



**City of Annapolis**  
Planning Commission  
Department of Planning & Zoning  
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May 18, 2018

#### MEMORANDUM

**To:** Annapolis City Council

**From:** Planning Commission

**Re:** Findings for Ordinance 14-18, for the purpose of clarifying notice requirements and applicability requirements for community meetings and other matters generally related to the development review process.

#### Summary

The purpose of Ordinance 14-18 is to clarifying the notice requirements for community meetings, to which projects the community meeting requirement applies, and to designating the Office of the Mayor as the point of contact for obtaining a list of associations whose membership could be affected by a proposed development and who thereby must be notified. The ordinance also makes editorial corrections.

#### Background and Analysis

This ordinance is a piece of legislation subsequent to a previous ordinance that created the requirements that development applicants conduct a community meeting; it also enhanced notification requirements and required Planning Commission review for Major Site designs. Specifically, 0-14-18 stipulates which associations (e.g., homeowners, business, community) must be notified before a community meeting can be held and that the Mayor's office will keep a list of contacts. In addition, it modifies the threshold for specific developments that must meet the requirements. The purpose of the clarifying language is mostly to address a court proceeding that deemed the notification requirements and parts of the legislation ambiguous.

Based on some of the impacts of the ordinance, additional changes to the thresholds for community meetings and notifications have been changed from Major Site Design proposals to those proposals that meet the threshold under Title 22, Certificate of Adequacy. The thresholds for Certificate of Adequacy is defined as developments that are eleven residential dwelling units or more or proposals that are more than 10,000 square feet. However, that would also include development proposals that generate more than 250 average daily trips.

The Department has identified other unintended consequences associated within these sections of the Subdivision regulations and Zoning Code. Specifically, the notification requirements under both of those sections appear to be redundant and inconsistent with the intention of the legislation. The effect of the ordinance, as written, is that every project or application that is subject to Section 21.10.020(B) for Notice to Abutting Property Owners, will be required to send written notifications to the Alderman of the Ward and to Community Associations, in addition to the owners within 200ft.

### **Public Hearing and Deliberations**

The Planning Commission held a public hearing on May 3, 2017 and Alderman Arnett was the only individual to speak at the hearing. Alderman Arnett provided his perspective on the intent of the legislation. In addition, the Planning Commission did receive written testimony from Mr. Alan Hyatt. The Law Office also provided guidance as to the court proceeding and the purpose of the legislation and guided the Commission members to focus on the clarifying language and not proceed in reviewing other changes associated with the legislation.

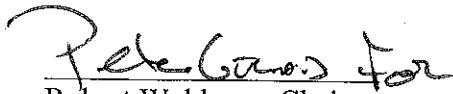
The Planning Commission then went through a review of each proposed amendment and the purposes provided by Mr. Hyatt. The Commission also reviewed the Department's recommendation and further clarification of the Development Review process. Commission members discussed the notification requirements and how that will be logistically completed as well as what information the City would need to complete the notification lists.

### **Recommendation**

After extensive discussion, the Planning Commission recommended by a vote of 5-0 to APPROVE passage of O-14-18 with the following amendments:

- To include the Departments recommended amendments as provided in the Staff Report dated April 20, 2018
- On page 3 line 30 after the word "persons" add the words PROPERTY MANAGERS
- On page 3 line 33 after the word "area" add the words ABUTS AND/OR
- On Page 3 line 41 after the word "associations" add the words AND CONTACT INFORMATION
- On page 4 line 12 after the word "associations" add the words AND CONTACT INFORMATION

Adopted this 18<sup>th</sup> day of May, 2018

  
Robert Waldman, Chair