

1 **..Title**  
 2 **Planning and Zoning – Appeal Procedures** – For the purpose of clarifying the procedures  
 3 governing an appeal of a decision of the Planning and Zoning Director; making stylistic changes;  
 4 and generally related to appeal procedures.

5 **..Body**

6 **CITY COUNCIL OF THE**  
 7 **City of Annapolis**

8 **Ordinance 34-19**

9 **Introduced by: Alderman Arnett**

10  
 11  
 12  
 13 **Referred to**  
 14 **Planning Commission**  
 15 **Rules and City Government Committee**

16  
17  
18 **AN ORDINANCE** concerning

19  
20 **Planning and Zoning – Appeal Procedures**

21  
22 **FOR** the purpose of clarifying the procedures governing an appeal of a decision of the Planning  
23 and Zoning Director; making stylistic changes; and generally related to appeal procedures.

24  
 25 **BY** repealing and re-enacting with amendments the following portions of the Code of the City  
 26 of Annapolis, 2019 Edition  
 27 21.30.010  
 28 21.30.020  
 29 21.30.030  
 30 21.30.040

31  
32  
33 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
34 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

35  
 36 **Title 21 – PLANNING AND ZONING**  
 37 **Chapter 21.30 - APPEALS**

38  
39 **Section 21.30.010 - Purpose and authority.**

40  
 41 A. ~~An appeal may be taken to the Board of Appeals by a person aggrieved, or by an officer,~~  
 42 ~~department, board or bureau of the City~~ **SUBJECT TO PARAGRAPH B, A PERSON**  
 43 **aggrieved by a decision of the Planning and Zoning Director ON AN APPLICATION MAY**  
 44 **APPEAL TO THE BOARD OF APPEALS** ~~other than the issuance of a misdemeanor citation.~~

45

1 B. A PERSON AGGRIEVED BY THE ISSUANCE OF A MUNICIPAL INFRACTION  
 2 CITATION SERVED BY THE DIRECTOR OF PLANNING AND ZONING OR BY A  
 3 MISDEMEANOR CITATION INITIATED BY THE DIRECTOR MAY NOT APPEAL TO  
 4 THE BOARD OF APPEALS.

5  
 6 **Section 21.30.020 - Procedures.**

7  
 8 A. Appeal Procedures. An appeal may be taken within thirty days after the decision ~~or the action~~  
 9 complained of, by filing with the PLANNING AND ZONING Director ~~from whom the appeal~~  
 10 ~~is taken~~ a notice of appeal specifying the grounds of the appeal. The Director ~~from whom the~~  
 11 ~~appeal is taken~~ shall, at the SOLE expense of the appellant, forthwith transmit to the Board of  
 12 Appeals all of the papers constituting the record upon which the action appealed from was  
 13 taken.

14  
 15 B. Review Procedures.

16  
 17 1. Notice and Hearing. The Board of Appeals shall select a reasonable time and place for  
 18 the hearing of the appeal. Notice of the hearing ~~must~~ SHALL be given in accordance with  
 19 the notice requirements set forth in Sections 21.10.020(B) and 21.10.020(C).

20 2. STANDING. IF THE APPELLANT IS NOT THE APPLICANT, THE APPLICANT  
 21 SHALL HAVE PARTY STATUS AND BE PERMITTED TO PARTICIPATE IN THE  
 22 APPEAL IN THE MANNER DESCRIBED IN SUBPARAGRAPH 4.

23 3. BURDEN OF PROOF. THE HEARING BEFORE THE BOARD OF APPEALS  
 24 SHALL BE DE NOVO. THE APPELLANT SHALL HAVE THE BURDEN OF  
 25 PROOF.

26 4. PROCEDURE. THE BOARD OF APPEALS SHALL ALLOW THE APPELLANT,  
 27 THEN THE APPLICANT, TO CONDUCT DIRECT EXAMINATION, CROSS  
 28 EXAMINATION, RE-DIRECT EXAMINATION, AND RE-CROSS EXAMINATION  
 29 OF WITNESSES IN THAT ORDER.

30 ~~25.~~ Decision. The Board OF APPEALS shall reach its decision within forty days from the  
 31 date of the hearing. The Board ~~of Appeals~~ may affirm or reverse, wholly or in part, or  
 32 may modify the order, requirement, decision or determination as ought to be made or the  
 33 Board may issue a new order, requirement, decision or determination. To that end, the  
 34 Board has all the powers of the PLANNING AND ZONING DIRECTOR ~~officer from~~  
 35 ~~whom the appeal is taken.~~

36 ~~36.~~ Notice of Decision. The PLANNING AND ZONING Director ~~from whom the appeal is~~  
 37 ~~taken~~ shall give notice of the decision OF THE BOARD OF APPEALS in accordance  
 38 with the requirements ~~set forth in~~ OF Section 21.10.020(E).

39 ~~47.~~ Record of Decisions. The Planning and Zoning Director shall maintain records of all  
 40 actions of the Board of Appeals relative to appeals taken ~~from their actions~~ pursuant to  
 41 this section.

42  
 43 **Section 21.30.030 - Stay pending appeal.**

44  
 45 An appeal to the Board of Appeals pursuant to the preceding section shall stay all ACTIONS  
 46 ON THE APPLICATION WHICH IS THE SUBJECT OF THE APPEAL ~~proceedings in~~

1 ~~furtherance of the action appealed only as provided by the Land Use Article of the Annotated Code~~  
2 ~~of Maryland (or its successors).~~

3  
4  
5 **Section 21.30.040 – ~~Appeal~~JUDICIAL REVIEW.**

6  
7 Any person aggrieved by any decision of the Board of Appeals may ~~appeal~~FILE A PETITION  
8 FOR JUDICIAL REVIEW OF that decision to the eCircuit eCourt of Anne Arundel County.  
9

10  
11 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
12 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.  
13

14  
15 **Explanation:**

16 UPPERCASE indicates matter added to existing law.

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

18 Underlining indicates amendments.  
19