



Legislation Text

File #: O-14-18, Version: 1

Development Review Process Amendments - For the purpose of clarifying the notice requirements for community meetings; clarifying the project applicability requirements for required community meetings; 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; making minor editorial corrections; and matters generally relating to the review process for all significant and substantial projects.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 14-18

Introduced by: Alderman Arnett

**Referred to
Planning Commission
Rules and City Government Committee**

AN ORDINANCE concerning

Development Review Process Amendments

FOR the purpose of clarifying the notice requirements for community meetings; clarifying the project applicability requirements for required community meetings; 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; making minor editorial corrections; and matters generally relating to the review process for all significant and substantial projects.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2018 Edition
20.08.020
21.10.010
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 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~~ 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.~~

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~~shall 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. A pre-application conference with the Planning and Zoning Director 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 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 ~~the~~ 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.
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.~~
 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: ~~(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 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.

4. 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 thirty 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 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.

- C. Application Forms and Submittals. All applications required under this Zoning Code ~~must~~shall 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~~shall be accompanied by required application fees in accordance with Section 21.10.050.

- D. Review for Completeness. All applications ~~must~~shall 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~~shall determine whether the application is complete. If the Planning and Zoning Director determines that the application is not complete, the Director ~~will~~shall 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~~shall be taken by the City on the application until the deficiencies are corrected.

- E. 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~~shall be deemed withdrawn and ~~will~~shall 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~~shall 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~~shall 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~~shall, to the extent possible, simultaneously process applications related to the same proposed development or activity, ~~soas~~as long as all Zoning Code requirements for a particular application are satisfied. However, if the ~~proposal~~application requires Historic Preservation Commission approval, that approval ~~will~~shall 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~~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,;~~
- 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 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 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 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.

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.

EXPLANATION

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