



City of Annapolis

Planning Commission
Department of Planning & Zoning
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June 24, 2020

To: Annapolis City Council
From: Planning Commission
Re: Ordinance O-10-20: Zoning Code Applications - Written Notification Requirement

SUMMARY

This ordinance proposes to increase the notification radius for major projects from 200 feet to 750 feet. The cost and responsibility for notification belongs to the project applicant, although the planner who is managing the project must ensure notification is adequately undertaken and documented.

All projects subject to Section 21.10.020 - Notice requirements must send written notification to “abutting” property owners as well as post a public notice sign, and pay for a notification that appears in the newspaper.

ANALYSIS

This ordinance applies only to larger projects—Planned Developments, Major Subdivisions, and Major Site Design applications. It does not apply to smaller, more common, projects that are typically applied for by an individual homeowner; including, for example: a variance, minor site design, optional Director’s public hearings (for administrative adjustment and demolition permits), zoning district boundary adjustments, appeals, special exceptions, administrative interpretations, zoning map amendments, or nonconforming uses determinations.

The difference in cost between 200 feet and 750 feet should not be significant for the applicant, depending on the location of the project.

The word “abutting” could be confusing in that “abutting” usually means “adjoining.” Yet the current and proposed law imply a meaning of “neighboring” or “nearby.” An analysis of this issue was requested from counsel for the Planning Commission; it is attached; this issue is addressed in the first paragraph.


Counsel was also asked to answer the questions whether notice or lack of notice alone would confer standing in any appeals subsequent to a Commission or Board of Appeals decision.. His response is also in the attached memo. In short, notice alone would not confer standing and extending the area of notice would not by itself cause litigation.

In general, the Commission felt that the added area of notice would not be unduly burdensome to the applicant and would increase the opportunities for citizens to engage in civic life.

RECOMMENDATIONS

The Planning Commission held a public hearing on this ordinance on June 4, 2020 and June 24, 2020. The Commission voted 5 to 1 to recommend approval of the ordinance with the added recommendation that the word “abutting” in 21.10.020.B be changed to “nearby.” .

Adopted this 24th day of June, 2020

A handwritten signature in blue ink, appearing to read "Ben Sale", written over a horizontal line.

Ben Sale, Chair