



City of Annapolis
Planning Commission
Department of Planning & Zoning
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Annapolis, MD 21401-2535

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April 20, 2018

MEMORANDUM

To: Annapolis Planning Commission

From: C. Pete Gutwald, Director of Planning and Zoning

Re: Ordinance 14-18, for the purpose of clarifying notice requirements and applicability requirements for community meetings and other matters generally related to the development review process.

Purpose

The purpose of Ordinance 14-18 is to clarifying the notice requirements for community meetings, the project applicability requirements, designating the Office of the Mayor as the point of contact for obtaining a list of associations whose membership could be affected by a proposed development and making editorial corrections.

Analysis

This ordinance is subsequent piece of legislation to clarify and correct a previous ordinance that created the requirements for development proposals to conduct a community meeting, enhance notification requirements and require Planning Commission review for Major Site designs. Specifically, 0-14-18 stipulates which associations (i.e. homeowners, business) must be notified before a community meeting can be held and that the Mayor's office will keep a list of contacts. In addition it modifies the threshold for specific developments that must meet the requirements. The purpose of the clarifying language is mostly to address a court proceeding that deemed the notification requirements and parts of the legislation ambiguous.

Based on some of the impacts of the ordinance additional changes to the thresholds for community meetings and notifications have been changed from Major Site Design proposals to those proposals that meet the threshold under Title 22, Certificate of Adequacy. The thresholds for Certificate of Adequacy is defined as developments that are eleven residential dwelling units or more or proposals that are more than 10,000 square feet. However, that would also include development proposals that generate more than 250 average daily trips.

The Department has identified other unintended consequences associated within these sections of the Subdivision regulations and Zoning Code. Specifically, the notification requirements under both sections appear to be redundant and inconsistent with the intention of the legislation. The effect of the ordinance, as written, is that every project or application that is subject to Section 21.10.020(B) for Notice to Abutting Property Owners, will be required to send written notifications to the Alderman of the Ward and to Community Associations, in addition to the owners within 200ft. That list of applications affected is:

- Variances;

- R2NC Site Designs that have to go to the Planning Commission because they exceed 3250 sf;
- Admin Adjustments that have to have a P&Z Director's Public Hearing if there is any objection;
- Minor Modifications to existing Special Exceptions to allow accessory uses or structures;
- Minor Modifications to existing Planned Developments to allow accessory uses or structures;
- Appeals;
- Zoning Map Amendments;
- Zoning District Boundary Amendment;
- Change of Nonconforming Use for a Public Hearing by P&Z Director;
- Demolition Permits if P&Z Director opts to hold a public hearing;
- All Major Site Designs that go to Planning Commission even if not subject to APF;
- All planned Developments even if not subject to APF.

The Department would suggest that changes needed to be made in order to clarify the existing language and make it consistent with the intent of the legislation.

Recommendation

It is the Departments understanding that the written notification to the Alderperson and Community Associations is only applicable to those proposed developments that are required to have a Community Meeting. Therefore the Department would recommend the following amendments to clarify these requirements: (Departmental recommended changes are in red)

**TITLE 20 - SUBDIVISIONS
CHAPTER 20.08 – PROCEDURE GENERALLY-PRE-APPLICATION**

Section 20.08.020 - Pre-application procedure.

- A. Prior to the filing of an application for conditional approval of a preliminary plat (preliminary subdivision plan, general subdivision plan), the subdivider shall submit to the Planning Director plans and data as specified in Section 20.08.060. This step does not require formal application or filing of a plat with the Planning Commission.
- B. Within twenty-one days the Planning and Zoning Director shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the objectives of this title. When the Planning and Zoning Director finds the plans and data do not meet the objectives of this title, the director shall state the reasons for the determination.
- C. When a subdivision will contain a new street, the subdivider shall conduct a community meeting in accordance with the following: Section 21.10.010(B) Community Meeting.
 - 1. ~~Before a community meeting may be held, the subdivider shall: (a) provide notice in accordance with Section 21.10.020(A) and (B) of this Code; and (b) provide notice by regular mail to community associations, including but not limited to, homeowners associations, condominium associations, and resident associations whose membership catchment area encompasses the proposed development. The list of associations shall be provided by the Office of the Mayor to the applicant. The community meeting shall be held at a location that is reasonably accessible to such persons and associations who reside or own property in close proximity to the land that will be subject to the application. A community meeting shall be held not earlier than one year prior to submission of an application and no later than fourteen days prior to submission of an application.~~

2. ~~Subdivider who has conducted a community meeting shall provide a written summary of the community meeting to the Planning and Zoning Director within thirty days after the conclusion of the community meeting, unless already submitted with the preliminary plat. The written summary shall include a list of meeting attendees, a summary of attendee comments, an overview of discussions related to the development proposal, and any other information the subdivider deems appropriate. The written summary shall be submitted with the application and be made available by the Planning and Zoning Director for public inspection. Anyone attending the community meeting may submit a written response to the subdivider's meeting summary to the Planning and Zoning Director, which response the Planning and Zoning Director shall include with the application file. If an application is not filed within one year after a community meeting occurs, then before the application is filed, the subdivider shall hold another community meeting to be conducted in accordance with the provisions of this section.~~

TITLE 21 PLANNING AND ZONING

Division II – Administration and Enforcement.

CHAPTER 21.10 – GENERAL APPLICATION PROCEDURES AND FEES

Section 21.10.010 - Common procedures for review of applications.

Applications submitted for review and approval pursuant to the Zoning Code ~~will~~shall be processed in accordance with the procedures of this section and any other procedures that are established in a Division II chapter in connection with a specific zoning application. The specific procedures established in other Division II chapters may reference sections of the common procedures for review of applications.

- A. Pre-application Conference. The purpose of a pre-application conference shall be to acquaint the Planning and Zoning Director with a potential application and to acquaint the potential applicant with the requirements of the zoning code, building codes, and other relevant criteria and procedures. A pre-application conference shall not be an exhaustive review of all potential issues. The pre-application conference is informational only, and is not an approval in any manner of a proposal. Prior to the submission of an application required by the zoning code, a pre-application conference with the Planning and Zoning Director shall be in accordance with the following:
 1. Required Conference. A pre-application conference with the Planning and Zoning Director shall be held for the following types of applications:
 - a. Major site design plan applications.
 - b. Planned development applications.
 - c. Zoning map or text amendments.
 2. Optional Conference. For all other applications, the Planning and Zoning Director may hold a pre-application conference.
- B. Community Meeting. The purpose of a community meeting is to inform persons and community associations, including but not limited to, homeowners associations, condominium associations, and resident associations whose membership catchment area encompasses the proposed development. ~~who are provided notice pursuant to this Chapter of the proposed development, who reside or own property in close proximity to the land that will be subject to the prospective development application, and provide~~ †The potential prospective applicant shall the opportunity to discuss the items identified by the Planning and Zoning Director's checklist and receive comments and identify concerns about the

development proposal so that the prospective applicant may address become aware of those comments and concerns before submission and formal consideration of the application. The list of associations shall be provided by the Office of the Mayor to the applicant.

1. Required Community Meeting. A community meeting shall be held before submission of the following types of ~~an~~ applications: ~~for a proposed project that meets the applicability requirements stated in Title 22 of the City Code.~~
 - a. ~~Major site design plan applications;~~ For a proposed project that meets the applicability requirements stated in Title 22 of the City Code;
 - b. ~~Planned development applications.~~ For a proposed subdivision that will contain a new street.
2. Optional Community Meeting. For all other types of applications, a community meeting shall be optional. Whenever a required community meeting is held, the prospective applicant may hold additional optional community meetings.
3. Before a community meeting may be held, the prospective applicant shall: ~~(a) provide notice in accordance with Section 21.10.020(A) and (B) of this Code; and (b) community associations, including but not limited to, homeowners associations, condominium associations, and resident associations whose membership catchment area encompasses the proposed development. The list of associations shall be provided by the Office of the Mayor to the applicant. The community meeting shall be held at a location that is reasonably accessible to such persons and associations who reside or own property in close proximity to the land that will be subject to the application. A community meeting shall be held not earlier than one year prior to submission of an application and no later than fourteen days prior to submission of an application.~~
 4. A prospective applicant who has conducted a community meeting shall provide a written summary of the community meeting to the Planning and Zoning Director within thirty days after the conclusion of the community meeting, unless already submitted with the application. The written summary shall include a list of meeting attendees, a summary of attendee comments, an overview of discussions related to the development proposal, and any other information the prospective applicant deems appropriate. The written summary shall be submitted with the application and be made available by the Planning and Zoning Director for public inspection. Anyone attending the community meeting may submit a written response to the prospective applicant's summary to the Planning and Zoning Director, which response the Planning and Zoning Director shall include with the application file. If an application is not filed within one year after a community meeting occurs, then before an application is filed, the prospective applicant shall hold another community meeting to be conducted in accordance with the provisions of this section.
- C. Application Forms and Submittals. All applications required under this Zoning Code ~~must~~shall be submitted with all required information on such forms, and in such number, as required by the Planning and Zoning Director. The Planning and Zoning Director shall have the authority to request additional information not specifically listed on the application forms to ensure compliance with this code. All applications ~~must~~shall be accompanied by required application fees in accordance with Section 21.10.050.
- D. Review for Completeness. All applications ~~must~~shall be submitted to the Planning and Zoning Director. Within no more than fifteen days of receipt of an application, the Planning and Zoning

Director ~~will~~shall determine whether the application is complete. If the Planning and Zoning Director determines that the application is not complete, the Director ~~will~~shall promptly notify the applicant in writing, specifying the deficiencies of the application, including any additional information that must be supplied and that no further action ~~will~~shall be taken by the City on the application until the deficiencies are corrected.

- E. Correction of Deficiencies. If the applicant fails to correct the specified deficiencies within fifteen days of the date of notification of deficiency, the application ~~will~~shall be deemed withdrawn and ~~will~~shall be returned to the applicant. The Planning and Zoning Director, upon written request, may, for good cause shown and without any notice or hearing, grant extensions of the maximum fifteen day time limit for remedying deficiencies.
- F. Staff Review and Report. If staff reports are provided for as part of the procedures for a specific type of application required by the Zoning Code, the Planning and Zoning Director ~~will~~shall circulate an application for review by the Planning and Zoning Department and by any other City department that the Planning and Zoning Director or the decision making body deems appropriate.
- G. Application Forwarded to Decision-Making Body. Any application submitted to the Planning and Zoning Director for decision by the Planning Commission, Board of Appeals, or other decision making bodies ~~will~~shall be forwarded to that decision making body after the Director determines the application is complete.
- H. Coordinated Processing of Applications. If more than one type of application is required pursuant to the Zoning Code, the Planning and Zoning Director ~~will~~shall, to the extent possible, simultaneously process applications related to the same proposed development or activity, ~~soas~~ long as all Zoning Code requirements for a particular application are satisfied. However, if the ~~proposal~~application requires Historic Preservation Commission approval, that approval ~~will~~shall be last.

Section 21.10.020 - Notice requirements.

- A. Posting of property. If the Zoning Code Division II provisions applicable to a specific type of application provide for posting of property, unless specific notice procedures are otherwise provided for in another Zoning Code chapter or section, posting must be done follows:
 - 1. Notice must be posted on the property that is the subject of an application at least fifteen days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.
 - 2. In the case of an application for demolition of buildings and structures pursuant to Section 21.40.060(C)(3), in the R2-NC district, notice must be posted on the property that is the subject of an application at least thirty days prior to a decision on the application and in a manner prescribed by the Planning and Zoning Director.
 - 3. It is the responsibility of an applicant to post any notice required under Subsections (A)(1) or (A)(2) on the property that is the subject of an application, unless the applicant is not the property owner, in which case it is the responsibility of the property owner.
 - 4. In the case of appeals to any Board of Appeals, failure of the property owner responsible pursuant to Subsection (A)(3), to post any notice required under Subsections (A)(1) or (A)(2) shall result in a stay of all proceedings, including those in furtherance of the action or decision appealed. The failure of a property owner, who is not the applicant, to post any notice required under Subsections (A)(1) or (A)(2) shall not be a basis for the dismissal of any appeal to any Board of Appeals. In such

circumstances, any issued permits, including but not limited to building, use and occupancy, and other permits, shall be suspended and/or revoked until such time as the property owner posts the notice. Should injunctive proceedings become necessary to require the posting, all costs shall be borne by the property owner and assessed as a lien against the property.

5. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the decision.

B. Notice to Abutting Property Owners. If the Zoning Code Division II provisions applicable to a specific type of application provide for notice to abutting property owners, unless specific notice procedures are otherwise provided for in another Zoning Code chapter, notice must be given as follows:

1. The applicant must send written notification to:

- a. All parties with a financial or vested interest in the property that is the subject of the application,
- b. Property owners and tenants within two hundred feet of each property boundary,
2. In the case of projects subject to Section 21.10.010(B), Community Meeting, the applicant must also send written notification to:

e. a. The Alderperson representing the ward for which the project is planned,

d. b. The President or other person in a position of authority of each Homeowners Association, any Community Association, including but not limited to, homeowners associations, condominium associations, and resident associations whose membership catchment area encompasses the proposed development. ~~Condominium Association, Resident Association, and Business Association functioning within geographical proximity to the proposed development~~ which The list of associations shall be provided by the Department of Planning and Zoning Office of the Mayor to the applicant.

e. c. All persons who have spoken or provided written comments at a community meeting, public meeting, or public hearing that has occurred regarding the application, which list of persons, with the exception of the speakers at the applicant-led community meeting, shall be provided by the Department of Planning and Zoning to the applicant, and

f. d. All persons, other than City staff, who have provided written comments to the Department of Planning and Zoning regarding the application, which list of persons shall be provided by the Department of Planning and Zoning to the applicant.

2. 3. Notice of public hearings must be mailed not less than fifteen days prior to the date of hearing.

3. 4. Prior to any public meeting or public hearing on an application, the applicant must provide the Planning and Zoning Director with verification of mailing of written notification. An applicant must provide evidence that notices of the public hearing were mailed not less than fifteen days prior to the date of hearing.

1 **..Title**
2 **Development Review Process Amendments** – For the purpose of clarifying the notice
3 requirements for community meetings; clarifying the project applicability requirements
4 for required community meetings; designating the Office of the Mayor as the point of
5 contact for obtaining a list of associations whose membership could be affected by a
6 proposed development; making minor editorial corrections; and matters generally relating
7 to the review process for all significant and substantial projects.

8 **..Body**

9 **CITY COUNCIL OF THE**

10 *City of Annapolis*

11 **Ordinance 14-18**

12 **Introduced by: Alderman Arnett**

13
14
15
16 **Referred to**
17 **Planning Commission**
18 **Rules and City Government Committee**

19
20
21 **AN ORDINANCE** concerning

22 **Development Review Process Amendments**

23
24
25 **FOR** the purpose of clarifying the notice requirements for community meetings;
26 clarifying the project applicability requirements for required community
27 meetings; designating the Office of the Mayor as the point of contact for
28 obtaining a list of associations whose membership could be affected by a
29 proposed development; making minor editorial corrections; and matters generally
30 relating to the review process for all significant and substantial projects.

31
32 **BY** repealing and re-enacting with amendments the following portions of the Code of
33 the City of Annapolis, 2018 Edition
34 20.08.020
35 21.10.010
36 21.10.020

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

41
42 **TITLE 20 - SUBDIVISIONS**

43 **CHAPTER 20.08 – PROCEDURE GENERALLY-PRE-APPLICATION**

44
45 **Section 20.08.020 - Pre-application procedure.**

- 1
2 A. Prior to the filing of an application for conditional approval of a preliminary plat
3 (preliminary subdivision plan, general subdivision plan), the subdivider shall submit
4 to the Planning Director plans and data as specified in Section 20.08.060. This step
5 does not require formal application or filing of a plat with the Planning Commission.
6
- 7 B. Within twenty-one days the Planning and Zoning Director shall inform the
8 subdivider that the plans and data as submitted or as modified do or do not meet the
9 objectives of this title. When the Planning and Zoning Director finds the plans and
10 data do not meet the objectives of this title, the director shall state the reasons for the
11 determination.
12
- 13 C. When a subdivision will contain a new street, the subdivider shall conduct a
14 community meeting in accordance with the following:
15
- 16 1. Before a community meeting may be held, the subdivider shall: (a) provide
17 notice in accordance with Section 21.10.020(A) and (B) of this Code; and (b)
18 provide notice by regular mail to community associations, including but not
19 limited to, homeowners associations, condominium associations, resident
20 associations, and business associations, whose membership catchment area
21 encompasses the proposed development. The list of associations shall be
22 provided by the Office of the Mayor to the applicant. The community meeting
23 shall be held at a location that is reasonably accessible to such persons and
24 community associations who reside or own property in close proximity to the
25 land that will be subject to the application. A community meeting shall be held
26 not earlier than one year prior to submission of an application and no later than
27 fourteen days prior to submission of an application.
 - 28 2. Subdivider who has conducted a community meeting shall provide a written
29 summary of the community meeting to the Planning and Zoning Director within
30 thirty days after the conclusion of the community meeting, unless already
31 submitted with the preliminary plat. The written summary shall include a list of
32 meeting attendees, a summary of attendee comments, an overview of
33 discussions related to the development proposal, and any other information the
34 subdivider deems appropriate. The written summary shall be submitted with the
35 application and be made available by the Planning and Zoning Director for
36 public inspection. Anyone attending the community meeting may submit a
37 written response to the subdivider's meeting summary to the Planning and
38 Zoning Director, which response the Planning and Zoning Director shall include
39 with the application file. If an application is not filed within one year after a
40 community meeting occurs, then before the application is filed, the subdivider
41 shall hold another community meeting to be conducted in accordance with the
42 provisions of this section.
43

44 **TITLE 21 PLANNING AND ZONING**

45 **Division II – Administration and Enforcement.**

46

1 **CHAPTER 21.10 – GENERAL APPLICATION PROCEDURES AND FEES**
 2 **Section 21.10.010 - Common procedures for review of applications.**
 3

4 Applications submitted for review and approval pursuant to the Zoning Code
 5 ~~will~~shall be processed in accordance with the procedures of this section and any other
 6 procedures that are established in a Division II chapter in connection with a specific
 7 zoning application. The specific procedures established in other Division II chapters may
 8 reference sections of the common procedures for review of applications.
 9

10 A. Pre-application Conference. The purpose of a pre-application conference shall
 11 be to acquaint the Planning and Zoning Director with a potential application and
 12 to acquaint the potential applicant with the requirements of the zoning code,
 13 building codes, and other relevant criteria and procedures. A pre-application
 14 conference shall not be an exhaustive review of all potential issues. The pre-
 15 application conference is informational only, and is not an approval in any
 16 manner of a proposal. Prior to the submission of an application required by the
 17 zoning code, a pre-application conference with the Planning and Zoning
 18 Director shall be in accordance with the following:
 19

20 1. Required Conference. A pre-application conference with the Planning and
 21 Zoning Director shall be held for the following types of applications:
 22

- 23 a. Major site design plan applications.
 24 b. Planned development applications.
 25 c. Zoning map or text amendments.
 26

27 2. Optional Conference. For all other applications, the Planning and Zoning
 28 Director may hold a pre-application conference.
 29

30 B. Community Meeting. The purpose of a community meeting is to inform persons
 31 and community associations, including but not limited to, homeowners
 32 associations, condominium associations, resident associations, and business
 33 associations, whose membership catchment area encompasses the proposed
 34 development, who reside or own property in close proximity to the land that
 35 will be subject to the prospective development application, and provide t~~The~~
 36 potential prospective applicant shall the opportunity to discuss the items
 37 identified by the Planning and Zoning Director's checklist and receive
 38 comments and identify concerns about the development proposal so that the
 39 prospective applicant may address become aware of those comments and
 40 concerns before submission and formal consideration of the application. The list
 41 of associations shall be provided by the Office of the Mayor to the applicant.
 42

43 1. Required Community Meeting. A community meeting shall be held before
 44 submission of ~~the following types of an~~ applications; for a proposed project
 45 that meets the applicability requirements stated in Title 22 of the City Code.
 46

- 47 a. ~~Major site design plan applications;~~

~~b. Planned development applications.~~

2. Optional Community Meeting. For all other types of applications, a community meeting shall be optional. Whenever a required community meeting is held, the prospective applicant may hold additional optional community meetings.
 3. Before a community meeting may be held, the prospective applicant shall provide notice: (a) in accordance with Section 21.10.020(A) and (B) of this Code; and (b) to community associations, including but not limited to, homeowners associations, condominium associations, resident associations, and business associations, whose membership catchment area encompasses the proposed development. The list of associations shall be provided by the Office of the Mayor to the applicant. The community meeting shall be held at a location that is reasonably accessible to the persons and associations encompassed in this paragraph, who reside or own property in close proximity to the land that will be subject to the application. A community meeting shall be held not earlier than one year prior to submission of an application and no later than fourteen days prior to submission of an application.
 4. A prospective applicant who has conducted a community meeting shall provide a written summary of the community meeting to the Planning and Zoning Director within thirty days after the conclusion of the community meeting, unless already submitted with the application. The written summary shall include a list of meeting attendees, a summary of attendee comments, an overview of discussions related to the development proposal, and any other information the prospective applicant deems appropriate. The written summary shall be submitted with the application and be made available by the Planning and Zoning Director for public inspection. Anyone attending the community meeting may submit a written response to the prospective applicant's summary to the Planning and Zoning Director, which response the Planning and Zoning Director shall include with the application file. If an application is not filed within one year after a community meeting occurs, then before an application is filed, the prospective applicant shall hold another community meeting to be conducted in accordance with the provisions of this section.
- C. Application Forms and Submittals. All applications required under this Zoning Code ~~must~~shall be submitted with all required information on such forms, and in such number, as required by the Planning and Zoning Director. The Planning and Zoning Director shall have the authority to request additional information not specifically listed on the application forms to ensure compliance with this code. All applications ~~must~~shall be accompanied by required application fees in accordance with Section 21.10.050.
- D. Review for Completeness. All applications ~~must~~shall be submitted to the Planning and Zoning Director. Within no more than fifteen days of receipt of an

1 application, the Planning and Zoning Director ~~will~~shall determine whether the
2 application is complete. If the Planning and Zoning Director determines that the
3 application is not complete, the Director ~~will~~shall promptly notify the applicant
4 in writing, specifying the deficiencies of the application, including any
5 additional information that must be supplied and that no further action ~~will~~shall
6 be taken by the City on the application until the deficiencies are corrected.
7

8 E. Correction of Deficiencies. If the applicant fails to correct the specified
9 deficiencies within fifteen days of the date of notification of deficiency, the
10 application ~~will~~shall be deemed withdrawn and ~~will~~shall be returned to the
11 applicant. The Planning and Zoning Director, upon written request, may, for
12 good cause shown and without any notice or hearing, grant extensions of the
13 maximum fifteen day time limit for remedying deficiencies.
14

15 F. Staff Review and Report. If staff reports are provided for as part of the
16 procedures for a specific type of application required by the Zoning Code, the
17 Planning and Zoning Director ~~will~~shall circulate an application for review by the
18 Planning and Zoning Department and by any other City department that the
19 Planning and Zoning Director or the decision making body deems appropriate.
20

21 G. Application Forwarded to Decision-Making Body. Any application submitted to
22 the Planning and Zoning Director for decision by the Planning Commission,
23 Board of Appeals, or other decision making bodies ~~will~~shall be forwarded to
24 that decision making body after the Director determines the application is
25 complete.
26

27 H. Coordinated Processing of Applications. If more than one type of application is
28 required pursuant to the Zoning Code, the Planning and Zoning Director
29 ~~will~~shall, to the extent possible, simultaneously process applications related to
30 the same proposed development or activity, ~~soas~~ long as all Zoning Code
31 requirements for a particular application are satisfied. However, if the
32 ~~proposal~~application requires Historic Preservation Commission approval, that
33 approval ~~will~~shall be last.
34

35 **Section 21.10.020 - Notice requirements.**

36
37 A. Posting of property. If the Zoning Code Division II provisions applicable to a
38 specific type of application provide for posting of property, unless specific notice
39 procedures are otherwise provided for in another Zoning Code chapter or section,
40 posting must be done follows:
41

- 42 1. Notice must be posted on the property that is the subject of an application at
43 least fifteen days prior to a decision on the application and in a manner
44 prescribed by the Planning and Zoning Director.
- 45 2. In the case of an application for demolition of buildings and structures pursuant
46 to Section 21.40.060(C)(3), in the R2-NC district, notice must be posted on the

- 1 property that is the subject of an application at least thirty days prior to a
 2 decision on the application and in a manner prescribed by the Planning and
 3 Zoning Director.
- 4 3. It is the responsibility of an applicant to post any notice required under
 5 Subsections (A)(1) or (A)(2) on the property that is the subject of an application,
 6 unless the applicant is not the property owner, in which case it is the
 7 responsibility of the property owner.
- 8 4. In the case of appeals to any Board of Appeals, failure of the property owner
 9 responsible pursuant to Subsection (A)(3), to post any notice required under
 10 Subsections (A)(1) or (A)(2) shall result in a stay of all proceedings, including
 11 those in furtherance of the action or decision appealed. The failure of a property
 12 owner, who is not the applicant, to post any notice required under Subsections
 13 (A)(1) or (A)(2) shall not be a basis for the dismissal of any appeal to any Board
 14 of Appeals. In such circumstances, any issued permits, including but not limited
 15 to building, use and occupancy, and other permits, shall be suspended and/or
 16 revoked until such time as the property owner posts the notice. Should
 17 injunctive proceedings become necessary to require the posting, all costs shall
 18 be borne by the property owner and assessed as a lien against the property.
- 19 5. Any sign posted on a property by an applicant must be removed by the applicant
 20 within seven days following the decision.

21
 22 B. Notice to Abutting Property Owners. If the Zoning Code Division II provisions
 23 applicable to a specific type of application provide for notice to abutting property
 24 owners, unless specific notice procedures are otherwise provided for in another
 25 Zoning Code chapter, notice must be given as follows:

- 26
 27 1. The applicant must send written notification to:
- 28
 29 a. All parties with a financial or vested interest in the property that is the
 30 subject of the application,
- 31 b. Property owners and tenants within two hundred feet of each property
 32 boundary,
- 33 c. The Alderperson representing the ward for which the project is planned,
- 34 d. ~~The President or other person in a position of authority of each~~
 35 ~~Homeowners Association, any Community Association, including but not~~
 36 ~~limited to, homeowners associations, condominium associations, resident~~
 37 ~~associations, and business associations, whose membership catchment area~~
 38 ~~encompasses the proposed development. Condominium Association,~~
 39 ~~Resident Association, and Business Association functioning within~~
 40 ~~geographical proximity to the proposed development which~~ The list of
 41 associations shall be provided by the Department of Planning and
 42 Zoning Office of the Mayor to the applicant such that the persons
 43 represented by the association potentially could be affected by the proposed
 44 development.
- 45 e. All persons who have spoken or provided written comments at a community
 46 meeting, public meeting, or public hearing that has occurred regarding the

1 Mayor and City Council, and any other persons who made written comments or
 2 testified at a hearing concerning the application, provided they included their legal
 3 name and valid mailing address or valid email address. Such notice of decision shall
 4 be by mail or email and provided by the Planning and Zoning Director not more than
 5 five days following the date of final decision.

- 6
 7 F. Summary of Public Meeting and Hearing Requirements. The table below
 8 summarizes the types of applications requiring a public meeting or public hearing
 9 and the City official or decision making body responsible for conducting the meeting
 10 or hearing. If more than one application or approval is required for a proposed
 11 development or activity, public hearings on each application may be simultaneously
 12 held by a decision making body on related applications.
 13
 14

Summary of Public Meetings (PM) Public Hearings (PH)

Type of Application	Planning and Zoning Director	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Community Meetings (PM)
Administrative Adjustment	Optional PH					
Appeal			PH			
Certificate of Approval				PH		
Change of Nonconforming Use	PH					
Demolition Permits	Optional PM					
Expansion of Nonconforming Use		PH	PH			
Minor Site Design Plan	Optional PM					
Major Site Design Plan	Optional PM	PH				PM
Planned Developments	Optional PM	PH				PM
Special Exceptions			PH			
Variance			PH			
Zoning District			PH			

Boundary Adjustment						
Zoning Text Amendment		PH			PH	
Zoning Map Amendment		PH			PH	
Site Design Review of R2-NC Structures > 3,250 sq. ft.		PH				
Subdivisions ¹		PH				PM

¹ For the purposes of this chart, subdivisions governed by Title 20 are included.

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

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

Underlining indicates matter added to existing law.

Ordinance 14-18

Development Review Process Amendments

This clarifies the notice requirements for community meetings; clarifies the project applicability requirements for required community meetings; designates the Office of the Mayor as the point of contact for obtaining a list of associations whose membership could be affected by a proposed development; and makes minor editorial corrections to Sections, 20.08.020, 21.10.010 and 21.10.020.

O-14-18 proposes to resolve litigation in the Circuit Court for Anne Arundel County challenging the validity of a development review process established by O-35-17, which the City Council adopted on October 23, 2017.

In the pending litigation, the City and the Plaintiff agreed to a preliminary injunction staying the administration, implementation and enforcement of O-35-17, and prohibiting the Plaintiff from submitting new zoning applications during the period that the preliminary injunction is in effect.

The primary focus of the litigation is on certain notice requirements in O-35-17. This proposed ordinance is designed to clarify those notice requirements.

Prepared by Gary Elson, Asst. City Attorney, Office of Law