



# LEGISLATIVE SUMMARY

O-33-24

Appeals Process for Property Development in Annapolis

This summary was prepared by the City of Annapolis Office of Law for use by members of the Annapolis City Council during consideration of the legislation.

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## BILL SUMMARY

O-33-24 standardizes the process for appealing City decisions regarding building plans in both Title 17 and Title 21 of the City Code. Title 21 addresses planning and zoning issues, which pertains to the planning phase of a development. Title 17 focuses on buildings and construction, covering the phase during which the plans are executed.

## BACKGROUND

The appeals process in the City Code varies based on when it was established. Some sections are vague, while others are very detailed.

Typically, the requirements for appealing a decision regarding property development within the City are as follows:

1. Individuals aggrieved by a City decision must first appeal to the City's Board of Appeals. During this time, all development and construction must halt until the Board issues decision.
2. Those dissatisfied with the Board of Appeals' decision may appeal to the Circuit Court but must notify the Planning and Zoning Director about the appeal.

While the City does not require development to stop during the Circuit Court appeal, the Court may impose a halt. Furthermore, although developers may continue construction at their own risk, they may be required to undo any work if the Court rules against them.



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## DETAILS

This section deal pertains to property that's under construction.

### **Section 17.48.300 - Nonresidential Property Maintenance**

The provision requiring construction to stop if City decisions are appealed to Circuit Court is removed.

These sections deal with City approval of different types of property development.

### **Section 21.22.120 - Site Design Plan Review**

Appeals requirements are added consistent with other sections.

### **Section 21.24.130 - Planned Developments**

Appeals requirements are added consistent with other sections.

### **Section 21.30.020 - Appeals of Variances, Special Exceptions, Planned Developments, etc.**

Subsection A is reformatted to current legislative writing style.

Subsection B adds criteria for the appeals process to make it similar to other sections' appeals process and requirements for burden of proof. The section is reformatted and copyedited to current legislative writing style.

### **Section 21.30.030 - Stays regarding Variances, Special Exceptions, Planned Developments, etc.**

There are no changes. This section requires *stays* (a stop work order on development) during appeals to the Board of Appeals.



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**Section 21.30.040 - Judicial Review Requirements regarding Variances, Special Exceptions, Planned Developments, etc.**

Appeals requirements are added consistent with other sections above.

**Section 21.56.110 - Historic District**

The stay provision is added, and the section is copyedited.

**Section 22.32.010 - Recreational Facilities**

Appeals requirements are added consistent with other sections above.

**Section 22.32.020 - Recreational Facilities**

The requirement that proceedings must be stayed during all appeals has been removed.