

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

1999 Legislative Session

Bill No. CB-15-1999

Chapter No. 16

Proposed and Presented by Council Member Estep

Introduced by Council Member Estep

Co-Sponsors _____

Date of Introduction April 20, 1999

SUBDIVISION BILL

1 AN ACT concerning

2 Adequate School Facilities

3 For the purpose of amending the provisions of Subtitle 24 and the transitional provisions of
4 Section 4, Chapter 64, Laws of Prince George's County, Maryland 1997, concerning Adequate
5 School Facilities Tests.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 24. SUBDIVISIONS.

8 Section 24-122.02(b),

9 The Prince George's County Code

10 (1995 Edition, 1998 Supplement).

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13 hereby repealed and reenacted with the following amendments:

14 SUBTITLE 24. SUBDIVISIONS.

15 DIVISION 3. REQUIREMENTS: PLANNING, DESIGN, AND
16 PUBLIC FACILITIES

17 Sec. 24-122.02. School Facilities Tests.

18 * * * * *

19 (b) [At the time building permit applications are submitted for projects where the
20 preliminary plat of subdivision approval was before January 1, 1999, the Planning Board shall
21 apply] Regardless of any previous adequate public facilities test, a building permit shall not be

1 issued for any lot shown on a record plat that has been recorded for more than six (6) years until
 2 the Planning Board has applied a final adequate school facilities test in accordance with
 3 Subsections (1), (2), and (3) below, unless on or before April 1, 1999, street construction permits
 4 have been issued by the County Department of Public Works and Transportation (DPW&T) or a
 5 municipality for public streets shown on the approved preliminary plan for the subdivision. Said
 6 street construction permits shall be maintained in the active status until the streets have been
 7 constructed in accordance with DPW&T or the municipality standards, and all public streets
 8 shown on the preliminary plan shall be bonded, permitted, and constructed without unreasonable
 9 delay. Failure to have or to maintain said street construction permits in an active status or
 10 complete construction of the streets shall subject all future building permits to a final adequate
 11 school facilities test by the Planning Board in accordance with Subsections (1), (2), and (3),
 12 below.

13 (1) If the number of students measured under Subsection (a)(1) exceeds one hundred
 14 five percent (105%) of the rated capacity of any affected school(s) using the most recent actual
 15 enrollment data, instead of projected enrollment data, the applicant may pay an adequate school
 16 facilities fee equal to the cost of a permanent seat for each student generated by the subdivision
 17 above the one hundred five percent (105%) rated capacity.

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

- 21 (A) \$9,000 per elementary school student;
- 22 (B) \$12,000 per middle school student;
- 23 (C) \$10,000 per high school student.

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

- 27 (A) Capacity exists below one hundred thirty percent (130%) in all affected
- 28 schools; or
- 29 (B) Three (3) years has elapsed since the time of the application for a building
- 30 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, that Section 4 of Chapter 64 (CB-3-1997) of the Laws of Prince George's County, Maryland 1997, 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 provisions of the Regulations to Analyze the Development Impact on Public School Facilities, adopted by CR-4-1998, shall be amended to indicate that State Rated Capacity will be utilized for the purposes of applying the Adequate School Facilities Test instead of Preferred Operational Capacity.

SECTION 4. 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 5. BE IT FURTHER ENACTED that for each building permit issued for a residential dwelling unit, the Department of Environmental Resources shall collect the appropriate School Facilities Surcharge and Adequate Public Facilities Fee for the permit and record the amounts under the appropriate codes.

1 SECTION 6. BE IT FURTHER ENACTED that this Act shall take effect thirty (30)
2 calendar days from the date it becomes law.

Adopted this 8th day of June, 1999.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
M. H. Jim Estepp
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.

In accordance with Section 411 of the Charter of Prince George's County:

The County Executive having failed to return this bill within ten (10) days after the date of its presentation to him with either his approval or veto, this bill became law on 6/30/99.

To become effective: 8/2/99