall be submitted and a fee paid for its review. The report shall evaluate the proposed development's impact on the public facilities in the area. It shall include background information regarding the proposed development, its location, and the condition of the existing public facilities in the area. It shall include the amount of traffic that the development will likely generate. The impact of the demands on the road and water supply facilities must be evaluated and where inadequacies exist that will be exacerbated by the proposal, or will be created by the proposed development, a mitigation proposal will be submitted.

6.1 ADEQUACY

A facility is adequate if the facility will not be utilized beyond its ability to function. This determination varies depending on the type of facility being analyzed.

If a Preliminary APF Analysis report can demonstrate the following, it will be considered sufficient, and would be granted an exemption from performing a full study of the impacted facility.

- i. For roads:** The development will generate fewer than 140 vehicle trips per day or 14 peak hour trips.
- ii. For ground water supply:** The development proposed will be connecting to existing public water system.
- iii. For all facilities:** If it demonstrates that the existing facilities, considering all other approved developments, are adequate or improvements are currently funded by the State, County, or Town which will make the facility adequate.

6.2 PHASING

A project can be phased in sections. This is an acceptable method of delaying the build-out of a project so that it coincides with the improvement of the public facilities. This can be accomplished by conditioning the preliminary approval such that final plat approval will only occur after specific milestones or dates are reached. Phasing to lessen the degree of inadequacy is not acceptable without some other form of mitigation.

7.0 MITIGATION

If the initial computation of the impact on a public facility, which is subject to the Adequate Public Facilities element of the *Charles County Zoning Ordinance*, results in the finding of inadequacy, then the applicant must prepare a mitigation proposal. A fee is paid when a mitigation proposal is submitted for review. See current fee schedule. The submittal is then reviewed by the appropriate agencies and comments or further requests are provided to the applicant. If the mitigation proposal requires a mitigation program agreement, then the applicant shall provide such a document. It is then forwarded to the County Attorney for review of form and content. Finally, a staff report is prepared for Planning Commission consideration of the proposal.

A mitigation proposal must demonstrate that it will offset any impact that the development proposal will have that exceeds the facilities capacity as defined by the *Charles County Zoning Ordinance* and further defined by this manual. The applicant is not required to mitigate any existing deficiencies in facilities that are being impacted, nor is the applicant expected to mitigate the entire impact of the development proposal if capacity exists for a portion of the impact.

The applicant is encouraged to consider all potential mitigation measures available to offset the impact of the development. Construction of the necessary facilities is the most obvious option, however, it may include dedication of property to the County, payment of impact fees, fees in lieu of an improvement paid to an escrow account, participation in a private/public partnership, developer agreements, off-site improvements, delaying of project, or other mechanisms as may be determined acceptable by the Planning Commission.

When roads are determined to require mitigation, the proposal must at least maintain the existing level of service where appropriate and maintain the existing level of function elsewhere. Often, the traffic study which is done as part of the APFS will describe what improvements would be necessary to meet these criteria. This is not say that the applicant is committed to only considering those improvements described in the study, however, it does provide a point of reference for negotiations.

The mitigation proposal shall include the type or types of mitigation, the methods, and schedules including project phasing, if applicable, for the implementation of the mitigation program.

The mitigation program shall be contained in a legal, binding, adequate public facilities agreement between the applicant and the County, which has been approved for form and content by the County Attorney.

A mitigation program shall also run with the land. The deed or title for a property shall contain references to the mitigation program.

8.0 PLANNING COMMISSION CONSIDERATION

The Planning Commission shall review the Adequate Public Facilities Study and other information submitted by the applicant to determine if the level of infrastructure exists or will exist to meet the standards of the *Charles County Zoning Ordinance* and whether the approval of the proposed development is in the public interest. This review shall occur for any project which is subject to the specific provisions of each section of Article XII of the *Zoning Ordinance*.

The Planning Commission shall find that: 1) the public facilities are adequate and grant approval of the APFS, 2) find that they are inadequate, and approve the mitigation, or 3) find that they are inadequate and do not find the mitigation acceptable, in which case the subdivision or site plan is not approved.

If the Planning Commission determines that the public facilities are not adequate, they may disapprove the project or require mitigation from an applicant to assure that there exists adequate public facilities consistent with the County standards.

9.0 ADEQUATE PUBLIC FACILITIES MANUAL

This document is intended to establish specific standards, criteria, and procedures for use in determining the adequacy of the public facilities required to support and service any proposed subdivision or development. This manual is adopted by the County Commissioners after public hearings have been held in accordance with the *Charles County Zoning Ordinance* provisions.

The Commissioners shall consider any proposed changes to this manual on at least a bi-annual basis. Any request for revision should be submitted in writing to the Zoning Officer in accordance with the provisions for a *Zoning Ordinance* text amendment.

APPENDIX A: This is a sample PAPF analysis form and the form is periodically updated. Please obtain a copy of the latest form from the Planning Division, or from the County's website www.charlescounty.org, under Planning and Growth Management - Publications and Documents - Preliminary Adequate Public Facilities Application.

APPENDIX B: Definitions

Adequate Road - Road(s) segment determined to be adequate for the additional traffic generated by a proposed development, based on actual measurements and traffic engineering studies.

ADT - Average Daily Traffic. Two-way volume.

Allocatable school capacity - The discrete amount of public school capacity in each high school district, available for allocation. A new listing of the allocatable school capacity shall be made available each year and shall be used to allocate school capacity for the period of one year.

Allocation - The granting of an allocation of school capacity is an assurance of the availability of public school capacity for the students generated by the proposed residential dwelling units from the county for the time period specified in this policy, when such capacity is requested and allotted in conformance with the procedures outlined in this policy.

APF - The adopted Adequate Public Facilities element of the *Charles County Zoning Ordinance* effective October 1, 1992, and any revision thereof.

APFS - Adequate Public Facilities Study. The complete analysis of public facilities that must be submitted with preliminary subdivision or site plan submittals.

APF School Minor subdivisions - residential subdivisions proposing the creation of three (3) or less dwelling units or those projects proposing the creation of three (3) or less dwelling units. The definition of minor subdivisions for the purposes of this policy shall not be confused with the definition of a minor subdivision as defined by the Charles County Subdivision Regulations. Subdivisions proposing the creation of four (4) or five (5) lots shall not be considered a minor subdivision under this policy.

BOE - The Board of Education for Charles County.

Capacity - Maximum number of vehicles which can pass a give point during a one hour period under prevailing conditions. Computed using methods of critical lane volume technique and/or Highway Capacity Manual method, (modified).

Consultant - Architect, Civil Engineer, Traffic Engineer, Land Surveyor or other professional retained by the developer to act on behalf of or perform various professional assignments to obtain development approval.

Developer - Any individual commencing proceedings to effect a subdivision or development of land for himself or another.

Development - Consisting of new subdivisions and site plans for new construction received for approval by the Charles County Planning Commission after the effective date of the ordinance.

DHV - Design Hourly Volume.

Final plat - The official division of land approved by the department and recorded in the land records of Charles County. It is the formal plat prepared for legal recordation of land subdivision, easements, buffers, or other matters of real property ownership or responsibilities.

Floor Area - The total area of a building measured by taking the outside dimensions of the building at each floor level intended for occupancy or storage.

Horizontal Sight Distance - the length of roadway ahead of any object in the roadway, of specified height, visible to the driver when negotiating a horizontal curve.

Intersection - The crossing of two or more roads at the same elevation.

LOS - Level of Service. A set of rating conditions describing the ability of a road network to handle traffic efficiently.

Mitigation of Impacts - Steps taken to correct adverse effects of proposed development to the levels or requirements established in the policy.

Original Tract of Land - A parcel of real estate un-subdivided as of the effective date of the APFO (October 1, 1992).

Plat - A map, plan, chart or drawing indicating the subdivision or re-subdivision of land filed or intended to be filed for the record.

Preliminary Consultation - A meeting with either the Planning Staff and/or the County Engineer, prior to submittal of a subdivision plat or site plan, to determine preliminary requirements and development criteria required by the County.

Preliminary subdivision plan approval - Approval of a preliminary plan of subdivision, or a portion thereof, by the Charles County Planning Commission. Approval of a single phase or portion of a project by the Planning Commission shall not constitute approval of the plan in its entirety but only of that phase or portion.

Project - A residential development being proposed on a preliminary plan of subdivision, a final plat, or a site plan, or a distinctly identifiable phase or portion of that development in accordance with the policies of the Charles County Government.

Road - Public right-of-way, intended for vehicular traffic, including freeways, expressway, arterials, parkways, thoroughfares, collector streets, local streets, cul-de-sacs, marginal access roads, avenues, boulevards, lanes and other public ways.

Roadway Link - Segment of road between intersecting roads which have traffic control devices which interrupt traffic flow.

Road Width - Measured width of a road from edge of usable pavement to edge of usable pavement.

School capacity allocation eligibility list - Listing of approved residential development projects, consisting of either preliminary subdivision plans, minor subdivisions creating four (4) or more lots, or site development plans. Placement on the *school capacity allocation eligibility list* does not guarantee the availability of school capacity for the students generated by the proposed residential dwelling units.

Site plan approval - Administrative approval of a site plan by the Director of Planning and Growth Management, or, as in the case of a proposed residential use in a Planned Unit Development (PUD), Waterfront Planned Community Zone (WPC) or any zoning approval with a special condition requiring approval, then action by the Charles County Planning Commission shall constitute approval of the site plan.

Trip Distribution - Method of assigning trips to road network based on projected travel origins and destinations.

Trip Generation - Analytical process that provides the relationship between land use and vehicle trip production. A one-way movement.

Zoning Officer - Director of Planning and Growth Management or a person duly authorized by the County Administrator shall be the Zoning Officer. Zoning Officer shall have primary responsibility for the administration and enforcement of this ordinance and the established guidelines.

Zoning Permit (also known as Building permit) - Official document issued by the Department of Planning and Growth Management which grants legal permission to start construction of a building project

APPENDIX C: Adequate Public Facilities Flow Chart

APPENDIX D: High School Impact Fee District Map