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

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

ARTICLE 32 – PLANNING, ZONING, AND SUBDIVISION CONTROL

TITLE 6 – Adequate Public Facilities

§ 32-6-111. Development Impact Fee.

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

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

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

(3) "Development" has the meaning stated in § 32-4-101(p) of the Code. Development may also include, but not be limited to, dumping, extraction, dredging, grading, paving, storage of materials or equipment, land excavation, land clearing, land improvement, landfill operation, or any combination thereof, and any change in the use of a building for which a building permit is required by law.

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

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

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

(6) "Occupiable" means space that is:

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

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

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

(7) "Residential" means a building that contains one or more dwelling units and includes a boarding house.

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

(ii) Residential does not include:

1. Transient accommodations, including a hotel, country inn, or bed and breakfast inn;

2. Nonresidential uses in a mixed-use structure; or

3. [Detached] ATTACHED GARAGES THAT ARE NOT OCCUPIABLE, SCREENED-IN ONLY ROOMS, DECKS, OR EXTERIOR PORCHES AND PATIOS, AS WELL AS DETACHED accessory buildings, including a detached garage, or shed or other accessory structure that does not contain living quarters.

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

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

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

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|---|---|
| Single-family detached: | $6.00 per square foot OF OCCUPIABLE SPACE |
| Single-family semi-detached: | $6.00 per square foot OF OCCUPIABLE SPACE |
| Single-family attached: | $6.00 per square foot OF OCCUPIABLE SPACE |
| Multi-family-for sale condominium | $6.00 per square foot OF OCCUPIABLE SPACE |

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

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

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

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

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

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

# LEGISLATION DETAIL

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| LEGISLATION | BILL 20-26 |
| DISPOSITION | PASSED AS AMENDED |
| ENACTED | 04/15/26 |
| EFFECTIVE | 04/29/26 |
| AMENDMENTS | YES (2) |

ROLL CALL - BILL

MOTION MARKS SECOND JONES

| AYE | NAY | |
|---|---|---|
| ✔ | | Councilman Young |
| | ✔ | Councilman Patoka |
| | ✔ | Councilman Kach |
| ✔ | | Councilman Jones |
| ✔ | | Councilman Marks |
| ✔ | | Councilman Ertel |
| | ✔ | Councilman Crandell |

ROLL CALL - AMENDMENTS

MOTION KACH SECOND JONES

| AYE | NAY | |
|---|---|---|
| | ✔ | Councilman Young |
| | ✔ | Councilman Patoka |
| ✔ | | Councilman Kach |
| ✔ | | Councilman Jones |
| ✔ | | Councilman Marks |
| | ✔ | Councilman Ertel |
| | ✔ | Councilman Crandell |

ROLL CALL - AMENDMENTS

MOTION MARKS SECOND ERTEL

| AYE | NAY | |
|---|---|---|
| ✔ | | Councilman Young |
| | ✔ | Councilman Patoka |
| | ✔ | Councilman Kach |
| ✔ | | Councilman Jones |
| ✔ | | Councilman Marks |
| ✔ | | Councilman Ertel |
| | ✔ | Councilman Crandell |

ROLL CALL - AMENDMENTS

MOTION SECOND

| AYE | NAY | |
|---|---|---|
| | | Councilman Young |
| | | Councilman Patoka |
| | | Councilman Kach |
| | | Councilman Jones |
| | | Councilman Marks |
| | | Councilman Ertel |
| | | Councilman Crandell |