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### **Summary of Suggested Amendments to O-1-04**

The following is a summary listing of the suggested amendments to date organized by major or minor amendments. Minor amendments are essentially typographical errors. Please refer to the "Amendment Tracking" document for their sources and status.

You will notice that each amendment is assigned a letter. This is for identifying the proposed amendments as they arise. Eventually, all the amendments will be ordered and numbered by John Spencer, the Legislative Specialist. To avoid confusion, letters will be used up to that point.

1 **Major Amendments**

2  
3 **Amendment A** *[The Board of Appeals is currently established in two different*  
4 *places in the City Code. Sections 2.48.050 through 2.48.100 provides some*  
5 *general guidance in how this Board is to function, while Section 21.88.020*  
6 *provides more detailed guidance, but it is all focused on the zoning process.*  
7 *Outside of Title 21, there are 19 other references where appeals are to be made*  
8 *to the Board of Appeals including carnivals, Markethouse, swimming pools,*  
9 *towing, and design standards. The purpose of this amendment is to delete all*  
10 *references to Board of Appeals in Title 2 and make Section 21.08.040 consistent*  
11 *with both current practice and Section 4.07 of Article 66B of the Annotated Code*  
12 *of Maryland. This amendment would also provide for the appointment of*  
13 *alternate members since the Board has had difficulty achieving a quorum.]*

14  
15 On page 1, in line 25, insert the following:

16  
17 **“BY** repealing in its entirety  
18 Section 2.48.050  
19 Section 2.48.060  
20 Section 2.48.070  
21 Section 2.48.080  
22 Section 2.48.090  
23 Section 2.48.100  
24 Code of the City of Annapolis  
25 (1996 Edition and Supplement)”

26  
27 and

28  
29 On page R-1, after line 27, insert the following:

30  
31 **“Chapter 2.48**

32 **BOARDS, COMMISSIONS AND COMMITTEES\***

33 **Sections:**

- 34 **2.48.00A** Editor's note to Chapter 2.48.  
35 **2.48.00B** Article I. Commission on Aging  
36 **2.48.010** Established--Purpose--Organization.  
37 **2.48.020** Powers and duties generally.  
38 **2.48.030** Liaison--Program initiation.  
39 **2.48.040** Meetings.  
40 ~~**2.48.050** Established.~~  
41 ~~**2.48.060** Jurisdiction and authority.~~  
42 ~~**2.48.070** Rules.~~  
43 ~~**2.48.080** Judicial review.~~  
44 ~~**2.48.090** Public notices.~~  
45 ~~**2.48.100** Application fee.~~

1	<b>2.48.109A</b>	<b>Article III. Data Processing Committee</b>	
2	<b>2.48.110</b>	<b>Established.</b>	
3	<b>2.48.120</b>	<b>Composition.</b>	
4	<b>2.48.130</b>	<b>Duties.</b>	
5	<b>2.48.139A</b>	<b>Article IV. Human Relations Commission</b>	
6	<b>2.48.140</b>	<b>Composition.</b>	
7	<b>2.48.150</b>	<b>Officers--Rules.</b>	
8	<b>2.48.160</b>	<b>Powers.</b>	
9	<b>2.48.169A</b>	<b>Article V. Recreation Advisory Board</b>	
10	<b>2.48.170</b>	<b>Composition.</b>	
11	<b>2.48.180</b>	<b>Officers--Bylaws--Annual report.</b>	
12	<b>2.48.190</b>	<b>Duties.</b>	
13	<b>2.48.199A</b>	<b>Article VI. Risk Management Committee</b>	
14	<b>2.48.200</b>	<b>Established.</b>	
15	<b>2.48.210</b>	<b>Composition.</b>	
16	<b>2.48.220</b>	<b>Duties.</b>	
17	<b>2.48.229A</b>	<b>Article VII. Maritime Industry Advisory Council</b>	
18	<b>2.48.230</b>	<b>Established.</b>	
19	<b>2.48.240</b>	<b>Composition and terms.</b>	
20	<b>2.48.250</b>	<b>Duties.</b>	
21	<b>2.48.259A</b>	<b>Article VIII. Self Insurance</b>	
22	<b>2.48.260</b>	<b>Establishment of self insurance fund.</b>	
23	<b>2.48.270</b>	<b>Maintenance of monetary reserve.</b>	
24	<b>2.48.280</b>	<b>Management.</b>	
25	<b>2.48.290</b>	<b>Risk management responsibilities.</b>	
26	<b>2.48.300</b>	<b>Self insurance fund committee.</b>	
27	<b>2.48.310</b>	<b>Immunity.</b>	
28	<b>2.48.320</b>	<b>Transportation board.</b>	
29	<b>2.48.330</b>	<b>Environmental Commission Established.</b>	
30	<b>Section 2.48.00A Editor's note to Chapter 2.48.</b>		
31	*Editor's Note: This chapter encompasses provisions on a selected group of		
32	boards, commissions and committees. Others are established by the following		
33	provisions:		
34			
35	Alcoholic beverage control board		§ 7.12.030
36	<b>Board of Appeals</b>		<b>§ 21.08.040</b>
37	Board of canvassers		Ch. 4.32
38	Board of supervisors of elections		Ch. 4.08
39	City council committees		Ch. 2.16
40	Civil service board		§ 3.12.040
41	Disability retirement board		§ 3.36.175
42	Ethics commission		§ 2.08.030
43	Historic district commission		§ 21.62.040
44	Housing and community development committee		§ 21.88.040
45	Medical review board		Ch. 3.28
46	Parking and traffic advisory board		§ 12.08.070

1	Performance review	Ch. 2.60
2	Planning and zoning commission	§ 21.88.030
3	Plumbing board	§ 17.28.130
4	Police and fire retirement plan commission	§ 3.36.280
5	Transportation advisory board	§ 2.44.040

6  
7 **Section 2.48.050 — Established.**

8  
9 ~~There is created a board of appeals. The board of appeals shall consist of~~  
10 ~~five members who shall be residents and registered voters of the city and who~~  
11 ~~shall serve without compensation. The term of office of the members of the board~~  
12 ~~shall be three years. They shall be appointed by the mayor, confirmed by the city~~  
13 ~~council and removable for cause, upon written charges, and after public hearing.~~  
14 ~~Vacancies shall be filled for the unexpired term of any member whose term~~  
15 ~~becomes vacant.~~

16  
17 **Section 2.48.060 — Jurisdiction and authority.**

18  
19 ~~In addition to such jurisdiction and authority as may be granted to the~~  
20 ~~board by Article 66B of the Annotated Code of Maryland and Title 21 of this code,~~  
21 ~~the board of appeals shall have other jurisdiction and authority as may be~~  
22 ~~granted to it from time to time by ordinance of the city council.~~

23  
24 **Section 2.48.070 — Rules.**

25  
26 ~~The board may adopt rules as it deems necessary to govern the conduct~~  
27 ~~of its proceedings in addition to rules as it may adopt pursuant to the provisions~~  
28 ~~of Title 21 of this code.~~

29  
30 **Section 2.48.080 — Judicial review.**

31  
32 ~~All decisions and findings of the board, after public hearing, are final~~  
33 ~~administrative decisions and are subject to judicial review as may be authorized~~  
34 ~~by law.~~

35  
36 **Section 2.48.090 — Public notices.**

37  
38 ~~Except as otherwise provided by law, the board of appeals shall provide~~  
39 ~~public notice of any hearing by publication in at least one newspaper of general~~  
40 ~~circulation in the city not less than seven days prior to the hearing.~~

41  
42 **Section 2.48.100 — Application fee.**

43  
44 ~~Except where another amount is specified by law, any application, appeal~~  
45 ~~from an administrative decision, or other action to the board of appeals shall be~~

1 ~~subject to and accompanied by a fee as established by resolution of the city~~  
2 ~~council made payable to the director of finance. A fee paid pursuant to the~~  
3 ~~provisions of this section for the appeal of an administrative decision shall be~~  
4 ~~refunded if, at the conclusion of the proceedings before the board of appeals and~~  
5 ~~any subsequent judicial appellate proceedings related to the proceedings before~~  
6 ~~the board, the relief sought before the board of appeals is granted, and provided~~  
7 ~~the appellant has made application to the director of finance for the refund within~~  
8 ~~sixty days following the filing of the final decision.~~“

9  
10 and

11  
12 On page II-3, strike line 19 and all that follows through page II-4, line 16, and  
13 substitute the following:

14  
15 **Section 21.08.040 Board of Appeals.**

16  
17 **A. Establishment. There is created a Board of Appeals. The Board of**  
18 **Appeals shall consist of five members who shall be residents and registered**  
19 **voters of the City and who shall serve without compensation. The term of office**  
20 **of the members of the Board shall be three years. They shall be appointed by the**  
21 **Mayor, confirmed by the City Council and removable for cause, upon written**  
22 **charges, and after public hearing. Vacancies shall be filled for the unexpired term**  
23 **of any member whose term becomes vacant.**

24  
25 **B. Alternate member. An alternate member may also be appointed by**  
26 **the Mayor and confirmed by the City Council. The alternate member will sit on**  
27 **the Board when any other member is absent. When the alternate member is**  
28 **absent, the City Council may designate a temporary alternate. The alternate**  
29 **member is subject to paragraph A above.**

30  
31 **C. Powers and duties. The Board of Appeals shall have the following**  
32 **powers and duties:**

33 **1. To hear and decide appeals, pursuant to the provisions of Zoning**  
34 **Code Chapter 21.30 where it is alleged there is error in any order, requirement,**  
35 **decision or determination made by an administrative official or body in the**  
36 **enforcement of: (a) this Zoning Code; or (b) any ordinance adopted pursuant to**  
37 **this Zoning Code.**

38 **2. To hear and decide applications for special exceptions pursuant to**  
39 **Chapter 21.26 of this Zoning Code.**

40 **3. To hear and decide applications for variances from the terms of this**  
41 **Zoning Code, pursuant to the provisions of Chapter 21.28.**

42 **4. To hear and decide applications for planned developments**  
43 **pursuant to the provisions of Zoning Code Chapter 21.24.**

1 5 To hear and decide applications for zoning district boundary  
2 adjustments pursuant to the provisions of Zoning Code Chapter 21.20.

3 6. To hear and decide applications for change of nonconforming use  
4 pursuant to the provisions of Chapter 21.68.

5 7. To hear and decide all matters referred to it or upon which it is  
6 required to decide by any provision of the City Code, and as prescribed by Article  
7 66B of the Annotated Code of Maryland.

8  
9 D. Rules. The Board of Appeals shall adopt rules in accordance with  
10 the provisions of this section and in accordance with the provisions of Article 66B  
11 of the Annotated Code of Maryland. The Board shall adopt and amend rules as  
12 follows:

13 1, After a public session to consider the proposed rules or  
14 amendments, the Board shall adopt and periodically amend rules of practice and  
15 procedure.

16 2. The Board shall give reasonable notice of the date, time, and place  
17 of the public session and the category of rule or amendment to be considered at  
18 the session.

19 3. After approval by the Board, the rules of the Board of Appeals shall  
20 be published and shall be available to the public through the Department of  
21 Planning and Zoning.

22  
23 E. Meetings. The meetings of the Board of Appeals shall be held at  
24 the call of the chair and at other time determined by the Board. The Board shall  
25 provide public notice of any meeting by publication in at least one newspaper of  
26 general circulation in the City not less than seven days prior to the meeting. The  
27 chair or the acting chair may administer oaths and compel the attendance of  
28 witnesses. All meetings shall be open to the public. The Board shall make a  
29 transcript of all proceedings, showing the vote of each member on each question,  
30 or the member's absence or failure to vote. The board shall immediately file the  
31 transcript of its proceedings in the Office of Planning and Zoning. Each transcript  
32 shall be a public record. If a recording or a transcript of a recording is not  
33 prepared in the normal course of the Board's proceedings, the party who  
34 requests a copy of the recording or its transcript shall pay the cost of preparing  
35 the recording or transcript.

36  
37 F. Except where another amount is specified by law, any application,  
38 appeal from an administrative decision, or other action to the Board of Appeals  
39 shall be subject to and accompanied by a fee as established by resolution of the  
40 City Council made payable to the Director of Finance. A fee paid pursuant to the  
41 provisions of this section for the appeal of an administrative decision shall be  
42 refunded if, at the conclusion of the proceedings before the Board of Appeals and  
43 any subsequent judicial appellate proceedings related to the proceedings before

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1 the board, the relief sought before the Board of Appeals is granted, and provided  
2 the appellant has made application to the Director of Finance for the refund  
3 within sixty days following the filing of the final decision.  
4  
5  
6

1 **Amendment B** [This amendment deals with the table showing the summary of  
 2 review and decision making authority in Title 21. It reflects keeping decision  
 3 making authority for Planned Developments with the Board of Appeals. It also  
 4 shows the appropriate appeals processes for Sign Permits, Stop Work Orders/  
 5 Corrective Measures Orders, and Revocation of Permits.]

6  
 7 Page II-8

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
<b>Administrative</b>							
Administrative Adjustments	Decision			Appeal			
Administrative Interpretations	Decision			Appeal			
Change of Nonconforming Use	Decision			Appeal			
Demolition Permits (selected, per Chapter 21.14)	Decision			Appeal			
Determination of Nonconforming Use	Decision			Appeal			
Minor Site Design Plan	Decision			Appeal			
Use and Occupancy Permit	Review	Decision		Appeal			
Sign Permit	Review	Decision, pursuant to Chapter 17.60		Appeal			
Stop Work Order, Corrective Measures Orders		Decision, Appeals pursuant to Title 17					
Revocation of Permits		Decision Appeals pursuant to Title 17					
<b>Planning Commission</b>							
Business Planned Development	Review		Decision Recommendation	Appeal Decision			Appeal
Major Site Design Plan	Review		Decision	Appeal			
Residential Planned Development	Review		Decision Recommendation	Appeal Decision			Appeal

Type of Decision	Planning and Zoning Director	Director of Neighborhood and Environmental Programs	Planning Commission	Board of Appeals	Historic Preservation Commission	City Council	Circuit Court
<b>Board of Appeals</b>							
Appeal	Review			Decision			Appeal
Expansion of Nonconforming Use	Review		Recommendation	Decision			Appeal
Special Mixed Planned Development	Review		Recommendation	Decision			Appeal
Special Exception	Review		Recommendation	Decision			Appeal
Variance	Review			Decision			Appeal
Zoning District Boundary Adjustments	Review			Decision			Appeal
<b>Historic Preservation Commission</b>							
Certificate of Approval	Review				Decision		Appeal
<b>City Council</b>							
Zoning Map Amendment	Review		Recommendation			Decision	Appeal
Zoning Text Amendment	Review		Recommendation			Decision	Appeal

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1 **Amendment C** [*The Director of Neighborhood and Environmental Programs was*  
2 *incorrectly identified as the position making the decision to issue a use permit*  
3 *when the person has a pending, unsatisfied, or unpaid citation for any municipal*  
4 *infraction or misdemeanor. There was no intent to change this responsibility*  
5 *from the Director of Planning and Zoning. Thus, this amendment would leave the*  
6 *responsibility with P&Z.*  
7

8 On page II-17, in line 3, strike "Neighborhood and Environmental Programs" and  
9 substitute "Planning and Zoning"  
10  
11

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1 **Amendment D** *[The purpose of this amendment is to restore language*  
2 *inadvertently left out of O-1-04 relating to the issuance of Use Permits]*

3

4 Page II-17, line 27

5

6 **21.12.040 Review Criteria**

7 If the proposed use is in conformity with the provisions of this Zoning Code and  
8 all other applicable regulations, the Director of Neighborhood and Environmental  
9 Programs ~~may~~ shall issue a use and occupancy permit after the structure has  
10 passed all applicable final inspections by other city departments, including but  
11 not limited to building, electrical, mechanical and fire inspections.

12

1 **Amendment E** *[O-1-04 gives decision making authority for some types of*  
2 *Planned Developments to the Planning Commission. This amendment restores*  
3 *the decision making authority to the Board of Appeals on all Planned*  
4 *Developments. This amendment is by recommendation of the Planning*  
5 *Commission. A more extensive discussion of this can be found in the Planning*  
6 *Commission Findings and Recommendations dated March \*\*. It should be noted*  
7 *that this amendment language is not complete, as various references to the*  
8 *changed elements still need to be enumerated.]*

9  
10 **A. Authority to Approve.** ~~The authority to approve planned developments~~  
11 ~~shall be as follows:~~

- 12 1. ~~The Planning Commission is authorized to decide applications for~~  
13 ~~residential planned developments and business planned developments.~~  
14 2. ~~The Board of Appeals is authorized to decide applications for~~ **all**  
15 ~~special mixed planned developments.~~

16  
17 Page II-39, beginning at line 3, strike all text of 21.24.070. Refer to this section  
18 as "reserved". *[Note: The Planning Commission has expressed a desire to*  
19 *revisit the topic outside of the process for O-1-04. Thus, administratively, it*  
20 *makes sense to keep this number in reserve.]*

21  
22 Page II-40, line 22

23 **21.24.080 Procedures for Special-Mixed Planned Developments**

24 **A. Application Procedures.** ~~All special mixed planned development~~  
25 ~~applications must be submitted to the Planning and Zoning Director in~~  
26 ~~accordance with the requirements of Section 21.10.010 Common Procedures for~~  
27 ~~Review of Applications. Applications must be submitted on forms provided by~~  
28 ~~the Planning and Zoning Director and accompanied by any required fees,~~  
29 ~~preliminary or final plans or other required submittals.~~

1 **Amendment F** [This amendment adds back in the provision that a development  
2 with an FAR over 2 must be a planned development. As a related measure, it  
3 also makes clear that the FAR limit is 2 in the C1, C1A, BR, C2, C2A, PM2, C2P,  
4 districts unless otherwise specified, due to the fact that planned developments  
5 are not allowed in those districts. Previously, this was not explicit. Other districts  
6 do not allow planned developments, but they already have FAR limits lower than  
7 2.]

8  
9 Page III-3, Line 9

10  
11 **B. Planned development required for buildings over 45 feet and/or FAR**  
12 **over 2.** Unless otherwise specified in the development standards for an  
13 individual zoning district, no new building or existing building which is later  
14 altered, shall have a height in excess of 45 feet or contribute to a floor  
15 area ratio on its zoning lot greater than two unless the building is approved  
16 as a planned development in accordance with Chapter 21.24.

17 **C.** As used in this section, "floor area ratio" shall be calculated by dividing the  
18 total floor area of the building or buildings on any zoning lot (including the  
19 area of any above-grade off-street parking or loading facilities included in  
20 the building or buildings) by the area of the zoning lot and without regard  
21 to "net site area" or "gross development area" as those terms are used in  
22 connection with planned developments and Chapter 21.24.

23  
24 Pages III-77, III-78, III-86, III-87, III-88, III-97, add FAR column listing the FAR as  
25 2.

26  
27 Page III-89 (Add FAR of 2 where no FAR is currently specified).

1 **Amendment G** *[This amendment restores a provision inadvertently left out of O-*  
2 *1-04 relating to Uses deemed conforming in the R2-NC (formerly RC Overlay).]*

3  
4 Page III-12, beginning at line 4

- 5  
6 1. The following uses are deemed to be conforming, pursuant to  
7 Section 21.68.030 of this Zoning Code, provided they were legally  
8 existing on November 19, 1990:  
9 a. Single-family attached and detached dwellings, and  
10 b. Nonresidential uses, except for uses listed in subsection E.2. of  
11 this section.  
12 c. Multi-family units of five or fewer units.

1 **Amendment H** *[The following amendments are offered as corrections to the*  
2 *Critical Area section. Some are typo errors, while others correct errors that*  
3 *occurred in the translation to a new format.]*

4  
5 Page IV-3, line 9, *section doesn't exist, buffers incorporated into another section.*

6  
7 Page IV, line , *Error in wording left out non-BEA buffers*

8  
9 **21.54.020 Map**

10 The location and boundaries of the critical area overlay district and the included  
11 boundaries of the intensely developed areas, limited development areas,  
12 resource conservation areas, and ~~buffer exempt areas~~ **BEA buffer areas and**  
13 **non-BEA buffer areas** are set forth on the zoning map entitled "City of Annapolis  
14 Critical Area Map" which is incorporated in this section and made a part of this  
15 Zoning Code. The map, together with everything shown on the map and all  
16 amendments to the map, is as much a part of this Code as though fully set forth  
17 and described in this Code.

18  
19 Page IV-8, line 10, *Error - all of section 17.09.080 applies.*

20  
21 G. Trees shall be protected, preserved and replaced pursuant to the  
22 requirements of Section 17.09.080~~E~~.

23  
24  
25 Page IV-8, beginning at line 12. *As this regulation applies even when there is no*  
26 *subdivision, the titling and wording should reflect this, while keeping the language*  
27 *concerning subdivision as an element of the section.*

28  
29 **21.54.070 ~~Subdivision in Buffer Exemption Areas~~**

30 The state Critical Area Commission policy applies only to lots of record that  
31 existed as of December 1, 1985. ~~However, subdivision of grandfathered parcels~~  
32 ~~may be permitted if the subdivision, consolidation, or reconfiguration of the~~  
33 ~~parcels will result in an overall environmental benefit. Applications for~~  
34 ~~subdivision in buffer exempt areas shall be approved by the Critical Area~~  
35 ~~Commission. In no case shall the subdivision and the subsequent~~  
36 ~~redevelopment result in a greater area of impervious surface in the buffer.~~

37  
38 A. The review of the submission shall be based on the State of Maryland  
39 Buffer Exempt Area Policy dated April 5, 2000.

40  
41 B. All new construction, or enlargement of any structure in the Buffer Exempt  
42 Area shall be subject to:

43 1. **Posting of Property.** At the time of submissions of plans, notice must be  
44 posted for at least 14 days on the property that is the subject of the application in  
45 a manner prescribed by the Planning and Zoning Director.

1    **2. Public Comment Period.** During the posting period, and for seven days  
2 thereafter, the Planning and Zoning Director shall accept comments from the  
3 public that are relevant to the proper consideration of the submitted plans.  
4

5    **C.** Subdivision of grandfathered parcels may be permitted if the subdivision,  
6 consolidation, or reconfiguration of the parcels will result in an overall  
7 environmental benefit. Applications for subdivision in buffer exempt areas shall  
8 be approved by the Critical Area Commission. In no case shall the subdivision  
9 and the subsequent redevelopment result in a greater area of impervious surface  
10 in the buffer.

11  
12 Page IV-9, line 7 reference should be ...Section 17.09.080

13 Page IV-12, line 24, delete "and"

14 Page IV-18, line 33, *numbering error*

15

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1 **Amendment M** *[Change the word "should" to "shall" in order to make it*  
2 *mandatory]*

3  
4 Page R-2, lines 1-3

5  
6 Section 17.60.010.B

7 **B.** The Department of Planning and Zoning will review the sign permit  
8 application for consistency with the Zoning Code, pursuant to Chapter 21.70.  
9 Chapter 21.70 contains additional regulations for signs that ~~should~~ shall be  
10 consulted together with the regulations in this chapter.

11  
12

1 **Amendment N** *[Changes made by O-5-04 are reflected in this amendment.]*

2  
3 Page R-6, beginning at line 33

4  
5 **Section 17.60.160** **Sign vViolations--Penalty.**

6  
7 A person who violates this chapter is guilty of a municipal infraction and is  
8 subject to a fine **as established by resolution of the city council** ~~of one hundred~~  
9 ~~dollars for any single, initial violation and a fine of two hundred dollars for each~~  
10 ~~repeat or continuing violation.~~ The failure of a property owner or tenant to  
11 comply with a violation correction order issued by the director constitutes a single  
12 violation for each day that noncompliance continues.

13  
14 Page IV-28, lines 18-25

15  
16 **21.56.120** **Historic Preservation vViolations**

17 A. Any person(s) who willfully performs or allows to be performed any work  
18 without first obtaining a certificate of approval, fails to comply with any final notice  
19 issued pursuant to this article, or disregards a decision of the Commission will be  
20 in violation of the provisions of this article. A violation of the article shall be  
21 deemed a municipal infraction as stated in the city code. Each and every day  
22 that the violation continues shall be deemed a separate offense. Violators may  
23 be assessed a fine **as established by resolution of the city council** ~~not to exceed~~  
24 ~~400 dollars~~ for each day that the violation continues.

25 **Page II-59, beginning at line 31**

26 **21.36.030** **Planning and zoning infraction Penalty**

27 A. A person who violates this Zoning Code is guilty of a misdemeanor and  
28 shall be fined by the Director of Neighborhood and Environmental Programs **as**  
29 **established by resolution of the city council** ~~not more than 500 dollars for any~~  
30 ~~single, initial violation and not to exceed 500 dollars for each repeat or continuing~~  
31 ~~violation.~~

32 B. A person who violates any term, condition or provision of any certificate  
33 of approval, plan, use permit, variance or other permit issued or approved  
34 pursuant to this Zoning Code is guilty of a misdemeanor and shall be fined by the  
35 Director of Neighborhood and Environmental Programs **as established by**  
36 **resolution of the city council** ~~not more than 500 dollars for any single, initial~~  
37 ~~violation and not to exceed 500 dollars for each repeat or continuing violation.~~

1 **Amendment O** *[These changes incorporate O-20-03 that changed this section*  
2 *after its writing].*

3

4 Page R-7, lines 28-32

5

6 **Section 2.16.090.B**

7

8 B. An ordinance or charter amendment shall be discharged without  
9 the necessity of a motion, from any committee to which it has been referred, one  
10 hundred twenty days (120) after the vote taken on first reading. The ordinance or  
11 charter amendment shall thereafter be placed on the agenda of each regular  
12 meeting until final action is taken with regard thereto the next regular meeting.  
13 Any ordinance not passed within one hundred thirty (130) days after its  
14 introduction shall fail, unless by an affirmative vote of the members it is extended  
15 for up to 31 additional days. The provisions of this subsection shall not apply to  
16 an ordinance referred to the planning commission pursuant to Chapter Title  
17 21.86-32.  
18

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1 **Amendment P** *[In O-1-04, there are portions of code where only parts of a*  
2 *particular section is being changed. It is not our intent to remove any text that*  
3 *does not appear in O-1-04 for those items that are outside of Title 21. In order*  
4 *to ensure that only those sections that are meant to be altered are actually*  
5 *altered by the legislation, changes need to be made to the list of changed*  
6 *sections in the "By" clause at the beginning of the ordinance. In this case, there*  
7 *were no alterations to Sections 2.16.090A, C or D and they thus do not appear in*  
8 *the legislation.]*

9

10 Page 1, line 24 amend to read: Section 2.16.090**B**

1 **Minor Amendments**

2

3 **Amendment I** [The lists of zoning districts in 21.06.010, 21.40, 21.42, have  
4 some inconsistencies in terms of the names of the districts. This amendment  
5 makes all lists consistent with each other.]

6

7 **Amendment J** [This amendment fixes a typographical error in the Special  
8 Exceptions Chapter] Page II-47, line 24 ...Section 21.26.06 **50**.

9

10 **Amendment K** [This amendment corrects an incorrect reference]

11

12 Page III-99 Bulk Regulation Table WMM District  
13 Table Note #4 reference corrected as ~~21.46.020~~ **21.46.030**

14

15 **Amendment L** [There is an error in the Height and Bulk Chart following section  
16 21.56.170.]

17

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'
2	28'	<del>28'</del> <b>38'</b>
3	35'	45'

18

19

Amendment Tracking  
As of 6/11/2004

Amendment	Subject	Source	Notes	Status
A	Board of Appeals	Law Office/Board of Appeals	The provisions for an alternate member were suggested by the BOA.	Suggested
B	Decision making authority table	Planning Commission and Staff		Suggested
C	Issuance of use permits	Law Office		Suggested
D	Issuance of use permits	Staff		Suggested
E	Planned Developments	Planning Commission	Not complete as of 6/11/04	Suggested
F	FAR and Planned Developments	Jeff Halpern/Ald. Hammond	From HPC briefing	Suggested
G	R2-NC – Uses Deemed Conforming	Staff		Suggested
H	Critical Areas	Staff/Critical Area Staff		Suggested
I	List of Zoning Districts	Staff		Suggested
J	Special Excpetions – typo	Staff		Suggested
K	WMM Bulk Regulation Table typo	Staff		Suggested
L	Historic District Height and Bulk Chart typo	Staff		Suggested
M	Sign Permits	Ald. Tolliver	From 5/5/04 work session	Suggested
N	Fines (O-5-04)	Ald. Tolliver	From 5/5/04 work session	Suggested
O	Legislative timelines (O-20-03)	Ald. Tolliver	From 5/5/04 work session	Suggested
P	Title 2 omissions	Law Office		Suggested

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