



City of Annapolis
Signature Copy
Ordinance: O-35-17

160 Duke Of Gloucester
Street
Annapolis, MD 21401

File Number: O-35-17

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

CITY COUNCIL OF THE
City of Annapolis

Ordinance 35-17

Introduced by: Alderman Budge and Alderman Arnett

Referred to
Planning Commission
Rules and City Government Committee

AN ORDINANCE concerning

Revisions to Development Review

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

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2016 Edition
Section 20.08.020
Section 20.08.040

Section 21.10.010
Section 21.10.020
Section 21.22.060
SECTION 21.22.120
Section 21.24.070

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

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

WHEREAS, the Annapolis City Council wishes greater public input and review of Major Site Design proposals.

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 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:
 - 1. BEFORE A COMMUNITY MEETING MAY BE HELD, THE SUBDIVIDER SHALL PROVIDE NOTICE IN ACCORDANCE WITH SECTION 21.10.020.A AND B OF THIS CODE. THE MEETING SHALL BE HELD AT A LOCATION THAT IS REASONABLY ACCESSIBLE TO PERSONS 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 14 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 30 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 SHALL ALSO BE SUBMITTED WITH THE APPLICATION 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.

Section 20.08.040 - Conditional approval of preliminary plat.

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

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

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 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. ~~Unless waived by the Planning and Zoning Director,~~ a A pre-application conference with the Planning and Zoning Director ~~must~~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 WHO RESIDE OR OWN PROPERTY IN CLOSE PROXIMITY TO THE LAND THAT WILL BE SUBJECT TO THE PROSPECTIVE DEVELOPMENT APPLICATION, AND PROVIDE THE POTENTIAL APPLICANT THE OPPORTUNITY TO RECEIVE COMMENTS AND IDENTIFY CONCERNS ABOUT THE DEVELOPMENT PROPOSAL SO THAT THE PROSPECTIVE APPLICANT MAY ADDRESS THOSE CONCERNS BEFORE SUBMISSION AND FORMAL CONSIDERATION OF THE APPLICATION.

1. REQUIRED COMMUNITY MEETING. A COMMUNITY MEETING SHALL BE HELD BEFORE SUBMISSION OF THE FOLLOWING TYPES OF APPLICATIONS:
 - 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 IN ACCORDANCE WITH SECTION 21.10.020.A AND B OF THIS CODE. THE MEETING SHALL BE HELD AT A LOCATION THAT IS REASONABLY ACCESSIBLE TO PERSONS 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 14 DAYS PRIOR TO SUBMISSION OF AN APPLICATION.

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 30 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 SHALL ALSO BE SUBMITTED WITH THE APPLICATION 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.

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.

€D. 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.

ƆE. 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.

€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 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 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, 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,
 - b. ~~and to~~ Property owners AND TENANTS 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, WHICH LIST OF ASSOCIATIONS SHALL BE PROVIDED BY THE DEPARTMENT OF PLANNING AND ZONING TO TO THE APPLICANT, 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

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

23. 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.

C. Notice of Formal Public Hearing. If notice of a formal public hearing is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:

- 1. Notice of the application and any required public hearings at which the application will be considered shall be published in a newspaper of general circulation in the City at least fifteen days before the hearing.
- 2. Notice must be posted on the property that is the subject of an application by the applicant or the property owner, if not the same, at least fifteen days prior to any public hearing on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the close of the public hearing. Failure to post shall be governed by Subsection (A)(4) above.

D. Notice of Public Meeting. If notice of a public meeting at which an application may be considered is required, unless specific notice procedures are otherwise provided for in another Division II chapter of the Zoning Code, notice must be given as follows:

- 1. Notice of the application and any public meeting at which the application will be considered shall be published in a newspaper of general circulation in the City no fewer than fifteen days before the meeting.
 - i. Notice must be posted on the property that is the subject of an application at least fifteen days prior to any public meeting on the application and in a manner prescribed by the Planning and Zoning Director. Any sign posted on a property by an applicant must be removed by the applicant within seven days following the public meeting.

E. Notice of Decision. Notice of any decision on the application by the Planning and Zoning Director or

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

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

Summary of Public Meetings (PM) and 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 with Major Site Design Plan			PH* *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>SUBDIVISIONS1</u>	<u>PH</u>	<u>PM</u>		

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).

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

1. Review of Preliminary or Final Site Design Plan. The Planning and Zoning Director will review any required preliminary plan submitted in connection with major site design plan applications. The Planning and Zoning Director will respond to the applicant with written comments on the preliminary plan within thirty days of the determination of completeness of the submission.
2. Staff Review. The Planning and Zoning Director, after having determined that the submission is complete, may distribute copies of the preliminary plan or final plan to appropriate City departments for review. Within fifteen days of receipt of any preliminary or final major site design plan, any City department reviewing the application will prepare a staff report on the application and transmit the staff report to the Director of Planning and Zoning.
3. Posting of Property. Notice must be posted on the property that is the subject of the application in accordance with the requirements in Section 21.10.020(A).
4. Optional Public Meeting on Preliminary or Final Plan. The Planning and Zoning Director may hold a public meeting for the review of the preliminary or final site design plan IF HE FINDS THAT IT IS IN THE PUBLIC INTEREST TO DO SO; ~~or may recommend to the Planning Commission that the Planning Commission hold a public meeting on the preliminary or final site design plan.~~ THE PLANNING AND ZONING DIRECTOR MAY HOLD A WORK SESSION IF HE FINDS THAT IT IS IN THE PUBLIC INTEREST TO DO SO OR IF HE FINDS THAT IT WILL ASSIST THE PLANNING AND ZONING DEPARTMENT IN ITS REVIEW OF THE APPLICATION. THE PLANNING COMMISSION MAY HOLD A WORK SESSION PRIOR TO A PUBLIC HEARING ON AN APPLICATION IF THE CHAIRPERSON OF THE PLANNING COMMISSION DEEMS IT NECESSARY TO ASSIST IT IN ITS UNDERSTANDING OF THE APPLICATION, Notice of A public meeting OR WORK SESSION SHALL be IN ACCORDANCE WITH Section 21.10.020(D).
5. PUBLIC HEARING. THE PLANNING COMMISSION SHALL SCHEDULE AND HOLD A PUBLIC HEARING ON THE COMPLETE PRELIMINARY OR FINAL SITE DESIGN PLAN. THE APPLICANT SHALL GIVE NOTICE OF THE HEARING IN ACCORDANCE WITH THE NOTICE REQUIREMENTS OF SECTION 21.10.020(B) AND 21.10.020(C) AND ANY OTHER REQUIREMENTS ESTABLISHED BY THE PLANNING COMMISSION.
- ~~56. Review and Decision on Preliminary or Final Plan. The Planning and Zoning Director shall review, approve, approve subject to modifications or disapprove the preliminary or final site design plan within thirty days from the date of the close of any public meeting on the application; or if no public meeting is held, within thirty days of the determination of completeness of the preliminary or final major site design plan application. ANY STAFF REPORTS RECEIVED BY THE PLANNING COMMISSION SHALL BE CONSIDERED AT THE PUBLIC HEARING. WITHIN 45 DAYS AFTER THE CONCLUSION OF THE PUBLIC HEARING, THE PLANNING COMMISSION SHALL DECIDE TO: (1) APPROVE THE APPLICATION;~~

(2) APPROVE THE APPLICATION SUBJECT TO SPECIFIC CONDITIONS; OR (3) DENY THE APPLICATION, AND ISSUE A WRITTEN OPINION CONTAINING FINDINGS AND CONCLUSIONS.

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

21.22.120 - Appeal.

- A. Any appeals of a decision of the Planning and Zoning Director must be made to the Board of Appeals in conformance with the provisions of Chapter 21.30.
- B. 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.

Chapter 21.24 - PLANNED DEVELOPMENTS

Section 21.24.070 - Procedures for planned developments.

- A. Application Procedures. All planned development applications SHALL be submitted to the Planning and Zoning Director in accordance with the requirements of Section 21.10.010 Common Procedures for Review of Applications, WHICH SHALL INCLUDE THE WRITTEN SUMMARY OF COMMUNITY MEETINGS HELD IN CONNECTION WITH A PRE-APPLICATION CONFERENCE IN ACCORDANCE WITH THE REQUIREMENTS OF SECTION 21.10.010(A) AND AN APPLICATION COMMUNITY MEETING IN ACCORDANCE WITH SECTION 21.10.010(B). Applications SHALL be submitted on forms provided by the Planning and Zoning Director and accompanied by any required fees, preliminary or final plans or other required submittals.
- B. Application Options. An applicant may elect one of the following procedural options:
1. An applicant may submit a preliminary plan for informal review by the Planning and Zoning Director and other City departments the Director deems appropriate, prior to the submission of a final planned development application.
 2. An applicant may submit a preliminary plan for formal review and decision by the Planning Commission.
 3. An applicant may elect to submit only a complete final planned development application.
- C. Review of Preliminary Planned Development Plans. The following procedures shall apply to the review of preliminary planned development plans.
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.
4. **Decision on Final Plan and Application.** Any staff reports received by the Planning Commission will be considered at the public hearing. Within thirty days of the conclusion of the public hearing, the Planning Commission shall decide to: (1) approve the application; (2) approve the application subject to specific conditions; or (3) deny the application.
5. **Notice of Decision.** The Planning and Zoning Director shall give notice of the decision in

accordance with the requirements set forth in Section 21.10.020(E).

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL THAT ANY DEVELOPMENT APPLICATIONS SUBMITTED PRIOR TO THE EFFECTIVE DATE OF THIS ORDINANCE BUT NOT YET APPROVED SHALL BE EVALUATED AND APPROVED BASED ON THE TITLE 20 AND TITLE 21 CHAPTERS AS THEY EXISTED AT THE TIME THE APPLICATION WAS SUBMITTED TO PLANNING AND ZONING; AND DEVELOPMENT APPLICATIONS SUBMITTED AFTER THE EFFECTIVE DATE OF THIS ORDINANCE SHALL BE GOVERNED BY TITLE 20 AND TITLE 21 AS AMENDED BY 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

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments.

ADOPTED this 23rd day of October, 2017.

Aye: 5 Alderman Budge, Alderwoman Pindell Charles, Alderman Littmann, Alderman Pfeiffer and Alderman Arnett

Nay: 4 Mayor Pantelides, Alderman Paone, Alderwoman Finlayson and Alderman Kirby

THE ANNAPOLIS
CITY COUNCIL



Michael J. Pantelides

Date

11-1-2017

ATTEST



Regina C. Watkins-Eldridge, MMC

Date

10/1/2017

