

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

7 **..Body**

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CITY COUNCIL OF THE  
**City of Annapolis**

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**Ordinance 33-23**

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**Introduced by: Alderman Schandelmeier**  
**Co-sponsored by:**

17 **Referred to**  
 18 Planning Commission  
 19 Rules and City Government Committee

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AN ORDINANCE concerning

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**Expiration of Special Exceptions to City Zoning Districts**

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

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**BY** repealing and reenacting with amendments the following portions of the Code of the City  
 of Annapolis, 2023 Edition:  
 21.26.070

35 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
 36 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

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**Title 21 – PLANNING AND ZONING**  
**Chapter 21.26 – Special Exceptions**  
**Section 21.26.070 - Expiration.**

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A. Special Exception Established. A special exception shall be deemed to be established upon the issuance of a grading or building permit for improvements to implement the special exception use.

**Explanation:**

~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates copyediting or reformatting of existing law  
Underlining & red indicate new matter added to the code.

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 2 B. A- **Special Exception Not Established.** In any case where a special exception has not been  
 3 established within ~~one~~two years after the date of granting the special exception, the  
 4 special exception shall expire. However, the Board of Appeals, in its discretion and upon  
 5 a showing of good cause, may grant up to two successive extensions of the granting of  
 6 the special exception for periods of not longer than ~~six months~~one year each; provided  
 7 that, a written request for each extension is filed while the prior grant is still valid.  
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9 **C. Cessation of Special Exception Use.** ~~A special exception expires if it ceases for more  
 10 than six months. In the case of a building or structure which is destroyed or damaged by  
 11 fire or other casualty or act of God, the Planning and Zoning Director may approve the  
 12 reestablishment of the use provided that restoration is actively and diligently pursued to  
 13 completion in a timely fashion.~~

- 14 1. A special exception expires if:
- 15 a. The special exception ceases for more than six months after issuance of a  
 16 use permit for the special exception use; or
  - 17 b. Prior to the issuance of a use permit for the special exception use, grading  
 18 or building work pursuant to a grading or building permit to implement the  
 19 special exception ceases for six months or after three years.
- 20 2. Prior to the issuance of a use permit for the special exception use, the Board of  
 21 Appeals, in its discretion and upon a showing of good cause, may grant up to two  
 22 successive extensions of the special exception for periods of not longer than one  
 23 year each; provided that, a written request for each extension is filed while the  
 24 special exception is still valid.

25 **D. Destruction or damage of special exception use.** ~~In the case of a building or structure  
 26 that is destroyed or damaged by fire, or another casualty, or an act of God, the Planning  
 27 and Zoning Director may approve the re-establishment of the use provided that  
 28 restoration is actively and diligently pursued to completion in a timely fashion.~~

30 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
 31 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect upon passage.  
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**Explanation:**

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