

1 **..Title**
 2 **Certificate of Adequate Public Facilities - Timing of Certification** – For the purpose
 3 of amending the Code of the City of Annapolis concerning approval of a Certificate of
 4 Adequate Public Facilities; requiring compliance review of a Certificate of Adequate
 5 Public Facilities no later than five years after the date of execution of the corresponding
 6 agreement; and clarifying circumstances whereby a Certificate of Adequate Public
 7 Facilities, or new or amended Adequate Public Facilities agreement, would expire after
 8 ten years.

9 **..Body**

10
 11 **CITY COUNCIL OF THE**
 12 **City of Annapolis**

13 **Ordinance 42-17**

14 **Introduced by: Mayor Pantelides**

15
 16 **Referred to**
 17 Rules and City Government Committee
 18 Transportation Committee
 19 Transportation Board
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 21

22 **AN ORDINANCE** concerning

23 **Certificate of Adequate Public Facilities – Timing of Certification**

24 **FOR** the purpose of amending the Code of the City of Annapolis concerning approval
 25 of a Certificate of Adequate Public Facilities; requiring compliance review of a
 26 Certificate of Adequate Public Facilities no later than five years after the date of
 27 the execution of the corresponding agreement; and adding circumstances whereby
 28 a Certificate of Adequate Public Facilities, or new or amended Adequate Public
 29 Facilities agreement, would expire after ten years.

30 **BY** repealing and re-enacting with amendments the following portions of the Code of
 31 the City of Annapolis, 2017 Edition
 32 22.30.010
 33 22.30.020

34
 35 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
 36 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
 37 follows:
 38

39 **TITLE 22 – ADEQUATE PUBLIC FACILITIES**

40 **Chapter 22.30 - TIMING OF CERTIFICATION**

1 **Section 22.30.010 - ~~Expiration~~COMPLIANCE REVIEW - REQUIRED.**

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3 ~~A. A Certificate of Adequate Public Facilities shall expire at the end of five years from~~
4 ~~the date of issuance, unless:~~

5 ~~1. The applicant has recorded a plat or plats for the proposed project; or~~

6 ~~2. The applicant has obtained a building permit for any part of the proposed~~
7 ~~project.~~ AN ADEQUATE PUBLIC FACILITIES CERTIFICATE ISSUED FOR

8 A PROPOSED PROJECT SHALL BE REVIEWED BY THE CITY FOR
9 COMPLIANCE WITH APPLICABLE REVIEW CRITERIA SET FORTH IN
10 THIS TITLE NO LATER THAN FIVE YEARS AFTER THE DATE OF THE
11 EXECUTION OF THE CORRESPONDING ADEQUATE PUBLIC
12 FACILITIES AGREEMENT. IF ANY PROVISION OF THE ADEQUATE
13 PUBLIC FACILITIES AGREEMENT HAS NOT BEEN SATISFIED WITHIN
14 FIVE YEARS AFTER THE DATE OF ITS EXECUTION, THE CITY MAY
15 REQUIRE NEW OR AMENDED PUBLIC FACILITIES STANDARDS FOR
16 THE PROJECT, WHICH SHALL BE REDUCED TO A NEW OR AMENDED
17 ADEQUATE PUBLIC FACILITIES AGREEMENT, WHICHEVER THE
18 CITY DETERMINES IS APPROPRIATE AND APPROVE AND ISSUE A
19 NEW ADEQUATE PUBLIC FACILITIES CERTIFICATE.
20

21 ~~B. If a Certificate of Adequate Public Facilities expires, a new application for a~~
22 ~~Certificate of Adequate Public Facilities shall be required for the proposed project.~~
23 ~~Upon new application, the facilities existing or planned at the time of the new~~
24 ~~application shall control.~~
25

26 **Section 22.30.020 - ~~Extensions~~EXPIRATION.**

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28 ~~A. A request to extend the time of expiration of a Certificate of Adequate Public~~
29 ~~Facilities shall be submitted to the Director of Planning and Zoning prior to the~~
30 ~~expiration of the original approval.~~ AN ADEQUATE PUBLIC FACILITIES
31 CERTIFICATE ISSUED OR REISSUED FOR A PROPOSED PROJECT SHALL
32 EXPIRE, WITH NO EXTENSIONS, IF EVERY PROVISION OF THE
33 CORRESPONDING ADEQUATE PUBLIC FACILITIES AGREEMENT, OR
34 NEW OR AMENDED ADEQUATE PUBLIC FACILITIES AGREEMENT, HAS
35 NOT BEEN SATISFIED WITHIN TEN YEARS AFTER THE DATE OF THE
36 EXECUTION OF THE ORIGINAL ADEQUATE PUBLIC FACILITIES
37 AGREEMENT.
38

39 ~~B. A Certificate of Adequate Public Facilities shall be extended by the Planning and~~
40 ~~Zoning Director for up to two five year periods from the expiration of the original~~
41 ~~approval or any extended approval only upon a showing of good cause and provided~~
42 ~~that the intervening approvals of Certificates of Adequate Public Facilities for other~~
43 ~~proposed projects took into consideration the proposed project's impact on facilities,~~
44 ~~as required by Section 22.10.010(C).~~ IF A CERTIFICATE OF ADEQUATE
45 PUBLIC FACILITIES EXPIRES, A NEW APPLICATION FOR A CERTIFICATE
46 OF ADEQUATE PUBLIC FACILITIES SHALL BE REQUIRED FOR THE

1 PROPOSED PROJECT. UPON NEW APPLICATION, THE FACILITIES
2 EXISTING OR PLANNED AT THE TIME OF THE NEW APPLICATION SHALL
3 CONTROL.

4

5 **Section 22.30.030 - Recertification.**

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7 A. An application for a Certificate of Adequate Public Facilities that had been
8 previously approved but had expired with regard to a proposed project shall be
9 submitted to the Director of Planning and Zoning.

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11 B. The application shall be based upon updated materials and analyses of all applicable
12 facilities and standards under this title.

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14 C. The materials and analyses shall include an evaluation of the development or
15 remaining development scheduled to be completed as part of the proposed project as
16 compared to any infrastructure that has already been provided for the project.

17

18 D. If the materials and analyses indicate that one or more facilities will not be adequate
19 for the proposed project, the applicant shall proceed in accordance with the
20 requirements of Chapter 22.28.

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23 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY**
24 **THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date
25 of its passage.

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EXPLANATION

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CAPITAL LETTERS indicate matter added to existing law.

31

~~Strikethrough~~ indicates matter stricken from existing law.

32

Underlining indicates amendments

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