



Legislation Details (With Text)

File #: O-26-17 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 5/9/2017 **In control:** City Council

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Title: 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.

Sponsors: Ross Arnett

Indexes: Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-26-17 Zoning District Boundary Adjustments Ordinance.pdf, 2. O-26-17 Staff Report.pdf, 3. O-26-17 PC Findings to CC.pdf, 4. O-26-17 Fiscal Impact.pdf, 5. O-26-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
10/23/2017	1	City Council	adopt on second reader	Pass
10/23/2017	1	City Council	amendment(s) approved	Pass
10/23/2017	1	City Council	amendment(s) approved	Pass
10/23/2017	1	City Council	amended	Pass
10/23/2017	1	City Council	adopt on third reader	Pass
10/17/2017	1	Rules & City Government Committee	postpone	Pass
9/25/2017	1	City Council	declare the public hearing closed	
5/9/2017	1	City Council	adopt on first reader	Pass
5/9/2017	1	City Council	refer	
5/9/2017	1	City Council	refer	

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