

COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND  
Legislative Session 2026, Legislative Day No. 5

Bill No. 20-26

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Mr. David Marks, Councilman

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By the County Council, February 17, 2026

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A BILL  
ENTITLED

AN ACT concerning

Development Impact Fee

FOR the purpose of clarifying the method for calculating the development impact fee on residential new construction; providing for a certain exemption from the development impact fee; requiring the County to conduct a study on certain calculations for development impact fees and development excise taxes and submit a report with recommendations to the County Executive and County Council by a certain time; and generally relating to development impact fees.

BY repealing and re-enacting, with amendments

Section 32-6-111 (b) and (c)  
Article 32 – Planning, Zoning, and Subdivision Control  
Title 6 – Adequate Public Facilities  
Baltimore County Code, 2015

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
[Brackets] indicate matter stricken from existing law.  
~~Strike out~~ indicates matter stricken from bill.  
Underlining indicates amendments to bill.

BY adding  
Section 32-6-111(h)(11)  
Article 32 – Planning, Zoning, and Subdivision Control  
Title 6 – Adequate Public Facilities  
Baltimore County Code, 2015

1 SECTION 1. BE IT ENACTED BY THE COUNTY COUNCIL OF BALTIMORE  
2 COUNTY, MARYLAND, that the Baltimore County Zoning Regulations read as follows:

3  
4 ARTICLE 32 – PLANNING, ZONING, AND SUBDIVISION CONTROL

5 TITLE 6 – Adequate Public Facilities

6  
7 § 32-6-111. Development Impact Fee.

8 (b) In this subsection the following words have the meanings indicated:

9 (1) “Applicant” means the individual, partnership, corporation, or legal entity  
10 whose signature appears on a building permit application.

11 (2) “Building” has the meaning stated in § 32-4-101 of the Code.

12 (3) “Development” has the meaning stated in § 32-4-101(p) of the Code.

13 Development may also include, but not be limited to, dumping, extraction, dredging, grading,  
14 paving, storage of materials or equipment, land excavation, land clearing, land improvement,  
15 landfill operation, or any combination thereof, and any change in the use of a building for which  
16 a building permit is required by law.

17 (4) “Development impact fee” means a fee adopted by the county which is  
18 imposed on a pro rata basis in connection with new residential development prior to the issuance  
19 of a building permit, and which is calculated to defray all or a portion of the costs of the public

1 facilities required to accommodate new development at county-designated level of service (LOS)  
2 standards and which reasonably benefits the new development. It may also be referred to as an  
3 impact fee.

4 (5) “New construction” means construction of a new building which requires a  
5 building permit. New construction does not include if the building replaces an existing building,  
6 replacement of a building due to casualty or loss within three years of that casualty or loss, or  
7 replacement of a mobile home on a site, except to the extent the gross square footage of the  
8 replacement building or replacement mobile home exceeds the gross square footage of the  
9 building or mobile home being replaced.

10 (6) “Occupiable” means space that is:

11 (i) Designed for human occupancy in which individuals may live, work,  
12 or congregate for amusement; [and]

13 (ii) Equipped with means of egress, light, and ventilation; AND

14 (III) ENCLOSED AND SUITABLE FOR YEAR-ROUND USE,  
15 EMBODYING WALLS, FLOORS, AND CEILINGS ~~THAT ARE SIMILAR TO THE REST~~  
16 ~~OF THE DWELLING UNIT~~, CLIMATE CONTROLLED, AND WITH CEILINGS AT LEAST  
17 7 FEET IN HEIGHT EXCEPT UNDER BEAMS, DUCTS OR SIMILAR OBSTRUCTIONS  
18 OR UNDER STAIRS.

19 (7) “Residential” means a building that contains one or more dwelling units and  
20 includes a boarding house.

21 (i) Residential includes all OCCUPIABLE areas that are contained within  
22 a residential building, including an [attached garage or] area for home occupations.

23 (ii) Residential does not include:

- 1 1. Transient accommodations, including a hotel, country inn, or  
2 bed and breakfast inn;
- 3 2. Nonresidential uses in a mixed-use structure; or
- 4 3. [Detached] ATTACHED GARAGES THAT ARE NOT  
5 OCCUPIABLE, SCREENED-IN ONLY ROOMS, DECKS, OR EXTERIOR PORCHES AND  
6 PATIOS, AS WELL AS DETACHED accessory buildings, including a detached garage, or shed  
7 or other accessory structure that does not contain living quarters.

8 (c) (1) There is imposed a development impact fee in Baltimore County.

9 (2) The county shall impose a development impact fee on residential new  
10 construction in the county, as specified further herein.

11 (3) A development impact fee on residential new construction shall be calculated  
12 as follows:

13 Single-family detached: \$6.00 per square foot OF OCCUPIABLE SPACE

14 Single-family semi-detached: \$6.00 per square foot OF OCCUPIABLE SPACE

15 Single-family attached: \$6.00 per square foot OF OCCUPIABLE SPACE

16 Multi-family-for sale condominium \$6.00 per square foot OF OCCUPIABLE SPACE

17 (4) NOTWITHSTANDING PARAGRAPH (3) OF THIS SUBSECTION, THE  
18 TOTAL AMOUNT OF A RESIDENTIAL DEVELOPMENT IMPACT FEE MAY NOT  
19 EXCEED \$30,000.

20 ~~(4)~~ (5) The Director of Permits, Approvals and Inspections shall review the  
21 schedule of rates for the development impact fee every four years concurrently with the  
22 comprehensive zoning mapping process and, after consultation with the Office of Budget and  
23 Finance and the Department of Planning, shall recommend to the County Council by the date of

1 submission for the annual budget and appropriation ordinance whether or not to modify the  
2 schedule for the next fiscal year based on new data or technical information.

3 (h) (11) NO DEVELOPMENT IMPACT FEE SHALL BE IMPOSED ON AN  
4 INDIVIDUAL LOT OF RECORD FOR A SINGLE-FAMILY DWELLING THAT WAS  
5 CREATED PRIOR TO JULY 1, 2020 BUT WAS NOT PART OF A SUBDIVISION  
6 PROCESS.

7  
8 SECTION 2. AND BE IT FURTHER ENACTED, that ~~any impact fee previously paid~~  
9 ~~after the effective date of Bill 45-24 that exceeded the method of calculation set forth in this Act~~  
10 ~~shall be refunded within 90 days to the payor of the impact fee, but only for the difference in the~~  
11 ~~amount paid in excess of the method of calculation set forth in this Act.~~ the County is directed to  
12 study and review the methodology, calculations, amounts charged, and any other relevant factors  
13 related to the County’s Development Impact Fee and Development Excise Tax and by December  
14 31, 2026, submit a report with legislative recommendations to the County Executive and the  
15 County Council.

16  
17 SECTION 3. AND BE IT FURTHER ENACTED, that this Act, having been passed by  
18 the affirmative vote of five members of the County Council, shall take effect 14 days from the  
19 date of its enactment.



# LEGISLATION DETAIL

LEGISLATION \_\_\_\_\_

DISPOSITION \_\_\_\_\_

ENACTED \_\_\_\_\_

EFFECTIVE \_\_\_\_\_

AMENDMENTS \_\_\_\_\_

## ROLL CALL - BILL

MOTION

AYE      NAY

    

SECOND

Councilman Young

    

Councilman Patoka

    

Councilman Kach

    

Councilman Jones

    

Councilman Marks

    

Councilman Ertel

    

Councilman Crandell

## ROLL CALL - AMENDMENTS

MOTION

AYE      NAY

    

Councilman Young

    

Councilman Patoka

    

Councilman Kach

    

Councilman Jones

    

Councilman Marks

    

Councilman Ertel

    

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Councilman Crandell