

City of



Annapolis

PLANNING COMMISSION

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145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

November 6, 2014

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings for O-31-14: Technical Corrections to the Zoning Code–ZTA2015-005**  
**Encl.: Proposed Amendment, O-31-14, Staff report**

**SUMMARY**

O-31-14 proposes changes to Titles 2, 20, and 21 that are all technical in nature—largely to ensure that these titles of the code are compliant with the Land Use Article of the Annotated Code of Maryland. The State Code requires that certain zoning actions be “consistent” with the comprehensive plan of the jurisdiction and defines both consistency and the comprehensive plan. Other changes in this ordinance are small corrections in the naming system. There are additionally several miscellaneous code amendments that are correcting previous errors or references that have changed. Tolling expired in July 2014, so any references to tolling have been removed. Also, the notification requirements have been updated to be consistent with one another.

**BACKGROUND AND ANALYSIS**

As stated above, the Annotated Code of Maryland requires consistency with the comprehensive plan in certain situations. This proposed ordinance adds definitions for both “Consistency” and “Comprehensive Plan” to the City Code. The proposed definitions are:

*“Comprehensive Plan” means the policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities documented in texts and maps and adopted by resolution of the city council to constitute the guide for future development of the municipality. The “comprehensive plan” includes a general plan, master plan, functional plan, or community plan adopted in accordance with Title 3 of the Land Use Article of the Annotated Code of the State of Maryland and subsequent amendments to that plan.*

*“Consistency” means an action taken that will further, and not be contrary to, the following items in the comprehensive plan:*

- A. Policies;*
- B. Timing of the implementation of the plan;*
- C. Timing of development;*
- D. Timing of rezoning; and*
- E. Development patterns.*

In the existing City Code, the language requiring particular zoning actions be consistent with the comprehensive plan varies from section to section and uses different terminology. These sections have been updated to have the same language. This applies to the following zoning actions:

- Annexations
- Subdivisions
- Street Design
- Street Arrangement

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- Right-of-way widths
- Site Design Plan Review
- Planned Developments
- Special Exceptions
- Zoning Map Amendments (with proposed amendment)
- Subdivision plats in the BCE zoning district
- Food and beverage-related uses

The remaining changes in this ordinance generally consist of correcting mistakes, such as having the wrong cross-reference, or of clarifying language that has been confusing or missing. For example, in Section 21.50.310, the footnote in this bulk regulations table needed the word “lots” instead of “structures” because it refers to subdivisions—and structures cannot be subdivided.

Both code references to tolling have also been removed, since this measure has now expired.

Finally, there are changes related to notice requirements. These are primarily to clarify when notice of decision is needed and the exact procedure to follow to provide notice of decision.

**PUBLIC HEARING AND DELIBERATION**

At a regularly scheduled meeting on November 6, 2014, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation with one proposed amendment. This amendment is to add in a section that is similar in nature to the other “notice of decision” proposed changes, but was inadvertently left out of the final draft of the legislation.

Staff reviewed the background of the proposed regulations and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated October 28, 2014.

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment.

At the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff.

**RECOMMENDATION**

By a vote of 6-0, the Planning Commission voted to recommend approval of O-31-14 with one amendment.

Adopted November 6, 2014

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*William Herald*

William Herald, Chair