

In preparation for the October 30th effective date of the new zoning code, the Planning Department wants to do all that we can to help people through the transition process. Since March 5, 2014 when the text was adopted, questions have arisen about submitting plans between now and October 30th. In order to ensure that any party who wishes to qualify for review under the old zoning code may do so within the requirements of the law and the Planning Department's rules for accepting filings, we provide the following guidance concerning the timing of development applications.

How to Ensure Timely Filing

In order to be considered "filed," and therefore qualify for review under the old zoning code, an application must be submitted and deemed to be complete by the Planning Department before October 30, 2014. An application submitted but not deemed to be complete by October 29, 2014 will not qualify for review under the old zoning code.

Section 7.7.B.1 of the new zoning code, which governs an "Application in Progress before October 30, 2014," reads as follows:

1. Any development plan, schematic development plan, diagrammatic plan, concept plan, project plan, sketch plan, preliminary plan, record plat, site plan, special exception, variance, or building permit filed or approved before October 30, 2014 must be reviewed under the standards and procedures of the Zoning Ordinance in effect on October 29, 2014.

Based on the Planning Department's longstanding practice of reviewing applications for completeness, the word "filed" means that an application has not only been submitted but also has been deemed complete by October 29th. Therefore, to be safe we recommend that anyone wishing to have a plan reviewed under the old code submit their plan by Tuesday, September 2nd, to ensure that there is sufficient time for the initial review of the submittal, and, if necessary, resubmission and a second review. Although theoretically applications could be submitted as late as Friday, October 15th (given that staff is allowed ten days to do their initial review), if your application is **not** deemed to be complete after that initial review, there will be no time left to make changes to your application, so you would then have to resubmit under the provisions of the newly adopted code.

Limits on the Amendment of Pending Applications

A party who wishes to submit an application under this grandfathering provision should apply for the full density and height that they ultimately wish to achieve because, under Section 7.7.B.3 of the new zoning code, in order to qualify for review under the old code, an increase in proposed density can be no greater than 10% of the total square footage originally requested or 30,000 square feet, whichever is less. An increase in density that exceeds the 10% or 30,000 square feet must be reviewed under the new code.

Staying Active

For those applications submitted under the old code and deemed complete by the October 29th deadline, it is still necessary for an applicant to continue moving the plan forward over the twelve months following the acceptance date. Otherwise, the plan will be deemed inactive and will no longer

qualify for review under the old code. Please see the Development Review Manual for additional information about procedures relating to inactive plans.

Planning Board Review

Finally, you can file plans under the zoning established by the new code at any point in time, but such plans cannot be taken to the Planning Board for action before the newly adopted code and comprehensive map become effective on October 30, 2014.