

**CITY OF ANNAPOLIS  
SPECIAL MEETING OF THE CITY COUNCIL  
February 25, 2013 7:00 p.m.**

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call

Mayor Cohen  
Mayor Cohen  
Mayor Cohen  
City Clerk Watkins-Eldridge

**CITY COUNCIL CITATIONS**

Annapolis Opera  
"Paint the Town Red"

Mayor Cohen  
Mayor Cohen

**PETITIONS, REPORTS AND COMMUNICATIONS**

Reports by Committees  
Comments by the General Public

*A person appearing before the City Council with a petition, report or communication shall be limited to a presentation of not more than three minutes.*

**LEGISLATIVE ACTIONS  
ORDINANCES – 2<sup>ND</sup> READER**

**O-51-11Amd. Use and Redevelopment of Property in C2 Zoning Districts** – For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District. ***Proposed to be postponed.***

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11	4/23/12	11/27/11	5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11	5/31/12	Unfavorable
Economic Matters	11/14/11	5/31/12	Favorable
Planning Commission	11/14/11 1/23/12	7/21/11 3/1/12	Favorable Favorable w/ amd.

**O-52-11Amd. Rezoning Parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A** – For the purpose of rezoning parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A to C2, "Conservation Business" Zoning District. ***Proposed to be postponed.***

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11	4/23/12	11/27/11	5/12/12

Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11	5/31/12	Unfavorable
Economic Matters	11/14/11	5/31/12	Favorable
Planning Commission	11/14/11	7/21/11	Favorable
Maritime Advisory Board		1/5/12	Unfavorable

**O-31-12 Merging the Transportation Board and Parking Advisory Commission –**  
For the purpose of merging the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
10/8/12	12/10/12	11/13/12	1/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	10/8/12	12/19/13	Favorable
Rules and City Gov't	10/8/12	2/4/13	Favorable w/ amd.
Transportation	10/8/12	1/17/13	Favorable w/ amd.

**ORDINANCE – 1<sup>st</sup> READER**

**O-2-13 Lease of City Dock Space to Chesapeake Marine Tours –** For the purpose of authorizing for fiscal year 2019 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
2/25/13			5/24/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	2/25/13		
Environmental Matters	2/25/13		

**BUSINESS and MISCELLANEOUS**

1. Preliminary annexation review (per City Code Section 2.52.040); 44 Hudson Street, LLC
2. Approval of Special Event Applications per R-14-12: St. Patrick's Day Parade
3. Budget transfer

**UPCOMING CITY COUNCIL EVENTS**

Regular Meeting: Monday, March 11, 2013, 7:00 p.m. City Council Chambers  
Work Session: Thursday, March 21, 2013, 1:30 – 4:30 p.m. City Council Chambers  
Special Meeting: Monday, March 18, 2013, 7:00 p.m. City Council Chambers

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-51-11 Amended**

**Introduced by: Mayor Cohen Alderwoman Finlayson,  
Alderwoman Hoyle and Alderman Kirby**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11	4/23/12	11/27/12	5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11	5/31/12	Unfavorable
Economic Matters	11/14/11	5/31/12	Favorable
Planning Commission	11/14/11 1/23/12	5/31/12	Favorable

**A ORDINANCE** concerning

**Use and Redevelopment of Property in C2 Zoning Districts**

**FOR** the purpose of adding AN ADDITIONAL PERMITTED USE AND ADDING certain provisions governing use and redevelopment of property located in a C2 Zoning District.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition  
Section 21.42.080  
SECTION 21.48.020

**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:

**Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

**21.42.080 - C2 Conservation Business district.**

- A. Purpose. The C2 Conservation Business district is designed to encourage the preservation of the old City by allowing a compatible mixture of business and home crafts and shops, unique to the early development of the City.
- B. Uses. Uses that may be permitted in the C2 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48
- C. Development Standards. Chapter 21.50 contains the bulk regulations table for the C2 district.

D. Additional Standards.

1. All business, servicing or processing in the C2 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.
2. Food service establishment restrictions apply in the C2 district, see Section 21.64.300
3. Off-street loading spaces are not required in the C2 district.
4. WATERFRONT PROPERTIES DESIGNATED AS PART OF THE C2 CONSERVATION BUSINESS DISTRICT SHALL PROVIDE A PUBLIC PEDESTRIAN ACCESS ACROSS THE WATERWAY FRONTAGE OF THE PROPERTY.
5. UPON REDEVELOPMENT OF A SITE IN THE C2 ZONING DISTRICT, THOSE SCENIC VIEWS RECOGNIZED IN THE ANNAPOLIS COMPREHENSIVE PLAN OR OTHER PLANS ADOPTED AS AMENDMENTS THERETO BY THE ANNAPOLIS CITY COUNCIL MUST BE RESTORED OR PRESERVED. FOR PURPOSES OF THIS SECTION, REDEVELOPMENT SHALL MEAN NEW CONSTRUCTION, ALTERATIONS OR RENOVATIONS TO THE EXTERIOR OF THE STRUCTURE(S) ON THE SITE, NOT INCLUDING DECKS, WINDOWS, DOORS AND FAÇADE TREATMENTS OR OTHER IMPROVEMENTS WITHIN THE EXISTING FOOTPRINT AND BUILDING ENVELOPE, IN EXCESS OF FIFTY PERCENT (50%) OF THE VALUE OF THE IMPROVEMENTS ON THE SITE AS OF THE DATE OF PERMIT REQUESTS.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of Annapolis shall be amended to read as follows:

**21.48 – USE TABLES**

**21.48.020 – Table of Uses – Commercial and Industrial Zoning Districts**

P = Permitted Use; S = Special Exception Use; -Std = Use Subject to Standards (Chapter 21.64); A = Accessory Use; Blank = Not Permitted

A use, including a special exception use, that is not normally permissible as a permitted use or use subject to standards in a zoning district may be permitted in that district as a planned development use pursuant to Section 21.24.020.

**Important.** The notes at the end of the table are as much a part of the law as the table itself.

<u>USES</u>	<u>District B1</u>	<u>District B2</u>	<u>District B3</u>	<u>District B3-CD</u>	<u>District BCE</u>	<u>District BR</u>	<u>District C2</u>	<u>District C2A</u>	<u>District PM2</u>	<u>District I1</u>
<u>Boat Showrooms</u>			<u>P</u>	<u>P</u>	<u>P</u>					
<u>BOAT SHOWS</u>							<u>P<sup>5</sup></u>			



ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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Regina C. Watkins-Eldridge, MMC, City Clerk

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Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Policy Report**

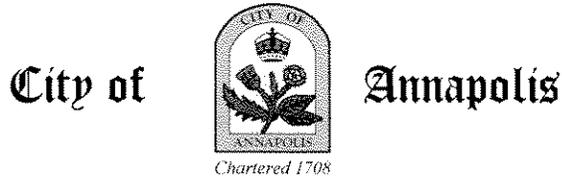
### **Ordinance O-51-11**

#### **Use and Redevelopment of Property in C2 Zoning Districts**

The proposed ordinance would add two provisions governing the use and redevelopment of property located in the C2 Zoning District. The first provision of O-51-11 would require public pedestrian access across the waterway frontage of property in the C2 Conservation Business District.

The second provision of the proposed ordinance would require restoration or preservation of scenic views recognized in the Comprehensive Plan (or amendments to it) upon the redevelopment of a site in the C2 Zoning District. The proposed ordinance defines redevelopment to mean new construction, alterations or renovations to the exterior of the structure(s) on the site in excess of 50% of the value of the improvements on the site as of the date of permit requests, excluding decks, windows, doors and façade treatments, or other improvements within the existing footprint and building envelope.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.1184 or JCCowles@annapolis.gov.



**PLANNING COMMISSION**

(410)263-7961

145 GORMAN STREET, 3<sup>RD</sup> FLOOR  
ANNAPOLIS, MARYLAND 21401

March 1, 2012

**MEMORANDUM**

**To:** Annapolis City Council  
**From:** Planning Commission  
**Re:** Findings on Ordinance O-51-11 concerning standards for the development and redevelopment of property in the C2, Conservation Residence District

**Summary of Ordinance**

This ordinance would require that development in the C2 district incorporate the following design characteristics:

1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.
2. Upon redevelopment of a site, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto must be restored or preserved.

Redevelopment means new construction, alterations or renovations to the exterior of a structure in excess of fifty percent of the value of the improvements on the site as of the date of permit requests. Decks, windows, doors or other improvements within the existing footprint are excluded.

This ordinance grew out of the Planning Commission's recommendation on the rezoning request for 110 Compromise Street (aka Fawcett's). Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district will be proposed to address these considerations in conjunction with this rezoning request.

Since the original recommendation to the City Council, the CDAC did recommend the enhancement and maintenance of views from downtown across the harbor.

**Public Hearing**

At its regular meeting on March 1, 2012 the Planning Commission conducted a public hearing on this ordinance.

**Recommendation**

The Planning Commission recommends approval of Ordinance O-51-11 with the following amendments. The Planning Commission recommends two important amendments to the language of the suggested ordinance. As to paragraph 4, the Commission recommends:

“shall provide uninterrupted and unimpeded public pedestrian access...”

As to paragraph 5, the Commission recommends: “...redevelopment shall mean new construction, alterations or exterior renovations to the structures...”

The Commission retaining the scenic view now obstructed by 110 Compromise street is an important condition to progress towards a rejuvenated City Dock.

*Eleanor M. Harris*  
\_\_\_\_\_  
Dr. Eleanor M. Harris, Chair *gmh*



*City of Annapolis*  
**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

**From:** Jon Arason *JA*  
Planning Director

**Re:** Ordinance O-51-11 concerning standards for the development and redevelopment of property in the C2, Conservation Residence District

Attachments: 1. Ordinance O-51-11  
2. Planning Commission findings from 110 Compromise zoning map amendment request

**Summary of Ordinance**

This ordinance would require that development in the C2 district incorporate the following design characteristics:

1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.
2. Upon redevelopment of a site, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto must be restored or preserved.

Redevelopment means new construction, alterations or renovations to the exterior of a structure in excess of fifty percent of the value of the improvements on the site as of the date of permit requests. Decks, windows, doors or other improvements within the existing footprint are excluded.

This ordinance grew out of the Planning Commission recommendation on the rezoning request for 110 Compromise Street (aka Fawcett's). The staff report on the rezoning request contained the following:

There are two important considerations in the development/redevelopment of this site. A longstanding consideration is to maintain pedestrian access around City Dock. This is a key parcel for this pedestrian access.

Pedestrian access is not permitted by the Fleet Reserve Club, but the walkway adjacent to subject property links up to the Fleet Street street-end right-of-way avoiding a dead-end and creating pedestrian opportunities.

The second consideration has been brought up from time-to-time but not in the context of city policy. This has become an important consideration for the City Dock Advisory Committee (CDAC) and will probably be a part of their final report—the enhancement of the view down Main Street, across City Dock to the mouth of the Severn River and beyond. The structure now on subject property blocks a portion of this view and it is proposed that any significant redevelopment of this site be done in a manner that this view shed is restored.

Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district will be proposed to address these considerations in conjunction with this rezoning request.

Since the writing of this report the CDAC did recommend the enhancement and maintenance of views from downtown across the harbor.

The Planning Commission agreed with this assessment and recommended code changes to address pedestrian access and enhanced views. The language of O-51-11 is the language recommended by the Planning Commission. It has been referred back to the Planning Commission because it was introduced as a new ordinance.

This amendment was recommended by staff and the Planning Commission and is consistent with City plans and policies. Staff recommends approval of Ordinance O-51-11.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-5/-11 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair NO

Ald. Hoyle YES

Ald. Arnett NO

Meeting Date 5/31/12

Signature of Chair Richard E. Israel



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Economic Matters Committee has reviewed 0-51-11 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair YES

Ald. Finlayson Yes

Ald. Pfeiffer YES

Meeting Date 5/31/12 Signature of Chair Frederick M. Paone

FISCAL IMPACT NOTE

**Legislation No:** O-51-11

**First Reader Date:** 11-14-11

**Note Date:** 11-27-11

**Legislation Title: Use and Redevelopment of Property in C2 Zoning Districts**

**Description:**

For the purpose of adding certain provisions governing use and redevelopment of property located in a C2 Zoning District.

**Analysis of Fiscal Impact:**

This legislation will provide for a waterfront pedestrian access across the waterway frontage of property in the C2 Zoning District as well as restore and preserve scenic views. While the legislation produces no significant direct fiscal impact, it could lead to an increase in the tax base, thereby increasing tax revenues.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-52-11 Amended**

**Introduced by: Alderwoman Finlayson, Alderwoman Hoyle and Alderman Kirby**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
11/14/11	4/23/12	11/27/12	5/12/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	11/14/11	5/31/12	Unfavorable
Economic Matters	11/14/12	5/31/12	Favorable
Planning Commission	11/14/11	7/21/12	Favorable
Maritime Advisory Board	1/5/12	12/20/11	Unfavorable

8  
9 **A ORDINANCE** concerning

10 **Rezoning Parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A**

11  
12 **FOR** the purpose of rezoning parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A to C2,  
13 "Conservation Business" Zoning District.

14 **BY** repealing and re-enacting with amendments the Zoning District Map contained in  
15 Section 21.06.020 of the Code of the City of Annapolis 2011 Edition, to reflect the  
16 rezoning of parcels [1244] 1247 and 1255, Grid 20, Tax Map 52A to C2 "Conservation  
17 Business" Zoning District.  
18

19 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
20 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

21 **Chapter 21.06 – ZONING DISTRICTS AND MAPPING**

22 **21.06.020 - Zoning District Map.**

23 The location and boundaries of the zoning districts of this Zoning Code are established as  
24 shown on the zoning map entitled "City of Annapolis Zoning District Map," which is incorporated  
25 in this section and made a part of this Zoning Code. The map, together with everything shown  
26 on the map and all amendments to the map, is as much a part of this Zoning Code as though  
27 fully set forth and described in this Zoning Code. (Amended during 2007 edition: Ord. O-30-05  
28 Revised Attach., 2006: Ord. O-11-05 Revised Amended § 1 (part), 2005: Ord. O-1-04 Revised  
29 (part), 2005). THE ZONING REFLECTED ON THE ZONING DISTRICT MAP IS AMENDED TO  
30 REFLECT THE ZONING OF PARCELS [1244] 1247 AND 1255, GRID 20, TAX MAP 52A AS  
31 C2 "CONSERVATION BUSINESS" ZONING DISTRICT LOCATED AT 110 COMPROMISE  
32 STREET IN ANNAPOLIS AS CONTAINED IN EXHIBIT A ATTACHED TO THIS ORDINANCE.  
33



1 The Planning & Zoning Commission heard testimony and had the benefit of staff expertise. The  
2 Commission finds that the nature of City Dock has changed dramatically from supporting the  
3 Chesapeake Bay seafood industry to becoming a destination for recreational boaters, land-  
4 based day trippers, and local and regional customers of the restaurant and retail  
5 establishments. These users of City Dock are not arriving downtown with the specific intent to  
6 purchase maritime-related goods. The Maritime Zones were created to concentrate maritime  
7 uses so each could take advantage of proximity to another. Current downtown maritime use  
8 consists of a marina and a yacht club, which do not create the synergies contemplated. A  
9 survey by BBP, LLC found that respondents felt there was a need for specialty food, sporting  
10 goods/hobby, clothing and limited service restaurants but not for maritime services and goods.

11  
12 **C. The trend of development in the general area, including any changes in zoning**  
13 **classification of the subject property or other properties in the area and the compatibility**  
14 **with existing and proposed development for the area.**

15 As noted above area properties were rezoned in 1987 from C2 to WMC with the adoption of the  
16 maritime economic and land use strategy. As noted above the nature of City Dock has changed  
17 over time from watermen related uses to a visitor destination--both land based and water based.  
18 The mix of retail goods sold downtown has changed as well. The C2 zoning designation  
19 proposed for the property is consistent with zoning in the area since C2 is the predominant  
20 commercial zoning district downtown. City Dock is viewed as the focal point of Annapolis and  
21 trends in thinking envision the City Dock area as a gathering place for local residents, regional  
22 residents, state employees, county employees, City employees, and visitors who may or may  
23 not have business in the City. None of these populations support a maritime business. The mix  
24 of uses allowed in the C2 zoning can support visitor, resident and employment populations.

25  
26 The Commission finds that the trend in development, including the proposed zoning change, will  
27 be compatible with current and proposed development in the general area.

28  
29 **D. Whether there has been a substantial change in the character of the neighborhood**  
30 **where the property is located or that there was a mistake in the existing zoning**  
31 **classification.**

32 The Commission finds that since the adoption of the WMC zoning twenty-four years ago, the  
33 business mix and functions in the downtown have undergone change. The so-called hard  
34 maritime uses have become concentrated on the Eastport side of Spa Creek and on both sides  
35 of Back Creek. Other than the AYC (and the proposed National Sailing Hall of Fame) there are  
36 no maritime uses in the WMC zone. As noted above, uses around City Dock are changing to  
37 reflect its emerging role as a visitor destination. The Commission finds there has been a  
38 substantial change in the character of the neighborhood where the property is located.

39  
40 **E. The availability of public facilities, present and future transportation patterns.**

41 The Commission finds there are adequate public facilities in place to support the requested  
42 rezoning. The Commission further finds the requested rezoning will have no impact on present  
43 or future transportation patterns.

44  
45 **F. The relationship of the proposed amendment to the City's Comprehensive Plan.**

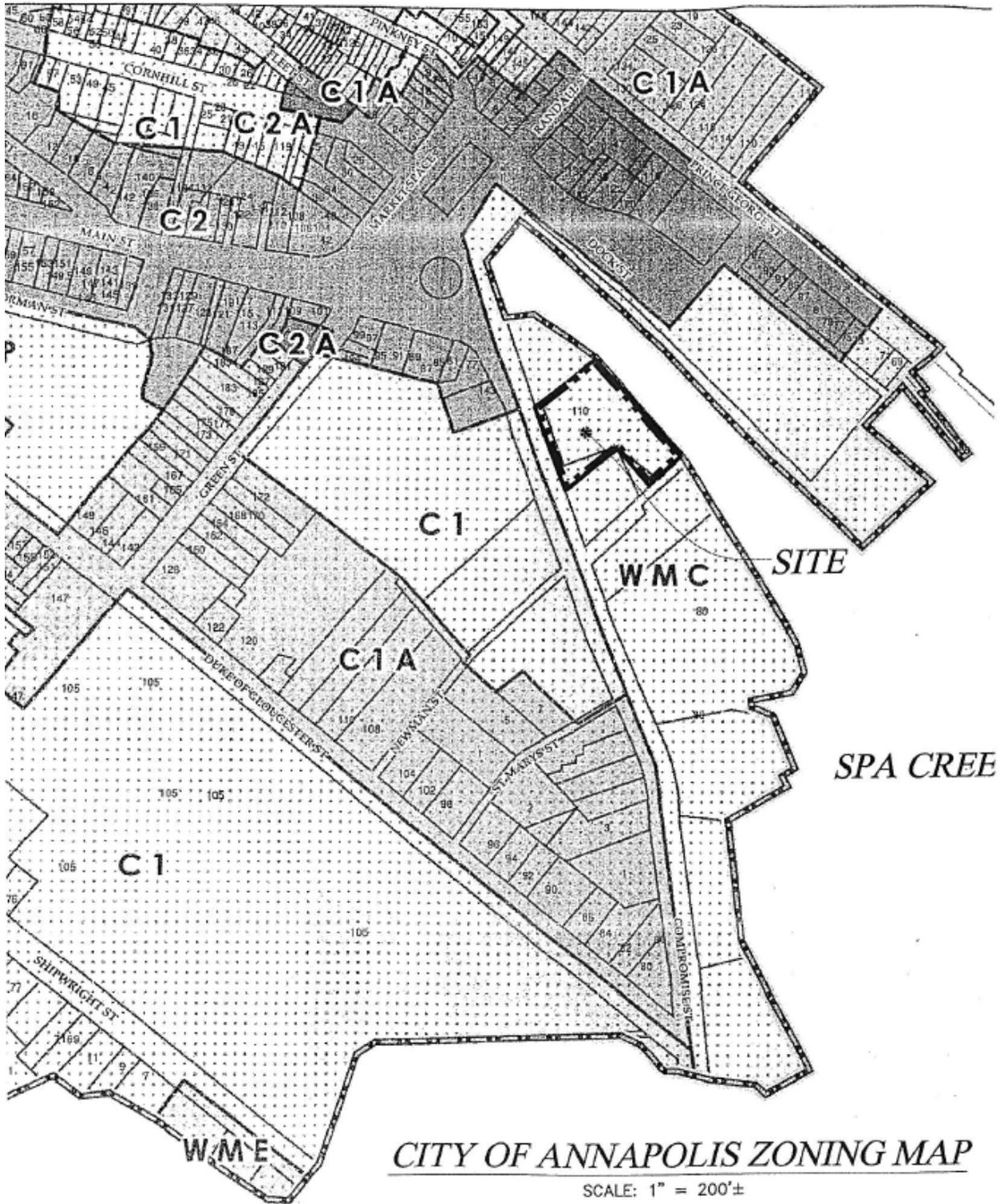
46 The Annapolis Comprehensive Plan recommends mixed-use development for this site. The  
47 proposed C2 zoning classification is consistent with the comprehensive plan recommendation.  
48 The Commission finds that the proposed zoning amendment is compatible with the  
49 Comprehensive Plan.



# Exhibit A

EXHIBIT A (Revised)

O-52-11  
Page 5



## **Policy Report**

### **Ordinance O-52-11**

#### **Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A**

The proposed ordinance would rezone parcels 1244 and 1255, Grid 20, Tax Map 52A from WMC (Waterfront Maritime Conservation) to C2 (Conservation Business) Zoning District.

Article 66B is the State enabling legislation that grants local governments the authority to regulate the use of land through zoning. Article 66B, Section 4.05 establishes the 'change or mistake' rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning.

Chapter 21.34 of the Annapolis City Code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

- A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.
- B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.
- C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
- D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
- E. The availability of public facilities, present and future transportation patterns.
- F. The relationship of the proposed amendment to the City's Comprehensive Plan.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.1184 or JCCowles@annapolis.gov.



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401

Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

Chartered 1708

JON ARASON, AICP  
DIRECTOR

October 19, 2011

**MEMORANDUM**

**TO:** City Council of Annapolis

**FROM:** Planning & Zoning Commission

**RE:** Zoning map amendment of 110 Compromise from WMC, Waterfront Maritime Conservation to C2, Conservation Business District. ZMA2011-001

**SUMMARY**

Subject property is the site of the former Fawcett's marine supply store. The property had been zoned C2, Conservation Business District until the adoption of the Waterfront Maritime Districts in 1987, at which time the property was zoned WMC. Before the property's use as a retail store specializing in marine hardware and operating under the Fawcett's name, the subject property had been used for general retail, including a grocery store. The WMC zone is more restrictive in that non-maritime retail and office uses are severely limited.

C2 is the prevalent zone downtown and is the only general commercial zone used in the historic district. Until 1987 this property had a C2 designation. Adjacent, developed properties affected by the 1987 rezoning had been zoned M1, Light Maritime before being rezoned to WMC.

The zoning map amendment rezones the property back to C2, Conservation Business District consistent with the non-waterfront properties downtown and consistent with the non-conforming uses of several of the neighboring waterfront properties.

**STAFF RECOMMENDATION**

At a regularly scheduled meeting on July 21, 2011, the Planning and Zoning staff presented their analysis and recommended approval of the rezoning request.

Staff reviewed the background of the request and analyzed the request based upon State law and the requirements of the City Code. In addition, staff analyzed the request based upon the Annapolis Comprehensive Plan recommendations and the recommendations of the City Dock Advisory Committee.

Staff found that there had been a change in the social and economic character of the area that would warrant approval of the request for rezoning. Staff also recommended additional legislative changes to the C2 zone. One change would require the provision of a pedestrian access along the water for waterfront properties. The other would require adherence to view cones for redeveloped properties.

**REQUIRED FINDINGS**

Article 66b is the State enabling legislation that grants local governments to power to regulate the use of land through zoning. Art. 66b, Section 4.05 establishes the 'change or mistake' rule wherein a zoning map amendment can only be granted based on a finding that there was a substantial change in the character of the neighborhood where the property is located, or that there was a mistake in the original zoning. Chapter 21.34 of the Annapolis City code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:

**A. Existing uses and zoning classification of properties within the general area of the property**

**that is the subject of the application.**

In the vicinity of the property there are three zoning classifications. Subject property abuts land zoned C2 and WMC. In the area, but not abutting subject property there is land zoned C1, Conservation Residence District. The WMC zone on the other side of the water consists of the Natural Resources Police building, the Annapolis Harbormaster building, and a large car parking lot. The WMC zone on the side of the subject property consists of the Fleet Reserve building – which is essentially a social and dining club, the Marriott Hotel building – which has no maritime uses and includes a popular waterfront restaurant, the Annapolis Yacht marina, and the Annapolis Yacht Club – both of which are maritime. The Fleet Reserve and the Marriott Hotel are both nonconforming uses though both are in the WMC. The City of Annapolis also owns two small car parking lots in this portion of the WMC zone.

The C-1 zone contains the Annapolis Elementary School, an Anne Arundel Board of Education administration building, a car parking lot, and a playground. The school has coexisted for decades with the surrounding commercial activity. The entire area, known generally as the City Dock area, is intensively commercial.

The Commission finds that a general commercial zone for this will not be discordant with the general commercial tenor of the general area.

**B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.**

As mentioned earlier, the property was zoned from C2, Conservation Business to WMC, Waterfront Maritime Conservation in 1987, no doubt due, at least in part, to the presence of Fawcett's as a tenant. At the time of the WMC zoning, all of the properties abutting City Dock were zoned WMC irrespective of the extant use or whether the properties were or would be rendered nonconforming by the change.

For the non-maritime uses listed there are additional standards that must be met and size limitations for the use to be allowed in the WMC District.

The Planning & Zoning Commission heard testimony and had the benefit of staff expertise. The Commission finds that the nature of City Dock has changed dramatically from supporting the Chesapeake Bay seafood industry to becoming a destination for recreational boaters, land-based day trippers, and local and regional customers of the restaurant and retail establishments. These users of City Dock are not arriving downtown with the specific intent to purchase maritime-related goods. The Maritime Zones were created to concentrate maritime uses so each could take advantage of proximity to another. Current downtown maritime use consists of a marina and a yacht club, which do not create the synergies contemplated. A survey by BBP, LLC found that respondents felt there was a need for specialty food, sporting goods/hobby, clothing and limited service restaurants but not for maritime services and goods.

**C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.**

As noted above area properties were rezoned in 1987 from C2 to WMC with the adoption of the maritime economic and land use strategy. As noted above the nature of City Dock has changed over time from watermen related uses to a visitor destination—both land based and water based. The mix of retail goods sold downtown has changed as well. The C2 zoning designation proposed for the property is consistent with zoning in the area since C2 is the predominant commercial zoning district downtown. City Dock is viewed as the focal point of Annapolis and trends in thinking envision the City Dock area as a gathering place for local residents, regional residents, state employees, county employees, City employees, and visitors who may or may not have business in the City. None of these populations support a maritime business. The mix of uses allowed in the C2 zoning can support visitor, resident and employment populations.

The Commission finds that the trend in development, including the proposed zoning change, will be compatible with current and proposed development in the general area.

**D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.**

The Commission finds that since the adoption of the WMC zoning twenty-four years ago, the business mix and functions in the downtown have undergone change. The so-called hard maritime uses have become concentrated on the Eastport side of Spa Creek and on both sides of Back Creek. Other than the AYC (and the proposed National Sailing Hall of Fame) there are no maritime uses in the WMC zone. As noted above, uses around City Dock are changing to reflect its emerging role as a visitor destination. The Commission finds there has been a substantial change in the character of the neighborhood where the property is located.

**E. The availability of public facilities, present and future transportation patterns.**

The Commission finds there are adequate public facilities in place to support the requested rezoning. The Commission further finds the requested rezoning will have no impact on present or future transportation patterns.

**F. The relationship of the proposed amendment to the City's Comprehensive Plan.**

The Annapolis Comprehensive Plan recommends mixed-use development for this site. The proposed C2 zoning classification is consistent with the comprehensive plan recommendation. The Commission finds that the proposed zoning amendment is compatible with the Comprehensive Plan.

**Other Considerations**

As noted above, staff identified two additional and important considerations in the development/redevelopment of this site. Both can be resolved if the Council adopts two changes to Code requirements.

The first is a longstanding responsibility to maintain pedestrian access around City Dock. This goal is key to the primary recommendation of the City Dock Advisory Committee to make the general City Dock area a pedestrian-friendly place with as much pedestrian access to the water as possible. This parcel is a key parcel for pedestrian access. Pedestrian access is not permitted by the Fleet Reserve Club, but the walkway adjacent to subject property links up to the Newman Street street-end right-of-way, thereby avoiding a dead-end and creating some pedestrian opportunities.

Consequently, the Planning & Zoning Commission finds the following change to the zoning code is a necessary addition to its recommendation of approval of the zoning map amendment:

New Subsection 21.42.080 D.4.:

"Waterfront properties designated as part of the C2 Conservation Business District shall provide a pedestrian access across the waterway frontage of the property."

The second consideration has been brought up from time-to-time but not in the context of city policy. This is an important goal identified by the City Dock Advisory Committee (CDAC) and is a part of their final report—namely, the enhancement of the view down Main Street, across City Dock to the mouth of the Severn River and beyond. The structure now on the subject property blocks an important portion of this view. Any significant redevelopment of this site must be done in a manner that restores this significant viewshed.

Hence, the Planning & Zoning Commission finds the following change to the zoning code is a necessary addition to its recommendation of approval of the zoning map amendment:

New Subsection 21.42.080 D.5.:

Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior

of the structure(s) on the site, not including decks, windows, doors and façade treatments or other improvements within the existing footprint and building envelope, in excess of fifty percent (50%) of the value of the improvements on the site as of the date of permit requests.

Neither of these considerations can be attached to a rezoning of the property. Nevertheless, general amendments to the C2 zoning district must be proposed to address these considerations in conjunction with this rezoning request.

Additionally, the Planning Commission voted to amend the rezoning map change request to include the city-owned parking lot adjacent to Newman Street, between 110 Compromise and the Fleet Reserve Club, parcel 1248.

#### **PUBLIC HEARING AND DELIBERATION**

The Planning Commission found that proper notification of the application and hearing was given. In accordance with the Annapolis City Code a public hearing was held and the public was invited to comment on the rezoning request. Additionally, the owner of the property and his agents made a presentation to the Planning Commission.

Upon the close of the public hearing the Planning Commission entered into deliberations. Based on the staff analysis, applicants' presentation and comments received from the public, the Commission found that the requisite findings were met. The Commission further found that the recommended code changes noted above were appropriate in furthering the normal and orderly development of the City and consistent with the Comprehensive Plan.

#### **RECOMMENDATION**

The Planning & Zoning Commission on July 21, 2011 by a vote of 6-0 held that the requirements of 21.34.040 have been met, that there has been a change in the social and economic character of the area that warrants approval of this request, and that the change in zoning classification will be compatible with current and proposed uses. The Commission by the same vote further recommends that the proposed code changes be enacted coincident with the zoning change.

Chair:



David DiQuinzio



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Economic Matters Committee has reviewed B-52-11 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair NO

Ald. Finlayson Yes

Ald. Pfeiffer Yes

Meeting Date 5/31/12 Signature of Chair Richard M. Paone



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-52-11 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair Yes

Ald. Hoyle NO

Ald. Arnett Yes

Meeting Date 5/31/12

Signature of Chair Alderman Israel for th



City of Annapolis City Council  
Committee & Commission Referral Action Report

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Date: January 5, 2012

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Maritime Advisory Board has reviewed O-52-11, rezoning of Parcels 1244 and 1255 (Chandler, LLC) and has taken the following action:

Favorable

Favorable with amendments

Unfavorable (7-3)

No Action

Other

Comments:

The Board again recognized that substantive inconsistencies exist between the 4 maritime zoning districts which demonstrate the need for a comprehensive, not piecemeal, review of those zoning districts. Such a comprehensive review was recommended by the 1996 Comprehensive Plan<sup>1</sup> but not implemented. In the 2009 Comprehensive Plan, the Planning Commission and City Council in Land Use and Economic Development Policy 7 (p. 36) stated:

Acknowledging the importance of the Maritime Industry to Annapolis' character, identity and economy, strive to ensure the Maritime Industry's sustained health and viability.

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<sup>1</sup> 7C-3, page 59: "Maintain The Existing Maritime Zones And Evaluate Whether Any Changes Are Needed To Strengthen The Maritime Industry"; [T]he existing maritime zones could be evaluated to identify whether any adjustments should be made to enhance maritime businesses without altering the intent of the zoning."

Piecemeal elimination of maritime zoning, particularly where it is directed to single properties, is inconsistent with the mandates of the Comprehensive Plan and adversely affects the "character, identity and economy" of Annapolis.

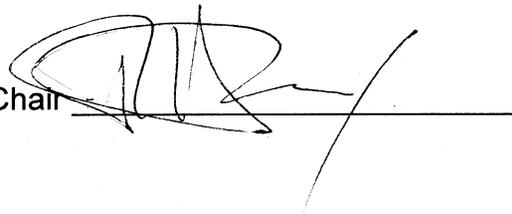
The Board also notes that Policy 6 of the 2009 Comprehensive Plan notes that a plan for the future of City Dock "must be developed with broad participation by the entire community". The City Dock Advisory Committee has not completed its recommendations and there is an on-going study of the Compromise Street corridor. Zoning changes to properties located along Compromise Street, and in the City Dock area, should only be done in conjunction with the implementation of broader plans for Compromise Street and the City Dock area.

The City must continue to act to preserve and promote the maritime industry, and the City's maritime character, so that it does not die by attrition. Accordingly, any change in the zoning (or a zoning text amendment) that affects properties in the maritime zones should only be undertaken in connection with a comprehensive review. The Board recommends that the appropriate City agencies commence that review within the next 120 days and make recommendations based upon that review to the Planning Commission and City Council within 180 days thereafter. Piecemeal changes should not be undertaken or approved.

cc: Members, Maritime Advisory Board

Legislative Referral - O-51-11 (Chandler rezoning)

Meeting Date: December 20, 2011      Signature of Chair

A handwritten signature in black ink, appearing to be "D. R. ...", is written over a horizontal line. The signature is stylized and somewhat illegible.

## FISCAL IMPACT NOTE

**Legislation No:** O-52-11

**First Reader Date:** 11-14-11

**Note Date:** 11-27-11

**Legislation Title:** **Rezoning Parcels 1244 and 1255, Grid 20, Tax Map 52A**

### **Description:**

For the purpose of rezoning parcels 1244 and 1255, Grid 20, Tax Map 52A

### **Analysis of Fiscal Impact:**

This legislation changes the zoning for this vacant commercial property, currently zoned Waterfront Maritime Conservation, to C2, " Conservation Business" Zoning District. The effect of the zoning change will allow non-maritime use of the property. According to the report and recommendations of the Planning Commission, the zoning change is not discordant with the general commercial tenor of the area and most users of the area are not arriving there with the intention of purchasing maritime-related goods. While the legislation produces no significant direct fiscal impact, by adding to potential uses, the City's tax base could increase, thereby increasing tax revenues.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Ordinance No. O-31-12

5 Introduced by: Alderman Pfeiffer  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
10/8/12	12/10/12		1/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	10/8/12		
Rules	10/8/12		
Transportation	10/8/12		

8  
9 **AN ORDINANCE** concerning

10 **Merging the Transportation Board and Parking Advisory Commission**

11 **FOR** the purpose of merging the Transportation Board and Parking Advisory Commission due  
12 to significant overlap in their current roles and responsibilities.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2011 Edition  
15 Section 2.48.320

16  
17 **BY** repealing the following portions of the Code of the City of Annapolis, 2011 Edition  
18 Section 12.04.030  
19

20 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
21 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

22 **CHAPTER 2.48 – BOARDS, COMMISSIONS AND COMMITTEES**

23 **ARTICLE X – TRANSPORTATION BOARD**

24 **2.48.320 - Transportation Board.**

25 A. Established—Duties. There is created a Transportation Board. The duties of the Board are:  
26 to provide informed analysis of the facts relating to transportation matters affecting the City and  
27 all transportation matters pending before the City Council or before any City agency, board or  
28 commission; to recommend to the Mayor and [aldermen] CITY COUNCIL, a comprehensive  
29 transportation master plan for the City; to provide oversight, guidance, and expertise in the  
30 planning of comprehensive traffic, [and] transit, AND PARKING policies. In performing its  
31 functions, the [b]Board shall:

- 1 1. Study, review and make recommendations with respect to all transportation and traffic  
2 matters, INCLUDING POLICIES, LAWS, AND REGULATIONS;
- 3 2. Advise the City Council on the implementation of the transportation master plan and  
4 improvement of City transportation and traffic conditions;
- 5 3. Provide a forum for citizens and residents to express their views and opinions  
6 regarding transportation, traffic policies and procedures and to inform the public with  
7 respect to proposals for changes in existing transportation and traffic policies and  
8 procedures;
- 9 4. Assist the City in the presentation of reports, recommendations, analysis, or policies  
10 to other public or quasi-public bodies whose actions may impact transportation conditions  
11 within the City; and
- 12 5. Participate in activities with Anne Arundel County and the State of Maryland intended  
13 to further the transportation concerns of the City.
- 14 6. PERFORM SUCH OTHER DUTIES AS DIRECTED BY THE MAYOR OR CITY  
15 COUNCIL.

16 B. Composition and Procedures.

17 1. The [b]Board shall consist of [eleven residents of the City] 15 MEMBERS, EIGHT  
18 CITY OF ANNAPOLIS RESIDENTS (one from each ward) and [three] FIVE appointed at-  
19 large, who shall be appointed by the Mayor and confirmed by the City Council for a term of  
20 three years, commencing on July 1st of the year in which appointed. The appointment shall  
21 designate the term of each member of the board so that the terms of not more than three  
22 members of the board shall expire in any one year.

23 A. IF A WARD-SPECIFIC POSITION ON THE BOARD VACATED ON JUNE 30 OF  
24 ANY YEAR IS NOT FILLED BY OCTOBER 1 OF THE SAME YEAR OR IS  
25 VACATED AFTER A TERM HAS COMMENCED AND THE POSITION IS NOT  
26 FILLED AFTER BEING VACANT FOR THREE MONTHS, THE MAYOR AND CITY  
27 COUNCIL SHALL NO LONGER BE REQUIRED TO ADHERE TO THE WARD  
28 REQUIREMENT. THE POSITION MAY THEN BE FILLED BY A CITY RESIDENT  
29 LIVING IN ANY WARD AND SHALL BE CONSIDERED AN AT-LARGE MEMBER.  
30 THE NEW AT-LARGE MEMBER SHALL SERVE FOR THE DURATION OF THE  
31 TERM. WHEN THE POSITION IS VACATED, IT SHALL BE RETURN TO BEING  
32 WARD-SPECIFIC.

33  
34 B. THE BOARD SHALL INCLUDE IN ITS MEMBERSHIP A REPRESENTATIVE  
35 FROM THE UNITED STATES NAVAL ACADEMY AND ST. JOHN'S COLLEGE.

36 2. Each member shall have a demonstrated interest or expertise in transportation,  
37 parking, or traffic. At least two of the members shall possess professional or academic  
38 training in one or more of the above listed disciplines.

39 3. The [b]Board shall annually select, from among its duly appointed members, officers  
40 of at least a chairperson, vice chairperson, and a secretary, whose authority shall be that  
41 prescribed in the current edition of Robert's Rules of Order, Newly Revised.

42 4. The Board shall, under its own authority, establish rules of procedure and practice to  
43 provide for the carrying out of its duties and responsibilities consistent with the provisions

1 of this chapter.

2 5. The Director of Transportation, the Director of Planning and Zoning, [and] the Director  
3 of Public Works AND A REPRESENTATIVE FROM THE STATE OF MARYLAND shall be  
4 ex officio, non-voting members of the Board. The Mayor may designate additional City  
5 officials or individuals to participate in an ex officio, non-voting capacity.

6 [6. The Transportation Board shall confer periodically with the Parking Advisory  
7 Commission and shall review and comment on recommendations of the Parking Advisory  
8 Commission before the recommendations are submitted to the Mayor and Aldermen.]

9 C. Reports and Decisions.

10 1. A recommendation, or action of the Board shall be adopted only upon a majority of  
11 the members present and voting, a quorum of [six] SEVEN being necessary to conduct its  
12 business and shall be based upon publicly available information, statistics, or data.

13 2. A report, delineating the basis thereforE, shall be rendered for each recommendation  
14 or action.

15 3. Each report shall be delivered to the City Council for its consideration.

16 4. The Board shall render an annual report to be received by the City Council not later  
17 than February 1st of the year following the year being reported. The report shall review the  
18 status of transportation and traffic affecting the City, and shall summarize all actions of the  
19 Council and Board taken during the calendar year past. The report shall delineate current  
20 difficulties, identify upcoming problems and view pending matters. The transportation  
21 master plan shall be reviewed, and the Board shall recommend necessary plans, studies,  
22 actions and expenditures for the following year to accomplish the objectives of the plan.  
23 The Board shall, as part of its annual report, notify the Council of any and all trends and  
24 developments which are becoming, or will become, a significant transportation concern of  
25 the City, whether or not a particular matter is physically located within the corporate  
26 borders of the municipality.  
27

28 **CHAPTER 12.04 – GENERAL PROVISIONS**

29 **[12.04.030 - Parking Advisory Commission.]**

30 [A. Establishment. There is established a Parking Advisory Commission.]

31 [B. Membership and Appointment. The Commission consists of eleven members who are  
32 appointed for terms of three years by the Mayor with the approval of the City Council as follows:

33 1. Six members shall be residents of the City and at least five of the six shall have a  
34 residential parking permit.

35 2. Three members shall own or manage a business located in a residential parking  
36 district.

37 3. One member shall be associated with St. John's College and one member shall be  
38 associated with the United States Naval Academy. In the case of these two members, the  
39 Mayor shall invite the President of the College and the Superintendent of the Academy to  
40 recommend a prospective member.]

1 [C. Chair. Annually the Mayor shall designate a member to serve as chair of the Commission.]

2 [D. Purpose. The purpose of the Commission is to advise the Mayor and Aldermen on all  
3 matters relating to the parking of motor vehicles. In doing so, the Commission is to consider the  
4 interests of all affected parties.]

5 [E. Meetings. The Commission is to meet periodically after due notice at a time and place to  
6 be determined by the chair after consulting with the members.]

7 [F. Duties. The duties of the Commission are, as follows:

8 1. Review existing principles, policies, laws and regulations relating to parking;

9 2. Recommend revision of principles, policies, laws and regulations relating to parking;

10 3. Monitor administration and enforcement of parking law and regulations;

11 4. Recommend measures to improve administration and enforcement;

12 5. Study and recommend on the advisability of consolidating all parking-related  
13 functions in a single department of parking or in the alternative, of transportation and  
14 parking;

15 6. Submit an annual report by February 15th of each calendar year to the City Council;

16 7. Periodically confer with Transportation Board and submit to the Board for its review  
17 and comment all proposed recommendations to the Mayor and Aldermen; and

18 8. Perform such other duties as directed by the Mayor or the City Council.]  
19

20 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
21 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
22

23 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
24  
25

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

\_\_\_\_\_  
Joshua J. Cohen, Mayor

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**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

**O-31-12**

**Merging the Transportation Board and Parking Advisory Commission**

**Policy Report**

The proposed ordinance would merge the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

The revamped Transportation Board membership would consist of 15 members, eight City of Annapolis residents (one from each ward) and five appointed at-large. If a ward-specific position on the Board vacated on June 30 of any year is not filled by October 1 of the same year or is vacated after a term has commenced and the position is not filled after being vacant for three months, the Mayor and City Council shall no longer be required to adhere to the ward requirement. The position may then be filled by a City resident living in any ward and shall be considered an at-large member. The new at-large member shall serve for the duration of the term. When the position is vacated, it shall be return to being ward-specific. The Board's membership would include a representative from the United States Naval Academy and St. John's College. The proposed ordinance also provides for ex officio members: The Directors of Transportation, Planning and Zoning, and Public Works in addition to a representative from the State of Maryland.

Prepared by: Jessica Cowles, City of Annapolis Office of Law, JCCowles@annpolis.gov or (410) 263-1184.



City of Annapolis City Council  
Standing Committee Referral Action Report

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Date: 12/19/12

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Public Safety Committee has reviewed O-31-12 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

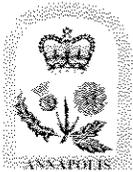
Roll Call Vote:

Ald. Finlayson, Chair

Ald. Paone

Meeting Date \_\_\_\_\_

Signature of Chair \_\_\_\_\_



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 2/4/13

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Rules and City Government Committee has reviewed 0-31-13 and  
has taken the following action:

X Favorable with amendments

In 2.48.320 add a new section A that reads “For purposes of this section the term  
“transportation” includes all aspects of transit including, but not limited to, parking of  
motor vehicles on city streets and in city owned parking facilities.

Change section A to B, B to C, and C to D

Page 2 line 17 after “(one from each ward)” add “, 2 ad hoc members as defined in  
section C.1.B,”

Page 2 Line 21 delete “THREE” and insert “FIVE”

Page 3 line 11 delete “SEVEN” and insert “EIGHT”

Roll Call Vote:

Ald. Israel, Chair yes

Ald. Hoyle yes

Ald. Arnett yes

Meeting Date 2/4/13

Signature of Chair Richard Israel



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 2/11/13

To: Jessica Cowles,  
City of Annapolis Office of Law,  
Legislative and Policy Analyst

The Transportation Committee has reviewed 0-31-13 and has taken the following action:

Favorable

Favorable with amendments *(Rules Committee Amendments)*

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Pfeiffer, Chair yes

Ald. Kirby N/A

Ald. Arnett yes

Meeting Date \_\_\_\_\_

Signature of Chair \_\_\_\_\_

FISCAL IMPACT NOTE

**Legislation No:** O-31-12

**First Reader Date:** 10/8/12

**Note Date:** 11/13/12

**Legislation Title: Merging the Transportation Board and Parking Advisory Commission**

**Description:** For the purpose of merging the Transportation Board and Parking Advisory Commission due to significant overlap in their current roles and responsibilities.

**Analysis of Fiscal Impact:** This legislation produces no significant fiscal impact.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-2-13 Amended**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
2/25/13			5/24/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	2/25/13		
Environmental Matters	2/25/13		

8  
9 **A ORDINANCE** concerning

10 **Lease of City Dock Space to Chesapeake Marine Tours**

11 **FOR** the purpose of authorizing for fiscal year 2019 the lease of certain municipal property  
12 located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring  
13 of certain boats.

14  
15 **WHEREAS,** the City of Annapolis and Chesapeake Marine Tours, Inc., have entered into a  
16 series of leases and amendments, the most recent being O-2-12, to lease  
17 through June 30, 2018, certain docking space at the City Dock under certain  
18 terms and conditions; and

19 **WHEREAS,** the Annapolis City Council believes that the proposed lease would benefit the  
20 City; and

21  
22 **WHEREAS,** a lease setting forth details of the rental has been prepared and is considered  
23 satisfactory; and

24  
25 **WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the passage  
26 of an ordinance to authorize a lease.

27  
28 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
29 **COUNCIL** that the proposed Lease, a copy of which is attached hereto and made a part hereof,  
30 between the City of Annapolis and Chesapeake Marine Tours, Inc. d/b/a Watermark Cruises, is  
31 hereby approved, and the Mayor is hereby authorized to execute the Lease on behalf of the  
32 City. It is further expressly found by the City Council that the services to be provided as a result  
33 of the Lease will benefit visitors and residents of the City, will generate tax revenues and  
34 additional rental income to the City, and will better serve the public need for which the property  
35 was acquired.

1 **AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
2 **COUNCIL** that this Ordinance shall take effect from the date of its passage.

3  
4 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, 2013.

5  
6  
7  
ATTEST: THE ANNAPOLIS CITY COUNCIL

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC, City Clerk

BY \_\_\_\_\_  
Joshua J. Cohen, Mayor

8  
9  
10 **EXPLANATION**  
11 CAPITAL LETTERS indicate matter added to existing law.  
12 [brackets] indicate matter stricken from existing law.  
13 Underlining indicates amendments.

## LEASE

This Lease is made this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the City of Annapolis, a municipal corporation of the State of Maryland, Lessor, and Chesapeake Marine Tours , Inc., a corporation of the State of Maryland, Lessee.

Whereas, the parties have entered into a succession of leases beginning in 1972 for purposes of permitting the Lessee to lease docking spaces at the Lessor's City Dock to dock its vessels and carry on its business of operating a cruise and water taxi service on the Chesapeake Bay and its tributaries;

Whereas, the existing Lease expires June 30, 2018;

Whereas, the parties entered into a Lease dated May 1, 2012 for the same purposes to provide for an additional leasing term from July 1, 2017 to June 30, 2018;

Whereas, the parties have agreed to this Lease for the same purposes and to provide for an additional leasing term of another one year period to run from July 1, 2018 to June 30, 2019;

Whereas, the Annapolis City Council has authorized this Lease pursuant to Ordinance - 2-13.

Now, therefore, in consideration of these premises and the terms stated below, and other good and valuable consideration, the receipt and sufficiency of which the parties acknowledge, the parties agree as follows:

### 1. Identification of Leased Docking Spaces

a. The Lessor hereby rents and leases to the Lessee, and the Lessee hereby rents and leases from the Lessor, for the term stated in paragraph 2, at the rent and upon the other terms set forth in this Lease, the following docking spaces at the City Dock, constituting two hundred sixty (260) linear feet of City Dock docking space:

1. The two end boat slips nearest the channel of Spa Creek known as Slips 21 and 22, both of which are suitable for boats not exceeding sixty five (65) feet in length;
2. The end of the dock adjacent to Slip 22 between two dolphins for a distance of not more than eighty feet (80'); and
3. Sixty feet (60') along the boardwalk adjacent to the Harbormaster's office.

### 2. Term

a. The term of this Lease shall be for a period of one year beginning July 1, 2018, and ending June 30, 2019.

### 3. Rent

a. The Lessee shall pay rent to the Lessor, for the lease of two hundred sixty (260) linear feet of City Dock docking space, for the FY period July 1, 2018, through June 30, 2019, at a rate of \$187.79 per linear foot, for a total amount of rent of \$48,825.40. This represents a 3% annual increase, using the same rate per linear foot, from the amount earned by the Lessor from the lease of one thousand four hundred twenty three (1,423) linear feet of total rented dock space at the City Dock during the 2010 calendar year. Annual rent shall be invoiced on or before June 1, 2018 by the City Harbormaster, which the Lessee shall pay not later than July 1, 2018. Payment shall be made directly to the City Harbormaster. If the Lessee fails to pay rent by July 5, 2018, the Lessor shall incur a late payment of 1% of the base rent, and an additional 1% of the base rent if unpaid by the fifth day of any subsequent month.

b. As additional rent for electricity service, the Lessee may, at its option and at its expense, arrange with Baltimore Gas & Electric to have its electric service separately metered and billed directly to the Lessee, or may pay monthly, by the first day of each month to the City Harbormaster the appropriate monthly winter electric rate, as set by the City Council in the Annual Fee Resolution applicable to the term of this Lease which, as it pertains to this Lease, for a one hundred amp outlet, shall be twice the rate set in the Annual Fee Resolution for a fifty amp outlet. If the Lessee chooses to pay pursuant to the monthly winter electric rate, the City Harbormaster shall invoice the Lessee and payment shall be due on the first day of the month after invoicing. If the Lessee fails to pay by the fifth day of any month, the Lessee shall incur a late payment calculated in accordance with the Annual Fee Resolution applicable to the term of this Lease.

c. As additional rent for refuse collection, the Lessee shall pay \$250.00 per month. by the first day of each month. The City Harbormaster shall invoice the Lessee and payment shall be due on the first day of the month after invoicing. If the Lessee fails to pay by the fifth day of any month, the Lessee shall incur a late payment calculated in accordance with the Annual Fee Resolution applicable to the term of this Lease.

d. As additional rent, the Lessee shall also pay from time to time all taxes and other charges or fees required by law.

#### 4. Vessels Authorized at Docking Spaces

a. The Lessee shall have authority to dock an office barge at the leased docking spaces plus the passenger vessels Harbor Queen, No. 539448; Annapolitan II, No. 544467; Cabaret II, No. 1039051; Lady Sarah, No. 1160977; Miss Anne, No. 635636; Miss Anne II, No. 672686; Catherine Marie, No. 1082215; and four water taxi launches.

b. The Lessee may replace any vessel referenced above, provided that all replacement vessels are of the same size, or substantially the same size, and of the use, as Coast Guard certified passenger vessels. All replacement vessels shall be subject to the Lessor's final approval, which shall not be unreasonably withheld as long as all replacement vessels meet the standards of Coast Guard certified passenger vessels.

#### 5. Use of Docking Spaces

a. The Lessee shall use the leased docking spaces solely as passenger vessels for sightseeing, boat charter and water taxi operations and for office space from which to conduct the business which this Lease authorizes at the Lessor's City Dock.

b. The Lessee shall notify the City Harbormaster whenever any of its vessels will be absent from any portion of the leased docking spaces for more than seventy-two (72) hours, during which time the Lessor may utilize any portion of the docking spaces so vacated for any lawful purpose whatsoever without any abatement of the rent due pursuant to this Lease. Whenever the Lessee vacates any portion of the leased space for more than seventy-two (72) hours, the Lessee shall give the Harbormaster twenty-four (24) hours written notice of the intended return to the docking spaces vacated.

c. The Lessee shall not discharge or board passengers at the plaza located at that portion of the City Dock closest to the Markethouse commonly known as the end of Ego Alley.

d. The Lessor shall attempt to keep the leased docking spaces free and clear of unauthorized vessels when the Lessee's vessels are away from the leased docking spaces, but shall be under no obligation or responsibility to do so, nor shall the Lessor assume or incur any liability for failing to do so, and the Lessee hereby unconditionally and completely waives and releases all complaints, claims, suits and actions of all types, both administrative and judicial, against the Lessor in connection therewith.

e. The Lessor shall have the right to remove from the leased docking spaces, without any liability whatsoever for so doing, and without prior or subsequent notice to the Lessee, any alterations made by the Lessee which are made without the express consent of the City Harbormaster. The cost of removal and/or repairs associated with the removal of any such unauthorized alterations, including any administrative costs incurred by the Lessor, shall be billed to the Lessee, and shall be due and payable by the Lessee promptly upon the Lessee's receipt of the invoice.

f. The Lessor shall have the right and privilege, with the consent of the Lessee, which consent shall not be unreasonably withheld, on not less than seven (7) days notice from the Lessor to the Lessee, to reclaim and use all or some of the leased docking spaces in order to meet prior contractual obligations relating to the annual sailboat and/or powerboat shows at or on the City Dock, and to accommodate certain special events, shows or programs conducted from time to time at or on the City Dock. In such event, the Lessee shall vacate designated leased docking spaces to which the consent applies and remove all of its vessels from the designated leased docking spaces during the period specified in the Lessor's notice.

g. If the Lessee vacates any of the leased docking spaces due to any events, shows or programs other than the annual sailboat and/or powerboat shows conducted at or on the City Dock, the Lessee shall be entitled to a pro rata abatement of the rent due pursuant to this Lease based on the ratio which the number of days of vacancy specified in the Lessor's notice to the Lessee bears to the total annual rent, and based on the docking spaces vacated.

h. The Lessee shall conduct its business in and about the City Dock in an orderly manner and shall keep its vessels neat and clean and shall maintain the area immediately adjacent to its mooring area and the leased spaces in a neat and clean manner.

## 6. Default, Breach and Termination

a. The Lessee shall be deemed to be in breach and default of this Lease if, within ten (10) days of the due date, the Lessee fails to pay the rent, the additional rent, or any other charges due under the terms of this Lease. In such event, the Lessor may declare this Lease

immediately terminated and the Lessor shall be entitled to all unpaid rent, additional rent and other charges due pursuant to this Lease, and to the immediate and exclusive use and possession of each of the leased docking spaces, without any notice or further demand for rent, additional rent and other charges due pursuant to this Lease, and without any notice to quit or vacate or other demand to recover use and possession of the leased docking spaces, or notice of intention to exercise its rights pursuant to this Lease, and the Lessee hereby expressly and unconditionally waives all such notice. In such event, the Lessee shall be responsible for all reasonable attorney fees and costs incurred by the Lessor to obtain eviction.

b. If the Lessee shall be in breach or default in the performance of any of the other terms of this Lease and fails to cure or remedy the breach or default within thirty days after the Lessor gives written notice to the Lessee of the breach or default, the Lessor may declare this Lease immediately terminated and the Lessor shall be entitled to all unpaid rent, additional rent and other charges due pursuant to this Lease, and to the immediate and exclusive use and possession of each of the leased docking spaces, without any notice or further demand for rent, additional rent and other charges due pursuant to this Lease, and without any notice to quit or vacate or other demand to recover use and possession of the leased docking spaces, or notice of intention to exercise its rights pursuant to this Lease, and the Lessee hereby expressly and unconditionally waives all such notice. In such event, the Lessee shall be responsible for all reasonable attorney fees and costs incurred by the Lessor to obtain eviction.

#### 7. Signs

a. All signs which the Lessee desires to post must be approved by the Lessor and the Historic Preservation Commission of the City of Annapolis and any other agency if required by law.

#### 8. Compliance with Law

a. The Lessee shall comply with all federal, state and municipal licensing laws and regulations to insure that the Lessee's vessels and crews are certified as appropriate and that the Lessee's operations are conducted in a safe and non-hazardous and lawful manner.

#### 9. Insurance

a. The Lessee shall for the duration of this Lease maintain and pay the premiums for a policy of insurance covering liability for personal injury and property damage arising out of its business and operations pursuant to this Lease in the amount of no less than One Million Dollars (\$1,000,000.00) per person for bodily injury and property damage and Three Million Dollars (\$3,000,000.00) for each occurrence in the aggregate. The Lessee shall specifically name City of Annapolis and its Mayor, Aldermen and Alderwomen, employees, contractors and other agents as an additional insureds, and shall deliver a copy of such insurance policy and a certificate of insurance to the City Attorney at least ten days prior to the commencement of the lease term.

b. The Lessee shall have adequate workers' compensation insurance covering its employees who enter upon the access road leading to the Rental Area and the Rental Area itself and in no event shall the coverage in such policy be less than One Million Dollars (\$1,000,000.00) per person for accidental bodily injury and occupational disease. The Lessee shall specifically name City of Annapolis and its Mayor, Aldermen and Alderwomen, employees,

contractors and other agents as an additional insureds. The Lessee shall deliver a copy of its Worker's Compensation insurance policy and a certificate of insurance to the City Attorney at the time of the execution of this Lease and an updated certificate of insurance on the commencement date of each renewal term.

10. Indemnification

a. The Lessee shall indemnify, defend, and hold the City of Annapolis, its Mayor, Aldermen and Alderwomen, employees, contractors and other agents, harmless from all actions, causes of action, complaints, claims or demands, and all liability for injuries or damages to person or property, arising or alleged to arise as a result of any act or omission of the Lessee, its employees, contractors or other agents, whether or not the result of negligence or other fault, during the term of this Lease.

b. In the event the Lessee is required to defend any such actions, causes of action, complaints, claims or demands, the Lessee shall be entitled to participate in its defense, either in whole or in part as it so deems, and to select its own attorneys to provide a defense at the sole expense, for purposes of attorney fees and litigation costs, of the Lessee.

11. Immunities

a. The Lessor reserves and shall be entitled to enforce any and all immunities, partial or total, statutory or common law, in any proceeding that is initiated as a result of this Lease, whether initiated by the Lessor, the Lessee or any third party.

12. Assignment

a. The Lessee shall be entitled to assign its Lease obligations with the prior written consent of the Lessor, which the Lessor shall not unreasonably withhold, but any assignee, to the reasonable satisfaction of the Lessor, shall be financially able to meet the obligations of the Lease, including the payment of all rent due timely and the maintenance of the minimum insurance coverage required by this Lease, have the overall capability, expertise and resources to operate a waterfront tour and cruise business of a scale and quality comparable to that of the Lessee, or, in the alternative, to operate a maritime business that qualifies as an "amusement" under the Maryland State tax laws, and to otherwise perform the obligations of the Lease at the same level as the Lessee.

13. Absence of Agency

a. The Lessee acknowledges that it is an independent contracting party and not the agent or employee of the Lessor.

14. Notice

a. All notices pursuant to this Lease shall be by regular mail, fax or email, except notice of termination, which shall be by certified mail, return receipt requested.

b. Notice to the Lessor shall be to the City Attorney, 160 Duke of Gloucester Street, Annapolis, Maryland 21401.

c. Notice to the Lessee shall be to Debbie Gosselin at PO Box 3350, Annapolis, MD 21403.

d. The parties shall timely advise each other in writing of any change of address.

15. Venue, Waiver of Jury Trial and Governing Law

a. Venue for all judicial proceedings which result from this Lease shall be the courts of Anne Arundel County, Maryland.

b. The parties hereby expressly waive trial by jury in any such judicial proceeding.

c. The laws of the State of Maryland shall govern all matters relating to this Lease.

16. Modification or Amendment

a. This Agreement may not be modified or amended except in a writing signed by the parties and witnessed. No waiver of any provision of this Agreement shall be construed as a modification or amendment of this Agreement or valid unless in writing and signed by the parties and witnessed.

17. Integration

a. This Lease constitutes the entire agreement between the parties regarding the Lessee's lease of the Lessor's docking spaces. There are no other terms or understandings, oral or written, between the parties with respect thereto.

18. Binding Effect

a. The terms of this Lease shall be binding upon and shall be for the benefit of the parties and their successors and assigns.

Witness the signatures and seals of the parties.

Attest:

Lessor

\_\_\_\_\_  
Regina C. Watkins-Eldridge, MMC

By: \_\_\_\_\_  
Joshua J. Cohen, Mayor (Seal)

Lessee

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
Debbie Gosselin, President (Seal)

Approved for form and Legal Sufficiency:

\_\_\_\_\_

Gary M. Elson, Assistant City Attorney  
Date:

**Policy Report**

**Ordinance O-2-13**

**Lease of City Dock Space to Chesapeake Marine Tours**

The proposed ordinance would authorize for fiscal year 2019 the lease of certain municipal property located at the City Dock to Chesapeake Marine Tours, Inc. for the docking and mooring of certain boats.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.1184 or [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

BLUMENTHAL, DELAVAN & WILLIAMS, P.A.

ATTORNEYS AT LAW

SUITE 240

170 JENNIFER ROAD

ANNAPOLIS, MARYLAND 21401

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SAGER A. WILLIAMS, JR.\*\*

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COUNSEL  
EILEEN E. POWERS  
BARBARA J. PALMER  
JOHN GREGORY SMITH

January 18, 2013

*Rec'd  
1-18-13  
JRB*

**HAND-DELIVERED**

Regina C. Watkins-Eldridge, City Clerk  
City of Annapolis  
93 Main Street, 3<sup>rd</sup> Floor  
Annapolis, Maryland 21401

Re: Petition for Annexation  
44 Hudson Street, Annapolis, Maryland

Dear Madam Clerk:

This firm represents 44 Hudson Street, LLC with respect to the proposed annexation by the City of Annapolis of property located in the Second Assessment District of Anne Arundel County, Maryland. The property proposed for annexation is more particularly identified on Anne Arundel County Tax Map 45H, Parcel 767, also known as Lot A of the Annapolis Business Plaza (comprised of 2.13 acres of land) and part of the 100 year Flood Plain (comprised of .7 acres of land, approximately 0.1396± acres of which is included in the petition) ("Property").

Pursuant to Chapter 2.52 of the Annapolis City Code, enclosed please find one (1) original and fifteen (15) copies of the Petition for Annexation, the required supporting materials, and an application fee in the amount of \$4,000.00. The following summary is provided for your preliminary review:

Property: Tax Map 45H, Parcel 767 and p/o 100 year Flood Plain, Tax Accounts 02-020-90039173 and 02-020-90039173. The Property is split-zoned in Anne Arundel County as C4-Commercial and W2-Industrial, and is presently used as a vehicle storage facility for a commercial towing business.

Petitioner: 44 Hudson Street, LLC

Contact: Charles F. Delavan, Esq.  
Blumenthal, Delavan & Williams, P.A.  
170 Jennifer Road, Suite 240  
Annapolis, Maryland 24101  
410-573-2900  
[fdelavan@bdwlawfirm.com](mailto:fdelavan@bdwlawfirm.com)

BLUMENTHAL, DELAVAN & WILLIAMS, P.A.

Regina C. Watkins-Eldridge, City Clerk

January 18, 2013

Page 2

In accordance with the Annapolis City Code, Section 2.52.040, we ask that you set this matter to be introduced to the City Council for preliminary within the time frame provided by law.

Thank you in advance for your assistance, and please call either one of us if you have questions or need additional information.

Very truly yours,



Eileen E. Powers



Charles F. Delavan

Enclosures

cc: Ernie L. Gardner, Managing Member  
44 Hudson Street, LLC

**St. Patrick's Day Parade 2013**  
**Sunday, March 10, 2013**

ROUTE: The proposed St. Patrick's Day Parade will follow the route used for the Memorial Day and 4th of July Parades (attached). The event will begin at 1pm and will be over by 2pm. Line up will begin at Amos Garrett Blvd., as is the practice for Memorial Day and the 4th of July.

MANAGEMENT: Event organizers will provide volunteers to manage the lineup and provide Parade Marshals along the route. There will be no food or beverages served or sold before, during or after the parade in association with this application. Emergencies will be handled by 911.

Places of worship have been notified of the event and will be invited to participate in the reviewing stand.

**CITY SERVICES**

- 1) Annapolis Police Department has reviewed the application and approved the route. Police will be provided to manage the rolling street closures. Cost of police will be paid by the applicant.
- 2) Annapolis Department of Transportation has reviewed parking requirements. Parking will be reserved on Amos Garret for lineup and removed from Main St., as is the practice during the Memorial Day and 4th of July parades. The cost to the City will be paid by the applicant.
- 3) No other costs will be incurred by the City.

## St. Patrick's Day Parade 2013 Route

### Unit's will:

1. Line up at Amos Garrett Blvd. or their designated side-street depending on their position/order of the parade.
2. Make a right turn onto West Street
3. Travel clockwise (the wrong way) around Church Circle and out Main St.
4. Travel down Main Street towards Randall/Compromise Circle.
5. Travel clockwise (the wrong way) around Randall/Compromise Circle.
6. Exit traffic circle via Randall Street.

**Walking Units** will make a right onto Dock Street and disband in the parking area.

**Vehicle Units Unloading Individuals** will make a right onto Dock St. and then turn left onto Craig Street. There they will unload individuals. Once they have unloaded they will continue along Craig St. and make a left onto Prince George St. This will prevent a backup of vehicles and walking units exiting the area.

**Vehicle Units NOT Unloading Individuals** will continue along Randall Street. Please remain out of the way of walking and vehicle units traveling down Dock St. to prevent a backup of units.

**Below is a link which maps the parade route:**

<http://www.gmap-pedometer.com/?r=4510357>



**City of Annapolis**  
**Office of the Mayor**  
 Special Projects Coordinator  
 160 Duke of Gloucester Street  
 Annapolis, MD 21401-2517

FOR CITY USE ONLY	
FORM #	016-13
EVENT DATE	3/10/13
SUBMITTED	1/31/13
STATUS	

[SpecialEvents@annapolis.gov](mailto:SpecialEvents@annapolis.gov) • 410-263-7996 • Fax 410-216-9284 • [www.annapolis.gov](http://www.annapolis.gov)  
 Deaf, hard of hearing or speech disability - use MD Relay or 711

### Special Events Application

This application is required in order to consider whether the proposed activities are in compliance with applicable laws and regulations, and are not detrimental to the public health, safety and welfare.

1. A pre-application discussion with the Special Event Coordinator is required for first time events.
2. This permit application, with required attachments, must be submitted **30 days** prior to the event. Applications for events involving tents, staging and alcohol must be submitted **90 days** prior to the event and require additional approvals. Events requiring US Coast Guard involvement must be submitted **120 days** prior to the event.
3. Applications for events that will result in the closure of more than two blocks for more than 30 minutes must be filed at least **90 days** prior to the event, and requires that an alternate traffic route plan be approved, provisions made for public notice, and an opportunity for public comment. All expenses of public notice shall be paid by the applicant.
4. Prior to approval, the applicant must produce documentary proof of an insurance policy or rider protecting the City from liability for damages to person and property arising from the permitted event. This rider must be submitted to the City's Special Projects Coordinator no later than **7 days** prior to the event.
5. Application for events requiring legislation, INCLUDING LEASES, must be submitted at least **120 days** prior the event.
6. A \$25.00 non-refundable application fee must accompany the application. It will NOT be reviewed until the fee is paid. Payment may be made by cash or by check payable to the *City of Annapolis* and submitted in person or mailed to the City of Annapolis Attn: Special Projects Coordinator at 160 Duke of Gloucester Street, Annapolis, MD 21401 or by credit card by calling 410-263-7996. Note: This does not include any additional permit fees that may be required.
7. Applications completed electronically should be e-mailed to the Special Projects Coordinator. Paper submissions may be brought or mailed to the address at the top of this page.

Event title	St. Patrick's Day Parade		
Event date(s)	March 10, 2013	Rain date(s)	N/A
Start time	1300	End time	1400
Set-up time	1130	Breakdown	
Event address	Annapolis		
	(Please attach route or maps if event includes more than one location)		

Is event in the Historic District?     Yes     No    Event will be in Ward # \_\_\_\_\_

Contact	John O'Leary	Phone number	443-822-5871
E-mail	joleary@warriorevents.net	Phone during event	443-822-5871
Sponsoring organization	_____		
Address	1201 Crummell Avenue, Annapolis, MD 21403		

Status

<input type="checkbox"/> Annapolis Residential/Community Group	<input type="checkbox"/> Not for profit (attach designation letter)
<input type="checkbox"/> Business Group/Association	<input type="checkbox"/> Other _____
<input type="checkbox"/> For profit, enter Federal Tax ID _____	<input checked="" type="checkbox"/> Private Citizen
<input type="checkbox"/> Governmental Agency	





December 13, 2012

Mayor Joshua J. Cohen:

Dear Mr. Mayor:

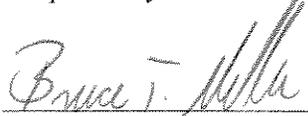
According to City Code, Sections 6.16.020, the Finance Department is requesting a Supplemental Appropriation in the amount of \$75,000. The purpose of this request is to reimburse the City's General Fund Contingency Account from the Water Enterprise Fund's retained earnings.

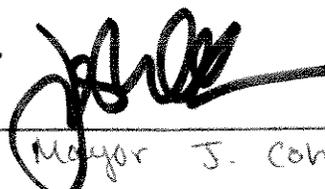
The reason for this request is that major repairs to Well number 5 were needed as follows; Well number 5 was originally constructed in 1947 and the inner and outer casings on the well currently need to be replaced with stainless steel along with the column couplings plus repairs to the pump motor. In order to provide timely funding and to initiate the aforementioned repairs, the Finance Committee and City Council approved allocating funds from the General Fund's Contingency Account for this project with the understanding that subsequently, a Supplemental Appropriation would be required to reimburse the funding source- in essence; the contingency fund was used as a bridge loan to facilitate immediate repairs.

Furthermore, as it is City policy that the Water Enterprise fund be self sufficient, it is necessary to make this appropriation.

Thank you for your consideration, and should you need any additional information, please let me know.

Respectfully submitted,

  
Bruce Miller, Finance Director

OK   
Mayor J. Cohen

  
David Jarrell, Public Works Director

  
Sheila M. Sanderson  
Finance Committee

  
Michael Malinoff, City Manager

