

**COUNCIL OF THE TOWN OF LA PLATA**  
**Ordinance 08-5**

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<b>Introduced By:</b>	<b>Mayor Gene Ambrogio</b>
<b>Date Introduced:</b>	<b>March 25, 2008</b>
<b>Planning Commission Public Hearing:</b>	<b>[Not required]</b>
<b>Town Council Public Hearing:</b>	<b>[Not required]</b>
<b>Amendments Adopted:</b>	
<b>Date Adopted:</b>	<b>April 22, 2008</b>
<b>Date Effective:</b>	<b>May 8, 2008</b>

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2 **An Ordinance** concerning

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4 **School Seat Allocation Policy**

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6 **FOR** the purpose of modifying certain criteria for exemption from the Town's school seat  
7 allocation policy; providing that the Town may not issue building permits for lots in certain  
8 subdivisions that require certain special school seat allocations to be provided to the Town by  
9 the Charles County Commissioners until those allocations are provided; and all matters  
10 generally relating thereto.

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12 **BY** repealing and reenacting, with amendments

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14 Chapter 173 – Subdivision and Land Development  
15 Article IX. School Seat Allocation Policy  
16 Section 173-97F.  
17 Code of the Town of La Plata  
18 (1998 Edition and Supplements)

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20 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA**  
21 that Section 173-97F. of the Code of the Town of La Plata (1998 Edition and Supplements), Article  
22 IX, School Seat Allocation Policy, be and it hereby is repealed and reenacted, with amendments, to  
23 read as follows:  
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**Chapter 173 – SUBDIVISION AND LAND DEVELOPMENT**

**Article IX. School Seat Allocation Policy**

**173-97 Exemptions.**

The requirements of Section 173-96 do not apply to:

\* \* \*

F. The approval of a final plat of subdivision of land, OR PORTION OF A FINAL PLAT OF SUBDIVISION, for a development ((where)) TO THE EXTENT THAT the developer has entered into an agreement with the town ((, the Board of Education of Charles County,)) and the County Commissioners of Charles County by which:

(1) The developer agrees, in addition to the payment of any applicable school excise taxes and school impact fees, to make ((a)) ONE OR MORE financial ((contribution)) PAYMENTS to the County COMMISSIONERS in an amount OR AMOUNTS DETERMINED BY THE COUNTY COMMISSIONERS TO BE sufficient to ((produce an adequate number of new permanent school seats to accommodate the projected student population from the subdivision based upon the particularized student generation rates established pursuant to section 191-94.C.)) ENABLE THE COUNTY COMMISSIONERS TO PROVIDE TO THE TOWN FOR THE EXCLUSIVE BENEFIT OF THE DEVELOPER’S DEVELOPMENT A SUFFICIENT NUMBER OF SPECIAL SCHOOL SEAT ALLOCATIONS FROM THE COUNTY’S ALLOTMENT OF SCHOOL SEAT ALLOCATIONS WHICH, COMBINED WITH SUCH SCHOOL SEAT ALLOCATIONS AS THE DEVELOPER MAY OBTAIN FROM THE TOWN PURSUANT TO THIS ARTICLE IX, WILL BE SUFFICIENT TO ACCOMMODATE THE PROJECTED STUDENT POPULATION FROM THE SUBDIVISION, OR PORTION OF THE SUBDIVISION, SHOWN ON THE FINAL PLAT, AND

(2) ((The Board of Education agrees, subject to appropriation of funds by the Charles County Commissioners, to produce an adequate number of new permanent school seats to accommodate the projected student population from the subdivision based upon the particularized student generation rates established pursuant to section 191-94.C., such new school seats reasonably expected to be available within three years after approval of the final subdivision plat)) IN EXCHANGE FOR SUCH FINANCIAL PAYMENT FROM THE DEVELOPER, THE COUNTY COMMISSIONERS AGREE TO PROVIDE TO THE TOWN, FOR THE EXCLUSIVE BENEFIT OF THE DEVELOPER’S DEVELOPMENT, AN AGREED NUMBER OF SPECIAL SCHOOL SEAT ALLOCATIONS FROM THE COUNTY’S ALLOTMENT OF SCHOOL SEAT ALLOCATIONS.

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 66 (((3) The Charles County Commissioners agree to appropriate sufficient funds to the Board of  
 67 Education which, together with other available funds, will allow the Board of Education to produce  
 68 an adequate number of new permanent school seats to accommodate the projected student population  
 69 from the subdivision based upon the particularized student generation rates established pursuant to  
 70 section 191-94.C., such new school seats reasonably expected to be available within three years after  
 71 approval of the final subdivision plat, and

72  
 73 (4) The Town Council determines that the agreements and actions of the developer, the Board of  
 74 Education and the Charles County Commissioners are reasonably likely to result in the Board of  
 75 Education an adequate number of new permanent school seats to accommodate the projected student  
 76 population from the subdivision based upon the particularized student generation rates established  
 77 pursuant to section 191-94.C., such new school seats reasonably expected to be available within three  
 78 years after approval of the final subdivision plat)).

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 80 WHERE THE DEVELOPER HAS ENTERED INTO SUCH AN AGREEMENT WITH THE  
 81 TOWN AND THE CHARLES COUNTY COMMISSIONERS, THE TOWN SHALL NOT ISSUE  
 82 A BUILDING PERMIT FOR ANY LOT SHOWN ON THE APPROVED FINAL PLAT FOR  
 83 WHICH A SPECIAL SCHOOL SEAT ALLOCATION IS REQUIRED UNTIL THE COUNTY  
 84 COMMISSIONERS HAVE PROVIDED SUCH SPECIAL SCHOOL SEAT ALLOCATION TO  
 85 THE TOWN.

86  
 87 **SECTION 2: AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE**  
 88 **TOWN OF LA PLATA** that this Ordinance shall become effective at the expiration of fifteen (15)  
 89 calendar days after its approval by the Council.

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 91 **ADOPTED** this 22nd day of April, 2008.

**SEAL:**

**COUNCIL OF THE TOWN OF LA PLATA**

\_\_\_\_\_  
**Gene Ambrogio, Mayor**

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**James Goldsmith, Councilman**

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**Scot D. Lucas, Councilman**

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**Paretta D. Mudd, Councilwoman**

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**Vic E. Newman, Councilman**

**ATTEST:**

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**Judith T. Frazier, Town Clerk**

**Date:** \_\_\_\_\_

**EXPLANATION:**

CAPITALS INDICATE MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.