

## COUNTY COMMISSIONERS OF CHARLES COUNTY, MARYLAND

### RESOLUTION NO. 2012-23

WHEREAS, the County Commissioners of Charles County, Maryland, enacted Chapter 297-258 of the Charles County Zoning Ordinance (the “Law”) in order to manage new residential development in Charles County by assuring that public school capacity will be adequate to serve the increased school enrollment generated by such development; and

WHEREAS, the County Commissioners adopted Section 4 of the Adequate Public Facilities Manual (the “Regulations”) to establish procedures and guidelines for the proper administrative implementation of Chapter 297-258; and

WHEREAS, due to insufficient State funding and unanticipated large increases in school construction and operating costs, the Law and the Regulations have been unable to fully achieve the intended purpose of concurrency between increased enrollment and new school capacity; and

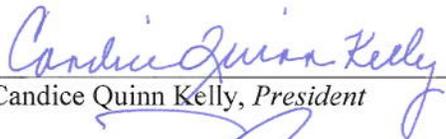
WHEREAS, after serious deliberation and consultation with the Charles County Board of Education, the County Commissioners of Charles County, Maryland, are of the opinion that the Regulations be amended to change the measurement of school capacity from “local core capacity” to “state rated capacity” used in the determination of available capacity to allocate in each school facility.

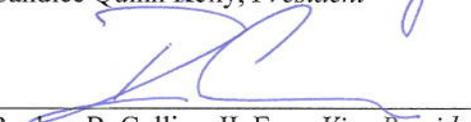
NOW THEREFORE, BE IT RESOLVED, by the County Commissioners of Charles County, Maryland that the Regulations be amended as set forth in Attachment A to this Resolution, and

BE IT FURTHER RESOLVED, that if any clause or section contained within this Resolution is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the remaining clauses or sections enumerated within this Resolution.

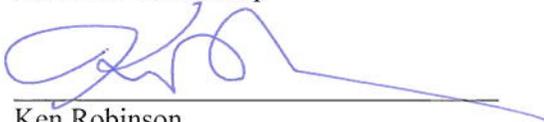
FINALLY, IT IS RESOLVED, that this Resolution shall take effect on the 15 day  
of May, 2012.

COUNTY COMMISSIONERS OF  
CHARLES COUNTY, MARYLAND

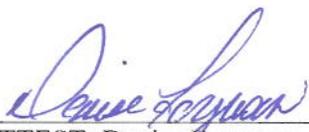
  
Candice Quinn Kelly, *President*

  
Reuben B. Collins, II, Esq., *Vice President*

  
Debra M. Davis, Esq.

  
Ken Robinson

  
Bobby Rucci

  
ATTEST: Denise Ferguson, Clerk

# Attachment A to Resolution 2012-23

## Adequate Public Facilities Manual

### Amendments to Section 4: Policy for Determining Adequacy of Schools

#### Proposed Amendments

#### 4.0 POLICY FOR DETERMINING ADEQUACY OF SCHOOLS

##### IV. Transition Provisions

- ~~A. Allocatable school capacity shall be decided on a semi-annual basis. Initial allocation amounts set by the County Commissioners and the Board of Education shall be effective for a period of six months.~~
- BA. Any lot recorded prior to the effective date of this policy shall be considered as part of the bulk reservation allocation.
- CB. ~~Commencing with the July 2008 Allocation Cycle, the use of core capacity by the School Capacity Allocation Committee will be replaced with state rated capacity over a six year period by incrementally decreasing the difference between state rated capacity and core capacity amounts by twenty five (25) percent every two years until the maximum number of allocations for each school will not exceed state rated capacity. COMMENCING WITH THE JANUARY 2012 ALLOCATION CYCLE, THE USE OF LOCAL CORE CAPACITY BY THE SCHOOL CAPACITY ALLOCATION COMMITTEE SHALL BE REPLACED WITH STATE RATED CAPACITY.~~
- D. ~~The owner of any project on the school allocation eligibility list may file for a consideration of a hardship for a period of 60 days from the effective date of the provisions adopted herein to implement the provisions of County Commissioner Resolution 08-09. The Commissioners may grant a variance from the strict application of these provisions when, by reason of extraordinary situations or conditions of the specific property, the strict application of this manual would result in peculiar and unusual practical difficulties to, or exceptional or undue hardship upon, the owner of the subject property.~~

##### VI. Time Limit on Allocations

- A. Whenever preliminary plans, site plans or other Planning Commission reviews are part of a project, an allocation will not be granted until the plans

have been (1) approved by the Planning Commission, as in the case of preliminary plans or other projects required to be approved by the Planning Commission, or (2) administratively approved by the Director of Planning and Growth Management, as in the case of site plans. Any allocation granted after the adoption of this policy shall be valid for a period of twenty-four (24) months from the date granted. One extension of time may be granted for a period not exceeding twenty-four (24) additional months. Such request for an extension of time shall be made in writing, prior to the expiration date, to the Planning Director or his designee located in the Planning Office of Planning and Growth Management Department, with reasons given for the need for the extension. The Planning Director or his designee will review the request for extension, the project progress, and if applicable, the extension will be granted administratively. The Planning Director will not have the authority to deny a request for extension. If the Planning Director is unable to support the extension for any reason, the request for extension will be presented to the County Commissioners for approval or denial. An allocation for school capacity will automatically become void if the preliminary plan or site plan with which it is associated becomes invalid for any reason.

- B. The County shall set appropriate fees for the extension of time for school capacity allocations. The Charles County Commissioners may elect to deny such a request for an extension of time if such request is deemed to be not in the best interest of the health, safety, welfare, or convenience of the citizens of Charles County. Any period of time attributable to County Government processing of an extension of time limit, transfer of allocation or other change shall not be counted as part of the time limit of the allocation.
- C. Failure of the applicant (or his successor or assignee) to record the lots for which an allocation has been granted, or in the case of a site plan, receive a development services permit, within 24 months of the date of the grant of the allocation unless extended under paragraph (A), will result in the forfeiture of the allocation and 50% of the deposit. **FORFEITURE OF ALLOCATIONS UNDER THESE CIRCUMSTANCES ARE NOT REOFFERED TO PROJECTS ON THE WAITING LIST SINCE THE SCHOOL CAPACITY FOR INDIVIDUAL SCHOOLS IS SET EACH YEAR BY THE STUDENT ENROLLMENT COUNTS.**

#### **VIII. Administrative Procedures for the Allocation of School Capacity**

- J. When an allocation is forfeited **BY A PROJECT OWNER THROUGH THE DECLINE OF AN OFFER**, the resultant number of lots or units shall be offered to **THE NEXT ELIGIBLE PROJECT ON THE SCHOOL ALLOCATON WAITING LIST DURING THE SAME ALLOCATION CYCLE.** ~~those applicants whose allocation requests have~~

been denied during the most recent application cycle as a result of insufficient allocations.