

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

**Meeting Date:** 10/28/98

**Reference No.:** CB-104-1998

**Proposer:** Scott

**Draft No.:** 2

**Sponsors:** Scott

**Item Title:** A Subdivision Bill concerning Adequate School Facilities  
exempting certain subdivisions from the requirement for a  
school facilities test

**Drafter:** Jackie Brown  
PZ&ED Committee Director

**Resource Personnel:** Kay Kline  
Legislative Aide

**LEGISLATIVE HISTORY:**

**Date Presented:**     \_\_/\_\_/\_\_

**Executive Action:** 11/18/98     S

**Committee Referral:** 9/22/98     PZED

**Effective Date:** 12/21/98

**Committee Action:** 9/30/98     FAV

**Date Introduced:** 9/22/98

**Pub. Hearing Date:** 10/28/98   1:30 P.M.

**Council Action:** 10/28/98   ENACTED

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

**Pass/Fail:** P

**Remarks:** \_\_\_\_\_

**10/28/98:** Amended on the floor; DR-2 enacted

**PLANNING, ZONING & ECONOMIC DEV. COM. REPORT**

DATE: 9/30/98

Committee Vote: Favorable, 4-1 (In favor: Council Members Bailey, Del Giudice, Maloney and Russell. Opposed: Council Member Gourdine).

This legislation amends the Subdivision Regulations to provide an exemption to the school facilities test at the time of Preliminary Plat for a subdivision containing no more than three lots on less than five acres of land and for which the lots are to be conveyed to a son or daughter or lineal descendant of the grantor.

Staff indicated to the Committee that this bill bypassed presentation, was introduced on September 22, 1998 and scheduled for a public hearing on October 28, 1998. Since the bill was already advertised for public hearing by the time of the Committee worksession, staff informed the Committee that any suggested amendments to the legislation would require an amendment sheet at the time of the public hearing.

Council Member Scott, the bill's sponsor, indicated to the Committee that she introduced this legislation for the purpose of providing this exemption which will allow a property owner to construct a dwelling for his son. The current law prevents building permit issuance in this particular situation for four years due to the capacity at an affected school.

The Office of Law determined that the legislation is in proper legislative form and recommended technical amendments. The Executive Branch takes no position on this bill. The Office of Management and Budget determined that the exemption proposed by this legislation "should not materially affect the APF program and is unlikely to have any significant impact on revenue." The Office of Audits and Investigations determined there should be no negative fiscal impact on the County as a result of enacting CB-104-1998.

In addition to technical amendments, the Committee discussed amendments to Section 24-122.02(c)(5) as follows: on page 2, line 17, after "less than five (5)," insert "gross" and on page 2, line 18, after "for which the lots," insert "except for one to be retained by grantor."

#### **BACKGROUND INFORMATION/FISCAL IMPACT**

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

In November 1997, the County Council adopted CB-3-1997, legislation requiring a school facilities test at the time of Preliminary Plat of Subdivision. CB-3-1997 exempted certain subdivisions from this requirement. This legislation amends the Subdivision Regulations to provide an additional exemption to the school facilities test requirement.

#### **CODE INDEX TOPICS:**