COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1998 Legislative Session

Bill No. CB-61-1998

Chapter No.

Proposed and Presented by Council Members Estepp and Del Giudice

Introduced by Council Members Estepp and Del Giudice

Co-Sponsors

Date of Introduction April 21, 1998

SUBDIVISION BILL

AN ACT concerning

Adequate School Facilities

For the purpose of amending the provisions of Subtitle 24 and the transitional provisions of Section 4, Chapter 64, Laws of Prince George's County, Maryland concerning Adequate School Facilities Tests.

BY repealing and reenacting with amendments:

SUBTITLE 24. SUBDIVISIONS.

Section 24-122.02(b),

The Prince George's County Code

(1995 Edition, 1996 Supplement, as amended by CB-3-1997).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Section 24-122.02(b) of the Prince George's County Code be and the same is hereby repealed and reenacted with the following amendments: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

Section 24-122.02. School Facilities Tests.

* * * * * * *

(b) [At the time building permit applications are submitted for projects where the preliminary plat of subdivision approval was before January 1, 1991, the Planning Board shall apply] Regardless of any previous adequate public facilities test, a building permit shall not be

issued for any lot shown on a record plat that has been recorded for more than six (6) years until the Planning Board has applied a final adequate school facilities test in accordance with Subsections (1), (2), and (3), below.

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

(2) The adequate school 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:

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

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

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

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

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

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

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

BY amending:

Section 4,
Chapter 64,
Laws of Prince George's County, Maryland, 1997.
and
the corresponding provisions of the
Regulations to Analyze the Development Impact on
Public School Facilities adopted by CR-4-1998.

SECTION 2. BE IT FURTHER 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 4 of Chapter 64 (CB-3-1997) of the Laws of Prince George's County, Maryland, be and the same is hereby amended to read as follows:

SECTION 4. BE IT FURTHER ENACTED that this Act shall not apply to any property located within an infrastructure finance district approved prior to the effective date of this Act; [or to any project for which a Detailed Site Plan or Specific Design Plan has been filed and accepted as of November 1, 1996; or for a subdivision for which grading has begun for any phase pursuant to a validly issued grading permit on or before the effective date of this Act.]

SECTION 3. BE IT FURTHER ENACTED that the "Exemptions" provisions of the Regulations to Analyze the Development Impact on Public School Facilities, adopted by CR-4-1998, are amended accordingly.

SECTION 4. 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.