
By: **Charles County Delegation**

Introduced and read first time: February 13, 1998
Assigned to: Commerce and Government Matters
Reassigned: Ways and Means, February 18, 1998

Committee Report: Favorable

House action: Adopted

Read second time: March 25, 1998

Recommitted to: Ways and Means, March 26, 1998

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 27, 1998

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; 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:

1

Article 66B - Zoning and Planning

2 5.08.

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

16 (b) (1) The costs to be compensated by the land owner or owners shall be
17 determined ANNUALLY by the County Commissioners AFTER A PUBLIC HEARING.
18 Proportionate division and provisions for payment of these costs shall be made
19 according to reasonable schedules approved by the County Commissioners. However,
20 in no case may this amount exceed [\$3,500] ~~\$5,450~~ \$5,000 per unit.

21 (2) (I) THE COUNTY COMMISSIONERS SHALL CONDUCT AN ANNUAL
22 STUDY TO DETERMINE THE REASONABLENESS OF THESE COSTS BEFORE THE
23 PUBLIC HEARING.

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

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

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

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

40 (c) Moneys received by the county for compensation under this section shall be
41 placed in a separate fund. The funds shall be used for public school facilities. This

1 special fund shall be administered by the County Commissioners and is subject to
2 investment or expenditure by the County Commissioners, in their absolute discretion
3 solely for the purposes of this section.

4 (D) (1) ON OR BEFORE ~~DECEMBER 1, 1999~~ OCTOBER 1, 1998, THE COUNTY
5 COMMISSIONERS SHALL ADOPT AN IMPACT FEE ORDINANCE ON IMPACT FEES FOR
6 PUBLIC SCHOOL FACILITIES.

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

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

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