

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

Meeting Date: 5/13/97

Reference No.: CB-49-1997

Proposer: Russell

Draft No.: 2

Sponsors: Russell, Maloney, Gourdine, Scott, MacKinnon, Wilson, Esteppe, Bailey

Item Title: An Emergency Act concerning School Facilities
Surcharge to increase the School Facilities Surcharge
and exempt certain types of residential development
from the payment of the surcharge

Drafter: Mary Lane
PZ&ED Committee Director

Resource Personnel: Debra Boxley
Legislative Aide

LEGISLATIVE HISTORY:

Date Presented:	4/15/97	Executive Action:	6/17/97	S
Committee Referral:	(1) 4/15/97	PZED	Effective Date:	6/17/97
Committee Action:	(1) 5/2/97	HELD		
Committee Action:	(2) 5/7/97	FAV (A)		
Date Introduced:	5/13/97			
Pub. Hearing Date:	(1) 6/3/97	1:30 P.M.		

Council Action: (1) 6/3/97 ENACTED

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

Pass/Fail: P

Remarks: _____

PLANNING, ZONING & ECON. DEV. COMMITTEE REPORT

DATE: 5/7/97

Committee Vote: Favorable as amended, 5-0 (In favor: Council Members Del Giudice, MacKinnon, Maloney, Russell and Wilson).

This legislation increases the School Facilities Surcharge and exempts permits that were issued pursuant to a valid preliminary plat of subdivision originally approved prior to October 1, 1995 and permits for construction of dwellings for the elderly which are operated in accordance with State and Federal fair housing laws within an apartment house for the elderly, an assisted living facility, a

congregate living facility, a mixed residential development or planned retirement community. The school facilities surcharge is increased to \$2,500 for a one-family detached dwelling; \$1,200 for a semidetached dwelling, a triple-attached dwelling, a three-family dwelling, a two-family dwelling or a townhouse; and \$700 for a multifamily dwelling unit.

The Committee considered a proposed Draft 2 and Draft 3. The Draft 2, proposed by Council Member Maloney, added new language to Sec. 4-352(a)(32) requiring any school facility impact fees imposed upon a project as a condition of approval of any site plan, design plan, or plat of subdivision be offset against any school facility surcharge imposed upon the same project.

Draft 3 of CB-49, as proposed by Council Member Del Giudice, also adds new language to Sec. 4-352(a)(32) which states that the amount required by an adequate public facilities test for schools shall be reduced by the amount of the surcharge.

The Committee agreed on Draft 2, and deleted the proposed new language added to Sec. 4-352(a)(32), and amended it to read that "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." The legislation was reported out favorably with amendments, with the determination that CB-49 be treated as emergency legislation.

The Office of Audits and Investigations has reviewed CB-49-1997, and the bill will have a positive impact on the County as a result of increased surcharge fees. The Department of Environmental Resources has no comments on the legislation.

Joe Meinert, representing the City of Bowie, submitted a letter to Council Member Del Giudice from Mayor Gary Allen, supporting CB-49-1997 and recommending that the amount of the surcharge approximate the actual capital cost to the County of providing additional school capacity.

The Planning Board supports CB-49 and recommends that the legislation be reworded to permit the surcharge to be in accordance with a formula set forth by the Council.

BACKGROUND INFORMATION/FISCAL IMPACT

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

In 1995, the Council enacted CB-83-1995, which established a school facilities surcharge on new development, to become effective on July 1, 1996. This legislation included the amount of the surcharge fee for each type of dwelling unit, as authorized by State law. This legislation increases the amount of the surcharge of each dwelling unit type, pursuant to PG-420-97.

CODE INDEX TOPICS: