

Adequate Public Facilities

Revised Littmann-Arnett Proposed Amendments (amended July 25, 2016)

Amendment No. 1

Page 6, line 32 strike as follows: ~~THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER: NON-RESIDENTIAL PROJECTS; RESIDENTIAL SUBDIVISIONS IF NO NEW DWELLING UNIT POTENTIAL IS CREATED; INSTITUTIONS FOR THE CARE OF THE AGED; AND AGE RESTRICTED RESIDENTIAL PROJECTS.~~

and insert:

THE FOLLOWING ARE EXEMPT FROM THE REQUIREMENTS OF THIS CHAPTER:

- A. NON-RESIDENTIAL PROJECTS;
- B. RESIDENTIAL SUBDIVISIONS IF NO NEW DWELLING UNIT POTENTIAL IS CREATED;
- C. INSTITUTIONS FOR THE CARE OF THE AGED;
- D. PROPOSED PROJECTS IN (1) THE ARTS AND ENTERTAINMENT DISTRICT AND (2) THE BOUNDARIES AS ESTABLISHED BY THE MAIN STREET MARYLAND LETTER OF AGREEMENT FOR DESIGNATED COMMUNITIES AS SHOWN ON THE ANNAPOLIS MAIN STREET DISTRICT MAP DATED 3/9/16;
- E. AGE-RESTRICTED RESIDENTIAL PROJECTS; AND
- F. PROPOSED PROJECTS THAT HAVE RECEIVED A CERTIFICATE OF ADEQUATE PUBLIC FACILITIES PRIOR TO THE EFFECTIVE DATE OF ORDINANCE 36-15.

Rationale: to include the areas excluded by Ald. Pfeiffer's amendment, with modified language for clarity and to add the grandfathering clause in part F to address retroactive concerns expressed during the public hearing.

Amendment No. 2:

Page 6, line 40 strike and insert: PARAGRAPH D OF THIS SECTION, SHALL OCCUR ON JANUARY 1 AND JULY 1 OF EACH YEAR.

Rationale: to address the concern that enrollment grows during the school year, thereby rendering the July 1 data "old" by mid-year.

Amendment No. 3:

Page 7, lines 4-9 strike and insert: NOTWITHSTANDING THE DEFINITION OF “PROPOSED PROJECT” IN SECTION 22.04.010, RESIDENTIAL DEVELOPMENTS EXCEEDING ELEVEN DWELLING UNITS SHALL NOT BE APPROVED AT LOCATIONS WHERE:

1. THE ENROLLMENT AT THE ELEMENTARY AND MIDDLE SCHOOLS THAT SERVE THE SITE, PLUS FROM THE DEVELOPMENT PROPOSED BY THE APPLICATION THE NUMBER OF ELEMENTARY AND MIDDLE SCHOOLS STUDENTS EXPECTED TO ATTEND BASED ON THE SCHOOL PUPIL GENERATION FACTORS YIELD PER UNIT CONTAINED IN THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN, IS CURRENTLY OR PROJECTED TO BE EQUAL TO OR GREATER THAN 105% OF THE STATE RATED CAPACITY WITHIN THREE YEARS, AND
2. THE ENROLLMENT AT THE HIGH SCHOOL THAT SERVES THE SITE, PLUS FROM THE DEVELOPMENT PROPOSED BY THE APPLICATION THE NUMBER OF HIGH SCHOOL STUDENTS EXPECTED TO ATTEND BASED ON THE SCHOOL PUPIL GENERATION FACTORS YIELD PER UNIT CONTAINED IN THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN, IS CURRENTLY OR PROJECTED TO BE EQUAL TO OR GREATER THAN 120% OF THE STATE RATED CAPACITY WITHIN THREE YEARS.

Rationale: (1) change from five to eleven to reflect Ald. Budge’s amendment and concern that legislation would impact St. Mary’s Street subdivision; (2) ensure that students from the proposed development are included in the calculation of capacity; and (3) raise the capacity (110%/120%) at which the school would be closed.

Amendment No. 4:

Page 7, line 37, after “REVIEW” remove “APPROVAL” and insert “PROCESS”; strike page 7, line 39, through page 8, line 2, and page 8 lines 9-10. Re-number line 4 accordingly.

Rationale: to require review at final stage and correctly label section.

Amendment No. 5

Page 8, line 4 after “LIST” insert “FOR CONSIDERATION”

Amendment No. 6

Page 8, line 7, after “SCHOOLS.” insert: FOR THE PURPOSES OF THIS CHAPTER, THE SIX-YEAR PERIOD BEGINS WHEN THE APPLICATION FOR A CERTIFICATE OF ADEQUATE PUBLIC FACILITIES AND CORRESPONDING APPLICATION UNDER TITLE 21 OF THE CITY CODE IS DEEMED COMPLETE BY THE DIRECTOR OF PLANNING AND ZONING. WITHIN FOURTEEN (14) DAYS OF THE DATE WHEN THEY

ARE DEEMED COMPLETE, THE DIRECTOR OF PLANNING AND ZONING SHALL NOTIFY THE APPLICANT IN WRITING OF WHETHER THE APPLICATION HAS BEEN DEEMED COMPLETE FOR THE PURPOSES OF THIS CHAPTER. IF THE APPLICATION IS NOT DEEMED COMPLETE, THE DIRECTOR SHALL SPECIFY TO THE APPLICANT ANY ADDITIONAL INFORMATION NEEDED TO COMPLETE THE APPLICATION. THE DIRECTOR MAY EXTEND THE DEADLINE FOR NOTIFICATION FOR AN ADDITIONAL FOURTEEN (14) DAYS AS NEEDED WITH WRITTEN NOTICE TO THE APPLICANT.

Rationale: the amendment clarifies when the 6-year clock starts as when the APF application and corresponding project applications are completely submitted, and requires the Director to acknowledge the completion date in a timely fashion.

Amendment No. 7

Page 8, line 28, after “WHICH” insert “AT THE TIME OF APPLICATION”