

1 **..Title**

2 **Adequate Public Facilities - Mitigation of Police Protection Level Certification**
3 **Requirements** – For the purpose of adding a mitigation section for the Adequate Police
4 Protection criteria and certification criteria set in Chapter § 22.14; and generally related to
5 Review Criteria and Certification for Adequate Police Protection under Adequate Public
6 Facilities in Title 22.

7 **..Body**

8 **CITY COUNCIL OF THE**
9 **City of Annapolis**

10 **Ordinance 9-23**

11 **Introduced by: Alderman Savidge**
12 **Co-sponsored by: Alds. Gay, Pindell Charles**

13 **Referred to**

14 Rules and City Government Committee
15 Public Safety Committee

16 **AN ORDINANCE** concerning

17 **Adequate Public Facilities -**
18 **Mitigation of Police Protection Level Certification Requirements**

19 **FOR** the purpose of adding a mitigation section for the Adequate Police Protection criteria and
20 certification criteria set in Title 22, Chapter § 22.14; and generally related to Review
21 Criteria and Certification for Adequate Police Protection under Adequate Public Facilities
22 in Title 22.

23 **BY** enacting with amendments the following portions of the Code of the City of Annapolis,
24 2022 Edition
25 **22.28.010(D)**

26 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
27 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

28 **Title 22 - ADEQUATE PUBLIC FACILITIES**

29 **Chapter 22.28 - MITIGATION**

30 **Section 22.28.010 - Opportunity to mitigate.**

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- 40 A. An applicant whose proposed project is subject to denial or delay under this title shall be
41 given an opportunity to provide infrastructure funds, to improve facilities directly, or to
42 donate necessary facilities in order to allow for approval of the applicant's application under
43 this title for a Certificate for Adequate Public Facilities.
- 44 B. The forms and levels of mitigation required of an applicant shall be roughly proportionate to
45 the projected impact of the proposed project upon the facility or facilities and shall be

1 determined by the Director of Planning and Zoning in consultation with the other
2 departments responsible for the applicable facilities as outlined in Section 22.28.010.

- 3 C. For a school facility, mitigation consists of the construction or funding of improvements by
4 a developer that increase capacity of the school facility which, at the time of application, is
5 below the minimum standard in the impact area so that the capacity of the facility in the
6 scheduled completion year is equal to, or greater than, it would have been had the
7 development not been constructed. A mitigation plan with physical improvements may be
8 secured by bond, letter of credit or other security acceptable to the City and shall be
9 provided under an agreement with the Board of Education to construct school facilities,
10 including contract schools. The developer shall submit a cost estimate to establish the value
11 of construction offered in mitigation in conformance with City specifications. Capital
12 improvements to any portion of the developer's property or project, pursuant to a school
13 capacity mitigation agreement, shall be made available and shall provide school capacity to
14 allow approval of preliminary subdivision plan applications that are filed within six years of
15 the date of the school capacity mitigation agreement.

16 D. If the Chief of Police determines that a planned development or redevelopment would
17 negatively impact the city's ability to provide the required level of police service based on
18 the officer ratio set forth in 22.14.040(B)(1), the Chief of Police shall require, as
19 mitigation, that the applicant provide or contribute, concurrent with the project, measures
20 sufficient to equal or exceed the required level of service:

21 1. Security enhancements, including security cameras, the hiring of off-duty police
22 officers, the hiring of private security, the hiring of contractual City Police
23 officers, or other measures approved by the Chief of Police and City Manager; or

24 2. Social services enhancements, including hiring of a private social worker, the
25 hiring of contractual City social workers, or other measures approved by the Chief
26 of Police and City Manager; or

27 3. A combination of security and social services enhancements approved by the Chief
28 of Police and City Manager.

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

Explanation:

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

Underlining & black indicate copyediting or reformatting of existing law

Underlining & red indicate new matter added to code.