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By: **Charles County Delegation**

Introduced and read first time: February 13, 1998

Assigned to: Commerce and Government Matters

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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; establishing certain requirements for the  
5 imposition of impact fees, including requiring certain studies and public  
6 hearings before imposition or increase of certain impact fees; requiring the  
7 adoption of an ordinance establishing certain impact fees and credits; providing  
8 for the effective date of this Act; and generally relating to impact fees in Charles  
9 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 1997 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  
20 permit or series of applications or permits is granted within Charles County to an  
21 owner or owners of land which allows the applicant to proceed with the development  
22 of land for purposes of constructing residential dwelling units, [other than affordable  
23 housing for families of limited income as defined in Article 83B, § 2-302 of the Code]  
24 whether single or multiple, detached or attached, in a manner that the county or the  
25 State will have to provide additional school sites or school facilities for the use and  
26 benefit of new residents who will populate the developed land, the owner or owners of  
27 the land, in accordance with regulations or procedures which may be promulgated by  
28 the County Commissioners, shall compensate the county for the burden the  
29 development will impose in terms of the additional public school facilities which will

1 have to be provided in an amount equal to the cost attributable to the proposed  
2 development of the land involved.

3 (b) (1) The costs to be compensated by the land owner or owners shall be  
4 determined ANNUALLY by the County Commissioners AFTER A PUBLIC HEARING.  
5 Proportionate division and provisions for payment of these costs shall be made  
6 according to reasonable schedules approved by the County Commissioners. However,  
7 in no case may this amount exceed [\$3,500] \$5,450 per unit.

8 (2) (I) THE COUNTY COMMISSIONERS SHALL CONDUCT AN ANNUAL  
9 STUDY TO DETERMINE THE REASONABLENESS OF THESE COSTS BEFORE THE  
10 PUBLIC HEARING.

11 (II) THE STUDY SHALL INCLUDE AN ANALYSIS OF THE EFFECT OF  
12 THE IMPACT FEE ON THE COST OF HOUSING IN THE COUNTY. THE ANALYSIS SHALL  
13 BE MADE AVAILABLE TO THE PUBLIC AT THE TIME OF THE PUBLIC HEARING.

14 (III) ANY NEW OR INCREASED COSTS MAY NOT TAKE EFFECT UNTIL  
15 AT LEAST 90 DAYS AFTER THE PUBLIC HEARING.

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

20 (4) [Any] UP TO 20% OF ANY fee imposed under this section for [a] ANY  
21 residential dwelling unit may [not] be required to be paid [before the issuance of the  
22 building permit for the residential dwelling unit or, at the discretion of the County  
23 Commissioners, may not be required to] AT OR AFTER THE APPROVAL OF A  
24 PRELIMINARY SUBDIVISION PLAN FOR LOTS THAT INCLUDE THE RESIDENTIAL  
25 DWELLING UNIT. THE BALANCE OF THE FEE SHALL be paid before the issuance of the  
26 occupancy permit for the residential dwelling unit.

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

32 (D) (1) ON OR BEFORE DECEMBER 1, 1999, THE COUNTY COMMISSIONERS  
33 SHALL ADOPT AN IMPACT FEE ORDINANCE ON IMPACT FEES FOR PUBLIC SCHOOL  
34 FACILITIES.

35 (2) THE ORDINANCE SHALL INCLUDE REGULATIONS AND PROCEDURES  
36 NECESSARY TO ESTABLISH AN IMPACT FEE PROGRAM AND TO ALLOW APPLICATIONS  
37 FOR IMPACT FEE CREDITS FOR DESIGNATED RESIDENTIAL DWELLING UNITS.

38 (3) THE IMPACT FEE PROGRAM SHALL INCLUDE THE 5-YEAR CAPITAL  
39 IMPROVEMENT NEEDS OF THE COUNTY BOARD OF EDUCATION.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 June 1, 1998.