

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2016 Legislative Session

Bill No. CB-7-2016

Chapter No. 9

Proposed and Presented by Council Members Glaros and Lehman

Introduced by Council Members Glaros, Lehman and Davis

Co-Sponsors _____

Date of Introduction April 5, 2016

BILL

1 AN ACT concerning

2 School Facilities Surcharge

3 For the purpose of clarifying, without substantive change, the definition of County Urban
4 Centers and Corridors to ensure consistency with current County center designations approved in
5 the 2014 General Plan for the County, *Plan Prince George's 2035*, to meet qualifying statutory
6 criteria prescribed for exemption from payment of the School Facilities Surcharge enacted by the
7 Maryland General Assembly for certain multifamily dwelling units that are studio apartments or
8 efficiency apartments.

9 BY repealing and reenacting with amendments:

10 SUBTITLE 4. BUILDING.

11 Section 4-352,

12 The Prince George's County Code

13 (2015 Edition).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
15 Maryland, that Section 4-352 of the Prince George's County Code be and the same is hereby
16 repealed and reenacted with the following amendments:

17 **SUBTITLE 4. BUILDING.**

18 **DIVISION 5. FEE SCHEDULE.**

19 **Sec. 4-352. Fee Schedule.**

20 * * * * *

21 (n) School Facilities Surcharges:

1 (1) Upon the issuance of a building permit for new residential construction for which
 2 a building permit application has been made on or after July 1, 1996, the applicant shall pay a
 3 school facilities surcharge, with the exception of a permit for the construction of:

4 (A) Dwellings for the elderly which are operated in accordance with State and
 5 Federal fair housing laws within an apartment house for the elderly, an assisted living facility, a
 6 congregate living facility, a mixed residential development, or planned retirement community;

7 (B) A single-family detached dwelling to be built or subcontracted by an
 8 individual owner in a minor subdivision and intended as the owner's personal residence;

9 (C) Improvements on property in an infrastructure finance district approved
 10 before January 1, 2000; [or]

11 (D) Multifamily housing designated as student housing within one and one-half
 12 (1 1/2) miles of the University of Maryland, College Park Campus, under the following
 13 conditions:

14 (i) A multifamily project that includes the following features:

15 (aa) A minimum of one (1) bathroom per two (2) beds;

16 (bb) Appropriate locks will be provided on every bedroom door as
 17 permitted by the Life Safety Code;

18 (cc) At least seventy percent (70%) of bedrooms shall not exceed one
 19 hundred and forty-five (145) square feet or be smaller than standard market units (exclusive of
 20 the closet and bathroom);

21 (dd) Balconies shall not be permitted, but enclosed decks and patios
 22 shall be permitted on the ground floor;

23 (ee) At least ninety percent (90%) of dwelling units shall be furnished
 24 with a single or full bed and desk in each bedroom and appropriate seating for each resident in
 25 the living and dining areas;

26 (ff) Design of amenities shall be geared toward college students such
 27 as study rooms, computer rooms, club rooms and game rooms; and

28 (gg) Written evidence of a relationship with an institution of higher
 29 education in terms of one or more of the following: resident life services, shuttle bus services,
 30 coordinated permit parking policies and telecommunications wiring.

31 (hh) A multifamily project that is exempt pursuant to subsection

1 (D)(1) shall be assessed a school facilities surcharge at the time a building permit is issued for
2 the conversion of a multifamily dwelling to standard market units ;

3 (2) The school facilities surcharge assessed pursuant to this Section shall be reduced by
4 fifty percent (50%) for Multifamily Housing constructed on property located:

5 (A) within an approved Transit District Overlay Zone; or

6 (B) for property outside of a Transit District Overlay Zone, approved
7 development on property that is at least 50% within one-quarter (1/4) mile of an entrance to a
8 Metro Station; or

9 (C) within the Bowie State MARC Local Center designated boundary.

10 (3) The school facilities surcharge required pursuant to the prescriptions of this Code
11 shall not apply to a studio or efficiency apartment residential dwelling unit constructed on
12 property located:

13 (A) within a designated Regional Transit District or Local Center set forth in the
14 2014 General Plan approved for the County, *Plan Prince George's 2035*, as may be amended
15 from time to time;

16 (B) within a Transit District Overlay Zone; or

17 (C) for projects outside a Transit District Overlay Zone, approved development
18 on property that is at least 50% within one-quarter (1/4) mile of an entrance to a Metro Station.

19 [(2)] (4) The amount of the school facilities surcharge for a building permit issued on or
20 after July 1, 2003 shall be:

21 (A) Seven Thousand Dollars (\$7,000) if the building is located between
22 Interstate Highway 495 and the District of Columbia;

23 (B) Seven Thousand Dollars (\$7,000) if the building is included within a basic
24 plan or conceptual site plan that abuts an existing or planned mass transit rail station site
25 operated by the Washington Metropolitan Area Transit Authority; or

26 (C) Twelve Thousand Dollars (\$12,000) for all other buildings.

1 [(3)] (5) School Facility Surcharge in Municipal Corporations: Prior to the issuance
2 of a building permit for new residential construction in a municipality with zoning authority and
3 the authority to issue building permits, the applicant shall pay to the County a school facilities
4 surcharge in the amount of:

5 (A) Seven Thousand Dollars (\$7,000) if the building is located between
6 Interstate Highway 495 and the District of Columbia;

7 (B) Seven Thousand Dollars (\$7,000) if the building is included within a basic
8 plan or conceptual site plan that abuts an existing or planned mass transit rail station site
9 operated by the Washington Metropolitan Area Transit Authority; or

10 (C) Twelve Thousand Dollars (\$12,000) for all other buildings.

11 SECTION 2. BE IT FURTHER ENACTED that, in accordance with prescriptions of State
12 law, the District Council approved, via adoption of CR-26-2014 on May 6, 2014, the current
13 general plan for land use and development in Prince George's County, *Plan Prince George's*
14 *2035*. As approved therein, the 2014 General Plan revised, without substantive change, certain
15 policies for uses and development of land in the County designated as Centers or Corridors
16 within the 2002 General Plan for purposes of assessment of a School Facilities Surcharge in
17 accordance with Subtitle 10 of the Prince George's County Code.

18 SECTION 3. BE IT FURTHER ENACTED that, pursuant to the provisions of Chapter
19 685, 2013 Laws of Maryland, the provisions of this Act shall be abrogated, without any further
20 legislative action, and shall be of no further force and effect after September 30, 2018.

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SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 3rd day of May, 2016.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Derrick Leon Davis
Chairman

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.