



Legislation Details (With Text)

**File #:** O-32-21      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 7/21/2021      **In control:** Rules & City Government Committee

**On agenda:** 7/26/2021      **Final action:** 10/25/2021

**Title:** Zoning Code - Use and Occupancy Permits - For the purpose of providing procedures for issuance of use and occupancy permits under the Zoning Code; providing timelines for the approval of a permit; requiring a maintenance bond; and generally relating to the use and occupancy permitting process.

**Sponsors:** Gavin Buckley

**Indexes:** Planning Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-32-21 First Reader, 2. O-32-21 Staff Report, 3. O-32-21 Fiscal Impact Note, 4. O-32-21 Staff Report to PC, 5. O-32-21 PC Findings to CC, 6. O-32-21 Amendments 1-2 Finlayson, Savidge, Arnett, 7. O-32-21 SIGNED

Date	Ver.	Action By	Action	Result
10/25/2021	1	City Council	adopt on second reader	Pass
10/25/2021	1	City Council	amended	Pass
10/25/2021	1	City Council	adopt as amended	Pass
10/25/2021	1	City Council	adopt on third reader	Pass
10/21/2021	1	Rules & City Government Committee	recommend with amendments	Pass
10/21/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
10/21/2021	1	Rules & City Government Committee	Recommend Favorably-Amendment	Pass
10/13/2021	1	Rules & City Government Committee		
10/11/2021	1	City Council	declare the public hearing closed	
10/5/2021	1	Rules & City Government Committee	postpone	Pass
7/26/2021	1	City Council	adopt on first reader	Pass
7/26/2021	1	City Council	refer	
7/26/2021	1	City Council	refer	

**Zoning Code - Use and Occupancy Permits -** For the purpose of providing procedures for issuance of use and occupancy permits under the Zoning Code; providing timelines for the approval of a permit; requiring a maintenance bond; and generally relating to the use and occupancy permitting process.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance 32-21**

**Introduced by: Mayor Buckley**  
**Co-sponsored by:**

**Referred to**  
**Planning Commission**  
**Rules and City Government**

AN ORDINANCE concerning

**Zoning Code - Use and Occupancy Permits**

**FOR** the purpose of providing procedures for issuance of use and occupancy permits under the Zoning Code; providing timelines for the approval of a permit; requiring a maintenance bond; and generally relating to the use and occupancy permitting process.

**BY** repealing and reenacting with amendments the following portions of the Code of the City of Annapolis, 2021 Edition

- 21.12.020
- 21.12.030
- 21.12.040
- 21.12.060

**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 21.12 - - USE AND OCCUPANCY PERMITS**

**Section 21.12.020 Application requirements.**

- A. Applicability. A use and occupancy permit shall be obtained from the Planning and Zoning Director before any person shall:
1. Use or occupy, or permit or cause to be used or occupied, any building erected after the effective date of this Zoning Code.
  2. Change the use OR OCCUPANCY, or permit or cause a change in the use OR OCCUPANCY, of any existing building or to make any change in a nonconforming use.
  3. Occupy or use any vacant land.
  4. Enlarge any use with respect to the unit of measurement specified in this Zoning Code as the basis for determining the amount of off-street parking, whether the same is specified in terms of floor area, dwelling units, seats or any other element of size or use.
  5. WITH THE EXCEPTION OF SINGLE DWELLING NON-MULTIFAMILY RESIDENTIAL UNITS, MAKE ANY CHANGE IN OWNERSHIP OF A STRUCTURE OR BUSINESS.
  6. IN ACCORDANCE WITH THE BUILDING CODE, UNDERTAKE ANY NEW CONSTRUCTION OR ALTERATION FOR ANY STRUCTURE, AND STRUCTURES UNDERGOING ALTERATIONS ARE FURTHER GOVERNED BY THE APPLICABLE PROVISIONS OF SECTION 101.4 OF THE INTERNATIONAL BUILDING CODE.
- B. Eligible Applicants. No person may submit an application for a use and occupancy permit if that person

or if the owner, occupier or tenant of the subject property shall have been issued any pending, unsatisfied, or unpaid citation for any municipal infraction or misdemeanor provided by the City building laws or Zoning Code or Charter or if any such person shall have not completed any remedial or corrective action ordered by any department of the City charged with the enforcement of said laws. For the purposes of this section, a building and/or Zoning Code citation or order pending before any City board, commission, agency or department or before any court shall be considered pending, unsatisfied, unpaid and not completed.

- C. Affidavit of Eligibility. The applicant shall submit with its application for a use and occupancy permit, an affidavit affirming under penalty of perjury that neither the applicant nor any owner, occupier or tenant of the subject property has been issued any pending, unsatisfied or unpaid citation, and that no such person has failed to complete any remedial or corrective action ordered by a department of the City as described in Subsection B of this section.
- D. Waiver. The Director of Planning and Zoning, in consultation with the City Attorney, THE DEPARTMENT OF PUBLIC WORKS, AND THE FIRE DEPARTMENT, may waive the requirements of the Subsections B and C of this section after the Director makes a written determination that for reasons set forth therein, such a waiver is in the best interest of the City and does not imperil, or prolong an existing peril, to life or property.

#### Section 21.12.030 Procedures.

- A. Application Procedures. All applications for a use and occupancy permit shall be submitted to the Director of Planning and Zoning in accordance with the requirements established by the Director of Planning and Zoning and the following requirements:
  - 1. An application for a use and occupancy permit may be made in writing and be signed by the property owner or applicant, if not the property owner, attesting to the truth and exactness of all information supplied on the application form provided by the Director of Planning and Zoning.
  - 2. Application for a use and occupancy permit shall be made at the same time as the application for a building permit and a written request for issuance shall be made to the Director of Planning and Zoning after the completion of the work covered by the building permit.
  - 3. The Director of Planning and Zoning shall review an application for a use and occupancy permit for the use of vacant land or for a change in the use of land or a building, for a change in a nonconforming use, for the enlargement of a use, or for the continuation of a use.
  - 4. THE DIRECTOR OF PLANNING AND ZONING SHALL CONSULT WITH THE DEPARTMENT OF PUBLIC WORKS AND THE FIRE DEPARTMENT TO INCORPORATE, WHERE APPROPRIATE, THEIR REVIEW AND APPROVAL INTO THE USE REQUIREMENTS SET FORTH IN THIS CHAPTER 21.12.
- B. Review Procedures. The Director of Planning and Zoning shall inform the applicant in writing of the Director's decision within thirty days of the determination of completeness of the application.

#### Section 21.12.040 Review criteria; TIME OF ISSUANCE.

- A. THE DIRECTOR OF PLANNING AND ZONING SHALL ISSUE A USE AND OCCUPANCY PERMIT UPON FINDING THAT~~if~~ the proposed use is in conformity with the provisions of this Zoning Code and all other applicable regulations, ~~the Director of Planning and Zoning shall issue a use and occupancy permit after~~ AND the structure has passed all applicable final inspections by other City departments, including but not limited to building, electrical, mechanical and fire inspections.
- B. A USE AND OCCUPANCY PERMIT MAY NOT BE ISSUED UNTIL AFTER THE DEPARTMENT OF PUBLIC WORKS, THE DEPARTMENT OF PLANNING AND ZONING, THE FIRE DEPARTMENT, AND THE HEALTH DEPARTMENT, WHEN APPLICABLE, HAVE INSPECTED

THE SITE AND VERIFIED THAT THE STRUCTURES AND THE SITE MEET CITY STANDARDS AND SPECIFICATIONS AND ARE IN ACCORDANCE WITH THE APPROVED GRADING PERMIT AND THE USE REQUIREMENTS SET FORTH IN THIS CHAPTER 21.12.

- C. IN CONSULTATION WITH THE DEPARTMENTS LISTED IN SUBSECTION B ABOVE, THE DIRECTOR OF PLANNING AND ZONING MAY ISSUE A CONDITIONAL USE AND OCCUPANCY PERMIT THAT LISTS SPECIFIC ITEMS THAT MUST BE COMPLETED AND A DEADLINE FOR FINAL INSPECTION. WHEN ALL CONDITIONS RECEIVE APPROVAL THROUGH A FINAL INSPECTION THE CONDITIONAL USE AND OCCUPANCY PERMIT WILL AUTOMATICALLY BE ISSUED AS A STANDARD USE AND OCCUPANCY PERMIT.
- D. A FINAL LOCATION SURVEY SHALL BE SUBMITTED BY THE APPLICANT FOR A NEW SINGLE DWELLING UNIT PRIOR TO A USE AND OCCUPANCY INSPECTION. THE FINAL LOCATION SURVEY SHALL BE AN OFFICIAL SURVEYOR'S DOCUMENT THAT DEMONSTRATES THE NEW SINGLE DWELLING UNIT WAS BUILT AT THE CORRECT LOCATION IN ACCORDANCE WITH THE APPROVED GRADING PERMIT.
- E. UNLESS A CONDITIONAL USE AND OCCUPANCY PERMIT IS ISSUED IN ACCORDANCE WITH 21.12.040.C, GRADING AND BUILDING PERMITS, AS APPLICABLE, SHALL PASS THEIR RESPECTIVE FINAL INSPECTION PRIOR TO APPROVING A USE AND OCCUPANCY PERMIT.
- F. WITHIN THE TIME AS MAY BE SPECIFIED IN THE CONDITIONAL USE AND OCCUPANCY PERMIT AS OUTLINED IN 21.12.040.C AND IN ADDITION TO THOSE REQUIREMENTS, ALL ITEMS SPECIFIED FOR GRADING PERMITS FOR THE CONDITIONAL USE AND OCCUPANCY APPROVAL MUST BE COMPLETED, INSPECTED, APPROVED AND AS-BUILT DRAWINGS, PREPARED BY A REGISTERED PROFESSIONAL ENGINEER, SUBMITTED AND ACCEPTED. FOLLOWING THAT APPROVAL AND ACCEPTANCE, A MAINTENANCE BOND WILL BE HELD FOR ONE YEAR AT WHICH TIME A FINAL INSPECTION OF THE WORK UNDER THE GRADING PERMIT WILL BE HELD AND IF APPROVED, THE MAINTENANCE BOND WILL BE RELEASED.

**Section 21.12.060 Violations.**

No use and occupancy permit validates any violation of any provision of any law or ordinance. On the final determination and serving of a notice of a violation of any provisions or requirements with respect to any building or land or the use of any building or land, the use and occupancy permit for the use ~~shall become~~ MAY BE DECLARED null and void BY THE DIRECTOR OF PLANNING AND ZONING, and a new use and occupancy permit shall be required for the building or land.

**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:**

- UPPERCASE indicates matter added to existing law.
- ~~Strikethrough~~ indicates matter stricken from existing law.
- Underlining indicates amendments.