

..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
Co-sponsored by:**

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, 2023 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.**

- 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.

1
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.
8

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.~~
29

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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