

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**2016 Legislative Session**

Resolution No. CR-23-2016

Proposed by Council Members Glaros and Lehman

Introduced by Council Members Glaros, Lehman and Davis

Co-Sponsors \_\_\_\_\_

Date of Introduction April 5, 2016

**RESOLUTION**

1 A RESOLUTION concerning

2 School Facilities Surcharge

3 For the purpose of clarifying, without substantive change, the definition of County Urban  
4 Centers and Corridors to ensure consistency with current County center designations approved in  
5 the 2014 General Plan for the County, *Plan Prince George's 2035*, to meet qualifying statutory  
6 criteria required for an exemption from payment of the School Facilities Surcharge enacted by  
7 the Maryland General Assembly for certain multifamily dwelling units that are studio apartments  
8 or efficiency apartments.

9 WHEREAS, during its 2013 Regular Legislative Session, the Maryland General Assembly  
10 enacted House Bill 1433, a Public Local Law concerning the applicability of the Prince George's  
11 County school facilities surcharge for certain multifamily residential development in the County  
12 as specifically designated therein; and

13 WHEREAS, on May 16, 2013, the Governor signed HB 1433 into law as Chapter 685,  
14 2013 Laws of Maryland; and

15 WHEREAS, Chapter 685, 2013 Laws of Maryland prescribes, in pertinent part, that the  
16 school facilities surcharge set forth in Section 10-192.01 of the Prince George's County Code  
17 shall not apply to certain studio apartments or efficiency apartments constructed within County  
18 Urban Centers and Corridors in the County, as set forth in the County Code; and

19 WHEREAS, pursuant to the requirements of Title 1, Division I, and Division II of the Land  
20 Use Article, Annotated Code of Maryland, the County Council must review its countywide,  
21 general development plan and make necessary updates to countywide goals, objectives, policies,  
22 and strategies for land use and development in Prince George's County; and

1           WHEREAS, as such, subsequent to the effective date of Chapter 685, on May 6, 2014, the  
2 County Council, sitting as the District Council approved the 2014 General Plan for the County,  
3 *Plan Prince George's 2035*; and

4           WHEREAS, as approved therein, the Council effectuated certain changes to countywide  
5 policies, and specifically eliminated the terms, 'Urban Centers' and 'Urban Corridors' that were  
6 approved by way of the previous General Plan for the County, the 2002 *Prince George's County*  
7 *General Plan*; and

8           WHEREAS, the changes to the terminology approved within the 2014 General Plan did not  
9 abrogate the enactment of Chapter 685 by the Maryland General Assembly and remains in effect  
10 through September 30, 2018, as prescribed therein; and

11           WHEREAS, in order to clarify that the provisions of Chapter 685 remain in effect as  
12 enacted, the County Council has introduced legislation, CB-7-2016, as a non-substantive  
13 amendment to ensure consistency between Chapter 685 and the school facility surcharge  
14 provisions of the County Code; and

15           WHEREAS, while CB-7-2016 has been introduced and is anticipated to be approved by the  
16 Council upon notice and a public hearing in accordance with Section 317 of the County Charter,  
17 the process cannot be completed in a timely fashion to ensure and to promote economic  
18 development for key multifamily development projects in the County that further the policies,  
19 goals, and strategies approved within the 2014 General Plan; and

20           WHEREAS, pursuant to Section 1017 of the County Charter, a resolution has the force and  
21 effect of law but of a temporary or administrative character.

22           NOW, THEREFORE, BE IT RESOLVED by the County Council of Prince George's  
23 County, Maryland, that, in accordance with prescriptions of State law, the District Council  
24 approved, via adoption of CR-26-2014 on May 6, 2014, the current general plan for land use and  
25 development in Prince George's County, *Plan Prince George's 2035*. As approved therein, the  
26 2014 General Plan revised, without substantive change, certain policies for the uses and  
27 development of land in the County designated as Centers or Corridors within the 2002 General  
28 Plan for purposes of assessment of a School Facilities Surcharge in accordance with Subtitle 10  
29 of the Prince George's County Code.

1 BE IT FURTHER RESOLVED that, in accordance with Chapter 685, 2013 Laws of  
2 Maryland, the school facilities surcharge assessed in Prince George’s County shall be reduced by  
3 fifty percent (50%) for Multifamily Housing constructed on property located: (i) within an  
4 approved Transit District Overlay Zone; or (ii) for property outside of a Transit District Overlay  
5 Zone, approved development on property that is at least fifty percent (50%) within one-quarter  
6 (1/4) mile of an entrance to a Metro Station; or (iii) within the Bowie State MARC Local Center  
7 designated boundary.

8 BE IT FURTHER RESOLVED that, in accordance with Chapter 685, 2013 Laws of  
9 Maryland, the County school facilities surcharge shall not apply to a studio or efficiency  
10 apartment residential dwelling unit constructed on property located: (i) within a designated  
11 Regional Transit District or Local Center set forth in the 2014 General Plan approved for the  
12 County, *Plan Prince George’s 2035*, as may be amended from time to time; (ii) within a Transit  
13 District Overlay Zone; or (iii) for projects outside a Transit District Overlay Zone, approved  
14 development on property that is at least fifty percent (50%) within one-quarter (1/4) mile of an  
15 entrance to a Metro Station.

16 BE IT FURTHER RESOLVED that, in accordance with Chapter 685, 2013 Laws of  
17 Maryland, this Resolution shall be of no further force and effect after September 30, 2018.

18 BE IT FURTHER RESOLVED that this Resolution shall take effect on the date of its  
19 adoption.

Adopted this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Derrick L. Davis  
Chairman

ATTEST:

\_\_\_\_\_  
Redis C. Floyd  
Clerk of the Council