

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

SITTING AS THE DISTRICT COUNCIL

1997 Legislative Session

Bill No. CB-48-1997

Chapter No.

Proposed and Presented by Council Member Russell

Introduced by Council Member Russell

Co-Sponsors

Date of Introduction June 3, 1997

ZONING BILL

AN ORDINANCE concerning

Adequate Public Facilities

For the purpose of establishing an adequate public facilities test for schools at the time of approval of a Final Development Plan.

BY repealing and reenacting with amendments:

Section 27-546.06,

The Zoning Ordinance of Prince George's County, Maryland,
being also

SUBTITLE 27. ZONING.

The Prince George's County Code
(1995 Edition, 1996 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, sitting as the District Council for that part of the Maryland-Washington Regional District in Prince George's County, Maryland, that Section 27-546.06 of the Zoning Ordinance of Prince George's County, Maryland, being also Subtitle 27 of the Prince George's County Code, be and the same are hereby repealed and reenacted with the following amendments:

SUBTITLE 27. ZONING.

PART 10. MIXED USE ZONES.

DIVISION 2. SPECIFIC MIXED USE ZONES.

Subdivision 2. M-X-C (Mixed Use Community)

Sec. 27-546.06. Final Development Plan.

* * * * *

(d) Planning Board action.

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(2) Prior to approving a Final Development Plan, the Planning Board shall make the following findings:

* * * * *

(D) School facilities will be adequate in accordance with subsection (I), (II), or (III) below.

(I) The number of students generated by the proposed development at each stage of the proposed development will not exceed one hundred five percent (105%) 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 development 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 Final Development Plan 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 Final Development Plan, 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.

(II) An addition to the affected school or a new school to serve the students generated by the proposed development 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.

(III) Where the number of students measured under Subsection (1)(A) exceeds one hundred five percent (105%) of the rated capacity of any affected school(s) and a capital project is programmed for new construction or additions in years two through six of the adopted County Capital Improvement Program which would bring the affected school within one hundred five percent (105%) of the rated capacity, the applicant may pay an adequate public facilities fee equal to the cost of a permanent seat for each student generated by the subdivision above the one hundred five percent (105%) 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 five percent (105%) 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

Whenever an adequate public facility fee is charged it shall be offset by the full amount of the school facilities surcharge imposed on the same property.

(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;

(B) A subdivision which will not be served by public water and sewerage systems, and for which the applicant/owner, 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, are separated only by a public or private street, road, highway, utility right-of-way, or other public or private rights-of-way at any point, or are separated only by other land of the applicant/owner, 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 any application filed prior to the effective date of this Ordinance, but finally decided after the effective date of this Ordinance, shall be subject to the provisions of this Ordinance.

SECTION 3. BE IT FURTHER ENACTED that the Superintendent of the Board of Education is requested to submit with the Board's Annual Capital Improvement Program ("CIP") a Neighborhood School Analysis based on a cluster plan which analyzes the projected enrollment and capacity assuming all CIP projects are constructed. The Neighborhood School Analysis should be submitted no later than December 1 of each year.

SECTION 4. BE IT FURTHER ENACTED that this Ordinance shall take effect forty-five (45) calendar days after its adoption.

Adopted this ____ day of _____, 1997.

COUNTY COUNCIL OF PRINCE GEORGE'S
COUNTY, MARYLAND, SITTING AS THE
DISTRICT COUNCIL FOR THAT PART
OF THE MARYLAND-WASHINGTON
REGIONAL DISTRICT IN PRINCE
GEORGE'S COUNTY, MARYLAND

BY:

Dorothy F. Bailey
Chair

ATTEST:

Joyce T. Sweeney
Clerk of the Council

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks *** indicate intervening existing Code provisions that remain unchanged.