

**PRINCE GEORGE'S COUNTY COUNCIL
AGENDA ITEM SUMMARY**

Meeting Date: 10/24/95

Reference No.: CB-84-1995

Proposer: Russell

Draft No.: 1

Sponsors: Russell

Item Title: An Ordinance to abolish the adequate public facilities test for schools in certain zones to coincide with the imposition of a school facilities surcharge

Drafter: Mary Lane
PZ&ED Committee Dir.

Resource Personnel: Dawn DeWitt
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	9/26/95	Executive Action:	___/___/___	___
Committee Referral: (1)	9/26/95	HEHS	Effective Date:	___/___/___
Committee Action: (1)	10/11/95	FAV		
Date Introduced:	10/24/95			
Pub. Hearing Date: (1)	11/21/95	10:30 AM		

Council Action: (1) 11/21/95 POSTPONED INDEFINITELY

Council Votes: AMc:A, DB:A, SD:A, JE:A, IG:A, WM:A, RVR:A, AS:A, MW:A

Pass/Fail: _

Remarks: _____

HEALTH, EDUCATION & HUMAN SERVICES COMMITTEE DATE: 10/11/95

Committee Vote: Favorable 3-1 (In favor: Council Members Russell, Estep and Wilson. Opposed: Council Member Scott).

This is a companion bill to CB-83-1995 which would become effective at the same time (July 1, 1996) and abolish the Adequate Public Facilities Test (APF) for schools in the Zoning Ordinance. Audits and Investigations finds no negative fiscal impact on the County as a result of adopting this bill. CB-84 has been found to be in proper legislative and legal form. No amendments were offered. **The Committee directed staff to highlight the fact that the Adequate Public Facilities Test (APF) for schools is currently applicable only in Comprehensive Design Zones (CDZ) and Mixed Use Community Zones (M-X-C). This bill will broaden the application to coincide with**

the imposition of a school facilities surcharge in all zones. Currently CDZ's account for no more than 20% of all development in the County. This legislation is the result of a School Facilities Task Force recommendation. The Prince George's Chamber of Commerce submitted comments in support of CB-84. The Prince George's County Civic Federation submitted comments in opposition. After a brief discussion, the Committee voted for a favorable report on CB-84-1995.

BACKGROUND INFORMATION/FISCAL IMPACT

(Includes reason for proposal, as well as any unique statutory requirements)

During the 1995 legislative session, the General Assembly adopted legislation (HB 460) authorizing Prince George's County to impose a school facilities surcharge on new residential construction. The legislation expressly stated that the payment of this surcharge eliminates the application of any adequate public facilities test for schools. Legislation has been presented to the Council establishing the surcharge, which would be imposed on all residential building permits applied for after July 1, 1996. This companion legislation eliminates the APF test for schools in the Zoning Ordinance, as directed by State law if the surcharge is to be imposed.

CODE INDEX TOPICS: