
By: Charles County Delegation

Rules suspended

Introduced and read first time: March 12, 1997 Assigned to: Rules and Executive Nominations

Re-referred to: Commerce and Government Matters, March 17, 1997

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 1997

CHAPTER ____

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

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1 families of limited income as defined in Article 83B, § 2-302 of the Code] whether single
2 or multiple, detached or attached, in a manner that the county or the State will have to
3 provide additional school sites or school facilities for the use and benefit of new residents
4 who will populate the developed land, the owner or owners of the land, in accordance
5 with regulations or procedures which may be promulgated by the County Commissioners,
6 shall compensate the county for the burden the development will impose in terms of the
7 additional public school facilities which will have to be provided in an amount equal to
8 the cost attributable to the proposed development of the land involved.

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

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

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

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

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

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

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

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

29 (D) (1) AS LONG AS AN IMPACT FEE IS IMPOSED BY THE COUNTY
30 COMMISSIONERS OF CHARLES COUNTY FOR NEW CONSTRUCTION OF, OR
31 RENOVATION THAT ADDS CAPACITY TO, PUBLIC SCHOOLS IN THE COUNTY, THE
32 COMMISSIONERS MAY NOT ENFORCE AN ADEQUATE PUBLIC FACILITIES
33 ORDINANCE FOR THE PUBLIC SCHOOLS.

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

37 (3) THE COUNTY SHALL PROVIDE ON AN ANNUAL BASIS A REPORT OF
38 THE AMOUNT OF MONEY COLLECTED FROM THE IMPOSITION OF IMPACT FEES ON
39 OR BEFORE OCTOBER 1, 1997 FOR FISCAL YEAR ~~1998~~ 1997 AND ON OR BEFORE ~~JULY 1~~
40 FOR OCTOBER 1 OF EACH SUBSEQUENT YEAR REFLECTING THE PREVIOUS FISCAL
41 YEAR 1999 AND EACH FISCAL YEAR THEREAFTER.

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

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

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

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

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

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

11 (c) The purpose of the Task Force is to examine the imposition of impact fees in
12 Charles County, the requirements of the adequate public facilities ordinance, and the
13 funding of adequate public facilities in Charles County and to recommend to the County
14 Commissioners the amount of the impact fee; and

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

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

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