



## Legislation Details (With Text)

**File #:** O-8-18      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 1/24/2018      **In control:** Environmental Matters Committee

**On agenda:** 4/29/2019      **Final action:** 4/29/2019

**Title:** Adequate Public Facilities - Adequate School Facilities - Standards - For the purpose of amending the test for additional school capacity by requiring schools with enrollment greater than ninety five percent of the State-Rated Capacity to be listed as closed on the annual school utilization chart; and matters generally relating to adequate school facilities.

**Sponsors:** Ross Arnett, Rob Savidge, Marc Rodriguez

**Indexes:** Education Commission, Housing and Human Welfare Committee, Rules and City Government Committee, Transportation Committee

**Code sections:**

**Attachments:** 1. O-8-18 Adequate School Facilities Standards.pdf, 2. O-8-18 Staff Report.pdf, 3. O-8-18 Fiscal Impact.pdf, 4. O-8-18 Amendment No. 1 Arnett, Savidge.pdf, 5. O-8-18 Amendment No. 2 Henson, Tierney, Savidge, Finlayson, Arnett, Rodriguez, Paone.pdf, 6. O-8-18 Amendment No. 3 Finlayson.pdf, 7. O-8-18 Amendment No. 4 Rodriguez, Savidge, Arnett.pdf, 8. O-8-18 Amendment No. 5 Savidge.pdf, 9. O-8-18 Amendment No. 6 Buckley, Tierney, Finlayson, Rodriguez.pdf, 10. O-8-18 Amendment No. 7 Buckley, Tierney, Finlayson, Rodriguez.pdf, 11. O-8-18 SIGNED.pdf

Date	Ver.	Action By	Action	Result
4/29/2019	1	City Council	adopt on second reader	Pass
4/29/2019	1	City Council	amended	Pass
4/29/2019	1	City Council	amended	Pass
4/29/2019	1	City Council	amended	Pass
4/29/2019	1	City Council	amended	Pass
4/29/2019	1	City Council	amended	Pass
4/29/2019	1	City Council	adopt as amended	Pass
4/29/2019	1	City Council	amended	Pass
4/29/2019	1	City Council	adopt on third reader	Pass
2/11/2019	1	City Council	postpone	Pass
2/11/2019	1	City Council		
12/10/2018	1	City Council	postpone	Pass
11/8/2018	1	Transportation Committee	return without recommendation	
10/2/2018	1	Rules & City Government Committee	amendment(s) approved	Pass
10/2/2018	1	Rules & City Government Committee	recommend with amendments	Pass
9/18/2018	1	Housing and Human Welfare Committee	recommend favorably	
9/18/2018	1	Housing and Human Welfare Committee	postpone	Pass

7/17/2018	1	Housing and Human Welfare Committee	postpone	Pass
7/10/2018	1	Rules & City Government Committee	postpone	Pass
4/23/2018	1	City Council	declare the public hearing closed	
4/9/2018	1	City Council	declare the public hearing left open	
3/19/2018	1	City Council	declare the public hearing left open	
3/12/2018	1	City Council	refer	
3/12/2018	1	City Council	declare the public hearing left open	
2/12/2018	1	City Council	adopt on first reader	Pass
2/12/2018	1	City Council	refer	
2/12/2018	1	City Council	refer	

**Adequate Public Facilities - Adequate School Facilities - Standards** - For the purpose of amending the test for additional school capacity by requiring schools with enrollment greater than ninety five percent of the State-Rated Capacity to be listed as closed on the annual school utilization chart; and matters generally relating to adequate school facilities.

## CITY COUNCIL OF THE City of Annapolis

### Ordinance 8-18

**Introduced by: Aldermen Arnett, Rodriguez and Savidge**

#### Referred to

Rules and City Government Committee  
Transportation Committee

**AN ORDINANCE** concerning

#### **Adequate Public Facilities - Adequate School Facilities - Standards**

**FOR** the purpose of amending the test for additional school capacity by requiring schools with enrollment greater than ninety five percent of the State-Rated Capacity to be listed as closed on the annual school utilization chart; and matters generally relating to adequate school facilities.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2018 Edition  
22.25.030  
22.25.040

**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 22.25 - REVIEW CRITERIA AND CERTIFICATION FOR ADEQUATE SCHOOL FACILITIES

#### Section 22.25.030 - Exemptions.

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. EFFICIENCY AND ONE BEDROOM DWELLING UNITS WITHIN THE PROPOSED DEVELOPMENT;
- D. Institutions for the care of the aged;
- E. 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;
- F. Age-restricted residential projects; and
- G. Proposed projects that have received a certificate of adequate public facilities prior to the effective date of Ordinance 36-15; AND
- H. PROPERTIES DEVELOPED PURSUANT TO TITLE 42, CHAPTER 8 OF THE UNITED STATES CODE LOW INCOME HOUSING PROGRAM, OR SECTION 42 OF THE INTERNAL REVENUE CODE LOW INCOME HOUSING TAX CREDIT PROGRAM, AS LONG AS SCHOOL PUPIL GENERATION FACTORS YIELD PER UNIT CONTAINED IN THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN, IS CURRENTLY OR PROJECTED TO BE UNDER 120% CAPACITY FOR ANY INDIVIDUAL SCHOOL SERVING THE AREA TO BE DEVELOPED.

#### **Section 22.25.040 - Standards.**

- A. The creation of a school utilization chart in accordance with paragraph D. of this section, shall occur on January 1 and July 1 of each year. The Director of Planning and Zoning shall prepare a school utilization chart for use on both of these dates each year.
- B. Testing for adequate school capacities is prepared by the Director of Planning and Zoning and is based on the school utilization chart, as described in paragraph D. below.
- C. Notwithstanding the definition of "proposed project" in Section 22.04.010, residential developments exceeding ~~eleven~~FIVE dwelling units shall not be approved at locations where:
  - 1. The enrollment at the elementary and middle schools that serve the site, plus INCLUDING ENROLLMENT AT THE ELEMENTARY AND MIDDLE SCHOOLS from the PROPOSED development proposed by the application, AND 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 one hundred ~~NINETY~~five percent of the state rated capacity within three years, EXCEPT THAT STUDENTS WHO DO NOT RESIDE IN THE FEEDER SYSTEM ARE EXCLUDED FROM THE CALCULATION; and
  - 2. The enrollment at the high school that serves the site, plus INCLUDING ENROLLMENT AT THE

HIGH SCHOOL from the PROPOSED development ~~proposed by the application~~ AND 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 one hundred ~~twenty~~ NINETY FIVE percent of the state rated capacity within three years., EXCEPT THAT STUDENTS WHO DO NOT RESIDE IN THE FEEDER SYSTEM ARE EXCLUDED FROM THE CALCULATION.

D. EXCEPT AS OTHERWISE PROVIDED IN THIS CHAPTER, The THE school capacity used in the school utilization chart shall include the following and shall not vary in substance from the information included in the Anne Arundel County Educational Facilities Master Plan, unless the variation is confirmed in writing by the Superintendent of the School Board, or ~~his~~ THE SUPERINTENDENT'S designee, or approved by resolution of the City Council:"

1. The existing capacity of the school based on the program requirements of the Anne Arundel County Board of Education; and
2. Enrollment as of September 30; and
3. Projected enrollment for the subsequent three years as provided by Anne Arundel County Schools; and
4. Any applicable future capacity if:
  - a. A contract for construction of the school or an addition to the school necessary to achieve the future capacity has been awarded; and
  - b. The Board of Education estimates that the construction will be completed in time to be used for the beginning of classes in the school year in which the future capacity is included in the school utilization chart; and
  - c. THE CAPACITY DOES~~Does~~ not include capacity based on temporary or relocatable structures.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL THAT THIS ORDINANCE SHALL NOT APPLY TO ANY PROJECT THAT HAS RECEIVED A CERTIFICATE OF ADEQUACY FROM THE DEPARTMENT OF PLANNING & ZONING PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE.**

**SECTION III: 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

UPPERCASE indicates matter added to existing law.

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

Underlining indicates amendments.