

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1998 Legislative Session**

Bill No. CB-66-1998

Chapter No. \_\_\_\_\_

Proposed and Presented by Council Member Del Giudice

Introduced by Council Member Del Giudice

Co-Sponsors \_\_\_\_\_

Date of Introduction April 28, 1998

**SUBDIVISION BILL**

1 AN ACT concerning

2 Adequate School Facilities

3 For the purpose of clarifying adequate school facilities tests for schools at the time of  
4 preliminary plat of subdivision and building permit.

5 BY repealing and reenacting with amendments:

6 SUBTITLE 24. SUBDIVISIONS.

7 Sections 24-122.01, and 24-122.02,

8 The Prince George's County Code

9 (1995 Edition, 1996 Supplement, as amended

10 by CB-3-1997).

11 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,  
12 Maryland, that Sections 24-122.01 and 24-122.02 of the Prince George's County Code be and the  
13 same are hereby repealed and reenacted with the following amendments: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.**

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

1 of Development Proposals." The Planning Board shall require adequate public facilities, as  
 2 provided in this Section and in Division 4 of this Subtitle.

3 (b) Water and sewerage.

4 (1) The location of the property within the appropriate service area of the Ten Year  
 5 Water and Sewerage Plan is deemed sufficient evidence of the immediate or planned availability  
 6 of public water and sewerage for preliminary or final plat approval.

7 (c) Police facilities.

8 (1) Before any preliminary plat may be approved, the Planning Board shall find that:

9 (A) The population and/or employees generated by the proposed subdivision at  
 10 each stage of the proposed subdivision will not exceed the service capacity of existing police  
 11 stations as determined by the Planning Board in the "Guidelines for the Analysis of Development  
 12 Impact on Police Facilities," as may be amended from time to time; or

13 (B) An adequate police facility available to serve the population and/or  
 14 employees generated by the proposed subdivision has been programmed with one hundred  
 15 percent (100%) of the expenditures for the construction of such a facility within the adopted  
 16 County Capital Improvement Program as determined under the "Guidelines"; or

17 (C) That improvements participated in or funded by the subdivider will alleviate  
 18 any inadequacy as determined under the "Guidelines."

19 (d) Fire and rescue facilities.

20 (1) Before any preliminary plat may be approved, the Planning Board shall find that:

21 (A) The population and/or employees generated by the proposed subdivision at  
 22 each stage of the proposed subdivision will be within the adequate coverage area of the nearest  
 23 fire and rescue station(s) as determined by the Planning Board in the "Guidelines for the  
 24 Analysis of Development Impact on Fire and Rescue Facilities" as may be amended from time to  
 25 time; or

26 (B) An adequate fire and rescue station(s) available to serve the population  
 27 and/or employees generated by the proposed subdivision has been programmed with one  
 28 hundred percent (100%) of the expenditures for the construction of such a facility within the  
 29 adopted County Capital Improvement Program as determined under the "Guidelines"; or

30 (C) That improvements participated in or funded by the subdivider will alleviate  
 31 any inadequacy as determined under the "Guidelines."

**Section 24-122.02. School Facilities Tests.**

(a) At the time of a preliminary plat of subdivision, the Planning Board shall apply an initial adequacy of school facilities test in accordance with paragraphs (1), (2), or (3), below:

(1) The number of students generated by the proposed subdivision at each stage of the proposed subdivision 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 (A) through (C), below.

(A) 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 as determined by the Planning Board upon historical information provided by the Board of Education.

(B) 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.

(C) The projected five-year enrollment, as determined by the Planning Board in cooperation with the Board of Education and any other County or State agency deemed appropriate, for each affected school shall be added to the number of students generated by the proposed subdivision as determined in subparagraph (A), above, plus the number of students generated by approved preliminary plats since the most recent annual enrollment projections.

(2) The total projected number of students for each affected school, as determined in subparagraph (C), above, shall be compared to the rated capacity of each affected school and an adequate public facilities fee shall be calculated 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:

(A) \$9,000 per elementary school student;

(B) \$12,000 per middle school student;

(C) \$10,000 per high school student.

Such fee is to be paid at time of issuance of a building permit, unless the application is subject to the provisions of Subsection (a)(4), herein.

(3) 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

1 budget bill in accordance with Article III, Section 52, of the Maryland Constitution, and the  
 2 projected enrollment of the new or expanded school will not exceed one hundred five percent  
 3 (105%) of its rated capacity.

4 [(4) If the students to be generated as determined in Subsections (a)(1) and (2), above,  
 5 exceed one hundred thirty percent (130%) at any affected school, no permits may be issued for  
 6 the development until:

7 (A) Capacity exists below one hundred thirty percent (130%) in all affected  
 8 schools; or

9 (B) Four (4) years have elapsed since the time of the approval of the preliminary  
 10 plan of subdivision.]

11 (4) If the students generated as determined in subsections (a)(1) and (2) above exceed  
 12 one hundred thirty percent (130%) at any affected school, and there is an addition to the affected  
 13 school or a new school to serve the students generated by the proposed subdivision is  
 14 programmed for construction in the adopted Prince George's County Capital Improvement  
 15 Program (years 2-6) which will result in an enrollment at the affected school of 105% or less of  
 16 capacity, a fee is to be paid at time of issuance of a building permit as determined in subsection  
 17 (a)(2)(A)(B)(C) above.

18 (5) If the students generated as determined in subsections (a)(1) and (2) above exceed  
 19 one hundred thirty percent (130%) at any affected school, and there is no addition or new school  
 20 programmed for construction in the Prince George's County Capital Improvement Program  
 21 (years 2-6) which will result in an enrollment at the affected school of 105% or less of capacity,  
 22 then the subdivision shall be denied.

23 [(5)](6) Whenever an adequate school facility fee is charged, it shall be offset by the  
 24 full amount of the school facilities surcharge imposed on the same property.

25 (b) At the time building permit applications are submitted for projects where the  
 26 preliminary plat of subdivision approval was before January 1, 1991, the Planning Board shall  
 27 apply a final adequate school facilities test in accordance with paragraphs (1), (2), and (3),  
 28 below.

29 (1) If the number of students measured under Subsection (a)(1) exceeds one hundred  
 30 five percent (105%) of the rated capacity of any affected school(s) using the most recent actual  
 31 enrollment data, instead of projected enrollment data, the applicant may pay an adequate school

1 facilities fee equal to the cost of a permanent seat for each student generated by the subdivision  
2 above the one hundred five percent (105%) rated capacity.

3 (2) The adequate school facilities fee shall be determined by multiplying the number  
4 of students generated by the proposed subdivision above the one hundred five percent (105%)  
5 rated capacity in accordance with the following schedule:

6 (A) \$9,000 per elementary school student;

7 (B) \$12,000 per middle school student;

8 (C) \$10,000 per high school student.

9 [(3) If the students to be generated as determined in Subsections (b)(1) and (2), above,  
10 exceed one hundred thirty percent (130%) at any affected school, no permits may be issued for  
11 the development until:

12 (A) Capacity exists below one hundred thirty percent (130%) in all affected  
13 schools; or

14 (B) Three (3) years has elapsed since the time of the application for a building  
15 permit.]

16 (3) If the students generated as determined in subsections (b)(1) and (2) above exceed  
17 one hundred thirty percent (130%) at any affected school, and there is an addition to the affected  
18 school or a new school to serve the students generated by the proposed subdivision is  
19 programmed for construction in the adopted Prince George's County Capital Improvement  
20 Program (years 2-6) which will result in an enrollment at the affected school of 105% or less of  
21 capacity, a fee is to be paid at time of issuance of a building permit as determined in subsection  
22 (b)(2)(A)(B)(C) above.

23 (4) If the students generated as determined in subsections (b)(1) and (2) above exceed  
24 one hundred thirty percent (130%) at any affected school, and there is no addition or new school  
25 programmed for construction in the Prince George's County Capital Improvement Program  
26 (years 2-6) which will result in an enrollment at the affected school of 105% or less of capacity,  
27 then the permit shall be denied.

28 [(4)] (5) Whenever an adequate school facility fee is charged, it shall be offset by the  
29 full amount of the school facilities surcharge imposed on the same property.

30 (c) Notwithstanding the above requirements, building permits may be approved without  
31 the payment of an adequate school facilities fee for the following:

(1) A subdivision which is a redevelopment project that replaces existing dwelling units;

(2) A subdivision for less than thirty-six (36) dwelling units which will be developed in a Revitalization Tax District as provided in Subtitle 10 of this Code where the proposed subdivision is not included in a larger Comprehensive Design or Mixed Use Zone development; or

(3) A subdivision for less than thirty-six (36) 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, 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.

(4) A subdivision for elderly housing operated in accordance with State and Federal Fair Housing law.

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 \_\_\_\_\_, 1998.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY: \_\_\_\_\_  
Ronald V. Russell  
Chairman

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.