

O-14-18

Amendments to the Development Review Process

Rules and City Government Proposed Amendments

(contains revisions requested at Rules Cmte Mtg on 7/10/18, 9/11/18 and 10/18/18)

Amendment 1:

Page 2, lines 13-42: Require that applicants proposing subdivisions that will contain a new street will be required to hold a community meeting in compliance with City Code 21.10.010(B), and delete redundant Code provisions.

Page 2, lines 13-42:

C. When a subdivision will contain a new street, the subdivider shall conduct a community meeting in accordance with the following Section 21.10.010(B), Community Meeting.:

- ~~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.~~

EXPLANATION

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

Underlining indicates matter added to existing law.

Double underlining indicates amendments.

As Amended:

Page 2, Lines 13-42:

C. When a subdivision will contain a new street, the subdivider shall conduct a community meeting in accordance with Section 21.10.010(B), Community Meeting.

Rationale:

Require that applicants proposing subdivisions that will contain a new street will be required to hold a community meeting in compliance with City Code 21.10.010(B), and delete redundant Code provisions.

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Amendment 2:

Page 3, Lines 31-40, and Page 4, Lines 7-19, Page 6, Lines 27-46, and Page 7, Lines 1-14: Clarify that a list of community associations will be maintained by the Office of the Mayor, provide direction on required public notice and timing of information, and remove redundant language.

Page 3, Lines 31-40:

- B. Community Meeting. The purpose of a community meeting is to inform persons and community associations, including but not limited to, homeowners associations, condominium associations, resident associations, and business associations. ~~whose membership catchment area encompasses the proposed development who reside or own property in close proximity to the land that will be subject to the prospective development application, and provide t~~The potential prospective applicant shall the opportunity to discuss ~~address~~ the items identified by the Planning and Zoning Director’s checklist and receive comments and identify ~~concerns about the development proposal so that the prospective applicant may address~~become aware of those comments and concerns before submission and formal consideration of the application. The list of associations and their contact information shall be provided~~maintained~~ by the Office of the Mayor to the applicant.

As Amended:

- B. Community Meeting. The purpose of a community meeting is to inform persons and community associations, including but not limited to, homeowners associations, condominium associations, resident associations, and business associations. The prospective applicant shall address the items identified by the Planning and Zoning Director’s checklist and receive comments and concerns about the development proposal so that the prospective applicant may become aware of those comments and concerns before submission and formal consideration of the application. The list of associations and their contact information shall be maintained by the Office of the Mayor.

Page 4, Lines 7-19:

3. Before a community meeting may be held, the prospective applicant shall provide notice: ~~(a)~~ in accordance with Section 21.10.020(A) and (B) of this Code; and (b) 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 the persons and associations encompassed in this paragraph who reside or own property in close proximity to the land that will be subject to the application. A community

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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.

As Amended:

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. 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.

Page 6, Lines 26-46, and Page 7, Lines 1-14 (Revised at 9/5/18, 9/11/18 and 10/18/18 Rules Cmte mtgs):

1. The applicant ~~must~~shall send written notification to:
 - a. All parties with a financial or vested interest in the property that is the subject of the application,
 - b. Property owners and tenants of property located within two hundred feet of any property boundary of the proposed development~~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, any Community Association, including but not limited to, homeowners associations, condominium associations, resident associations, and business associations mailing address is whose geographic boundaries lie within 200 feet of the proposed development. , whose membership catchment area encompasses the proposed development. Condominium Association, Resident Association, and Business Association functioning within geographical proximity to the proposed development which~~ The list of associations and their contact information, including the name of the association's president or other person in a position of authority, the association's mailing address, and the association's email address shall be provided~~maintained~~ by the Department of Planning and Zoning~~Office~~ of the Mayor 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 occurred regarding the application, as provided under section 21.10.020F of the city code, 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 within five business days following the applicant's written request for such list, 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 within five business days following the applicant's written request for such list, and,;~~

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ge. In the case of a required community meeting, cause to be published, in a newspaper of general circulation in the city at least fifteen days before the community meeting, notification of such meeting.

2. Notice of public hearings shall be mailed not less than fifteen days prior to the date of hearing.
3. Prior to any public meeting or public hearing on an application, the applicant shall provide the Planning and Zoning Director with verification of mailing of written notification. An applicant shall provide evidence that notices of the public hearing were mailed not less than fifteen days prior to the date of hearing.

As Amended:

1. The applicant shall send written notification to:
 - a. All parties with a financial or vested interest in the property that is the subject of the application,
 - b. Property owners and tenants of property located within two hundred feet of any property boundary of the proposed development,
 - c. The Alderperson representing the ward for which the project is planned,
 - d. The President or other person in a position of authority of any Community Association, including but not limited to, homeowners associations, condominium associations, resident associations, and business associations whose geographic boundaries lie within 200 feet of the proposed development. The list of associations and their contact information, including the name of the association's president or other person in a position of authority, the association's mailing address, and the association's email address shall be maintained by the Office of the Mayor,
 - 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, as provided under section 21.10.020F of the city code, which list of persons shall be provided by the Department of Planning and Zoning to the applicant within five business days following the applicant's written request for such list,
 - 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 within five business days following the applicant's written request for such list, and,
 - g. In the case of a required community meeting, cause to be published, in a newspaper of general circulation in the city at least fifteen days before the community meeting, notification of such meeting.
2. Notice of public hearings shall be mailed not less than fifteen days prior to the date of hearing.
3. Prior to any public meeting or public hearing on an application, the applicant shall provide the Planning and Zoning Director with verification of mailing of written notification. An

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applicant shall provide evidence that notices of the public hearing were mailed not less than fifteen days prior to the date of hearing.

Rationale:

To ensure broad notification regarding potential development proposals to community associations, the Office of the Mayor should identify community associations and should maintain a list of such associations and their contact information so that applicants may provide notice of development applications to such community associations. Because an applicant shall mail notices not less than 15 days before a hearing per existing Code provisions 21.10.020 B. 2. and 3., the Department of Planning and Zoning should be required to provide the required lists within a specified timeframe following an applicant's request for such lists so that the applicant may meet its notice obligations in a timely manner as mandated by the Code.

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Amendment 3:

Page 3, Lines 42-47: Clarify that community meetings are required for original applications for major site design plans and planned developments, and for major modifications to such approvals.

Page 3, Lines 42-47:

1. Required Community Meeting. A community meeting shall be held before submission of ~~the following types of an~~ applications: for a proposed project that meets the applicability requirements stated in that requires a certificate of adequate public facilities under Title 22 of the City Code and for a proposed subdivision that will contain a new street.

~~a. Major site design plan applications;~~

~~b. Planned development applications.~~

As Amended:

1. Required Community Meeting. A community meeting shall be held before submission of an application that requires a certificate of adequate public facilities under Title 22 of the City Code and for a proposed subdivision that will contain a new street.

Rationale:

Clarify that a community meeting is only required in specified circumstances.

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Amendment 4:

Page 8, table entitled “Summary of Public Meetings (PM) Public Hearings (PH)”, row entitled “Major Site Design Plan”, column entitled “Planning Commission”, and Page 9, Line 3: Establish provisions for processing site design plans associated with special exception applications.

As Amended:

Page 8, table entitled “Summary of Public Meetings (PM) Public Hearings (PH)”, row entitled “Major Site Design Plan”, column entitled “Planning Commission” insert footnote “2”:

Summary of Public Meetings (PM) Public Hearings (PH)

Type of Application	Planning and Zoning Director	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Community Meetings (PM)
Major Site Design Plan	Optional PM	PH ²				PM

Page 9, Line 3 insert: (language stricken at 9/11/18 Rules Cmte meeting)

~~² A site design plan associated with a proposed special exception shall not be considered by the Planning Commission, and shall be decided by the Planning and Zoning Director.~~

Rationale:

The amendment will ensure that applications for special exceptions do not require bifurcated processing with separate public hearings before and separate decisions by both the Board of Appeals and the Planning Commission.

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Amendment 5:

Page 9, Lines 5-7: Clarify that changes to the City Code will not apply to projects already in the pipeline.

Page 9, Line 4 insert: (edits included from the 10/18/18 Rules Cmte meeting)

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~~it existed at the time the application was submitted to the Planning and Zoning Department; and any development applications submitted after the effective date of this Ordinance shall be governed by Title 20 and Title 21 as amended by this ordinance.

Page 9, Lines 5, after Section strike “II”, insert “III”

As Amended:

SECTION ~~II~~ 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.

Rationale:

Clarify that, in order to promote predictability and fairness, changes to the City Code will not apply to projects already in the pipeline.

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