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**By: Charles County Delegation**

Rules suspended

Introduced and read first time: March 12, 1997

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - Imposition of Impact Fees for School Construction**

3 FOR the purpose of altering certain limitations on impact fees imposed by the County  
4 Commissioners of Charles County; prohibiting enforcement of the adequate public  
5 facilities ordinance in Charles County for public schools under certain  
6 circumstances; establishing certain requirements for the imposition of impact fees;  
7 establishing a certain task force; providing for the membership and purpose of the  
8 task force; requiring certain reports; and generally relating to impact fees for school  
9 construction and adequate public facilities in Charles County.

10 BY repealing and reenacting, with amendments,  
11 Article 66B - Zoning and Planning  
12 Section 5.08  
13 Annotated Code of Maryland  
14 (1995 Replacement Volume and 1996 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
16 MARYLAND, That the Laws of Maryland read as follows:

17 **Article 66B - Zoning and Planning**

18 5.08.

19 (a) Notwithstanding any other provision of this article, if an application or permit  
20 or series of applications or permits is granted within Charles County to an owner or  
21 owners of land which allows the applicant to proceed with the development of land for  
22 purposes of constructing residential dwelling units, [other than affordable housing for  
23 families of limited income as defined in Article 83B, § 2-302 of the Code] whether single  
24 or multiple, detached or attached, in a manner that the county or the State will have to  
25 provide additional school sites or school facilities for the use and benefit of new residents  
26 who will populate the developed land, the owner or owners of the land, in accordance  
27 with regulations or procedures which may be promulgated by the County Commissioners,  
28 shall compensate the county for the burden the development will impose in terms of the  
29 additional public school facilities which will have to be provided in an amount equal to  
30 the cost attributable to the proposed development of the land involved.

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1 (b) (1) The costs to be compensated by the land owner or owners shall be  
2 determined by the County Commissioners. Proportionate division and provisions for  
3 payment of these costs shall be made according to reasonable schedules approved by the  
4 County Commissioners.

5 (2) However, in no case may this amount exceed [\$3,500 per unit.]:

6 (I) \$5,254 PER SINGLE FAMILY DETACHED HOUSE;

7 (II) \$3,407 PER TOWN HOUSE; OR

8 (III) \$3,880 PER UNIT OF A MULTIFAMILY UNIT.

9 (3) These schedules shall reflect the impact of the development over time  
10 and provide for the timely acquisition of land and other facilities by the county, State, or  
11 the land owners, as the case may be, designed to serve residents of the development.

12 (4) Any fee imposed under this section for a residential dwelling unit may  
13 not be required to be paid before the issuance of the building permit for the residential  
14 dwelling unit or, at the discretion of the County Commissioners, may not be required to  
15 be paid before the issuance of the occupancy permit for the residential dwelling unit.

16 (c) Moneys received by the county for compensation under this section shall be  
17 placed in a separate fund. The funds shall be used for public school facilities. This special  
18 fund shall be administered by the County Commissioners and is subject to investment or  
19 expenditure by the County Commissioners, in their absolute discretion solely for the  
20 purposes of this section.

21 (D) (1) AS LONG AS AN IMPACT FEE IS IMPOSED BY THE COUNTY  
22 COMMISSIONERS OF CHARLES COUNTY FOR NEW CONSTRUCTION OF, OR  
23 RENOVATION THAT ADDS CAPACITY TO, PUBLIC SCHOOLS IN THE COUNTY, THE  
24 COMMISSIONERS MAY NOT ENFORCE AN ADEQUATE PUBLIC FACILITIES  
25 ORDINANCE FOR THE PUBLIC SCHOOLS.

26 (2) IN ORDER TO IMPOSE AN IMPACT FEE, THE COUNTY  
27 COMMISSIONERS MUST DEMONSTRATE A RATIONAL NEXUS BENEFIT ANALYSIS FOR  
28 THE FEE THROUGH A COMPREHENSIVE IMPACT FEE ANALYSIS.

29 (3) THE COUNTY SHALL PROVIDE ON AN ANNUAL BASIS A REPORT OF  
30 THE AMOUNT OF MONEY COLLECTED FROM THE IMPOSITION OF IMPACT FEES ON  
31 OR BEFORE OCTOBER 1, 1997 FOR FISCAL YEAR 1998 AND ON OR BEFORE JULY 1 FOR  
32 FISCAL YEAR 1999 AND EACH FISCAL YEAR THEREAFTER.

33 (4) THE IMPACT FEE IS SUBJECT TO THE PUBLIC HEARING PROCESS  
34 EITHER IN CONJUNCTION WITH THE BUDGET PROCESS OR INDEPENDENTLY.

35 SECTION 2. AND BE IT FURTHER ENACTED, That:

36 (a) There is a Task Force to Study Adequate Public Facilities Requirements and  
37 Funding in Charles County;

38 (b) The Task Force consists of nine members as follows:

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1                   (1) Five members appointed by the County Commissioners of Charles  
2 County; and

3                   (2) Four members appointed by the members of the House of Delegates and  
4 Senate of Maryland who represent Charles County;

5                   (c) The purpose of the Task Force is to examine the imposition of impact fees in  
6 Charles County, the requirements of the adequate public facilities ordinance, and the  
7 funding of adequate public facilities in Charles County and to recommend to the County  
8 Commissioners the amount of the impact fee; and

9                   (d) On or before October 1, 1997, the Task Force shall submit a report of its  
10 findings and recommendations to the County Commissioners of Charles County and,  
11 subject to § 2-1312 of the State Government Article, to the members of the House of  
12 Delegates and Senate of Maryland who represent Charles County.

13               SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall  
14 take effect June 1, 1997.

15               SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in  
16 Section 3 of this Act, this Act shall take effect July 1, 1997.