



City of Annapolis


Planning Commission
Department of Planning & Zoning
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September 5, 2017

MEMORANDUM

To: Annapolis Planning Commission

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

Re: Ordinance 35-17, for the purpose of providing a uniform review process for all significant projects and requiring that a community meeting be held for subdivision applications that contain a new street, Major Site Design Plan Applications and Planned Development Applications.

Purpose

The purpose of Ordinance 35-17 is to provide an opportunity for early public input on substantial projects by requiring community meetings for any subdivision that creates a new street, a Major Site Design Application or a Planned Development Application. This Ordinance requires a public hearing before the Planning Commission for preliminary plats, requires pre-application conferences between applicants and the Department of Planning and Zoning and establishes a uniform process for Community Meetings. This Ordinance also expands the list of entities that must be notified for Public Hearings, Public Meetings and Community Meetings. Finally, this Ordinance changes the decision-making authority from the Director of Planning Zoning to the Planning Commission to deny, approve or approve with conditions for Major Site Design applications.

Analysis

Title 20 of the Code establishes processes and procedures for subdivisions. "Subdivision" in Title 20 is defined as "the division or development of any part or parcel of land for sale, lease, transfer of ownership or building development, including the creation of a new street or streets, public or private. The term includes resubdivision, apartment subdivision, and, when appropriate to the context, relates to the process of subdividing or to the land subdivided." The current process includes an informal pre-application process, agency reviews and a submission to the Planning Commission for either a conditional approval or final plat approval.

The proposed legislation adds two additional steps to the Subdivision Review Process. The first proposed additional step requires the applicant to hold a community meeting prior to any formal submission to the Department of Planning and Zoning. After a community meeting has been held and the requirements from that community have been met, the second proposed step is that the Planning Commission must then hold a public hearing on the preliminary plat.

The proposed changes in Title 21 include a pre-application requirement for Major Site Design Projects, Planned Developments and Zoning Map or Text Amendments. The Ordinance also adds an additional step to

the process by requiring a Community Meeting for all proposed Major Site Design Projects and Planned Developments prior to submission of a formal application to the Department of Planning and Zoning. The legislation establishes time frames for notification and expands the list of entities that must be notified for Community Meetings and Public Hearings.

Finally, the legislation modifies Chapter 21.22 and requires all Major Site Design Projects be referred to the Planning Commission. The Planning Commission is required to hold a public hearing and render a decision on the Major Site Design within 45 days after the conclusion of the public hearing.

Currently, Title 21 does not require every Major Site Design to be reviewed by the Planning Commission if it does not meet the requirements for a Subdivision. Typically many commercial, institutional and industrial plans are Major Site Design Projects but do not require the approval of the Planning Commission.

Additional community input and awareness is beneficial to the development review process. Developers often seek input from community members voluntarily in the City of Annapolis under the current process. However, the review of many of the Major Site Design Project applications can be very technical in nature. Additional resources will be required for the preparation of staff reports and additional time will need to be allocated for public hearing notices to coincide with Planning Commission meeting times. In addition, many Major Site Design Projects are Special Exceptions and would require Board of Appeals approval before going to the Planning Commission for Major Site Design approval. Therefore, the additional steps and required approvals from the Planning Commission will significantly increase the review time for many applications.

Recommendation

The trend with Planned Developments in the City of Annapolis has been to provide a significant amount of flexibility in bulk regulations as well as in permitted uses. Staff recommends that the Community Meetings should be an additional requirement for these types of development.

Since the approval of this legislation modifies the decision of all Major Site Designs from the Director of Planning and Zoning to the Planning Commission, Chapter 21.22.120, Appeals needs to be amended. Chapter 21.22.120 should be modified to state "An appeal from a decision of the Planning Commission under this chapter shall be made to the Circuit Court of Maryland for Anne Arundel County" to be consistent with the Planned Developments and other parts of the Code.

In the staffs review over the past year of Planned Developments, Major Sites Designs and Major Site Designs with Special Exceptions or Variances it is found that the number of developments of this type were not significant to recommend any change in the definition of Major Site Design. However, it should be noted that the process will add several months to the process for development review. This is due mostly in part to the timing and sequence of the Community Meeting, submission of the Application and the Planning Commission meetings dates and the associated mandated notice requirements.

In addition there are a number of Major Site Designs that have been deemed complete and are currently under agency review. The Department would also recommend adding a grandfathering clause to existing projects currently under review. The Department would recommend adding language under Section II on page 14 "Section II: And be it further established and ordained by the City of Annapolis that and Development Applications submitted prior to the effective date of this ordinance shall be evaluated on Chapter 20 and Chapter 21 as it existed at the time of application was submitted to Planning and Zoning; and Development Applications submitted after the effective date of this ordinance shall be governed by Chapter 20 and Chapter 21 as amended by this ordinance."

1 ..Title

2 Revisions to Development Review – For the purpose of providing a uniform review
3 process for all significant projects and requiring early public input on substantial projects
4 by requiring that a community meeting be held for subdivision applications that contain a
5 new street, Major Site Design Plan Applications and Planned Development Applications;
6 clarifying preliminary application procedures; expanding the notice requirements under
7 Division II of the Zoning Code; revising the procedures for major site design plan
8 applications and planned development applications; and matters generally relating to the
9 review process for all significant and substantial projects.

10 ..Body

11 CITY COUNCIL OF THE
12 City of Annapolis

13
14 Ordinance 35-17

15
16 Introduced by: Alderman Budge and Alderman Arnett
17
18

19 Referred to

20 Planning Commission

21 Rules and City Government Committee
22
23

24 AN ORDINANCE concerning
25

26 Revisions to Development Review
27

28 FOR the purpose of providing a uniform review process for all significant projects and
29 requiring early public input on substantial projects by requiring that a community
30 meeting be held for subdivision applications that contain a new street, Major Site
31 Design Plan Applications and Planned Development Applications; clarifying
32 preliminary application procedures; expanding the notice requirements under
33 Division II of the Zoning Code; revising the procedures for major site design plan
34 applications and planned development applications; and matters generally relating
35 to the review process for all significant projects.
36

37 BY repealing and re-enacting with amendments the following portions of the Code of
38 the City of Annapolis, 2016 Edition

39 Section 20.08.020

40 Section 20.08.040

41 Section 21.10.010

42 Section 21.10.020

43 Section 21.22.060

44 Section 21.24.070
45

1 **WHEREAS,** the Annapolis City Council desires to promote discussions between real
2 estate developers and the community surrounding significant
3 developments early in the design process; and
4

5 **WHEREAS,** numerous parties among both the development community and the general
6 public have remarked to the City Council on the importance of the City
7 having a uniform review processes among different types of development
8 review applications; and
9

10 **WHEREAS,** the Annapolis City Council wishes greater public input and review of
11 Major Site Design proposals.
12
13

14 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
15 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
16 follows:
17

18 **TITLE 20 - SUBDIVISIONS**

19 **CHAPTER 20.08 – PROCEDURE GENERALLY-PRE-APPLICATION**
20

21 **Section 20.08.020 Pre-application procedure.**
22

23 A. Prior to the filing of an application for conditional approval of a preliminary plat
24 (preliminary subdivision plan, general subdivision plan), the subdivider shall submit
25 to the Planning Director plans and data as specified in Section 20.08.060. This step
26 does not require formal application or filing of a plat with the Planning Commission.
27

28 B. Within twenty-one days the Planning and Zoning Director shall inform the
29 subdivider that the plans and data as submitted or as modified do or do not meet the
30 objectives of this title. When the Planning and Zoning Director finds the plans and
31 data do not meet the objectives of this title, the director shall state the reasons for the
32 determination.
33

34 C. WHEN A SUBDIVISION WILL CONTAIN A NEW STREET, THE
35 SUBDIVIDER SHALL CONDUCT A COMMUNITY MEETING IN
36 ACCORDANCE WITH THE FOLLOWING:
37

- 38 1. BEFORE A COMMUNITY MEETING MAY BE HELD, THE SUBDIVIDER
39 SHALL PROVIDE NOTICE IN ACCORDANCE WITH SECTION
40 21.10.020.A AND B OF THIS CODE. THE MEETING SHALL BE HELD AT
41 A LOCATION THAT IS REASONABLY ACCESSIBLE TO PERSONS WHO
42 RESIDE OR OWN PROPERTY IN CLOSE PROXIMITY TO THE LAND
43 THAT WILL BE SUBJECT TO THE APPLICATION. A COMMUNITY
44 MEETING SHALL BE HELD NOT EARLIER THAN ONE YEAR PRIOR TO
45 SUBMISSION OF AN APPLICATION AND NO LATER THAN 14 DAYS
46 PRIOR TO SUBMISSION OF AN APPLICATION.

- 1
- 2 2. SUBDIVIDER WHO HAS CONDUCTED A COMMUNITY MEETING
- 3 SHALL PROVIDE A WRITTEN SUMMARY OF THE COMMUNITY
- 4 MEETING TO THE PLANNING AND ZONING DIRECTOR WITHIN 30
- 5 DAYS AFTER THE CONCLUSION OF THE COMMUNITY MEETING,
- 6 UNLESS ALREADY SUBMITTED WITH THE PRELIMINARY PLAT. THE
- 7 WRITTEN SUMMARY SHALL INCLUDE A LIST OF MEETING
- 8 ATTENDEES, A SUMMARY OF ATTENDEE COMMENTS, AN
- 9 OVERVIEW OF DISCUSSIONS RELATED TO THE DEVELOPMENT
- 10 PROPOSAL, AND ANY OTHER INFORMATION THE SUBDIVIDER
- 11 DEEMS APPROPRIATE. THE WRITTEN SUMMARY SHALL BE
- 12 SUBMITTED WITH THE APPLICATION AND BE MADE AVAILABLE BY
- 13 THE PLANNING AND ZONING DIRECTOR FOR PUBLIC INSPECTION.
- 14 ANYONE ATTENDING THE COMMUNITY MEETING MAY SUBMIT A
- 15 WRITTEN RESPONSE TO THE SUBDIVIDER'S MEETING SUMMARY,
- 16 WHICH SHALL ALSO BE SUBMITTED WITH THE APPLICATION. IF
- 17 AN APPLICATION IS NOT FILED WITHIN ONE YEAR AFTER A
- 18 COMMUNITY MEETING OCCURS, THEN BEFORE THE APPLICATION
- 19 IS FILED, THE SUBDIVIDER SHALL HOLD ANOTHER COMMUNITY
- 20 MEETING TO BE CONDUCTED IN ACCORDANCE WITH THE
- 21 PROVISIONS OF THIS SECTION.
- 22

23 **Section 20.08.040 - Conditional approval of preliminary plat.**

24

- 25 A. On reaching conclusions informally, as recommended in Section 20.08.020,
- 26 regarding the developer's general program and objectives, the subdivider shall cause
- 27 to be prepared a preliminary plat, together with improvement plans and other
- 28 supplementary material as specified in Chapter 20.12.
- 29
- 30 B. A minimum of six copies of the preliminary plat and supplementary material
- 31 specified shall be submitted to the Planning Commission on white paper with written
- 32 application on standard submittal form for conditional approval at least twenty-one
- 33 days prior to the meeting at which it is to be considered. The Planning Commission
- 34 shall consult with the Director of Public Works in reviewing the preliminary plat and
- 35 may request that the director submit a recommendation for approval or disapproval,
- 36 stating the director's reasons for the recommendation.
- 37
- 38 C. Following (1) A PUBLIC HEARING BEFORE THE PLANNING COMMISSION,
- 39 (2) review of the preliminary plat and other material submitted for conformity of the
- 40 plat to these regulations and (3) negotiations with the subdivider on changes deemed
- 41 advisable and the kind and extent of improvements to be made by the subdivider, the
- 42 Planning Commission shall express its approval as conditional approval and state the
- 43 conditions of the approval, if any, or if disapproval, shall express its disapproval and
- 44 its reasons for the disapproval. Conditional approval or disapproval by the Planning
- 45 Commission shall be forwarded by the Planning and Zoning Director to the Director
- 46 of Public Works.

- 1
2 D. Conditional approval of a preliminary plat does not constitute approval of the final
3 plat (record plat). Rather it shall be deemed an expression of approval to the layout
4 submitted on the preliminary plat as a guide to the preparation of the final plat.
5

6 **TITLE 21 – PLANNING AND ZONING**

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

8
9 **CHAPTER 21.10 – GENERAL APPLICATION PROCEDURES AND FEES**

10 **Section 21.10.010 Common procedures for review of applications.**

11
12 Applications submitted for review and approval pursuant to the Zoning Code will be
13 processed in accordance with the procedures of this section and any other procedures that
14 are established in a Division II chapter in connection with a specific zoning application.
15 The specific procedures established in other Division II chapters may reference sections
16 of the common procedures for review of applications.
17

18 A. Pre-application Conference. THE PURPOSE OF A PRE-APPLICATION
19 CONFERENCE SHALL BE TO ACQUAINT THE PLANNING AND ZONING
20 DIRECTOR WITH A POTENTIAL APPLICATION AND TO ACQUAINT THE
21 POTENTIAL APPLICANT WITH THE REQUIREMENTS OF THE ZONING
22 CODE, BUILDING CODES, AND OTHER RELEVANT CRITERIA AND
23 PROCEDURES. A PRE-APPLICATION CONFERENCE SHALL NOT BE AN
24 EXHAUSTIVE REVIEW OF ALL POTENTIAL ISSUES. THE PRE-
25 APPLICATION CONFERENCE IS INFORMATIONAL ONLY, AND IS NOT AN
26 APPROVAL IN ANY MANNER OF A PROPOSAL. Prior to the submission of an
27 application required by the Zoning Code, a Pre-application conference with the
28 Planning and Zoning Director SHALL BE IN ACCORDANCE WITH THE
29 FOLLOWING:
30

- 31 1. Required Conference. ~~Unless waived by the Planning and Zoning Director,~~
32 a A pre-application conference with the Planning and Zoning Director
33 ~~must~~SHALL be held for the following types of applications:
34

- 35 a. Major site design plan applications.
36 b. Planned development applications.
37 c. Zoning map or text amendments.
38

- 39 2. Optional Conference. For all other applications, THE PLANNING AND
40 ZONING DIRECTOR MAY HOLD A PRE-APPLICATION conference.
41

42 B. COMMUNITY MEETING. THE PURPOSE OF A COMMUNITY MEETING IS
43 TO INFORM PERSONS WHO RESIDE OR OWN PROPERTY IN CLOSE
44 PROXIMITY TO THE LAND THAT WILL BE SUBJECT TO THE
45 PROSPECTIVE DEVELOPMENT APPLICATION, AND PROVIDE THE
46 POTENTIAL APPLICANT THE OPPORTUNITY TO RECEIVE COMMENTS

1 AND IDENTIFY CONCERNS ABOUT THE DEVELOPMENT PROPOSAL SO
2 THAT THE PROSPECTIVE APPLICANT MAY ADDRESS THOSE CONCERNS
3 BEFORE SUBMISSION AND FORMAL CONSIDERATION OF THE
4 APPLICATION.

- 5
6 1. REQUIRED COMMUNITY MEETING. A COMMUNITY MEETING
7 SHALL BE HELD BEFORE SUBMISSION OF THE FOLLOWING
8 TYPES OF APPLICATIONS:

- 9
10 A. MAJOR SITE DESIGN PLAN APPLICATIONS;
11 B. PLANNED DEVELOPMENT APPLICATIONS.

- 12
13 2. OPTIONAL COMMUNITY MEETING. FOR ALL OTHER TYPES OF
14 APPLICATIONS, A COMMUNITY MEETING SHALL BE OPTIONAL.
15 WHENEVER A REQUIRED COMMUNITY MEETING IS HELD, THE
16 PROSPECTIVE APPLICANT MAY HOLD ADDITIONAL OPTIONAL
17 COMMUNITY MEETINGS.

- 18
19 3. BEFORE A COMMUNITY MEETING MAY BE HELD, THE
20 PROSPECTIVE APPLICANT SHALL PROVIDE NOTICE IN
21 ACCORDANCE WITH SECTION 21.10.020.A AND B OF THIS CODE.
22 THE MEETING SHALL BE HELD AT A LOCATION THAT IS
23 REASONABLY ACCESSIBLE TO PERSONS WHO RESIDE OR OWN
24 PROPERTY IN CLOSE PROXIMITY TO THE LAND THAT WILL BE
25 SUBJECT TO THE APPLICATION. A COMMUNITY MEETING SHALL
26 BE HELD NOT EARLIER THAN ONE YEAR PRIOR TO SUBMISSION
27 OF AN APPLICATION AND NO LATER THAN 14 DAYS PRIOR TO
28 SUBMISSION OF AN APPLICATION.

29
30 A PROSPECTIVE APPLICANT WHO HAS CONDUCTED A
31 COMMUNITY MEETING SHALL PROVIDE A WRITTEN SUMMARY
32 OF THE COMMUNITY MEETING TO THE PLANNING AND ZONING
33 DIRECTOR WITHIN 30 DAYS AFTER THE CONCLUSION OF THE
34 COMMUNITY MEETING, UNLESS ALREADY SUBMITTED WITH
35 THE APPLICATION. THE WRITTEN SUMMARY SHALL INCLUDE A
36 LIST OF MEETING ATTENDEES, A SUMMARY OF ATTENDEE
37 COMMENTS, AN OVERVIEW OF DISCUSSIONS RELATED TO THE
38 DEVELOPMENT PROPOSAL, AND ANY OTHER INFORMATION THE
39 PROSPECTIVE APPLICANT DEEMS APPROPRIATE. THE WRITTEN
40 SUMMARY SHALL BE SUBMITTED WITH THE APPLICATION AND
41 BE MADE AVAILABLE BY THE PLANNING AND ZONING
42 DIRECTOR FOR PUBLIC INSPECTION. ANYONE ATTENDING THE
43 COMMUNITY MEETING MAY SUBMIT A WRITTEN RESPONSE TO
44 THE PROSPECTIVE APPLICANT'S SUMMARY, WHICH SHALL ALSO
45 BE SUBMITTED WITH THE APPLICATION. IF AN APPLICATION IS
46 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.

BC. Application Forms and Submittals. All applications required under this Zoning Code must 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 be accompanied by required application fees in accordance with Section 21.10.050.

CD. Review for Completeness. All applications must 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 determine whether the application is complete. If the Planning and Zoning Director determines that the application is not complete, the Director will 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 be taken by the City on the application until the deficiencies are corrected.

DE. 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 be deemed withdrawn and will 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.

EF. 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 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.

FG. 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 be forwarded to that decision making body after the Director determines the application is complete.

GH. Coordinated Processing of Applications. If more than one type of application is required pursuant to the Zoning Code, the Planning and Zoning Director will, to the extent possible, simultaneously process applications related to the same proposed development or activity, so long as all Zoning Code requirements for a particular application are satisfied. However, if the proposal requires Historic Preservation Commission approval, that approval will 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. ~~a~~All parties with a financial or vested interest in the property that is the subject of the application.

- 1 b. ~~and to p~~Property owners within two hundred feet of each property boundary.
- 2 c. THE ALDERPERSON REPRESENTING THE WARD FOR WHICH THE
- 3 PROJECT IS PLANNED,
- 4 d. THE PRESIDENT OR OTHER PERSON IN A POSITION OF
- 5 AUTHORITY OF EACH HOMEOWNERS ASSOCIATION,
- 6 COMMUNITY ASSOCIATION, CONDOMINIUM ASSOCIATION,
- 7 RESIDENT ASSOCIATION, AND BUSINESS ASSOCIATION
- 8 FUNCTIONING WITHIN GEOGRAPHICAL PROXIMITY TO THE
- 9 PROPOSED DEVELOPMENT SUCH THAT THE PERSONS
- 10 REPRESENTED BY THE ASSOCIATION POTENTIALLY COULD BE
- 11 AFFECTED BY THE PROPOSED DEVELOPMENT,
- 12 e. ALL PERSONS WHO HAVE SPOKEN OR PROVIDED WRITTEN
- 13 COMMENTS AT A COMMUNITY MEETING, PUBLIC MEETING, OR
- 14 PUBLIC HEARING THAT HAS OCCURRED REGARDING THE
- 15 APPLICATION, AND
- 16 f. ALL PERSONS, OTHER THAN CITY STAFF, WHO HAVE PROVIDED
- 17 WRITTEN COMMENTS TO THE DEPARTMENT OF PLANNING AND
- 18 ZONING REGARDING THE APPLICATION.
- 19
- 20 2. Notice of public hearings must be mailed not less than fifteen days prior to the
- 21 date of hearing.
- 22
- 23 23. Prior to any public meeting or public hearing on an application, the applicant
- 24 must provide the Planning and Zoning Director with verification of mailing of
- 25 written notification. An applicant must provide evidence that notices of the
- 26 public hearing were mailed not less than fifteen days prior to the date of hearing.
- 27
- 28 C. Notice of Formal Public Hearing. If notice of a formal public hearing is required,
- 29 unless specific notice procedures are otherwise provided for in another Division II
- 30 chapter of the Zoning Code, notice must be given as follows:
- 31
- 32 1. Notice of the application and any required public hearings at which the
- 33 application will be considered shall be published in a newspaper of general
- 34 circulation in the City at least fifteen days before the hearing.
- 35
- 36 2. Notice must be posted on the property that is the subject of an application by the
- 37 applicant or the property owner, if not the same, at least fifteen days prior to any
- 38 public hearing on the application and in a manner prescribed by the Planning
- 39 and Zoning Director. Any sign posted on a property by an applicant must be
- 40 removed by the applicant within seven days following the close of the public
- 41 hearing. Failure to post shall be governed by Subsection (A)(4) above.
- 42
- 43 D. Notice of Public Meeting. If notice of a public meeting at which an application may
- 44 be considered is required, unless specific notice procedures are otherwise provided
- 45 for in another Division II chapter of the Zoning Code, notice must be given as
- 46 follows:

1
2 1. Notice of the application and any public meeting at which the application will be
3 considered shall be published in a newspaper of general circulation in the City
4 no fewer than fifteen days before the meeting.

5
6 i. Notice must be posted on the property that is the subject of an application at
7 least fifteen days prior to any public meeting on the application and in a
8 manner prescribed by the Planning and Zoning Director. Any sign posted
9 on a property by an applicant must be removed by the applicant within
10 seven days following the public meeting.

11
12 E. Notice of Decision. Notice of any decision on the application by the Planning and
13 Zoning Director or the decision making body, must be given to the applicant, the
14 Mayor and City Council, and any other persons who made written comments or
15 testified at a hearing concerning the application, provided they included their legal
16 name and valid mailing address or valid email address. Such notice of decision shall
17 be by mail or email and provided by the Planning and Zoning Director not more than
18 five days following the date of final decision.

19
20 F. Summary of Public Meeting and Hearing Requirements. The table below
21 summarizes the types of applications requiring a public meeting or public hearing
22 and the City official or decision making body responsible for conducting the meeting
23 or hearing. If more than one application or approval is required for a proposed
24 development or activity, public hearings on each application may be simultaneously
25 held by a decision making body on related applications.

26
27 **Summary of Public Meetings (PM) and Public Hearings (PH)**

28

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			

Type of Application	Planning and Zoning Director	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	COMMUNITY MEETINGS (PM)
Minor Site Design Plan	Optional PM					
Major Site Design Plan	Optional PM	<u>PH</u>				<u>PM</u>
Planned Developments	Optional PM	PH				<u>PM</u>
Special Exceptions with Major Site Design Plan		<u>PH</u> * *if referred by Planning and Zoning Director	PH			
Variance			PH			
Zoning District Boundary Adjustment			PH			
Zoning Text Amendment		PH			PH	
Zoning Map Amendment		PH			PH	
Site Design Review of R2-NC Structures > 3,250 sq. ft.		PH				
<u>SUBDIVISIONS</u> ¹		<u>PH</u>				<u>PM</u>

¹ FOR THE PURPOSES OF THIS CHART, SUBDIVISIONS GOVERNED BY TITLE 20 ARE INCLUDED.

Chapter 21.22 - SITE DESIGN PLAN REVIEW

Section 21.22.060 - Procedures for major site design plan applications.

A. Application Procedures. Applications for major site design plan review shall be decided by the Director of Planning and Zoning REFERRED TO THE PLANNING COMMISSION FOR A PUBLIC HEARING. SUCH applications SHALL COMPLY with the requirements of Section 21.10.010 Common Procedures for Review of Applications, including a pre-application conference with the Planning and Zoning Director in accordance with the requirements of Section 21.10.010(A) AND A COMMUNITY MEETING IN ACCORDANCE WITH SECTION 21.10.010(B).

1 B. Review Procedures for Major Site Design Plan Applications. In the review and
2 decision of major site design review applications, the following procedures shall
3 apply:
4

5 1. Review of Preliminary or Final Site Design Plan. The Planning and Zoning
6 Director will review any required preliminary plan submitted in connection with
7 major site design plan applications. The Planning and Zoning Director will
8 respond to the applicant with written comments on the preliminary plan within
9 thirty days of the determination of completeness of the submission.
10

11 2. Staff Review. The Planning and Zoning Director, after having determined that
12 the submission is complete, may distribute copies of the preliminary plan or
13 final plan to appropriate City departments for review. Within fifteen days of
14 receipt of any preliminary or final major site design plan, any City department
15 reviewing the application will prepare a staff report on the application and
16 transmit the staff report to the Director of Planning and Zoning.
17

18 3. Posting of Property. Notice must be posted on the property that is the subject of
19 the application in accordance with the requirements in Section 21.10.020(A).
20

21 4. Optional Public Meeting on Preliminary or Final Plan. The Planning and Zoning
22 Director may hold a public meeting for the review of the preliminary or final site
23 design plan IF HE FINDS THAT IT IS IN THE PUBLIC INTEREST TO DO
24 SO; ~~or may recommend to the Planning Commission that the Planning~~
25 ~~Commission hold a public meeting on the preliminary or final site design plan.~~
26 THE PLANNING AND ZONING DIRECTOR MAY HOLD A WORK
27 SESSION IF HE FINDS THAT IT IS IN THE PUBLIC INTEREST TO DO SO
28 OR IF HE FINDS THAT IT WILL ASSIST THE PLANNING AND ZONING
29 DEPARTMENT IN ITS REVIEW OF THE APPLICATION. THE PLANNING
30 COMMISSION MAY HOLD A WORK SESSION PRIOR TO A PUBLIC
31 HEARING ON AN APPLICATION IF THE CHAIRPERSON OF THE
32 PLANNING COMMISSION DEEMS IT NECESSARY TO ASSIST IT IN ITS
33 UNDERSTANDING OF THE APPLICATION, Notice of A public meeting OR
34 WORK SESSION SHALL be IN ACCORDANCE WITH Section
35 21.10.020(D).
36

37 5. PUBLIC HEARING. THE PLANNING COMMISSION SHALL SCHEDULE
38 AND HOLD A PUBLIC HEARING ON THE COMPLETE PRELIMINARY
39 OR FINAL SITE DESIGN PLAN. THE APPLICANT SHALL GIVE NOTICE
40 OF THE HEARING IN ACCORDANCE WITH THE NOTICE
41 REQUIREMENTS OF SECTION 21.10.020(B) AND 21.10.020(C) AND ANY
42 OTHER REQUIREMENTS ESTABLISHED BY THE PLANNING
43 COMMISSION.
44

45 ~~56. Review and Decision on Preliminary or Final Plan. The Planning and Zoning~~
46 ~~Director shall review, approve, approve subject to modifications or disapprove~~

1 ~~the preliminary or final site design plan within thirty days from the date of the~~
2 ~~close of any public meeting on the application; or if no public meeting is held,~~
3 ~~within thirty days of the determination of completeness of the preliminary or~~
4 ~~final major site design plan application.~~ ANY STAFF REPORTS RECEIVED
5 BY THE PLANNING COMMISSION SHALL BE CONSIDERED AT THE
6 PUBLIC HEARING. WITHIN 45 DAYS AFTER THE CONCLUSION OF
7 THE PUBLIC HEARING, THE PLANNING COMMISSION SHALL DECIDE
8 TO: (1) APPROVE THE APPLICATION; (2) APPROVE THE APPLICATION
9 SUBJECT TO SPECIFIC CONDITIONS; OR (3) DENY THE APPLICATION,
10 AND ISSUE A WRITTEN OPINION CONTAINING FINDINGS AND
11 CONCLUSIONS.

12
13 67. Notice of Decision. The Planning and Zoning Director shall give notice of the
14 decision in accordance with the requirements set forth in Section 21.10.020(E).

15
16 **Chapter 21.24 - PLANNED DEVELOPMENTS**

17 **Section 21.24.070 - Procedures for planned developments.**

18
19 A. Application Procedures. All planned development applications SHALL be submitted
20 to the Planning and Zoning Director in accordance with the requirements of Section
21 21.10.010 Common Procedures for Review of Applications, WHICH SHALL
22 INCLUDE THE WRITTEN SUMMARY OF COMMUNITY MEETINGS HELD
23 IN CONNECTION WITH A PRE-APPLICATION CONFERENCE IN
24 ACCORDANCE WITH THE REQUIREMENTS OF SECTION 21.10.010(A) AND
25 AN APPLICATION COMMUNITY MEETING IN ACCORDANCE WITH
26 SECTION 21.10.010(B). Applications SHALL be submitted on forms provided by
27 the Planning and Zoning Director and accompanied by any required fees,
28 preliminary or final plans or other required submittals.

29
30 B. Application Options. An applicant may elect one of the following procedural
31 options:

- 32
33 1. An applicant may submit a preliminary plan for informal review by the Planning
34 and Zoning Director and other City departments the Director deems appropriate,
35 prior to the submission of a final planned development application.
36
37 2. An applicant may submit a preliminary plan for formal review and decision by
38 the Planning Commission.
39
40 3. An applicant may elect to submit only a complete final planned development
41 application.

42
43 C. Review of Preliminary Planned Development Plans. The following procedures shall
44 apply to the review of preliminary planned development plans.
45

1. Staff Review. The Planning and Zoning Director may distribute copies of a preliminary plan for review by the appropriate City departments.
2. Staff Comments on Preliminary Plan. Following review of any preliminary plan, the Planning and Zoning Director and any other City department reviewing the preliminary plan will provide the applicant with any written comments prepared in connection with the review of the preliminary plan and will transmit a copy of any written comments to the Planning Commission.
3. Optional Work Session or Public Meeting. If the Planning and Zoning Director deems necessary, the Director or the Planning Commission may hold a work session or public meeting for the review of the preliminary plan. Notice of the work session or public meeting must be given by the applicant in accordance with the notice requirements set forth in Section 21.10.020(D).
4. Public Hearing. If the applicant requests action on a preliminary plan by the Planning Commission, the Planning Commission shall schedule and hold a public hearing on a preliminary planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C) and any other requirements established by the Planning Commission.
5. Decision on Preliminary Plan. Within thirty days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the preliminary plan; (2) approve the preliminary plan subject to specific conditions; or (3) deny the preliminary plan.

D. Review of Final Plans and Application.

1. Staff Review. The Planning and Zoning Director shall distribute copies of a final planned development application to appropriate City departments for review after having determined that the submission is complete.
2. Staff Report. Following review of any complete final planned development application, the Planning and Zoning Director and any other City department reviewing the application will prepare a staff report on the final planned development application and transmit the staff report to the Planning Commission prior to the required Planning Commission public hearing on the application.
3. Public Hearing. The Planning Commission shall schedule and hold a public hearing on the complete final planned development application. The applicant shall give notice of the hearing in accordance with the notice requirements set forth in Section 21.10.020(B) and 21.10.020(C) and any other requirements established by the Planning Commission.

- 1 4. Decision on Final Plan and Application. Any staff reports received by the
2 Planning Commission will be considered at the public hearing. Within thirty
3 days of the conclusion of the public hearing, the Planning Commission shall
4 decide to: (1) approve the application; (2) approve the application subject to
5 specific conditions; or (3) deny the application.
6
- 7 5. Notice of Decision. The Planning and Zoning Director shall give notice of the
8 decision in accordance with the requirements set forth in Section 21.10.020(E).
9

10 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
11 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its
12 passage.
13
14
15

16 **EXPLANATION**

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

Ordinance 35-17
Revisions to Development Review

Staff Report

The purpose of O-35-17 is to provide for a uniform review process for all significant development projects and to require early public input on substantial development projects. This ordinance will promote early discussions between real estate developers and persons who reside in or own property in the communities that are in close proximity to significant developments. Such discussions will increase public input and review of major site design and planned development proposals before an application is submitted to the Department of Planning and Zoning.

To that end, O-35-17 will revise Section 20.08.020 to require that a community meeting be held, and that there be public notice in advance of the community meeting, before the submission of subdivision applications to the Department of Planning and Zoning that propose the construction of a new street, and before the submission of a major site design plan application or planned development application to the Department of Planning and Zoning.

Section 20.08.040 concerning conditional approval of preliminary plats will be amended to provide for a public hearing before the Planning Commission as part of the approval process.

The common procedures for review of applications pursuant to Section 21.10.010 will be amended to require a pre-application conference between the Planning & Zoning Director and the Applicant for major site design applications, planned development applications, and zoning map or text amendments, depending on the type of application, and optional pre-application conferences for other applications.

Section 21.10.020 concerning Public Hearing notice requirements will be amended to expand the written notice requirements to include: (a) all parties with a financial or vested interest in the property that is the subject of the application, (b) property owners within two hundred feet of each property boundary, (c) the alderperson representing the ward for which the project is planned, (d) the president or other person in a position of authority of each homeowners association, community association, condominium association, resident association, and business association functioning within geographical proximity to the proposed development such that the persons represented by the association potentially could be affected by the proposed development, (e) all persons who have spoken or provided written comments at a community meeting, public meeting, or public hearing that has occurred regarding the application, and (f) all persons, other than city staff, who have provided written comments to the department of planning and zoning regarding the application.

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