

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2003 Legislative Session

Bill No. CB-30-2003
 Chapter No. 29
 Proposed and Presented by Council Member Harrington
 Introduced by Council Members Harrington, Shapiro, Dean and Knotts
 Co-Sponsors _____
 Date of Introduction May 6, 2003

SUBDIVISION BILL

1 AN ACT concerning

2 Adequate School Facilities

3 For the purpose of amending the provisions for determining school facilities adequacy at the time
 4 of preliminary plat of subdivision.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Section 24-122.02,

8 The Prince George's County Code

9 (1999 Edition, 2002 Supplement).

10 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
 11 Maryland, that Section 24-122.02 of the Prince George's County Code be and the same is hereby
 12 repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

DIVISION 3. REQUIREMENTS: PLANNING, DESIGN AND PUBLIC FACILITIES.

Sec. 24-122.02. School Facilities Tests.

16 (a) At the time of a preliminary plat of subdivision, the Planning Board shall apply an
 17 adequacy of school facilities test in accordance with this Subsection.

18 (1) The test shall be applied to a proposed subdivision as it affects school clusters,
 19 which are groupings of elementary, middle, and high schools which would be impacted by the
 20 subdivision.

(2) A subdivision meets the test, unless otherwise provided below, if the number of students generated by the proposed subdivision at each stage will not exceed one hundred five percent (105%) of the state rated capacity, as adjusted by the School Regulations, of the affected elementary, middle, and high school clusters, as determined by the Planning Board.

(3) The number of elementary, middle, and high school students generated by the proposed subdivision shall be determined in accordance with the pupil yield factors, as defined in Section 24-101(b), for each dwelling unit type as determined by the Planning Board from historical information provided by the Superintendent of the Prince George's County Public Schools.

(4) The Planning Board shall determine:

(A) The school cluster or clusters impacted by the subdivision.

(B) The actual enrollment, which is the number of elementary, middle, and high school students, as reported by the Superintendent of the Prince George's County Public Schools as of September 30 of the prior year, and as calculated by the Planning Board and effective in January of each year for use in that calendar year.

(C) The completion enrollment, which is the total number of elementary, middle, and high school students to be generated by the estimated number of residential completions, for each school cluster.

(i) Residential completions are estimated from the total of all substantially completed dwelling units added to the County's assessable tax base in the two (2) previous calendar years.

(ii) In determining completion enrollment, the estimated number of residential completions in a given school cluster will not exceed the number of dwelling units shown on:

(aa) An approved preliminary plat of subdivision with no waiting period, or with a waiting period less than twenty-four (24) months as of September 30 of each calendar year; and

(bb) All recorded plats not subject to an adequate public facilities test for schools at time of building permit issuance.

(D) The subdivision enrollment, which is the anticipated number of elementary, middle, and high school students to be generated by all dwelling units shown on the proposed preliminary plat of subdivision, multiplied by the pupil yield factor.

(E) The cumulative enrollment, which is the total of all subdivision enrollments resulting from approved preliminary plats of subdivision in each school cluster for the calendar year in which an adequate public facilities test is being applied.

(5) The Planning Board shall determine the subdivision's cluster enrollment by adding: the actual number of students in the cluster as of September 30; the number of students anticipated from residential completions in the cluster; the number anticipated from the subdivision; and the number anticipated from subdivisions already approved in the cluster within the calendar year. The Board shall then determine the percent capacity by dividing the cluster enrollment by the state rated capacity (adjusted by the School Regulations) of schools in the cluster.

[(6) If the percent capacity for a stage of the subdivision is greater than one hundred five percent (105%) and there is a funded school, as defined in Section 24-101(b), the preliminary plat may then be approved, and building permits may be issued:

(A) Three (3) years after the date of approval of the preliminary plat of subdivision;

(B) At any time that the percent capacity, as adjusted pursuant to School Regulations, is less than or equal to one hundred five percent (105%); or

(C) Pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Council and County Executive to construct or secure funding for construction of all or part of a school, to advance school capacity.

(i) An applicant with a project which is not a Development of Significant Impact, as described below, may enter into a school facilities agreement to pay a specific amount of fees, comprising the school facilities surcharge and a per-dwelling unit fee.

(ii) The fees per dwelling unit are as follows: \$2,150 for an elementary school; \$840 for a middle school; and \$1,950 for a high school.

(iii) An applicant whose project is not a Development of Significant Impact may join with one or more applicants in the same clusters to use the agreement procedures recited below, if their combined projects have six hundred (600) or more dwelling units.

(iv) If the applicant under (i) does not agree to pay the fees provided for in (ii), it may, after negotiation and County Council and County Executive approval, pay for or provide for facilities which are substantially equivalent in value to the fees which would otherwise be paid.

(v) The fees required in (ii) may be paid in phases for multifamily residential dwellings with more than 20 units. The phased payments shall be: 25% on issuance of the first building permit, and the remainder 24 months later.

(7) If the percent capacity for a stage of the subdivision is greater than one hundred five percent (105%) and there is no funded school, the preliminary plat may then be approved, and building permits may be issued:

(A) Six (6) years after the date of approval of the preliminary plat of subdivision;

(B) At any time that the percent capacity, as adjusted pursuant to School Regulations, is less than or equal to one hundred five percent (105%); or

(C) Pursuant to the terms of an executed school facilities agreement whereby the subdivision applicant, to avoid a waiting period, agrees with the County Council and County Executive to construct or secure funding for construction of all or part of a school, to advance school capacity.

(i) An applicant with a project which is not a Development of Significant Impact, as described below, may enter into a school facilities agreement to pay a specific amount of fees, comprising the school facilities surcharge and a per-dwelling unit fee.

(ii) The fees per dwelling unit are as follows: \$2,150 for an elementary school; \$840 for a middle school; and \$1,950 for a high school.

(iii) An applicant whose project is not a Development of Significant Impact may join with one or more applicants in the same clusters to use the agreement procedures recited below, if their combined projects have six hundred (600) or more dwelling units.

(iv) If the applicant under (i) does not agree to pay the fees provided for in (ii), it may, after negotiation and County Council and County Executive approval, pay for or

1 provide for facilities which are substantially equivalent in value to the fees which would
2 otherwise be paid.

3 (v) The fees required in (ii) may be paid in phases for multifamily
4 residential dwellings with more than 20 units. The phased payments shall be: 25% on issuance
5 of the first building permit, and the remainder 24 months later.

6 (8) If during the six-year period in (a)(7)(A) a new school becomes funded in a
7 cluster which was found to be over 105% of capacity, then building permits may be issued three
8 (3) years after the date the school becomes a funded school, or six (6) years after the date of
9 approval of the preliminary plat, whichever is earlier.

10 (9) If the percent capacity for the subdivision is greater than one hundred five percent
11 (105%) and there is one or more funded schools, and if the subdivision is or is a part of a
12 Development of Significant Impact, which totals six hundred (600) or more dwelling units, then
13 building permits may be issued:

14 (A) Three (3) years after the date of approval of the preliminary plat of
15 subdivision;

16 (B) At any time that the percent capacity, as adjusted pursuant to School
17 Regulations, is less than or equal to one hundred five percent (105%); or

18 (C) Pursuant to the terms of an executed school facilities agreement whereby the
19 subdivision applicant agrees with the County Council and County Executive to construct or
20 secure funding for construction of all or part of a school, to advance school capacity.

21 (10) If the percent capacity for the subdivision is greater than one hundred five percent
22 (105%) and there is no funded school, and if the subdivision is or is a part of a Development of
23 Significant Impact, then building permits may be issued:

24 (A) Six (6) years after the date of approval of the preliminary plat of subdivision;

25 (B) At any time that the percent capacity, as adjusted pursuant to School
26 Regulations, is less than or equal to one hundred five percent (105%); or

27 (C) Pursuant to the terms of an executed school facilities agreement whereby the
28 subdivision applicant agrees with the County Council and County Executive to construct or
29 secure funding for construction of all or part of a school, to advance school capacity.

(11) The Planning Board shall accept, for the purposes of adequate school facilities, an executed school facilities agreement which includes a commitment to construct all or part of a school, or to secure funding for all or part of a school, in a schedule of fee payments.

(12) A school facilities agreement approved by the applicant and the County Council and County Executive may provide for funding or construction of all or part of a school, construction and sale or lease of a school to County Council and County Executive, or any substantially equivalent arrangement.]

* * * * *

(c) Whenever an adequate school facility fee is charged in conjunction with a building permit, it shall be reduced by the full amount of the school facilities surcharge imposed on that same permit.

SECTION 2. BE IT FURTHER ENACTED that, on the effective date of this Act, for a preliminary plat of subdivision that had been approved under the previous adequate public facilities for schools test and subject to a wait condition affecting the issuance of building permits, the wait period is abrogated.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days after it becomes law.

Adopted this 17th day of June, 2003.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Peter A. Shapiro
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.