

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1997 Legislative Session

Bill No. _____ CB-80-1997

Chapter No.

Proposed and Presented by _____ Council Member Del Giudice

Introduced by _____ Council Member Del Giudice

Co-Sponsors

Date of Introduction _____ June 10, 1997

SUBDIVISION BILL

AN ACT concerning

Adequate Public Facilities

For the purpose of permitting certain types of development to proceed without application of the adequate public facilities test for schools.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Section 24-122.01,

The Prince George's County Code

(1995 Edition).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-122.01 of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments:

SUBTITLE 24. SUBDIVISIONS.

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

Sec. 24-122.01. Adequacy of public facilities.

(a) The Planning Board may not approve a subdivision plat if it finds that adequate public facilities do not exist or are not programmed for the area within which the proposed subdivision is located, as defined in the "Guidelines for the Analysis of Development Impact on Fire and Rescue Facilities," "Guidelines for the Analysis of Development Impact on Police Facilities" [and], "Guidelines for the Analysis of the Traffic Impact of Development

Proposals[.], " and subsection (e) below.

* * * * *

(e) School facilities.

(1) Before any preliminary plat may be approved, the Planning Board shall find adequacy in accordance with subsection (A), (B), or (C) below:

(A) The number of students generated by the proposed subdivision at each stage of the proposed subdivision will not exceed one hundred percent (100%) of the rated capacity of the affected elementary, middle, and high schools, as determined by the Planning Board pursuant to the guidelines provided in (I) through (IV), below.

(I) The number of elementary, middle, and high school students generated by the proposed subdivision shall be determined in accordance with the pupil yield factors for each dwelling unit type provided by the Board of Education.

(II) Based upon the advice of the Board of Education, the elementary, middle, and high schools serving the property at the time of review of the subdivision shall be determined and shall be considered the "affected" schools.

(III) The Board of Education's five-year projected enrollment for each affected school shall be added to the number of students generated by the proposed subdivision, as determined in subsection (I) above.

(IV) The total projected number of students for each affected school, as determined in subsection III, above, shall be compared to the rated capacity of each affected school.

(B) An addition to the affected school or a new school to serve the students generated by the proposed subdivision has been funded by the State in an adopted State of Maryland annual budget bill in accordance with Article III, Section 52, of the Maryland Constitution, and the projected enrollment of the new or expanded school will not exceed one hundred percent (100%) of its rated capacity.

(C) Where the number of students measured under Subsection (1)(A) exceeds one hundred percent (100%) but is less than one hundred twenty percent (120%) of the rated capacity of each affected school and the applicant pays an adequate public facilities fee equal

to the cost of a permanent seat for each student generated by the subdivision above the one hundred percent (100%) rated capacity. The adequate public facilities fee shall be determined by multiplying the number of students generated by the proposed subdivision above the one hundred percent (100%) rated capacity in accordance with the following schedule:

- (I) \$9,000 per elementary school student
- (II) \$12,000 per middle school student
- (III) \$10,000 per high school student

If at the time of Final Plat, the number of units in the proposed subdivision has decreased, the adequate public facilities fee shall be adjusted accordingly upon building permit application. Any adequate public facilities fees for schools imposed herein shall be offset against any school facility surcharge upon the same project. Whenever an adequate public facilities fee for schools is charged, the full amount of the said fee shall be credited to the school area for whose benefit the said fee is charged.

(2) Notwithstanding the requirements of Subsection (1), the Planning Board may approve a Preliminary Plat for the following:

(A) A subdivision which is a redevelopment project that replaces existing dwelling units and there is no net increase in units; or

(B) A subdivision for less than twenty (20) dwelling units which will be developed in a revitalization tax district as provided in Subtitle 10 where the proposed subdivision is not included in a larger Comprehensive Design or Mixed Use Zone development; or (C)

(C) A subdivision for less than twenty (20) dwelling units, which will not be served by public water and sewerage systems, is not included in a larger Comprehensive Design or Mixed Use Zone development, and for which the applicant, owner, person or their predecessors in interest and/or title did not own any property adjacent to the proposed subdivision as of May 31, 1997. For purposes of this Section, land is considered adjacent if the property lines are contiguous at any point, the property lines are separated only by a public or private street, road, highway, utility right-of-way, or other public or private right-of-way at any point, or the property lines are separated only by other land of the applicant, owner,

person or their predecessors in interest and/or title which is not subject to this Section at the time the applicant submits a Preliminary Plat of Subdivision for approval.

SECTION 2. BE IT FURTHER ENACTED that this Act shall take effect thirty (30) calendar days from the date it becomes law.

Adopted this _____ day of _____, 1997.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

APPROVED:

DATE: _____

BY:

Wayne K. Curry
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.