



City of Annapolis
Signature Copy
O-33-23



..Title

Expiration of Special Exceptions to City Zoning Requirements - For the purpose of making the deadline for builders to utilize their special exception to City zoning requirements from one year to two years; making the issuance of a grading or building permit as the point when the special exception is "established"; adds requirements on when special exceptions expire; and generally related to the expiration of special exceptions.

..Body

CITY COUNCIL OF THE
City of Annapolis

Ordinance 33-23

Introduced by: Alderman Schandelmeier

Referred to

Planning Commission

Rules and City Government Committee

AN ORDINANCE concerning

Expiration of Special Exceptions to City Zoning Districts

FOR the purpose of making the deadline for builders to utilize their special exception to City zoning requirements from one year to two years; making the issuance of a grading or building permit as the point when the special exception is "established"; adding requirements on when special exceptions expire; and generally related to the expiration of special exceptions.

BY repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2024 Edition:
21.26.070

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 21.26 – Special Exceptions
Section 21.26.070 - Expiration.

STRIKE § 21.26.070 IN ITS ENTIRETY AND INSERT THE FOLLOWING:

- A. Special Exception Established.** A special exception shall be deemed to be established upon the issuance of a use permit for the special exception use.
- B. Expiration of Special Exception Not Established.**
1. In any case where a grading permit or building permit to implement the special exception use has not been established within two years after the date of the granting of the special exception, a major modification to the special exception, a minor modification the Director deems significant, or an extension of the special exception prior to the adoption Ordinance-33-23 the special exception shall expire.
 2. The Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two successive extensions of the special exception for periods of not longer than one year each; provided that, a written request for each extension prior to the expiration of the special exception.
 3. In any case where a special exception use has not been established within four years after the date of granting the special exception, modification of the special exception, or extension of the special exception prior to the adoption of O-33-23, the special exception shall expire.
 4. The Board of Appeals, in its discretion and upon a showing that neighborhood or area conditions surrounding the special exception have not materially changed in a manner which would show that the special exception use at the particular approved location would now have adverse effects above and beyond those effects inherently associated with such a special exception use irrespective of its location within the zoning district, may grant additional extensions of the special exception for periods of not longer than one year each; provided that, a written request for each extension prior to the expiration of the special exception.
- C.** This § 21.26.070(B) shall apply retroactively to all special exceptions approved by the Board of Appeals since January 1, 2020.
- D. Cessation of Established Special Exception Use.**
1. An established special exception expires if the special exception ceases for more than one year after issuance of a use permit for the special exception use; or
 2. The Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two successive extensions of a special exception use which has ceased for more than one year provided that, a written request for each extension is filed while the special exception is still valid.

Explanation: ~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates a change to the City Code.
Underlining & black - copyediting or reformatting of existing Code section
Underlining & red - new matter added to the code.
Underlining & blue - amendment


D. Destruction or damage of special exception use.

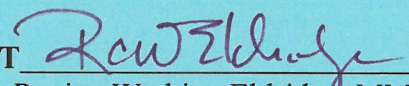
In the case of a building or structure that is destroyed or damaged by fire, or another casualty, or an act of God, the Planning and Zoning Director may approve the re-establishment of the use provided that restoration is actively and diligently pursued to completion in a timely fashion.

ADOPTED this 12th day of November 2024.

Aye: 9 Mayor Buckley, Alderman Huntley, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Gay, Alderman Savidge and Alderman Arnett

**THE ANNAPOLIS CITY
COUNCIL**


Gavin Buckley, Mayor Date: 11-20-2024

ATTEST 
Regina Watkins-Eldridge, MMC,
City Clerk Date: 11/20/24

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