

ARTICLE 12 APPLICATION AND REVIEW PROCEDURES

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Sec. 5.12.01. Purpose and Intent.

- A. Fairness and Equity. Provide a clear and comprehensible development review process that is fair and equitable to all interests including applicants, affected neighbors, and the City;
- B. Orderly Review Process. Establish an orderly review process for all proposed projects involving construction of a building or other structure, any site improvements or alterations or a modification in the use of land within the city that is consistent with this Chapter;
- C. Compliance with Chapter. Ensure that land, parcels, and lots are appropriately developed so that their use and operation comply with all applicable requirements of this Chapter;
- D. Adequate Infrastructure. Provide adequate and efficient facilities and/or infrastructure, land, rights-of-way, and easements so as not to burden the fiscal resources of the City. These provisions include the construction of buildings and utilities, streets and sidewalks, and landscaping;
- E. Open Spaces. Provide functional open spaces, landscape buffers and other elements which contribute to creating an attractive, healthy and sustainable environment within the city; and
- F. Provide for Health, Safety, and General Welfare. Ensure development in compliance with this Chapter will be generally harmonious with surrounding properties and not endanger the health, safety, and general welfare of existing, prospective, or future owners, users, surrounding and adjoining properties, and the public.

Sec. 5.12.06. Neighborhood Meeting.

- A. Purpose. The purpose of a neighborhood meeting is to educate occupants and owners of nearby properties about the proposed development application, receive comments and address concerns about the development proposal; and identify and address conflicts and issues, where possible, prior to consideration by the required reviewing authorities. The meeting is intended to result in an application that can be made more responsive to neighborhood concerns and thereby allow for the potential to expedite and lessen the expense of the review process by avoiding delays.
- B. Applicability.
 - 1. At least one (1) development-specific neighborhood meeting using the Recommended Procedure in C., below, is strongly suggested for any project where a public hearing is required. For minor individual applications (minor variances, etc.), where a neighborhood

meeting may not be as useful, individual or small-group discussions with nearby property owners or residents are encouraged. For applications requiring a Good Neighbor Plan per the requirements of D., below, at least one (1) neighborhood meeting is required prior to submission of the Special Land Use application and draft Good Neighbor Plan. The applicant is responsible for all costs associated with the meetings.

2. If not previously held, the Director and/or required reviewing authority may direct an applicant to conduct a neighborhood meeting if the proposed project is expected to affect the character of the neighborhood, significant land use issues, appearance concerns, traffic issues, effects on public facilities, or other potential effects on neighboring lands.
3. Refusal by the applicant to hold a neighborhood meeting shall not unnecessarily delay or discontinue the review process; however, the required reviewing authority may postpone a decision to allow additional time to gather input and information on testimony made during the public hearing.

C. Recommended Procedure. The following procedures are recommended for all neighborhood engagement efforts.

1. Notice.

- a. Notice of neighborhood meetings should be given to neighbors and/or neighborhood and/or business association representatives and to the Planning Department as provided below.
- b. Notice shall be provided at least fourteen (14) days prior to the neighborhood meeting by a postcard delivered by mail, for all addresses within a three hundred (300) foot radius of the subject property. Other means may also be used, including but not limited to hand-delivered fliers or door hangers, phone calls, emails, social media, canvassing, or advertisements or articles in a neighborhood newsletter, if applicable.
- c. Notice Requirements. Any notification shall include the following:
 - i. Date, time, and location of the meeting(s),
 - ii. Brief description of the proposal and address of the subject property,
 - iii. Contact information for the applicant and/or representative(s).
 - iv. Statement that requests for interpretation or other reasonable accommodations should be made by contacting the applicant at least seven (7) days prior to this meeting.
 - v. If a public hearing for the proposal by the Planning Commission or other reviewing authority has been scheduled at the time the notice is sent, the date, time, and location of that public hearing shall be included in the notice language.
- d. Printed materials shall be legible. The notice may include Braille.

2. Meeting Details.

- a. The meeting (or last meeting in the case of multiple meetings) shall be held as close to fourteen (14) days prior to the date of application submission and/or the Planning

Commission public hearing, as possible. If multiple meetings are held, the meeting times and days should be different for each.

- b. The distance of the meeting location from the subject property should be within one (1) mile, or as close as reasonably possible or where adequate venues may be found. The location should be easily accessible and ADA compliant.
3. The purpose of the meeting is to permit the applicant to explain the development proposal, answer any questions, respond to concerns, and propose ways to resolve any identified conflicts.
4. Following the meeting and prior to the public hearing, the applicant shall submit any sign-in sheets and a summary of the issues and discussions from the meeting to the Director for forwarding to the required reviewing authority. Any other correspondence received from the affected neighborhood regarding the meeting shall be forwarded to the Planning Department at least five (5) days prior to the public hearing.
5. City staff may be invited or elect to attend the neighborhood meeting, but will generally not serve as facilitators or be involved in substantive discussions. Involvement by City staff, if any, may be solely for purposes of advising the attendees regarding the review process and applicable ordinance requirements and review standards.

D. The Good Neighbor Plan (GNP)

1. Purpose. The purpose of the GNP is to identify and propose measures to reduce potential negative impacts on nearby residents and businesses by specific uses. The coordination and collaboration of owners or operators with interested parties both before and after the development or licensing process allows for a proactive approach to create a positive working relationship between the community and the applicant by requiring the formulation of a written implementation program. This Section provides a consistent method of addressing issues and likely areas of concern.
2. Applicability. Any land use specifically required to submit a Good Neighbor Plan (GNP) shall comply with the following provisions.
3. Additional Special Land Use information. In addition to the Use Regulations of Article 9, a Special Land Use application must include all the following:
 - a. Good Neighbor Plan. A written implementation program containing the items listed below.
 - i. Measures to ensure proper crime prevention and awareness training.
 - ii. Training in the handling of State-regulated substances, where applicable.
 - iii. Litter control.
 - iv. Loitering control.
 - v. Trespass enforcement.
 - vi. Landscape maintenance.

- vii. Neighborhood communication.
 - viii. Statement attesting to compliance with the City’s anti-discrimination policies and ordinances related to hiring, housing, and public accommodation practices, as applicable.
 - ix. For marijuana facilities, a Marijuana Industry Voluntary Equitable Development Agreement (MIVEDA), if offered and incorporated into the application in accordance with Article 9 Use Regulations, Section 5.9.19 Marijuana Facilities.
- b. Mitigation. Some uses by the nature of the activities occurring within, on, or around the subject property may create adverse effects on the neighborhood, business, or industrial district, or any area in which the facility is situated. Potential effects associated with operations, and opportunities to mitigate those effects, shall be taken into consideration in the development of a GNP, Special Land Use, and Site Plan Review request. Considerations shall include the following.
- i. The adverse effects, if any, that the hours of operation of the proposed establishment will have upon neighboring properties, with special attention to noise, odors, litter, loitering, parking, and glare from exterior lighting or headlights on nearby residential properties.
 - ii. The amount and degree of law enforcement activities which could reasonably be anticipated to be generated by the proposed establishment, both outside and inside, with special emphasis upon noise, calls for service, trespass enforcement, parking, traffic, and vandalism.
 - iii. Whether the proposed use makes adequate provisions to eliminate the potential for adverse effects upon the stability of adjacent areas by depreciating the desirability of the property or nearby properties by the placement of the use; or, conversely, escalating rents or property values that could displace residents or businesses and how the requested use might reasonably protect the surrounding area so as not to have an adverse effect on values and existing residents and businesses.
 - iv. How the proposed use balances mobility options so as ensure increased access and opportunity for those who might not own or be able to operate a vehicle, and to avoid an excessive parking burden or increased congestion in the general area.
- c. Notification. Notice shall be provided at least fourteen (14) days prior to the neighborhood meeting by a postcard delivered by mail, for all addresses within a three hundred (300) foot radius of the subject property. This notice shall comply with the requirements of Section 5.12.06.C.1.c.
- d. Record of Good Faith. The GNP must be accompanied by written verification that the owner, operator, manager, or a representative of the parent company met with or attempted in good faith to meet with the local recognized organization(s), adjacent property owners, Corridor Improvement Authority or similar, and Planning Department. The written verification must include all the following:
- i. A copy of the notice and the names and addresses of those notified of the applicant's intent to meet;

- ii. A copy of the time, date, and location of any meetings, and the names, addresses, and phone numbers of those who participated in the meetings;
 - iii. A copy of the draft GNP and, if applicable, the site plan sent to the neighborhood association and as presented at the meetings, if different; and
 - iv. Identification of those components of the GNP which were agreed upon and those which were unresolved, plus a summary of any additional items discussed during the meeting(s).
 - v. The GNP must be completed and submitted to the Director no later than 12 p.m., Eastern time, at least eight (8) days prior to the Planning Commission's public hearing for the application.
- e. A statement attesting to the community engagement efforts by the applicant as indicated within the Good Neighbor Plan shall be included from the neighborhood association or organization, and from the board of the Corridor Improvement Authority, if applicable. If the local recognized organization has a board of directors, land use committee, or similar, the applicant shall meet with at least one (1) of those groups prior to the attestation by a representative of that organization. An attestation by a representative should not be construed to be equivalent to support of the applicant's proposal.