



Legislation Details (With Text)

File #: O-42-17 **Version:** 1 **Name:**

Type: Ordinance **Status:** Failed

File created: 7/31/2017 **In control:** City Council

On agenda: 10/9/2017 **Final action:** 10/9/2017

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

Sponsors: Michael J. Pantelides

Indexes: Rules and City Government Committee, Transportation Board, Transportation Committee

Code sections:

Attachments: 1. O-42-17 Adequate Public Facilities.pdf, 2. O-42-17 Staff Report.pdf, 3. O-42-17 Rules & Transportation Cmtees Proposed Amendments.pdf, 4. O-42-17 TB Findings.pdf, 5. O-42-17 Fiscal Impact.pdf

Date	Ver.	Action By	Action	Result
10/9/2017	1	City Council	approve	Pass
9/20/2017	1	Transportation Committee	approve	Pass
9/12/2017	1	Rules & City Government Committee	recommend favorably	Pass
9/12/2017	1	Rules & City Government Committee	recommend with amendments	Pass
9/11/2017	1	City Council	declare the public hearing closed	
8/11/2017	1	City Council	adopt on first reader	Pass
8/11/2017	1	City Council	refer	
8/11/2017	1	City Council	refer	
8/11/2017	1	City Council	refer	

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

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 42-17

Introduced by: Mayor Pantelides

Referred to

Rules and City Government Committee
Transportation Committee
Transportation Board

AN ORDINANCE concerning

Certificate of Adequate Public Facilities - Timing of Certification

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

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

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

TITLE 22 - ADEQUATE PUBLIC FACILITIES

Chapter 22.30 - TIMING OF CERTIFICATION

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

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

1. ~~The applicant has recorded a plat or plats for the proposed project; or~~
2. ~~The applicant has obtained a building permit for any part of the proposed project.~~ AN ADEQUATE PUBLIC FACILITIES CERTIFICATE ISSUED FOR A PROPOSED PROJECT SHALL BE REVIEWED BY THE CITY FOR COMPLIANCE WITH APPLICABLE REVIEW CRITERIA SET FORTH IN THIS TITLE NO LATER THAN FIVE YEARS AFTER THE DATE OF THE EXECUTION OF THE CORRESPONDING ADEQUATE PUBLIC FACILITIES AGREEMENT. IF ANY PROVISION OF THE ADEQUATE PUBLIC FACILITIES AGREEMENT HAS NOT BEEN SATISFIED WITHIN FIVE YEARS AFTER THE DATE OF ITS EXECUTION, THE CITY MAY REQUIRE NEW OR AMENDED PUBLIC FACILITIES STANDARDS FOR THE PROJECT, WHICH SHALL BE REDUCED TO A NEW OR AMENDED ADEQUATE PUBLIC FACILITIES AGREEMENT, WHICHEVER THE CITY DETERMINES IS APPROPRIATE AND APPROVE AND ISSUE A NEW ADEQUATE PUBLIC FACILITIES CERTIFICATE.

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

Section 22.30.020 - ~~Extensions~~ EXPIRATION.

- A. A request to extend the time of expiration of a Certificate of Adequate Public Facilities shall be submitted to the Director of Planning and Zoning prior to the expiration of the original approval. AN ADEQUATE PUBLIC FACILITIES CERTIFICATE ISSUED OR REISSUED FOR A PROPOSED PROJECT SHALL EXPIRE, WITH NO EXTENSIONS, IF EVERY PROVISION OF THE CORRESPONDING ADEQUATE PUBLIC FACILITIES AGREEMENT, OR NEW OR AMENDED ADEQUATE PUBLIC FACILITIES AGREEMENT, HAS NOT BEEN SATISFIED WITHIN TEN YEARS AFTER THE DATE OF THE EXECUTION OF THE ORIGINAL ADEQUATE PUBLIC FACILITIES AGREEMENT.
- B. A Certificate of Adequate Public Facilities shall be extended by the Planning and Zoning Director for up to two five-year periods from the expiration of the original approval or any extended approval only upon a showing of good cause and provided that the intervening approvals of Certificates of Adequate Public Facilities for other proposed projects took into consideration the proposed project's impact on facilities, as required by Section 22.10.010(C). IF A CERTIFICATE OF ADEQUATE PUBLIC FACILITIES EXPIRES, A NEW APPLICATION FOR A CERTIFICATE OF ADEQUATE PUBLIC FACILITIES SHALL BE REQUIRED FOR THE PROPOSED PROJECT. UPON NEW APPLICATION, THE FACILITIES EXISTING OR PLANNED AT THE TIME OF THE NEW APPLICATION SHALL CONTROL.

Section 22.30.030 - Recertification.

- A. An application for a Certificate of Adequate Public Facilities that had been previously approved but had expired with regard to a proposed project shall be submitted to the Director of Planning and Zoning.
- B. The application shall be based upon updated materials and analyses of all applicable facilities and standards under this title.
- C. The materials and analyses shall include an evaluation of the development or remaining development scheduled to be completed as part of the proposed project as compared to any infrastructure that has already been provided for the project.
- D. If the materials and analyses indicate that one or more facilities will not be adequate for the proposed project, the applicant shall proceed in accordance with the requirements of Chapter 22.28.

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

EXPLANATION

CAPITAL LETTERS indicate matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments