



Legislation Details (With Text)

File #: O-10-20 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 3/2/2020 **In control:** City Council

On agenda: 9/14/2020 **Final action:** 10/12/2020

Title: Zoning Code Applications - Written Notification Requirement - For the purpose of increasing the distance for sending written notification to abutting NEARBY property owners for Planned Developments, Major Subdivisions, and Major Site Design applications.

Sponsors: Dajuan K. Gay, Rob Savidge, Elly Tierney

Indexes: Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-10-20 Major Development Written Notification First Reader.pdf, 2. O-10-20 Staff Report.pdf, 3. O-10-20 Fiscal Impact Note.pdf, 4. O-10-20 PC Findings and Recommendations.pdf, 5. O-10-20 Amendment 1 - Gay.pdf, 6. O-10-20 Amendment 2 - Savidge WITHDRAWN.pdf, 7. O-10-20 Amendments 3-5 - Tierney.pdf, 8. O-10-20 Amendment 6 - Rules Committee.pdf, 9. O-10-20 SIGNED.pdf

Date	Ver.	Action By	Action	Result
10/12/2020	1	Rules & City Government Committee	recommend with amendments	Pass
10/12/2020	1	Rules & City Government Committee	Recommend Favorably-Amendment	Fail
10/12/2020	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
10/12/2020	1	Rules & City Government Committee	withdrawn without objection	
10/12/2020	1	Rules & City Government Committee	Recommend Favorably-Amendment	Fail
10/12/2020	1	Rules & City Government Committee	Recommend Favorably-Amendment	Fail
10/12/2020	1	Rules & City Government Committee	Recommend Favorably-Amendment	Fail
10/12/2020	1	City Council	amended	Pass
10/12/2020	1	City Council	amended	Pass
10/12/2020	1	City Council	adopt as amended	Pass
10/12/2020	1	City Council	adopt on third reader	Pass
10/12/2020	1	City Council	adopt on second reader	Pass
10/6/2020	1	Rules & City Government Committee		
9/8/2020	1	Rules & City Government Committee	postpone	Pass
7/27/2020	1	City Council	declare the public hearing closed	
6/9/2020	1	Rules & City Government Committee	postpone	Pass

5/12/2020	1	Rules & City Government Committee	postpone	Pass
4/27/2020	1	City Council	declare the public hearing closed	
4/13/2020	1	City Council	declare the public hearing left open	
3/9/2020	1	City Council	approve	Pass
3/9/2020	1	City Council	refer	
3/9/2020	1	City Council	refer	

Zoning Code Applications - Written Notification Requirement - For the purpose of increasing the distance for sending written notification to ~~abutting~~ NEARBY property owners for Planned Developments, Major Subdivisions, and Major Site Design applications.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 10-20

Introduced by: Alderman Gay

Co-sponsored by: Alderman Savidge and Alderwoman Tierney

**Referred to
Planning Commission
Rules and City Government
180 day Rule: 9/14/20**

AN ORDINANCE concerning

**Zoning Code Applications -
Written Notification Requirement**

FOR the purpose of increasing the distance for sending written notification to ~~abutting~~ NEARBY property owners for Planned Developments, Major Subdivisions, and Major Site Design applications.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2020 Edition
21.10.020

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 21 - PLANNING AND ZONING
Chapter 21.10 - GENERAL APPLICATION PROCEDURES AND FEES**

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~~ NEARBY Property Owners. If the Zoning Code Division II provisions applicable to a specific type of application provide for notice to ~~abutting~~ NEARBY property owners, unless specific notice procedures are otherwise provided for in another Zoning Code chapter, notice must be given as follows:

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~~ 200 feet of any property boundary of the proposed development, EXCEPT THAT THIS WRITTEN NOTIFICATION REQUIREMENT SHALL BE ~~750~~ 400 FEET FOR PLANNED DEVELOPMENTS, SUBDIVISIONS THAT DO NOT MEET THE CRITERIA FOR AN EXEMPTION UNDER SECTION 20.08.030, AND MAJOR SITE DESIGN PLAN APPLICATIONS,
 - 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, EXCEPT THAT THIS WRITTEN NOTIFICATION REQUIREMENT SHALL BE ~~750~~ 400 FEET FOR PLANNED DEVELOPMENTS, SUBDIVISIONS THAT DO NOT MEET THE CRITERIA FOR AN EXEMPTION UNDER SECTION 20.08.030, AND MAJOR SITE DESIGN PLAN APPLICATIONS. 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, and,
 - e. 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 must 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 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) 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			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				
Subdivisions ¹		PH				PM

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:

UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.