
By: **Prince George's County Delegation**

Introduced and read first time: February 11, 2000

Assigned to: Commerce and Government Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Public School Facilities**
3 **PG 416-00**

4 FOR the purpose of modifying provisions governing the authority of Prince George's
5 County to impose a school facilities surcharge to require, rather than authorize,
6 imposition of the surcharge; prescribing the amount of the surcharge;
7 eliminating the authority to provide a credit against the surcharge for
8 moderately priced dwelling units; prohibiting Prince George's County from
9 imposing an adequate facilities test or fee in connection with the availability of
10 public school facilities; providing that certain provisions may not be construed
11 as authorizing a public school facility test or fee in Prince George's County;
12 making stylistic changes; making this Act an emergency measure; and generally
13 relating to development and the availability of public school facilities in Prince
14 George's County.

15 BY repealing and reenacting, with amendments,
16 The Public Local Laws of Prince George's County
17 Section 10-192.01
18 Article 17 - Public Local Laws of Maryland
19 (1995 Edition and 1998 Supplement, as amended)
20 (As enacted by Chapter 710 of the Acts of the General Assembly of 1998)

21 BY repealing and reenacting, with amendments,
22 Article 28 - Maryland-National Capital Park and Planning Commission
23 Section 7-120
24 Annotated Code of Maryland
25 (1997 Replacement Volume and 1999 Supplement)

26 BY repealing and reenacting, with amendments,
27 Article 66B - Zoning and Planning
28 Section 7.03
29 Annotated Code of Maryland

1 (1998 Replacement Volume and 1999 Supplement)

2 BY repealing and reenacting, without amendments,

3 Article 66B - Zoning and Planning

4 Section 10.01

5 Annotated Code of Maryland

6 (1998 Replacement Volume and 1999 Supplement)

7 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF

8 MARYLAND, That the Laws of Maryland read as follows:

9 **Article 17 - Prince George's County**

10 10-192.01.

11 (a) [Subject to Subsection (b) of this Section, the] THE County Council, by
12 ordinance, [may] SHALL impose a school facilities surcharge on new residential
13 construction for which a building permit is applied for on or after July 1, [1996] 2000.

14 (b) (1) A school facilities surcharge [may not exceed \$2,500] SHALL BE
15 \$7,000 per:

16 (A) [single-family] SINGLE-FAMILY, detached dwelling;

17 (B) [townhouse] TOWNHOUSE; or

18 (C) [dwelling] DWELLING unit for any other building containing
19 more than a single dwelling unit.

20 (2) [The County Council, by ordinance, may provide a full or partial
21 credit against the school facilities surcharge for moderately priced dwelling units.

22 (3)] The school facilities surcharge does not apply to a mixed retirement
23 development or elderly housing.

24 (c) The school facilities surcharge shall be paid by the seller at the time a
25 building permit is issued for the dwelling unit. The school facilities surcharge may not
26 be construed to be a settlement cost.

27 (d) [Payment of the school facilities surcharge does not eliminate any
28 authority to apply any test concerning the adequacy of school facilities under the
29 County's adequate public facility ordinance.

30 (e)] Revenue collected under the school facilities surcharge shall be deposited
31 in a separate account and may only be used to pay for:

32 (1) Additional or expanded public school facilities; or

33 (2) Debt service on bonds issued for additional or expanded public school
34 facilities.

1 [(f)] (E) Revenue collected under the school facilities surcharge is intended to
2 supplement funding for public school facilities and may not supplant other County or
3 State funding for school construction.

4 **Article 28 - Maryland-National Capital Park and Planning Commission**

5 7-120.

6 (A) In addition to any other authority granted by this article, the County
7 Council of Montgomery County [and the County Council of Prince George's County],
8 by legislation, may impose in [their respective county] MONTGOMERY COUNTY
9 standards and requirements for the purpose of avoiding the scattered or premature
10 subdivision or development of land because of the inadequacy of transportation,
11 water, sewerage, drainage, school, or other public facilities.

12 (B) (1) IN ADDITION TO ANY OTHER AUTHORITY GRANTED BY THIS
13 ARTICLE, BUT SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY
14 COUNCIL OF PRINCE GEORGE'S COUNTY, BY LEGISLATION, MAY IMPOSE IN PRINCE
15 GEORGE'S COUNTY STANDARDS AND REQUIREMENTS FOR THE PURPOSE OF
16 AVOIDING THE SCATTERED OR PREMATURE SUBDIVISION OR DEVELOPMENT OF
17 LAND BECAUSE OF THE INADEQUACY OF TRANSPORTATION, WATER, SEWERAGE,
18 DRAINAGE, OR OTHER PUBLIC FACILITIES.

19 (2) THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY MAY NOT
20 IMPOSE AN ADEQUATE FACILITY TEST OR FEE IN CONNECTION WITH THE
21 AVAILABILITY OF PUBLIC SCHOOL FACILITIES.

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

23 7.03.

24 (a) Except as provided in §§ 3.05(a)(1)(iii), (v), (vi), and (viii), (4), and (b),
25 3.06(b) and (c), 4.01(a)(2), 4.09, 5.03(d), 7.01(c), 10.01, 11.01, 12.01, and 13.01 of this
26 article, and subject to subsection (b) of this section, this article does not apply to the
27 chartered counties of Maryland. This section supersedes § 7.02 of this article and any
28 inconsistent provision of Article 28 of the Code.

29 (b) (1) Section 13.01 of this article does not apply to Montgomery County or
30 Prince George's County.

31 (2) SECTION 10.01 OF THIS ARTICLE MAY NOT BE CONSTRUED TO
32 AUTHORIZE PRINCE GEORGE'S COUNTY TO IMPOSE AN ADEQUATE FACILITIES TEST
33 OR FEE IN CONNECTION WITH THE AVAILABILITY OF PUBLIC SCHOOL FACILITIES.

34 10.01.

35 (a) In order to encourage the preservation of natural resources or the
36 provision of affordable housing and to facilitate orderly development and growth, any
37 county or municipal corporation, including Baltimore City, that exercises authority

1 granted by this article may enact and is encouraged to enact ordinances or other laws
2 providing for or requiring:

3 (1) The planning, staging or provision of adequate public facilities and
4 affordable housing;

5 (2) Off-site improvements or dedication of land for public facilities
6 essential for a development;

7 (3) Moderately priced dwelling unit programs;

8 (4) Mixed use developments;

9 (5) Cluster developments;

10 (6) Planned unit developments;

11 (7) Alternative subdivision requirements that meet minimum
12 performance standards set by the county or municipal corporation and that reduce
13 infrastructure costs;

14 (8) Floating zones;

15 (9) Incentive zoning; and

16 (10) Performance zoning.

17 (b) Notwithstanding any other provision of law, the legislative body of a
18 county or municipal corporation, including Baltimore City, that exercises authority
19 granted by this article may enact ordinances or other laws providing for the transfer
20 of real property belonging to the county or municipal corporation, with or without
21 consideration, to a public or private entity for use in the development or preservation
22 of affordable housing.

23 (c) The authority provided for in this section is not intended to limit a county's
24 or municipal corporation's authority to:

25 (1) Exercise any existing planning and zoning powers not expressly
26 authorized in this section; or

27 (2) Adopt other methods for facilitating orderly development and growth
28 and encouraging the preservation of natural resources or the provision of affordable
29 housing.

30 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
31 measure, is necessary for the immediate preservation of the public health and safety,
32 has been passed by a ye and nay vote supported by three-fifths of all the members
33 elected to each of the two Houses of the General Assembly, and shall take effect from
34 the date it is enacted.