

(II) "RESIDENTIAL" INCLUDES ALL AREAS THAT ARE CONTAINED WITHIN A RESIDENTIAL BUILDING, INCLUDING AN ATTACHED GARAGE OR AREA FOR HOME OCCUPATIONS.

(III) "RESIDENTIAL" DOES NOT INCLUDE:

1. TRANSIENT ACCOMMODATIONS, INCLUDING A HOTEL, COUNTRY INN, OR BED AND BREAKFAST INN;
2. NONRESIDENTIAL USES IN A MIXED-USE STRUCTURE; OR
3. DETACHED ACCESSORY BUILDINGS, INCLUDING A DETACHED GARAGE OR SHED THAT DOES NOT CONTAIN LIVING QUARTERS.

(B) THE COUNTY COUNCIL BY ORDINANCE SHALL IMPOSE A SCHOOL FACILITIES SURCHARGE ON RESIDENTIAL NEW CONSTRUCTION FOR WHICH A BUILDING PERMIT IS ISSUED ON OR AFTER JULY 1, 2004.

(C) (1) FOR FISCAL YEAR 2005, A SCHOOL FACILITIES SURCHARGE IMPOSED ON RESIDENTIAL NEW CONSTRUCTION SHALL BE IN THE AMOUNT OF \$1.00 PER SQUARE FOOT OF OCCUPIABLE AREA IN THE RESIDENTIAL NEW CONSTRUCTION.

(2) FOR FISCAL YEAR 2006 AND EACH SUCCEEDING FISCAL YEAR, THE FACILITIES SURCHARGE ESTABLISHED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ADJUSTED FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR, FOR THE FISCAL YEAR PRECEDING THE YEAR FOR WHICH THE AMOUNT IS BEING CALCULATED.

(D) (1) THE SCHOOL FACILITIES SURCHARGE SHALL BE PAID BY THE APPLICANT AT THE TIME A BUILDING PERMIT IS ISSUED FOR THE RESIDENTIAL NEW CONSTRUCTION.

(2) THE SCHOOL FACILITIES SURCHARGE MAY NOT BE CONSTRUED TO BE A SETTLEMENT COST.

(E) (1) THE COUNTY SHALL REBATE TO THE APPLICANT THE SCHOOL FACILITIES SURCHARGE IMPOSED ON RESIDENTIAL NEW CONSTRUCTION UNDER THIS SECTION IF, ON THE INITIAL SALE OF THE PROPERTY, THE PROPERTY IS SOLD FOR A FAIR MARKET VALUE THAT IS LESS THAN \$200,000.

(2) IF, ON COMPLETION, THE RESIDENTIAL NEW CONSTRUCTION IS NOT SOLD BUT THE PROPERTY IS OCCUPIED BY THE APPLICANT OR THE IMMEDIATE FAMILY OF THE APPLICANT, THE COUNTY SHALL REBATE TO THE APPLICANT THE SCHOOL FACILITIES SURCHARGE IMPOSED UNDER THIS SECTION IF THE INITIAL ASSESSMENT VALUE ASSIGNED TO THE PROPERTY BY THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION FOR PURPOSES OF THE COUNTY REAL PROPERTY TAX EQUATES TO A MARKET VALUE THAT IS LESS THAN \$200,000.

(3) FOR FISCAL YEAR 2006 AND EACH SUCCEEDING FISCAL YEAR, THE VALUE OF THE PROPERTY THAT IS ENTITLED TO A REBATE UNDER THIS SUBSECTION SHALL BE ADJUSTED FOR INFLATION IN ACCORDANCE WITH THE CONSUMER PRICE