



**Zoning Ordinance and Subdivision Regulations Rewrite
Meeting with MBIA
September 9, 2016**

The purpose of this discussion was to present Clarion Associates' recommendations contained in Module 3 for process and administration, and to discuss the concerns and questions of the group. Questions and comments are identified by **bold text**. Responses to questions and additional presenter comments are identified by normal text.

Do pre-application public meetings require a posted notice?

Yes. The pre-application public meetings require a posted notice.

Would there be a legal challenge to having the Zoning Hearing Examiner (ZHE) decide special exceptions instead of the Council?

No. The Council may delegate its authority regarding special exceptions, and has chosen to do so with most special exceptions (to the ZHE) in the current Zoning Ordinance.

Is the community still able to appeal to the District Council for site plans?

Yes. However, only people who are "aggrieved" may be allowed to appeal.

If a minor site plan is appealed to the planning board, would it be considered a major site plan?

Will the Planning Board's review of the case be an appellate review?

No, an appeal of a minor site plan to the Board does not elevate it to a major site plan. Yes, the Planning Board's review of that case would be an appellate review.

Will the Planning Director have the ability to impose conditions of approval?

Yes.

Will there be a change to the actual Hearing Process? If so, are the changes mandated by the new code?

Clarion has recommended some procedural/rule changes. The procedural changes are recommended by Clarion as best practices. They are not forced by the rewrite.

Will the new code have high level changes, such as how Planning Board members are chosen?

No, the new Zoning Ordinance will not speak to Planning Board selection.

Why are adjustments appealed to the District Court?

The ZHE decides the adjustment. The Circuit Court is the next authority. Similar to Variances, which are decided by the Board of Zoning Appeals.



Is the Alternative Compliance process maintained in the updated Landscape Manual?

Yes.

What constitutes a change in a nonconforming use? Since certification of nonconforming uses will not be continued, where can a property owner go if they cannot provide the necessary information to prove their nonconformance?*

The nonconformance process for apartment buildings is very complex. How will this be addressed in the new code?

If a trip cap is exceeded in the site plan process, the development is required to go through the preliminary plan of subdivision process again. This is very burdensome. Will the new APF requirements address this circumstance?

It is recommended that the consultant team test a standard residential subdivision that is a mix of single-family homes and townhouses.