



**City of Annapolis**

**Signature Copy**

**Ordinance: O-26-17**

160 Duke Of Gloucester  
Street  
Annapolis, MD 21401

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**File Number: O-26-17**

**Zoning District Boundary Adjustments** - For the purpose of removing the requirement that the Board of Appeals shall not extend the regulations to an extent greater than the lesser of twenty percent of the total area of the tract or five thousand square feet; removing consideration of "unique conditions" from the review criteria and findings requirements; and matters generally relating to applications concerning zoning district boundary adjustments involving a zoning district boundary that divides a tract in single ownership.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 26-17**

**Introduced by: Alderman Arnett**

**Referred to**

Planning Commission  
Rules and City Government

**AN ORDINANCE** concerning

**Zoning District Boundary Adjustments**

**FOR** the purpose of removing the requirement that the Board of Appeals shall not extend the regulations to an extent greater than the lesser of twenty percent of the total area of the tract or five thousand square feet; removing consideration of "unique conditions" from the review criteria and findings requirements; and matters generally relating to applications concerning zoning district boundary adjustments involving a zoning district boundary that divides a tract in single ownership.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2016 Edition

21.06.040

21.20.010

21.20.030

**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 - DIVISION I**  
**Chapter 21.06 - ZONING DISTRICTS AND MAPPING**

**21.06.040 - Lots divided by zoning district boundaries.**

Where a ZONING district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for ~~either portion~~THE MAJORITY of the tract to any contiguous portion of the tract ~~included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.~~

**TITLE 21 - PLANNING AND ZONING - DIVISION II**  
**Chapter 21.20 - ZONING DISTRICT BOUNDARY ADJUSTMENTS**

**21.20.010 - Purpose and authority.**

Where a zoning district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures below, may approve an application to extend the zoning district regulations for ~~either portion~~THE MAJORITY of the tract to any contiguous portion of the tract ~~included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.~~

**21.20.030 - Review criteria and findings.**

The Board of Appeals may grant a zoning district boundary adjustment based upon the following findings:

A. Unique Conditions. ~~The conditions upon which an application for a zoning district boundary adjustment are unique to the property and are not applicable, generally, to other property within the same zoning classification.~~OWING TO CONDITIONS PECULIAR TO THE PROPERTY AND NOT BECAUSE OF ANY ACTION TAKEN BY THE APPLICANT, A LITERAL ENFORCEMENT OF THE ZONING LAW WOULD RESULT IN UNNECESSARY HARDSHIP OR PRACTICAL DIFFICULTY AS SPECIFIED IN THE ZONING LAW.

B. Public Welfare and Safety. The granting of the district boundary adjustment will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood in which the property is located.

C. Surrounding Properties. The proposed adjustment will not impair an adequate supply of light

and air to adjacent property, or substantially increase the congestion of the public streets, or increase the danger of fire, or endanger the public safety, or substantially diminish or impair property values with the neighborhood.

D. PROPERTY SIZE. THE GRANTING OF A ZONING DISTRICT BOUNDARY ADJUSTMENT SHALL BE LIMITED TO PARCELS OF ONE ACRE OR LESS IN SIZE.

E. LOCATION. THE ZONING DISTRICT BOUNDARY ADJUSTMENT IS FOR A PROPERTY LOCATED IN WARD 8.

**SECTION II: 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**

CAPITAL LETTERS indicate matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments

ADOPTED this 23rd day of October, 2017.

**Aye:** 7 Alderman Paone, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Littmann, Alderman Kirby, Alderman Pfeiffer and Alderman Arnett

**Nay:** 1 Mayor Pantelides

**Abstain:** 1 Alderman Budge

THE ANNAPOLIS CITY COUNCIL Michael J. Pantelides  
Michael J. Pantelides

Date 11-1-2017

ATTEST Regina C. Watkins-Eldridge, MMC  
Regina C. Watkins-Eldridge, MMC

Date 11/1/17

