

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**

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15

16 **Referred to**

17 **Planning Commission**

18 **Rules and City Government Committee**

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20

21 **AN ORDINANCE** concerning

22

23 **Development Review Process Amendments**

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:

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42 **TITLE 20 - SUBDIVISIONS**

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

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

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- 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: (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, 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 such persons and community 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.

1 **CHAPTER 21.10 – GENERAL APPLICATION PROCEDURES AND FEES**

2 **Section 21.10.010 - Common procedures for review of applications.**

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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 potentialprospective 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 addressbecome 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;~~

1 — ~~b. Planned development applications.~~

- 2
- 3 2. Optional Community Meeting. For all other types of applications, a
- 4 community meeting shall be optional. Whenever a required community
- 5 meeting is held, the prospective applicant may hold additional optional
- 6 community meetings.
- 7 3. Before a community meeting may be held, the prospective applicant shall
- 8 provide notice: (a) in accordance with Section 21.10.020(A) and (B) of this
- 9 Code; and (b) to community associations, including but not limited to,
- 10 homeowners associations, condominium associations, resident associations,
- 11 and business associations, whose membership catchment area encompasses
- 12 the proposed development. The list of associations shall be provided by the
- 13 Office of the Mayor to the applicant. The community meeting shall be held
- 14 at a location that is reasonably accessible to the persons and associations
- 15 encompassed in this paragraph, who reside or own property in close
- 16 proximity to the land that will be subject to the application. A community
- 17 meeting shall be held not earlier than one year prior to submission of an
- 18 application and no later than fourteen days prior to submission of an
- 19 application.
- 20 4. A prospective applicant who has conducted a community meeting shall
- 21 provide a written summary of the community meeting to the Planning and
- 22 Zoning Director within thirty days after the conclusion of the community
- 23 meeting, unless already submitted with the application. The written
- 24 summary shall include a list of meeting attendees, a summary of attendee
- 25 comments, an overview of discussions related to the development proposal,
- 26 and any other information the prospective applicant deems appropriate. The
- 27 written summary shall be submitted with the application and be made
- 28 available by the Planning and Zoning Director for public inspection.
- 29 Anyone attending the community meeting may submit a written response to
- 30 the prospective applicant's summary to the Planning and Zoning Director,
- 31 which response the Planning and Zoning Director shall include with the
- 32 application file. If an application is not filed within one year after a
- 33 community meeting occurs, then before an application is filed, the
- 34 prospective applicant shall hold another community meeting to be
- 35 conducted in accordance with the provisions of this section.
- 36

- 37 C. Application Forms and Submittals. All applications required under this Zoning
- 38 Code ~~must~~shall be submitted with all required information on such forms, and in
- 39 such number, as required by the Planning and Zoning Director. The Planning
- 40 and Zoning Director shall have the authority to request additional information
- 41 not specifically listed on the application forms to ensure compliance with this
- 42 code. All applications ~~must~~shall be accompanied by required application fees in
- 43 accordance with Section 21.10.050.
- 44
- 45 D. Review for Completeness. All applications ~~must~~shall be submitted to the
- 46 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 application, which list of persons, with the exception of the speakers at the
2 applicant-led community meeting, shall be provided by the Department of
3 Planning and Zoning to the applicant, and

- 4 f. All persons, other than City staff, who have provided written comments to
5 the Department of Planning and Zoning regarding the application, which list
6 of persons shall be provided by the Department of Planning and Zoning to
7 the applicant.
8

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

11 3. Prior to any public meeting or public hearing on an application, the applicant
12 must provide the Planning and Zoning Director with verification of mailing of
13 written notification. An applicant must provide evidence that notices of the
14 public hearing were mailed not less than fifteen days prior to the date of hearing.
15

16 C. Notice of Formal Public Hearing. If notice of a formal public hearing is required,
17 unless specific notice procedures are otherwise provided for in another Division II
18 chapter of the Zoning Code, notice must be given as follows:
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20 1. Notice of the application and any required public hearings at which the
21 application will be considered shall be published in a newspaper of general
22 circulation in the City at least fifteen days before the hearing.

23 2. Notice must be posted on the property that is the subject of an application by the
24 applicant or the property owner, if not the same, at least fifteen days prior to any
25 public hearing on the application and in a manner prescribed by the Planning
26 and Zoning Director. Any sign posted on a property by an applicant must be
27 removed by the applicant within seven days following the close of the public
28 hearing. Failure to post shall be governed by Subsection (A)(4) above.
29

30 D. Notice of Public Meeting. If notice of a public meeting at which an application may
31 be considered is required, unless specific notice procedures are otherwise provided
32 for in another Division II chapter of the Zoning Code, notice must be given as
33 follows:
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35 1. Notice of the application and any public meeting at which the application will be
36 considered shall be published in a newspaper of general circulation in the City
37 no fewer than fifteen days before the meeting.
38

- 39 i. Notice must be posted on the property that is the subject of an application at
40 least fifteen days prior to any public meeting on the application and in a
41 manner prescribed by the Planning and Zoning Director. Any sign posted
42 on a property by an applicant must be removed by the applicant within
43 seven days following the public meeting.
44

45 E. Notice of Decision. Notice of any decision on the application by the Planning and
46 Zoning Director or the decision making body, must be given to the applicant, 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 **Summary of Public Meetings (PM) Public Hearings (PH)**

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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

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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.