



Legislation Text

File #: O-33-23, Version: 2

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.

**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.

- B. A. **Special Exception Not Established.** In any case where a special exception has not been established within ~~one~~two years after the date of granting the special exception, the special exception shall expire. However, the Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two successive extensions of the granting of the special exception for periods of not longer than ~~six months~~one year each; provided that, a written request for each extension is filed while the prior grant is still valid.
- C. **Cessation of Special Exception Use.** ~~A special exception expires if it ceases for more than six months. In the case of a building or structure which is destroyed or damaged by fire or other casualty or act of God, the Planning and Zoning Director may approve the reestablishment of the use provided that restoration is actively and diligently pursued to completion in a timely fashion.~~
1. A special exception expires if:
 - a. The special exception ceases for more than six months after issuance of a use permit for the special exception use; or
 - b. Prior to the issuance of a use permit for the special exception use, grading or building work pursuant to a grading or building permit to implement the special exception ceases for six months or after three years.
 2. Prior to the issuance of a use permit for the special exception use, the Board of Appeals, in its discretion and upon a showing of good cause, may grant up to two successive extensions of the special exception for periods of not longer than one year each; provided that, a written request for each extension is filed while the special exception is still valid.
- D. **Destruction or damage of special exception use.** In the case of a building or structure that is destroyed or damaged by fire, or another casualty, or an act of God, the Planning and Zoning Director may approve the re-establishment of the use provided that restoration is actively and diligently pursued to completion in a timely fashion.

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