

**CITY OF ANNAPOLIS  
REGULAR MEETING OF THE CITY COUNCIL**

June 11, 2012 7:30 p.m.

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call  
Approval of Agenda

Mayor Cohen  
Alderman Paone  
Mayor Cohen  
City Clerk Watkins-Eldridge

**HONORARY MAYORAL CITATIONS**

Martha Wood Leadership Award

Mayor Cohen

**PETITIONS, REPORTS AND COMMUNICATIONS**

Approval of Journal of Proceedings

Regular Meeting May 14, 2012  
Special Meeting May 17, 2012  
Special Meeting May 29, 2012

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.*

**PUBLIC HEARING**

**O-7-12 Variances for Subdivisions** – For the purpose of moving the authority for granting subdivision variances from the Planning Commission to the Board of Appeals to comply with the Annotated Code of Maryland and a recent court decision; and all matters relating to variances for subdivisions.

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	180 Day Rule
2/27/12	6/11/12	5/4/12	8/24/12
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	2/27/12		
Planning Commission	2/27/12	4/5/12	Favorable w/ amd.

**O-16-12 Distribution of Unsolicited Materials** – For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

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
4/23/12	6/11/12	5/4/12	7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	4/23/12		

**LEGISLATIVE ACTION  
RESOLUTION – 2<sup>nd</sup> READER**

**R-21-12 Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012** – For the purpose of designating September 1-3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing City Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12	N/A	5/25/12	8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	5/14/12		
Economic Matters	5/14/12		

**ORDINANCES and RESOLUTIONS – 1<sup>st</sup> READER**

**O-23-12 Revisions to Title 17, Buildings and Construction** – For the purpose of amending Title 17, Buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards.

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

**O-24-12 Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code** – For the purpose of adopting the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

**R-23-12 Supporting City of Annapolis Participation in the Sustainable Maryland Certified Municipal Certification Program** – For the purpose of expressing the sense of the Annapolis City Council to register and pursue the Sustainable Maryland state certification program for local municipalities.

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Environmental Matters	6/11/12		

**R-26-12**      **Establishing a Forest Conservation Act Working Group** – For the purpose of establishing a Forest Conservation Act Working Group to review and make recommendations on the City of Annapolis' legislation and policies pertaining to the implementation of the Forest Conservation Act. **(Available Monday, June 11, 2012).**

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		
Environmental Matters	6/11/12		

**R-27-12**      **Establishing Policies and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations** – For the purpose of establishing policies and procedures for Mayor and City Council approval of grant revenue appropriations.

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	6/11/12		

**BUSINESS and MISCELLANEOUS**

1. Approval of towing licenses
2. Appointments

**UPCOMING CITY COUNCIL EVENTS**

Special Meeting; Monday, June 18, 2012 7:00 p.m. City Council Chambers  
Waterside Tour with the Annapolis Maritime Advisory Board; Thursday, June 21, 2012

Jessica Cowles  
Legislative and Policy Analyst  
City of Annapolis Office of Law  
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June 6, 2012

TO: The Capital Legal Notices: legalad@capgaz.com  
FROM: Jessica Cowles, Legislative and Policy Analyst  
RE: Notice of Public Hearing  
PUBLISH: Please publish on: **Sunday, June 10, 2012 and Monday, June 11, 2012**

Please send bill and certificate of publication to the City of Annapolis Office of Law, 93 Main Street, 3rd Floor, Annapolis, MD 21401.

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**NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING**

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, June 11, 2012 at 7:30 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

- O-7-12**      **Variances for Subdivisions** – For the purpose of moving the authority for granting subdivision variances from the Planning Commission to the Board of Appeals to comply with the Annotated Code of Maryland and a recent court decision; and all matters relating to variances for subdivisions.
  
- O-16-12**    **Distribution of Unsolicited Materials** – For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

The above legislation on the City Council agenda for public hearing can be viewed on the City's website at: <http://www.annapolis.gov/Government/Departments/LawOffice/PendingLegis.aspx>

REGULAR MEETING  
May 14, 2012

The Regular Meeting of the Annapolis City Council was held on, May 14, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 7:43 p.m.

Present on Roll Call: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Silverman, Kirby, Pfeiffer, Arnett

Staff Present: City Attorney Hardwick, City Manager Mallinoff, Finance Director Miller, Director Emergency Management Simmons, Planning and Zoning Director Arason, Human Resources Director Rensted, Development/Special Projects Coordinator LeFurge

Approval of Agenda

- Alderwoman Hoyle moved to approve the Regular Meeting Agenda as amended to include R-19-12 on 1<sup>st</sup> reader. Seconded. CARRIED on voice vote.

HONORARY MAYORAL CITATIONS

Martha Wood Leadership Award

Mayor Cohen invited Alderman Kirby to present to the Annapolis Optimist Club, Annapolis, Maryland 21401 the Mayoral Citation in recognition of being honored by the Housing Authority of the City of Annapolis as the twenty fourth recipient of the prestigious Martha Wood Leadership Award.

PRESENTATION of AWARD

Tim Ailsworth, Executive Director of Local Government Insurance Trust (LGIT) presented the Mayor and City Council with a LGIT training grant award in the amount \$2,490 for PRIMA's Annual Conference "Walking the Line of Risk" Director of Emergency Management Simmons accepted the award on behalf of the Mayor and City Council.

PETITIONS, REPORTS AND COMMUNICATIONS

Approval of Journal of Proceedings

- Alderman Silverman moved to approve the Journal of Proceedings for the Regular Meeting April 9, 2012, Emergency Meeting April 16, 2012, Special Meeting April 23, 2012 and the Special Meetings of April 30, 2012. Seconded. CARRIED on voice vote.

Comments by the General Public

Scott Bowling, 1979 Fairfax Road, Annapolis, Maryland 21401-4302 spoke in favor of O-9-12.  
Peter Klein, 1104 Charing Cross Drive, Crofton, Maryland 21114 spoke in favor of Corvette Annapolis Car Club  
Frank Bradley, 815 Parkwood Avenue, Annapolis, Maryland 21403 spoke in opposition to O-9-12 and in favor of Corvette Annapolis Car  
James J. King, 2221 MT. Tabor Road, Gambrills, Maryland 21054 representing the Rock Fish Restaurant spoke on Roof Top Dinning  
Chris Stelzig, 10 Monticello Avenue, Annapolis, Maryland 21401 representing Annapolitan for a Better Annapolis and the Annapolis Elementary School PTA spoke on City Dock Advisory Committee

- Chief Musician Jarrod Williams, United States Naval Academy Band 101 Buchanan Road Annapolis, MD 21402 spoke in favor of parking for service members during the special events.

CONTINUATION of PUBLIC HEARING

**R-9-12 Capital Improvement Budget and Program: FY 2013 to FY 2018 – For the purposes of adopting a capital improvement budget for the Fiscal Year 2013, and a capital improvement program for the six-year period from July 1, 2012, to June 30, 2018.**

David DiQuinzio, 541 Second Street, Annapolis, Maryland 21403 presented the Planning Commission finding on the resolution.

Spoke on the resolution:

Bill Kardash, 1 Acton Place, Annapolis, Maryland 21401

Spoke in opposition to the resolution:

John S. Simcox, 709 Harwood Lane, Annapolis, Maryland 21401 (Kings Port Park on page 22, of R-9-12)

Margaret Kaii-Ziegler, 743 Pearson Point Place, Annapolis, Maryland 21401 (Kings Port Park on page 22, of R-9-12)

No one else from the general public spoke in favor of or in opposition to the resolution.

- Mayor Cohen accepted into the record a Memorandum to the Annapolis City Council from the Planning Commission dated 05/03/12.
- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTION

CHARTER AMENDMENT and ORDINANCES – 2<sup>nd</sup> READER

**CA-01-10 Deputy Department Directors – For the purpose of requiring department directors, subject to mayoral approval, to designate a full-time employee as deputy director.**

City Manager Mallinoff was present and gave a brief presentation on the charter amendment.

Human Resources Director Rensted was present and answered questions from Council.

- Alderman Arnett moved to adopt CA-01-10 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendments on CA-01-10.

- Alderman Israel moved to amend CA-01-10 as follows:

On page 2, in line 6, strike the word “Mayor” and insert “City Manager”. Seconded. CARRIED on voice vote.

- Alderman Arnett moved to amend CA-01-10 as follows:

On page 2, in line 8, after “director.” delete “During time of service as acting director, the deputy director shall receive the same compensation paid to the

director.” Seconded. CARRIED on voice vote.

The main motion as amended DEFEATED on voice vote.

**O-32-11 Outdoor Dining in the B1 and B2 Zoning Districts – For the purpose of clarifying the contradiction in use standards related to outdoor dining in the B1 and B2 zoning districts in Chapters 21.64 and specific provisions in 21.42 of the Code of the City of Annapolis.**

Planning and Zoning Arason was present and answered questions from Council.

James J. King, 2221 MT. Tabor Road, Gambrills, Maryland 21054 representing the Rock Fish Restaurant answered questions from Council.

- Alderman Arnett moved to amend O-32-11 as follows:

4. No portion of a rooftop dining area may be located any closer than 75 feet from a residential structure, measured horizontally at grade. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Paone moved to adopt O-32-11 amended on third reading. Seconded.

A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel, Paone, Alderwomen Hoyle, Finlayson*

*NAYS:*

*CARRIED: 9/0*

**O-9-12 Exempting Members of the City Central Committees from Holding More Than One City or City-Connected Position – For the purpose of exempting members of the City Central Committees from holding more than one position as defined in Section 2.04.040 of the City Code.**

- Alderman Arnett moved to adopt O-9-12 on second reading. Seconded.

The Rules and City Government Committee reported favorably with amendment on O-9-12.

- Alderman Israel moved to amend O-9-12 as follows:

“Notwithstanding the prohibition of this section, a member of the central committee may hold one additional city or city connected position” Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

- Alderman Paone moved to adopt O-9-12 amended on third reading. Seconded.

A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel, Paone, Alderwomen Hoyle, Finlayson*

*NAYS:*

*CARRIED: 9/0*

ORDINANCES and RESOLUTIONS – 1<sup>ST</sup> READER

- O-19-12 Assistance for Aldermen and Alderwomen – For the purpose of establishing the civil service position of City Council Associate reporting to the City Manager.**

Referred to the Rules and City Government Committee

- O-20-12 Issuance of Bonds – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Seven Million Six Hundred Ninety Thousand Dollars (\$7,690,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), as amended, and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as “Public Improvements Bonds, 2012 Series” and said bonds to be issued and sold for the public purpose of financing and refinancing certain capital projects of the City as provided in this Ordinance; prescribing the form and tenor of said bonds; determining the method of sale of said bonds and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds.**

Referred to the Economic Matters and Finance Committees and the Financial Advisory Commission.

- O-21-12 Tolling Approval and Permit Expiration Dates – For the purpose of temporarily tolling expiration dates of zoning approvals and permits granted by the Board of Appeals, the Department of Planning and Zoning, the Historic Preservation Commission, and the Department of Neighborhood and Environmental Programs until June 30, 2014 provided that the zoning approvals and permits are active and valid as of June 30, 2012.**

Referred to the Rules and City Government Committee and the Planning and Historic Preservation Commissions.

- Alderman Israel requested a public hearing at the next available City Council Meeting.

- R-20-12 Paint Annapolis 2012 – For the purpose of designating June 7-10, 2012 as dates for the sale of arts-related merchandise in the Historic District at the Paint Annapolis 2012 event; authorizing City Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.**

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-20-12 on second reading. Seconded.

A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel, Paone, Alderwomen Hoyle, Finlayson*

*NAYS:*

*CARRIED: 9/0*

- R-21-12** Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 – For the purpose of designating September 1-3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing City Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

Referred to the Finance and Economic Matters Committees

- R-22-12** Submission of Finance Committee Budget Report – For the purpose of postponing until after May 14, 2012, the submission to the Mayor and City Council of the Finance Committee’s recommendations on the FY2013 operating budget and related legislation.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Alderman Arnett moved to adopt R-22-12 on second reading. Seconded.

A ROLL CALL vote was taken:

*YEAS: Mayor Cohen, Aldermen Silverman, Kirby, Pfeiffer, Arnett, Israel, Paone, Alderwomen Hoyle, Finlayson*

*NAYS:*

*CARRIED: 9/0*

The order of the agenda was amended to allow for R-19-12.

- R-19-12** Restoration of the Maynard-Burgess House - For the purpose of designating the signatory for any State of Maryland grants or easements for the restoration of the Maynard-Burgess House; and all matters relating to said restoration of the Maynard-Burgess House.

Referred to the Finance and Rules and City Government Committees.

The order of the agenda was resumed.

#### BUSINESS and MISCELLANEOUS

##### 1. Budget Revision Request

Finance Director Miller was present gave a brief presentation and answered questions from Council.

The Finance Committee reported favorably on GT-50-12.

**Department, Planning and Zoning, Control Number GT-50-12 dated 2-May-2012 Justification for request: To provide funding for Match to \$100,000 grant from African American Heritage Preservation and additional funds to complete renovations to Maynard Burgess.**

- Alderman Arnett moved to approve budget revision request GT-50-12. Seconded. CARRIED on voice vote.

##### 2. Special Event Applications per R-14-12:

Development/Special Projects Coordinator LeFurge was present and answered questions from Council.

Event Name	Event Day(s)	Event Date(s)	Location; reason a "major event"
APD 1-Mile Challenge	Saturday	5/19/2012	Downtown/City Dock; road closure
Greek Festival	Sunday	5/27/2012	City Dock/Market Space; parking
ZOOMA	Saturday	6/2/2012	Marine-Naval Stadium; road closure
Corvettes on the Bay	Saturday	6/16/2012	Susan Campbell Park/City Dock; parking
USNA Band Concerts	Tuesday	7/4, 7/10, 7/17, 7/24, 7/31; 8/7, 8/14	Susan Campbell Park; parking

- Alderman Arnett moved to approve the APD 1-Mile Challenge on Saturday, May 19, 2012 location Downtown/City Dock. Seconded. CARRIED on voice vote.
- Alderman Paone moved to approve the Greek Festival on Sunday, May 27, 2012 location City Dock/ Market Place. Seconded. CARRIED on voice vote.
- Alderman Pfeiffer moved to approved ZOOMA on Saturday, June 2, 2012 location Marine-Naval Stadium for road closure. Seconded. CARRIED on voice vote.
- Mayor Cohen accepted into the record a letter from Debbie H. Gosselin representing Watermark Tours dated May 14, 2012.
- Alderman Kirby moved to approve the Corvettes on the Bay on Saturday, June 16, 2012 location Susan Campbell Park with City Dock Parking. Seconded. CARRIED on voice vote.
- Alderman Silverman moved to approve the USNA Band Concerts on July, 4, 10, 17 and 24, 2012 and August 7 and 14, 2012 location Susan Campbell Park with City Dock Parking. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 10:53 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk

A SPECIAL MEETING  
May 17, 2012

A Special Meeting of the Annapolis City Council was held on Thursday, May 17, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 1:36 p.m.

Present on Roll Call: Mayor Cohen, Alderwoman Finlayson, Aldermen Kirby, Pfeiffer, Arnett

Staff Present: City Attorney Hardwick

BUSINESS AND MISCELLANEOUS

**Proposed Closed Session - Pursuant to State Government Article Sections § 10-508 (a) (7):**

- Alderman Arnett moved to have a closed meeting on Thursday, May 17, 2012 immediately following this meeting in accordance with Maryland State Government Article Sections § 10-508 (a)(7):

*To consult with counsel to obtain legal advice on a legal matters. Seconded.*

*A ROLL CALL vote was taken:*

*YEAS: Mayor Cohen, Aldermen Kirby, Pfeiffer, Arnett, Alderwoman Finlayson*

*NAYS:*

*CARRIED: 5/0*

The Council moved into closed session at 1:41 p.m.

- Alderman Paone moved to adjourn the closed session at 2:47 p.m. Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the special meeting was adjourned at 2:47 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk

SPECIAL MEETING  
May 29, 2012

The Special Meeting of the Annapolis City Council was held on May 29, 2012 in the Council Chamber. Mayor Cohen called the meeting to order at 5:40 p.m.

Present on Roll Call: Mayor Cohen, Alderwomen Hoyle, Finlayson, Aldermen Israel, Paone, Kirby, Arnett

Absent on Roll Call: Alderman Pfeiffer arrived at 6:07 p.m. and Aldermen Silverman arrived at 6:14 p.m.

Staff Present: City Attorney Hardwick, Finance Director Miller, Chief Historic Preservation Craig, Harbormaster Walters, Development and Special Events Coordinator LeFurge

*Closed Session*

*Statement: Pursuant to the requirement of Maryland Annotated Code, State Government Article Section § 10-508 (a) (7); this statement is included in these minutes:*

*A closed session of the City Council was held at 1:41 p.m., Thursday, May 17, 2012 in the City Council Chamber.*

*Present: Mayor Cohen, Alderwoman Finlayson, Aldermen Kirby, Pfeiffer, Arnett*

*Staff Present: City Attorney Hardwick, Assistant City Attorney Elson, City Manager Mallinoff, Boards and Commission Coordinator Raftovich*

*On a roll call vote by the majority of the members present the session was closed.*

*The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section § 10-508 (a) (7):*

*The purpose of the meeting was to consult with counsel to obtain legal advice on a legal matter.*

*The session topic was:*

*Status of Current Litigation*

*Upon motion duly made, seconded and adopted, the closed session was adjourned at 2:47 p.m.*

PETITIONS, REPORTS AND COMMUNICATIONS

National Preservation Month Proclamation

Mayor Cohen invited Chief of Historic Preservation Craig to present the proclamation in recognition of National Preservation Month to the following individuals:

Joe Rubino, USNA  
Carol Benson, Four Rivers Heritage Area  
Linnell Bowen, Maryland Hall  
Sharon Kennedy, HPC  
John Guild, Historic Annapolis  
Maggie Melson, St. Johns  
Eileen Leahy, Charles Carroll House  
Carter Lively, Hammond Harwood House

Finance Committee Report on the Mayor's Proposed FY 2013 Budget



**FY 2013 Budget Report of  
The Finance Committee  
of the Annapolis City Council  
May 29, 2012**

**Finance Committee Members**

**Alderman Ross Arnett III, Ward 8, Chairman**

**Alderman Sheila Finlayson, Ward 4**

**Alderman Richard E. Israel, Ward 1**



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### **Executive Summary**

The Finance Committee has reviewed the Mayor's Proposed Budget and, with extensive and invaluable help from the Finance Director, his staff, the City Manager, the Director of Human Resources, all of the Department Heads, Virginia Burke, and especially Hilary Raftovich; we make the following summary recommendations to our colleagues on the City Council.

Our primary recommendations are as follows:

- No increase in property tax revenues over the fiscal year 2012 level
- Only parking revenues and transit revenues (to include grants) will be used to support Department of Transportation expenses. No subsidies of transit operations from the General Fund (\$861,438).
- Contract out solid waste collection and redeploy or otherwise compensate affected staff
- A City contribution to the Police and Fire Pension of 8.5% of salaries (\$1,575,000)
- An appropriation of \$875,000 to the OPEB Fund
- An appropriation of \$600,000 to the Sidewalk Improvement Fund from bond funds and \$218,000 from the General Fund.
- Elimination of furlough days (pending agreement to contract by police)
- Approve one new hire and the expansion of an existing part time position, of the twelve new positions proposed by the Mayor. (reducing proposed new spending by \$664,770.00)
- An enhancement of \$412,040.61 to the Fleet Replacement Fund (\$323,931 less than in the Mayor's proposed budget).
- 21 Contract Employee conversions to begin on January 1, 2013 (\$142,623) (delaying these proposed conversions by six months will save \$132,377)
- An increase of funding for AEDC of \$15,000 (\$75,000.00 less than proposed)
- Allow excess revenue from speed cameras to fall to General Fund balance including the support of Pension Funds.
- Operating enhancements to departmental budgets as recommended in the table in Section One of this Report (\$637,352.00 versus the \$851,076 proposed in the Mayor's budget yielding \$213,715.00 in reduced spending)
- The committee recommends some changes in the organizational chart to better facilitate city business under the guidance of the City Manager.

The Committee supports the Fee Schedule as proposed in R-7-12. We support the administration's ongoing efforts to make the fees commensurate to the expenses in the enterprise funds as required by Code. As this Committee is recommending the contracting out of solid waste services, the fees should be amended to reflect the new lower costs. These cost savings will increase over time and thus the fees should decrease with them.

Finally, there is some question about the priority of the projects in the Capital Improvement Program (CIP). With the new emphasis on City Dock Revitalization, the committee believes more immediate action should be taken with the replacement of the Hillman Garage and control of the monthly flooding on Compromise and Dock Streets.

### **Finance Committee Budget Statement**

Budgets are by their nature a balancing act between competing objectives. Budgeters must satisfy the need to keep taxes and fees low, while maintaining service levels acceptable to constituents. In addition, prudence dictates that a surplus of revenues over spending be achieved. For the fiscal year 2013 Budget the surplus must be big enough to both provide a hedge against unforeseen expenses and to continue to restore the general fund reserve. In addition, for fiscal year 2013 the budget must begin to address, in a serious way, several long-term liabilities that have been left unattended for too long and which threaten in a very real way the financial viability of the City finances.

In his State of the City address the Mayor noted three fiscal priorities: a structurally balanced budget; restored fund balance[s]; and fully funded long-term liabilities. He noted that in fiscal 2011 and 2012 there was a balanced approach, using spending cuts and revenue increases. In his view, both types of actions "were necessary to stop deficit spending, and restore structural balance to the budget." For fiscal year 2013 the Mayor proposes to maintain a balanced budget, continue to restore fund balances, and increase funding for long-term liabilities; all while still providing value and quality service for constituents.

The Finance Committee concurs with the Mayor's budget objectives, but proposes a somewhat different approach. We recommend holding property tax revenues to the fiscal 2012 level, a modest increase in some fees, and some reductions in current operating costs to enable a significant increase in monies devoted to the reduction of long term liabilities such as pension, retiree health, and infrastructure (including sidewalk repair) all of which have been underfunded for many years. All of these recommendations are consistent with the Mayor's Budget, but with a different emphasis.

The City Council Finance Committee has met 22 times since the introduction of the Mayor's Budget on March 12, 2012. We have met with all of the City Departments, some more than once, and have been provided with a large volume of information by the Finance and Human Resources Departments.

In terms of recommendations, the Finance Committee has decided to start with Budget Ordinance O-8-12, as introduced by the Mayor that calls for a tax rate of fifty-six cents (\$.56) on each one hundred dollars (\$100.00) of assessable property in the City of Annapolis as of the end of June 30, 2013. The Mayor's Budget calls for a property tax increase of approximately \$.10 on each one hundred dollars. This includes \$.07 to bring tax revenue to level due to decreased property tax assessments and an additional property tax increase of \$.0283 to cover proposed increases in spending over fiscal 2012 levels.

*The Committee offers the following amendment:*

*O-8-12, Operating Budget*

*Page 2, Line 7 and Line 7: strike "fifty-six (\$0.56)" and insert "sixty-three (\$0.63)" or 64 depending on how Finance wants to round - constant yield was listed at 0.6377.*

The Committee is concerned about increasing the tax rate up to levy, and does not recommend the additional \$.0283 of additional tax increase, but the Committee does favor several spending increases in the Mayor's budget, as will follow.

In general the Committee finds favor with any spending that addresses restoring fund balances, reducing debt, and funding liabilities. The Mayor proposes new spending for fleet replacement, creating a revolving fund for such replacement rather than borrowing to purchase new vehicles. Sidewalk repair is a long standing liability for the City and a public safety issue for residents, business and visitors (we need to begin the process of bringing our sidewalks up to code). The City has been negligent in its obligation to the Police and Fire Pension Plan. The pension is underfunded by over \$21+ million and we must restart payments into the pension fund. Even more egregious is our unfunded liability for retiree health benefits (OPEB), now estimated by our actuaries as a deficit of \$46+ million and growing steadily. Finally, the Committee supports the Administration's plans to address the huge unfunded liability for City infrastructure such as water, sewer pipe and storm drain systems, buildings and roads -- a liability estimated to be \$120 million.

Further, the Administration proposes to raise several fees this year, to introduce a new parking ticket system [automated license plate recognition], and new speeding cameras in school zones that will issue automatic fines. The Committee has mixed opinions on the cost benefit of these new fees and fines.

### **Report Structure**

This report contains the Finance Committee's proposed changes to the Mayor's budget. The changes in expenses and revenues are contained in the attached proforma (equaling a balanced budget as required by law). Proposed changes to the text of the Budget Ordinance, CIP Ordinance or Fee Resolution are stated as "proposed amendments" throughout the document.

The proforma as submitted has been reviewed and approved by the Finance Department and the proposed legislative amendments reviewed by the Office of Law.

With the exception of recommendations noted in the following report, the Committee accepts the Mayor's Budget as presented in O-8-12 and the Proforma Budget Analysis as of March 12, 2012.

### **New Spending**

The Finance Committee reviewed the Mayor's proposed \$5,160,943.55 of new spending. The Committee supported \$3,361,868.09 of that spending including the restoration of furlough days (as outlined in the pending union contracts), funding for sidewalks, fleet replacement, and some fire department upgrades that have been long deferred. The committee believes that the Mayor did not allocate enough new spending to OPEB (Other Post Employment Benefits, or retiree medical coverage) and Police and Fire pension. These are long term issues that need to be dealt with for the sake of our employees as well as the City's long term financial health. The Committee recommends \$834,000.00 in additional new spending towards the pension and \$675,000.00 in additional new spending towards OPEB. This brings the recommended new spending of the committee to almost level with the Mayors suggestions but prioritizes programs that will contribute to the financial health of the City and in the long term will save the city money. The new spending recommendations of the Mayor and the Committee are detailed below:

Item	Mayor's Budget	Committee Recommends	Difference
<b>General Fund</b>			
<b>New Hires (12)</b>			\$0.00
Finance (2)	\$182,250.00	\$91,125.00	(\$91,125.00)
Deputy prop maint	\$57,880.00	\$0.00	(\$57,880.00)
Stormwater Eng.	\$86,820.00	\$0.00	(\$86,820.00)
Police*	\$0.00	\$0.00	\$0.00
Harbormaster	\$76,685.00	\$0.00	(\$76,685.00)
ADOT Deputy	\$138,690.00	\$0.00	(\$138,690.00)
Law (2)	\$152,820.00	\$0.00	(\$152,820.00)
City Manager Asst.*	\$0.00	\$0.00	\$0.00
REC acct clerk	\$60,750.00	\$0.00	(\$60,750.00)
Camera Operator	\$16,200.00	\$16,200.00	\$0.00
<b>Total New Staff</b>	<b>\$772,095.00</b>	<b>\$107,325.00</b>	(\$664,770.00)
<b>Fleet Replacement</b>			
General Fund	\$593,350.61	\$493,350.61	(\$100,000.00)
Water Fund	\$93,425.09	\$93,425.00	(\$0.09)
Sewer Fund	\$77,360.25	\$77,360.00	(\$0.25)
Transportation Fund	\$182,180.90	\$36,000.00	(\$146,180.90)
Dock Fund	\$11,905.37	\$11,905.00	(\$0.37)
Refuse Fund	\$77,750.00	\$0.00	(\$77,750.00)
Stormwater Fund	\$0.00		\$0.00
<b>Total (less 300k level-funded)</b>	<b>\$735,972.22</b>	\$412,040.61	(\$323,931.61)
<b>Furlough by Fund</b>			
General Fund Employees	\$662,773.67	\$662,773.67	\$0.00
Enter. Fund Employees	\$103,035.66	\$105,753.81	\$2,718.15
<b>Total by Fund</b>	<b>\$765,809.33</b>	<b>\$768,527.48</b>	<b>\$2,718.15</b>
Conversions	\$275,000.00	\$142,623.00	(\$132,377.00)
Pension	\$741,000.00	\$1,575,000.00	\$834,000.00
OPEB	\$200,000.00	\$875,000.00	\$675,000.00
AEDC	\$90,000.00	\$15,000.00	(\$75,000.00)
MBE			
Main St. & Arts Dist.	\$25,000.00	\$25,000.00	\$0.00
Community Grants	\$45,000.00	\$45,000.00	\$0.00
Sidewalks	\$600,000.00	\$218,000.00	(\$382,000.00)
Whitmore Park	\$10,000.00	\$0.00	(\$10,000.00)
Maryland Hall	\$25,000.00	\$25,000.00	\$0.00
Sailing Hall of Fame	\$25,000.00	\$25,000.00	\$0.00
<b>Mayor's Office</b>			\$0.00
Boards & Comm.	\$1,000.00	\$1,000.00	\$0.00
Legal Ads	\$2,000.00	\$2,000.00	\$0.00
Law training	\$8,500.00	\$0.00	(\$8,500.00)
<b>Finance</b>			
(Services)	\$50,000.00	\$50,000.00	\$0.00

MIT (MUNIS)	\$56,630.00	\$56,630.00	\$0.00
<b>HR</b>			
exams & Services	\$40,500.00	\$40,500.00	\$0.00
<b>P&amp;Z</b>			\$0.00
Pro. Cert	\$2,060.00	\$2,060.00	\$0.00
CDBG Legal	\$1,000.00	\$1,000.00	\$0.00
Hist. Markers	\$5,000.00	\$0.00	(\$5,000.00)
HPA Inventory	\$1,000.00	\$0.00	(\$1,000.00)
<b>Police</b>			\$0.00
Maint. & Supply	\$35,000.00	\$0.00	(\$35,000.00)
R&M	\$10,500.00	\$0.00	(\$10,500.00)
<b>Fire</b>			\$0.00
EMS supplies	\$71,500.00	\$71,500.00	\$0.00
cell phones/wireless	\$4,000.00	\$4,000.00	\$0.00
Air cards/laptops	\$1,200.00	\$1,200.00	\$0.00
fleet maintenance	\$45,000.00	\$45,000.00	\$0.00
Vehicle Repeater	\$53,000.00	\$53,000.00	\$0.00
Tiburon	\$43,500.00	\$43,500.00	\$0.00
<b>Public Works</b>			\$0.00
radios	\$5,986.00	\$5,986.00	\$0.00
roadways PT emp.	\$102,515.00	\$0.00	(\$102,515.00)
flags/curb paint	\$12,500.00	\$0.00	(\$12,500.00)
water dist. OT	\$25,376.00	\$25,376.00	\$0.00
wastewater OT	\$3,700.00	\$3,700.00	\$0.00
Water Plant Maint.	\$200,000.00	\$200,000.00	\$0.00
<b>Recs &amp; Parks</b>			\$0.00
radios	\$3,900.00	\$3,900.00	\$0.00
<b>Transportation</b>			\$0.00
training (req)	\$12,700.00	\$2,000.00	(\$10,700.00)
passenger survey	\$20,000.00	\$0.00	(\$20,000.00)
marketing	\$25,000.00	\$25,000.00	\$0.00
ALPR	\$8,000.00	\$0.00	(\$8,000.00)
<b>total of proposed new spending</b>	<b>\$5,160,943.55</b>	<b>\$4,870,868.09</b>	<b>(\$290,075.46)</b>

\* new positions that are approved but require no new funding

**New Spending detail: Grants and other Not-for-Profit Donations**

The Committee supports the recommendations of the advisory committee on allocations of the Community Grant funds with the adjustments outlined in the following chart.

<i>Shaded Grants Are Required Matching Funds</i>		<b>FY 2013 Funds Requested</b>	<b>Committees Suggested Allocations</b>	<b>Finance Committee Suggested Allocations</b>
Four Rivers Heritage Area	<b>91</b>	\$25,000	\$25,000	\$25,000
Annap. Youth Services Bureau	<b>84</b>	\$50,000	\$50,000	\$50,000
St. Philips Family Life Center	<b>96.6</b>	\$10,000	\$6,800	\$5,000
Heritage Baptist Church	<b>94.3</b>	\$5,000	\$3,400	\$2,500
Art Walk	<b>94</b>	\$9,000	\$6,120	\$5,000
Anne Arundel County Volunteer Center	<b>93.3</b>	\$5,000	\$3,400	\$2,500
Box of Rain	<b>93</b>	\$5,000	\$3,400	\$2,500
Creating Communities	<b>91.6</b>	\$2,500	\$1,700	\$1,500
Paint Annapolis 2013/ Plein Air	<b>91.3</b>	\$2,700	\$1,835	\$1,500
The Arc	<b>91</b>	\$5,000	\$3,400	\$2,500
Seeds 4 Success	<b>90.3</b>	\$16,000	\$10,880	\$9,000
Maritime Museum	<b>90.3</b>	\$30,000	\$20,400	\$15,000
Gems & Jewels	<b>88.3</b>	\$20,000	\$13,600	\$10,000
Boys & Girls Club	<b>87.6</b>	\$5,962	\$4,185	\$4,500
Bay Theater Company	<b>85.6</b>	\$3,500	\$2,380	\$2,000
Light House	<b>85.3</b>	\$10,000	\$6,800	\$8,000
Arts Council	<b>80</b>	\$30,000	\$20,400	\$15,000
Historic Annapolis Foundation	<b>77.6</b>	\$10,000	\$6,800	\$5,000
We Care and Friends	<b>75.6</b>	\$40,000	\$27,200	\$30,500
Chesapeake Children's Museum	<b>74.6</b>	\$10,000	\$6,800	\$5,000
Center of Help	<b>73</b>	\$15,000	\$10,200	\$5,000
Kunte Kinte-Alex Haley Foundation	<b>68.3</b>	\$7,500	\$5,100	\$7,000
OIC Job Readiness	<b>68</b>	\$15,000	\$10,200	\$11,000
Archeology in Annapolis	<b>66.6</b>	\$35,000	\$0	\$16,000
Mt. Olive Community Dev. Corp	<b>46.6</b>	\$12,000	\$0	\$9,000
<b>Total Dollars Awarded</b>		<b>\$379,162</b>	<b>\$250,000</b>	<b>\$250,000</b>

**New Spending Detail: Conversions**

The Committee concurs with the findings of the 2010 Contract Employment Commission. We believe that contract positions should be reviewed and if deemed to be critical long term positions be converted to either Civil Service or Exempt positions. There is a cost to these conversions and in these challenging times we recommend converting 21 employees (of 71 candidates) half way through this fiscal year. The selections were made both on the basis of longevity and of critical nature of the work function. The Committee also recommends that the list will be reviewed annually by the Finance Committee for additional candidates for conversion over the next 2 fiscal years.

The Civil Service conversions have been reviewed and accepted by the Civil Service Board as well. The Civil Service positions we recommend for conversion in FY 2013 are:

4429 MIT Specialist  
4541 GIS Coordinator  
4610 MIT Administrative Support Analyst  
4650 GIS Technician  
4782 Parking Meter Collection  
5008 Mobility and Parking Specialist  
5063 Front Desk Supervisor  
5064 Facility Supervisor  
5065 Marketing/Membership Coordinator  
5083 Council Associate  
4971 Facilities Maintenance Engineer II  
2685 Dance and Fitness Coordinator  
4887 Administrative Office Associate  
4895 Office Associate III  
5198 Facilities Maintenance Supervisor  
0000 Deputy Director of Emergency Preparedness and Risk Management  
4925 Hispanic Liaison  
0000 Risk Analyst

The recommended conversions to the Exempt Service are as follows:

3177 Community Relations Specialist  
3856 PIO and Quartermaster  
4921 Assistant City Attorney

### **Proposed Offsets**

The Finance Committee discussed a variety of ways to offset the proposed spending and lighten the burden on the tax payer. There was discussion of the privatization of various city functions. This committee is recommending the privatization of refuse collection. This recommendation is contingent on finding new positions for all the employees that would be displaced, either with by filling jobs with the City or through employment with the refuse contractor. This recommendation will result in significant annual savings in the refuse fees paid by residents amounting to almost \$1.8 million in each year of the 7 year contract. There will likely be some offsetting new spending in the general fund and slightly smaller savings in the refuse fee in FY2013 budget as there will be expenses associated with the transition. The Committee thanks the Human Resources Director, the City Manager, the Director of Public Works, and AFSCME for their work to make this a successful outcome for both the City workers and the fee paying residents.

We are recommending that the city review other operational efficiencies as appropriate but the Committee is not recommending any other functions for privatization this fiscal year.

This Committee is recommending a surplus of revenues over expenditures in the General Fund of \$4,882,053, slightly larger than that in the Mayor's budget. This surplus is need to continue to restore the General Fund reserve balance and reduce the city's dependence on short-term borrowing to maintain cashflow for day to day operations. We also recommend the Enterprise Fund surplus of just over \$1,013,747 in the Mayor's budget. That surplus will be used largely to finalize the restoration of reserve balances for these Funds.

The committee is recommending the cutting of the \$861,437.77 proposed subsidy to the transportation department from the general fund. The Transportation Department is confident that it can function solely on transit and parking receipts and revenues and grant funding.

### **Fee Schedule**

The Committee supports the administration's ongoing efforts to make the fee charges to users commensurate to the expenses in the enterprise funds.

As this Committee is recommending the contracting out of solid waste services the fees should be amended to reflect the new lower costs. These savings will increase after the first transition year and thus the fees should decrease with them.

The committee offers the following amendment to the Fee Resolution:

#### ***R-7-12, Fee Schedule***

*Page 1, Line 16, after fees, insert: "as modified by the amendments of the City Council."  
I have the section at the ready if they are changing the fee for trash collection.*

The Committee requests that staff review the current Package Goods Liquor License fees to see if there can be a graduated fee based on the percentage of the store dedicated to alcohol sales. The committee requests a fiscal impact be assessed for this proposed change.

The Committee also requests a review of the "overnight" charges and times for Knighton and Park Place garage and the consideration of changing the start time from 8:00 pm to 4:00 pm either for all users or only for hospitality industry employees.

These two fee changes will be revisited and voted on by the Committee in October.

### **Capital Improvement Program**

With regard to the Capital Improvement Program (CIP), the Committee has the following overarching recommendations. At the beginning of the process the City Council should be consulted on the projects to be included in the CIP before the Capital Working Committee and Capital Programming Committee meet to evaluate and score the project priorities. Also, though dramatic improvements have been made in the CIP project rating system, it still needs more improvement, especially so that scoring is financially meaningful. The Committee also found that the evaluation and design costs as budgeted in the CIP seem excessively high, and these cost estimates should be reevaluated with an eye towards reduction.

In terms of this year's proposed CIP the Committee recommends three changes. First the committee recommends reconsideration of the timing for the Hillman Garage replacement. The committee recommends that the assessment should begin as soon as possible to assist with City Dock Revitalization planning. We are recommending moving the study and design phases in to the FY2013 and FY2014 budgets to enable construction to begin in FY2015

The committee recommends funding \$600,000 in sidewalk repairs in FY2013 from bond funds and adding \$218,000 in funding from the general fund to cover the costs of staff moved from the Refuse fund.

Finally, the committee recommends that project 728, Flood Control Infrastructure be placed on the schedule but not funded in the FY2013 Budget to allow staff time to complete internal evaluations before committing new funding amounts. This project should also be considered in cooperation with the City Dock Revitalization planning.

The amended CIP pages are attached and will be submitted as amendments to R-9-12 FY2013 CIP.

Capital Improvement Program - Proposed

Project Detail

FY13 - FY18

<b>Project Title</b> General Sidewalks	<b>Project Number</b> TBD	<b>Initiating Department</b> Public Works
<b>Asset Category</b> Roadways/Sidewalks	<b>Asset Number</b> Numerous asset numbers are assigned to sidewalks	<b>Priority Score</b> Project not scored to date
<b>Project Description</b> Project is designed as an ongoing infrastructure repair program for the sidewalks in Annapolis. In the summer of 2009, DPW conducted a comprehensive city-wide sidewalk condition assessment. Sidewalks were inspected for cracking, fining and scaling. Based upon this first inspection, a list of priorities for repair and reconstruction was developed taking into account not only sidewalk condition, but location of sidewalk in terms of its importance to citywide pedestrian traffic. In 2004, a three-tier sidewalk hierarchy was developed with resident and business participation. This hierarchy and the condition rating of individual sidewalk segments will determine the sequence of specific replacement projects.		
Funding for this project is contingent on the identification of a funding source for sidewalk repairs.		
<b>Regulatory or Legal Mandate</b>		<b>Operational Necessity</b> Allows continued safe use of the existing sidewalk network.
<b>Prior Funding</b> None		<b>Non-City sources of funding</b>
<b>FY13 Budget commitment allows project stage:</b> Construction		<b>Project Years</b> Recurring
		<b>Total Project Budget</b> \$600,000 annually

Appropriation Schedule	Budget	5-Year Capital Plan					FY13 - FY18 Total
	Proposed FY13	Proposed FY14	Proposed FY15	Proposed FY16	Proposed FY17	Proposed FY18	
Land Acquisition	10,000	10,000	10,000	10,000	10,000	10,000	60,000
Design Costs	584,000	584,000	584,000	584,000	584,000	584,000	3,504,000
Construction Project Mgmt	6,000	6,000	6,000	6,000	6,000	6,000	36,000
IT Costs							
Furniture/Fixtures/Equipm							
Legal Fees							
Salaries Supplement	218,770						218,770
<b>Total</b>	<b>818,770</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>3,818,770</b>

Funding Schedule							
Bond funds	600,000						600,000
Operating funds	218,770	600,000	600,000	600,000	600,000	600,000	2,600,000-218,770
Other							
<b>Total</b>	<b>818,770</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>600,000</b>	<b>3,818,770</b>

Debt analysis: no debt to be incurred for this project.

Capital Improvement Program - Proposed

Project Detail

FY13-FY18

<b>Project Title</b> Hillman Garage	<b>Project Number:</b> T4/MUNIS 732 / TRD	<b>Initiating Department</b> Central Services, Mayor's Office, Transportation
<b>Asset Category</b> Off Street Parking Facility	<b>Asset Number</b> 56926	<b>Priority Score</b> Project not scored to date
<b>Project Description</b> Replacement of the deteriorating 435-space garage with a new facility, with state of the art controls, ADA compliant pedestrian access, elevators, and appearance more compatible with the surrounding community. Structural repairs completed in 2010 extended the life of this facility. <u>The facility is operated and maintained by the City Transportation Department. Project planning &amp; design is recommended to begin in 2014. First year project planning would determine the project scope and could include a conditions assessment, geo-technical explorations, and a parking study. (Budget estimates prepared by per Department of Central Services in 2009)</u>		
<b>Regulatory or Legal Mandates</b>		<b>Operational Necessity</b>
<b>Prior Funding</b> Approximately \$700,000 spent in 2009 and 2010 on structural repairs.		<b>Non-City sources of funding</b>
<b>FY13 Budget commitment allows project stage:</b> <u>No funds requested in FY13 Planning</u>		<b>Project Years:</b> 2014-2017 construction FY13-FY15
		<b>Total Project Budget</b>

Appropriation Schedule	Budget		5-Year Capital Plan				FY13 - FY18 Total
	Proposed FY13	Proposed FY14	Proposed FY15	Proposed FY16	Proposed FY17	Proposed FY18	
Land Acquisition							
Design Costs	300,000	785,190	200,000	1,530,360	785,400	1,530,360	2,506,560
Construction Costs			16,723,150			16,723,150	16,723,150
Construction Project Mgmt							0
IT Costs							
Furniture/Fixtures/Equipment			334,480			334,480	334,480
Legal Fees			2,200,000			2,200,000	2,200,000
Contingencies							
<b>Total</b>	<b>300,000</b>	<b>785,190</b>	<b>20,787,870</b>	<b>786,400</b>	<b>20,787,870</b>	<b>0</b>	<b>21,853,160</b>

Funding Schedule							
Bond funds	300,000	785,190	20,787,870	786,400	20,787,870		21,853,160
Operating funds - O.S. Parking							
Other							
<b>Total</b>	<b>300,000</b>	<b>785,190</b>	<b>20,787,870</b>	<b>786,400</b>	<b>20,787,870</b>	<b>0</b>	<b>21,853,160</b>

Debt Analysis			
FY13-FY18 Total	Borrowing Term (Years)	Average Annual Debt Service	Average Tax Rate Impact
21,853,160	30	1,283,873	0*

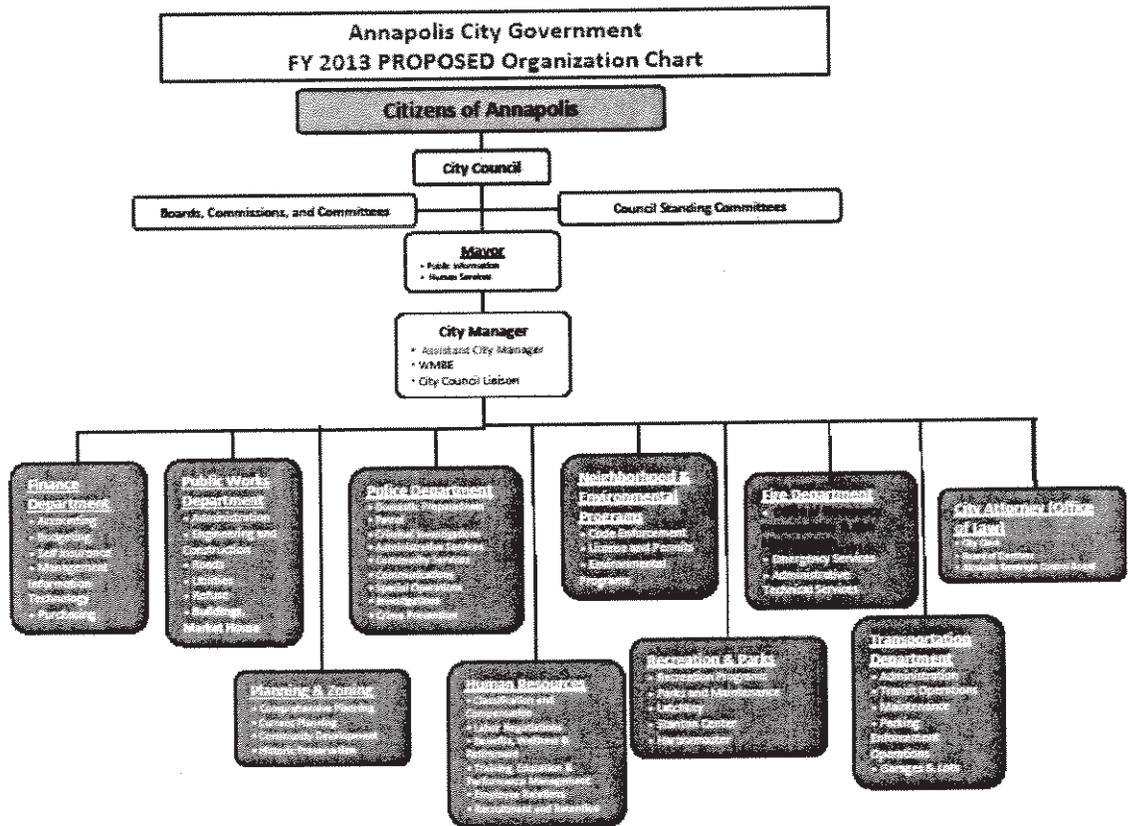
\*No tax rate impact: project is funded from Off Street Parking Fund. If expressed as a tax rate impact, debt service equates to 1.95.

### Organizational Chart

The committee proposes the following changes in the Organizational chart.

We recommend moving the MBE function from the Mayors Office to the City Manager's office. We recommend adding the Assistant City Manager and City Council Liaison to the City Manager's office. Finally we recommend moving the Office of law from supervision of the Mayor to the Supervision of the City Manager to make it consistent with all the other city departments and to enable the City Manager to better direct interdepartmental work.

The amended chart is as follows:



### Long Term Solutions and Other Report Issues

Financial Accounting: While the *proforma* certainly contains all of the detail needed to evaluate the budget, it lacks ease of understanding. Many important policy decisions are implied by the numbers rather than being made explicit. An example is the so called "Constant Levy" policy that can only be detected by noting that the property tax revenue for FY 12 and 13 are the same amount in each year. This is a huge policy change left to be inferred. While the committee commends the Finance Director and staff on their diligence and commitment to fiscal responsibility, we believe that additional information is needed to aid in making policy decisions. For example, the Committee and other members of the City council find a need for some summary level data and charts that precede the great level of budget detail in the *Proforma*. Also need for the future is a summary of policy decisions that are implicit in the budget detail.

For this year's budget, the Committee believes that the estimates for Automatic License Plate Recognition System and Speed Camera fines for the first year can be raised, based on the experience of other governmental entities in Maryland. Also, the practice of excluding grant money from the *proforma* is probably good accounting practice, but it hurts the ability to make policy evaluations of each Departments full revenue amounts and how well that covers their expenditures. Perhaps a second set of more aggregate accounts could be developed that shows by department, revenues and expenses including expected or traditional grants and other external sources of revenue. Finally, to set a context for the current year budget amounts, the Committee would like to see 2 or 3 year out projections of expected budget revenues and expenses by department.

Reserves Funds: The Committee would like to see an explicit accounting for all of the reserve funds, including fund balance history and projections. Also needed is a statement on the current condition and projected status of each reserve fund. As an example, the Water Fund still owes money to the General Fund. When will that debt be paid off? For the future, what amount of reserve, and hence impact on fees, will be needed once work begins on the new water purification plant begins?

Contingency Reserve: The Committee would like to have quantified the amount of money set aside for the Contingency Reserve and know the rules governing the amount going into and expenditures from that reserve.

Self Insurance: The city has been self-insured for several years for many liabilities, including health benefits. The Committee would like to see data and information of what liabilities are self-insured, including the amounts set aside for the liabilities, amounts paid out for losses, and any reinsurance coverage with the premiums paid and losses covered. We also recommended looking at cost and benefits of purchased insurance to see if we are really saving by being self-funded.

Other Long-term Issues: Some of the proposals put forward by members of the Committee that are not being recommended for this year's budget, but deserve further review by the Administration for next year's budget exercise.

- Further evaluate employee health benefits for both active and retired employees
- Endorse the formation of the Task Force on Police and Fire Pension Fund and OPEB
- Evaluate the benefits and cost savings of moving immediately to the use of SUVs or other light vehicles for carrying extra fire staff to EMS calls
- Examine and report on operational efficiencies throughout the city organization
- Complete all evaluations recommended in the Fiscal 2012 Report from the Finance Committee.

- Conduct an evaluation of all possible training and technologies available but not employed by the City that would enhance employee productivity and job satisfaction
- Initiate a comprehensive transportation evaluation to determine the extent to which transportation should be provided outside the City boundaries
- Review the idea of establishing a sidewalk enterprise fund
- Examine state code related to penalties for exceeding appropriated budget allocations for an operating component (department or office level)
- Evaluate the impact of demolishing and rebuilding the Hillman garage. The Committee recognizes that this project will cause several effects.
  1. The resulting parking shortage will have a major impact on downtown business and a decrease in parking revenue while also incurring new debt service for the City
  2. The Department of Transportation must prepare for the effects on their budget and operations
- A proper funding source should be determined for the City's parking availability signage. Expenditures for the program will be matched to revenue generation, most probably benefiting the Parking Fund.
- The City should enact formal impasse protocol for union contract negotiations.
- It is recognized that a significant number of Police Department civilian employee salaries are solely grant-funded. The department's General Fund personnel expenditures should be amended/reduced to accurately reflect only those salary/benefits which are funded by the General Fund. Accordingly, when grants are approved by the Finance Committee and City Council, the grant-funded positions will be charged to the appropriate grant accounts.
- The Police Department's general fund personnel expenditures will allow for the attrition of one Record Specialist position.
- The City Council should review the continuance of the Community Grant Program before the next funding cycle begins
- The Committee recommends moving Four Rivers, Annapolis Youth Services Bureau and The Kunta Kinte Foundation to line item funding in the next budget cycle

Appendix 1: letters from Financial Advisory Commission

- Alderman Arnett Chair of the Finance Committee presented the Finance Committee Recommendations to the Mayor and City Council. Alderwoman Finlayson and Alderman Israel were also present to answer questions from Council.

Comments by the General Public

No one from the general public spoke.

- Mayor Cohen declared the petitions, reports and communications closed.

PUBLIC HEARING

**O-19-12 Assistance for Aldermen and Alderwomen – For the purpose of establishing the civil service position of City Council Associate reporting to the City Manager.**

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing closed.

**O-20-12 Issuance of Bonds – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, general obligation bonds in the aggregate principal amount not to exceed Seven Million Six Hundred Ninety Thousand Dollars (\$7,690,000), pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume), as amended, and Article VII, Section 11 of the Charter of the City of Annapolis, as amended, to be designated as “Public Improvements Bonds, 2012 Series” and said bonds to be issued and sold for the public purpose of financing and refinancing certain capital projects of the City as provided in this Ordinance; prescribing the form and tenor of said bonds; determining the method of sale of said bonds and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds.**

Finance Director Miller gave a brief presentation on the ordinance.

Joseph D. Mason, First Vice President, Davenport & Company LLC, One James Center, Suite 1100, 901 East Cary Street Richmond, Virginia 23219 was present and answered questions from Council.

William Taylor, Partner, McKennon Shelton & Henn, LLP, 401 E. Pratt Street, Suite 2315, Baltimore, Maryland 21202 was also present and answered questions from Council.

No one from the general public spoke in favor of or in opposition to the ordinance.

- Mayor Cohen declared the public hearing closed.

LEGISLATIVE ACTIONS  
ORDINANCE – 2<sup>ND</sup> READING

**O-5-12 Re-Instituting a City Council Vote at the First Reader Introduction of Legislation – For the purpose of re-instituting a City Council vote at the first reader introduction of legislation.**

- Alderman Arnett moved to adopt O-5-12 on second reading. Seconded.

The Rules and City Government Committee reported favorably on O-5-12.

The main motion DEFEATED on voice vote. *A ROLL CALL vote was taken:*

*YEAS: Aldermen Pfeiffer, Arnett, Alderwomen Hoyle, Finlayson, Aldermen Kirby*

*NAYS: Mayor Cohen, Aldermen Israel, Paone*

*ABSTAIN: Alderman Silverman*

*CARRIED: 5/3/1*

- Alderman Arnett moved to adopt O-5-11 on third reading. Seconded.

*A ROLL CALL vote was taken:*

*YEAS: Aldermen Pfeiffer, Arnett, Alderwomen Hoyle, Finlayson, Aldermen Kirby*

*NAYS: Mayor Cohen, Aldermen Israel, Paone*

*ABSTAIN: Alderman Silverman*

*CARRIED: 5/3/1*

ORDINANCES and RESOLUTIONS – 1<sup>ST</sup> READING

**O-17-12 Central Services – For the purpose of amending the City Code to conform to the City organization chart adopted as part of the FY 2012 operating budget in regards to the Central Services functions.**

- Alderman Arnett moved to adopt O-17-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Public Safety, Rules and City Government and the Transportation Committees.

**O-22-12 Multi-Family Dwellings in the BR Zoning District – For the purpose of permitting multi-family dwellings in the BR zoning district.**

- Alderman Arnett moved to adopt O-22-12 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules and City Government Committee and the Planning Commission

**R-25-12 Commemorating the War of 1812 – For the purpose of commemorating the War of 1812 by supporting the docking of the HMS Bounty; and waiving docking fees associated with the HMS Bounty docking in the City of Annapolis on June 14-18, 2012.**

Harbormaster Walters gave a brief presentation on the resolution and answered questions from Council.

Development and Special Events Coordinator LeFurge was present and answered questions from Council.

- Alderman Paone moved to adopt R-25-12 on first reading. Seconded. CARRIED on voice vote.

There being no voiced objection, the rules were suspended to allow passage of the resolution at the meeting of its introduction.

- Aldermen Israel moved to adopt R-25-12 on second reading. Seconded.
- Alderwoman Hoyle moved to amend R-25-12 as follows:

Amendment #1

Page 1, Line 23, add:

WHEREAS, Section 7.40.090 of the City Code allows the City Council to designate certain days when peddlers, hawkers and itinerant merchants may sell in the Historic District or a nonresidential area; and

Amendment #2

Page 1, Line 30, add:

AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL that sales of merchandise may be sold in conjunction with the HMS Bounty docking in the City of Annapolis from June 14<sup>th</sup> to June 18<sup>th</sup>. Seconded. CARRIED on voice vote.

The main motion as amended CARRIED on voice vote.

*A ROLL CALL vote was taken:*

*YEAS: Mayor Cohen, Aldermen Pfeiffer, Arnett, Israel, Paone, Alderwomen  
Hoyle, Finlayson, Aldermen Silverman, Kirby*

*NAYS:*

*CARRIED: 9/0*

BUSINESS and MISCELLANEOUS

1. Appointments

The Economic Matter Committee reported favorable on the appointments.

- Alderman Paone moved to approve the Mayor's (re)appointments of the following individuals:

05/29/12.....Jay Ronald Kabriel

05/29/12.....Rockford E. Toews

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 6:50 p.m.

Regina C. Watkins-Eldridge, MMC  
City Clerk

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-7-12**

**Introduced by: Alderwoman Finlayson and Alderman Arnett**

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	180 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
2/27/12			8/24/12
Rules and City Gov't	2/27/12		
Planning Commission	2/27/12		

8  
9 **A ORDINANCE** concerning

10 **Variances for Subdivisions**

11 **FOR** the purpose of moving the authority for granting subdivision variances from the Planning  
12 Commission to the Board of Appeals to comply with the Annotated Code of Maryland  
13 and a recent court decision; and all matters relating to variances for subdivisions.

14  
15 **BY** repealing the following portions of the Code of the City of Annapolis, 2011 Edition:  
16 Section 20.32.010  
17 Section 20.32.020  
18 Section 20.32.040  
19 Section 20.32.050

20  
21 **BY** repealing, renumbering, and re-enacting with amendments the following portions of the  
22 Code of the City of Annapolis, 2011 Edition:  
23 Section 20.32.030 to Section 20.32.010  
24 Section 20.32.060 to Section 20.32.020  
25 Section 20.32.080 to Section 20.32.030  
26 Section 20.32.090 to Section 20.32.040  
27 Section 20.32.100 to Section 20.32.050

28  
29 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
30 City of Annapolis, 2011 Edition:  
31 Section 21.08.040  
32 Section 21.54.180

33  
34  
35 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
36 **COUNCIL** that the Code of the City of Annapolis shall read as follows:  
37

1 **CHAPTER 20.32 – VARIANCES**  
2

3 **[20.32.010 Planning Commission authority--Generally.**

4 The Planning Commission after a public hearing, may determine and vary the regulations of this  
5 title where the commission makes findings of fact in accordance with the standards prescribed  
6 in this chapter and further finds that, while extraordinary hardship may result from strict  
7 compliance with this title, the variance authorized will not have the effect of nullifying the intent  
8 and purpose of the comprehensive master plan, adopted land use plans for the area, or this  
9 title.]  
10

11  
12 **[20.32.020 Planning Commission--Planned communities.**

13 The standards and requirements of this title may be modified as approved by the Planning  
14 Commission in conjunction with the review of either the preliminary or final plats in the case of a  
15 plan and program for a complete community or a neighborhood unit which, in the judgment of  
16 the commission, provide adequate public spaces and improvements for the circulation,  
17 recreation, light, air and service needs of the tract when fully developed and populated, and  
18 which also provide covenants or other legal provisions as will assure conformity to and  
19 achievement of the plan.]  
20

21  
22 **[20.32.030] 20.32.010 Application.**

23 An application for a variance shall be filed with the Planning and Zoning Director in the form and  
24 accompanied by the information required by the director [who shall submit a written report and  
25 recommendation to the Planning Commission.] FOLLOWING THE PROCESS IDENTIFIED IN  
26 SECTIONS 21.28.020B AND 21.28.030 AND SHALL PROVIDE ADEQUATE EVIDENCE THAT  
27 THE PROPOSED VARIANCE WILL CONFORM TO THE STANDARDS SET FORTH IN  
28 TITLE 20.  
29

30  
31 **[20.32.040 Review by commission.**

32 A. A variance application, when complete, shall be placed upon the agenda of the Planning  
33 Commission for consideration at its regular monthly meeting. The agenda shall be published in  
34 a newspaper of general circulation in the City at least seven days prior to the meeting. The  
35 applicant shall post a sign on the property for which the variance is being sought at least fifteen  
36 days prior to the meeting. At this meeting the commission may accept whatever evidence and  
37 testimony it judges to be relevant to the proper consideration of the case. The applicant shall be  
38 responsible for the removal of the sign within seven days following the meeting.

39 B. At the meeting a report and recommendation from the Planning and Zoning Director shall be  
40 received and the director shall be available to respond to inquiries from the members of the  
41 Planning Commission.]  
42

43  
44 **[20.32.050 Commission findings and action.**

45 Within thirty days after the commission has completed its review of the application, but in no  
46 case longer than ninety days after placing the application on the agenda of the commission, the  
47 commission shall make written findings of fact.]  
48

49  
50 **[20.32.060] 20.32.020 Required findings.**

1 The [Planning Commission] BOARD OF APPEALS shall not vary the regulations of this title  
2 unless findings are made based upon the evidence presented in each specific case that:  
3 A. Because of the particular physical surroundings, shape or topographical conditions of the  
4 specific project involved, a particular hardship to the owner would result as distinguished from a  
5 mere inconvenience if the strict letter of the regulations were to be carried out;  
6 B. The conditions upon which the petition for a variance is based are unique to the property for  
7 which the variance is sought;  
8 C. The purpose of the variance is not based exclusively upon a desire to increase financial gain;  
9 D. The alleged difficulty or hardship is caused by this title and has not been created by any  
10 persons presently having an interest in the property;  
11 E. The granting of the variance will not be detrimental to the public welfare or injurious to other  
12 property or improvements in the neighborhood in which the property is located;  
13 F. The proposed variance will not impair an adequate supply of light and air to adjacent  
14 property, or substantially increase the congestion of the public streets, or increase the danger of  
15 fire, or endanger the public safety, or substantially diminish or impair property values within the  
16 neighborhood;  
17 G. With respect to proposed lots comprised of land which, as of January 1, 1981, was  
18 unimproved by buildings or structures, the proposed variance will not authorize lot areas or lot  
19 widths which are less than eighty percent of those required by the applicable zoning regulations  
20 of the City. With respect to other proposed lots, the proposed variance may authorize any lot  
21 areas or lot widths complying with subsections A through F of this section.  
22  
23

24 **[20.32.080] 20.32.030 Commission action.**

25 Prior to the granting of any variance, the [Planning Commission] BOARD OF APPEALS shall  
26 stipulate conditions and restrictions as in their judgment will secure substantially the objectives  
27 of the standards or requirements so varied or modified. In all cases in which variances are  
28 granted, the [commission] BOARD shall require evidence and guarantees as it may deem  
29 necessary as proof that the conditions stipulated in connection with the variance are being and  
30 will be satisfied. No variance shall be granted under this chapter except by the affirmative vote  
31 of a majority of all members of the [commission] BOARD.  
32  
33

34 **[20.32.090] 20.32.040 Resubmittal after denial.**

35 No application for a variance which has been denied by the [Planning Commission] BOARD OF  
36 APPEALS shall be resubmitted for a period of one year from the date of the order of denial,  
37 except on the grounds of new evidence or proof of change of conditions found to be valid by the  
38 [Planning Commission] BOARD OF APPEALS.  
39  
40

41 **[20.32.100] 20.32.050 Appeals.**

42 Appeals from decisions of the [Planning Commission] BOARD OF APPEALS under this chapter  
43 shall be made to the Circuit Court of Maryland for Anne Arundel County pursuant to Maryland  
44 Rules, Title 7, Chapter 200, or its successors.  
45

46 **Chapter 21.08 – DECISION MAKING BODIES AND OFFICIALS**

47  
48 **21.08.040 - Board of Appeals.**

- 1 A. Establishment. The Board of Appeals is established pursuant to and has the authority to  
2 execute all of the powers granted to Boards of Appeals by Article 66B of the Annotated Code of  
3 Maryland.
- 4 B. Membership. The Board of Appeals shall consist of five members who shall be residents and  
5 registered voters of the City of Annapolis and who shall serve without compensation. The  
6 regular members and one alternate member shall be appointed by the Mayor and confirmed by  
7 the City Council and be removable for cause, upon written charges, and after public hearing.  
8 When an alternate member is absent, the Mayor with the confirmation of the City Council may  
9 designate a temporary alternate.
- 10 C. Term. The term of office of each member of the Board of Appeals shall be for three years, as  
11 provided in Article 66B of the Annotated Code of Maryland. Vacancies shall be filled for the  
12 unexpired term of any member whose term becomes vacant.
- 13 D. Rules. The Board of Appeals shall adopt rules in accordance with the provisions of this  
14 section and in accordance with the provisions of Article 66B of the Annotated Code of Maryland.  
15 The Board shall adopt and amend rules as follows:
- 16 1. After a public session to consider the proposed rules or amendments, the Board shall  
17 adopt and periodically amend rules of practice and procedure.
- 18 2. The Board shall give reasonable notice of the date, time, and place of the public  
19 session and the category of rule or amendment to be considered at the session.
- 20 3. After approval by the Board, the rules of the Board of Appeals shall be published and  
21 shall be available to the public through the Department of Planning and Zoning.
- 22 E. Duties. The Board of Appeals shall have the following powers and duties:
- 23 1. To hear and decide appeals, pursuant to the provisions of Zoning Code Chapter  
24 21.30 where it is alleged there is error in any order, requirement, decision or  
25 determination made by an administrative official or body in the enforcement of: (a) this  
26 Zoning Code; or (b) any ordinance adopted pursuant to this Zoning Code.
- 27 2. To hear and decide applications for special exceptions pursuant to Chapter 21.26 of  
28 this Zoning Code.
- 29 3. To hear and decide applications for variances from the terms of this Zoning Code,  
30 pursuant to the provisions of Chapter 21.28 AND FROM THE TERMS OF TITLE 20 -  
31 SUBDIVISIONS, PURSUANT TO THE PROVISIONS OF CHAPTER 20.32.
- 32 4. To hear and decide applications for zoning district boundary adjustments pursuant to  
33 the provisions of Zoning Code Chapter 21.20
- 34 5. To hear and decide applications for physical alteration of a nonconforming use  
35 pursuant to the provisions of Chapter 21.68
- 36 6. To hear and decide all matters referred to it or upon which it is required to decide by  
37 this Zoning Code, and as prescribed by Article 66B of the Annotated Code of Maryland.
- 38 F. Tolling of Approvals. Approvals granted by the Board of Appeals pursuant to Section  
39 21.08.040E of this Code and extensions thereof which are active and valid as of December 31,  
40 2010, shall be tolled until June 30, 2012, so that all such approvals and extensions shall expire  
41 on, or any applicable extension request shall have been requested by, June 30, 2012.
- 42 G. Meetings. The meetings of the Board of Appeals shall be held at the call of the chair and at  
43 other time determined by the Board. The Board shall provide public notice of any meeting by  
44 publication in at least one newspaper of general circulation in the City not less than seven days  
45 prior to the meeting. The chair or the acting chair may administer oaths and compel the  
46 attendance of witnesses. All meetings shall be open to the public. The Board shall make a  
47 transcript of all proceedings, showing the vote of each member on each question, or the  
48 member's absence or failure to vote. The board shall immediately file the transcript of its  
49 proceedings in the Office of Planning and Zoning. Each transcript shall be a public record. If a  
50 recording or a transcript of a recording is not prepared in the normal course of the Board's

1 proceedings, the party who requests a copy of the recording or its transcript shall pay the cost of  
2 preparing the recording or transcript.  
3

4

5 **CHAPTER 21.54 – CRITICAL AREA OVERLAY**

6 **21.54.180 Variances in conjunction with subdivisions.**

7 A. In accordance with the regulations of Chapter 20, Subdivisions, if a subdivision requires  
8 approval by the Planning Commission, the authority to approve a variance to the critical area  
9 requirements shall be that of the [Planning Commission] BOARD OF APPEALS. The [Planning  
10 Commission] BOARD OF APPEALS in considering the variance shall apply the standards or  
11 conditions of review specified under Section 21.54.160.

12 B. Appeals from decisions of the [Planning Commission] BOARD OF APPEALS under Section  
13 21.54.180 shall be made to the Circuit Court for Anne Arundel County.  
14

15

16 **SECTION 11: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
17 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
18

19 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
20

21

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

22

23

24

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

27

28

29

**O-7-12  
Variances for Subdivisions  
Staff Paper**

In a March 2, 2007 decision, the Circuit Court for Anne Arundel County held in Annapolis Roads Property Owners Assoc., Case No.: C-2006-114 597, that the Annapolis Planning Commission lacked the legal authority to grant a variance to minimum setback requirements in Title 21, Zoning Code of the Annapolis City Code. The Circuit Court further held that only the Board of Appeals possessed that power.

The Circuit Court advised that the Planning Commission could grant only variances under Title 20, Subdivisions, of the Annapolis City Code, to authorize deviations from a master subdivision and/or plat. The proposed ordinance, therefore, proposes a series of changes to the City Code to comply with the Circuit Court's decision and State law. In general, these changes are as follows:

<b>Court Memorandum Opinion</b>	<b>Comments</b>	<b>Proposed Ordinance O-7-12</b>
<p>“Commissioners (Planning Commission) lacked the statutory authority to grant variances to zoning regulations.”</p> <p>“The Commission’s authority to grant variance under...20.32.010 refers to its ability to deviate from the master subdivision plan and/or plat.”</p>	<p>Maryland Code 66B, §4.07 states that the Board of Appeals may “authorize on appeal in specific cases a variance from the terms of an ordinance.” §5.04 states that the Planning Commission may specify subdivision requirements or restrictions that “...have the same force of law...”</p>	<p>Planning Commission will continue to review and approve subdivision plats that are consistent with Title 20, Subdivisions.</p>
<p>To hold otherwise would create “...dual regulation of zoning regulations. ...single/small lot owners could only apply to the Board of Appeals for an area variance...while large property owners could choose to either go before the Board of Appeals or the Planning Commission...”</p>	<p>Process should be the same for everyone.</p>	<p>All zoning variances are decided by the Board of Appeals.</p>

Prepared by: Jessica Cowles, Law Office, [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) and 410-263-1184

FISCAL IMPACT NOTE

**Legislation No:** O-7-12

**First Reader Date:** 2-27-12

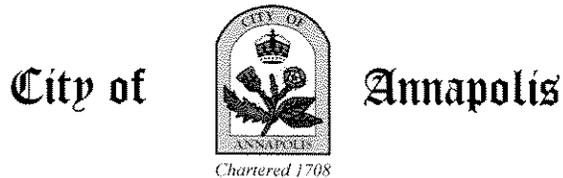
**Note Date:** 5-4-12

**Legislation Title:** **Variances for Subdivisions**

**Description:** For the purpose of moving the authority for granting subdivision variances from the Planning Commission to the Board of Appeals to comply with the Annotated Code of Maryland and a recent court decision; and all matters relating to variances for subdivisions.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.



## PLANNING COMMISSION

(410)263-7961

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

April 5, 2012

To: Annapolis City Council

From: Planning Commission

Re: Findings - O-07 -12

### Summary

O-07-12 proposes to move the authority for granting subdivision variances from the Planning Commission to the Board of Appeals. Title 20 of the City Code creates a process for allowing the subdivision of land and authorizes the Planning Commission to grant variances in conjunctions with subdivisions. This process was in effect from the 1970 adoption of Title 20 until a 2007 court case which determined that the Planning Commission lacked the authority under article 66B of the state code to grant the variances to subdivisions. This legislation would rectify that problem by moving the subdivision variance process to the Board of Appeals. The Planning Commission would continue to approve subdivisions and in the case of a subdivision requiring a variance, the final approval of the subdivision would be contingent on the approval of the variance by the Board of Appeals.

### Staff Recommendation

At a regularly scheduled meeting on April 5, 2012, the planning staff presented their analysis and recommendation for approval of the legislation as discussed in the staff report dated March 28, 2012.

### Public Hearing and Deliberation

In accordance with Title 21 of the code of the City of Annapolis, the Planning Commission held a public hearing and invited the public to comment following the staff report presentation. One person spoke.

After the close of the public hearing, the commissioners questioned staff about the subdivision process and entered into deliberations. The Planning Commission concurred with the recommendation of staff.

**Recommendation**

Under section 21.32.010 Purpose and authority of the City Code, it states the following:

*For the purpose of promoting the public health, safety, morals and general welfare, and conserving the value of property throughout the city, the city council, from time to time, in the manner set forth in this chapter, may amend the regulations imposed in the districts created by this title; provided, that in all amendatory ordinances adopted under the authority of this chapter, due allowance shall be made for existing conditions, the conservation of property values, the direction of building development to the best advantages of the entire city and the uses to which property is devoted at the time of the adoption of the amendatory ordinance.*

The code further requires under section 21.32.020 that “Within thirty days after the commission has completed its review of the proposed amendment, but in no case longer than ninety days after the matter has been placed on the agenda of the commission, the commission shall submit its written recommendations to the city council”.

Following a review of the staff report and consideration of staff comments, the Commission by a vote of 6-0 recommends approval of the proposed amendments to the code.

Adopted this 5<sup>th</sup> day of April, 2011

  
Dr. Eleanor M. Harris, chair



*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 • TDD 410-263-7943

Chartered 1708

JON ARASON, AICP  
DIRECTOR

March 28, 2012

**MEMORANDUM**

**To:** Annapolis Planning Commission

**From:** Jon L. Arason, <sup>JA</sup> AICP, Planning & Zoning Director

**Re:** O-07-12 Variances in Conjunction with Subdivisions

**Attachments:** Ordinance O-07-12  
Circuit Court Memorandum - Opinion Regarding Planning Commission Authority to Grant Subdivision Variances

**SUMMARY**

O-07-12 proposes to move the authority for granting subdivision variances from the Planning Commission to the Board of Appeals.

**BACKGROUND AND ANALYSIS**

Title 20 of the City Code creates a process for regulating the subdivision of land within the City. Subdivisions with more than five lots or subdivisions regardless of the number of lots which require street right-of-way dedications, utility or drainage easements or where new or residual parcels (such as common open space) are created require approval of the Planning Commission.

Title 20 also contains provisions that allow the Planning Commission to grant variances in conjunction with subdivisions, as follows:

*"The Planning Commission after a public hearing, may determine and vary the regulations of this title where the commission makes findings of fact in accordance with the standards prescribed in this chapter and further finds that, while extraordinary hardship may result from strict compliance with this title, the variance authorized will not have the effect of nullifying the intent and purpose of the comprehensive master plan, adopted land use plans for the area, or this title."*

This had from the adoption of the code in 1970, interpreted to include variances to the bulk regulations of Title 21.

In 2007, the Circuit Court rendered an opinion with regard to a case involving the Annapolis Roads Property Owners Association v. Annapolis Planning Commission. The Planning Commission had approved the Bay Village subdivision at the intersection of Edgewood Road with Bay Ridge Road that included variances to the setback requirements. This approval had been appealed by the Annapolis Roads community and several

residents of the area. The Court found that the Annapolis Planning Commission did not have statutory authority to grant a variance in conjunction with a subdivision. The Court Opinion stated that the authority under Article 66B for the granting of variances is delegated to the Board of Appeals.

This had particular impact on the variances to lot area requirements. One of the provisions of Title 20 is to allow variances to lot size, as follows:

- *With respect to proposed lots comprised of land which, as of January 1, 1981, was unimproved by buildings or structures, the proposed variance will not authorize lot areas or lot widths which are less than eighty percent of those required by the applicable zoning regulations of the City.*
- *With respect to other proposed lots, the proposed variance may authorize any lot areas or lot widths complying with subsections A through F of this section (i.e. the variance standards)*

Title 21, specifically section 21.28.040 Permitted variances delineates the specific types of variances that the Board of Appeals may grant. It does not include any provisions to vary lot size. It does allow for setback variance – the issue with the Bay Village property and subsequent to the court decision, the Bay Village project to receive variances from the Board of appeals and the Planning Commission was then able to approve the subdivision plat.

This legislation would rectify the problem with regard to variances by modifying Title 20 to authorize the Board of Appeals to approve subdivision variances.

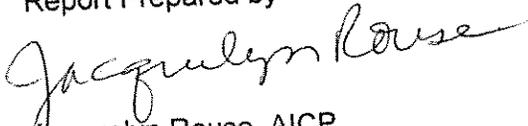
O-07-12 also proposes to modify the provision of Chapter 21.54 Critical Area Overlay which currently delegates to the Planning Commission the authority to grant a critical area variance when it is in conjunction with a subdivision. This would be changed to require Board of Appeals approval.

With these recommended changes, the City would be in compliance with the court opinion which had mandated that the variance process be consistent for all types of variances.

**RECOMMENDATION**

Staff recommends approval of O-07-12. With the changes proposed in O-07-12, the City would be in compliance with the court opinion which had mandated that the variance process be consistent for all types of variances.

Report Prepared by



Jacquelyn Rouse, AICP  
Planning Administrator



*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 • TDD 410-263-7943

Chartered 1708

JON ARASON, AICP  
DIRECTOR

March 28, 2012

**MEMORANDUM**

**To:** Annapolis Planning Commission

**From:** Jon L. Arason, <sup>JA</sup> AICP, Planning & Zoning Director

**Re:** O-07-12 Variances in Conjunction with Subdivisions

**Attachments:** Ordinance O-07-12  
Circuit Court Memorandum - Opinion Regarding Planning Commission Authority to Grant Subdivision Variances

**SUMMARY**

O-07-12 proposes to move the authority for granting subdivision variances from the Planning Commission to the Board of Appeals.

**BACKGROUND AND ANALYSIS**

Title 20 of the City Code creates a process for regulating the subdivision of land within the City. Subdivisions with more than five lots or subdivisions regardless of the number of lots which require street right-of-way dedications, utility or drainage easements or where new or residual parcels (such as common open space) are created require approval of the Planning Commission.

Title 20 also contains provisions that allow the Planning Commission to grant variances in conjunction with subdivisions, as follows:

*"The Planning Commission after a public hearing, may determine and vary the regulations of this title where the commission makes findings of fact in accordance with the standards prescribed in this chapter and further finds that, while extraordinary hardship may result from strict compliance with this title, the variance authorized will not have the effect of nullifying the intent and purpose of the comprehensive master plan, adopted land use plans for the area, or this title."*

This had from the adoption of the code in 1970, interpreted to include variances to the bulk regulations of Title 21.

In 2007, the Circuit Court rendered an opinion with regard to a case involving the Annapolis Roads Property Owners Association v. Annapolis Planning Commission. The Planning Commission had approved the Bay Village subdivision at the intersection of Edgewood Road with Bay Ridge Road that included variances to the setback requirements. This approval had been appealed by the Annapolis Roads community and several

residents of the area. The Court found that the Annapolis Planning Commission did not have statutory authority to grant a variance in conjunction with a subdivision. The Court Opinion stated that the authority under Article 66B for the granting of variances is delegated to the Board of Appeals.

This had particular impact on the variances to lot area requirements. One of the provisions of Title 20 is to allow variances to lot size, as follows:

- *With respect to proposed lots comprised of land which, as of January 1, 1981, was unimproved by buildings or structures, the proposed variance will not authorize lot areas or lot widths which are less than eighty percent of those required by the applicable zoning regulations of the City.*
- *With respect to other proposed lots, the proposed variance may authorize any lot areas or lot widths complying with subsections A through F of this section (i.e. the variance standards)*

Title 21, specifically section 21.28.040 Permitted variances delineates the specific types of variances that the Board of Appeals may grant. It does not include any provisions to vary lot size. It does allow for setback variance – the issue with the Bay Village property and subsequent to the court decision, the Bay Village project to receive variances from the Board of appeals and the Planning Commission was then able to approve the subdivision plat.

This legislation would rectify the problem with regard to variances by modifying Title 20 to authorize the Board of Appeals to approve subdivision variances.

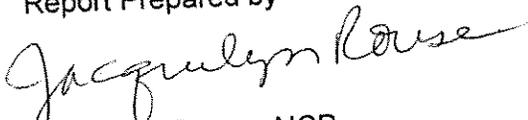
O-07-12 also proposes to modify the provision of Chapter 21.54 Critical Area Overlay which currently delegates to the Planning Commission the authority to grant a critical area variance when it is in conjunction with a subdivision. This would be changed to require Board of Appeals approval.

With these recommended changes, the City would be in compliance with the court opinion which had mandated that the variance process be consistent for all types of variances.

#### **RECOMMENDATION**

Staff recommends approval of O-07-12. With the changes proposed in O-07-12, the City would be in compliance with the court opinion which had mandated that the variance process be consistent for all types of variances.

Report Prepared by



Jacquelyn Rouse, AICP  
Planning Administrator

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-16-12**

**Introduced by: Mayor Cohen**

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
4/23/12			7/27/12
Referred to	Referral Date	Meeting Date	Action Taken
Public Safety	4/23/12		

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**AN ORDINANCE** concerning

**Distribution of Unsolicited Materials**

**FOR** the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition  
Section 11.36.010

**BY** adding to the following portions of the Code of the City of Annapolis, 2011 Edition  
Section 11.36.025

**SECTION I : BE IT E STABLISHED A ND ORDAINED BY THE A NNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

**CHAPTER 11.36 – OFFENSES AGAINST PROPERTY.**

**11.36.010 - Advertising—Distribution in streets.**

No person shall distribute, or cause to be distributed, any pamphlets, dodgers, papers or other advertising matter upon or about the streets or alleys, or fasten, or cause to be fastened, the advertising matter to poles, or place, or cause them to be placed in or on automobiles. [This section does not restrict the distribution of advertising matter from house to house; provided, that it is so distributed that it will not be blown or cast into the street.]

**11.36.025 – LITTERING – UNSOLICITED MATERIALS.**

NO PERSON SHALL DISTRIBUTE, OR CAUSE TO BE DISTRIBUTED, ANY UNSOLICITED MATERIALS UPON OR ABOUT THE STREETS, ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY. THIS SECTION DOES NOT RESTRICT THE DISTRIBUTION OF UNSOLICITED MATERIALS (A) DELIVERED THROUGH THE U.S. POSTAL SERVICE, (B) DEPOSITED ON RESIDENTIAL OR COMMERCIAL DOOR STEPS, PORCHES, STOOPS OR (C) SECURED OR FASTENED THROUGH THE USE OF A DOOR

1 HANGER SO THAT THE MATERIALS WILL NOT BE BLOWN OR CAST INTO THE STREETS,  
2 ALLEYS, RESIDENTIAL OR COMMERCIAL PROPERTY, OR PUBLIC RIGHTS OF WAY.  
3

4 **SECTION I I: AND B E IT FURT HER EST ABLISHED AND ORDAINED BY THE**  
5 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
6

7 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
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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.

## **Policy Report**

**O-16-12**

### **Distribution of Unsolicited Materials**

The proposed ordinance would prohibit the distribution of unsolicited materials upon or about the streets, alleys, residential or commercial property, or public rights of way. The proposed ordinance would not restrict the distribution of unsolicited materials (a) delivered through the U.S. Postal Service, (b) deposited on residential or commercial door steps, porches, stoops or (c) secured or fastened through the use of a door hanger so that the materials will not be blown or cast into the streets, alleys, residential or commercial property, or public rights of way.

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

FISCAL IMPACT NOTE

**Legislation No:** O-16-12

**First Reader Date:** 4-23-12

**Note Date:** 5-4-12

**Legislation Title:** **Distribution of Unsolicited Materials**

**Description:** For the purpose of establishing Section 11.36.025 of the Code of the City of Annapolis regarding the distribution of unsolicited materials.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-21-12**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/14/12			8/10/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	5/14/12		
Economic Matters	5/14/12		

**A RESOLUTION** concerning

**Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012**

**FOR** the purpose of designating September 1-3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing City Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

**WHEREAS,** the Chesapeake Bay Yacht Racing Association (CBYRA) seeks the City's approval through the City's Special Event Application to hold an event from September 1-3 at Susan Campbell Park based on the following:

- Time of activities: 4:00 p.m. on September 1 to 8:00 p.m. on September 3.
- Setup and breakdown time: 8:00 a.m. August 31 to 11:00 a.m. September 4.
- Amplified entertainment from: 4:00 p.m. to 8:00 p.m. each day of the event (no testing outside these hours is permitted).
- Festival is open to the public free of charge.
- Location: Susan Campbell Park (see Exhibit 1).
- The Chesapeake Bay Yacht Racing Association, or its designee, is required to obtain all City permits for alcoholic beverages, temporary structures, electrical connections and pre/post event inspections determined necessary for the safe execution of the event when those elements are required for the execution of the day's activities.
- Vendors will be located in consultation with the Special Events Coordinator; each vendor must obtain a City vendor's permit and must post applicable business licenses.

**WHEREAS,** Section 7.40.090 of the City Code allows the City Council to designate certain days when peddlers, hawkers and itinerant merchants may sell in the Historic District or a nonresidential area; and

1 **WHEREAS,** Section 6.04.210 of the City Code states that “whenever a person leases, uses  
2 or occupies a City facility, the person shall be charged and pay a minimum of  
3 full fees for the use of the facility.” Examples of City facilities include public  
4 spaces, grounds, parks, athletic facilities, fields, docks, piers, wet slips,  
5 moorings, developable waters, buildings, motor vehicles, equipment,  
6 structures, rooms or other parts of public buildings. Examples of City services  
7 include traffic control, crowd control, public safety support (police or fire), trash  
8 removal, sanitary services, recycling, bulk pick-up, the provision of water,  
9 sewer, electricity, communications or other utilities, transportation, and labor.  
10 Full fees “means the value of the right to lease, use or occupy the City facility  
11 as determined by the Finance Director in a fiscal impact note, plus all costs  
12 incurred by the City... including but not limited to utility costs and costs  
13 associated with municipal services (public safety, public works, custodial,  
14 renovations, repairs, maintenance, transportation and parking)...”  
15

16 **NOW THE REFORE B E IT RESOLVED BY T HE ANNAPOLIS CITY COUNCIL** that sales of  
17 merchandise may be sold in conjunction with the CBYRA 2012 event from September 1-3,  
18 2012.  
19

20 **AND, BE I T FURTH ER ESTA BLISHED AND OR DAINED BY TH E AN NAPOLIS CITY**  
21 **COUNCIL** that there shall be no waiver of full fees. However, notwithstanding any other  
22 provision of law, the Director of Finance shall determine the full fees incurred by the City  
23 government and the organizers of the event shall reimburse the City for full fees.  
24

25 **AND, BE IT FURT HER RESOLVED BY THE AN NAPOLIS CITY COUNCIL** that a  
26 representative of the City will be present to resolve matters relating to this special event and  
27 his/her cell phone number shall be posted on the City’s website during the hours the event is  
28 open to the public.  
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31 **ADOPTED** this \_\_\_ day of \_\_\_\_, \_\_\_\_.  
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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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Joshua J. Cohen, Mayor

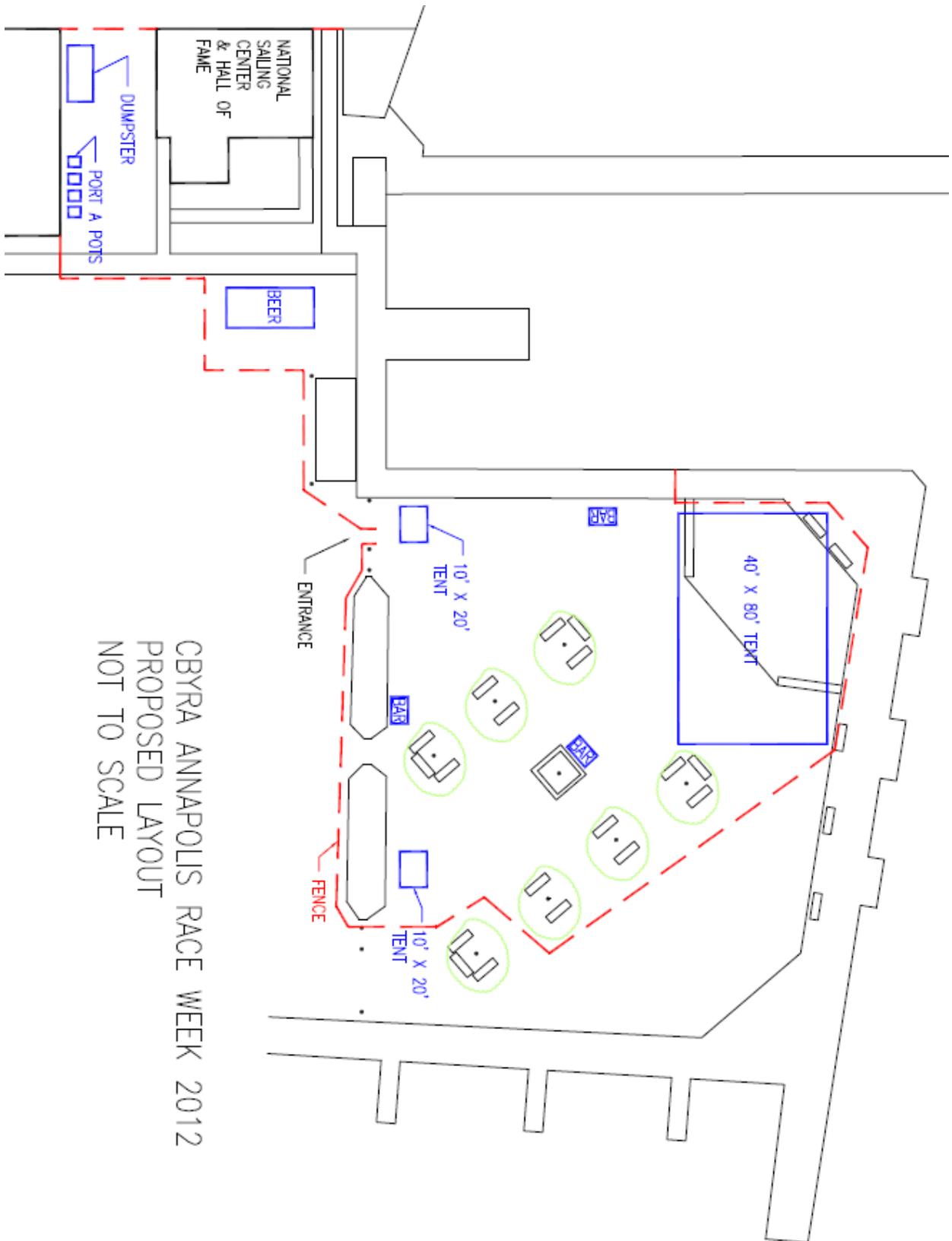
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35 **EXPLANATION**

36 CAPITAL LETTERS indicate matter added to existing law.

37 [brackets] indicate matter stricken from existing law.

38 Underlining indicates amendments.  
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# Exhibit 1



CBYRA ANNAPOLIS RACE WEEK 2012  
PROPOSED LAYOUT  
NOT TO SCALE

## Staff Report

R-21-12

### Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012

The proposed resolution would permit the Chesapeake Bay Yacht Racing Association (CBYRA) to hold the Race Week 2012 event selling merchandise from September 1-3, 2012 at Susan Campbell Park; authorize City Council approval for the event; and the reimbursement of full fees to the City for the cost associated with the event.

The CBYRA has requested City Services as follows:

1. Temporary structures permit required for tents larger than 10'x10'; two 10'x20' tents; a 40'x80' tent will cover the Susan Campbell Park stage.
2. Reserved parking (3) three spaces immediately adjacent to Susan Campbell Park for the full term of use.
3. One-day liquor license.
4. Special event vendor permit.

Key details about the CYBRA Race Week 2012 event:

- CBYRA will provide around-the-clock security for the duration of the event.
- CBYRA is seeking an ABC license.
- CBYRA has requested three parking places have been requested; participants and attendees are expected to park at their marinas and use Water Taxis (providing discount coupons) and eCruisers (adding stops) to attend the event.
- The majority of participants are expected to arrive from Eastport.
- Cooking will take place on-site and an Anne Arundel County Health Department permit is required.
- CBYRA is providing its own dumpster for the event.
- Notification of area residents will be through a Ward One Residents Association meeting, local business meetings, email blasts and mailed notices to residents.

Under the terms set by the R-14-12, the Special Events Moratorium, no waiver from this resolution is required because less than 10 parking spaces have been requested; less than \$1,000 in City Services are expected to be rendered; fewer than 1,000 participants and attendees per day are expected; and no road closures have been requested or required.

Prepared by Michelle LeFurge, Special Events Coordinator at [mmlefurge@annapolis.gov](mailto:mmlefurge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

## FISCAL IMPACT NOTE

**Legislation No:** R-21-12

**First Reader Date:**

5-14-12

**Note Date:**

5-25-12

**Legislation Title: Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012**

### **Description:**

For the purpose of designating September 1 – 3, 2012 as dates for the sale of merchandise in the Historic District at the Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 event; authorizing city Council approval of the event; and the reimbursement of full fees to the City for the cost associated with the event.

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

This legislation requires that Chesapeake Bay Yacht Racing Association (CBYRA) Race Week 2012 obtain City permits for vendors, temporary structures, electrical connections, pre/post event inspections and other permits necessary for the safe execution of the event, and pay to the city all costs incurred including utilities and costs associated with services including but not limited to public safety, public works, custodial, renovation, repairs, maintenance, transportation and parking. CYBRA is seeking an alcoholic beverage license.

CBYRA will reimburse the City for all City costs incurred, and permit fees are established to cover the cost of service. This legislation is expected to produce no significant fiscal impact other than the positive impact it could have on the economic vitality of the City by attracting people who will patronize City shops and restaurants and visit the City again in the future.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-23-12**

**Introduced by: Mayor Cohen**

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

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**AN ORDINANCE** concerning

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**Revisions to Title 17, Buildings and Construction**

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**FOR** the purpose of amending Title 17, Buildings and Construction to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards.

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**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition  
Chapter 17.04  
Chapter 17.12  
Chapter 17.16  
Chapter 17.18  
Chapter 17.22  
Chapter 17.24  
Chapter 17.28  
Chapter 17.40  
Chapter 17.44  
Chapter 17.48  
Chapter 17.60

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**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:

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**Chapter 17.04 - DEFINITIONS**

31

17.04.065 - ARCHITECT.

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"ARCHITECT" MEANS A "LICENSED ARCHITECT" AS DEFINED IN THE ANNOTATED CODE OF MARYLAND, BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE, TITLE 3 (OR ITS SUCCESSORS), WHO IS IN GOOD STANDING AND PROPERLY REGISTERED BY THE STATE OF MARYLAND TO PRACTICE ARCHITECTURE IN ACCORDANCE WITH THE

1 ACT.

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3 17.04.165 – CODE OFFICIAL.

4

5 “CODE OFFICIAL” MEANS THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD  
6 AND ENVIRONMENTAL PROGRAMS, OR HIS OR HER DESIGNEE.

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8 17.04.230 - Design professional.

9 "Design professional" means a REGISTERED ARCHITECT, registered professional engineer,  
10 registered land surveyor, or a registered landscape architect.

## 11 Chapter 17.12 - BUILDING CODE

### 12 17.12.010 - International Building Code adopted.

13 A. The International Building Code[/2009], 2012 Edition, as published by the International  
14 Code Council, Inc., is adopted as the Building Code of the City of Annapolis with the following  
15 amendments:

16 1. Section 101.1 of the International Building Code is amended to insert "City of  
17 Annapolis" in the space indicated.

18 2. Sections 103.1, 103.2, 103.3 of the International Building Code adopted in Section  
19 17.12.010 are deleted and the following is substituted:

20 Section 103[.0] Administration.

21 103.1 General. The Department of Neighborhood and Environmental Programs is  
22 responsible for the administration and enforcement of this code. The director of the  
23 department, or the director's designee, shall be the [Code Official] BUILDING OFFICIAL  
24 referred to in this code.

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26 [4]3. Strike Section 105.2 of the International Building Code adopted in Section 17.12.010  
27 AND SUBSTITUTE WITH THE FOLLOWING:

28

29 105.2 WORK EXEMPT FROM PERMIT. ALL WORK SHALL REQUIRE A  
30 PERMIT(S), EXCEPT AS MAY BE EXEMPTED BY SECTION 17.12.022 (A).

31 [5]4. In Table 503[ in Type of], FOR Construction [Type] TYPES III, IV, and V [for], BOTH  
32 Groups A and B (other than detached accessory or uninhabitable structures), ADD THE  
33 FOLLOWING FOOTNOTES (C-E):

34 C[a]. Automatic fire sprinkler systems shall be installed and maintained in accordance  
35 with National Fire Protection Association (NFPA) Standard 13, 13D, or 13R as  
36 referenced by the State of Maryland Fire Prevention Code, promulgated by the State  
37 Fire Prevention Commission adopted from time to time under authority of State law.

38 D[b]. [All] In all existing uses when an attic space has been previously altered or when  
39 an attic space is to be altered for occupiable or habitable space, [then] the attic floor  
40 shall be considered a story. [When] THE ATTIC SHALL BE CONSIDERED A STORY  
41 WHEN the attic has a fixed stair down to the [lower level, then the attic may be

1 considered a story] STORY BELOW.

2 E[c]. Any existing building altered shall not exceed the height and area limitations for  
3 new buildings specified in Table 503 unless approved otherwise by the Code Official.

4 [6]5. Insert the following footnote to Table 601, Fire Resistance Ratings Requirements for  
5 [Buildings] Building Elements:

6 h. [For] UNLESS OTHERWISE APPROVED BY THE CODE OFFICIAL, FOR all  
7 types of construction, new and existing that are altered, and which are not subject to  
8 the installation of or upgrades to fire sprinkler systems in accordance with the  
9 provisions of Chapter 17.20 of this title, provide a minimum of one hour separation for  
10 walls, from foundation to underside of roof sheathing and for ceilings that have a floor  
11 assembly over [unless approved otherwise by the Code Official].

12 [7]6. Add the following footnotes to Table 602:

13 j[h]. The table also applies to all existing uses that are proposed to be altered.

14 k[i]. [When] WHERE a discrepancy exists or [when] WHERE the REQUIRED fire  
15 separation distance [in feet] is not provided, [then] the Code Official may require that  
16 a certified site drawing be submitted indicating the correct distance.

17 l[j]. For clarification - the fire separation distance [(feet)] is measured from the wall  
18 opening to the abutting property line.

19 [10]7. Strike Section 903.1 and substitute the following: "Automatic sprinkler systems  
20 shall comply with this Section and Chapter 17.20 of the CODE OF THE CITY OF  
21 Annapolis [City Code]."

22 [11]8. At the end of Section 1101.1, after "disabled persons", insert "All existing  
23 buildings or facilities that are to be altered shall follow the requirements set forth by the  
24 U.S. Architectural and Transportation Barriers Compliance Board, MD Accessibility Code,  
25 and the Americans with Disabilities Act Accessibility Guidelines (ADAAG) for Buildings and  
26 Facilities. The required ADAAG form shall be submitted at the time of permit submission  
27 identifying the applicant's assessment of the required Americans with Disabilities Act  
28 (ADA) upgrades.

29 [12]9. In Section 905.2, after "NFPA 14." insert "Standpipe systems, subject to the  
30 approval of the Fire Department, may be of the dry type without a permanent water  
31 supply."

32 [13]10. [Delete Section 3107.1] STRIKE SECTION 3107.1. AND SUBSTITUTE THE  
33 FOLLOWING: "SIGNS SHALL COMPLY WITH CHAPTER 17.60 OF THE CODE OF THE  
34 CITY OF ANNAPOLIS."

35 [14]11. In SECTION [Sections 2909.1 and] 3305.1, delete THE reference to  
36 "International Plumbing Code" and substitute "[2003 National Standard Plumbing Code  
37 Illustrated as amended and City of Annapolis requirements] CHAPTER 17.28, PLUMBING  
38 CODE OF THE CITY OF ANNAPOLIS."

39 [15. Insert the following new section:

40 Section 110.7 New—Entry.]

1 [16]12. Strike Section 115.3 Unlawful Continuance and substitute the following:

2 Section 115.3 Unlawful Continuance. A person who ignores, defaces or removes a stop  
3 work order, unsafe order or an unfit order issued by the Code Official is guilty of a  
4 municipal infraction and is subject to a fine of five hundred dollars for any single violation  
5 and a fine of five hundred dollars for each repeat or continuing violation. All fines must be  
6 paid in full before the order will be lifted and any work can continue.

7 [17]13. [Delete] STRIKE Section 1029.1, Exception 1, and add the following TO THE  
8 END OF THE SECTION PARAGRAPH:

9 [B. ]In the event of any inconsistencies between the provisions of the International  
10 Building Code and the City Code, the more stringent shall govern. A copy of the  
11 International Building Code is on file in the Department of Neighborhood and  
12 Environmental Programs.

13 14. STRIKE SECTION 202 – “BUILDING OFFICIAL” AND SUBSTITUTE THE  
14 FOLLOWING:

15 BUILDING OFFICIAL. THE DIRECTOR OF THE DEPARTMENT OF  
16 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, OR HIS OR HER  
17 DESIGNEE.

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19 **17.12.018 - International Energy Conservation Code adopted.**

20 A. The International Energy Conservation Code[2009], 2012 Edition, as published by the  
21 International Code Council, Inc., is adopted as the Energy Code of the City of Annapolis for  
22 regulating the design, construction, quality of materials, erection, installation, alteration, repair,  
23 location, relocation, replacement, addition to, use or maintenance of the building envelope,  
24 mechanical SYSTEMS, AND lighting and power systems in the City.

25 B. In the event of any inconsistencies between the provisions of the Energy Code and the  
26 City Code, the more stringent shall govern. The Code Official shall have the authority to act on  
27 any matters when there is a discrepancy or when the codes are silent. In the event of any  
28 inconsistencies between the provisions of the Building Code and the City Code, the more  
29 stringent code shall govern. A copy of the INTERNATIONAL Energy CONSERVATION Code is  
30 on file in the Department of Neighborhood and Environmental Programs.

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32 **17.12.020 - International Residential Code adopted.**

33 A. The International Residential Code [2009], 2012 EDITION, as published by the  
34 International Code Council, Inc., is adopted as the Residential Code of the City of Annapolis  
35 with the following amendments:

36 1. In Chapter 15 add the following:

37 Section M1507.5 Bathroom and Toilet Room Ventilation. Every bathroom and toilet room  
38 shall be exhaust vented mechanically to outside air with rigid pipe sloped away from the  
39 exhaust fan towards the exterior. Existing bathrooms and toilet rooms that are altered or  
40 are part of other building alterations shall also be exhaust vented mechanically to outside

1 air unless approved otherwise by the Director of Neighborhood and Environmental  
2 Programs or his OR HER designee.

3 2. [In Chapter 29, add the following] STRIKE SECTION P2904 AND ALL  
4 SUBSECTIONS OF SECTION P2904 SUBSTITUTE THE FOLLOWING:

5 SECTION P2904  
6 RESIDENTIAL FIRE SPRINKLER SYSTEMS

7 [Section] P2904.1 Fire [Sprinkler] SPRINKLER systems required. [A. Fire]  
8 RESIDENTIAL FIRE sprinkler systems are required as follows when a building  
9 permit is requested [of] FROM the City [after September 30, 2007] OF  
10 ANNAPOLIS:

11 1. All new residential construction. New residential construction shall  
12 mean and include single-family, duplex, and multi-family residential  
13 buildings or structures, the placement of mobile or modular homes, and  
14 any existing residential building or structure that is removed, renovated,  
15 refurbished, altered and/or an addition is made thereto provided the value  
16 of construction, as a percentage of the assessed value of the structure or  
17 improvement as determined by the State Department of Assessments  
18 and Taxation, exceeds (a) 50% in the Historic District, or (b) 75% outside  
19 of the Historic District. Kitchen and/or bathroom replacements or  
20 alterations are exempt. Accessory or uninhabitable structures, such as  
21 carports, garages, greenhouses and sheds are excluded.

22 2. Automatic fire sprinkler systems shall be installed and maintained in  
23 accordance with Chapter 17.20 of the Code of the City of Annapolis.

24 3. IN SECTION 302.1 OF THE INTERNATIONAL RESIDENTIAL CODE, ADD  
25 EXCEPTION #6 TO READ AS FOLLOWS:

26 6. DECKS AND ATTACHED UNENCLOSED ACCESSORY STRUCTURES.  
27 PROJECTIONS SHALL NOT EXTEND OVER THE LOT LINE.

28 B. In the event of any inconsistencies between the provisions of the International Residential  
29 Code and the City Code, the more stringent code shall govern. A copy of the International  
30 Residential Code is on file in the Department of Neighborhood and Environmental Programs.

31  
32 **17.12.022 - Building permit—Required.**

33 A. All construction projects of a value of five hundred dollars or more shall require a building  
34 permit from the Director of Neighborhood and Environmental Programs or his or her designee.  
35 No building permit is needed, regardless of value, on residential construction projects that are  
36 non-structural replacements and/or repair of windows, doors, and siding. COMPLIANCE WITH  
37 THE APPLICABLE PROVISIONS OF THE CODE OF THE CITY OF ANNAPOLIS IS  
38 REQUIRED REGARDLESS OF THE REQUIREMENTS FOR A BUILDING PERMIT. All other  
39 applicable permits, regardless of value, are still required.

40 B. All exterior projects in the Historic District, whether or not exempted from a building permit  
41 under subsection A of this section, still require a certificate of approval in accordance with

1 Chapter 21.62.

2 C. No building or structure shall be demolished or moved until a permit has been obtained  
3 from the Director or his or her designee. If, in the judgment of the Director or his or her  
4 designee, the proposed new location of the building or structure [seriously] would  
5 SIGNIFICANTLY increase the fire hazard TO [of the] surrounding buildings or structures, a  
6 permit for moving the building shall not be issued.

7

8 **17.12.024 - International Existing Building Code adopted.**

9 The International Existing Building Code, [2009] 2012 Edition, as published by the International  
10 Code Council, Inc., is adopted as the Existing Building Code of the City of Annapolis.

11

12 **17.12.026 - Building Code—Use and occupancy permit.**

13 A. In accordance with the Building Code, a use and occupancy permit is required for all new  
14 construction and for structures undergoing alterations. Structures undergoing alterations shall  
15 be governed by Section 101.[5]4 of the International Existing Building Code in applicable part. A  
16 use and occupancy permit is also required if there is a change of use or occupancy even if there  
17 is no construction or alteration. A use and occupancy permit is required if there is a change in  
18 ownership only if the Code Official determines that certain existing conditions pose an inimical  
19 threat to the public health, safety, or welfare.

20 B. The inspection fees for the use and occupancy permit shall be paid at the time of the  
21 building permit application. The fees are nonrefundable and not transferable. The fee schedule  
22 shall be established by resolution of the City Council.

23 C. The use and occupancy permit shall be issued only after the Department of Public Works,  
24 the Department of Neighborhood and Environmental Programs, the Department of Planning and  
25 Zoning, the Fire Department, and the Health Department, where applicable, have inspected the  
26 site and verified that the structures and the site meet city standards and specifications, and are  
27 in accordance with the approved building permit application and the use requirements under  
28 Chapter 21.12

29 D. The director or designee may suspend or revoke any use and occupancy permit for any  
30 violations of the City Code, for unsafe conditions, violations of the issued permits, failure to  
31 obtain final inspections and approvals, and for misrepresentation of facts.

32 E. In addition to other remedies provided to the City by law, a person who violates this section  
33 shall be guilty of a municipal infraction and is subject to a fine as established by resolution of the  
34 City Council. All fines must be paid in full prior to any further inspections being made and prior  
35 to any permit issuance.

36

37 **17.12.030 – [App licability—New con struction, alterations, repairs, renovation,  
38 modification, reconstruction] CODE MODIFICATIONS.**

39 Notwithstanding any other provision in this title, and consistent with section 104.10 of the  
40 International Building Code, wherever there are practical difficulties in carrying out the

1 provisions of the Building Code, the Code Official shall have the authority to grant modifications  
2 in individual cases, provided that the Code Official shall find that particular individual  
3 circumstances make compliance with the strict letter of the Building Code impractical, that the  
4 modification is in compliance with the intent and purpose of the Building Code, and that the  
5 modification does not jeopardize health, accessibility, life and fire safety, or structural  
6 requirements. Such modifications shall be considered and decided by the Code Official  
7 following an applicant's written request for and substantiation of the need, TO INCLUDE  
8 COMPENSATORY ACTION AND/OR EQUIVALENT DESIGN CRITERIA, for such  
9 modifications.

10

11 **17.12.042 – [Dangerous structural condition] UNSAFE STRUCTURES.**

12 [A building, structure, or chimney, or part of a building, structure, or chimney, in a dilapidated or  
13 unsafe condition and which, in the opinion of the Director of the Department of Neighborhood  
14 and Environmental Programs or his or her designee, may possibly cause injury to persons or  
15 property, is a nuisance and shall be razed or abated by the owner within seventy-two hours after  
16 notice to do so has been given to the owner by the director. The owner is required to apply for a  
17 building permit as per Section 17.12.056 (C). If the owner, within seventy-two hours after receipt  
18 of the notice, has not razed the building, structure or chimney, or otherwise abated the  
19 nuisance, the owner is guilty of a municipal infraction and is subject to a fine as established by  
20 resolution of the City Council, and the nuisance shall be abated by the director or his or her  
21 designee at the expense of the owner. The director or his or her designee may in the interest of  
22 safety disconnect water, gas, and electric service to the building or structure. ]

23

24 A. AN UNSAFE STRUCTURE IS A STRUCTURE, OR PART OF A STRUCTURE, THAT IN  
25 THE OPINION OF THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD AND  
26 ENVIRONMENTAL PROGRAMS, OR HIS OR HER DESIGNEE, IS FOUND TO BE  
27 DANGEROUS TO THE LIFE, HEALTH, PROPERTY, OR SAFETY OF THE PUBLIC OR  
28 THE OCCUPANTS OF THE STRUCTURE BY NOT PROVIDING MINIMUM SAFEGUARDS TO  
29 PROTECT OR WARN OCCUPANTS IN THE EVENT OF FIRE, OR BECAUSE SUCH  
30 STRUCTURE CONTAINS UNSAFE EQUIPMENT OR IS SO DAMAGED, DECAYED,  
31 DILAPIDATED, STRUCTURALLY UNSAFE, OR WHICH BY REASON OF ILLEGAL OR  
32 IMPROPER USE, OCCUPANCY OR MAINTENANCE, OR OF SUCH FAULTY  
33 CONSTRUCTION OR UNSTABLE FOUNDATION, THAT PARTIAL OR COMPLETE  
34 COLLAPSE IS POSSIBLE.

35

36 B. AN UNSAFE STRUCTURE SHALL BE RAZED OR ABATED BY THE OWNER WITHIN  
37 SEVENTY-TWO HOURS AFTER NOTICE TO DO SO HAS BEEN GIVEN TO THE OWNER BY  
38 THE DIRECTOR. THE OWNER IS REQUIRED TO APPLY FOR A BUILDING PERMIT AS  
39 PER SECTION 17.12.022 (C). IF THE OWNER, WITHIN SEVENTY-TWO HOURS AFTER  
40 RECEIPT OF THE NOTICE, HAS NOT RAZED THE UNSAFE STRUCTURE, OR OTHERWISE  
41 ABATED THE NUISANCE, THE OWNER IS GUILTY OF A MUNICIPAL INFRACTION AND IS  
42 SUBJECT TO A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL, AND  
43 THE NUISANCE SHALL BE ABATED BY THE DIRECTOR OR HIS OR HER DESIGNEE AT  
44 THE EXPENSE OF THE OWNER.

45

46 C. WHENEVER IN THE JUDGMENT OF THE DIRECTOR OF NEIGHBORHOOD AND  
47 ENVIRONMENTAL PROGRAMS, OR HIS OR HER DESIGNEE, AN EMERGENCY EXISTS  
48 WHICH REQUIRES IMMEDIATE ACTION TO PROTECT THE PUBLIC SAFETY OR

1 WELFARE, AN ORDER MAY BE ISSUED WITHOUT NOTICE, CONFERENCE OR HEARING,  
2 DIRECTING THE OWNER, OCCUPANT, OPERATOR, AGENT OR LICENSEE TO TAKE  
3 WHATEVER ACTION IS APPROPRIATE TO CORRECT OR ABATE THE EMERGENCY. IF  
4 CIRCUMSTANCES WARRANT, THE DIRECTOR OR HIS OR HER DESIGNEE MAY ACT TO  
5 CORRECT OR ABATE THE EMERGENCY. THE DIRECTOR OR HIS OR HER DESIGNEE  
6 MAY IN THE INTEREST OF SAFETY DISCONNECT WATER, GAS, AND ELECTRIC  
7 SERVICE TO THE BUILDING OR STRUCTURE.  
8

9 D. ALL COSTS INCURRED FOR THE EMERGENCY ACTION OR ABATEMENT SHALL BE  
10 RECOVERED FROM THE OWNER IN THE FORM OF A LIEN ON THE PROPERTY AND  
11 COLLECTIBLE IN THE SAME MANNER AS DELINQUENT TAXES.  
12

13 **17.12.052 - Building permit—Plans and specifications.**

14 A. Before any permit required by Sections 17.12.022 [and 17.12.030] shall be issued the  
15 applicant shall file an application with construction drawings supported by an affidavit, which  
16 specifies the contract price of the construction in its entirety, the type of building, structure, or  
17 alteration to be erected or made, the material to be used, the number of stories and the  
18 dimensions of the building or area to which alterations will be made. If the permit is for the  
19 interior or exterior alteration of an existing building or structure, construction drawings shall be  
20 submitted showing the nature and location of all alterations unless approved otherwise.

21 B. The building permit application shall also include those plans and specifications as  
22 required and as detailed in Section 17.08.060. At a minimum, the application shall be  
23 accompanied by a scaled drawing showing the proposed location of the building on the lot and  
24 the front yard, side yard, and rear yard dimensions to the property line.

25 C. No permit for a commercial building or structure, or building or structure to be used for a  
26 public assembly, shall be issued unless construction drawings and specifications, drawn and  
27 certified by an architect or engineer registered under the laws of the State of Maryland, are  
28 submitted. Certified construction drawings and specifications shall be submitted with permit  
29 application for all other buildings or structures, unless approved otherwise by the building  
30 official.

31 D. All construction drawings and specifications submitted [with] AS PART of a permit  
32 application which indicates they have been completed by an architect or engineer shall be  
33 certified on each drawing and specification with the architect's or engineer's Maryland seal,  
34 ORIGINAL signature and date.

35 E. All structural evaluations including drawings shall be certified by a Maryland Structural  
36 Engineer or Architect.

37 F. All new and revised construction drawings and submittals requiring review shall pay a fee  
38 per schedule as established by resolution of the City Council.  
39

40 **17.12.055 - Display of address.**

41 A. The owners of any improved property shall post on or about the property numbers or  
42 letters designating the address assigned to the property.

1 B. The number or letters shall be at least three inches high, displayed on a contrasting  
2 background, and posted in order to be unobstructed and clearly legible from the street named in  
3 the address of the property.

4 C. In addition to the requirements of subsection B of this section:

5 1. For a multifamily structure (six units or more):

6 a. The address shall be affixed to the structure in numbers or letters at least six  
7 inches high and shall be clearly legible from the street or public way; and

8 b. The designation of each dwelling unit shall be affixed to the exterior door of the  
9 unit with numbers or letters at least three inches high; and

10 2. For A commercial property:

11 A. the address shall be displayed in numbers or letters at least six inches high, AND

12 B. SIDE OR REAR DOORS TO COMMERCIAL PROPERTIES WITH MULTIPLE  
13 SUITES SHALL HAVE NUMBERS OR LETTERS AT LEAST THREE INCHES HIGH  
14 CORRESPONDING TO THE SUITE ADDRESS.

15 D. An authorized representative of the Departments of Police, Fire, Neighborhood and  
16 Environmental Programs, or Planning and Zoning may cite an owner for violation of the  
17 provisions of this section.

18 E. Owners of existing improved property shall have thirty days from the notification date to  
19 comply with the requirements of this section.

20 F. Violators of the provisions of this section are guilty of a municipal infraction and subject to  
21 a fine as established by resolution of the City Council.

22

23 **17.12.056 - Building permit—Fees—Reinspection.**

24 A. The fee for a building permit shall be based on the estimated value of the work in  
25 accordance with the schedule set out in subsection B of this section. Computation of the  
26 estimated value must include the fair market value of all construction of work for which the  
27 permit is issued, including all painting, siding, windows, roofing, electrical work, plumbing,  
28 heating/air conditioning equipment, elevator equipment, fire [sprinkler] PROTECTION SYSTEM  
29 equipment and any other permanent portions or permanent equipment essential to the  
30 operation of the building. Equipment required for manufacturing or other special occupancy,  
31 land value and development costs are excluded from the computation of fair market value. The  
32 minimum acceptable valuation for new buildings shall be based on the current market value as  
33 determined by the Department of Neighborhood and Environmental Programs.

34 B. Nonrefundable application fees and building permit fees shall be established by resolution  
35 of the City Council.

36 1. The application fee will not be refundable for any reason except if the permit  
37 application has been denied. The application fee will be applied to the final cost of the  
38 building permit at the time of issuance per the procedures as established by the  
39 Department of Neighborhood and Environmental Programs.

1 C. A fee as established by resolution of the City Council for residential properties and  
2 commercial properties shall be charged for:

- 3 1. Moving a building, regardless of the value or size of the building;
- 4 2. Demolishing a building, regardless of the value or size of the building;
- 5 3. Moving, hauling, or transporting an oversize load.

6 D. A person who moves or demolishes a building or transports an oversize load without a  
7 permit is guilty of a municipal infraction and is subject to a fine as established by resolution of  
8 the City.

9 E. A monetary guarantee for the work will be executed by the applicant to ensure that upon  
10 demolition or moving of a building, all associated utilities have been inactivated and capped in a  
11 proper and safe manner.

12 F. Reinspection Fee. A fee, as established by resolution of the City Council, must be paid  
13 before another inspection is made if, for the original inspection, one or more of the following  
14 occurred:

- 15 1. Requesting party called for inspection, but work was not ready;
- 16 2. Requesting party was not on site;
- 17 3. Building was locked;
- 18 4. Safety features not on site;
- 19 5. Approved drawings not on site;
- 20 6. PERMIT CARD NOT POSTED AND VISIBLE FROM FRONTING STREET.

## 21 **Chapter 17.16 - ELECTRICAL CODE**

### 22 **17.16.015 - National Electrical Safety Code adopted.**

23 The National Electrical Safety Code, 2007 Edition, published by the IEEE, a copy of which is on  
24 file IN THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is  
25 adopted as the Electrical Safety Code [for] OF the City of Annapolis.

26

### 27 **17.16.040 - Electrical permit and inspection fees.**

28 All fees are payable in full at the time of issuance of the permit. All fees are nonrefundable.

29 A. Permit fees as established by resolution of the City Council shall apply to new  
30 construction only.

31 B. Permit fees as established by resolution of the City Council shall apply to additions,  
32 alterations or repairs to existing structures or services.

33 C. Permit fees as established by resolution of the City Council shall apply to all other

1 work and conditions in addition to subsections A and B.

2 1. Reinspection Fee. A fee as established by resolution of the City Council must be  
3 paid before another inspection is made if, for the original inspection, one or more of  
4 the following occurred:

- 5 a. Requesting party called for inspection, but work was not ready;
- 6 b. Requesting party was not on site;
- 7 c. Building was locked;
- 8 d. Safety features not on site;
- 9 e. Approved drawings not on site;

10 F. PERMIT CARD NOT POSTED AND VISIBLE FROM FRONTING STREET.

11 2. Failure to Notify. There shall be a fee as established by resolution of the City  
12 Council charged whenever the licensee fails to notify the department within the  
13 prescribed time that the work authorized by this subtitle is complete.

14 3. Investigation Fee. Whenever any work for which a permit is required under this  
15 code has been commenced without authorization of such permit, a special  
16 investigation shall be made before a permit may be issued for such work. In addition  
17 to the regular permit fee or any penalty fees, an investigation fee as established by  
18 resolution of the City Council shall be collected.

19

20 **17.16.100 - Emergency electrical systems.**

21 A. General. Emergency electrical systems are those systems required to automatically supply  
22 power for illumination and equipment in the event of failure of the normal power supply. The  
23 emergency electrical system shall conform to [NFPA #70] NFPA 70, NATIONAL ELECTRICAL  
24 CODE, except as otherwise provided herein. The systems shall pickup their connected loads  
25 within ten seconds after failure of the normal power supply and shall operate under all weather  
26 conditions.

27 B. In buildings with a gross occupant load in excess of five hundred persons, AND that  
28 contain one or more of the following, shall be required to have an emergency electrical system  
29 installed according to the requirements of the NFPA 70, National Electrical Code [(NFPA #70)]:

- 30 1. [Electric] ELECTRICALLY DRIVEN fire pumps;
- 31 2. Smoke [removal] EVACUATION or smoke [containment] MANAGEMENT systems.

32 C. Capacity. The emergency systems shall have the capacity to operate equipment such as  
33 egress lighting, fire pumps, smoke control systems, and any other emergency SYSTEMS AND  
34 equipment as required by other applicable codes.

35 D. Power Source. The emergency electrical system shall not be connected to a standby  
36 power system unless the load pickup time complies with [Section A, general] SUBSECTION A,  
37 GENERAL, and the standby system is sized for the additional load.

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**17.16.150 - Enforcement and administration.**

[The] NFPA 70, National Electrical Code, 2008 Edition, Annex H Article 80, published by the National Fire Protection Association, a copy of which is on file IN THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is adopted as the administration and enforcement element of the Electrical Code of the City of Annapolis with the following amendments:

- A. Strike paragraphs (A) through (F) of Section 80.15.
- B. In Subsection (G) of Section 80.15, second line, strike "Board" and insert "Building Board of Appeals."
- C. In lines 1 and 2 of paragraph (A)(2) of Section 80.19, strike "or otherwise readily accessible" and in lines 2 and 3, strike "or carried by the permit holder as specified by the authority having jurisdiction."
- D. In lines 7 through 9 of paragraph (F)(3) of Section 80.19, strike "INSPECTOR or until \_\_\_\_\_ days have elapsed from the time of such notification, provided that on" and insert "INSPECTOR. On"
- E. In the title of Section 80.23, strike ", Penalties" and strike in its entirety paragraph (B) of Section 80.23.
- F. In line 1 of paragraph (C) of Section 80.25, strike the underlining and insert "30 days."
- G. In lines 10 and 11 of paragraph (E) of Section 80.25, strike "or a longer period as may be specified by the Board, the Board" and insert ". The [Chief] Code Official."
- H. In lines 7 through 13 of paragraph (A) of Section 80.27, strike from "Board, except that any..." and all that follows through "in the same territory." and insert "State Electrical Board."
- I. In paragraph (B)(3) of Section 80.27, Inspector's Qualifications, strike the underlining and insert "the Charter and Code of Annapolis."
- J. In paragraph (B)(4) of Section 80.27, Inspector's Qualifications, strike the underlining in line 1 and insert "ten" and in the second line, strike "AS AN Electrical Inspector or \_\_\_\_\_ years."
- K. In Section 80.27, Inspector's Qualifications, strike paragraph (D) in its entirety.
- L. In Section 80.29, Liability for Damages, strike the underlining and insert "City of Annapolis."

**Chapter 17.18 - MECHANICAL CODE**

**17.18.020 - International Mechanical Code—Adopted.**

The [2009] 2012 International Mechanical Code published by the International Code Council, Inc., a copy of which is on file IN THE DEPARTMENT OF NEIGHBORHOOD AND

1 ENVIRONMENTAL PROGRAMS, is adopted as the Mechanical Code for the City of Annapolis  
2 with the following amendment:

3 In Section [603.9] 603.10.1 at end of paragraph after "installation instructions." add the  
4 following: "All registers, grills and diffusers installed in suspended ceilings [require independent  
5 supports] SHALL BE PROVIDED WITH INDEPENDENT SUSPENSION TO ENSURE THAT  
6 THE REGISTER, GRILL, OR DIFFUSER WILL NOT DROP MORE THAN THREE INCHES  
7 WHEN THE FRAMING MEMBERS NO LONGER PROVIDE SUPPORT. The minimum support  
8 wire shall meet or exceed 12# S.W.G. firmly secured to the register, GRILL, OR DIFFUSER  
9 AND THE building structure."

10

11 **17.18.080 - Standards.**

12 A. Conformance of installation of mechanical systems equipment to referenced standards  
13 listed in CHAPTER 15 OF THE International Mechanical Code [Appendix] shall be the prima  
14 facie evidence that such installations are reasonably safe for use in the service intended and in  
15 compliance with the provisions of this code.

16 B. The materials, appliances, and other equipment listed in published reports of inspected  
17 mechanical equipment by the Underwriters Laboratories, Inc. (UL), and other approved  
18 agencies and testing organizations, and installed in accordance with any instructions included  
19 as part of such listing, shall be approved as meeting the requirements of this code.

20 **Chapter 17.22 - PETROLEUM STORAGE FACILITIES**

21 **17.22.060 - Inspections.**

22 Any storage system under permit IS REQUIRED TO BE inspected by the [fire marshal] FIRE  
23 DEPARTMENT and/or the Department of Neighborhood and Environmental Programs. These  
24 inspections [must] SHALL be scheduled NO LESS THAN forty-eight hours prior to the date of  
25 the proposed inspection.

26 **Chapter 17.24 - GAS CODE**

27 **17.24.040 - NFPA standards adopted.**

28 [The National Fuel Gas Code as set forth in NFPA Standards 54 ANSIZ 223.1- 2009 Edition is  
29 adopted as the code for the installation of fuel gas piping systems, fuel gas utilization equipment  
30 and related accessories for the City of Annapolis.] NFPA 54/ANSIZ 223.1, NATIONAL FUEL  
31 GAS CODE, 2012 EDITION, AND NFPA 58, LIQUIFIED PETROLEUM GAS CODE, 2011  
32 EDITION, AS PUBLISHED BY THE NATIONAL FIRE PROTECTION ASSOCIATION, COPIES  
33 OF WHICH ARE ON FILE IN THE DEPARTMENT OF NEIGHBORHOOD AND  
34 ENVIRONMENTAL PROGRAMS, ARE ADOPTED AS THE CODE FOR THE INSTALLATION  
35 OF FUEL GAS PIPING SYSTEMS, FUEL GAS UTILIZATION EQUIPMENT, AND RELATED  
36 ACCESSORIES FOR THE CITY OF ANNAPOLIS WITH THE FOLLOWING AMENDMENT:

37  
38 A. IN MULTIFAMILY STRUCTURES, EACH DWELLING UNIT SHALL HAVE AN  
39 ACCESSIBLE VALVE OUTSIDE THE DWELLING TO SHUTOFF THE GAS SUPPLY TO THE

1 DWELLING UNIT WITHOUT STOPPING THE SUPPLY IN OTHER DWELLING, UNLESS  
2 OTHERWISE APPROVED BY THE CODE OFFICIAL.

3 **Chapter 17.28 - PLUMBING CODE**

4 **17.28.020 - National Standard Plumbing Code—Adopted.**

5 The 2009 National Standard Plumbing Code Illustrated, AS published by the Plumbing-Heating-  
6 Cooling Contractors—National Association, A COPY OF WHICH IS ON FILE IN THE  
7 DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is hereby  
8 adopted as the Plumbing Code of the City of Annapolis with the following amendments:

9 A. All other new or substantially remodeled structures for human habitation or use shall  
10 be equipped with sufficient sanitary facilities. For commercial structures, sanitary facilities  
11 shall be located on all floors. Sanitary facilities shall be accessible within the building  
12 interior to the users within the working space or public hallways or corridors. Sanitary  
13 facilities shall not be shared between tenants [spaces].

14 B. Whenever possible, cleanouts shall not be located within private or public driveways  
15 subject to vehicle traffic. If required, provide heavy duty cleanout to meet city standards,  
16 subject to approval.

17 C. A grease interceptor is required in restaurants, hotel kitchens, bars, cafeterias or  
18 restaurants, clubs, or other establishments that have food preparation, (except in special  
19 cases as may be determined by the Wastewater Pretreatment Coordinator). The size of  
20 the interceptor shall be determined by the Wastewater Pretreatment Coordinator but not  
21 less than a minimum of 500 gallon size and shall be located outside accessible for  
22 cleaning and pumping unless approved otherwise by the Wastewater Pretreatment  
23 Coordinator. All waste except toilet room waste shall discharge through the interceptor. A  
24 minimum of one 6-inch cast iron sampling cleanout shall be provided at the property line.

25 D. Oil and sand interceptors shall be provided when, in the opinion of the Wastewater  
26 Pretreatment Coordinator, they are necessary for the proper handling of oily waste,  
27 flammable waste, sand, solids and other ingredients harmful to the building drainage  
28 system, the public sewer, or sewerage treatment plant or process.

29 E. Interceptors shall be installed in accordance with City specifications.

30 F. Commercial dishwashers may need to be modified as to not affect the operation of  
31 the interceptor as approved by the Wastewater Pretreatment Coordinator.

32 G. All commercial food waste grinders are prohibited.

33 H. [Prohibited discharge through interceptor are water cooled equipment] WATER-  
34 COOLED EQUIPMENT IS PROHIBITED FROM DISCHARGING THROUGH AN  
35 INTERCEPTOR.

36 I. Food and drink establishments SHALL provide hot and cold water frostproof hose  
37 bibbs at all garbage can, trash, dumpster, and food and trash compactor areas.

38 J. [On page 87, at] AT the end of Section 3.4.1, add the following:

1 Waste piping, building sewer, drain, and vent piping below grade must be cast iron bell and  
2 spigot type with long turn fittings service weight or greater, or polyvinyl chloride PVC  
3 schedule 40 or heavier or with long-term fittings, or hard temper copper tube type DWV or  
4 heavier. When ferrous threaded joints are used underground, they shall be coal-tar coated  
5 or equivalent approved protection when installed. The foregoing notwithstanding, waste  
6 piping, building sewer, drain, and vent piping below grade with less than five (5) feet of  
7 cover in heavy traffic areas, must be cast iron bell and spigot type service weight or  
8 greater.

9 K. Each dwelling unit shall have an accessible valve FROM OUTSIDE THE DWELLING  
10 to shutoff the water supply to the dwelling unit without stopping the supply in other dwelling  
11 units [from outside the dwelling], unless OTHERWISE approved [otherwise] by the Code  
12 Official.

13 L. Provide safety/drip pans under all washers, water heaters and above ceiling mounted  
14 air conditioners to collect possible condensation overflow or water leakage. Hook up  
15 primary and secondary condensate lines and discharge to outside at grade when possible.  
16 The discharge lines to the pans shall be 1 ½ inch diameter.

17 M. Air gap fitting shall be required on all residential type dishwashing machines unless  
18 preapproved by the administrative authority.

19 N. Any time that repairs to backflow prevention assemblies are deemed necessary,  
20 whether through annual or required testing, or routine inspection by consumer or by the  
21 City of Annapolis, these repairs must be completed within a specified time in accordance  
22 with the degree of hazard, not to exceed: health hazard 7 days and non-health hazard 21  
23 days.

24 O. All backflow assembly test equipment must be approved by the City. All test  
25 equipment shall be checked for accuracy annually (at minimum) and the tester may be  
26 required to submit a certificate of calibration to be filed with the City.

27 P. Knowingly making any false statement on any report or other document required by  
28 this chapter is subject to enforcement in accordance with this chapter.

29 Q. Property line clean out must be cast iron (service weight or greater) at finish grade  
30 level. At base of the clean out riser where connected to building sewer, property line clean  
31 out must be encased in concrete of at least eight (8) inches or greater.

32  
33 **17.28.090 - Permit—Fees—Schedule.**

34 The charges for issuance of permits are the sum of a connection charge, a capital facility  
35 charge, a capital facility assessment charge and an installation charge. The charges shall be  
36 recommended to the City Council by the Director of Public Works and collected by the Director  
37 of Neighborhood and Environmental Programs. The schedule of fees shall be established by  
38 resolution of the City Council.

39 A. Connection Charges. Connection charges for a one inch or less water service and  
40 four-inch sewer service shall be based on the City's cost of constructing the water and  
41 sewer service lines between the property line and main pipeline, including the cost of the  
42 water meter. There will be no connection charges for water services constructed by the

1 applicant (all services greater than one inch and, when approved by the Director of Public  
2 Works, one inch or less) and for sewer services constructed by the applicant (all service  
3 greater than four inches and, when approved by the Director of Public Works, four inches),  
4 but all costs associated with the construction of the connection between the property line  
5 and main pipeline, including the cost of the water meter, shall be the responsibility of the  
6 applicant.

7 B. Capital Facility Charges. Capital facility charges shall be based on equivalent dwelling  
8 units (EDU). An EDU is two hundred fifty gallons per day. No less than one EDU shall be  
9 charged.

10 1. An individual residential dwelling unit is one EDU.

11 2. All other uses will be charged based on the number of EDUs. Determination of  
12 the number of EDUs is as follows:

13 (a) By Director of Public Works. Whenever a charge is set based on EDUs, the  
14 property owner shall provide all information required by the Director of Public  
15 Works (Director) and the Director shall reasonably determine, based on that  
16 information and any other information that the Director deems appropriate, the  
17 number of EDUs for a property based on peak daily usage. If the Director  
18 determines within a three-year period after the initial determination that the  
19 property owner provided materially inaccurate information, the Director shall re-  
20 determine the number of EDUs and the property owner shall be liable for the  
21 difference in any charge that is set based on EDUs.

22 (b) By agreement.

23 (1) In this section, "peaked average daily usage" means a number of  
24 gallons of water that is the product of the average daily water usage by a  
25 property owner during the highest actual usage billing cycle within a  
26 defined period times the peaking factor of 1.4.

27 (2) If the Director finds that new technology or other unique  
28 circumstances may significantly affect the determined peak daily usage, the  
29 Director may enter into an agreement with the property owner to  
30 recalculate the number of EDUs based on peaked average daily usage  
31 over a period of time determined by the Director. The agreement shall  
32 provide for refund of charges by the City if peaked average daily usage is  
33 less than eighty percent of determined peak daily usage and for payment of  
34 additional charges by the property owner if peaked average daily usage is  
35 more than one hundred twenty percent of determined peak daily usage  
36 based on the recalculation. The agreement shall include terms and  
37 conditions as determined by the Director to protect the City's interest in  
38 receiving payment of all additional charges and to bind as necessary the  
39 property owner and any successor in interest. If there is a change in use of  
40 the property during the time when the recalculation is being made, the  
41 agreement shall be null and void.

42 3. Industrial wastes of unusual strength or character may be assessed additional  
43 EDUs as determined by the Director of Neighborhood and Environmental Programs  
44 or his or her designee may require pretreatment to remove heavy metals or other

1 deleterious materials prior to discharge of the waste to the City sewer system.

2 4. Combined commercial, industrial and institutional facilities' EDUs shall be  
3 determined by summing the EDUs for the individual functional areas.

4 5. A person who purchases a home in the urban renewal project area and who  
5 previously resided in the home either as an owner or renter continuously for six  
6 months immediately prior to the acquisition of the home by the urban renewal  
7 authority, is exempt from the payment of the capital facilities charge.

8 6. Capital facilities and capital facilities assessment charges shall be used  
9 exclusively to pay for either or both the capital improvements and retirement of bonds  
10 on the sewer systems and water systems or facilities and not to supplement user  
11 rates.

12 7. When the use and occupancy of a structure is changed, the Director of  
13 Neighborhood and Environmental Programs or his or her designee shall determine if  
14 the water consumption or sewage discharge has changed materially from the  
15 previous use. Any significant increase in usage or discharge may require assessment  
16 of capital facilities charges as outlined in this subsection.

17 C. Capital Facility Assessment Charge. A capital facility assessment charge will continue  
18 to be applied after December 19, 2011 for accounts with remaining capital facility  
19 assessment charge balances. For active permits prior to [[insert date of ordinance's  
20 adoption]] DECEMBER 19, 2011, the current structure for capital facility assessment  
21 charges will continue to be in effect.

22 D. Installation Charges.

23 1. Reinspection Fee. A fee as established by resolution of the City Council must be  
24 paid before another inspection is made, if, for the original inspection, one or more of  
25 the following occurred:

- 26 a. Requesting party called for inspection, but work was not ready;
- 27 b. Requesting party was not on site;
- 28 c. Building was locked;
- 29 d. Safety features not on site;
- 30 e. Approved drawings not on site.
- 31 f. PERMIT CARD NOT POSTED AND VISIBLE FROM FRONTING STREET.

32  
33 E. State Road Opening or Tunneling. For any connection in which a state road must be  
34 opened or tunneled, the charges set out in this section for public sewer and water supply  
35 connections shall be increased by the additional cost of the work as estimated and  
36 approved by the Director of Neighborhood and Environmental Programs or his or her  
37 designee.

38 F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the

1 City and who also are registered master gasfitters in the City shall be charged as  
2 established by resolution of the City Council for the additional gas connection for gas hot  
3 water heaters; otherwise, the gas connection for gas hot water heaters must be made by a  
4 registered master gasfitter at the regular rates.

5 G. Sizes Not Shown. Charges for any sizes not shown in this section shall be  
6 determined by the Director of Neighborhood and Environmental Programs or his or her  
7 designee.

8 H. The City Council may designate by resolution certain areas in the City of Annapolis to  
9 be revitalization areas. In adopting such a resolution, the City Council shall take into  
10 consideration the following factors as they apply to the area:

- 11 1. The availability, cost, and condition of business facilities;
- 12 2. The age and number of substandard structures;
- 13 3. The income of residents relative to State or regional median incomes, including  
14 the number of persons who are welfare recipients or unemployed;
- 15 4. The extent of unemployment and the availability in the area of jobs for residents  
16 of the area;
- 17 5. The need for small businesses to locate in the area in order to upgrade the  
18 social and economic conditions of the designated neighborhood; and
- 19 6. Support from community and business organizations.

20 I. When a property lies in a designated revitalization area, the capital facility charge  
21 shall, at the request of the owner, be payable as follows: forty percent prior to the issuance  
22 of any permit; twenty percent prior to the first anniversary of the earliest permit issuance;  
23 twenty percent prior to the second anniversary of the earliest permit issuance; final twenty  
24 percent prior to the third anniversary of the earliest permit issuance.

25 **17.28.140 - Enforcement.**

26 The Director of Neighborhood and Environmental Programs, OR HIS OR HER DESIGNEE,  
27 shall enforce the Plumbing Code and shall issue citations relating to municipal infractions in the  
28 Plumbing Code.

29  
30 **Chapter 17.40 – [INTERNATIONAL] RESIDENTIAL PROPERTY MAINTENANCE CODE**

31 **Article I - Definitions.**

32 **17.40.040 - Approved.**

33 "Approved" means [approved by] ACCEPTABLE TO the Director of Neighborhood and  
34 Environmental Programs in accordance with the provisions of this code.

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**17.40.080 - Building Code.**

"Building Code" means the Building Code of the City OF ANNAPOLIS.

**17.40.140 - Multiple dwelling.**

"Multiple dwelling" means any dwelling containing more than two dwelling units and any non-owner-occupied dwelling containing two DWELLING units.

**17.40.265 - Property Maintenance Code.**

A. The International Property Maintenance Code, 2012 EDITION, [2009] as published by the International Code Council, Inc., A COPY OF WHICH IS ON FILE IN THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS, is adopted as the Property Maintenance Code of the City of Annapolis in the State of Maryland for the control of buildings and structures with the following amendments:

- 1. In Section 101.1 for "[NAME OF JURISDICTION]" insert "City of Annapolis"
- 2. In Section 103.5 for "[APPROPRIATE SCHEDULE]" insert "Fees established by resolution of the City Council"
- 3. In Section 304.14 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
- 4. In Section 602.3 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
- 5. In Section 602.4 for "[DATES IN TWO LOCATIONS]" insert "April 15th - October 31st"
- 6. Strike the entire Section 404.5 Overcrowding and substitute Section 17.40.460 of the Code of the City of Annapolis.

B. In the event of any inconsistencies between the provisions of the International Property Maintenance Code and the City Code, the more stringent shall govern. [A copy of the International Property Maintenance Code is on file in the Department of Neighborhood and Environmental Programs.]

Appendix A - Boarding standard shall be adopted as the City of Annapolis standard.

**Article II - Basic Services and Sanitary Facilities**

**17.40.310 - Plumbing connections.**

Every kitchen sink, lavatory basin and bathtub or shower required under Section 17.40.280 AND SECTION 17.40.290 shall be properly connected with both hot water and cold water lines.

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**Article III - Fire Safety**

**17.40.440 - Smoke [detectors] ALARMS.**

A. SMOKE ALARMS AND SMOKE DETECTORS. FOR THE PURPOSES OF THIS SECTION, THE TERM "SMOKE ALARM" SHALL BE CONSTRUED TO MEAN SMOKE ALARMS, SMOKE DETECTORS, AND ALTERNATIVE DETECTION DEVICES AND SYSTEMS APPROVED BY THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS AND THE FIRE DEPARTMENT.

[A]B. Required. It is the responsibility of the owner of each [new or existing multifamily] RENTAL dwelling unit to install smoke [detectors] ALARMS IN ACCORDANCE WITH THIS SECTION in each [multifamily] RENTAL dwelling unit intended to be used, or originally built or designed to be used for residential purposes, not to include any dwelling unit within any structure which has been converted entirely to a nonresidential use. The smoke [detectors] ALARMS shall be capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm of the combustion. The SMOKE alarms shall be installed by July 1, 1980, in the manner provided in this section, unless any other provision of State or Federal law requires installation before that date. For the purposes of this section, "multifamily dwelling" means a building containing three or more dwelling units.

EXCEPTION: EXISTING APPROVED SMOKE ALARM INSTALLATIONS IN RESIDENTIAL STRUCTURES WITH FEWER THAN THREE DWELLING UNITS WHERE:

- 1) THE SMOKE ALARM INSTALLATION IS EXISTING AND APPROVED; AND
- 2) THE SMOKE ALARMS HAVE BEEN MAINTAINED IN OPERATING CONDITION.

[B]C. Location. At least one smoke [detector] ALARM shall be installed in close proximity to the access for each sleeping area. "Sleeping area" means the area or areas of the dwelling unit in which the bedrooms (or sleeping rooms) are located. Rooms habitually used for sleeping which are separated by other use areas (such as kitchens or living rooms, but not bathrooms or closets), shall be considered as separate sleeping areas for the purposes of this section.

[C]D. Equipment. All devices, combinations of devices and equipment required in this section shall BE APPROVED BY THE FIRE DEPARTMENT, AND are to be installed in conformance with the provisions of [the City Building Code and regulations and this section, and the equipment to be installed shall be approved by the Fire Department] TITLE 17 OF THE CODE OF THE CITY OF ANNAPOLIS AND THE MANUFACTURER'S REQUIREMENTS FOR INSTALLATION.

[D]E. Power Source. Smoke [detection systems] ALARMS shall PRIMARILY operate on an AC [primary source of] electric power SUPPLY. Each [detector] SMOKE ALARM shall be wired into the circuit serving the area in which it is located. No smoke [detector] ALARM, [or alternative system,] shall be connected directly (permanently wired) to the electrical system of the structure unless an electrical permit first has been obtained.

[E]F. Maintenance. It is the responsibility of the property owner or agent to inspect annually and

1 maintain any smoke [detector device, installed in compliance with the provisions of this section]  
2 ALARM, in accordance with the manufacturer's warranty and suggested maintenance. In  
3 addition, the property owner shall provide any tenant access to a copy of the maintenance  
4 schedule, operating manual, and any other instructional or precautionary literature which the  
5 manufacturer may supply with the unit.

6 F. Connection to [Manual] FIRE Alarm System. In new multifamily dwellings [which have a  
7 required manual] PROVIDED WITH A fire alarm system, all required [detectors] ALARMS shall  
8 be connected to the [manual] fire alarm system.

9 G. Certification at Change in Occupancy. At every change of occupancy or tenancy of every  
10 [multifamily] RENTAL dwelling unit occasioned by or incidental to a sale, lease, sublease, or  
11 change in tenancy, it is the duty of the grantor to certify to the tenant, at the time of conveyance  
12 and before occupancy, that all smoke [detectors] ALARMS as required by this section (or other  
13 applicable laws) are installed and in proper working condition.

14 H. NFPA Standards Supplemented. This section is intended to be used with and  
15 supplemented by the applicable provisions of the FOLLOWING National Fire Protection  
16 Association standards: [71, 72-E and 74, 1974 Editions and its amendments, which are  
17 incorporated in this section] NFPA 72, NATIONAL FIRE ALARM AND SIGNALING CODE, AND  
18 NFPA 70, NATIONAL ELECTRICAL CODE; however, if there is any conflict between this  
19 section and the NFPA standards or any rules and regulations adopted pursuant to them, the  
20 provisions of this section shall prevail.

21

## 22 **Article VI - Roominghouses**

### 23 **17.40.700 - Bathroom facilities—Rooms.**

24 Every flush water closet, flush urinal, lavatory basin, BIDET, and bathtub or shower [required by  
25 Section 17.40.690] shall be located within the roominghouse in one or more rooms which:

26 A. Afford privacy and are separate from the habitable rooms;

27 B. Are accessible from a common hall and without going outside the roominghouse; and

28 C. Are not more than one story removed from the rooming unit of any occupant intended  
29 to share the facilities.

## 30 **Article IX - Enforcement**

### 31 **17.40.840 - Correction notice.**

32 A. Whenever an inspecting officer has reasonable grounds to believe that there has been a  
33 violation of this chapter, a written notice of the violation shall be made to the owner, or the  
34 owner's agent, or the occupant of the premises upon which a violation exists, setting forth the  
35 specific violation and stating a reasonable time within which the violation must be corrected. The  
36 notice shall advise the owner, agent, operator, or occupant, as the case may be, of the right to  
37 appeal to the Board of Appeals and shall state that unless the condition violating this chapter is  
38 corrected within the time specified, the owner, occupant, or operator, as the case may be, may  
39 be prosecuted for the violation. The notice is properly served upon the owner, agent, occupant,

1 or operator if a copy is sent by certified mail to the owner's, agent's, occupant's or operator's last  
2 known address, or if a copy of the notice is posted in a conspicuous place in or about the  
3 premises affected by the notice, or if notice is [perfected] SERVED by any other method  
4 authorized under the laws of this State.

5 B. If the director finds that there has been an unreasonable failure of the licensee to comply  
6 with a notice of violation, a license may be suspended and subsequently revoked according to  
7 the provisions of Section 17.44.090

8 C. If the director finds that the violations constitute any of the defects listed in Section  
9 17.40.850 (A), then the provisions of that section shall apply as well as the penalties described  
10 in Section 17.44.140.

11

12 **17.40.860 - Dwellings unfit for human habitation—Demolition.**

13 A. The Director of Neighborhood and Environmental Programs shall order a dwelling, dwelling  
14 unit, or rooming unit to be demolished if it has been designated and placarded as unfit for  
15 human habitation, has been vacated, and not been put into proper repair as to rescind the  
16 designation as unfit for human habitation and to cause the placard to be removed.

17 B. The owner of any dwelling, dwelling unit, or rooming unit which has been ordered  
18 demolished shall be given notice of the order in the manner provided for service of notice in  
19 Section 17.40.840 and shall be given a reasonable time not to exceed ninety days to demolish  
20 the structure.

21 C. An owner aggrieved by the notice to demolish may seek, within ten days, a reconsideration  
22 of the matter in the manner provided in this article, and may seek a formal hearing in the  
23 manner provided in Section 17.40.880.

24 D. When the owner fails, neglects or refuses to demolish an unfit, unsafe, or unsanitary  
25 dwelling, dwelling unit or rooming unit within the requisite time, the Director of Neighborhood  
26 and Environmental Programs may apply to a court for a demolition order to undertake the  
27 demolition. The court may grant the order when no reconsideration or hearing on the matter is  
28 pending. The cost of demolition or abatement shall be a lien on the property and collectible in  
29 the same manner as delinquent taxes.

30 E. Whenever a dwelling is demolished, whether carried out by the owner or by the director,  
31 the demolition shall include the filling in of the excavation remaining on the property on which  
32 the demolished dwelling was located in a manner which eliminates all potential danger to the  
33 public health, safety, or welfare arising from the excavation.

34 F. All demolition shall be preceded by an inspection of the premises by the director to  
35 determine whether or not extermination procedures are necessary. If the premises are found to  
36 be infested, appropriate rat extermination to prevent the spread of [rats] INSECTS, RODENTS,  
37 VERMIN, OR OTHER PESTS to other areas shall be instituted before, during, and after  
38 demolition.

39 **Chapter 17.44 - RENTAL UNIT LICENSES**

1 **17.44.010 - Required.**

2 A. No person shall let for occupancy or use any vacant single rental dwelling unit, multiple  
3 dwelling, bed and breakfast home, roominghouse, or bargehouse without a current operating  
4 license issued by the Department of Neighborhood and Environmental Programs, after the  
5 application for the license has been approved by the Department of Neighborhood and  
6 Environmental Programs, with the concurrence of the Director of Planning and Zoning, [and] the  
7 Fire Chief, and the County Health Officer, for the specific named unit, multiple dwelling, bed and  
8 breakfast home, roominghouse, or bargehouse.

9 B. Short Term Rentals. The requirements of this Chapter shall apply to all owners or tenants  
10 of rental dwelling units as defined in SECTION 17.40.110 [of the 2010 edition] of the Code of  
11 the City of Annapolis who enter into agreements, written or oral, for their rental for up to six  
12 months in any calendar year. For short term rentals, the tenant will occupy the entire dwelling  
13 unit without the necessity of a written sublease. The fee for a short term rental license shall be  
14 set by resolution of the City Council.

15 (1) The owners of all such rental dwelling units who enter into any such rental  
16 agreements shall permit the Department of Neighborhood and Environmental Programs to  
17 enter each such rental dwelling unit for the purpose of making inspections necessary to  
18 ensure compliance with Chapter 17.40 and this Chapter. No short term rental operating  
19 license shall be issued or continued without an inspection of all rooms and a determination  
20 of compliance with Chapter 17.40 and this Chapter.

21 (2) During a short term tenant occupancy, the owner of the short term dwelling unit shall:  
22 (i) not allow in excess of two individuals per bedroom, excluding small children and post a  
23 notice on the back of the main entrance door to this effect; (ii) keep a reservation log to  
24 include the owner(s) and primary guest(s) name(s), address(es), and phone number(s);  
25 and (iii) install interconnected smoke alarms with a detection unit on each level of the  
26 dwelling unit in addition to battery-operated smoke [detectors] ALARMS in each bedroom  
27 as [the 2010 edition of the Code of the City of Annapolis requires] REQUIRED BY  
28 CHAPTER 17.40. Short term rental licensees have six months from the date of this  
29 Ordinance's adoption to comply with its provisions. Failure of the owner to comply with this  
30 Ordinance shall constitute a municipal infraction which shall subject the owner to a fine set  
31 by the City Council and shall subject the owner to loss of the rental license.

32 (3) The provisions of this section shall not apply to owners of short term rentals that rent  
33 their dwelling units exclusively in connection with annual U.S. Naval Academy graduation  
34 ceremonies and activities or with activities associated with the annual power boat and  
35 sailboat shows in the City.

36 C. When an operating license is suspended or revoked or an application for renewal is  
37 denied, it shall be unlawful for any person to let for occupancy or use any dwelling unit or  
38 bargehouse then vacant or becoming vacant until a license has been reissued or revalidated.

39

40 **17.44.030 - Initial inspection.**

41 No operating license shall be issued or renewed unless the applicant owner agrees in the  
42 application to an initial inspection as the Director of [Public Works] THE DEPARTMENT OF  
43 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS may require to determine if the single  
44 rental dwelling unit, multiple dwelling, bed and breakfast home, roominghouse, or bargehouse

1 for which the license is sought is in compliance with Chapter 17.40 and this chapter.

2

3 **17.44.130 - Posting of unlicensed property.**

4 A. Upon suspension, revocation, denial, or expiration of a license, the director shall have the  
5 authority to cause notices to be posted on the property which shall state as follows:

6 OCCUPANCY OF ANY DWELLING UNIT IN THIS BUILDING NOW VACANT OR  
7 BECOMING VACANT IS UNLAWFUL UNTIL A LICENSE TO OPERATE HAS BEEN  
8 OBTAINED AND IS DISPLAYED ON THE PREMISES

9 B. It is unlawful for any person to DEFACE OR remove that notice until a license has been  
10 obtained.

11

12 **Chapter 17.48 - NONRESIDENTIAL PROPERTY MAINTENANCE**

13 **Article I - General Provisions**

14 **17.48.020 - Findings—Purpose.**

15 A. There [exist] EXISTS in the City structures used for nonresidential use which are, or may  
16 become in the future, substandard with respect to structure, equipment or maintenance. These  
17 conditions, [including but not limited to] WHICH INCLUDE, BUT ARE NOT LIMITED TO,  
18 structural deterioration, lack of maintenance and appearance of exterior of premises, infestation,  
19 lack of essential heating and plumbing, lack of maintenance or upkeep of essential utilities and  
20 facilities, existence of fire hazards, inadequate provisions for light and air, and insanitary  
21 conditions, constitute a menace to the health, safety, welfare and reasonable comfort of the  
22 citizens and inhabitants of the City. It is found and declared further that by reason of lack of  
23 maintenance, and because of progressive deterioration, certain properties have the further  
24 effect of creating blighting conditions and initiating slums and that if these are not curtailed and  
25 removed, the conditions will grow and spread and will necessitate in time the expenditure of  
26 large amounts of public funds to correct and [eliminate and that by reason of] ELIMINATE.  
27 THROUGH timely regulations and restrictions, as contained in this chapter, the growth of slums  
28 and blight may be prevented, [and] the neighborhood and property values maintained, the  
29 desirability and amenities of residential and nonresidential uses and neighborhoods enhanced,  
30 and the public health, safety, and welfare are protected and fostered.

31 B. The purpose of this chapter is to protect the public health, safety, and welfare by  
32 establishing minimum standards governing the maintenance, appearance, condition, and  
33 occupancy of nonresidential premises; to establish minimum standards governing utilities,  
34 facilities, and other physical components and conditions essential to make the facilities fit for  
35 occupancy and use; to fix certain responsibilities and duties upon owners and operators, and  
36 distinct and separate responsibilities and duties upon occupants; to fix penalties for the  
37 violations of this chapter; to provide for the right of access across adjoining premises to permit  
38 repairs; and to provide for the repair, demolition, or vacation of premises unfit for use. This  
39 chapter is remedial and essential for the public interest and it is intended that this chapter be  
40 construed liberally to effectuate the purposes as stated in this section.

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**17.48.030 - Definitions.**

32. "Washroom" means an enclosed space containing one or more bathtubs, showers or both, and also includes toilets, lavatories, BIDEETS, or fixtures serving similar purposes.

**Article IV - Enforcement**

**17.48.320 – [Unfit building] UNSAFE STRUCTURES — Condemnation.**

The designation of nonresidential [buildings] STRUCTURES as [unfit for human use] UNSAFE STRUCTURES and the procedure for the condemnation and placarding of these nonresidential buildings shall be carried out in compliance with the following requirements:

A. Defects Requiring Condemnation. Any nonresidential building which is found to have any of the following defects shall be condemned as [unfit for human use] AN UNSAFE STRUCTURE and SHALL be designated and placarded by the Director of Neighborhood and Environmental Programs:

1. One which is damaged, decayed, dilapidated, insanitary, unsafe, or vermin-infested so that it creates a serious hazard to the health or safety of the occupants or of the public;
2. One which lacks illumination, ventilation, or sanitation facilities adequate to protect the health or safety of the occupants or the public;
3. One which because of its general condition is unsanitary or otherwise dangerous to the health or safety of the occupants or the public.

B. Vacation — Correction — Placard Removal. Any nonresidential building condemned as [unfit for human use] AN UNSAFE STRUCTURE, and so designated and placarded by the Director of Neighborhood and Environmental Programs, shall be vacated within a reasonable time as ordered by the director. The director shall remove the placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

C. No person shall deface or remove the placard from any nonresidential building which has been condemned and placarded as [unfit for human use] AN UNSAFE STRUCTURE, except as provided in subsection B of this section.

D. A person aggrieved by a notice or order relating to the condemning and placarding of a nonresidential [building] STRUCTURE as [unfit for human use] AN UNSAFE STRUCTURE may appeal the notice or order to the BUILDING Board of Appeals, under the procedure set forth in Section 17.48.360.

**17.48.330 – [Unfit building] UNSAFE STRUCTURES — Demolition.**

If the Director of Neighborhood and Environmental Programs finds that the property owner has

1 failed to correct the defects noted in the placarding of the nonresidential [building] STRUCTURE  
2 within ninety days, the director shall order the demolition of the nonresidential [building]  
3 STRUCTURE or abatement of the nuisance and the cost of the demolition or abatement shall  
4 be a lien on the property and collectible in the same manner as delinquent taxes. The Historic  
5 District Commission shall review and approve the demolition as required in Title 21 of this code.  
6 Unoccupied structures which are found to be a serious hazard to the public, in the same manner  
7 as provided in subsections A and B of Section 17.40.320, shall be ordered demolished or  
8 abated by the director and appeals shall be heard as provided in Section 17.48.300. The cost of  
9 demolition or abatement shall be a lien on the property and collectible in the same manner as  
10 delinquent taxes.

11

#### 12 **17.48.350 - Non-residential property maintenance violation.**

13 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine as  
14 established by resolution of the City Council; provided, that no citation for a municipal infraction  
15 shall be issued until the notice required by Section 17.48.290 first has been served upon the  
16 alleged violator and the time specified in the notice for correction of the violation has expired  
17 with no appeal to the BUILDING Board of Appeals having been taken and with the condition in  
18 violation of this chapter not having been corrected. In the event of an appeal to the BUILDING  
19 Board of Appeals, no citation for a municipal infraction shall be issued until notice of the  
20 decision of the BUILDING Board of Appeals first has been served upon the alleged violator and  
21 the time specified in the notice for taking the required action has expired with the action required  
22 by the notice not having been taken or completed. A continuing violation of the same provision  
23 of this chapter constitutes a separate violation for each day in which the condition is allowed to  
24 exist after the expiration of the time specified in the notice given by the Director of [Public  
25 Works] THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS or  
26 the BUILDING Board of Appeals, whichever is later.

#### 27 **Chapter 17.60 - SIGNS**

#### 28 **17.60.130 - Wiring and connections of electric signs.**

29 All new, existing, and altered electric signs shall be wired for electric service in accordance with  
30 the rules and regulations of [the] CHAPTER 17.16 OF THE CODE OF THE CITY OF  
31 ANNAPOLIS, [National Electrical Code] and all electric wiring or connections shall be done by  
32 or under the supervision of a master electrician licensed in the State and shall be inspected by  
33 the [Electrical Inspection Department] DEPARTMENT OF NEIGHBORHOOD AND  
34 ENVIRONMENTAL PROGRAMS. Electrical permits are required.

35

#### 36 **17.60.140 - Violations—Notice to correct.**

37 The Director of the Department of Neighborhood and Environmental Programs or his or her  
38 designee shall investigate any complaint of a violation of Sections 17.60.010 through  
39 [17.60.040] 17.60.030, [and] 17.60.060, 17.60.070, AND 17.60.090 through 17.60.130. Upon a  
40 finding that a violation exists, the director shall provide reasonable notice by mail, by personal  
41 delivery, by posting on the sign itself, or by a combination of these means, to the owner, tenant  
42 or agent having charge of the property on which the sign is situated. The notice shall specify:

- 1 A. The action to be taken to correct the violation;
- 2 B. That the action must be undertaken and completed within a reasonable period as
- 3 established by the director;
- 4 C. That failure to comply may result in the corrective action being taken by the
- 5 Department of Neighborhood and Environmental Programs;
- 6 D. That the department's expenses for taking the action and, if necessary, for storing
- 7 and disposing of the sign, are the responsibility of the owner of the property; and
- 8 E. That the expenses will constitute a lien upon the property to be collected in the same
- 9 manner as real property taxes.

11

12 **SECTION I I: AND B E IT FURT HER EST ABLISHED AND ORDAINED BY THE**

13 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

14 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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17

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

18

19

20 **EXPLANATION**

21 CAPITAL LETTERS indicate matter added to existing law.

22 [brackets] indicate matter stricken from existing law.

23 Underlining indicates amendments.

## Staff Report

### Ordinance O-23-12

#### Revisions to Title 17, Buildings and Construction

The proposed ordinance provides revisions to Title 17 of the Annapolis City Code. The chapters entitled Definitions, Building Code, Electrical Code, Mechanical Code, Plumbing Code, Petroleum Storage Facilities, Gas Code, Residential Property Maintenance Code, Rental Unit Licenses, Non-residential Property Maintenance Code, and Signs, are revised to adopt the most recent codes published by the International Code Council and to comply with the provisions of the Maryland Performance Building Standards. Additionally, revisions occur throughout the Title to reflect altered administrative and enforcement policies that have been adopted by the Department of Neighborhood and Environmental Programs.

Beginning July 1, 2012, the City of Annapolis is required to enforce the State mandated set of codes, unless the City has already has an ordinance that adopts a set of codes that meets or exceeds the requirements of the Maryland Building Performance Standards (the State mandated construction codes).

The following significant revisions are noted as part of this ordinance:

#### **Chapter 17.24 – Gas Code.**

- 17.24.040 – added the adoption of 2011 edition of NFPA 58, Liquefied Petroleum Gas Code. NFPA 58 provides requirements and provisions for the installation of Liquefied Petroleum Gas (LPG) systems.
- 17.24.040 – added a requirement for an accessible gas valve outside of each unit in multifamily structures. This valve permits modifications and repairs within a unit to be conducted, and for gas to be shut off to a unit under emergency conditions, without having to shut off gas to the entire building.

#### **Chapter 17.40 – Residential Property Maintenance Code.**

- 17.40.440 (B) – amended the requirement for smoke alarms in multifamily dwelling units to encompass all rental dwelling units, with an exception for residential structures with less than three rental dwelling units where exiting approved smoke alarms are maintained in operating condition.

Additionally, these important revisions are noted:

#### **Chapter 17.04 – Definitions.**

- Added a definition for “Architect” consistent with the State of Maryland’s definition for architects.
- Added a definition for “Code Official” which is used in many of the Chapter in Title 17, but was previously undefined by Title 17.

#### **Chapter 17.12 – Building Code.**

- 17.12.020 – added an exception to the International Residential Code to permit decks and similar unenclosed attached accessory structures to be constructed within 5’ of the property line without requiring fire-rated construction.

- 17.12.042 – changed the name of the section and broadened the scope of the hazards deemed to make a structure “unsafe”.
- 17.12.055 – added a requirement for the rear or side doors of commercial spaces or suites to bear the suite designation. Although the intent is to assist the fire and police departments in rapidly locating alternate ingress to the space, it also provides assistance to delivery services in locating their customers.

**Chapter 17.18 – Mechanical Code.**

- 17.18.020 – provided additional details for supporting HVAC ducts, diffusers, and grills to protect firefighters during post suppression operations.

**Chapter 17.40 – Residential Property Maintenance Code.**

- Changed the name of the chapter from “International” to “Residential”.

Prepared by Matthew Shanks, Chief of Code Enforcement in the Department of Neighborhood and Environmental Programs; MShanks@annapolis.gov and 410-263-7946.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-24-12**

**Introduced by: Mayor Cohen**

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	6/11/12		

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**AN ORDINANCE** concerning

**Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code**

**FOR** the purpose of adopting the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition  
Chapter 17.11

**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 17.11 – Floodplain Management**

**[Article I – General Provisions]**

**[17.11.010 - Findings.]**

[A. Certain areas of the City are subject to periodic inundation which may result in loss of life and property, health and safety, disruption of commerce and governmental services and extraordinary public expenditures for flood protection and relief.]

[B. Flood losses and associated losses are created by structures inappropriately located, inadequately elevated or otherwise unprotected and vulnerable to floods or erosion or by development which increases flood or erosion damage to other lands or development.]

[C. The biological values of floodplains, particularly tidal and nontidal wetlands, can be affected adversely by floodplain development.]

1 [D. The City of Annapolis has the responsibility under the Flood Hazard Management Act of  
2 1976, Annotated Code of Maryland, Environment Article Title 5, Subtitle 8 (or its successors), to  
3 control floodplain development to protect persons and property from danger and destruction and  
4 to preserve the biological values and the environmental quality of the watersheds or portions of  
5 watersheds under its jurisdiction.]

6 **[17.11.020 - Purpose.]**

7 [A. The purpose of this chapter is to protect human life and health; minimize public and private  
8 property damage; encourage the utilization of appropriate construction practices in order to  
9 prevent or minimize flood damage in the future; protect individuals from buying lands and  
10 structures which are unsuited for intended purposes because of the flood hazards; protect water  
11 supply, sanitary sewage disposal and natural drainage; reduce financial burdens imposed on  
12 the community, its governmental units and its residents, by preventing the unwise design and  
13 construction of development in areas subject to flooding; provide for public awareness of the  
14 flooding potential and provide for the biological and environmental quality of the watersheds or  
15 portions of watersheds located in the City.]

16 [B. The provisions of this chapter provide a unified comprehensive approach to floodplain  
17 management which addresses requirements of the Federal and State programs concerned with  
18 floodplain management; namely, the National Flood Insurance Program and the President's  
19 Executive Order 11988 of May 27, 1977, on floodplain management; the State Waterway  
20 Construction Program, the U.S. Army Corps of Engineers Section 10 and Section 404 permit  
21 programs, and the state's watershed permit and wetlands permit programs.]

22 **[17.11.030 - City liability.]**

23 [The grant of a permit or approval is not a representation, guarantee or warranty of any kind and  
24 shall not create a liability upon the municipality, its officials or employees.]

25 **[17.11.040 - Conflicting provisions.]**

26 [This chapter supersedes any less restrictive floodplain construction ordinance currently in effect  
27 in the floodplain district. However, any other ordinance shall remain in full force and effect to the  
28 extent that its provisions are more restrictive.]

29

30 **[Article II- Floodplain District]**

31 **[17.11.050 - Established.]**

32 [A floodplain district is established to include all areas subject to inundation below the base flood  
33 elevation. The source of this delineation shall be the Flood Insurance Study and related maps,  
34 prepared for the City by the Federal Emergency Management Agency (FEMA), Federal  
35 Insurance Administration, dated May 4, 1981. The floodplain district and the official floodplain  
36 map are established with emphasis on the one-hundred-year flood elevation where defined  
37 rather than the area geographically delineated on the official floodplain maps. The floodplain  
38 district shall be deemed an overlay on any zones or districts existing on October 12, 1981 or  
39 established after that date.]

1 **[17.11.060 - Map.]**

2 [The official floodplain map shall be the "Flood Insurance Rate Maps," and "Flood Boundary and  
3 Floodway Maps" as prepared by the Federal Emergency Management Agency, issued on  
4 November 4, 1981, and any subsequent amendments. The official floodplain map which  
5 delineates the boundaries of the floodplain district, specifically Zones A1-A30, areas of one-  
6 hundred-year flood, shall be prepared and maintained in force as part of this chapter.]

7 **[17.11.070 - Boundary changes.]**

8 [A. The delineation of the floodplain district may be revised, amended and modified by the City  
9 Council in compliance with the national flood insurance program and the Maryland Department  
10 of Natural Resources when:

- 11 1. There are changes through natural or other causes;  
12 2. Changes are indicated by future detailed hydrologic and hydraulic studies; or

13 B. As soon as practicable, but not later than six months after the date the information  
14 becomes available, the Director of Public Works shall notify the Federal Insurance Administrator  
15 of the changes by submitting technical and scientific data in accordance with the 44 Code of  
16 Federal Regulations, Part 65. All changes shall be subject to the review and approval of the  
17 Federal Emergency Management Agency and the Maryland Department of Natural Resources.]

18 **[17.11.080 - Boundary disputes.]**

19 [An initial determination shall be made by the director if a dispute arises concerning any district  
20 boundary. The applicant aggrieved by this decision may appeal to the Building Board of Appeals  
21 within thirty calendar days of the decision. The burden of proof is on the appellant. The appeal  
22 shall be accompanied by a nonrefundable fee as established by resolution of the City Council.  
23 The director shall schedule a hearing within thirty calendar days after the filing of the appeal and  
24 shall notify the appellant of the hearing date.]

25 **[17.11.090 - Development regulations.]**

26 [A. In order to prevent excessive damage to buildings and structures, the regulations set out in  
27 this article apply to all new construction and substantial improvements to existing structures  
28 occurring in the floodplain district. In the event a proposed building, structure or substantial  
29 improvement is sited in two different subdistricts or in a subdistrict with two different one-  
30 hundred-year flood elevations, the most restrictive regulation and/or higher flood elevation shall  
31 prevail.]

32 [B. Existing nonconforming uses or structures located on land below the one-hundred-year  
33 floodplain elevation of eight feet shall not be expanded.]

34 **[17.11.100 - State and Federal permits.]**

35 [Any approved development in the coastal floodplain shall be in conformance with the  
36 requirements of the permit programs of the water resources administration of the State of  
37 Maryland and the U.S. Army Corps of Engineers.]

38 **[17.11.110 - Management plan conformance.]**

39 [All development in the coastal floodplain shall be consistent with the flood control and

1 watershed management plans for the area in which the development is proposed to be located.]

2 **[17.11.120 - Construction below base flood level.]**

3 [If the construction, reconstruction or modification of any structure constitutes less than a  
4 substantial improvement, the elevation of the lowest floor shall be at or above eight feet above  
5 mean sea level. Those parts of the improvement below the elevation of eight feet above mean  
6 sea level shall be dry-floodproofed as specified by the U.S. Army Corps of Engineers in its  
7 publication EP1165 2 314 entitled "Flood-proofing Regulations." Routine maintenance and  
8 repairs shall be excepted.]

9 **[17.11.130 - Lowest floor elevation.]**

10 [The elevation of the lowest floor, as defined in this title, of all new or substantially improved  
11 structures within the one-hundred-year flood shall be at or above eight feet above mean sea  
12 level. Basements as defined in this title are prohibited in the floodplain.]

13 **[17.11.140 - Variances.]**

14 [Any variances allowed under the provisions of this chapter shall meet the requirements  
15 specified in Article IV of this chapter.]

16 **[17.11.150 - Habitat impact.]**

17 [All development shall be undertaken in a manner which minimizes adverse impacts on aquatic  
18 or terrestrial habitat and their related flora and fauna.]

19 **[17.11.160 - Design, anchoring and materials.]**

20 [All new construction and substantial improvements shall be:

21 A. Designed (or modified) and anchored adequately to prevent flotation, collapse, or  
22 lateral movement of the structure;

23 B. Constructed and placed on the lot in order to offer the minimum obstruction to the  
24 flow and height of the flood water;

25 C. Constructed with materials and utility equipment resistant to flood damage; and

26 D. Constructed by methods and practices that minimize flood damage.]

27 **[17.11.170 - Landscape design.]**

28 [A. Adequate ground cover shall be provided for soil stabilization within the floodplain district.

29 B. Design of land contours and choice of plant materials shall direct surface runoff away from  
30 structures and shall not increase surface runoff onto neighboring properties.]

31 **[17.11.180 - Electric systems.]**

32 [A. All electric water heaters, electric furnaces, generators, heat pumps, air conditioners and  
33 other permanent electrical installations shall be permitted only at or above eight feet above  
34 mean sea level.]

35 [B. No electrical distribution panels shall be permitted at an elevation less than ten feet above

1 mean sea level.]

2 **[17.11.190 - Plumbing.]**

3 [Water heaters, furnaces and other permanent mechanical installations shall be permitted only  
4 at or above eight feet above mean sea level.]

5 **[17.11.200 - Storage.]**

6 [No materials that are buoyant, flammable or explosive or which, in times of flooding, could be  
7 injurious to human, animal or plant life shall be stored below nine feet above mean sea level.]

8 **[17.11.210 - Fill material.]**

9 [Where allowed, fill material shall meet the following additional requirements:

10 A. Fill shall consist only of soil or rock materials. Landfills, dumps and sanitary soil fills  
11 shall not be permitted.

12 B. Fill material shall be compacted in accordance with the standard proctor test method  
13 issued by the American Society for Testing and Materials (ASTM Standard D-698) to  
14 provide the necessary stability and resistance to erosion, scouring or settling.

15 C. Fill slopes shall be no steeper than one vertical to two horizontal, unless  
16 substantiating data justifying steeper slopes are submitted to and approved both by the  
17 director and the Anne Arundel soil conservation district.

18 D. Fill shall be used only to the extent that it does not affect adversely any adjacent  
19 properties.]

20 **[17.11.220 - Manufactured homes, buildings and motor homes.]**

21 [New or relocated manufactured homes or buildings as defined in this title and motor homes as  
22 defined in Annotated Code of Maryland, Transportation Article, Title 11, Subtitle 1, (or its  
23 successors) are prohibited within the floodplain.]

24 **[17.11.230 - Accessory/appurtenant structures.]**

25 [Because of their minimal investment, detached garages, storage structures and accessory  
26 structures containing less than three hundred square feet and no more than one story shall be  
27 exempt from the elevation of dry-floodproofing standards of this chapter, provided that all of the  
28 following stipulations are met:

29 A. A statement shall be placed on the building plans which shall read as follows: "No  
30 enlargement or conversion of this area to habitable space is to occur unless the lowest  
31 floor is elevated at or above eight feet above mean sea level."

32 B. The floor elevation of the accessory structure shall not qualify as a basement and  
33 must be constructed on or above grade.

34 C. The accessory structure shall be constructed and placed on the building site in order  
35 to offer the minimum resistance to the flow of floodwaters.

36 D. The accessory structure shall be anchored firmly to prevent flotation which may result

1 in damage to other structures.

2 E. The accessory structure shall be designed to have low flood damage potential,  
3 including provisions to allow the free flow of water into and out of the structure in order to  
4 maintain equal pressure.

5 F. The service facilities, such as electrical, plumbing and heating equipment either shall  
6 be elevated at or above nine feet above mean sea level or shall be floodproofed.

7 G. The accessory structure shall be comprised of no more than three hundred square  
8 feet and no more than one story.

9 H. The applicant shall be made aware that if the accessory structure is built below eight  
10 feet above mean sea level and is not floodproofed, that structure may be susceptible to  
11 higher insurance premium rates for the structure and its contents.]

12 **[17.11.240 - Enclosures below lowest floor.]**

13 [The new construction and substantial improvements of fully enclosed areas below the lowest  
14 floor, including but not limited to crawl spaces, solid footings and continuous foundations shall  
15 be designed to meet or exceed the following minimum criteria:

16 A. A minimum of two openings having a total net area of not less than one square inch  
17 for every square foot of enclosed area subject to flooding shall be provided.

18 B. The bottom of all openings shall be no higher than one foot above grade.

19 C. Openings may be equipped with screens, louvers, valves or other coverings or  
20 devices provided that they permit the automatic entry and exit of floodwaters.]

21 **[17.11.250 - Utilities.]**

22 [In the entire floodplain district, the design, placement and construction of all public and private  
23 utilities and facilities shall meet the following requirements:

24 A. New or replacement water supply systems and sanitary sewage systems shall be  
25 designed to eliminate or minimize infiltration of floodwaters into the systems and  
26 discharges from the systems into floodwaters, both to avoid impairment during flooding  
27 and to minimize flood damage.

28 1. Cesspools, septic tanks and seepage pits for new construction are prohibited.

29 2. All pipes connected to sewage systems shall be cast iron or ductile iron pipe or  
30 the equivalent as provided by public works standard specifications and construction  
31 details, and all piping shall be leakproof.

32 B. All gas, electrical and other facility and utility systems shall be located and  
33 constructed to eliminate or minimize flood damage.

34 C. All new storm drainage facilities within and leading to or from the floodplain district  
35 shall be designed and installed in an adequate manner in order to eliminate or minimize  
36 property damage resulting from tidal flooding below nine feet above mean sea level, and to  
37 minimize adverse site environmental impacts of their installation and use.

1 D. Stormwater management shall comply with Chapter 17.10 of this title.]

2 **[17.11.260 - Wetland regulations.]**

3 [In the wetland floodplain, the following regulations shall apply in addition to any other  
4 regulations cited in this title:

5 A. The director shall obtain, review and utilize any wetland classification data available  
6 from a Federal, State or other source in the enforcement of the title within the wetland  
7 floodplain.

8 B. Except where allowed specifically by the City Council and the Maryland Departments  
9 of Natural Resources and of the Environment, and the U.S. Army Corps of Engineers, the  
10 following shall be prohibited:

11 1. Filling, dumping, or excavation of any kind;

12 2. Drainage or alteration of the natural drainage and circulation of surface or  
13 ground waters.

14 C. The director in cooperation with or with assistance from the Maryland Department of  
15 Natural Resources shall evaluate every site where the wetland floodplain boundary is  
16 unknown, obscure or undefined.]  
17

18

19 **[Article III – Floodplain Building Permits]**

20 **[17.11.270 - Application—Required.]**

21 [A. A permit for building in the floodplain is required for all development (including, but not  
22 limited to, the subdivision of land, reconstruction or construction of buildings and structures, fill  
23 or any combination of these activities) in the floodplain district, and shall be granted only after  
24 the necessary, applicable permits from the U.S. Army Corps of Engineers, Maryland  
25 Department of Natural Resources, and the Maryland Department of the Environment have been  
26 obtained.]

27 [B. Application for a building permit within the floodplain shall comply with the general  
28 requirements as described in Chapter 17.08, Grading, Erosion and Sediment Control, and in  
29 Chapter 17.12, Building Code of this title.]

30 **[17.11.280 - Plans and specifications.]**

31 [Plans and specifications shall comply with general requirements as described in Section  
32 17.08.060, and the specific design requirements of this chapter, including but not limited to:

33 A. Plans drawn to scale, showing the location, dimensions and elevation in mean sea  
34 level/NGVD of the site in relation to the stream channel, shoreline, floodplain district and  
35 floodplain district subdistricts;

36 B. For substantial improvement to an existing structure, the current assessed value of  
37 buildings or structures (less land value) shall be used to determine whether the  
38 improvement is substantial. Should a dispute arise over the value of a property, an

1 independent appraisal performed by a professional real estate appraiser shall be obtained  
2 and paid for by the property owner;

3 C. Summary description of proposed work and estimated cost; and

4 D. For structures to be elevated above the base flood elevation, the plans shall show:

5 1. The size of the proposed structure(s) and its relation to the lot where it is to be  
6 constructed,

7 2. The elevations of the proposed final grading and lowest floor, the existing  
8 ground and the base flood elevation, as certified by a registered professional  
9 engineer, surveyor or architect, licensed to practice in Maryland,

10 3. The method of elevating the proposed structure, including details of proposed  
11 fills, pile structures, retaining walls, foundations, erosion protection measures, etc.  
12 These plans shall be prepared by a registered professional engineer or architect,  
13 licensed to practice in Maryland,

14 4. If a variance is being applied for under the provisions of Article IV of this chapter,  
15 certification by a registered professional engineer or architect that the structure will be  
16 dry-floodproofed in accordance with the specifications of the U.S. Army Corps of  
17 Engineers in its publication EP1165-2-314 entitled "Flood-proofing Regulations" at or  
18 above nine feet above mean sea level.]

19 **[17.11.290 - Subdivision and development plans.]**

20 [All proposals and permit applications for the subdivision of land or new development shall  
21 include a plan drawing showing the location of all existing and proposed public and private  
22 utilities, facilities, drainage structures and road access. If the one-hundred-year flood elevation  
23 has been determined by the Flood Insurance Study or other reliable source approved by the  
24 Water Resources Administration, the flood elevation(s) shall be delineated on the proposed  
25 plan. If the proposal involves more than fifty lots or greater than five acres and the one-hundred-  
26 year flood elevation has not been determined for the land area, the developer shall determine  
27 the one-hundred-year flood elevation and shall delineate the flood elevation on the proposed  
28 plan. All plans shall be certified by a registered professional engineer and shall be reviewed by  
29 the director to assure that:

30 A. All proposals are consistent with the need to minimize flood damage;

31 B. All necessary permits have been received from the Maryland Water Resources  
32 Administration, and appropriate Federal agencies;

33 C. All public and private utilities and facilities (including sewer, water, telephone, electric,  
34 gas, etc.) are located, constructed and floodproofed to minimize or eliminate flood damage;

35 D. Adequate drainage is provided to reduce exposure to flood hazards;

36 E. At least one access which, during the one-hundred-year flood, shall provide safe  
37 vehicular access to and egress from the subdivision or new development; and

38 F. Adequate measures have been taken to minimize adverse environmental impacts of  
39 the proposed development.]

1 **[17.11.300 - Approval.]**

2 [All permits shall be approved only after it has been determined that the proposed work will be in  
3 conformance with the requirements of this and all other applicable codes and ordinances.]

4 **[17.11.310 - Watercourse relocation notice.]**

5 [When the proposed development includes the relocation or alteration of a watercourse,  
6 evidence shall be presented as part of the permit application that all adjacent communities or  
7 property owners and the Water Resources Administration have been notified by certified mail  
8 and have approved of the proposed alteration or relocation. Copies of these notifications then  
9 shall be forwarded to the Federal Emergency Management Agency, Federal Insurance  
10 Administration. In addition, the developer shall assure the City, in writing, that the flood-carrying  
11 capacity within the altered or relocated portion of the watercourse will be maintained.]

12 **[17.11.320 - Changes after issuance.]**

13 [After the issuance of a floodplain building permit by the director, no changes of any kind shall  
14 be made to the application, permit, or any of the plans, specifications or other documents  
15 submitted with the application without the written consent or approval of the director.]

16 **[17.11.330 - Inspections.]**

17 [During the construction period the director or other authorized official shall inspect the premises  
18 to determine that the work is progressing in compliance with the permit and with all applicable  
19 laws and ordinances. The premises shall be subject also to inspection by the Maryland Water  
20 Resources Administration. If the director determines that the work is not in compliance with the  
21 permit or all applicable laws and ordinances, or that there has been a false statement or  
22 misrepresentation by the applicant, the director shall revoke the building permit and report the  
23 matter to the Maryland Department of Natural Resources and the Water Resources  
24 Administration for whatever action it considers necessary.]

25 **[17.11.340 - Certificate of occupancy.]**

26 [A certificate of occupancy shall be required for all construction and substantial improvements in  
27 the floodplain district and shall not be issued until the director has been provided with a  
28 completed elevation certificate prepared by a registered land surveyor or professional engineer  
29 certifying the "as-built" condition of the subject construction. The datum used on elevation  
30 certificate shall be mean sea level as established by the National Geodetic Vertical Datum of  
31 1929.]

32 **[17.11.350 - Floodplain district permit log.]**

33 [A record or log of all floodplain district permit actions shall be maintained by the director and  
34 shall be available upon request by the Federal Emergency Management Agency or its  
35 authorized agent (the Water Resources Administration) during periodic assessments of the City  
36 participation in the National Flood Insurance Program. The record shall include, but not be  
37 limited to, the following data: the date the permit was issued, the as-built lowest floor elevation  
38 of all new construction or substantial improvement, the issuance date of the certificate of  
39 occupancy, copy of the completed elevation certificate, and any map amendments issued by the  
40 Federal Emergency Management Agency.]

1 **[17.11.360 - Administrative fees.]**

2 [The City may impose additional application fees commensurate with those costs incurred in the  
3 processing, review and evaluation of permit applications for development in the floodplain  
4 district. The costs may include, but are not limited to: consultant fees for certification of as-built  
5 condition of structures; floodplain district and subdistrict delineations, environmental impact  
6 characterizations, staff assignments and other related costs.]  
7

8  
9 **[Article IV- Variances]**

10 **[17.11.370 - Grounds.]**

11 [A. Variances may be issued by the director for:

12 1. New construction of or substantial improvements to nonresidential structures or any  
13 portions which will be floodproofed;

14 2. Functionally dependent uses which cannot perform their intended purpose unless  
15 they are located or carried out in close proximity to water. A functionally dependent use  
16 includes only docking facilities that are necessary for the loading and unloading of cargo or  
17 passengers, and ship building and ship repair facilities, and does not include long-term  
18 storage or related manufacturing facilities; or

19 3. Reconstruction, rehabilitation or restoration of structures listed in the National  
20 Register of Historic Places or State Inventory of Historic Places.]

21 [B. The issuance of variances is subject to the following conditions:

22 1. A showing of good and sufficient cause;

23 2. A determination that failure to grant the variance would result in exceptional hardship  
24 to the applicant;

25 3. A determination that the granting of a variance will not result in either increased flood  
26 heights, or additional threats to public safety, or extraordinary public expense; or will not  
27 create nuisances, or cause fraud on or victimization of the public or conflict with existing  
28 local laws or ordinances.]

29 **[17.11.380 - Required determination.]**

30 [Variances shall be granted only upon a determination that the variances are the minimum  
31 necessary, considering the flood hazard, to afford relief, and that local public funds may not be  
32 available to mitigate the results of the variance.]

33 **[17.11.390 - Application.]**

34 [The application for a variance shall be submitted to the director and shall comply with the  
35 provisions and requirements of Article III, Section 17.11.280 of this title.]

36 **[17.11.400 - Notice of increased flood insurance rates.]**

37 [The applicant shall be notified in writing by the director of the probability of increased premium

1 rates for flood insurance because of construction below the level of the one-hundred-year flood  
2 increases risks to life and property. The notification shall be maintained as part of the record of  
3 all variance actions as required in Section 17.11.420 of this chapter.]

4 **[17.11.410 - Variance agreement.]**

5 [The applicant/owner of storage or accessory structures for which a variance is granted shall  
6 sign an agreement that the structures shall never be converted to habitable space.]

7 **[17.11.420 - Records.]**

8 [A record of all variance actions, including justifications for their issuance, shall be maintained  
9 by the director, shall be included in the biannual report submitted to the Federal Insurance  
10 Administrator, and shall be made available upon request by the Federal Emergency  
11 Management Agency or its authorized agent during periodic assessments of the City  
12 participation in the National Flood Insurance Program.]

13 **[17.11.430 - Deadlines.]**

14 [A. All requests for variances must be submitted in writing to the director within thirty calendar  
15 days of any refusal to issue a permit.]

16 [B. The director must take official action on a request for a variance within thirty calendar days  
17 of the receipt of the request.]

18 **[17.11.440 - Historic places.]**

19 [Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed  
20 in the National Register of Historic Places or State Inventory of Historic Places without regard to  
21 the procedures set forth in this title; provided, that the activity does not cause an increase in the  
22 elevation of the one-hundred-year flood as established and adopted by this title.]

23 **[17.11.450 - Notice of flood hazard.]**

24 [Notice of the flood hazard and the variance action shall be placed on the deed or other  
25 documents which convey title of all newly created or recorded properties.]

26 **[17.11.460 - Appeals.]**

27 [A. A person aggrieved by an order from the director or the director's designee made pursuant  
28 to this chapter, other than the issuance of a municipal citation or the charging of a  
29 misdemeanor, may appeal to the Building Board of Appeals within fifteen calendar days of the  
30 date of the order. The petition for appeal shall be in writing stating the grounds for appeal and  
31 shall be filed with the Department of Neighborhood and Environmental Programs along with a  
32 nonrefundable fee in an amount established by the City Council. Any right to appeal shall be  
33 waived if not timely filed.]

34 [B. The Building Board of Appeals shall consider the appeal based upon the information  
35 provided to the Department of Neighborhood and Environmental Programs at the time of the  
36 order from which the appeal is taking. If the board finds that the order was in error or contrary to  
37 the provisions of this code or other applicable law, the board may reverse or modify the order.  
38 The decision of the board on all appeals shall be in writing and shall contain the factual findings  
39 of the board and the reasons for the decision.]

1 [C. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this  
2 section may appeal that decision to the circuit court for Anne Arundel County pursuant to  
3 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person  
4 shall not be considered aggrieved by a decision of the board unless the person has appeared  
5 as a party at the hearing before the board. An appeal under this section shall be taken within  
6 thirty days of the date of the decision appealed and shall be the exclusive remedy of the  
7 aggrieved party from that decision.]  
8

## 9 **[Article V – Violations]**

### 10 **[17.11.470 - Floodplain violation.]**

11 [A person who fails to comply with any or all of the requirements or provisions of this chapter or  
12 any order or requirement of the director or any other authorized employee of the City is guilty of  
13 a municipal infraction and is subject to a fine as established by resolution of the City Council.  
14 Each day after the expiration of the allowed remedial work period shall constitute a separate  
15 offense. In addition, no other inspections shall be made by the department for the project in  
16 question until remedial action has been satisfactorily completed and the subject fine has been  
17 paid in full.]

### 18 **[17.11.480 - Correction.]**

19 [The imposition of a fine or penalty for any violation or noncompliance with this chapter does not  
20 excuse the violation or noncompliance or permit it to continue. All persons determined to be in  
21 violation or noncompliance shall be required to correct or remedy the violations and  
22 noncompliance within a reasonable time period.]

### 23 **[17.11.490 - Nuisance.]**

24 [A structure constructed, reconstructed, enlarged, altered or relocated in noncompliance with  
25 this chapter may be declared by the director to be a public nuisance and subsequently abated  
26 as a public nuisance.]

### 27 **[17.11.500 - Notification of violation.]**

28 [The Federal Insurance Administrator and the Maryland Water Resources Administration shall  
29 be notified immediately in writing of any structure or property in violation of this title.]

### 30 **[17.11.510 - Denial of national flood insurance.]**

31 [New or renewal national flood insurance shall be denied for any structure remaining in violation  
32 or situated on property in violation of this title.]

## 33 **ARTICLE I – GENERAL PROVISIONS**

### 34 **17.11.010 – FINDINGS.**

35  
36  
37  
38 A. THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS IDENTIFIED SPECIAL  
39 FLOOD HAZARD AREAS WITHIN THE BOUNDARIES OF CITY OF ANNAPOLIS. SPECIAL  
40 FLOOD HAZARD AREAS ARE SUBJECT TO PERIODIC INUNDATION WHICH MAY RESULT  
41 IN LOSS OF LIFE AND PROPERTY, HEALTH AND SAFETY HAZARDS, DISRUPTION OF

1 COMMERCE AND GOVERNMENTAL SERVICES, EXTRAORDINARY PUBLIC  
2 EXPENDITURES FOR FLOOD PROTECTION AND RELIEF, AND IMPAIRMENT OF THE TAX  
3 BASE, ALL OF WHICH ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND  
4 GENERAL WELFARE. STRUCTURES THAT ARE INADEQUATELY ELEVATED,  
5 IMPROPERLY FLOODPROOFED, OR OTHERWISE UNPROTECTED FROM FLOOD  
6 DAMAGE ALSO CONTRIBUTE TO FLOOD LOSSES.

7  
8 B. THE CITY OF ANNAPOLIS, BY RESOLUTION, AGREED TO MEET THE REQUIREMENTS  
9 OF THE NATIONAL FLOOD INSURANCE PROGRAM AND WAS ACCEPTED FOR  
10 PARTICIPATION IN THE PROGRAM ON NOVEMBER 4, 1981. AS OF THAT DATE, THE  
11 INITIAL EFFECTIVE DATE OF THE CITY OF ANNAPOLIS *FLOOD INSURANCE RATE MAP*,  
12 ALL *DEVELOPMENT* AND *NEW CONSTRUCTION* AS DEFINED HEREIN, ARE TO BE  
13 COMPLIANT WITH THIS CHAPTER.

14  
15 **17.11.020 - STATUTORY AUTHORIZATION.**

16  
17 A. THE MARYLAND GENERAL ASSEMBLY, IN ARTICLE 66B, SECTION 4, GENERAL  
18 DEVELOPMENT REGULATIONS AND ZONING (ANNOTATED CODE OF MARYLAND), HAS  
19 ESTABLISHED AS POLICY OF THE STATE THAT THE ORDERLY DEVELOPMENT AND  
20 USE OF LAND AND STRUCTURES REQUIRES COMPREHENSIVE REGULATION  
21 THROUGH THE IMPLEMENTATION OF PLANNING AND ZONING CONTROL, AND THAT  
22 PLANNING AND ZONING CONTROLS SHALL BE IMPLEMENTED BY LOCAL  
23 GOVERNMENT IN ORDER TO, AMONG OTHER PURPOSES, SECURE THE PUBLIC  
24 SAFETY, PROMOTE HEALTH AND GENERAL WELFARE, AND PROMOTE THE  
25 CONSERVATION OF NATURAL RESOURCES.

26  
27 B. THEREFORE, THE CITY COUNCIL OF THE CITY OF ANNAPOLIS DOES HEREBY  
28 ADOPT THE FOLLOWING FLOODPLAIN MANAGEMENT CHAPTER OF THE CITY CODE.

29  
30 **17.11.030 - STATEMENT OF PURPOSE.**

31  
32 IT IS THE PURPOSE OF THIS CHAPTER TO PROMOTE THE PUBLIC HEALTH, SAFETY  
33 AND GENERAL WELFARE, AND TO:

34  
35 (A) PROTECT HUMAN LIFE, HEALTH AND WELFARE;

36  
37 (B) ENCOURAGE THE UTILIZATION OF APPROPRIATE CONSTRUCTION  
38 PRACTICES IN ORDER TO PREVENT OR MINIMIZE FLOOD DAMAGE IN THE  
39 FUTURE;

40  
41 (C) MINIMIZE FLOODING OF WATER SUPPLY AND SANITARY SEWAGE DISPOSAL  
42 SYSTEMS;

43  
44 (D) MAINTAIN NATURAL DRAINAGE;

45  
46 (E) REDUCE FINANCIAL BURDENS IMPOSED ON THE COMMUNITY, ITS  
47 GOVERNMENTAL UNITS AND ITS RESIDENTS, BY DISCOURAGING UNWISE  
48 DESIGN AND CONSTRUCTION OF DEVELOPMENT IN AREAS SUBJECT TO  
49 FLOODING;

50

1 (F) MINIMIZE THE NEED FOR RESCUE AND RELIEF EFFORTS ASSOCIATED WITH  
2 FLOODING AND GENERALLY UNDERTAKEN AT THE EXPENSE OF THE GENERAL  
3 PUBLIC;

4  
5 (G) MINIMIZE PROLONGED BUSINESS INTERRUPTIONS;

6  
7 (H) MINIMIZE DAMAGE TO PUBLIC FACILITIES AND OTHER UTILITIES SUCH AS  
8 WATER AND GAS MAINS, ELECTRIC, TELEPHONE AND SEWER LINES, STREETS  
9 AND BRIDGES;

10  
11 (I) REINFORCE THAT THOSE WHO BUILD IN AND OCCUPY SPECIAL FLOOD  
12 HAZARD AREAS SHOULD ASSUME RESPONSIBILITY FOR THEIR ACTIONS;

13  
14 (J) MINIMIZE THE IMPACT OF DEVELOPMENT ON ADJACENT PROPERTIES  
15 WITHIN AND NEAR FLOOD-PRONE AREAS;

16  
17 (K) PROVIDE THAT THE FLOOD STORAGE AND CONVEYANCE FUNCTIONS OF  
18 FLOODPLAINS ARE MAINTAINED;

19  
20 (L) MINIMIZE THE IMPACT OF DEVELOPMENT ON THE NATURAL AND  
21 BENEFICIAL FUNCTIONS OF FLOODPLAINS;

22  
23 (M) PREVENT FLOODPLAIN USES THAT ARE EITHER HAZARDOUS OR  
24 ENVIRONMENTALLY INCOMPATIBLE; AND

25  
26 (N) MEET COMMUNITY PARTICIPATION REQUIREMENTS OF THE NATIONAL  
27 FLOOD INSURANCE PROGRAM AS SET FORTH IN THE CODE OF FEDERAL  
28 REGULATIONS AT 44 C.F.R. SECTION 59.22.

29  
30 **17.11.040 - AREAS TO WHICH THIS CHAPTER APPLIES.**

31  
32 THIS CHAPTER SHALL APPLY TO ALL SPECIAL FLOOD HAZARD AREAS WITHIN THE  
33 JURISDICTION OF THE CITY OF ANNAPOLIS, AND IDENTIFIED IN SECTION 17.11.050.

34  
35 **17.11.050 - BASIS FOR ESTABLISHING SPECIAL FLOOD HAZARD AREAS AND BFES.**

36  
37 (A) FOR THE PURPOSES OF THIS CHAPTER, THE MINIMUM BASIS FOR ESTABLISHING  
38 *SPECIAL FLOOD HAZARD AREAS AND BASE FLOOD ELEVATIONS* IS THE *FLOOD*  
39 *INSURANCE STUDY* FOR ANNE ARUNDEL COUNTY, MARYLAND AND INCORPORATED  
40 AREAS DATED OCTOBER 16, 2012, OR THE MOST RECENT REVISION THEREOF, AND  
41 THE ACCOMPANYING *FLOOD INSURANCE RATE MAP(S)* AND ALL SUBSEQUENT  
42 AMENDMENTS AND REVISIONS TO THE *FIRMS*. THE *FIS* AND *FIRMS* ARE RETAINED ON  
43 FILE AND AVAILABLE TO THE PUBLIC AT THE DEPARTMENT OF NEIGHBORHOOD AND  
44 ENVIRONMENTAL PROGRAMS.

45  
46 (B) WHERE FIELD SURVEYED TOPOGRAPHY OR DIGITAL TOPOGRAPHY INDICATES  
47 THAT GROUND ELEVATIONS ARE BELOW THE CLOSEST APPLICABLE BASE FLOOD  
48 ELEVATION, EVEN IN AREAS NOT DELINEATED AS A SPECIAL FLOOD HAZARD ON THE  
49 FIRM, THE AREA SHALL BE CONSIDERED AS SPECIAL FLOOD HAZARD AREA.

50

1 (C) TO ESTABLISH BASE FLOOD ELEVATIONS IN SPECIAL FLOOD HAZARD AREAS THAT  
2 DO NOT HAVE SUCH ELEVATIONS SHOWN ON THE FIRM, THE FLOODPLAIN  
3 ADMINISTRATOR MAY PROVIDE THE BEST AVAILABLE DATA FOR BASE FLOOD  
4 ELEVATIONS, MAY REQUIRE THE APPLICANT TO OBTAIN AVAILABLE INFORMATION  
5 FROM FEDERAL, STATE OR OTHER SOURCES, OR MAY REQUIRE THE APPLICANT TO  
6 ESTABLISH SPECIAL FLOOD HAZARD AREAS AND BASE FLOOD ELEVATIONS AS SET  
7 FORTH IN SECTION 17.11.320, SECTION 17.11.330, AND SECTION 17.11.340 OF THIS  
8 CHAPTER.

9  
10 **17.11.060 - ABROGATION AND GREATER RESTRICTIONS.**

11  
12 THIS CHAPTER IS NOT INTENDED TO REPEAL OR ABROGATE ANY EXISTING  
13 REGULATIONS AND ORDINANCES, INCLUDING SUBDIVISION REGULATIONS, ZONING  
14 ORDINANCES, BUILDING CODES, OR ANY EXISTING EASEMENTS, COVENANTS, OR  
15 DEED RESTRICTIONS. IN THE EVENT OF A CONFLICT BETWEEN THIS CHAPTER AND  
16 ANY OTHER ORDINANCE, THE MORE RESTRICTIVE SHALL GOVERN.

17  
18 **17.11.070 – INTERPRETATION.**

19  
20 A. IN THE INTERPRETATION AND APPLICATION OF THIS CHAPTER, ALL PROVISIONS  
21 SHALL BE:

22  
23 1. CONSIDERED AS MINIMUM REQUIREMENTS;

24  
25 2. LIBERALLY CONSTRUED IN FAVOR OF THE GOVERNING BODY; AND,

26  
27 3. DEEMED NEITHER TO LIMIT NOR REPEAL ANY OTHER POWERS GRANTED  
28 UNDER STATE STATUTES.

29  
30 B. NOTES REFERENCING PUBLICATIONS OF THE FEDERAL EMERGENCY  
31 MANAGEMENT AGENCY REFER TO THE MOST RECENT EDITION OF THOSE  
32 PUBLICATIONS, ARE INTENDED ONLY AS GUIDANCE, AND DO NOT BIND OR ALTER  
33 THE AUTHORITY OF THE FLOODPLAIN ADMINISTRATOR TO INTERPRET AND APPLY  
34 THIS CHAPTER.

35  
36 **17.11.080 - WARNING AND DISCLAIMER OF LIABILITY.**

37  
38 A. THE DEGREE OF FLOOD PROTECTION REQUIRED BY THIS CHAPTER IS  
39 CONSIDERED REASONABLE FOR REGULATORY PURPOSES AND IS BASED ON  
40 SCIENTIFIC AND ENGINEERING CONSIDERATIONS. LARGER FLOODS CAN AND WILL  
41 OCCUR, AND FLOOD HEIGHTS MAY BE INCREASED BY MAN-MADE OR NATURAL  
42 CAUSES. THIS CHAPTER DOES NOT IMPLY THAT LAND OUTSIDE OF THE SPECIAL  
43 FLOOD HAZARD AREAS OR USES THAT ARE PERMITTED WITHIN SUCH AREAS WILL BE  
44 FREE FROM FLOODING OR FLOOD DAMAGE.

45  
46 B. THIS CHAPTER SHALL NOT CREATE LIABILITY ON THE PART OF THE CITY OF  
47 ANNAPOLIS, ANY OFFICER OR EMPLOYEE THEREOF, THE MARYLAND DEPARTMENT  
48 OF THE ENVIRONMENT (MDE) OR THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
49 (FEMA), FOR ANY FLOOD DAMAGE THAT RESULTS FROM RELIANCE ON THIS CHAPTER  
50 OR ANY ADMINISTRATIVE DECISION LAWFULLY MADE HEREUNDER.

51

1 **17.11.090 – SEVERABILITY.**

2  
3 SHOULD ANY SECTION OR PROVISION OF THIS CHAPTER BE DECLARED BY THE  
4 COURTS TO BE UNCONSTITUTIONAL OR INVALID, SUCH DECISION SHALL NOT AFFECT  
5 THE VALIDITY OF THIS CHAPTER AS A WHOLE, OR ANY PART THEREOF OTHER THAN  
6 THE PART SO DECLARED TO BE UNCONSTITUTIONAL OR INVALID.  
7

8  
9 **ARTICLE II – DEFINITIONS**

10  
11 **17.11.100 – DEFINITIONS IN GENERAL.**

12  
13 UNLESS SPECIFICALLY DEFINED BELOW, WORDS OR PHRASES USED IN THIS  
14 CHAPTER SHALL BE INTERPRETED TO HAVE THE MEANING THEY HAVE IN COMMON  
15 USAGE AND TO GIVE THIS CHAPTER THE MOST REASONABLE APPLICATION.  
16

17 **17.11.110 - ACCESSORY STRUCTURE.**

18  
19 A BUILDING OR STRUCTURE ON THE SAME LOT WITH, AND OF A NATURE  
20 CUSTOMARILY INCIDENTAL AND SUBORDINATE TO, THE PRINCIPAL STRUCTURE. FOR  
21 THE PURPOSES OF THIS CHAPTER, AN ACCESSORY STRUCTURE SHALL BE USED  
22 SOLELY FOR PARKING OF VEHICLES AND LIMITED STORAGE.  
23

24 **17.11.113 - AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE.**

25  
26 A FORM ON WHICH THE APPLICANT FOR A PERMIT TO CONSTRUCT A BUILDING OR  
27 STRUCTURE, TO CONSTRUCT CERTAIN HORIZONTAL ADDITIONS, TO PLACE OR  
28 REPLACE A MANUFACTURED HOME, TO SUBSTANTIALLY IMPROVE A BUILDING,  
29 STRUCTURE, OR MANUFACTURED HOME, AGREES TO HAVE AN ELEVATION  
30 CERTIFICATE PREPARED BY A LICENSED PROFESSIONAL ENGINEER OR LICENSED  
31 PROFESSIONAL SURVEYOR, AS SPECIFIED BY THE FLOODPLAIN ADMINISTRATOR,  
32 AND TO SUBMIT THE CERTIFICATE:  
33

34 (1) UPON PLACEMENT OF THE LOWEST FLOOR AND PRIOR TO FURTHER  
35 VERTICAL CONSTRUCTION; AND  
36

37 (2) PRIOR TO THE FINAL INSPECTION AND ISSUANCE OF THE CERTIFICATE OF  
38 OCCUPANCY.  
39

40  
41 **17.11.116 - ALTERATION OF A WATERCOURSE.**

42  
43 FOR THE PURPOSE OF THIS CHAPTER, ALTERATION OF A WATERCOURSE INCLUDES,  
44 BUT IS NOT LIMITED TO WIDENING, DEEPENING OR RELOCATING THE CHANNEL,  
45 INCLUDING EXCAVATION OR FILLING OF THE CHANNEL. ALTERATION OF A  
46 WATERCOURSE DOES NOT INCLUDE CONSTRUCTION OF A ROAD, BRIDGE, CULVERT,  
47 DAM, OR IN-STREAM POND UNLESS THE CHANNEL IS PROPOSED TO BE REALIGNED  
48 OR RELOCATED AS PART OF SUCH CONSTRUCTION.  
49

50 **17.11.119 - AREA OF SHALLOW FLOODING.**

51

1 A DESIGNATED ZONE AO ON THE FLOOD INSURANCE RATE MAP WITH A 1-PERCENT  
2 ANNUAL CHANCE OR GREATER OF FLOODING TO AN AVERAGE DEPTH OF ONE TO  
3 THREE FEET WHERE A CLEARLY DEFINED CHANNEL DOES NOT EXIST, WHERE THE  
4 PATH OF FLOODING IS UNPREDICTABLE, AND WHERE VELOCITY FLOW MAY BE  
5 EVIDENT; SUCH FLOODING IS CHARACTERIZED BY PONDING OR SHEET FLOW.  
6

7 **17.11.122 - BASE BUILDING.**

8  
9 THE BUILDING TO WHICH AN ADDITION IS BEING ADDED. THIS TERM IS USED IN  
10 PROVISIONS RELATING TO ADDITIONS.  
11

12 **17.11.125 - BASE FLOOD.**

13  
14 THE FLOOD HAVING A ONE-PERCENT CHANCE OF BEING EQUALED OR EXCEEDED IN  
15 ANY GIVEN YEAR; THE BASE FLOOD ALSO IS REFERRED TO AS THE 1-PERCENT  
16 ANNUAL CHANCE (100-YEAR) FLOOD.  
17

18 **17.11.128 - BASE FLOOD ELEVATION.**

19  
20 THE WATER SURFACE ELEVATION OF THE BASE FLOOD IN RELATION TO THE DATUM  
21 SPECIFIED ON THE COMMUNITY'S FLOOD INSURANCE RATE MAP. IN AREAS OF  
22 SHALLOW FLOODING, THE BASE FLOOD ELEVATION IS THE HIGHEST ADJACENT  
23 NATURAL GRADE ELEVATION PLUS THE DEPTH NUMBER SPECIFIED IN FEET ON THE  
24 FLOOD INSURANCE RATE MAP, OR AT LEAST FOUR (4) FEET IF THE DEPTH NUMBER IS  
25 NOT SPECIFIED.  
26

27 **17.11.131 – BASEMENT.**

28  
29 ANY AREA OF THE BUILDING HAVING ITS FLOOR SUBGRADE (BELOW GROUND LEVEL)  
30 ON ALL SIDES.  
31

32 **17.11.134 - BUILDING CODE(S).**

33  
34 THE EFFECTIVE MARYLAND BUILDING PERFORMANCE STANDARDS (COMAR 05.02.07),  
35 INCLUDING THE BUILDING CODE, RESIDENTIAL CODE, AND EXISTING BUILDING CODE.  
36

37 **17.11.137 - COASTAL A ZONE.**

38  
39 AN AREA WITHIN A SPECIAL FLOOD HAZARD AREA, LANDWARD OF A COASTAL HIGH  
40 HAZARD AREA (V ZONE) OR LANDWARD OF A SHORELINE WITHOUT A MAPPED  
41 COASTAL HIGH HAZARD AREA, IN WHICH THE PRINCIPAL SOURCE(S) OF FLOODING  
42 ARE ASTRONOMICAL TIDES AND STORM SURGES, AND IN WHICH, DURING BASE  
43 FLOOD CONDITIONS, THE POTENTIAL EXISTS FOR BREAKING WAVES WITH HEIGHTS  
44 GREATER THAN OR EQUAL TO 1.5 FEET. THE INLAND LIMIT OF THE COASTAL A ZONE  
45 MAY BE DELINEATED ON FIRMS AS THE "LIMIT OF MODERATE WAVE ACTION."  
46

47 **17.11.140 - COASTAL HIGH HAZARD AREA.**

48  
49 AN AREA OF SPECIAL FLOOD HAZARD EXTENDING FROM OFFSHORE TO THE INLAND  
50 LIMIT OF A PRIMARY FRONTAL DUNE ALONG AN OPEN COAST AND ANY OTHER AREA  
51 SUBJECT TO HIGH VELOCITY WAVE ACTION FROM STORMS. COASTAL HIGH HAZARD

1 AREAS ALSO ARE REFERRED TO AS "V ZONES" AND ARE DESIGNATED ON FIRMS AS  
2 ZONES VE OR V1-30.

3  
4 **17.11.143 – COMMUNITY.**

5  
6 A POLITICAL SUBDIVISION OF THE STATE OF MARYLAND (COUNTY, CITY OR TOWN)  
7 THAT HAS AUTHORITY TO ADOPT AND ENFORCE FLOODPLAIN MANAGEMENT  
8 REGULATIONS WITHIN ITS JURISDICTIONAL BOUNDARIES.

9  
10 **17.11.146 - CRITICAL AND ESSENTIAL FACILITIES.**

11  
12 BUILDINGS AND OTHER STRUCTURES THAT ARE INTENDED TO REMAIN OPERATIONAL  
13 IN THE EVENT OF EXTREME ENVIRONMENTAL LOADING FROM FLOOD, WIND, SNOW  
14 OR EARTHQUAKES. [NOTE: SEE MARYLAND BUILDING PERFORMANCE STANDARDS,  
15 SEC. 1602 AND TABLE 1604.5.] CRITICAL AND ESSENTIAL FACILITIES TYPICALLY  
16 INCLUDE HOSPITALS, FIRE STATIONS, POLICE STATIONS, STORAGE OF CRITICAL  
17 RECORDS, FACILITIES THAT HANDLE OR STORE HAZARDOUS MATERIALS, AND  
18 SIMILAR FACILITIES.

19  
20 **17.11.149 - DECLARATION OF LAND RESTRICTION (NONCONVERSION AGREEMENT).**

21  
22 A FORM SIGNED BY THE OWNER TO AGREE NOT TO CONVERT OR MODIFY IN ANY  
23 MANNER THAT IS INCONSISTENT WITH THE TERMS OF THE PERMIT AND THIS  
24 CHAPTER, CERTAIN ENCLOSURES BELOW THE LOWEST FLOOR OF ELEVATED  
25 BUILDINGS AND CERTAIN ACCESSORY STRUCTURES. THE FORM REQUIRES THE  
26 OWNER TO RECORD IT ON THE PROPERTY DEED TO INFORM FUTURE OWNERS OF  
27 THE RESTRICTIONS.

28  
29 **17.11.152 – DEVELOPMENT.**

30  
31 ANY MANMADE CHANGE TO IMPROVED OR UNIMPROVED REAL ESTATE, INCLUDING  
32 BUT NOT LIMITED TO BUILDINGS OR OTHER STRUCTURES, PLACEMENT OF  
33 MANUFACTURED HOMES, MINING, DREDGING, FILLING, GRADING, PAVING,  
34 EXCAVATION OR DRILLING OPERATIONS OR STORAGE OF EQUIPMENT OR  
35 MATERIALS.

36  
37 **17.11.155 - ELEVATION CERTIFICATE.**

38  
39 FEMA FORM 81-31, ON WHICH SURVEYED ELEVATIONS AND OTHER DATA PERTINENT  
40 TO A PROPERTY AND A BUILDING ARE IDENTIFIED AND WHICH SHALL BE COMPLETED  
41 BY A LICENSED PROFESSIONAL LAND SURVEYOR OR A LICENSED PROFESSIONAL  
42 ENGINEER, AS SPECIFIED BY THE FLOODPLAIN ADMINISTRATOR. WHEN USED TO  
43 DOCUMENT THE HEIGHT ABOVE GRADE OF BUILDINGS IN SPECIAL FLOOD HAZARD  
44 AREAS FOR WHICH BASE FLOOD ELEVATION DATA ARE NOT AVAILABLE, THE  
45 ELEVATION CERTIFICATE SHALL BE COMPLETED IN ACCORDANCE WITH THE  
46 INSTRUCTIONS ISSUED BY FEMA. [NOTE: FEMA FORM 81-31 AND INSTRUCTIONS ARE  
47 AVAILABLE ONLINE AT [HTTP://WWW.FEMA.GOV/LIBRARY/VIEWRECORD.DO?ID=1383.](http://www.fema.gov/library/viewrecord.do?id=1383)]

48  
49 **17.11.158 - ENCLOSURE BELOW THE LOWEST FLOOR.**

1 AN UNFINISHED OR FLOOD-RESISTANT ENCLOSURE THAT IS LOCATED BELOW AN  
2 ELEVATED BUILDING, IS SURROUNDED BY WALLS ON ALL SIDES, AND IS USABLE  
3 SOLELY FOR PARKING OF VEHICLES, BUILDING ACCESS OR STORAGE, IN AN AREA  
4 OTHER THAN A BASEMENT AREA, PROVIDED THAT SUCH ENCLOSURE IS BUILT IN  
5 ACCORDANCE WITH THE APPLICABLE DESIGN REQUIREMENTS SPECIFIED IN THIS  
6 CHAPTER. ALSO SEE "LOWEST FLOOR."  
7

8 **17.11.161 - FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).**

9  
10 THE FEDERAL AGENCY WITH THE OVERALL RESPONSIBILITY FOR ADMINISTERING  
11 THE NATIONAL FLOOD INSURANCE PROGRAM.  
12

13 **17.11.164 - FLOOD OR FLOODING.**

14  
15 A GENERAL AND TEMPORARY CONDITION OF PARTIAL OR COMPLETE INUNDATION OF  
16 NORMALLY DRY LAND AREAS FROM:  
17

18 (1) THE OVERFLOW OF INLAND OR TIDAL WATERS, AND/OR

19  
20 (2) THE UNUSUAL AND RAPID ACCUMULATION OR RUNOFF OF SURFACE  
21 WATERS FROM ANY SOURCE.  
22

23 **17.11.167 - FLOOD DAMAGE-RESISTANT MATERIALS.**

24  
25 ANY CONSTRUCTION MATERIAL THAT IS CAPABLE OF WITHSTANDING DIRECT AND  
26 PROLONGED CONTACT WITH FLOODWATERS WITHOUT SUSTAINING ANY DAMAGE  
27 THAT REQUIRES MORE THAN COSMETIC REPAIR. [NOTE: SEE NFIP TECHNICAL  
28 BULLETIN #2, "FLOOD DAMAGE-RESISTANT MATERIALS REQUIREMENTS."]  
29

30 **17.11.170 - FLOOD INSURANCE RATE MAP (FIRM).**

31  
32 AN OFFICIAL MAP ON WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY HAS  
33 DELINEATED SPECIAL FLOOD HAZARD AREAS TO INDICATE THE MAGNITUDE AND  
34 NATURE OF FLOOD HAZARDS, TO DESIGNATE APPLICABLE FLOOD ZONES, AND TO  
35 DELINEATE FLOODWAYS, IF APPLICABLE. FIRMS THAT HAVE BEEN PREPARED IN  
36 DIGITAL FORMAT OR CONVERTED TO DIGITAL FORMAT ARE REFERRED TO AS  
37 DIGITAL FIRMS (DFIRM).  
38

39 **17.11.173 - FLOOD INSURANCE STUDY (FIS).**

40  
41 THE OFFICIAL REPORT IN WHICH THE FEDERAL EMERGENCY MANAGEMENT AGENCY  
42 HAS PROVIDED FLOOD PROFILES, FLOODWAY INFORMATION, AND THE WATER  
43 SURFACE ELEVATIONS.  
44

45 **17.11.176 - FLOOD OPENING.**

46  
47 A FLOOD OPENING (NON-ENGINEERED) IS AN OPENING THAT IS USED TO MEET THE  
48 PRESCRIPTIVE REQUIREMENT OF 1 SQUARE INCH OF NET OPEN AREA FOR EVERY  
49 SQUARE FOOT OF ENCLOSED AREA. AN ENGINEERED FLOOD OPENING IS AN  
50 OPENING THAT IS DESIGNED AND CERTIFIED BY A LICENSED PROFESSIONAL  
51 ENGINEER OR LICENSED ARCHITECT AS MEETING CERTAIN PERFORMANCE

1 CHARACTERISTICS, INCLUDING PROVIDING AUTOMATIC ENTRY AND EXIT OF  
2 FLOODWATERS; THE CERTIFICATION REQUIREMENT MAY BE SATISFIED BY AN  
3 INDIVIDUAL CERTIFICATION OR ISSUANCE OF AN EVALUATION REPORT BY THE ICC  
4 EVALUATION SERVICE, INC. [NOTE: SEE NFIP TECHNICAL BULLETIN #1, "OPENINGS IN  
5 FOUNDATION WALLS AND WALLS OF ENCLOSURES."]  
6

7 **17.11.179 - FLOOD PROTECTION ELEVATION.**  
8

9 THE BASE FLOOD ELEVATION PLUS TWO (2) FEET OF FREEBOARD. FREEBOARD IS A  
10 FACTOR OF SAFETY THAT COMPENSATES FOR UNCERTAINTY IN FACTORS THAT  
11 COULD CONTRIBUTE TO FLOOD HEIGHTS GREATER THAN THE HEIGHT CALCULATED  
12 FOR A SELECTED SIZE FLOOD AND FLOODWAY CONDITIONS, SUCH AS WAVE ACTION,  
13 OBSTRUCTED BRIDGE OPENINGS, DEBRIS AND ICE JAMS, CLIMATE CHANGE, AND THE  
14 HYDROLOGIC EFFECT OF URBANIZATION IN A WATERSHED.  
15

16 **17.11.182 - FLOOD PROTECTION SETBACK.**  
17

18 A DISTANCE MEASURED PERPENDICULAR TO THE TOP OF BANK OF A WATERCOURSE  
19 THAT DELINEATES AN AREA TO BE LEFT UNDISTURBED TO MINIMIZE FUTURE FLOOD  
20 DAMAGE AND TO RECOGNIZE THE POTENTIAL FOR BANK EROSION. ALONG NONTIDAL  
21 WATERS OF THE STATE, THE FLOOD PROTECTION SETBACK IS:  
22

23 (1) 100 FEET, IF THE WATERCOURSE HAS SPECIAL FLOOD HAZARD AREAS  
24 SHOWN ON THE FIRM, EXCEPT WHERE THE SETBACK EXTENDS BEYOND THE  
25 BOUNDARY OF THE FLOOD HAZARD AREA; OR  
26

27 (2) 50 FEET, IF THE WATERCOURSE DOES NOT HAVE SPECIAL FLOOD HAZARD  
28 AREAS SHOWN ON THE FIRM.  
29

30 **17.11.185 - FLOOD ZONE.**  
31

32 A DESIGNATION FOR AREAS THAT ARE SHOWN ON FLOOD INSURANCE RATE MAPS:  
33

34 (1) **ZONE A:** SPECIAL FLOOD HAZARD AREAS SUBJECT TO INUNDATION BY THE  
35 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE FLOOD ELEVATIONS  
36 ARE NOT DETERMINED.  
37

38 (2) **ZONE AE AND ZONE A 1-30:** SPECIAL FLOOD HAZARD AREAS SUBJECT TO  
39 INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD; BASE  
40 FLOOD ELEVATIONS ARE DETERMINED; FLOODWAYS MAY OR MAY NOT BE  
41 DETERMINED. IN AREAS SUBJECT TO TIDAL FLOODING, THE LIMIT OF  
42 MODERATE WAVE ACTION MAY OR MAY NOT BE DELINEATED.  
43

44 (3) **ZONE AH AND ZONE AO:** AREAS OF SHALLOW FLOODING, WITH FLOOD  
45 DEPTHS OF 1 TO 3 FEET (USUALLY AREAS OF PONDING OR SHEET FLOW ON  
46 SLOPING TERRAIN), WITH OR WITHOUT BFES OR DESIGNATED FLOOD DEPTHS.  
47

48 (4) **ZONE B AND ZONE X (SHADED):** AREAS SUBJECT TO INUNDATION BY THE  
49 0.2-PERCENT ANNUAL CHANCE (500-YEAR) FLOOD; AREAS SUBJECT TO THE 1-  
50 PERCENT ANNUAL CHANCE (100-YEAR) FLOOD WITH AVERAGE DEPTHS OF

1 LESS THAN 1 FOOT OR WITH CONTRIBUTING DRAINAGE AREA LESS THAN 1  
2 SQUARE MILE; AND AREAS PROTECTED FROM THE BASE FLOOD BY LEVEES.

3  
4 (5) **ZONE C AND ZONE X (UNSHADED)**: AREAS OUTSIDE OF ZONES DESIGNATED  
5 A, AE, A1-30, AO, VE, V1-30, B, AND X (SHADED).

6  
7 (6) **ZONE V E AND ZONE V1-30** : SPECIAL FLOOD HAZARD AREAS SUBJECT TO  
8 INUNDATION BY THE 1-PERCENT ANNUAL CHANCE (100-YEAR) FLOOD AND  
9 SUBJECT TO HIGH VELOCITY WAVE ACTION (ALSO SEE COASTAL HIGH HAZARD  
10 AREA).

11  
12 **17.11.188 – FLOODPLAIN.**

13  
14 ANY LAND AREA SUSCEPTIBLE TO BEING INUNDATED BY WATER FROM ANY SOURCE  
15 (SEE DEFINITION OF “FLOOD” OR “FLOODING”).

16  
17 **17.11.191 - FLOODPROOFING OR FLOODPROOFED.**

18  
19 ANY COMBINATION OF STRUCTURAL AND NONSTRUCTURAL ADDITIONS, CHANGES,  
20 OR ADJUSTMENTS TO BUILDINGS OR STRUCTURES WHICH REDUCE OR ELIMINATE  
21 FLOOD DAMAGE TO REAL ESTATE OR IMPROVED REAL PROPERTY, WATER AND  
22 SANITARY FACILITIES, STRUCTURES AND THEIR CONTENTS, SUCH THAT THE  
23 BUILDINGS OR STRUCTURES ARE WATERTIGHT WITH WALLS SUBSTANTIALLY  
24 IMPERMEABLE TO THE PASSAGE OF WATER AND WITH STRUCTURAL COMPONENTS  
25 HAVING THE CAPABILITY OF RESISTING HYDROSTATIC AND HYDRODYNAMIC LOADS  
26 AND EFFECTS OF BUOYANCY. [NOTE: STATE REGULATIONS AT COMAR 26.17.04.11 (B)  
27 (7) DO NOT ALLOW NEW NONRESIDENTIAL BUILDINGS IN NONTIDAL WATERS OF THE  
28 STATE TO BE FLOODPROOFED.]

29  
30 **17.11.194 - FLOODPROOFING CERTIFICATE.**

31  
32 FEMA FORM 81-65 THAT IS TO BE COMPLETED, SIGNED AND SEALED BY A LICENSED  
33 PROFESSIONAL ENGINEER OR LICENSED ARCHITECT TO CERTIFY THAT THE DESIGN  
34 OF FLOODPROOFING AND PROPOSED METHODS OF CONSTRUCTION ARE IN  
35 ACCORDANCE WITH THE APPLICABLE REQUIREMENTS OF SECTION 17.11.540 (B) OF  
36 THIS CHAPTER. [NOTE: FEMA FORM 81-65 IS AVAILABLE ONLINE AT  
37 [HTTP://WWW.FEMA.GOV/LIBRARY/VIEWRECORD.DO?ID=1600.](http://www.fema.gov/library/viewrecord.do?id=1600)]

38  
39 **17.11.197 – FLOODWAY.**

40  
41 THE CHANNEL OF A RIVER OR OTHER WATERCOURSE AND THE ADJACENT LAND  
42 AREAS THAT MUST BE RESERVED IN ORDER TO PASS THE BASE FLOOD DISCHARGE  
43 SUCH THAT THE CUMULATIVE INCREASE IN THE WATER SURFACE ELEVATION OF THE  
44 BASE FLOOD DISCHARGE IS NO MORE THAN A DESIGNATED HEIGHT. WHEN SHOWN  
45 ON A FIRM, THE FLOODWAY IS REFERRED TO AS THE “DESIGNATED FLOODWAY.”

46  
47 **17.11.200 - FREE-OF-OBSTRUCTION.**

48  
49 A TERM THAT DESCRIBES OPEN FOUNDATIONS (PILINGS, COLUMNS, OR PIERS)  
50 WITHOUT ATTACHED ELEMENTS OR FOUNDATION COMPONENTS THAT WOULD  
51 OBSTRUCT THE FREE PASSAGE OF FLOODWATERS AND WAVES BENEATH

1 STRUCTURES THAT ARE ELEVATED ON SUCH FOUNDATIONS. [NOTE: SEE NFIP  
2 TECHNICAL BULLETIN #5, "FREE-OF-OBSTRUCTION REQUIREMENTS."]  
3

4 **17.11.203 - FUNCTIONALLY DEPENDENT USE.**  
5

6 A USE WHICH CANNOT PERFORM ITS INTENDED PURPOSE UNLESS IT IS LOCATED OR  
7 CARRIED OUT IN CLOSE PROXIMITY TO WATER; THE TERM INCLUDES ONLY DOCKING  
8 FACILITIES, PORT FACILITIES THAT ARE NECESSARY FOR THE LOADING AND  
9 UNLOADING OF CARGO OR PASSENGERS, AND SHIP BUILDING AND SHIP REPAIR  
10 FACILITIES, BUT DOES NOT INCLUDE LONG-TERM STORAGE OR RELATED  
11 MANUFACTURING FACILITIES.  
12

13 **17.11.206 - HIGHEST ADJACENT GRADE.**  
14

15 THE HIGHEST NATURAL ELEVATION OF THE GROUND SURFACE, PRIOR TO  
16 CONSTRUCTION, NEXT TO THE PROPOSED FOUNDATION OF A STRUCTURE.  
17

18 **17.11.209 - HISTORIC STRUCTURE.**  
19

20 ANY STRUCTURE THAT IS:  
21

22 (1) INDIVIDUALLY LISTED IN THE NATIONAL REGISTER OF HISTORIC PLACES (A  
23 LISTING MAINTAINED BY THE U.S. DEPARTMENT OF INTERIOR) OR  
24 PRELIMINARILY DETERMINED BY THE SECRETARY OF THE INTERIOR AS  
25 MEETING THE REQUIREMENTS FOR INDIVIDUAL LISTINGS ON THE NATIONAL  
26 REGISTER;  
27

28 (2) CERTIFIED OR PRELIMINARILY DETERMINED BY THE SECRETARY OF THE  
29 INTERIOR AS CONTRIBUTING TO THE HISTORICAL SIGNIFICANCE OF A  
30 REGISTERED HISTORIC DISTRICT OR A DISTRICT PRELIMINARILY DETERMINED  
31 BY THE SECRETARY TO QUALIFY AS A REGISTERED HISTORIC DISTRICT;  
32

33 (3) INDIVIDUALLY LISTED ON THE MARYLAND INVENTORY OF HISTORIC  
34 PROPERTIES MAINTAINED BY THE MARYLAND HISTORICAL TRUST; OR  
35

36 (4) INDIVIDUALLY LISTED ON THE INVENTORY OF HISTORIC PLACES  
37 MAINTAINED BY CITY OF ANNAPOLIS WHOSE HISTORIC PRESERVATION  
38 PROGRAM HAS BEEN CERTIFIED BY THE MARYLAND HISTORICAL TRUST OR  
39 THE SECRETARY OF THE INTERIOR.  
40

41 **17.11.212 - HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES.**  
42

43 ANALYSES PERFORMED BY A LICENSED PROFESSIONAL ENGINEER, IN ACCORDANCE  
44 WITH STANDARD ENGINEERING PRACTICES THAT ARE ACCEPTED BY THE MARYLAND  
45 DEPARTMENT OF THE ENVIRONMENT (NONTIDAL WETLANDS & WATERWAYS) AND  
46 FEMA, USED TO DETERMINE THE BASE FLOOD, OTHER FREQUENCY FLOODS, FLOOD  
47 ELEVATIONS, FLOODWAY INFORMATION AND BOUNDARIES, AND FLOOD PROFILES.  
48

49 **17.11.215 - LETTER OF MAP CHANGE (LOMC).**  
50

1 A LETTER OF MAP CHANGE IS AN OFFICIAL FEMA DETERMINATION, BY LETTER, THAT  
2 AMENDS OR REVISES AN EFFECTIVE FLOOD INSURANCE RATE MAP OR FLOOD  
3 INSURANCE STUDY. LETTERS OF MAP CHANGE INCLUDE:  
4

5 **LETTER OF MAP AMENDMENT (LOMA).**  
6

7 AN AMENDMENT BASED ON TECHNICAL DATA SHOWING THAT A PROPERTY  
8 WAS INCORRECTLY INCLUDED IN A DESIGNATED SPECIAL FLOOD HAZARD  
9 AREA. A LOMA AMENDS THE CURRENT EFFECTIVE FLOOD INSURANCE RATE  
10 MAP AND ESTABLISHES THAT A SPECIFIC PROPERTY OR STRUCTURE IS NOT  
11 LOCATED IN A SPECIAL FLOOD HAZARD AREA.  
12

13 **LETTER OF MAP REVISION (LOMR).**  
14

15 A REVISION BASED ON TECHNICAL DATA THAT MAY SHOW CHANGES TO  
16 FLOOD ZONES, FLOOD ELEVATIONS, FLOODPLAIN AND FLOODWAY  
17 DELINEATIONS, AND PLANIMETRIC FEATURES. A LETTER OF MAP REVISION  
18 BASED ON FILL (LOMR-F), IS A DETERMINATION THAT A STRUCTURE OR  
19 PARCEL OF LAND HAS BEEN ELEVATED BY FILL ABOVE THE BASE FLOOD  
20 ELEVATION AND IS, THEREFORE, NO LONGER EXPOSED TO FLOODING  
21 ASSOCIATED WITH THE BASE FLOOD. IN ORDER TO QUALIFY FOR THIS  
22 DETERMINATION, THE FILL MUST HAVE BEEN PERMITTED AND PLACED IN  
23 ACCORDANCE WITH THE COMMUNITY'S FLOODPLAIN MANAGEMENT  
24 REGULATIONS.  
25

26 **CONDITIONAL LETTER OF MAP REVISION (CLOMR).**  
27

28 A FORMAL REVIEW AND COMMENT AS TO WHETHER A PROPOSED FLOOD  
29 PROTECTION PROJECT OR OTHER PROJECT COMPLIES WITH THE MINIMUM  
30 NFIP REQUIREMENTS FOR SUCH PROJECTS WITH RESPECT TO DELINEATION  
31 OF SPECIAL FLOOD HAZARD AREAS. A CLOMR DOES NOT REVISE THE  
32 EFFECTIVE FLOOD INSURANCE RATE MAP OR FLOOD INSURANCE STUDY;  
33 UPON SUBMISSION AND APPROVAL OF CERTIFIED AS-BUILT DOCUMENTATION,  
34 A LETTER OF MAP REVISION MAY BE ISSUED BY FEMA, TO REVISE THE  
35 EFFECTIVE FIRM.  
36

37 **17.11.218 – LICENSED.**  
38

39 AS USED IN THIS CHAPTER, LICENSED REFERS TO PROFESSIONALS WHO ARE  
40 AUTHORIZED TO PRACTICE IN THE STATE OF MARYLAND BY ISSUANCE OF LICENSES  
41 BY THE MARYLAND BOARD OF ARCHITECTS, MARYLAND BOARD OF PROFESSIONAL  
42 ENGINEERS, MARYLAND BOARD OF PROFESSIONAL LAND SURVEYORS, AND THE  
43 MARYLAND REAL ESTATE APPRAISERS AND HOME INSPECTORS COMMISSION.  
44

45 **17.11.221 - LOWEST FLOOR.**  
46

47 THE LOWEST FLOOR OF THE LOWEST ENCLOSED AREA (INCLUDING BASEMENT) OF A  
48 BUILDING OR STRUCTURE; THE FLOOR OF AN ENCLOSURE BELOW THE LOWEST  
49 FLOOR IS NOT THE LOWEST FLOOR PROVIDED THE ENCLOSURE IS CONSTRUCTED IN  
50 ACCORDANCE WITH THIS CHAPTER. THE LOWEST FLOOR OF A MANUFACTURED

1 HOME IS THE BOTTOM OF THE LOWEST HORIZONTAL SUPPORTING MEMBER  
2 (LONGITUDINAL CHASSIS FRAME BEAM).

3  
4 **17.11.224 - MANUFACTURED HOME.**

5  
6 A STRUCTURE, TRANSPORTABLE IN ONE OR MORE SECTIONS, WHICH IS BUILT ON A  
7 PERMANENT CHASSIS AND IS DESIGNED FOR USE WITH OR WITHOUT A PERMANENT  
8 FOUNDATION WHEN CONNECTED TO THE REQUIRED UTILITIES. THE TERM  
9 MANUFACTURED HOME DOES NOT INCLUDE A RECREATIONAL VEHICLE.

10  
11 **17.11.227 - MARKET VALUE.**

12  
13 THE PRICE AT WHICH A PROPERTY WILL CHANGE HANDS BETWEEN A WILLING BUYER  
14 AND A WILLING SELLER, NEITHER PARTY BEING UNDER COMPULSION TO BUY OR  
15 SELL AND BOTH HAVING REASONABLE KNOWLEDGE OF RELEVANT FACTS. FOR THE  
16 PURPOSES OF THIS CHAPTER, THE MARKET VALUE OF A BUILDING IS DETERMINED  
17 BY THE MOST RECENT, FULL PHASED-IN ASSESSMENT VALUE OF THE BUILDING  
18 (IMPROVEMENT) DETERMINED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS  
19 AND TAXATION.

20  
21 **17.11.230 - MARYLAND DEPARTMENT OF THE ENVIRONMENT (MDE).**

22  
23 A PRINCIPAL DEPARTMENT OF THE STATE OF MARYLAND THAT IS CHARGED WITH,  
24 AMONG OTHER RESPONSIBILITIES, THE COORDINATION OF THE NATIONAL FLOOD  
25 INSURANCE PROGRAM IN MARYLAND (NFIP STATE COORDINATOR) AND THE  
26 ADMINISTRATION OF REGULATORY PROGRAMS FOR DEVELOPMENT AND  
27 CONSTRUCTION THAT OCCUR WITHIN THE WATERS OF THE STATE, INCLUDING  
28 NONTIDAL WETLANDS, NONTIDAL WATERS AND FLOODPLAINS, AND STATE AND  
29 PRIVATE TIDAL WETLANDS (TIDAL WETLANDS). UNLESS OTHERWISE SPECIFIED,  
30 "MDE" REFERS TO THE DEPARTMENT'S WETLANDS AND  
31 WATERWAYS PROGRAM.

32  
33 **17.11.233 - NATIONAL FLOOD INSURANCE PROGRAM (NFIP).**

34  
35 THE PROGRAM AUTHORIZED BY THE U.S. CONGRESS IN 42 U.S.C. §§4001 - 4129. THE  
36 NFIP MAKES FLOOD INSURANCE COVERAGE AVAILABLE IN COMMUNITIES THAT  
37 AGREE TO ADOPT AND ENFORCE MINIMUM REGULATORY REQUIREMENTS FOR  
38 DEVELOPMENT IN AREAS PRONE TO FLOODING (SEE DEFINITION OF "SPECIAL FLOOD  
39 HAZARD AREA").

40  
41 **17.11.236 - NEW CONSTRUCTION.**

42  
43 *STRUCTURES*, INCLUDING ADDITIONS AND IMPROVEMENTS, AND THE PLACEMENT OF  
44 *MANUFACTURED HOMES*, FOR WHICH THE *START OF CONSTRUCTION* COMMENCED  
45 ON OR AFTER NOVEMBER 4, 1981, THE INITIAL EFFECTIVE DATE OF THE CITY OF  
46 ANNAPOLIS *FLOOD INSURANCE RATE MAP*, INCLUDING ANY SUBSEQUENT  
47 IMPROVEMENTS, ALTERATIONS, MODIFICATIONS, AND ADDITIONS TO SUCH  
48 *STRUCTURES*.

49  
50 **17.11.239 - NFIP STATE COORDINATOR.**

51

1 SEE MARYLAND DEPARTMENT OF THE ENVIRONMENT.

2  
3 **17.11.242 - NONTIDAL WATERS OF THE STATE.**

4  
5 SEE "WATERS OF THE STATE." AS USED IN THIS CHAPTER, "NONTIDAL WATERS OF  
6 THE STATE" REFERS TO ANY STREAM OR BODY OF WATER WITHIN THE STATE THAT  
7 IS SUBJECT TO STATE REGULATION, INCLUDING THE "100-YEAR FREQUENCY  
8 FLOODPLAIN OF FREE-FLOWING WATERS." COMAR 26.17.04 STATES THAT "THE  
9 LANDWARD BOUNDARIES OF ANY TIDAL WATERS SHALL BE DEEMED COTERMINOUS  
10 WITH THE WETLANDS BOUNDARY MAPS ADOPTED PURSUANT TO ENVIRONMENT  
11 ARTICLE, §16-301, ANNOTATED CODE OF MARYLAND." THEREFORE, THE BOUNDARY  
12 BETWEEN THE TIDAL AND NONTIDAL WATERS OF THE STATE IS THE TIDAL WETLANDS  
13 BOUNDARY.

14  
15 **17.11.245 – PERSON.**

16  
17 AN INDIVIDUAL OR GROUP OF INDIVIDUALS, CORPORATION, PARTNERSHIP,  
18 ASSOCIATION, OR ANY OTHER ENTITY, INCLUDING STATE AND LOCAL GOVERNMENTS  
19 AND AGENCIES.

20  
21 **17.11.248 - RECREATIONAL VEHICLE.**

22  
23 A VEHICLE THAT IS BUILT ON A SINGLE CHASSIS, 400 SQUARE FEET OR LESS WHEN  
24 MEASURED AT THE LARGEST HORIZONTAL PROJECTION, DESIGNED TO BE SELF-  
25 PROPELLED OR PERMANENTLY TOWABLE BY A LIGHT DUTY TRUCK, AND DESIGNED  
26 PRIMARILY NOT FOR USE AS A PERMANENT DWELLING, BUT AS TEMPORARY LIVING  
27 QUARTERS FOR RECREATIONAL, CAMPING, TRAVEL, OR SEASONAL USE.

28  
29 **17.11.251 - SPECIAL FLOOD HAZARD AREA (SFHA).**

30  
31 THE LAND IN THE FLOODPLAIN SUBJECT TO A ONE-PERCENT OR GREATER CHANCE  
32 OF FLOODING IN ANY GIVEN YEAR. SPECIAL FLOOD HAZARD AREAS ARE  
33 DESIGNATED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY IN FLOOD  
34 INSURANCE STUDIES AND ON FLOOD INSURANCE RATE MAPS AS ZONES A, AE, AH,  
35 AO, A1-30, AND A99, AND ZONES VE AND V1-30. THE TERM INCLUDES AREAS SHOWN  
36 ON OTHER FLOOD MAPS THAT ARE IDENTIFIED IN SECTION 1.5.

37  
38 **17.11.254 - START OF CONSTRUCTION.**

39  
40 THE DATE THE BUILDING PERMIT WAS ISSUED, PROVIDED THE ACTUAL START OF  
41 CONSTRUCTION, REPAIR, RECONSTRUCTION, REHABILITATION, ADDITION  
42 PLACEMENT, OR OTHER IMPROVEMENT WAS WITHIN 180 DAYS OF THE PERMIT DATE.  
43 THE ACTUAL START MEANS EITHER THE FIRST PLACEMENT OF PERMANENT  
44 CONSTRUCTION OF A STRUCTURE ON A SITE, SUCH AS THE POURING OF SLAB OR  
45 FOOTINGS, THE INSTALLATION OF PILES, THE CONSTRUCTION OF COLUMNS, OR ANY  
46 WORK BEYOND THE STAGE OF EXCAVATION; OR THE PLACEMENT OF A  
47 MANUFACTURED HOME ON A FOUNDATION. PERMANENT CONSTRUCTION DOES NOT  
48 INCLUDE LAND PREPARATION, SUCH AS CLEARING, GRADING AND FILLING; NOR  
49 DOES IT INCLUDE THE INSTALLATION OF STREETS AND/OR WALKWAYS; NOR DOES IT  
50 INCLUDE EXCAVATION FOR A BASEMENT, FOOTINGS, PIERS, OR FOUNDATIONS OR  
51 THE ERECTION OF TEMPORARY FORMS; NOR DOES IT INCLUDE THE INSTALLATION

1 ON THE PROPERTY OF ACCESSORY STRUCTURES, SUCH AS GARAGES OR SHEDS  
2 NOT OCCUPIED AS DWELLING UNITS OR NOT PART OF THE MAIN STRUCTURE. FOR  
3 SUBSTANTIAL IMPROVEMENTS, THE ACTUAL START OF CONSTRUCTION MEANS THE  
4 FIRST ALTERATION OF ANY WALL, CEILING, FLOOR, OR OTHER STRUCTURAL PART OF  
5 A BUILDING, WHETHER OR NOT THAT ALTERATION AFFECTS THE EXTERNAL  
6 DIMENSIONS OF THE BUILDING.

7  
8 **17.11.257 – STRUCTURE.**

9  
10 THAT WHICH IS BUILT OR CONSTRUCTED; SPECIFICALLY, A WALLED AND ROOFED  
11 BUILDING, INCLUDING A GAS OR LIQUID STORAGE TANK THAT IS PRINCIPALLY ABOVE  
12 GROUND, AS WELL AS A MANUFACTURED HOME.

13  
14 **17.11.260 - SUBSTANTIAL DAMAGE.**

15  
16 DAMAGE OF ANY ORIGIN SUSTAINED BY A BUILDING OR STRUCTURE WHEREBY THE  
17 COST OF RESTORING THE BUILDING OR STRUCTURE TO ITS BEFORE DAMAGED  
18 CONDITION WOULD EQUAL OR EXCEED 50 PERCENT OF THE MARKET VALUE OF THE  
19 BUILDING OR STRUCTURE BEFORE THE DAMAGE OCCURRED. ALSO USED AS  
20 “SUBSTANTIALLY DAMAGED” STRUCTURES.

21  
22 **17.11.263 - SUBSTANTIAL IMPROVEMENT.**

23  
24 SUBSTANTIAL IMPROVEMENT: ANY RECONSTRUCTION, REHABILITATION, ADDITION,  
25 OR OTHER IMPROVEMENT OF A BUILDING OR STRUCTURE, THE COST OF WHICH  
26 EQUALS OR EXCEEDS 50 PERCENT OF THE MARKET VALUE OF THE BUILDING OR  
27 STRUCTURE BEFORE THE START OF CONSTRUCTION OF THE IMPROVEMENT. THE  
28 TERM INCLUDES STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL DAMAGE,  
29 REGARDLESS OF THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT,  
30 HOWEVER, INCLUDE EITHER:

31  
32 (1) ANY PROJECT FOR IMPROVEMENT OF A BUILDING OR STRUCTURE TO  
33 CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY, OR  
34 SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE LOCAL  
35 CODE ENFORCEMENT OFFICIAL PRIOR TO SUBMISSION OF AN APPLICATION  
36 FOR A PERMIT AND WHICH ARE THE MINIMUM NECESSARY TO ASSURE SAFE  
37 LIVING CONDITIONS; OR

38  
39 (2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE  
40 ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED  
41 DESIGNATION AS A HISTORIC STRUCTURE.

42  
43 **17.11.266 - TEMPORARY STRUCTURE.**

44  
45 A STRUCTURE INSTALLED, USED, OR ERECTED FOR A PERIOD OF LESS THAN 180  
46 DAYS.

47  
48 **17.11.269 – VARIANCE.**

49  
50 A GRANT OF RELIEF FROM THE STRICT APPLICATION OF ONE OR MORE  
51 REQUIREMENTS OF THIS CHAPTER.

1  
2 **17.11.272 – VIOLATION.**  
3

4 ANY CONSTRUCTION OR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA THAT IS  
5 BEING PERFORMED WITHOUT AN ISSUED PERMIT. THE FAILURE OF A BUILDING,  
6 STRUCTURE, OR OTHER DEVELOPMENT FOR WHICH A PERMIT IS ISSUED TO BE  
7 FULLY COMPLIANT WITH THIS CHAPTER AND THE CONDITIONS OF THE ISSUED  
8 PERMIT. A BUILDING, STRUCTURE, OR OTHER DEVELOPMENT WITHOUT THE  
9 REQUIRED DESIGN CERTIFICATIONS, THE ELEVATION CERTIFICATE, OR OTHER  
10 EVIDENCE OF COMPLIANCE REQUIRED IS PRESUMED TO BE A VIOLATION UNTIL SUCH  
11 TIME AS THE REQUIRED DOCUMENTATION IS PROVIDED.  
12

13 **17.11.275 – WATERCOURSE.**  
14

15 THE CHANNEL, INCLUDING CHANNEL BANKS AND BED, OF NONTIDAL WATERS OF THE  
16 STATE.  
17

18 **17.11.278 - WATERS OF THE STATE.**  
19

20 [SEE ENVIRONMENT ARTICLE, TITLE 5, SUBTITLE 1, ANNOTATED CODE OF  
21 MARYLAND.] WATERS OF THE STATE INCLUDE:  
22

23 (1) BOTH SURFACE AND UNDERGROUND WATERS WITHIN THE BOUNDARIES OF  
24 THE STATE SUBJECT TO ITS JURISDICTION;  
25

26 (2) THAT PORTION OF THE ATLANTIC OCEAN WITHIN THE BOUNDARIES OF THE  
27 STATE;  
28

29 (3) THE CHESAPEAKE BAY AND ITS TRIBUTARIES;  
30

31 (4) ALL PONDS, LAKES, RIVERS, STREAMS, PUBLIC DITCHES, TAX DITCHES, AND  
32 PUBLIC DRAINAGE SYSTEMS WITHIN THE STATE, OTHER THAN THOSE  
33 DESIGNED AND USED TO COLLECT, CONVEY, OR DISPOSE OF SANITARY  
34 SEWAGE; AND  
35

36 (5) THE FLOODPLAIN OF FREE-FLOWING WATERS DETERMINED BY MDE ON  
37 THE BASIS OF THE 100-YEAR FLOOD FREQUENCY.  
38  
39  
40

41 **ARTICLE III- ADMINISTRATION**  
42

43 **17.11.300 – DESIGNATION OF THE FLOODPLAIN ADMINISTRATOR.**  
44

45 THE DIRECTOR OF THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL  
46 PROGRAMS IS HEREBY APPOINTED TO ADMINISTER AND IMPLEMENT THIS CHAPTER  
47 AND IS REFERRED TO HEREIN AS THE FLOODPLAIN ADMINISTRATOR. THE  
48 FLOODPLAIN ADMINISTRATOR MAY:  
49

1 (A) DELEGATE DUTIES AND RESPONSIBILITIES SET FORTH IN THIS CHAPTER TO  
2 QUALIFIED TECHNICAL PERSONNEL, PLAN EXAMINERS, INSPECTORS, AND  
3 OTHER EMPLOYEES.  
4

5 (B) ENTER INTO A WRITTEN AGREEMENT OR WRITTEN CONTRACT WITH  
6 ANOTHER MARYLAND COMMUNITY OR PRIVATE SECTOR ENTITY TO  
7 ADMINISTER SPECIFIC PROVISIONS OF THIS CHAPTER. ADMINISTRATION OF  
8 ANY PART OF THIS CHAPTER BY ANOTHER ENTITY SHALL NOT RELIEVE THE  
9 COMMUNITY OF ITS RESPONSIBILITIES PURSUANT TO THE PARTICIPATION  
10 REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AS SET  
11 FORTH IN THE CODE OF FEDERAL REGULATIONS AT 44 C.F.R. SECTION 59.22.  
12

13 **17.11.310 - DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR.**

14  
15 THE DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR SHALL  
16 INCLUDE BUT ARE NOT LIMITED  
17 TO:  
18

19 (A) REVIEW APPLICATIONS FOR PERMITS TO DETERMINE WHETHER  
20 PROPOSED ACTIVITIES WILL BE LOCATED IN FLOOD HAZARD AREAS.  
21

22 (B) INTERPRET FLOODPLAIN BOUNDARIES AND PROVIDE AVAILABLE BASE  
23 FLOOD ELEVATION AND FLOOD HAZARD INFORMATION.  
24

25 (C) REVIEW APPLICATIONS TO DETERMINE WHETHER PROPOSED ACTIVITIES  
26 WILL BE REASONABLY SAFE FROM FLOODING AND REQUIRE NEW  
27 CONSTRUCTION AND SUBSTANTIAL IMPROVEMENTS TO MEET THE  
28 REQUIREMENTS OF THIS CHAPTER.  
29

30 (D) REVIEW APPLICATIONS TO DETERMINE WHETHER ALL NECESSARY  
31 PERMITS HAVE BEEN OBTAINED FROM THE FEDERAL, STATE OR LOCAL  
32 AGENCIES FROM WHICH PRIOR OR CONCURRENT APPROVAL IS REQUIRED; IN  
33 PARTICULAR, PERMITS FROM MDE FOR ANY CONSTRUCTION,  
34 RECONSTRUCTION, REPAIR, OR ALTERATION OF A DAM, RESERVOIR, OR  
35 WATERWAY OBSTRUCTION (INCLUDING BRIDGES, CULVERTS, STRUCTURES),  
36 ANY ALTERATION OF A WATERCOURSE, OR ANY CHANGE OF THE COURSE,  
37 CURRENT, OR CROSS SECTION OF A STREAM OR BODY OF WATER, INCLUDING  
38 ANY CHANGE TO THE 100-YEAR FREQUENCY FLOODPLAIN OF FREE-FLOWING  
39 NONTIDAL WATERS OF THE STATE.  
40

41 (E) VERIFY THAT APPLICANTS PROPOSING AN ALTERATION OF A  
42 WATERCOURSE HAVE NOTIFIED ADJACENT COMMUNITIES AND MDE (NFIP  
43 STATE COORDINATOR), AND HAVE SUBMITTED COPIES OF SUCH  
44 NOTIFICATIONS TO FEMA.  
45

46 (F) ADVISE APPLICANTS FOR NEW CONSTRUCTION OR SUBSTANTIAL  
47 IMPROVEMENT OF STRUCTURES THAT ARE LOCATED WITHIN AN AREA OF THE  
48 COASTAL BARRIER RESOURCES SYSTEM ESTABLISHED BY THE COASTAL  
49 BARRIER RESOURCES ACT THAT FEDERAL FLOOD INSURANCE IS NOT  
50 AVAILABLE ON SUCH STRUCTURES; AREAS SUBJECT TO THIS LIMITATION ARE

1 SHOWN ON FLOOD INSURANCE RATE MAPS AS COASTAL BARRIER RESOURCE  
2 SYSTEM AREAS (CBRS) OR OTHERWISE PROTECTED AREAS (OPA).  
3

4 (G) APPROVE APPLICATIONS AND ISSUE PERMITS TO DEVELOP IN FLOOD  
5 HAZARD AREAS IF THE PROVISIONS OF THIS CHAPTER HAVE BEEN MET, OR  
6 DISAPPROVE APPLICATIONS IF THE PROVISIONS OF THIS CHAPTER HAVE NOT  
7 BEEN MET.  
8

9 (H) INSPECT OR CAUSE TO BE INSPECTED, BUILDINGS, STRUCTURES, AND  
10 OTHER DEVELOPMENT FOR WHICH PERMITS HAVE BEEN ISSUED TO  
11 DETERMINE COMPLIANCE WITH THIS CHAPTER OR TO DETERMINE IF NON-  
12 COMPLIANCE HAS OCCURRED OR VIOLATIONS HAVE BEEN COMMITTED.  
13

14 (I) REVIEW ELEVATION CERTIFICATES AND REQUIRE INCOMPLETE OR  
15 DEFICIENT CERTIFICATES TO BE CORRECTED.  
16

17 (J) SUBMIT TO FEMA, OR REQUIRE APPLICANTS TO SUBMIT TO FEMA, DATA  
18 AND INFORMATION NECESSARY TO MAINTAIN FIRMS, INCLUDING HYDROLOGIC  
19 AND HYDRAULIC ENGINEERING ANALYSES PREPARED BY OR FOR THE CITY OF  
20 ANNAPOLIS, WITHIN SIX MONTHS AFTER SUCH DATA AND INFORMATION  
21 BECOMES AVAILABLE IF THE ANALYSES INDICATE CHANGES IN BASE FLOOD  
22 ELEVATIONS.  
23

24 (K) MAINTAIN AND PERMANENTLY KEEP RECORDS THAT ARE NECESSARY FOR  
25 THE ADMINISTRATION OF THIS CHAPTER, INCLUDING:  
26

27 (1) FLOOD INSURANCE STUDIES, FLOOD INSURANCE RATE MAPS  
28 (INCLUDING HISTORIC STUDIES AND MAPS AND CURRENT EFFECTIVE  
29 STUDIES AND MAPS) AND LETTERS OF MAP CHANGE; AND  
30

31 (2) DOCUMENTATION SUPPORTING ISSUANCE AND DENIAL OF PERMITS,  
32 ELEVATION CERTIFICATES, DOCUMENTATION OF THE ELEVATION (IN  
33 RELATION TO THE DATUM ON THE FIRM) TO WHICH STRUCTURES HAVE  
34 BEEN FLOODPROOFED, OTHER REQUIRED DESIGN CERTIFICATIONS,  
35 VARIANCES, AND RECORDS OF ENFORCEMENT ACTIONS TAKEN TO  
36 CORRECT VIOLATIONS OF THIS CHAPTER.  
37

38 (L) ENFORCE THE PROVISIONS OF THIS CHAPTER, INVESTIGATE VIOLATIONS,  
39 ISSUE NOTICES OF VIOLATIONS OR STOP WORK ORDERS, AND REQUIRE  
40 PERMIT HOLDERS TO TAKE CORRECTIVE ACTION.  
41

42 (M) RESERVED.  
43

44 (N) ADMINISTER THE REQUIREMENTS RELATED TO PROPOSED WORK ON  
45 EXISTING BUILDINGS:  
46

47 (1) MAKE DETERMINATIONS AS TO WHETHER BUILDINGS AND  
48 STRUCTURES THAT ARE LOCATED IN FLOOD HAZARD AREAS AND THAT  
49 ARE DAMAGED BY ANY CAUSE HAVE BEEN SUBSTANTIALLY DAMAGED.  
50

1 (2) MAKE REASONABLE EFFORTS TO NOTIFY OWNERS OF  
2 SUBSTANTIALLY DAMAGED STRUCTURES OF THE NEED TO OBTAIN A  
3 PERMIT TO REPAIR, REHABILITATE, OR RECONSTRUCT, AND PROHIBIT  
4 THE NON-COMPLIANT REPAIR OF SUBSTANTIALLY DAMAGED BUILDINGS  
5 EXCEPT FOR TEMPORARY EMERGENCY PROTECTIVE MEASURES  
6 NECESSARY TO SECURE A PROPERTY OR STABILIZE A BUILDING OR  
7 STRUCTURE TO PREVENT ADDITIONAL DAMAGE.  
8

9 (O) UNDERTAKE, AS DETERMINED APPROPRIATE BY THE FLOODPLAIN  
10 ADMINISTRATOR DUE TO THE CIRCUMSTANCES, OTHER ACTIONS WHICH MAY  
11 INCLUDE BUT ARE NOT LIMITED TO: ISSUING PRESS RELEASES, PUBLIC  
12 SERVICE ANNOUNCEMENTS, AND OTHER PUBLIC INFORMATION MATERIALS  
13 RELATED TO PERMIT REQUESTS AND REPAIR OF DAMAGED STRUCTURES;  
14 COORDINATING WITH OTHER FEDERAL, STATE, AND LOCAL AGENCIES TO  
15 ASSIST WITH SUBSTANTIAL DAMAGE DETERMINATIONS; PROVIDING OWNERS  
16 OF DAMAGED STRUCTURES INFORMATION RELATED TO THE PROPER REPAIR  
17 OF DAMAGED STRUCTURES IN SPECIAL FLOOD HAZARD AREAS; AND  
18 ASSISTING PROPERTY OWNERS WITH DOCUMENTATION NECESSARY TO FILE  
19 CLAIMS FOR INCREASED COST OF COMPLIANCE COVERAGE UNDER NFIP  
20 FLOOD INSURANCE POLICIES.  
21

22 (P) NOTIFY THE FEDERAL EMERGENCY MANAGEMENT AGENCY WHEN THE  
23 CORPORATE BOUNDARIES OF THE CITY OF ANNAPOLIS HAVE BEEN MODIFIED  
24 AND:  
25

26 (1) PROVIDE A MAP THAT CLEARLY DELINEATES THE NEW CORPORATE  
27 BOUNDARIES OR THE NEW AREA FOR WHICH THE AUTHORITY TO  
28 REGULATE PURSUANT TO THIS CHAPTER HAS EITHER BEEN ASSUMED  
29 OR RELINQUISHED THROUGH ANNEXATION; AND  
30

31 (2) IF THE FIRM FOR ANY ANNEXED AREA INCLUDES SPECIAL FLOOD  
32 HAZARD AREAS THAT HAVE FLOOD ZONES THAT HAVE REGULATORY  
33 REQUIREMENTS THAT ARE NOT SET FORTH IN THIS CHAPTER, PREPARE  
34 AMENDMENTS TO THIS CHAPTER TO ADOPT THE FIRM AND  
35 APPROPRIATE REQUIREMENTS, AND SUBMIT THE AMENDMENTS TO THE  
36 GOVERNING BODY FOR ADOPTION; SUCH ADOPTION SHALL TAKE PLACE  
37 WITHIN SIX MONTHS OF THE DATE OF ANNEXATION AND A COPY OF THE  
38 AMENDED CHAPTER SHALL BE PROVIDED TO MDE (NFIP STATE  
39 COORDINATOR) AND FEMA.  
40

41 (Q) UPON THE REQUEST OF FEMA, COMPLETE AND SUBMIT A REPORT  
42 CONCERNING PARTICIPATION IN THE NFIP WHICH MAY REQUEST  
43 INFORMATION REGARDING THE NUMBER OF BUILDINGS IN THE SFHA, NUMBER  
44 OF PERMITS ISSUED FOR DEVELOPMENT IN THE SFHA, AND NUMBER OF  
45 VARIANCES ISSUED FOR DEVELOPMENT IN THE SFHA.  
46

47 **17.11.320 - USE AND INTERPRETATION OF FIRMS.**  
48

49 THE FLOODPLAIN ADMINISTRATOR SHALL MAKE INTERPRETATIONS, WHERE NEEDED,  
50 AS TO THE EXACT LOCATION OF SPECIAL FLOOD HAZARD AREAS, FLOODPLAIN

1 BOUNDARIES, AND FLOODWAY BOUNDARIES. THE FOLLOWING SHALL APPLY TO THE  
2 USE AND INTERPRETATION OF FIRMS AND DATA:

3  
4 (A) WHERE FIELD SURVEYED TOPOGRAPHY INDICATES THAT GROUND  
5 ELEVATIONS:

6  
7 (1) ARE BELOW THE BASE FLOOD ELEVATION, EVEN IN AREAS NOT  
8 DELINEATED AS A SPECIAL FLOOD HAZARD AREA ON A FIRM, THE AREA  
9 SHALL BE CONSIDERED AS SPECIAL FLOOD HAZARD AREA AND  
10 SUBJECT TO THE REQUIREMENTS OF THIS CHAPTER;

11  
12 (2) ARE ABOVE THE BASE FLOOD ELEVATION, THE AREA SHALL BE  
13 REGULATED AS SPECIAL FLOOD HAZARD AREA UNLESS THE APPLICANT  
14 OBTAINS A LETTER OF MAP CHANGE THAT REMOVES THE AREA FROM  
15 THE SPECIAL FLOOD HAZARD AREA.

16  
17 (B) IN FEMA-IDENTIFIED SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD  
18 ELEVATION AND FLOODWAY DATA HAVE NOT BEEN IDENTIFIED AND IN AREAS  
19 WHERE FEMA HAS NOT IDENTIFIED SPECIAL FLOOD HAZARD AREAS, ANY  
20 OTHER FLOOD HAZARD DATA AVAILABLE FROM A FEDERAL, STATE, OR OTHER  
21 SOURCE SHALL BE REVIEWED AND REASONABLY USED.

22  
23 (C) BASE FLOOD ELEVATIONS AND DESIGNATED FLOODWAY BOUNDARIES ON  
24 FIRMS AND IN FISS SHALL TAKE PRECEDENCE OVER BASE FLOOD ELEVATIONS  
25 AND FLOODWAY BOUNDARIES BY ANY OTHER SOURCES IF SUCH SOURCES  
26 SHOW REDUCED FLOODWAY WIDTHS AND/OR LOWER BASE FLOOD  
27 ELEVATIONS.

28  
29 (D) OTHER SOURCES OF DATA SHALL BE REASONABLY USED IF SUCH  
30 SOURCES SHOW INCREASED BASE FLOOD ELEVATIONS AND/OR LARGER  
31 FLOODWAY AREAS THAN ARE SHOWN ON FIRMS AND IN FISS.

32  
33 (E) IF A PRELIMINARY FLOOD INSURANCE RATE MAP AND/OR A PRELIMINARY  
34 FLOOD INSURANCE STUDY HAS BEEN PROVIDED BY FEMA:

35  
36 (1) UPON THE ISSUANCE OF A LETTER OF FINAL DETERMINATION BY  
37 FEMA, THE PRELIMINARY FLOOD HAZARD DATA SHALL BE USED AND  
38 SHALL REPLACE THE FLOOD HAZARD DATA PREVIOUSLY PROVIDED  
39 FROM FEMA FOR THE PURPOSES OF ADMINISTERING THIS CHAPTER.

40  
41 (2) PRIOR TO THE ISSUANCE OF A LETTER OF FINAL DETERMINATION BY  
42 FEMA, THE USE OF PRELIMINARY FLOOD HAZARD DATA SHALL BE  
43 DEEMED THE BEST AVAILABLE DATA PURSUANT TO SECTION 17.11.050  
44 (C) AND USED WHERE NO BASE FLOOD ELEVATIONS AND/OR  
45 FLOODWAY AREAS ARE PROVIDED ON THE EFFECTIVE FIRM.

46  
47 (3) PRIOR TO ISSUANCE OF A LETTER OF FINAL DETERMINATION BY  
48 FEMA, THE USE OF PRELIMINARY FLOOD HAZARD DATA IS PERMITTED  
49 WHERE THE PRELIMINARY BASE FLOOD ELEVATIONS OR FLOODWAY  
50 AREAS EXCEED THE BASE FLOOD ELEVATIONS AND/OR DESIGNATED  
51 FLOODWAY WIDTHS IN EXISTING FLOOD HAZARD DATA PROVIDED BY

1 FEMA. SUCH PRELIMINARY DATA MAY BE SUBJECT TO CHANGE AND/OR  
2 APPEAL TO FEMA.  
3

4 (F) IF A DISPUTE ARISES CONCERNING ANY DISTRICT BOUNDARY, AN INITIAL  
5 DETERMINATION SHALL BE MADE BY THE FLOODPLAIN ADMINISTRATOR. THE  
6 APPLICANT AGGRIEVED BY THIS DECISION MAY APPEAL TO THE BUILDING  
7 BOARD OF APPEALS WITHIN THIRTY CALENDAR DAYS OF THE DECISION. THE  
8 BURDEN OF PROOF IS ON THE APPELLANT. THE APPEAL SHALL BE  
9 ACCOMPANIED BY A NONREFUNDABLE FEE AS ESTABLISHED BY RESOLUTION  
10 OF THE CITY COUNCIL. THE FLOODPLAIN ADMINISTRATOR SHALL SCHEDULE A  
11 HEARING WITHIN THIRTY CALENDAR DAYS AFTER THE FILING OF THE APPEAL  
12 AND SHALL NOTIFY THE APPELLANT OF THE HEARING DATE.  
13

14 **17.11.330 - PERMITS REQUIRED AND EXPIRATION.**  
15

16 (A) IT SHALL BE UNLAWFUL FOR ANY PERSON TO BEGIN ANY DEVELOPMENT OR  
17 CONSTRUCTION WHICH IS WHOLLY WITHIN, PARTIALLY WITHIN, OR IN CONTACT WITH  
18 ANY FLOOD HAZARD AREA ESTABLISHED IN SECTION 1.5, INCLUDING BUT NOT  
19 LIMITED TO: FILLING; GRADING; CONSTRUCTION OF NEW STRUCTURES; THE  
20 SUBSTANTIAL IMPROVEMENT OF BUILDINGS OR STRUCTURES, INCLUDING REPAIR OF  
21 SUBSTANTIAL DAMAGE; PLACEMENT OR REPLACEMENT OF MANUFACTURED HOMES,  
22 INCLUDING SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE OF  
23 MANUFACTURED HOMES; ERECTING OR INSTALLING A TEMPORARY STRUCTURE, OR  
24 ALTERATION OF A WATERCOURSE, UNTIL A PERMIT IS OBTAINED FROM THE CITY OF  
25 ANNAPOLIS. NO SUCH PERMIT SHALL BE ISSUED UNTIL THE REQUIREMENTS OF THIS  
26 CHAPTER HAVE BEEN MET.  
27

28 (B) IN ADDITION TO THE PERMITS REQUIRED IN PARAGRAPH (A), APPLICANTS FOR  
29 PERMITS IN NONTIDAL WATERS OF THE STATE ARE ADVISED TO CONTACT MDE.  
30 UNLESS WAIVED BY MDE, PURSUANT TO CODE OF MARYLAND REGULATIONS  
31 26.17.04, CONSTRUCTION ON NONTIDAL WATERS AND FLOODPLAINS, MDE  
32 REGULATES THE "100-YEAR FREQUENCY FLOODPLAIN OF FREE-FLOWING WATERS,"  
33 ALSO REFERRED TO AS NONTIDAL WATERS OF THE STATE. TO DETERMINE THE 100-  
34 YEAR FREQUENCY FLOODPLAIN, HYDROLOGIC CALCULATIONS ARE BASED ON THE  
35 ULTIMATE DEVELOPMENT OF THE WATERSHED, ASSUMING EXISTING ZONING. THE  
36 RESULTING FLOOD HAZARD AREAS DELINEATED USING THE RESULTS OF SUCH  
37 CALCULATIONS MAY BE DIFFERENT THAN THE SPECIAL FLOOD HAZARD AREAS  
38 ESTABLISHED IN SECTION 17.11.050 OF THIS CHAPTER.  
39

40 (C) A PERMIT IS VALID PROVIDED THE ACTUAL START OF WORK IS WITHIN 180 DAYS  
41 OF THE DATE OF PERMIT ISSUANCE. REQUESTS FOR EXTENSIONS SHALL BE  
42 SUBMITTED IN WRITING AND JUSTIFIABLE CAUSE DEMONSTRATED. THE FLOODPLAIN  
43 ADMINISTRATOR MAY GRANT, IN WRITING, ONE OR MORE EXTENSIONS OF TIME, FOR  
44 ADDITIONAL PERIODS NOT EXCEEDING 90 DAYS EACH AND PROVIDED THERE HAS  
45 BEEN NO AMENDMENT OR REVISION TO THE BASIS FOR ESTABLISHING SPECIAL  
46 FLOOD HAZARD AREAS AND BFES SET FORTH IN SECTION 17.11.050.  
47

48 **17.11.340 - APPLICATION REQUIRED.**  
49

50 APPLICATION FOR A PERMIT SHALL BE MADE BY THE OWNER OF THE PROPERTY OR  
51 THE OWNER'S AUTHORIZED AGENT (HEREIN REFERRED TO AS THE APPLICANT)

1 PRIOR TO THE START OF ANY WORK. THE APPLICATION SHALL BE ON A FORM  
2 FURNISHED FOR THAT PURPOSE.

3  
4 (A) APPLICATION CONTENTS

5  
6 AT A MINIMUM, APPLICATIONS SHALL INCLUDE:

7  
8 (1) SITE PLANS DRAWN TO SCALE SHOWING THE NATURE, LOCATION,  
9 DIMENSIONS, AND EXISTING AND PROPOSED TOPOGRAPHY OF THE  
10 AREA IN QUESTION, AND THE LOCATION OF EXISTING AND PROPOSED  
11 STRUCTURES, EXCAVATION, FILLING, STORAGE OF MATERIALS,  
12 DRAINAGE FACILITIES, AND OTHER PROPOSED ACTIVITIES.

13  
14 (2) ELEVATION OF THE EXISTING NATURAL GROUND WHERE BUILDINGS  
15 OR STRUCTURES ARE PROPOSED, REFERENCED TO THE DATUM ON  
16 THE FIRM.

17  
18 (3) DELINEATION OF FLOOD HAZARD AREAS, DESIGNATED FLOODWAY  
19 BOUNDARIES, FLOOD ZONES, BASE FLOOD ELEVATIONS, AND FLOOD  
20 PROTECTION SETBACKS. BASE FLOOD ELEVATIONS SHALL BE USED TO  
21 DELINEATE THE BOUNDARY OF FLOOD HAZARD AREAS AND SUCH  
22 DELINEATIONS SHALL PREVAIL OVER THE BOUNDARY OF SFHAS  
23 SHOWN ON FIRMS.

24  
25 (4) WHERE FLOODWAYS ARE NOT DELINEATED OR BASE FLOOD  
26 ELEVATIONS ARE NOT SHOWN ON THE FIRMS, THE FLOODPLAIN  
27 ADMINISTRATOR HAS THE AUTHORITY TO REQUIRE THE APPLICANT TO  
28 USE INFORMATION PROVIDED BY THE FLOODPLAIN ADMINISTRATOR,  
29 INFORMATION THAT IS AVAILABLE FROM FEDERAL, STATE, OR OTHER  
30 SOURCES, OR TO DETERMINE SUCH INFORMATION USING ACCEPTED  
31 ENGINEERING PRACTICES OR METHODS APPROVED BY THE  
32 FLOODPLAIN ADMINISTRATOR. [NOTE: SEE "MANAGING FLOODPLAIN  
33 DEVELOPMENT IN APPROXIMATE ZONE A AREAS: A GUIDE FOR  
34 OBTAINING AND DEVELOPING BASE (100-YEAR) FLOOD ELEVATIONS"  
35 (FEMA 265).]

36  
37 (5) DETERMINATION OF THE BASE FLOOD ELEVATIONS, FOR  
38 DEVELOPMENT PROPOSALS AND SUBDIVISION PROPOSALS, EACH WITH  
39 AT LEAST 5 LOTS OR AT LEAST 5 ACRES, WHICHEVER IS THE LESSER, IN  
40 SPECIAL FLOOD HAZARD AREAS WHERE BASE FLOOD ELEVATIONS ARE  
41 NOT SHOWN ON THE FIRM; IF HYDROLOGIC AND HYDRAULIC  
42 ENGINEERING ANALYSES ARE SUBMITTED, SUCH ANALYSES SHALL BE  
43 PERFORMED IN ACCORDANCE WITH THE REQUIREMENTS AND  
44 SPECIFICATIONS OF MDE AND FEMA.

45  
46 (6) HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES FOR  
47 PROPOSALS IN SPECIAL FLOOD HAZARD AREAS WHERE FEMA HAS  
48 PROVIDED BASE FLOOD ELEVATIONS BUT HAS NOT DELINEATED A  
49 FLOODWAY; SUCH ANALYSES SHALL DEMONSTRATE THAT THE  
50 CUMULATIVE EFFECT OF PROPOSED DEVELOPMENT, WHEN COMBINED  
51 WITH ALL OTHER EXISTING AND ANTICIPATED DEVELOPMENT WILL NOT

1 INCREASE THE WATER SURFACE ELEVATION OF THE BASE FLOOD BY  
2 MORE THAN ONE FOOT OR A LOWER INCREASE IF REQUIRED BY MDE.

3  
4 (7) FOR ENCROACHMENTS IN FLOODWAYS, AN EVALUATION OF  
5 ALTERNATIVES TO SUCH ENCROACHMENTS, INCLUDING DIFFERENT  
6 USES OF THE SITE OR PORTION OF THE SITE WITHIN THE FLOODWAY,  
7 AND MINIMIZATION OF SUCH ENCROACHMENT.

8  
9 (8) IF FILL IS PROPOSED TO BE PLACED FOR A PURPOSE OTHER THAN  
10 TO ELEVATE STRUCTURES, THE APPLICANT SHALL INDICATE THE  
11 INTENDED PURPOSE FOR THE FILL.

12  
13 (9) FOR PROPOSED BUILDINGS AND STRUCTURES, INCLUDING  
14 SUBSTANTIAL IMPROVEMENT AND REPAIR OF SUBSTANTIAL DAMAGE,  
15 AND PLACEMENT AND REPLACEMENT OF MANUFACTURED HOMES,  
16 INCLUDING SUBSTANTIAL IMPROVEMENT AND REPAIR OF SUBSTANTIAL  
17 DAMAGE:

18  
19 (A) THE PROPOSED ELEVATION OF THE FINAL GRADING AND  
20 LOWEST FLOOR, INCLUDING BASEMENT, REFERENCED TO THE  
21 DATUM ON THE FIRM AND A SIGNED AGREEMENT TO SUBMIT AN  
22 ELEVATION CERTIFICATE.

23  
24 (B) THE SIGNED DECLARATION OF LAND RESTRICTION  
25 (NONCONVERSION AGREEMENT) THAT SHALL BE RECORDED ON  
26 THE PROPERTY DEED PRIOR TO ISSUANCE OF THE CERTIFICATE  
27 OF OCCUPANCY, IF THE APPLICATION INCLUDES AN ENCLOSURE  
28 BELOW THE LOWEST FLOOR OR A CRAWL/UNDERFLOOR SPACE  
29 THAT IS MORE THAN FOUR (4) FEET IN HEIGHT.

30  
31 (C) A WRITTEN EVALUATION OF ALTERNATIVE METHODS  
32 CONSIDERED TO ELEVATE STRUCTURES AND MANUFACTURED  
33 HOMES, IF THE LOCATION IS IN NONTIDAL WATERS OF THE STATE  
34 AND FILL IS PROPOSED TO ACHIEVE THE ELEVATION REQUIRED  
35 IN SECTION 17.11.530 (A) OR SECTION 17.11.540 (A).

36  
37 (10) FOR ACCESSORY STRUCTURES THAT ARE 300 SQUARE FEET OR  
38 LARGER IN AREA (FOOTPRINT) THAT ARE BELOW THE BASE FLOOD  
39 ELEVATION, A DECLARATION OF LAND RESTRICTION (NONCONVERSION  
40 AGREEMENT) SHALL BE RECORDED ON THE PROPERTY DEED PRIOR TO  
41 ISSUANCE OF THE CERTIFICATE OF OCCUPANCY.

42  
43 (11) FOR TEMPORARY STRUCTURES AND TEMPORARY STORAGE,  
44 SPECIFICATION OF THE DURATION OF THE TEMPORARY USE.

45  
46 (12) FOR PROPOSED WORK ON EXISTING BUILDINGS, STRUCTURE, AND  
47 MANUFACTURED HOMES, INCLUDING ANY IMPROVEMENT, ADDITION,  
48 REPAIRS, ALTERATIONS, REHABILITATION, OR RECONSTRUCTION,  
49 SUFFICIENT INFORMATION TO DETERMINE IF THE WORK CONSTITUTES  
50 SUBSTANTIAL IMPROVEMENT OR REPAIR OF SUBSTANTIAL DAMAGE,  
51 INCLUDING BUT NOT LIMITED TO:

1  
2 (A) IF THE EXISTING BUILDING OR STRUCTURE WAS  
3 CONSTRUCTED AFTER NOVEMBER 4, 1981, EVIDENCE THAT THE  
4 WORK WILL NOT ALTER ANY ASPECT OF THE BUILDING OR  
5 STRUCTURE THAT WAS REQUIRED FOR COMPLIANCE WITH THE  
6 FLOODPLAIN MANAGEMENT REQUIREMENTS IN EFFECT AT THE  
7 TIME THE BUILDING OR STRUCTURE WAS PERMITTED.  
8

9 (B) IF THE PROPOSED WORK IS A HORIZONTAL ADDITION, A  
10 DESCRIPTION OF THE ADDITION AND WHETHER IT WILL BE  
11 INDEPENDENTLY SUPPORTED OR STRUCTURALLY CONNECTED  
12 TO THE BASE BUILDING AND THE NATURE OF ALL OTHER  
13 MODIFICATIONS TO THE BASE BUILDING, IF ANY.  
14

15 (C) DOCUMENTATION OF THE MARKET VALUE OF THE BUILDING  
16 OR STRUCTURE BEFORE THE IMPROVEMENT OR, IF THE WORK IS  
17 REPAIR OF DAMAGE, BEFORE THE DAMAGE OCCURRED.  
18

19 (D) DOCUMENTATION OF THE ACTUAL CASH VALUE OF ALL  
20 PROPOSED WORK, INCLUDING THE ACTUAL CASH VALUE OF ALL  
21 WORK NECESSARY TO REPAIR AND RESTORE DAMAGE TO THE  
22 BEFORE-DAMAGED CONDITION, REGARDLESS OF THE AMOUNT  
23 OF WORK THAT WILL BE PERFORMED. THE VALUE OF WORK  
24 PERFORMED BY THE OWNER OR VOLUNTEERS SHALL BE VALUED  
25 AT MARKET LABOR RATES; THE VALUE OF DONATED OR  
26 DISCOUNTED MATERIALS SHALL BE VALUED AT MARKET RATES.  
27

28 (13) CERTIFICATIONS AND/OR TECHNICAL ANALYSES PREPARED OR  
29 CONDUCTED BY A LICENSED PROFESSIONAL ENGINEER OR LICENSED  
30 ARCHITECT, AS APPROPRIATE, INCLUDING:  
31

32 (A) THE DETERMINATION OF THE BASE FLOOD ELEVATIONS OR  
33 HYDROLOGIC AND HYDRAULIC ENGINEERING ANALYSES  
34 PREPARED BY A LICENSED PROFESSIONAL ENGINEER THAT ARE  
35 REQUIRED BY THE FLOODPLAIN ADMINISTRATOR OR ARE  
36 REQUIRED BY THIS CHAPTER IN: SECTION 17.11.405 FOR CERTAIN  
37 SUBDIVISIONS AND DEVELOPMENT; SECTION 17.11.520 (A) FOR  
38 DEVELOPMENT IN DESIGNATED FLOODWAYS; SECTION 17.11.520  
39 (C) FOR DEVELOPMENT IN FLOOD HAZARD AREAS WITH BASE  
40 FLOOD ELEVATIONS BUT NOT DESIGNATED FLOODWAYS; AND  
41 SECTION 17.11.520 (E) FOR DELIBERATE ALTERATION OR  
42 RELOCATION OF WATERCOURSES.  
43

44 (B) THE FLOODPROOFING CERTIFICATE FOR NONRESIDENTIAL  
45 STRUCTURES THAT ARE FLOODPROOFED AS REQUIRED IN  
46 SECTION 17.11.540 (B).  
47

48 (C) CERTIFICATION THAT ENGINEERED FLOOD OPENINGS ARE  
49 DESIGNED TO MEET THE MINIMUM REQUIREMENTS OF SECTION  
50 17.11.530 (C) (3) TO AUTOMATICALLY EQUALIZE HYDROSTATIC  
51 FLOOD FORCES.

1  
2 (D) CERTIFICATION THAT THE PROPOSED ELEVATION,  
3 STRUCTURAL DESIGN, SPECIFICATIONS AND PLANS, AND THE  
4 METHODS OF CONSTRUCTION TO BE USED FOR STRUCTURES IN  
5 COASTAL HIGH HAZARD AREAS (V ZONES) AND COASTAL A  
6 ZONES, ARE IN ACCORDANCE WITH ACCEPTED STANDARDS OF  
7 PRACTICE AND MEET THE REQUIREMENTS OF SECTION 17.11.620  
8 (C).  
9

10 (14) FOR NONRESIDENTIAL STRUCTURES THAT ARE PROPOSED WITH  
11 FLOODPROOFING, AN OPERATIONS AND MAINTENANCE PLAN AS  
12 SPECIFIED IN SECTION 17.11.540 (B) (3).  
13

14 (15) SUCH OTHER MATERIAL AND INFORMATION AS MAY BE REQUESTED  
15 BY THE FLOODPLAIN ADMINISTRATOR AND NECESSARY TO DETERMINE  
16 CONFORMANCE WITH THIS CHAPTER, INCLUDING ANY APPLIED FOR  
17 VARIANCES.  
18

19 (B) NEW TECHNICAL DATA  
20

21 (1) THE APPLICANT MAY SEEK A LETTER OF MAP CHANGE BY  
22 SUBMITTING NEW TECHNICAL DATA TO FEMA, SUCH AS BASE MAPS,  
23 TOPOGRAPHY, AND ENGINEERING ANALYSES TO SUPPORT REVISION  
24 OF FLOODPLAIN AND FLOODWAY BOUNDARIES AND/OR BASE FLOOD  
25 ELEVATIONS. SUCH SUBMISSIONS SHALL BE PREPARED IN A FORMAT  
26 ACCEPTABLE TO FEMA AND ANY FEES SHALL BE THE SOLE  
27 RESPONSIBILITY OF THE APPLICANT. A COPY OF THE SUBMITTAL SHALL  
28 BE ATTACHED TO THE APPLICATION FOR A PERMIT.  
29

30 (2) IF THE APPLICANT SUBMITS NEW TECHNICAL DATA TO SUPPORT ANY  
31 CHANGE IN FLOODPLAIN AND DESIGNATED FLOODWAY BOUNDARIES  
32 AND/OR BASE FLOOD ELEVATIONS BUT HAS NOT SOUGHT A LETTER OF  
33 MAP CHANGE FROM FEMA, THE APPLICANT SHALL SUBMIT SUCH DATA  
34 TO FEMA AS SOON AS PRACTICABLE, BUT NOT LATER THAN SIX  
35 MONTHS AFTER THE DATE SUCH INFORMATION BECOMES AVAILABLE.  
36 SUCH SUBMISSIONS SHALL BE PREPARED IN A FORMAT ACCEPTABLE  
37 TO FEMA AND ANY FEES SHALL BE THE SOLE RESPONSIBILITY OF THE  
38 APPLICANT.  
39

40 **17.11.350 - REVIEW OF APPLICATION.**  
41

42 THE FLOODPLAIN ADMINISTRATOR SHALL:  
43

44 (A) REVIEW APPLICATIONS FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD  
45 AREAS TO DETERMINE THE COMPLETENESS OF INFORMATION SUBMITTED.  
46 THE APPLICANT SHALL BE NOTIFIED OF INCOMPLETENESS OR ADDITIONAL  
47 INFORMATION THAT IS REQUIRED TO SUPPORT THE APPLICATION.  
48

49 (B) NOTIFY APPLICANTS THAT PERMITS FROM MDE AND THE U.S. ARMY CORPS  
50 OF ENGINEERS, AND OTHER STATE AND FEDERAL AUTHORITIES MAY BE  
51 REQUIRED.

1  
2 (C) REVIEW ALL PERMIT APPLICATIONS TO ASSURE THAT ALL NECESSARY  
3 PERMITS HAVE BEEN RECEIVED FROM THE FEDERAL, STATE OR LOCAL  
4 GOVERNMENTAL AGENCIES FROM WHICH PRIOR APPROVAL IS REQUIRED. THE  
5 APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING SUCH PERMITS,  
6 INCLUDING PERMITS ISSUED BY:

7  
8 (1) THE U.S. ARMY CORPS OF ENGINEERS UNDER SECTION 10 OF THE  
9 RIVERS AND HARBORS ACT AND SECTION 404 OF THE CLEAN WATER  
10 ACT;

11  
12 (2) MDE PURSUANT TO COMAR 26.23 (NONTIDAL WETLANDS) AND  
13 SECTION 401 OF THE CLEAN WATER ACT;

14  
15 (3) MDE FOR CONSTRUCTION ON NONTIDAL WATERS OF THE STATE  
16 PURSUANT TO COMAR 26.17.04; AND

17  
18 (4) MDE PURSUANT TO COMAR 26.24 (TIDAL WETLANDS).

19  
20 (D) REVIEW APPLICATIONS FOR COMPLIANCE WITH THIS CHAPTER AFTER ALL  
21 INFORMATION REQUIRED IN SECTION 17.11.340 OF THIS CHAPTER OR  
22 IDENTIFIED AND REQUIRED BY THE FLOODPLAIN ADMINISTRATOR HAS BEEN  
23 RECEIVED.

24  
25 (E) REVIEW APPLICATIONS FOR COMPLIANCE WITH THE GENERAL  
26 REQUIREMENTS AS DESCRIBED IN CHAPTER 17.08, GRADING, EROSION AND  
27 SEDIMENT CONTROL, AND IN CHAPTER 17.12, BUILDING CODE, OF THIS TITLE.

28  
29 **17.11.360 – INSPECTIONS.**

30  
31 THE FLOODPLAIN ADMINISTRATOR SHALL MAKE PERIODIC INSPECTIONS OF  
32 DEVELOPMENT PERMITTED IN SPECIAL FLOOD HAZARD AREAS, AT APPROPRIATE  
33 TIMES THROUGHOUT THE PERIOD OF CONSTRUCTION IN ORDER TO MONITOR  
34 COMPLIANCE. SUCH INSPECTIONS MAY INCLUDE:

35  
36 (A) STAKE-OUT INSPECTION, TO DETERMINE LOCATION ON THE SITE RELATIVE  
37 TO THE FLOOD HAZARD AREA AND DESIGNATED FLOODWAY.

38  
39 (B) FOUNDATION INSPECTION, UPON PLACEMENT OF THE LOWEST FLOOR AND  
40 PRIOR TO FURTHER VERTICAL CONSTRUCTION, TO COLLECT INFORMATION  
41 OR CERTIFICATION OF THE ELEVATION OF THE LOWEST FLOOR.

42  
43 (C) INSPECTION OF ENCLOSURES BELOW THE LOWEST FLOOR, INCLUDING  
44 CRAWL/UNDERFLOOR SPACES, TO DETERMINE COMPLIANCE WITH  
45 APPLICABLE PROVISIONS.

46  
47 (D) UTILITY INSPECTION, UPON INSTALLATION OF SPECIFIED EQUIPMENT AND  
48 APPLIANCES, TO DETERMINE APPROPRIATE LOCATION WITH RESPECT TO THE  
49 BASE FLOOD ELEVATION.

50

1 (E) FINAL INSPECTION PRIOR TO ISSUANCE OF THE CERTIFICATE OF  
2 OCCUPANCY.  
3

4 **17.11.370 - SUBMISSIONS REQUIRED PRIOR TO FINAL INSPECTION.**

5  
6 PURSUANT TO THE AGREEMENT TO SUBMIT AN ELEVATION CERTIFICATE SUBMITTED  
7 WITH THE APPLICATION AS REQUIRED IN SECTION 17.11.3403.5 (A) (9), THE  
8 PERMITTEE SHALL HAVE AN ELEVATION CERTIFICATE PREPARED AND SUBMITTED  
9 PRIOR TO FINAL INSPECTION AND ISSUANCE OF A CERTIFICATE OF OCCUPANCY FOR  
10 ELEVATED STRUCTURES AND MANUFACTURED HOMES, INCLUDING NEW  
11 STRUCTURES AND MANUFACTURED HOMES, SUBSTANTIALLY-IMPROVED  
12 STRUCTURES AND MANUFACTURED HOMES, AND ADDITIONS TO STRUCTURES AND  
13 MANUFACTURED HOMES.  
14

15 **17.11.380 – VIOLATIONS.**

16  
17 (A) FLOODPLAIN VIOLATION. A PERSON WHO FAILS TO COMPLY WITH ANY OR ALL OF  
18 THE REQUIREMENTS OR PROVISIONS OF THIS CHAPTER OR ANY ORDER OR  
19 REQUIREMENT OF THE DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL  
20 PROGRAMS OR ANY OTHER AUTHORIZED EMPLOYEE OF THE CITY IS GUILTY OF A  
21 MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED BY  
22 RESOLUTION OF THE CITY COUNCIL. EACH DAY AFTER THE EXPIRATION OF THE  
23 ALLOWED REMEDIAL WORK PERIOD SHALL CONSTITUTE A SEPARATE OFFENSE. IN  
24 ADDITION, NO OTHER INSPECTIONS SHALL BE MADE BY THE DEPARTMENT OF  
25 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS FOR THE PROJECT IN QUESTION  
26 UNTIL REMEDIAL ACTION HAS BEEN SATISFACTORILY COMPLETED AND THE SUBJECT  
27 FINE HAS BEEN PAID IN FULL.  
28

29 (B) CORRECTION. THE IMPOSITION OF A FINE OR PENALTY FOR ANY VIOLATION OR  
30 NONCOMPLIANCE WITH THIS CHAPTER DOES NOT EXCUSE THE VIOLATION OR  
31 NONCOMPLIANCE OR PERMIT IT TO CONTINUE. ALL PERSONS DETERMINED TO BE IN  
32 VIOLATION OR NONCOMPLIANCE SHALL BE REQUIRED TO CORRECT OR REMEDY THE  
33 VIOLATIONS AND NONCOMPLIANCE WITHIN A REASONABLE TIME PERIOD.  
34

35 (C) NUISANCE. A STRUCTURE CONSTRUCTED, RECONSTRUCTED, ENLARGED,  
36 ALTERED, OR RELOCATED IN NONCOMPLIANCE WITH THIS CHAPTER MAY BE  
37 DECLARED BY THE DIRECTOR TO BE A PUBLIC NUISANCE AND SUBSEQUENTLY  
38 ABATED AS A PUBLIC NUISANCE.  
39

40 (D) NOTIFICATION OF VIOLATION. THE FEDERAL INSURANCE ADMINISTRATOR AND  
41 THE MARYLAND WATER RESOURCES ADMINISTRATION SHALL BE NOTIFIED  
42 IMMEDIATELY IN WRITING OF ANY STRUCTURE OR PROPERTY IN VIOLATION OF THIS  
43 CHAPTER.  
44

45 (E) DENIAL OF NATIONAL FLOOD INSURANCE. NEW OR RENEWAL NATIONAL FLOOD  
46 INSURANCE SHALL BE DENIED FOR ANY STRUCTURE REMAINING IN VIOLATION OR  
47 SITUATED ON PROPERTY IN VIOLATION OF THIS CHAPTER.  
48

49 **17.11.390 - APPEALS.**  
50

1 (A) A PERSON AGGRIEVED BY AN ORDER FROM THE DIRECTOR OR THE DIRECTOR'S  
2 DESIGNEE MADE PURSUANT TO THIS CHAPTER, OTHER THAN THE ISSUANCE OF A  
3 MUNICIPAL CITATION OR THE CHARGING OF A MISDEMEANOR, MAY APPEAL TO THE  
4 BUILDING BOARD OF APPEALS WITHIN FIFTEEN CALENDAR DAYS OF THE DATE OF  
5 THE ORDER. THE PETITION FOR APPEAL SHALL BE IN WRITING STATING THE  
6 GROUNDS FOR APPEAL AND SHALL BE FILED WITH THE DEPARTMENT OF  
7 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS ALONG WITH A NONREFUNDABLE  
8 FEE IN AN AMOUNT ESTABLISHED BY THE CITY COUNCIL. ANY RIGHT TO APPEAL  
9 SHALL BE WAIVED IF NOT TIMELY FILED.

10  
11 (B) THE BUILDING BOARD OF APPEALS SHALL CONSIDER THE APPEAL BASED UPON  
12 THE INFORMATION PROVIDED TO THE DEPARTMENT OF NEIGHBORHOOD AND  
13 ENVIRONMENTAL PROGRAMS AT THE TIME OF THE ORDER FROM WHICH THE APPEAL  
14 IS TAKING. IF THE BOARD FINDS THAT THE ORDER WAS IN ERROR OR CONTRARY TO  
15 THE PROVISIONS OF THIS CODE OR OTHER APPLICABLE LAW, THE BOARD MAY  
16 REVERSE OR MODIFY THE ORDER. THE DECISION OF THE BOARD ON ALL APPEALS  
17 SHALL BE IN WRITING AND SHALL CONTAIN THE FACTUAL FINDINGS OF THE BOARD  
18 AND THE REASONS FOR THE DECISION.

19  
20 (C) A PERSON AGGRIEVED BY A DECISION OF THE BUILDING BOARD OF APPEALS  
21 MADE PURSUANT TO THIS SECTION MAY APPEAL THAT DECISION TO THE CIRCUIT  
22 COURT FOR ANNE ARUNDEL COUNTY PURSUANT TO MARYLAND RULE TITLE 7,  
23 CHAPTER 200 OR ITS SUCCESSOR. FOR PURPOSES OF THIS SUBSECTION, A PERSON  
24 SHALL NOT BE CONSIDERED AGGRIEVED BY A DECISION OF THE BOARD UNLESS THE  
25 PERSON HAS APPEARED AS A PARTY AT THE HEARING BEFORE THE BOARD. AN  
26 APPEAL UNDER THIS SECTION SHALL BE TAKEN WITHIN THIRTY DAYS OF THE DATE  
27 OF THE DECISION APPEALED AND SHALL BE THE EXCLUSIVE REMEDY OF THE  
28 AGGRIEVED PARTY FROM THAT DECISION.  
29

## 30 **ARTICLE IV – REQUIREMENTS IN ALL FLOOD HAZARD AREAS**

### 31 32 **17.11.400 – APPLICATION REQUIREMENTS.**

33  
34 THE GENERAL REQUIREMENTS OF THIS SECTION APPLY TO ALL DEVELOPMENT  
35 PROPOSED WITHIN ALL SPECIAL FLOOD HAZARD AREAS IDENTIFIED IN SECTION  
36 17.11.050.

### 37 38 **17.11.405 - SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS.**

39  
40 (A) IN ALL FLOOD ZONES:

41  
42 (1) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL BE  
43 CONSISTENT WITH THE NEED TO MINIMIZE FLOOD DAMAGE AND ARE SUBJECT  
44 TO ALL APPLICABLE STANDARDS IN THIS CHAPTER.

45  
46 (2) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL HAVE  
47 UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL, AND WATER  
48 SYSTEMS LOCATED AND CONSTRUCTED TO MINIMIZE FLOOD DAMAGE.  
49

1 (3) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS SHALL HAVE  
2 ADEQUATE DRAINAGE PATHS PROVIDED TO REDUCE EXPOSURE TO FLOOD  
3 HAZARDS AND TO GUIDE FLOODWATERS AROUND AND AWAY FROM  
4 PROPOSED STRUCTURES.

5  
6 (4) SUBDIVISION PROPOSALS AND DEVELOPMENT PROPOSALS CONTAINING AT  
7 LEAST 5 LOTS OR AT LEAST 5 ACRES, WHICHEVER IS THE LESSER, THAT ARE  
8 WHOLLY OR PARTIALLY IN FLOOD HAZARD AREAS WHERE BASE FLOOD  
9 ELEVATION DATA ARE NOT PROVIDED BY THE FLOODPLAIN ADMINISTRATOR  
10 OR AVAILABLE FROM OTHER SOURCES, SHALL BE SUPPORTED BY  
11 DETERMINATIONS OF BASE FLOOD ELEVATIONS AS REQUIRED IN SECTION  
12 17.11.340 OF THIS CHAPTER.

13  
14 (5) SUBDIVISION ACCESS ROADS SHALL HAVE THE DRIVING SURFACE AT OR  
15 ABOVE THE BASE FLOOD ELEVATION.

16  
17 (B) IN SPECIAL FLOOD HAZARD AREAS OF NONTIDAL WATERS OF THE STATE:

18  
19 (1) SUBDIVISION PROPOSALS SHALL BE LAID OUT SUCH THAT PROPOSED  
20 BUILDING PADS ARE LOCATED OUTSIDE OF THE SPECIAL FLOOD HAZARD  
21 AREA AND ANY PORTION OF PLATTED LOTS THAT INCLUDE LAND AREAS THAT  
22 ARE BELOW THE BASE FLOOD ELEVATION SHALL BE USED FOR OTHER  
23 PURPOSES, DEED RESTRICTED, OR OTHERWISE PROTECTED TO PRESERVE IT  
24 AS OPEN SPACE.

25  
26 (2) SUBDIVISION ACCESS ROADS SHALL HAVE THE DRIVING SURFACE AT OR  
27 ABOVE THE BASE FLOOD ELEVATION.

28  
29 **17.11.410 - PROTECTION OF WATER SUPPLY AND SANITARY SEWAGE SYSTEMS.**

30  
31 (A) NEW AND REPLACEMENT WATER SUPPLY SYSTEMS SHALL BE DESIGNED TO  
32 MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO THE SYSTEMS.

33  
34 (B) NEW AND REPLACEMENT SANITARY SEWAGE SYSTEMS SHALL BE DESIGNED TO  
35 MINIMIZE OR ELIMINATE INFILTRATION OF FLOODWATERS INTO SYSTEMS AND  
36 DISCHARGES FROM SYSTEMS INTO FLOODWATERS.

37  
38 (C) ON-SITE WASTE DISPOSAL SYSTEMS SHALL BE LOCATED TO AVOID IMPAIRMENT  
39 TO OR CONTAMINATION FROM THEM DURING CONDITIONS OF FLOODING.

40  
41 (D) CESSPOOLS, SEPTIC TANKS, AND SEEPAGE PITS FOR NEW CONSTRUCTION ARE  
42 PROHIBITED.

43  
44 (E) ALL PIPES CONNECTED TO SEWAGE SYSTEMS SHALL BE CAST IRON, DUCTILE  
45 IRON PIPE, OR THE EQUIVALENT AS PROVIDED BY CITY OF ANNAPOLIS PUBLIC  
46 WORKS STANDARD SPECIFICATIONS AND CONSTRUCTION DETAILS, AND ALL PIPING  
47 SHALL BE LEAKPROOF.

48  
49 **17.11.420 - BUILDINGS AND STRUCTURES.**

50

1 NEW BUILDINGS AND STRUCTURES (INCLUDING THE PLACEMENT AND REPLACEMENT  
2 OF MANUFACTURED HOMES) AND SUBSTANTIAL IMPROVEMENT OF EXISTING  
3 STRUCTURES (INCLUDING MANUFACTURED HOMES) THAT ARE LOCATED, IN WHOLE  
4 OR IN PART, IN ANY SPECIAL FLOOD HAZARD AREA SHALL:

5  
6 (A) BE DESIGNED (OR MODIFIED) AND CONSTRUCTED TO SAFELY SUPPORT  
7 FLOOD LOADS. THE CONSTRUCTION SHALL PROVIDE A COMPLETE LOAD PATH  
8 CAPABLE OF TRANSFERRING ALL LOADS FROM THEIR POINT OF ORIGIN  
9 THROUGH THE LOAD-RESISTING ELEMENTS TO THE FOUNDATION.  
10 STRUCTURES SHALL BE DESIGNED, CONNECTED AND ANCHORED TO RESIST  
11 FLOTATION, COLLAPSE OR PERMANENT LATERAL MOVEMENT DUE TO  
12 STRUCTURAL LOADS AND STRESSES, INCLUDING HYDRODYNAMIC AND  
13 HYDROSTATIC LOADS AND THE EFFECTS OF BUOYANCY, FROM FLOODING  
14 EQUAL TO THE FLOOD PROTECTION ELEVATION OR THE ELEVATION  
15 REQUIRED BY THIS CHAPTER OR THE BUILDING CODE, WHICHEVER IS HIGHER.  
16

17 (B) BE CONSTRUCTED BY METHODS AND PRACTICES THAT MINIMIZE FLOOD  
18 DAMAGE.  
19

20 (C) USE FLOOD DAMAGE-RESISTANT MATERIALS BELOW THE ELEVATION OF  
21 THE LOWEST FLOOR REQUIRED IN SECTION 17.11.530 (A) OR SECTION  
22 17.11.540 (A) (FOR A ZONES) OR SECTION 17.11.620 (B) (FOR V ZONES AND  
23 COASTAL A ZONES).  
24

25 (D) HAVE ELECTRICAL SYSTEMS, EQUIPMENT AND COMPONENTS, AND  
26 MECHANICAL, HEATING, VENTILATING, AIR CONDITIONING, AND PLUMBING  
27 APPLIANCES, PLUMBING FIXTURES, DUCT SYSTEMS, AND OTHER SERVICE  
28 EQUIPMENT LOCATED AT OR ABOVE THE ELEVATION OF THE LOWEST FLOOR  
29 REQUIRED IN SECTION 17.11.530 (A) OR SECTION 17.11.540 (A) (A ZONES) OR  
30 SECTION 17.11.620 (B) (V ZONES AND COASTAL A ZONES). ELECTRICAL WIRING  
31 SYSTEMS ARE PERMITTED TO BE LOCATED BELOW ELEVATION OF THE  
32 LOWEST FLOOR PROVIDED THEY CONFORM TO THE PROVISIONS OF THE  
33 ELECTRICAL PART OF THE BUILDING CODE FOR WET LOCATIONS. IF  
34 REPLACED AS PART OF A SUBSTANTIAL IMPROVEMENT, ELECTRICAL  
35 SYSTEMS, EQUIPMENT AND COMPONENTS, AND HEATING, VENTILATION, AIR  
36 CONDITIONING, AND PLUMBING APPLIANCES, PLUMBING FIXTURES, DUCT  
37 SYSTEMS, AND OTHER SERVICE EQUIPMENT SHALL MEET THE REQUIREMENTS  
38 OF THIS SECTION.  
39

40 (E) AS AN ALTERNATIVE TO PARAGRAPH (D), ELECTRICAL SYSTEMS,  
41 EQUIPMENT AND COMPONENTS, AND HEATING, VENTILATING, AIR  
42 CONDITIONING, AND PLUMBING APPLIANCES, PLUMBING FIXTURES, DUCT  
43 SYSTEMS, AND OTHER SERVICE EQUIPMENT ARE PERMITTED TO BE LOCATED  
44 BELOW THE ELEVATION OF THE LOWEST FLOOR PROVIDED THEY ARE  
45 DESIGNED AND INSTALLED TO PREVENT WATER FROM ENTERING OR  
46 ACCUMULATING WITHIN THE COMPONENTS AND TO RESIST HYDROSTATIC  
47 AND HYDRODYNAMIC LOADS AND STRESSES, INCLUDING THE EFFECTS OF  
48 BUOYANCY, DURING THE OCCURRENCE OF FLOODING TO THAT ELEVATION.  
49

50 (F) HAVE THE ELECTRIC PANELBOARD ELEVATED AT LEAST THREE (3) FEET  
51 ABOVE THE BFE.

1  
2 (G) IF LOCATED IN FLOOD HAZARD AREAS (A ZONES) THAT ARE NOT  
3 IDENTIFIED AS COASTAL A ZONES AND COASTAL HIGH HAZARD AREAS (V  
4 ZONES), COMPLY WITH THE SPECIFIC REQUIREMENTS OF ARTICLE V.

5  
6 (H) IF LOCATED IN COASTAL A ZONE, COMPLY WITH THE SPECIFIC  
7 REQUIREMENTS OF:

8  
9 (1) ARTICLE VI (NEW CONSTRUCTION AND PLACEMENT OF NEW  
10 MANUFACTURED HOMES); OR

11  
12 (2) ARTICLE V (SUBSTANTIAL IMPROVEMENTS (INCLUDING REPAIR OF  
13 SUBSTANTIAL DAMAGE) AND REPLACEMENT MANUFACTURED HOMES).

14  
15 (I) IF LOCATED IN COASTAL HIGH HAZARD AREAS (V ZONES), COMPLY WITH  
16 THE SPECIFIC REQUIREMENTS OF ARTICLE VI.

17  
18 (J) COMPLY WITH THE REQUIREMENTS OF THE MOST RESTRICTIVE  
19 DESIGNATION IF LOCATED ON A SITE THAT HAS MORE THAN ONE FLOOD ZONE  
20 DESIGNATION (A ZONE, DESIGNATED FLOODWAY, COASTAL A ZONE, V ZONE).

21  
22 (K) EXISTING NONCONFORMING USES OR STRUCTURES LOCATED ON LAND  
23 BELOW THE BFE SHALL NOT BE EXPANDED.

24  
25 **17.11.430 - PLACEMENT OF FILL.**

26  
27 (A) DISPOSAL OF FILL, INCLUDING BUT NOT LIMITED TO EARTHEN SOILS, ROCK,  
28 RUBBLE, CONSTRUCTION DEBRIS, WOODY DEBRIS, AND TRASH, SHALL NOT BE  
29 PERMITTED IN SPECIAL FLOOD HAZARD AREAS.

30  
31 (B) FILL SHALL NOT BE PLACED IN COASTAL A ZONES OR COASTAL HIGH HAZARD  
32 AREAS (V ZONES) EXCEPT AS PROVIDED IN SECTION 17.11.610.

33  
34 (C) FILL PROPOSED TO BE PLACED TO ELEVATE STRUCTURES IN FLOOD HAZARD  
35 AREAS (A ZONES) THAT ARE NOT COASTAL A ZONES OR COASTAL HIGH HAZARD  
36 AREAS (V ZONES) SHALL COMPLY WITH THE FLOODWAYS REQUIREMENTS IN  
37 SECTION 17.11.520 (A), SECTION 17.11.520 (B), AND SECTION 17.11.520 (C) AND THE  
38 LIMITATIONS OF SECTION 17.11.530 (B).

39  
40 **17.11.440 - HISTORIC STRUCTURES.**

41  
42 REPAIR, ALTERATION, ADDITION, REHABILITATION, OR OTHER IMPROVEMENT OF  
43 HISTORIC STRUCTURES SHALL BE SUBJECT TO THE REQUIREMENTS OF THIS  
44 CHAPTER IF THE PROPOSED WORK IS DETERMINED TO BE A SUBSTANTIAL  
45 IMPROVEMENT, UNLESS A DETERMINATION IS MADE THAT THE PROPOSED WORK  
46 WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED DESIGNATION AS A HISTORIC  
47 STRUCTURE. THE FLOODPLAIN ADMINISTRATOR MAY REQUIRE DOCUMENTATION OF  
48 A STRUCTURE'S CONTINUED ELIGIBILITY AND DESIGNATION AS A HISTORIC  
49 STRUCTURE.

50  
51 **17.11.450 - MANUFACTURED HOMES AND BUILDINGS.**

1  
2 NEW OR RELOCATED MANUFACTURED HOMES OR BUILDINGS ARE PROHIBITED FROM  
3 AT OR BELOW THE BFE.

4  
5 **17.11.455 - RECREATIONAL VEHICLES.**

6  
7 RECREATIONAL VEHICLES ARE PROHIBITED FROM BEING STORED AT OR BELOW THE  
8 BFE.

9  
10 **17.11.460 - CRITICAL AND ESSENTIAL FACILITIES.**

11  
12 CRITICAL AND ESSENTIAL FACILITIES SHALL:

13  
14 (A) NOT BE LOCATED IN COASTAL HIGH HAZARD AREAS (V ZONES).

15  
16 (B) IF LOCATED IN FLOOD HAZARD AREAS OTHER THAN COASTAL HIGH  
17 HAZARD AREAS, BE ELEVATED TO THE HIGHER OF ELEVATION REQUIRED BY  
18 THIS CHAPTER PLUS ONE (1) FOOT, THE ELEVATION REQUIRED BY THE  
19 BUILDING CODE, OR THE ELEVATION OF THE 0.2 PERCENT CHANCE (500-YEAR)  
20 FLOOD.

21  
22 **17.11.470 - TEMPORARY STRUCTURES AND TEMPORARY STORAGE.**

23  
24 IN ADDITION TO THE APPLICATION REQUIREMENTS OF SECTION 17.11.340,  
25 APPLICATIONS FOR THE PLACEMENT OR ERECTION OF TEMPORARY STRUCTURES  
26 AND THE TEMPORARY STORAGE OF ANY GOODS, MATERIALS, AND EQUIPMENT,  
27 SHALL SPECIFY THE DURATION OF THE TEMPORARY USE. TEMPORARY STRUCTURES  
28 AND TEMPORARY STORAGE IN FLOODWAYS SHALL MEET THE LIMITATIONS OF  
29 SECTION 17.11.520 (A) OF THIS CHAPTER. IN ADDITION:

30  
31 (A) TEMPORARY STRUCTURES SHALL:

32  
33 (1) BE DESIGNED AND CONSTRUCTED TO PREVENT FLOTATION,  
34 COLLAPSE OR LATERAL MOVEMENT RESULTING FROM HYDRODYNAMIC  
35 LOADS AND HYDROSTATIC LOADS DURING CONDITIONS OF THE BASE  
36 FLOOD;

37  
38 (2) HAVE ELECTRIC SERVICE INSTALLED IN COMPLIANCE WITH THE  
39 ELECTRIC CODE; AND

40  
41 (3) COMPLY WITH ALL OTHER REQUIREMENTS OF THE APPLICABLE  
42 STATE AND LOCAL PERMIT AUTHORITIES.

43  
44 (B) TEMPORARY STORAGE SHALL NOT INCLUDE HAZARDOUS MATERIALS.

45  
46 **17.11.480 - GAS OR LIQUID STORAGE TANKS.**

47  
48 (A) UNDERGROUND TANKS IN FLOOD HAZARD AREAS SHALL BE ANCHORED TO  
49 PREVENT FLOTATION, COLLAPSE OR LATERAL MOVEMENT RESULTING FROM  
50 HYDROSTATIC LOADS, INCLUDING THE EFFECTS OF BUOYANCY, DURING  
51 CONDITIONS OF THE BASE FLOOD.

1  
2 (B) ABOVE-GROUND TANKS IN FLOOD HAZARD AREAS SHALL BE ANCHORED TO  
3 A SUPPORTING STRUCTURE AND ELEVATED TO OR ABOVE THE BASE FLOOD  
4 ELEVATION, OR SHALL BE ANCHORED OR OTHERWISE DESIGNED AND  
5 CONSTRUCTED TO PREVENT FLOTATION, COLLAPSE, OR LATERAL MOVEMENT  
6 RESULTING FROM HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING  
7 THE EFFECTS OF BUOYANCY, DURING CONDITIONS OF THE BASE FLOOD.  
8

9 (C) IN FLOOD HAZARD AREAS, TANK INLETS, FILL OPENINGS, OUTLETS AND  
10 VENTS SHALL BE:

11  
12 (1) AT OR ABOVE THE BASE FLOOD ELEVATION OR FITTED WITH  
13 COVERS DESIGNED TO PREVENT THE INFLOW OF FLOODWATER OR  
14 OUTFLOW OF THE CONTENTS OF THE TANKS DURING CONDITIONS OF  
15 THE BASE FLOOD; AND  
16

17 (2) ANCHORED TO PREVENT LATERAL MOVEMENT RESULTING FROM  
18 HYDRODYNAMIC AND HYDROSTATIC LOADS, INCLUDING THE EFFECTS  
19 OF BUOYANCY, DURING CONDITIONS OF THE BASE FLOOD.  
20

21 **17.11.490 - FUNCTIONALLY DEPENDENT USES.**

22  
23 APPLICATIONS FOR FUNCTIONALLY DEPENDENT USES THAT DO NOT CONFORM TO  
24 THE REQUIREMENTS OF THIS CHAPTER SHALL BE APPROVED ONLY BY VARIANCES  
25 ISSUED PURSUANT TO ARTICLE VII. IF APPROVED, FUNCTIONALLY DEPENDENT USES  
26 SHALL BE PROTECTED BY METHODS THAT MINIMIZE FLOOD DAMAGE DURING THE  
27 BASE FLOOD, INCLUDING MEASURES TO ALLOW FLOODWATERS TO ENTER AND EXIT,  
28 USE OF FLOOD DAMAGE-RESISTANT MATERIALS, AND ELEVATION OF ELECTRIC  
29 SERVICE AND EQUIPMENT TO THE EXTENT PRACTICAL GIVEN THE USE OF THE  
30 BUILDING.  
31

32 **ARTICLE V – REQUIREMENTS IN FLOOD HAZARD AREAS (A ZONES)**  
33 **THAT ARE NOT COASTAL HIGH HAZARD AREAS (V ZONES) OR COASTAL**  
34 **A ZONES**

35 **17.11.500 – GENERAL REQUIREMENTS.**

36  
37 IN ADDITION TO THE GENERAL REQUIREMENTS OF ARTICLE IV, THE REQUIREMENTS  
38 OF THIS SECTION SHALL:

39  
40 (A) APPLY IN FLOOD HAZARD AREAS THAT ARE NOT IDENTIFIED AS COASTAL  
41 HIGH HAZARD AREAS (V ZONES) AND COASTAL A ZONES. THESE FLOOD  
42 HAZARD AREAS, REFERRED TO COLLECTIVELY AS “A ZONES,” INCLUDE  
43 SPECIAL FLOOD HAZARD AREAS ALONG NONTIDAL WATERS OF THE STATE,  
44 LANDWARD OF COASTAL HIGH HAZARD AREAS (V ZONES), AND LANDWARD OF  
45 COASTAL A ZONES (IF DELINEATED).  
46

47 (B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL  
48 IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND

1 PLACEMENT, REPLACEMENT, AND SUBSTANTIAL IMPROVEMENT (INCLUDING  
2 REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED HOMES.

3  
4 (C) BASEMENTS, AS DEFINED BY THIS CHAPTER, ARE PROHIBITED.

5  
6 **17.11.510 - FLOOD PROTECTION SETBACKS.**

7  
8 WITHIN AREAS DEFINED BY FLOOD PROTECTION SETBACKS ALONG NONTIDAL  
9 WATERS OF THE STATE:

10  
11 (A) NO NEW BUILDINGS, STRUCTURES, OR OTHER DEVELOPMENT SHALL BE  
12 PERMITTED UNLESS THE APPLICANT DEMONSTRATES THAT THE SITE CANNOT  
13 BE DEVELOPED WITHOUT SUCH ENCROACHMENT INTO THE FLOOD  
14 PROTECTION SETBACK AND THE ENCROACHMENT IS THE MINIMUM  
15 NECESSARY AFTER CONSIDERATION OF VARYING OTHER SITING STANDARDS  
16 SUCH AS SIDE, FRONT, AND BACK LOT LINE SETBACKS.

17  
18 (B) DISTURBANCE OF NATURAL VEGETATION SHALL BE MINIMIZED AND ANY  
19 DISTURBANCE ALLOWED SHALL BE VEGETATIVELY STABILIZED.

20  
21 (C) PUBLIC WORKS AND TEMPORARY CONSTRUCTION MAY BE PERMITTED.

22  
23 **17.11.520 - DEVELOPMENT THAT AFFECTS FLOOD-CARRYING CAPACITY OF**  
24 **NONTIDAL WATERS OF THE STATE.**

25  
26 (A) DEVELOPMENT IN DESIGNATED FLOODWAYS.

27  
28 (1) FOR PROPOSED DEVELOPMENT THAT WILL ENCROACH INTO A  
29 DESIGNATED FLOODWAY, SECTION 17.11.340 (A) (7) REQUIRES THE APPLICANT  
30 TO SUBMIT AN EVALUATION OF ALTERNATIVES TO SUCH ENCROACHMENT,  
31 INCLUDING DIFFERENT USES OF THE SITE OR THE PORTION OF THE SITE  
32 WITHIN THE FLOODWAY, AND MINIMIZATION OF SUCH ENCROACHMENT. THIS  
33 REQUIREMENT DOES NOT APPLY TO FENCES THAT DO NOT BLOCK THE FLOW  
34 OF FLOODWATERS OR TRAP DEBRIS.

35  
36 (2) PROPOSED DEVELOPMENT IN A DESIGNATED FLOODWAY MAY BE  
37 PERMITTED ONLY IF:

38  
39 (A) THE APPLICANT HAS BEEN ISSUED A PERMIT BY MDE; AND

40  
41 (B) THE APPLICANT HAS DEVELOPED HYDROLOGIC AND HYDRAULIC  
42 ENGINEERING ANALYSES AND TECHNICAL DATA PREPARED BY A  
43 LICENSED PROFESSIONAL ENGINEER REFLECTING SUCH CHANGES,  
44 AND THE ANALYSES, WHICH SHALL BE SUBMITTED TO THE FLOODPLAIN  
45 ADMINISTRATOR, DEMONSTRATE THAT THE PROPOSED ACTIVITY WILL  
46 NOT RESULT IN ANY INCREASE IN THE BASE FLOOD ELEVATION; OR

47  
48 (C) IF THE ANALYSES DEMONSTRATE THAT THE PROPOSED ACTIVITIES  
49 WILL RESULT IN AN INCREASE IN THE BASE FLOOD ELEVATION, THE  
50 APPLICANT HAS OBTAINED A CONDITIONAL LETTER OF MAP REVISION

1 OR LETTER OF MAP REVISION FROM FEMA. SUBMITTAL REQUIREMENTS  
2 AND FEES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.  
3

4 (B) DEVELOPMENT THAT INCLUDES THE PLACEMENT OF FILL IN NONTIDAL WATERS  
5 OF THE STATE.  
6

7 FOR PROPOSED DEVELOPMENT THAT INCLUDES THE PLACEMENT OF FILL IN  
8 NONTIDAL WATERS OF THE STATE, OTHER THAN DEVELOPMENT THAT IS SUBJECT  
9 TO PARAGRAPH (D), A HYDRAULICALLY-EQUIVALENT VOLUME OF EXCAVATION IS  
10 REQUIRED. SUCH EXCAVATIONS SHALL BE DESIGNED TO DRAIN FREELY.  
11

12 (C) DEVELOPMENT IN AREAS WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED  
13 FLOODWAYS.  
14

15 FOR DEVELOPMENT IN SPECIAL FLOOD HAZARD AREAS OF NONTIDAL WATERS OF  
16 THE STATE WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED FLOODWAYS:  
17

18 (1) THE APPLICANT SHALL DEVELOP HYDROLOGIC AND HYDRAULIC  
19 ENGINEERING ANALYSES AND TECHNICAL DATA REFLECTING THE PROPOSED  
20 ACTIVITY AND SHALL SUBMIT SUCH TECHNICAL DATA TO THE FLOODPLAIN  
21 ADMINISTRATOR AS REQUIRED IN SECTION 17.11.340 (A) (6). THE ANALYSES  
22 SHALL BE PREPARED BY A LICENSED PROFESSIONAL ENGINEER IN A FORMAT  
23 REQUIRED BY FEMA FOR A CONDITIONAL LETTER OF MAP REVISION OR  
24 LETTER OF MAP REVISION. SUBMITTAL REQUIREMENTS AND FEES SHALL BE  
25 THE RESPONSIBILITY OF THE APPLICANT.  
26

27 (2) THE PROPOSED DEVELOPMENT MAY BE PERMITTED IF THE APPLICANT HAS  
28 RECEIVED A PERMIT BY MDE AND IF THE ANALYSES DEMONSTRATE THAT THE  
29 CUMULATIVE EFFECT OF THE PROPOSED DEVELOPMENT, WHEN COMBINED  
30 WITH ALL OTHER EXISTING AND POTENTIAL FLOOD HAZARD AREA  
31 ENCROACHMENTS WILL NOT INCREASE THE BASE FLOOD ELEVATION MORE  
32 THAN 1.0 FOOT AT ANY POINT.  
33

34 (D) CONSTRUCTION OF ROADS, BRIDGES, CULVERTS, DAMS AND IN-STREAM PONDS.  
35

36 CONSTRUCTION OF ROADS, BRIDGES, CULVERTS, DAMS, AND IN-STREAM PONDS IN  
37 NONTIDAL WATERS OF THE STATE SHALL NOT BE APPROVED UNLESS THEY COMPLY  
38 WITH THIS SECTION AND THE APPLICANT HAS RECEIVED A PERMIT FROM MDE.  
39

40 (E) ALTERATION OF A WATERCOURSE.  
41

42 (1) FOR ANY PROPOSED DEVELOPMENT THAT INVOLVES ALTERATION OF A  
43 WATERCOURSE NOT SUBJECT TO PARAGRAPH (C), UNLESS WAIVED BY MDE,  
44 THE APPLICANT SHALL DEVELOP HYDROLOGIC AND HYDRAULIC ENGINEERING  
45 ANALYSES AND TECHNICAL DATA REFLECTING SUCH CHANGES, INCLUDING  
46 THE FLOODWAY ANALYSIS REQUIRED IN SECTION 17.11.340 (A), AND SUBMIT  
47 SUCH TECHNICAL DATA TO THE FLOODPLAIN ADMINISTRATOR AND TO FEMA.  
48 THE ANALYSES SHALL BE PREPARED BY A LICENSED PROFESSIONAL  
49 ENGINEER IN A FORMAT REQUIRED BY MDE AND BY FEMA FOR A CONDITIONAL  
50 LETTER OF MAP REVISION OR LETTER OF MAP REVISION. SUBMITTAL  
51 REQUIREMENTS AND FEES SHALL BE THE RESPONSIBILITY OF THE APPLICANT.

1  
2 (2) ALTERATION OF A WATERCOURSE MAY BE PERMITTED ONLY UPON  
3 SUBMISSION, BY THE APPLICANT, OF THE FOLLOWING:  
4

5 (A) A DESCRIPTION OF THE EXTENT TO WHICH THE WATERCOURSE WILL  
6 BE ALTERED OR RELOCATED;  
7

8 (B) A CERTIFICATION BY A LICENSED PROFESSIONAL ENGINEER THAT  
9 THE FLOOD-CARRYING CAPACITY OF THE WATERCOURSE WILL NOT BE  
10 DIMINISHED;  
11

12 (C) EVIDENCE THAT ADJACENT COMMUNITIES, THE U.S. ARMY CORPS  
13 OF ENGINEERS, AND MDE HAVE BEEN NOTIFIED OF THE PROPOSAL,  
14 AND EVIDENCE THAT SUCH NOTIFICATIONS HAVE BEEN SUBMITTED TO  
15 FEMA; AND  
16

17 (D) EVIDENCE THAT THE APPLICANT SHALL BE RESPONSIBLE FOR  
18 PROVIDING THE NECESSARY MAINTENANCE FOR THE ALTERED OR  
19 RELOCATED PORTION OF THE WATERCOURSE SO THAT THE FLOOD  
20 CARRYING CAPACITY WILL NOT BE DIMINISHED. THE FLOODPLAIN  
21 ADMINISTRATOR MAY REQUIRE THE APPLICANT TO ENTER INTO AN  
22 AGREEMENT WITH CITY OF ANNAPOLIS SPECIFYING THE MAINTENANCE  
23 RESPONSIBILITIES; IF AN AGREEMENT IS REQUIRED, THE PERMIT SHALL  
24 BE CONDITIONED TO REQUIRE THAT THE AGREEMENT BE RECORDED  
25 ON THE DEED OF THE PROPERTY WHICH SHALL BE BINDING ON FUTURE  
26 OWNERS.  
27

28 **17.11.530 - RESIDENTIAL STRUCTURES AND RESIDENTIAL PORT IONS OF MIXED USE**  
29 **STRUCTURES.**  
30

31 NEW RESIDENTIAL STRUCTURES AND RESIDENTIAL PORTIONS OF MIXED USE  
32 STRUCTURES, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF  
33 SUBSTANTIAL DAMAGE) OF EXISTING RESIDENTIAL STRUCTURES AND RESIDENTIAL  
34 PORTIONS OF MIXED USE STRUCTURES SHALL COMPLY WITH THE APPLICABLE  
35 REQUIREMENTS OF ARTICLE IV AND THIS SECTION. SEE SECTION 17.11.550 FOR  
36 REQUIREMENTS FOR HORIZONTAL ADDITIONS.  
37

38 (A) ELEVATION REQUIREMENTS.  
39

40 (1) LOWEST FLOORS SHALL BE ELEVATED TO OR ABOVE THE FLOOD  
41 PROTECTION ELEVATION.  
42

43 (2) IN AREAS OF SHALLOW FLOODING (ZONE AO), THE LOWEST FLOOR  
44 (INCLUDING BASEMENT) SHALL BE ELEVATED AT LEAST AS HIGH ABOVE  
45 THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED IN  
46 FEET ON THE FIRM PLUS TWO (2) FEET, OR AT LEAST FOUR (4) FEET IF A  
47 DEPTH NUMBER IS NOT SPECIFIED.  
48

49 (3) ENCLOSURES BELOW THE LOWEST FLOOR SHALL MEET THE  
50 REQUIREMENTS OF PARAGRAPH (C).  
51

1 (B) LIMITATIONS ON USE OF FILL TO ELEVATE STRUCTURES.  
2

3 UNLESS OTHERWISE RESTRICTED BY THIS CHAPTER, ESPECIALLY BY THE  
4 LIMITATIONS IN SECTION 17.11.520 (A), SECTION 17.11.520 (B), AND SECTION  
5 17.11.520 (C), FILL PLACED FOR THE PURPOSE OF RAISING THE GROUND LEVEL  
6 TO SUPPORT A BUILDING OR STRUCTURE SHALL:  
7

8 (1) CONSIST OF EARTHEN SOIL OR ROCK MATERIALS ONLY.  
9

10 (2) EXTEND Laterally FROM THE BUILDING FOOTPRINT TO PROVIDE  
11 FOR ADEQUATE ACCESS AS A FUNCTION OF USE; THE FLOODPLAIN  
12 ADMINISTRATOR MAY SEEK ADVICE FROM THE STATE FIRE MARSHAL'S  
13 OFFICE AND/OR THE LOCAL FIRE SERVICES AGENCY;  
14

15 (3) COMPLY WITH THE REQUIREMENTS OF THE BUILDING CODE AND BE  
16 PLACED AND COMPACTED TO PROVIDE FOR STABILITY UNDER  
17 CONDITIONS OF RISING AND FALLING FLOODWATERS AND RESISTANCE  
18 TO EROSION, SCOUR, AND SETTLING;  
19

20 (4) BE SLOPED NO STEEPER THAN ONE (1) VERTICAL TO TWO (2)  
21 HORIZONTAL, UNLESS APPROVED BY THE FLOODPLAIN  
22 ADMINISTRATOR;  
23

24 (5) BE PROTECTED FROM EROSION ASSOCIATED WITH EXPECTED  
25 VELOCITIES DURING THE OCCURRENCE OF THE BASE FLOOD; UNLESS  
26 APPROVED BY THE FLOODPLAIN ADMINISTRATOR, FILL SLOPES SHALL  
27 BE PROTECTED BY VEGETATION IF THE EXPECTED VELOCITY IS LESS  
28 THAN FIVE FEET PER SECOND, AND BY OTHER MEANS IF THE EXPECTED  
29 VELOCITY IS FIVE FEET PER SECOND OR MORE; AND  
30

31 (6) BE DESIGNED WITH PROVISIONS FOR ADEQUATE DRAINAGE AND NO  
32 ADVERSE EFFECT ON ADJACENT PROPERTIES.  
33

34 (C) ENCLOSURES BELOW THE LOWEST FLOOR.  
35

36 (1) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE USED SOLELY  
37 FOR PARKING OF VEHICLES, BUILDING ACCESS, CRAWL/UNDERFLOOR  
38 SPACES, OR LIMITED STORAGE.  
39

40 (2) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE CONSTRUCTED  
41 USING FLOOD DAMAGE-RESISTANT MATERIALS.  
42

43 (3) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE PROVIDED  
44 WITH FLOOD OPENINGS WHICH SHALL MEET THE FOLLOWING CRITERIA:  
45 [NOTE: SEE NFIP TECHNICAL BULLETIN #1, "OPENINGS IN FOUNDATION  
46 WALLS AND WALLS OF ENCLOSURES BELOW ELEVATED BUILDINGS."]  
47

48 (A) THERE SHALL BE A MINIMUM OF TWO FLOOD OPENINGS ON  
49 DIFFERENT SIDES OF EACH ENCLOSED AREA; IF A BUILDING HAS  
50 MORE THAN ONE ENCLOSURE BELOW THE LOWEST FLOOR, EACH

1 SUCH ENCLOSURE SHALL HAVE FLOOD OPENINGS ON EXTERIOR  
2 WALLS.

3  
4 (B) THE TOTAL NET AREA OF ALL FLOOD OPENINGS SHALL BE AT  
5 LEAST 1 SQUARE INCH FOR EACH SQUARE FOOT OF ENCLOSED  
6 AREA (NON-ENGINEERED FLOOD OPENINGS), OR THE FLOOD  
7 OPENINGS SHALL BE ENGINEERED FLOOD OPENINGS THAT ARE  
8 DESIGNED AND CERTIFIED BY A LICENSED PROFESSIONAL  
9 ENGINEER TO AUTOMATICALLY ALLOW ENTRY AND EXIT OF  
10 FLOODWATERS; THE CERTIFICATION REQUIREMENT MAY BE  
11 SATISFIED BY AN INDIVIDUAL CERTIFICATION OR AN EVALUATION  
12 REPORT ISSUED BY THE ICC EVALUATION SERVICE, INC.

13  
14 (C) THE BOTTOM OF EACH FLOOD OPENING SHALL BE 1 FOOT OR  
15 LESS ABOVE THE HIGHER OF THE INTERIOR FLOOR OR GRADE,  
16 OR THE EXTERIOR GRADE, IMMEDIATELY BELOW THE OPENING.

17  
18 (D) ANY LOUVERS, SCREENS OR OTHER COVERS FOR THE FLOOD  
19 OPENINGS SHALL ALLOW THE AUTOMATIC FLOW OF  
20 FLOODWATERS INTO AND OUT OF THE ENCLOSED AREA.

21  
22 (E) IF INSTALLED IN DOORS, FLOOD OPENINGS THAT MEET  
23 REQUIREMENTS OF PARAGRAPHS (A) THROUGH (D), ARE  
24 ACCEPTABLE; HOWEVER, DOORS WITHOUT INSTALLED FLOOD  
25 OPENINGS DO NOT MEET THE REQUIREMENTS OF THIS SECTION.

26  
27 **17.11.540 - NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF**  
28 **MIXED USE STRUCTURES.**

29  
30 NEW NONRESIDENTIAL STRUCTURES AND NONRESIDENTIAL PORTIONS OF MIXED  
31 USE STRUCTURES, AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF  
32 SUBSTANTIAL DAMAGE) OF EXISTING NONRESIDENTIAL STRUCTURES AND  
33 NONRESIDENTIAL PORTIONS OF MIXED USE STRUCTURES SHALL COMPLY WITH THE  
34 APPLICABLE REQUIREMENTS OF ARTICLE IV AND THE REQUIREMENTS OF THIS  
35 SECTION. SEE SECTION 17.11.550 FOR REQUIREMENTS FOR HORIZONTAL ADDITIONS.

36  
37 (A) ELEVATION REQUIREMENTS.

38  
39 ELEVATED STRUCTURES SHALL:

40  
41 (1) HAVE THE LOWEST FLOOR (INCLUDING BASEMENT) ELEVATED TO OR  
42 ABOVE THE FLOOD PROTECTION ELEVATION; OR

43  
44 (2) IN AREAS OF SHALLOW FLOODING (ZONE AO), HAVE THE LOWEST  
45 FLOOR (INCLUDING BASEMENT) ELEVATED AT LEAST AS HIGH ABOVE  
46 THE HIGHEST ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED IN  
47 FEET ON THE FIRM PLUS TWO (2) FEET, OR AT LEAST FOUR (4) FEET IF A  
48 DEPTH NUMBER IS NOT SPECIFIED; AND

49  
50 (3) HAVE ENCLOSURES BELOW THE LOWEST FLOOR, IF ANY, THAT  
51 COMPLY WITH THE REQUIREMENTS OF SECTION 17.11.530 (C); OR

1  
2 (4) IF PROPOSED TO BE ELEVATED ON FILL, MEET THE LIMITATIONS ON  
3 FILL IN SECTION 17.11.530 (B).  
4

5 (B) FLOODPROOFING REQUIREMENTS  
6

7 (1) FLOODPROOFING OF NEW NONRESIDENTIAL BUILDINGS:  
8

9 (A) IS NOT ALLOWED IN NONTIDAL WATERS OF THE STATE  
10 (COMAR 26.17.04.11 (B) (7)).  
11

12 (B) IS NOT ALLOWED IN COASTAL A ZONES.  
13

14 (2) FLOODPROOFING FOR SUBSTANTIAL IMPROVEMENT OF  
15 NONRESIDENTIAL BUILDINGS:  
16

17 (A) IS ALLOWED IN NONTIDAL WATERS OF THE STATE.  
18

19 (B) IS ALLOWED IN COASTAL A ZONES.  
20

21 (3) IF FLOODPROOFING IS PROPOSED, STRUCTURES SHALL:  
22

23 (A) BE DESIGNED TO BE DRY FLOODPROOFED SUCH THAT THE  
24 BUILDING OR STRUCTURE IS WATERTIGHT WITH WALLS AND  
25 FLOORS SUBSTANTIALLY IMPERMEABLE TO THE PASSAGE OF  
26 WATER TO THE LEVEL OF THE FLOOD PROTECTION ELEVATION  
27 PLUS 1.0 FOOT, OR  
28

29 (B) IF LOCATED IN AN AREA OF SHALLOW FLOODING (ZONE AO),  
30 BE DRY FLOODPROOFED AT LEAST AS HIGH ABOVE THE HIGHEST  
31 ADJACENT GRADE AS THE DEPTH NUMBER SPECIFIED ON THE  
32 FIRM PLUS THREE (3) FEET, OR AT LEAST FIVE (5) FEET IF A  
33 DEPTH NUMBER IS NOT SPECIFIED; AND  
34

35 (C) HAVE STRUCTURAL COMPONENTS CAPABLE OF RESISTING  
36 HYDROSTATIC AND HYDRODYNAMIC LOADS AND EFFECTS OF  
37 BUOYANCY;  
38

39 (D) HAVE FLOODPROOFING MEASURES THAT ARE DESIGNED  
40 TAKING INTO CONSIDERATION THE NATURE OF FLOOD-RELATED  
41 HAZARDS; FREQUENCY, DEPTH AND DURATION OF FLOODING;  
42 RATE OF RISE AND FALL OF FLOODWATER; SOIL  
43 CHARACTERISTICS; FLOOD-BORNE DEBRIS; AT LEAST 12 HOURS  
44 OF FLOOD WARNING TIME FROM A CREDIBLE SOURCE; AND TIME  
45 NECESSARY TO IMPLEMENT ANY MEASURES THAT REQUIRE  
46 HUMAN INTERVENTION;  
47

48 (E) HAVE AT LEAST ONE DOOR ABOVE THE APPLICABLE FLOOD  
49 ELEVATION THAT ALLOWS HUMAN INGRESS AND EGRESS  
50 DURING CONDITIONS OF FLOODING;  
51

1 (F) HAVE AN OPERATIONS AND MAINTENANCE PLAN THAT IS  
2 FILED WITH LOCAL EMERGENCY MANAGEMENT OFFICIALS AND  
3 THAT SPECIFIES THE OWNER/OCCUPANT'S RESPONSIBILITIES TO  
4 MONITOR FLOOD POTENTIAL; THE LOCATION OF ANY SHIELDS,  
5 DOORS, CLOSURES, TOOLS, OR OTHER GOODS THAT ARE  
6 REQUIRED FOR IMPLEMENTATION; MAINTENANCE OF SUCH  
7 GOODS; METHODS OF INSTALLATION; AND PERIODIC  
8 INSPECTION; AND  
9

10 (G) BE CERTIFIED BY A LICENSED PROFESSIONAL ENGINEER OR  
11 LICENSED ARCHITECT, THROUGH EXECUTION OF A  
12 FLOODPROOFING CERTIFICATE THAT STATES THAT THE DESIGN  
13 AND METHODS OF CONSTRUCTION MEET THE REQUIREMENTS OF  
14 THIS SECTION. THE FLOODPROOFING CERTIFICATE SHALL BE  
15 SUBMITTED WITH THE CONSTRUCTION DRAWINGS AS REQUIRED  
16 IN SECTION 17.11.340 (A) (13).  
17

18 **17.11.550 - HORIZONTAL ADDITIONS.**  
19

20 (A) A HORIZONTAL ADDITION PROPOSED FOR A BUILDING OR STRUCTURE THAT WAS  
21 CONSTRUCTED AFTER THE DATE SPECIFIED IN SECTION 17.11.010 SHALL COMPLY  
22 WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS SECTION.  
23

24 (B) IN NONTIDAL WATERS OF THE STATE THAT ARE SUBJECT TO THE REGULATORY  
25 AUTHORITY OF MDE, ALL HORIZONTAL ADDITIONS SHALL COMPLY WITH THE  
26 APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS SECTION AND:  
27

28 (1) IF THE ADDITION IS STRUCTURALLY CONNECTED TO THE BASE BUILDING,  
29 THE REQUIREMENTS OF PARAGRAPH (C) APPLY.  
30

31 (2) IF THE ADDITION HAS AN INDEPENDENT FOUNDATION AND IS NOT  
32 STRUCTURALLY CONNECTED TO THE BASE BUILDING AND THE COMMON WALL  
33 WITH THE BASE BUILDING IS MODIFIED BY NO MORE THAN A DOORWAY, THE  
34 BASE BUILDING IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.  
35

36 (C) FOR HORIZONTAL ADDITIONS THAT ARE STRUCTURALLY CONNECTED TO THE  
37 BASE BUILDING:  
38

39 (1) IF THE ADDITION COMBINED WITH OTHER PROPOSED REPAIRS,  
40 ALTERATIONS, OR MODIFICATIONS OF THE BASE BUILDING CONSTITUTES  
41 SUBSTANTIAL IMPROVEMENT, THE BASE BUILDING AND THE ADDITION SHALL  
42 COMPLY WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS  
43 SECTION.  
44

45 (2) IF THE ADDITION CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE BASE  
46 BUILDING AND THE ADDITION SHALL COMPLY WITH ALL OF THE APPLICABLE  
47 REQUIREMENTS OF ARTICLE IV AND THIS SECTION.  
48

49 (D) FOR HORIZONTAL ADDITIONS WITH INDEPENDENT FOUNDATIONS THAT ARE NOT  
50 STRUCTURALLY CONNECTED TO THE BASE BUILDING AND THE COMMON WALL WITH

1 THE BASE BUILDING IS MODIFIED BY NO MORE THAN A DOORWAY, THE BASE  
2 BUILDING IS NOT REQUIRED TO BE BROUGHT INTO COMPLIANCE.

3  
4 **17.11.560 - ACCESSORY STRUCTURES.**

5  
6 (A) ACCESSORY STRUCTURES SHALL BE LIMITED TO NO MORE THAN ONE (1) STORY  
7 IN HEIGHT AND THREE HUNDRED (300) SQUARE FEET IN FLOOR AREA.

8  
9 (B) ACCESSORY STRUCTURES SHALL COMPLY WITH THE ELEVATION REQUIREMENTS  
10 AND OTHER REQUIREMENTS OF SECTION 17.11.530, THE FLOODPROOFING  
11 REQUIREMENTS OF SECTION 17.11.540 (B), OR SHALL:

12  
13 (1) BE USEABLE ONLY FOR PARKING OF VEHICLES OR LIMITED STORAGE;

14  
15 (2) BE CONSTRUCTED WITH FLOOD DAMAGE-RESISTANT MATERIALS BELOW  
16 THE BASE FLOOD ELEVATION;

17  
18 (3) BE CONSTRUCTED AND PLACED TO OFFER THE MINIMUM RESISTANCE TO  
19 THE FLOW OF FLOODWATERS;

20  
21 (4) BE ANCHORED TO PREVENT FLOTATION;

22  
23 (5) HAVE ELECTRICAL SERVICE AND MECHANICAL EQUIPMENT ELEVATED TO  
24 OR ABOVE THE BASE FLOOD ELEVATION; AND

25  
26 (6) HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF SECTION  
27 17.11.530 (C).

28  
29 (7) HAVE A STATEMENT ON THE BUILDING PLANS WHICH SHALL READ AS  
30 FOLLOWS: "NO ENLARGEMENT OR CONVERSION OF THIS AREA TO HABITABLE  
31 SPACE IS TO OCCUR UNLESS THE LOWEST FLOOR IS ELEVATED AT OR ABOVE  
32 EIGHT FEET ABOVE MEAN SEA LEVEL."

33  
34 (8) BE CONSTRUCTED SO THAT THE FLOOR ELEVATION OF THE ACCESSORY  
35 STRUCTURE DOES NOT QUALIFY AS A BASEMENT AND MUST BE  
36 CONSTRUCTED ON OR ABOVE GRADE.

37  
38 (9) BE DESIGNED TO HAVE LOW FLOOD DAMAGE POTENTIAL, INCLUDING  
39 PROVISIONS TO ALLOW THE FREE FLOW OF WATER INTO AND OUT OF THE  
40 STRUCTURE IN ORDER TO MAINTAIN EQUAL PRESSURE.

41  
42 (10) HAVE THE APPLICANT MADE AWARE THAT IF THE ACCESSORY  
43 STRUCTURE IS BUILT BELOW EIGHT FEET ABOVE MEAN SEA LEVEL AND IS NOT  
44 FLOODPROOFED, THAT STRUCTURE MAY BE SUSCEPTIBLE TO HIGHER  
45 INSURANCE PREMIUM RATES FOR THE STRUCTURE AND ITS CONTENTS.

46 **ARTICLE VI – REQUIREMENTS IN COASTAL HIGH HAZARD AREAS (V**  
47 **ZONES)**

48 **17.11.600 – GENERAL REQUIREMENTS.**

1  
2 IN ADDITION TO THE GENERAL REQUIREMENTS OF ARTICLE IV, THE REQUIREMENTS  
3 OF THIS SECTION SHALL:  
4

5 (A) APPLY IN FLOOD HAZARD AREAS THAT ARE IDENTIFIED AS COASTAL HIGH  
6 HAZARD AREAS (V ZONES) AND COASTAL A ZONES (IF DELINEATED).  
7

8 (B) APPLY TO ALL DEVELOPMENT, NEW CONSTRUCTION, SUBSTANTIAL  
9 IMPROVEMENTS (INCLUDING REPAIR OF SUBSTANTIAL DAMAGE), AND  
10 PLACEMENT, REPLACEMENT, AND SUBSTANTIAL IMPROVEMENT (INCLUDING  
11 REPAIR OF SUBSTANTIAL DAMAGE) OF MANUFACTURED HOMES.  
12

13 EXCEPTION: IN COASTAL A ZONES, THE REQUIREMENTS OF ARTICLE V  
14 SHALL APPLY TO SUBSTANTIAL IMPROVEMENTS (INCLUDING REPAIR OF  
15 SUBSTANTIAL DAMAGE), AND SUBSTANTIAL IMPROVEMENT OF  
16 MANUFACTURED HOMES (INCLUDING REPAIR OF SUBSTANTIAL  
17 DAMAGE) AND REPLACEMENT MANUFACTURED HOMES.  
18

19 [NOTE: SEE COASTAL CONSTRUCTION MANUAL (FEMA 55).]  
20

21 **17.11.610 - LOCATION AND SITE PREPARATION.**  
22

23 (A) THE PLACEMENT OF STRUCTURAL FILL FOR THE PURPOSE OF ELEVATING  
24 BUILDINGS IS PROHIBITED.  
25

26 (B) BUILDINGS SHALL BE LOCATED LANDWARD OF THE REACH OF MEAN HIGH TIDE.  
27

28 (C) MINOR GRADING, AND THE PLACEMENT OF MINOR QUANTITIES OF FILL, SHALL BE  
29 PERMITTED FOR LANDSCAPING AND FOR DRAINAGE PURPOSES UNDER AND  
30 AROUND BUILDINGS AND FOR SUPPORT OF PARKING SLABS, POOL DECKS, PATIOS  
31 AND WALKWAYS.  
32

33 (D) SITE PREPARATIONS SHALL NOT ALTER SAND DUNES UNLESS AN ENGINEERING  
34 ANALYSIS DEMONSTRATES THAT THE POTENTIAL FOR FLOOD DAMAGE IS NOT  
35 INCREASED.  
36

37 **17.11.620 - RESIDENTIAL AND NONRESIDENTIAL STRUCTURES.**  
38

39 NEW STRUCTURES AND SUBSTANTIAL IMPROVEMENT (INCLUDING REPAIR OF  
40 SUBSTANTIAL DAMAGE) OF EXISTING STRUCTURES SHALL COMPLY WITH THE  
41 APPLICABLE REQUIREMENTS OF ARTICLE IV AND THE REQUIREMENTS OF THIS  
42 SECTION.  
43

44 (A) FOUNDATIONS.  
45

46 (1) STRUCTURES SHALL BE SUPPORTED ON PILINGS OR COLUMNS AND  
47 SHALL BE ADEQUATELY ANCHORED TO SUCH PILINGS OR COLUMNS.  
48 PILINGS SHALL HAVE ADEQUATE SOIL PENETRATIONS TO RESIST THE  
49 COMBINED WAVE AND WIND LOADS (LATERAL AND UPLIFT). WATER  
50 LOADING VALUES USED SHALL BE THOSE ASSOCIATED WITH THE BASE  
51 FLOOD. WIND LOADING VALUES SHALL BE THOSE REQUIRED BY

1 APPLICABLE BUILDING CODES. PILE EMBEDMENT SHALL INCLUDE  
2 CONSIDERATION OF DECREASED RESISTANCE CAPACITY CAUSED BY  
3 SCOUR OF SOIL STRATA SURROUNDING THE PILING.  
4

5 (2) SLABS, POOLS, POOL DECKS AND WALKWAYS SHALL BE LOCATED  
6 AND CONSTRUCTED TO BE STRUCTURALLY INDEPENDENT OF  
7 STRUCTURES AND THEIR FOUNDATIONS TO PREVENT TRANSFER OF  
8 FLOOD LOADS TO THE STRUCTURES DURING CONDITIONS OF  
9 FLOODING, SCOUR, OR EROSION FROM WAVE-VELOCITY FLOW  
10 CONDITIONS, AND SHALL BE DESIGNED TO MINIMIZE DEBRIS IMPACTS  
11 TO ADJACENT PROPERTIES AND PUBLIC INFRASTRUCTURE.  
12

13 (B) ELEVATION REQUIREMENTS.

14  
15 (1) THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER  
16 THAT SUPPORTS THE LOWEST FLOOR SHALL BE LOCATED AT OR  
17 ABOVE THE FLOOD PROTECTION ELEVATION.  
18

19 (2) BASEMENT FLOORS THAT ARE BELOW GRADE ON ALL SIDES ARE  
20 PROHIBITED.  
21

22 (3) THE SPACE BELOW AN ELEVATED BUILDING SHALL EITHER BE FREE-  
23 OF-OBSTRUCTION OR, IF ENCLOSED BY WALLS, SHALL MEET THE  
24 REQUIREMENTS OF PARAGRAPH (D). [NOTE: SEE NFIP TECHNICAL  
25 BULLETIN #5, "FREE-OF-OBSTRUCTION REQUIREMENTS."]  
26

27 (C) CERTIFICATION OF DESIGN.

28  
29 AS REQUIRED IN SECTION 17.11.340 (A) (13), THE APPLICANT SHALL  
30 INCLUDE IN THE APPLICATION A CERTIFICATION PREPARED BY A  
31 LICENSED PROFESSIONAL ENGINEER OR A LICENSED ARCHITECT THAT  
32 THE DESIGN AND METHODS OF CONSTRUCTION TO BE USED MEET THE  
33 REQUIREMENTS OF PARAGRAPH (A), PARAGRAPH (B), PARAGRAPH (D),  
34 AND THE BUILDING CODE.  
35

36 (D) ENCLOSURES BELOW THE LOWEST FLOOR.

37  
38 (1) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE USED SOLELY  
39 FOR PARKING OF VEHICLES, BUILDING ACCESS OR LIMITED STORAGE.  
40

41 (2) ENCLOSURES BELOW THE LOWEST FLOOR SHALL BE LESS THAN 299  
42 SQUARE FEET IN AREA (EXTERIOR MEASUREMENT).  
43

44 (3) WALLS AND PARTITIONS ARE PERMITTED BELOW THE ELEVATED  
45 FLOOR, PROVIDED THAT SUCH WALLS AND PARTITIONS ARE DESIGNED  
46 TO BREAK AWAY UNDER FLOOD LOADS AND ARE NOT PART OF THE  
47 STRUCTURAL SUPPORT OF THE BUILDING OR STRUCTURE. [NOTE: SEE  
48 NFIP TECHNICAL BULLETIN #9, "DESIGN AND CONSTRUCTION GUIDANCE  
49 FOR BREAKAWAY WALLS."]  
50

1 (4) ELECTRICAL, MECHANICAL, AND PLUMBING SYSTEM COMPONENTS  
2 SHALL NOT BE MOUNTED ON OR PENETRATE THROUGH WALLS THAT  
3 ARE DESIGNED TO BREAK AWAY UNDER FLOOD LOADS.  
4

5 (5) WALLS INTENDED TO BREAK AWAY UNDER FLOOD LOADS SHALL BE  
6 CONSTRUCTED WITH INSECT SCREENING OR OPEN LATTICE, OR SHALL  
7 BE DESIGNED TO BREAK AWAY OR COLLAPSE WITHOUT CAUSING  
8 COLLAPSE, DISPLACEMENT OR OTHER STRUCTURAL DAMAGE TO THE  
9 ELEVATED PORTION OF THE BUILDING OR SUPPORTING FOUNDATION  
10 SYSTEM. SUCH WALLS, FRAMING AND CONNECTIONS SHALL HAVE A  
11 DESIGN SAFE LOADING RESISTANCE OF NOT LESS THAN 10 POUNDS  
12 PER SQUARE FOOT AND NO MORE THAN 20 POUNDS PER SQUARE  
13 FOOT; OR  
14

15 (6) WHERE WIND LOADING VALUES OF THE BUILDING CODE EXCEED 20  
16 POUNDS PER SQUARE FOOT, THE APPLICANT SHALL SUBMIT A  
17 CERTIFICATION PREPARED AND SEALED BY A LICENSED PROFESSIONAL  
18 ENGINEER OR LICENSED ARCHITECT THAT:  
19

20 (A) THE WALLS AND PARTITIONS BELOW THE LOWEST FLOOR  
21 HAVE BEEN DESIGNED TO COLLAPSE FROM A WATER LOAD LESS  
22 THAN THAT WHICH WOULD OCCUR DURING THE BASE FLOOD.  
23

24 (B) THE ELEVATED PORTION OF THE BUILDING AND SUPPORTING  
25 FOUNDATION SYSTEM HAVE BEEN DESIGNED TO WITHSTAND THE  
26 EFFECTS OF WIND AND FLOOD LOADS ACTING SIMULTANEOUSLY  
27 ON ALL BUILDING COMPONENTS (STRUCTURAL AND  
28 NONSTRUCTURAL). WATER LOADING VALUES USED SHALL BE  
29 THOSE ASSOCIATED WITH THE BASE FLOOD; WIND LOADING  
30 VALUES USED SHALL BE THOSE REQUIRED BY THE BUILDING  
31 CODE.  
32

33 (C) IN COASTAL A ZONES, IN ADDITION TO THE REQUIREMENTS  
34 OF THIS SECTION, WALLS BELOW THE LOWEST FLOOR SHALL  
35 HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF  
36 SECTION 17.11.530 (C) (3).  
37

38 **17.11.630 - HORIZONTAL ADDITIONS TO STRUCTURES.**  
39

40 (A) A HORIZONTAL ADDITION PROPOSED FOR A BUILDING OR STRUCTURE THAT WAS  
41 CONSTRUCTED AFTER THE DATE SPECIFIED IN SECTION 17.11.010 SHALL COMPLY  
42 WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS SECTION.  
43

44 (B) FOR HORIZONTAL ADDITIONS, WHETHER STRUCTURALLY CONNECTED OR NOT  
45 STRUCTURALLY CONNECTED, TO THE BASE BUILDING:  
46

47 (1) IF THE ADDITION COMBINED WITH OTHER PROPOSED REPAIRS,  
48 ALTERATIONS, OR MODIFICATIONS OF THE BASE BUILDING CONSTITUTES  
49 SUBSTANTIAL IMPROVEMENT, THE BASE BUILDING AND THE ADDITION SHALL  
50 COMPLY WITH THE APPLICABLE REQUIREMENTS OF ARTICLE IV AND THIS  
51 SECTION.

1  
2 (2) IF THE ADDITION CONSTITUTES SUBSTANTIAL IMPROVEMENT, THE BASE  
3 BUILDING AND THE ADDITION SHALL COMPLY WITH ALL OF THE APPLICABLE  
4 REQUIREMENTS OF ARTICLE IV AND THIS SECTION. [NOTE: THE BASE BUILDING  
5 IS REQUIRED TO COMPLY OTHERWISE IT IS AN OBSTRUCTION THAT DOES NOT  
6 COMPLY WITH THE FREE-OF-OBSTRUCTION REQUIREMENT THAT APPLIES TO  
7 THE ELEVATED ADDITION, SEE SECTION 17.11.620 (B) (3).]  
8

9 **17.11.640 - ACCESSORY STRUCTURES.**

10  
11 (A) ACCESSORY STRUCTURES SHALL BE LIMITED TO NO MORE THAN ONE (1) STORY  
12 IN HEIGHT AND THREE HUNDRED (300) SQUARE FEET IN FLOOR AREA.  
13

14 (B) ACCESSORY STRUCTURES SHALL COMPLY WITH THE ELEVATION REQUIREMENTS  
15 AND OTHER REQUIREMENTS OF SECTION 17.11.620 OR, IF NOT ELEVATED, SHALL:  
16

17 (1) BE USEABLE ONLY FOR PARKING OF VEHICLES OR LIMITED STORAGE;  
18

19 (2) BE CONSTRUCTED WITH FLOOD DAMAGE-RESISTANT MATERIALS BELOW  
20 THE BASE FLOOD ELEVATION;  
21

22 (3) BE CONSTRUCTED AND PLACED TO OFFER THE MINIMUM RESISTANCE TO  
23 THE FLOW OF FLOODWATERS;  
24

25 (4) BE ANCHORED TO PREVENT FLOTATION;  
26

27 (5) HAVE ELECTRICAL SERVICE AND MECHANICAL EQUIPMENT ELEVATED TO  
28 OR ABOVE THE BASE FLOOD ELEVATION; AND  
29

30 (6) IF LARGER THAN 100 SQUARE FEET IN SIZE, HAVE WALLS THAT MEET THE  
31 REQUIREMENTS OF SECTION 17.11.620 (D) (3) THROUGH (6), AS APPLICABLE  
32 FOR THE FLOOD ZONE; AND IF LOCATED IN COASTAL A ZONES, WALLS SHALL  
33 HAVE FLOOD OPENINGS THAT MEET THE REQUIREMENTS OF SECTION  
34 17.11.530 (C) (3).  
35

36 (7) HAVE A STATEMENT ON THE BUILDING PLANS WHICH SHALL READ AS  
37 FOLLOWS: "NO ENLARGEMENT OR CONVERSION OF THIS AREA TO HABITABLE  
38 SPACE IS TO OCCUR UNLESS THE LOWEST FLOOR IS ELEVATED AT OR ABOVE  
39 EIGHT FEET ABOVE MEAN SEA LEVEL."  
40

41 (8) BE CONSTRUCTED SO THAT THE FLOOR ELEVATION OF THE ACCESSORY  
42 STRUCTURE DOES NOT QUALIFY AS A BASEMENT AND MUST BE  
43 CONSTRUCTED ON OR ABOVE GRADE.  
44

45 (9) BE DESIGNED TO HAVE LOW FLOOD DAMAGE POTENTIAL, INCLUDING  
46 PROVISIONS TO ALLOW THE FREE FLOW OF WATER INTO AND OUT OF THE  
47 STRUCTURE IN ORDER TO MAINTAIN EQUAL PRESSURE.  
48

49 (10) HAVE THE APPLICANT MADE AWARE THAT IF THE ACCESSORY  
50 STRUCTURE IS BUILT BELOW EIGHT FEET ABOVE MEAN SEA LEVEL AND IS NOT

1 FLOODPROOFED, THAT STRUCTURE MAY BE SUSCEPTIBLE TO HIGHER  
2 INSURANCE PREMIUM RATES FOR THE STRUCTURE AND ITS CONTENTS.

3  
4 **17.11.650 - OTHER STRUCTURES AND DEVELOPMENT.**

5  
6 [NOTE: SEE NFIP TECHNICAL BULLETIN #5, "FREE-OF-OBSTRUCTION  
7 REQUIREMENTS."]  
8

9 (A) DECKS AND PATIOS.

10  
11 IN ADDITION TO THE REQUIREMENTS OF THE BUILDING CODE OR THE RESIDENTIAL  
12 CODE, DECKS AND PATIOS SHALL BE LOCATED, DESIGNED, AND CONSTRUCTED IN  
13 COMPLIANCE WITH THE FOLLOWING:

14  
15 (1) A DECK THAT IS STRUCTURALLY ATTACHED TO A BUILDING OR STRUCTURE  
16 SHALL HAVE THE BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL  
17 MEMBER AT OR ABOVE THE FLOOD PROTECTION ELEVATION AND ANY  
18 SUPPORTING MEMBERS THAT EXTEND BELOW THE DESIGN FLOOD ELEVATION  
19 SHALL COMPLY WITH THE FOUNDATION REQUIREMENTS THAT APPLY TO THE  
20 BUILDING OR STRUCTURE, WHICH SHALL BE DESIGNED TO ACCOMMODATE  
21 ANY INCREASED LOADS RESULTING FROM THE ATTACHED DECK.  
22

23 (2) A DECK OR PATIO THAT IS LOCATED BELOW THE FLOOD PROTECTION  
24 ELEVATION SHALL BE STRUCTURALLY INDEPENDENT FROM STRUCTURES AND  
25 THEIR FOUNDATION SYSTEMS, AND SHALL BE DESIGNED AND CONSTRUCTED  
26 EITHER TO REMAIN INTACT AND IN PLACE DURING BASE FLOOD CONDITIONS  
27 OR TO BREAK APART INTO SMALL PIECES THAT WILL NOT CAUSE STRUCTURAL  
28 DAMAGE TO ADJACENT ELEVATED STRUCTURES.  
29

30 (3) A DECK OR PATIO THAT HAS A VERTICAL THICKNESS OF MORE THAN 12  
31 INCHES OR THAT IS CONSTRUCTED WITH MORE THAN THE MINIMUM AMOUNT  
32 OF FILL THAT IS NECESSARY FOR SITE DRAINAGE SHALL NOT BE APPROVED  
33 UNLESS AN ANALYSIS DEMONSTRATES NO HARMFUL DIVERSION OF  
34 FLOODWATERS OR WAVE RUNUP AND WAVE REFLECTION THAT WOULD  
35 INCREASE DAMAGE TO ADJACENT ELEVATED STRUCTURES.  
36

37 (4) A DECK OR PATIO THAT HAS A VERTICAL THICKNESS OF 12 INCHES OR  
38 LESS AND THAT IS AT NATURAL GRADE OR ON FILL MATERIAL THAT IS SIMILAR  
39 TO AND COMPATIBLE WITH LOCAL SOILS AND IS THE MINIMUM AMOUNT  
40 NECESSARY FOR SITE DRAINAGE MAY BE APPROVED WITHOUT REQUIRING  
41 ANALYSIS OF THE IMPACT ON DIVERSION OF FLOODWATERS OR WAVE RUNUP  
42 AND WAVE REFLECTION.  
43

44 (B) OTHER DEVELOPMENT.

45  
46 OTHER DEVELOPMENT ACTIVITIES SHALL BE PERMITTED ONLY IF LOCATED OUTSIDE  
47 THE FOOTPRINT OF, AND NOT STRUCTURALLY ATTACHED TO, STRUCTURES, AND  
48 ONLY IF AN ANALYSIS DEMONSTRATES NO HARMFUL DIVERSION OF FLOODWATERS  
49 OR WAVE RUNUP AND WAVE REFLECTION ONTO ADJACENT ELEVATED STRUCTURES.  
50 OTHER DEVELOPMENT INCLUDES BUT IS NOT LIMITED TO:  
51

1 (1) BULKHEADS, SEAWALLS, RETAINING WALLS, REVETMENTS, AND SIMILAR  
2 EROSION CONTROL STRUCTURES;

3  
4 (2) SOLID FENCES, PRIVACY WALLS, AND FENCES PRONE TO TRAPPING  
5 DEBRIS, UNLESS DESIGNED AND CONSTRUCTED TO FAIL UNDER BASE FLOOD  
6 CONDITIONS; AND

7  
8 (3) MOUNDED SEPTIC SYSTEMS.

9 **ARTICLE VII – VARIANCES**

10 **17.11.700 – GENERAL.**

11  
12 (A) THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL  
13 HAVE THE POWER TO CONSIDER AND AUTHORIZE OR DENY VARIANCES FROM THE  
14 STRICT APPLICATION OF THE REQUIREMENTS OF THIS CHAPTER. A VARIANCE SHALL  
15 BE APPROVED ONLY IF IT IS DETERMINED TO NOT BE CONTRARY TO THE PUBLIC  
16 INTEREST AND WHERE, OWING TO SPECIAL CONDITIONS OF THE LOT OR PARCEL, A  
17 LITERAL ENFORCEMENT OF THE PROVISIONS OF THIS CHAPTER, AN UNNECESSARY  
18 HARDSHIP WOULD RESULT.

19  
20 (B) UPON CONSIDERATION OF THE PURPOSES OF THIS CHAPTER, THE INDIVIDUAL  
21 CIRCUMSTANCES, AND THE CONSIDERATIONS AND LIMITATIONS OF THIS SECTION,  
22 THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS MAY  
23 ATTACH SUCH CONDITIONS TO VARIANCES AS IT DEEMS NECESSARY TO FURTHER  
24 THE PURPOSES OF THIS CHAPTER.

25  
26 (C) THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL  
27 NOTIFY, IN WRITING, ANY APPLICANT TO WHOM A VARIANCE IS GRANTED TO  
28 CONSTRUCT OR SUBSTANTIALLY IMPROVE A BUILDING OR STRUCTURE WITH ITS  
29 LOWEST FLOOR BELOW THE ELEVATION REQUIRED BY THIS CHAPTER THAT THE  
30 VARIANCE IS TO THE FLOODPLAIN MANAGEMENT REQUIREMENTS OF THIS CHAPTER  
31 ONLY, AND THAT THE COST OF FEDERAL FLOOD INSURANCE WILL BE  
32 COMMENSURATE WITH THE INCREASED RISK, WITH RATES UP TO \$25 PER \$100 OF  
33 INSURANCE COVERAGE.

34  
35 (D) A RECORD OF ALL VARIANCE ACTIONS, INCLUDING JUSTIFICATION FOR  
36 ISSUANCE SHALL BE MAINTAINED PURSUANT TO SECTION 17.11.310 (K) OF THIS  
37 CHAPTER.

38  
39 (E) NOTICE OF THE FLOOD HAZARD AND APPROVED VARIANCE ACTION SHALL BE  
40 PLACED ON THE DEED OR OTHER DOCUMENTS WHICH CONVEY TITLE OF ALL NEWLY  
41 CREATED OR RECORDED PROPERTIES.

42  
43 **17.11.710 - APPLICATION FOR A VARIANCE.**

44  
45 (A) THE OWNER OF PROPERTY, OR THE OWNER'S AUTHORIZED AGENT, FOR WHICH A  
46 VARIANCE IS SOUGHT SHALL SUBMIT AN APPLICATION FOR A VARIANCE TO THE  
47 FLOODPLAIN ADMINISTRATOR.

1 (B) AT A MINIMUM, THE APPLICATION SHALL CONTAIN THE FOLLOWING INFORMATION:  
2 NAME, ADDRESS, AND TELEPHONE NUMBER OF THE APPLICANT AND PROPERTY  
3 OWNER; LEGAL DESCRIPTION OF THE PROPERTY; PARCEL MAP; DESCRIPTION OF  
4 THE EXISTING USE; DESCRIPTION OF THE PROPOSED USE; SITE MAP SHOWING THE  
5 LOCATION OF FLOOD HAZARD AREAS, DESIGNATED FLOODWAY BOUNDARIES, FLOOD  
6 ZONES, BASE FLOOD ELEVATIONS, AND FLOOD PROTECTION SETBACKS;  
7 DESCRIPTION OF THE VARIANCE SOUGHT; AND REASON FOR THE VARIANCE  
8 REQUEST. VARIANCE APPLICATIONS SHALL SPECIFICALLY ADDRESS EACH OF THE  
9 CONSIDERATIONS IN SECTION 17.11.720 AND SHALL COMPLY WITH THE  
10 REQUIREMENTS OF SECTION 17.11.340.

11  
12 (C) IF THE APPLICATION IS FOR A VARIANCE TO ALLOW THE LOWEST FLOOR (A  
13 ZONES) OR BOTTOM OF THE LOWEST HORIZONTAL STRUCTURAL MEMBER (V ZONES  
14 AND COASTAL A ZONES) OF A BUILDING OR STRUCTURE BELOW THE APPLICABLE  
15 MINIMUM ELEVATION REQUIRED BY THIS CHAPTER, THE APPLICATION SHALL  
16 INCLUDE A STATEMENT SIGNED BY THE OWNER THAT, IF GRANTED, THE CONDITIONS  
17 OF THE VARIANCE SHALL BE RECORDED ON THE DEED OF THE PROPERTY.

18  
19 (D) IF THE APPLICATION IS FOR A VARIANCE FOR A HISTORIC STRUCTURE PURSUANT  
20 TO SECTION 17.11.450 OF THIS CHAPTER, THE APPLICATION SHALL CONTAIN  
21 DOCUMENTATION THAT THE PROPOSED WORK DOES NOT PRECLUDE THE  
22 STRUCTURE'S CONTINUED ELIGIBILITY AND DESIGNATION AS A HISTORIC  
23 STRUCTURE. THE DOCUMENTATION SHALL BE OBTAINED FROM A SOURCE THAT IS  
24 AUTHORIZED TO MAKE SUCH DETERMINATIONS (SEE DEFINITION OF "HISTORIC  
25 STRUCTURE").

26  
27 (E) APPLICATIONS FOR VARIANCES MUST BE SUBMITTED IN WRITING TO THE  
28 DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS WITHIN THIRTY  
29 CALENDAR DAYS OF ANY REFUSAL TO ISSUE A PERMIT.

30  
31 (F) THE DIRECTOR OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS MUST  
32 TAKE OFFICIAL ACTION ON A REQUEST FOR A VARIANCE WITHIN THIRTY CALENDAR  
33 DAYS OF THE RECEIPT OF THE REQUEST.

34  
35 **17.11.720 - CONSIDERATIONS FOR VARIANCES.**

36  
37 (A) THE FLOODPLAIN ADMINISTRATOR SHALL REQUEST COMMENTS ON VARIANCE  
38 APPLICATIONS FROM MDE (NFIP STATE COORDINATOR).

39  
40 (B) IN CONSIDERING VARIANCE APPLICATIONS, THE DEPARTMENT OF  
41 NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL CONSIDER AND MAKE  
42 FINDINGS OF FACT ON ALL EVALUATIONS, ALL RELEVANT FACTORS, REQUIREMENTS  
43 SPECIFIED IN OTHER SECTIONS OF THIS CHAPTER, AND THE FOLLOWING FACTORS:

44  
45 (1) THE DANGER THAT MATERIALS MAY BE SWEEPED ONTO OTHER LANDS TO  
46 THE INJURY OF OTHERS.

47  
48 (2) THE DANGER TO LIFE AND PROPERTY DUE TO FLOODING OR EROSION  
49 DAMAGE.

50

1 (3) THE SUSCEPTIBILITY OF THE PROPOSED DEVELOPMENT AND ITS  
2 CONTENTS (IF APPLICABLE) TO FLOOD DAMAGE AND THE EFFECT OF SUCH  
3 DAMAGE ON THE INDIVIDUAL OWNER.

4  
5 (4) THE IMPORTANCE OF THE SERVICES TO THE COMMUNITY PROVIDED BY  
6 THE PROPOSED DEVELOPMENT.

7  
8 (5) THE AVAILABILITY OF ALTERNATIVE LOCATIONS FOR THE PROPOSED USE  
9 WHICH ARE NOT SUBJECT TO, OR ARE SUBJECT TO LESS, FLOODING OR  
10 EROSION DAMAGE.

11  
12 (6) THE NECESSITY TO THE FACILITY OF A WATERFRONT LOCATION, WHERE  
13 APPLICABLE, OR IF THE FACILITY IS A FUNCTIONALLY DEPENDENT USE.

14  
15 (7) THE COMPATIBILITY OF THE PROPOSED USE WITH EXISTING AND  
16 ANTICIPATED DEVELOPMENT.

17  
18 (8) THE RELATIONSHIP OF THE PROPOSED USE TO THE COMPREHENSIVE PLAN  
19 FOR THAT AREA.

20  
21 (9) THE SAFETY OF ACCESS TO THE PROPERTY IN TIMES OF FLOOD FOR  
22 PASSENGER VEHICLES AND EMERGENCY VEHICLES.

23  
24 (10) THE EXPECTED HEIGHTS, VELOCITY, DURATION, RATE OF RISE, AND  
25 SEDIMENT TRANSPORT OF THE FLOODWATERS AND THE EFFECTS OF WAVE  
26 ACTION, IF APPLICABLE, EXPECTED AT THE SITE.

27  
28 (11) THE COSTS OF PROVIDING GOVERNMENT SERVICES DURING AND AFTER  
29 FLOOD CONDITIONS, INCLUDING MAINTENANCE AND REPAIR OF PUBLIC  
30 UTILITIES AND FACILITIES SUCH AS SEWER, GAS, ELECTRICAL, AND WATER  
31 SYSTEMS, AND STREETS AND BRIDGES.

32  
33 (12) THE COMMENTS PROVIDED BY MDE (NFIP STATE COORDINATOR).

34  
35 (13) CONSIDERATIONS RELATED TO THE RECONSTRUCTION, REHABILITATION,  
36 OR RESTORATION OF STRUCTURES LISTED IN THE NATIONAL REGISTER OF  
37 HISTORIC PLACES OR STATE INVENTORY OF HISTORIC PLACES.

38  
39 **17.11.730 - LIMITATIONS FOR GRANTING VARIANCES.**

40  
41 THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS SHALL  
42 MAKE AN AFFIRMATIVE DECISION ON A VARIANCE REQUEST ONLY UPON:

43  
44 (A) A SHOWING OF GOOD AND SUFFICIENT CAUSE.

45  
46 (B) A DETERMINATION THAT FAILURE TO GRANT THE VARIANCE WOULD  
47 RESULT IN EXCEPTIONAL HARDSHIP DUE TO THE PHYSICAL CHARACTERISTICS  
48 OF THE PROPERTY. INCREASED COST OR INCONVENIENCE OF MEETING THE  
49 REQUIREMENTS OF THIS CHAPTER DOES NOT CONSTITUTE AN EXCEPTIONAL  
50 HARDSHIP TO THE APPLICANT.

51

1 (C) A DETERMINATION THAT THE GRANTING OF A VARIANCE FOR  
2 DEVELOPMENT WITHIN ANY DESIGNATED FLOODWAY, OR FLOOD HAZARD  
3 AREA WITH BASE FLOOD ELEVATIONS BUT NO DESIGNATED FLOODWAY, WILL  
4 NOT RESULT IN INCREASED FLOOD HEIGHTS BEYOND THAT WHICH IS  
5 ALLOWED IN THIS CHAPTER.  
6

7 (D) A DETERMINATION THAT THE GRANTING OF A VARIANCE WILL NOT RESULT  
8 IN ADDITIONAL THREATS TO PUBLIC SAFETY; EXTRAORDINARY PUBLIC  
9 EXPENSE, NUISANCES, FRAUD OR VICTIMIZATION OF THE PUBLIC, OR  
10 CONFLICT WITH EXISTING LOCAL LAWS.  
11

12 (E) A DETERMINATION THAT THE BUILDING, STRUCTURE OR OTHER  
13 DEVELOPMENT IS PROTECTED BY METHODS TO MINIMIZE FLOOD DAMAGES.  
14

15 (F) A DETERMINATION THAT THE VARIANCE IS THE MINIMUM NECESSARY TO  
16 AFFORD RELIEF, CONSIDERING THE FLOOD HAZARD.

## 17 **ARTICLE VIII – ENFORCEMENT**

### 18 **17.11.800 – COMPLIANCE REQUIRED.**

19  
20 (A) NO BUILDING, STRUCTURE OR DEVELOPMENT SHALL HEREAFTER BE LOCATED,  
21 ERECTED, CONSTRUCTED, RECONSTRUCTED, IMPROVED, REPAIRED, EXTENDED,  
22 CONVERTED, ENLARGED OR ALTERED WITHOUT FULL COMPLIANCE WITH THIS  
23 CHAPTER AND ALL OTHER APPLICABLE REGULATIONS.  
24

25 (B) FAILURE TO OBTAIN A PERMIT SHALL BE A VIOLATION OF THIS CHAPTER AND  
26 SHALL BE SUBJECT TO PENALTIES IN ACCORDANCE WITH SECTION 17.11.820.  
27

28 (C) PERMITS ISSUED ON THE BASIS OF PLANS AND APPLICATIONS APPROVED BY THE  
29 FLOODPLAIN ADMINISTRATOR AUTHORIZE ONLY THE SPECIFIC ACTIVITIES SET  
30 FORTH IN SUCH APPROVED PLANS AND APPLICATIONS OR AMENDMENTS THERETO.  
31 USE, ARRANGEMENT, OR CONSTRUCTION OF SUCH SPECIFIC ACTIVITIES THAT ARE  
32 CONTRARY TO THAT AUTHORIZATION SHALL BE DEEMED A VIOLATION OF THIS  
33 CHAPTER.  
34

35 (D) NEW OR RENEWAL OF NATIONAL FLOOD INSURANCE SHALL BE DENIED FOR ANY  
36 STRUCTURE REMAINING IN VIOLATION OR SITUATED ON PROPERTY IN VIOLATION OF  
37 THIS TITLE.  
38

### 39 **17.11.810 - NOTICE OF VIOLATION AND STOP WORK ORDER.**

40  
41 IF THE FLOODPLAIN ADMINISTRATOR DETERMINES THAT THERE HAS BEEN A  
42 VIOLATION OF ANY PROVISION OF THIS CHAPTER, THE FLOODPLAIN ADMINISTRATOR  
43 SHALL GIVE NOTICE OF SUCH VIOLATION TO THE OWNER, THE OWNER'S  
44 AUTHORIZED AGENT, AND THE PERSON RESPONSIBLE FOR SUCH VIOLATION, AND  
45 MAY ISSUE A STOP WORK ORDER. THE NOTICE OF VIOLATION OR STOP WORK  
46 ORDER SHALL BE IN WRITING AND SHALL:  
47

48 (A) INCLUDE A LIST OF VIOLATIONS, REFERRING TO THE SECTION OR  
49 SECTIONS OF THIS CHAPTER THAT HAVE BEEN VIOLATED;

1  
2 (B) ORDER REMEDIAL ACTION WHICH, IF TAKEN, WILL EFFECT COMPLIANCE  
3 WITH THE PROVISIONS OF THIS CHAPTER;

4  
5 (C) SPECIFY A REASONABLE PERIOD OF TIME TO CORRECT THE VIOLATION;

6  
7 (D) ADVISE THE RECIPIENTS OF THE RIGHT TO APPEAL; AND

8  
9 (E) BE SERVED IN PERSON; OR

10  
11 (F) BE POSTED IN A CONSPICUOUS PLACE IN OR ON THE PROPERTY AND SENT  
12 BY REGISTERED OR CERTIFIED MAIL TO THE LAST KNOWN MAILING ADDRESS,  
13 RESIDENCE, OR PLACE OF BUSINESS OF THE RECIPIENTS.

14  
15 **17.11.820 - VIOLATIONS AND PENALTIES.**

16  
17 VIOLATIONS OF THIS CHAPTER OR FAILURE TO COMPLY WITH THE REQUIREMENTS  
18 OF THIS CHAPTER ANY CONDITIONS ATTACHED TO A PERMIT OR VARIANCE SHALL  
19 CONSTITUTE A MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED  
20 BY RESOLUTION OF THE CITY COUNCIL. ANY PERSON RESPONSIBLE FOR A  
21 VIOLATION SHALL COMPLY WITH THE NOTICE OF VIOLATION OR STOP WORK ORDER.  
22 A PERSON WHO IGNORES, DEFACTS OR REMOVES A STOP WORK ORDER, UNSAFE  
23 ORDER OR AN UNFIT ORDER ISSUED BY THE CODE OFFICIAL IS GUILTY OF A  
24 MUNICIPAL INFRACTION AND IS SUBJECT TO A FINE AS ESTABLISHED BY  
25 RESOLUTION OF THE CITY COUNCIL. ALL FINES MUST BE PAID IN FULL BEFORE THE  
26 ORDER WILL BE LIFTED AND ANY WORK CAN CONTINUE. EACH DAY A VIOLATION  
27 CONTINUES SHALL BE CONSIDERED A SEPARATE OFFENSE. NOTHING HEREIN  
28 CONTAINED SHALL PREVENT THE CITY OF ANNAPOLIS FROM TAKING SUCH OTHER  
29 LAWFUL ACTION AS IS NECESSARY TO PREVENT OR REMEDY ANY VIOLATION.

30 **ARTICLE IX – SUBSEQUENT AMENDMENTS**

31 **17.11.900 – SUBSEQUENT AMENDMENTS.**

32  
33 ALL ORDINANCES OR PARTS OF ORDINANCES THAT ARE INCONSISTENT WITH THE  
34 PROVISIONS OF THIS ORDINANCE ARE HEREBY REPEALED TO THE EXTENT OF SUCH  
35 INCONSISTENCY. THIS ORDINANCE SHALL BE AMENDED AS REQUIRED BY THE  
36 FEDERAL EMERGENCY MANAGEMENT AGENCY, 44 CODE OF FEDERAL REGULATIONS.  
37 ALL SUBSEQUENT AMENDMENTS TO THIS ORDINANCE ARE SUBJECT TO THE  
38 APPROVAL OF THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND THE  
39 MARYLAND DEPARTMENT OF THE ENVIRONMENT.  
40

41 **SECTION I I: AND B E IT FURT HER EST ABLISHED AND ORDAINED BY THE**  
42 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

43  
44 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

45  
46  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

---

Regina C. Watkins-Eldridge, MMC, City Clerk

---

Joshua J. Cohen, Mayor

1  
2  
3  
4  
5  
6

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.  
[brackets] indicate matter stricken from existing law.  
Underlining indicates amendments.

## Staff Report

### Ordinance O-24-12

#### **Adoption of the Maryland Model Floodplain Management Ordinance as Chapter 17.11, Floodplain Management, of the City of Annapolis Code.**

The proposed ordinance adopts, with local amendments, the Maryland Model Floodplain Management Ordinance (MMFMO) as Chapter 17.11, Floodplain Management, of the City of Annapolis Code. The adoption of the MMFMO ensures that the City of Annapolis is in compliance with the State and Federal requirements for floodplain management for our area. Local amendments have been made to the MMFMO to accommodate administrative protocols and to provide additional consideration for the City's historic building stock.

For continued eligibility in the National Flood Insurance Program (NFIP), the City of Annapolis is required to adopt or show evidence of adoption of floodplain management legislation meeting the standards of the NFIP prior to October 16, 2012. Also prior to October 16, 2012, the Federal Emergency Management Agency (FEMA) will issue a new Flood Insurance Rate Map (FIRM) identifying the Special Flood Hazard Areas (SFHAs) subject to inundation by the base flood in the City of Annapolis. A base flood is a flood which has a one percent chance of being equaled or exceeded in any given year (also known as a 100-year flood), and is used in the NFIP to indicate the minimum level of flooding to be used by a community in its floodplain management regulation.

The flood insurance map classifies the City into zones based upon their level of flood hazard. As part of the flood insurance map update, there is the possibility that some properties in the City that are not currently in flood zones will be classified by the NFIP into flood zones, and some properties in lower risk flood zones will be reclassified or into higher risk flood zones.

Property owners with properties not currently in a flood zone, but will be classified in a flood zone under the new flood insurance maps, may be eligible for preferred flood insurance rates through the NFIP if they obtain their policy prior to the new flood insurance maps going into effect. According to FEMA, the latest the new flood insurance maps will go into effect is October 16, 2012.

Property owners with existing structures in an area that has been reclassified into a higher flood hazard zone as a result of the new FIRM, are eligible to be grandfathered at a previous, lower flood hazard rate, if:

- 1) they can prove their existing structure was built when the property was in a lower hazard zone, or
- 2) that their property has had a continuous NFIP policy for at least the past year.

Additional information regarding the NFIP can be found at [www.floodsmart.gov](http://www.floodsmart.gov).

Prepared by Matthew Shanks, Chief of Code Enforcement in the Department of Neighborhood and Environmental Programs; MShanks@annapolis.gov and 410-263-7946.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Resolution No. R-23-12

4 Introduced by: Mayor Cohen  
5  
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
Referred to	Referral Date	Meeting Date	Action Taken
6/11/12			9/7/12
Environmental Matters	6/11/12		

8  
9 **A RESOLUTION** concerning

10 **Supporting City of Annapolis Participation in the Sustainable Maryland Certified**  
11 **Municipal Certification Program**  
12

13 **FOR** the purpose of expressing the sense of the Annapolis City Council to register and pursue  
14 the Sustainable Maryland state certification program for local municipalities.

15  
16 **WHEREAS,** the Sustainable Maryland program was developed by the University of  
17 Maryland's Environmental Finance Center, which focuses on strengthening the  
18 capacity of local decision-makers to analyze environmental problems and  
19 develop innovative and effective ways of financing environmental efforts; and  
20

21 **WHEREAS,** the Sustainable Maryland program was developed in cooperation with the  
22 Maryland Municipal League and the U.S. Environmental Protection Agency; and  
23

24 **WHEREAS,** the City Council adopted resolution R-43-09 supporting the sustainability goals in  
25 the 2009 Sustainable Annapolis Community Action Plan; and  
26

27 **WHEREAS,** a sustainable community means meeting the needs of the present without  
28 compromising the ability of future generations to meet their own needs; and  
29

30 **WHEREAS,** a sustainable community seeks to optimize quality of life for its residents by  
31 ensuring that its environmental, economic and social objectives are balanced and  
32 mutually supportive; and  
33

34 **WHEREAS,** the City of Annapolis strives to maximize tax dollars, assure clean land, air and  
35 water, improve working and living environments as steps to building a  
36 sustainable community that will thrive well into the future; and  
37

1 **WHEREAS,** the City of Annapolis wishes to support a model of government which benefits  
2 our residents now and far into the future by exploring and adopting sustainable,  
3 economically-sound, local government practices; and  
4

5 **WHEREAS,** by endorsing a sustainable path, the City of Annapolis is pledging to educate itself  
6 and community members further about sustainable activities and to develop  
7 initiatives supporting sustainable local government practices; and  
8

9 **WHEREAS,** as elected representatives of the City of Annapolis, we have a significant  
10 responsibility to provide leadership which will seek community-based sustainable  
11 solutions to strengthen our community.  
12

13 **NOW THE REFORE B E IT RESOLVED BY T HE ANNAPOLIS CITY COUNCIL** that to focus  
14 attention and effort within the City of Annapolis on matters of sustainability, the City Council  
15 wishes to pursue local initiatives and actions that will lead to Sustainable Maryland Certified  
16 Municipal certification.  
17

18 **AND, B E IT FURTHER RES OLVED BY T HE ANN APOLIS CITY C OUNCIL** that we hereby  
19 authorize Director Maria Broadbent of the Department of Neighborhood and Environmental  
20 Programs to serve as the City of Annapolis' agent for the Sustainable Maryland Certified  
21 Municipal Certification process and authorize her to complete the Municipal Registration on  
22 behalf of the City of Annapolis.  
23  
24  
25

26 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
27  
28

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

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

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

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31 **EXPLANATION**

32 CAPITAL LETTERS indicate matter added to existing law.

33 [brackets] indicate matter stricken from existing law.

34 Underlining indicates amendments.  
35

## Staff Report

R-23-12

### Supporting City of Annapolis Participation in the Sustainable Maryland Certified Municipal Certification Program

The proposed resolution would provide a sense of the Annapolis City Council in participating in the Sustainable Maryland Certified Program. The University of Maryland's Environmental Finance Center (EFC), in cooperation with the Maryland Municipal League (MML) and the Environmental Protection Agency, developed the free and voluntary certification program called Sustainable Maryland Certified. The Environmental Finance Center is a part of the University of Maryland system, and focuses on strengthening the capacity of local decision-makers to analyze environmental problems and develop innovative and effective ways of financing environmental efforts.

The Sustainable Maryland program is designed for Maryland Municipalities that strive to be leaders in environmental initiatives, adopting environmental policies that may save money while taking steps to sustain their quality of life. The Department of Neighborhood & Environmental Programs was involved with the Planning & Built Environment Task Force that helped to develop the program. There are eight categories of action items from which communities can get certification points: community action, community based food system, energy, greenhouse gas, health & wellness, local economies, natural resources, and planning & land use. According to our estimates, the city would receive at least 250 out of the required 150 points to achieve the certification.

#### Benefits of certification:

- Gain access to training, tools and expert guidance - Regular training workshops, webinars and leadership meetings provides cities and towns with connections to the leading experts in important municipal sustainability issues.
- Get recognized - Towns that achieve certification are provided a customized Sustainable Maryland Certified logo that can be used on the town's promotional materials. Municipalities are honored at an annual Sustainable Maryland Certified event at the MML Conference.
- Conserve valuable resources, protect the environment - By becoming Sustainable Maryland Certified, you align your municipality with your community's values while saving your resources as well as nature's.

#### How to achieve certification:

- Adopt a resolution that states the City's intent to pursue Sustainable Maryland certification.
- Designate a municipal representative
- Complete the registration form online at [www.SustainableMaryland.com](http://www.SustainableMaryland.com)
- Cities that have achieved certification will be recognized at the annual fall Maryland Municipal League meeting. Certification lasts three years.

Prepared by Robert Savidge in the Department of Neighborhood and Environmental Programs at [RSavidge@annapolis.gov](mailto:RSavidge@annapolis.gov) and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov)

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**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-27-12**

**Introduced by: Mayor Cohen**

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
6/11/12			9/7/12
Referred to	Referral Date	Meeting Date	Action Taken
Finance	6/11/12		

**A RESOLUTION** concerning

**Establishing Polices and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations**

**FOR** the purpose of establishing policies and procedures for Mayor and City Council approval of grant revenue appropriations.

**WHEREAS,** the attached policy from the Finance Department addresses grant funds after they are offered by an awarding agency but before those funds are accepted by the City of Annapolis; and

**WHEREAS,** the purpose of the attached policy is to establish protocol for the Mayor and Council to approve (a) the City's acceptance of the grant funds and (b) the City's proper appropriation of said funds; and

**WHEREAS,** this policy does not specifically address grant application requirements; and

**WHEREAS,** it is the practice of the Annapolis City Council to approve polices and procedures by resolution.

**NOW TH EREFORE BE IT RESO LVED BY TH E A NNAPOLIS C ITY CO UNCIL** that the attached polices and procedures for Mayor and City Council approval of grant revenue appropriations are hereby adopted.

**ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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.



**City of Annapolis**  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

Phone: 410-263-7952  
Fax: 410-263-7529  
MD Relay or 711  
www.annapolis.gov

## **POLICIES AND PROCEDURES:**

### **Mayor and Council Approval of Grant Appropriations**

#### **Purpose and Authority:**

The purpose of this statement is to establish policies and procedures for the Mayor and Council of the City of Annapolis (the "City") to approve appropriation of grant revenue. This policy does not specifically address grant application requirements. Instead, this policy addresses grant funds after they are offered by an awarding agency but before those funds are accepted by the City; the purpose of the policy being to establish protocol for the Mayor and Council to approve (a) the City's acceptance of the grant funds and (b) the City's proper appropriation of said funds.

#### **Detailed Policy Statement:**

##### ***Awareness of Grant Application***

It is current City protocol that before any City department, office, or division (hereafter referred to as "department") can apply for grant funds, the department must obtain prior approval to apply. This approval must come from the City Grant Coordinator, the City Finance Director, and the City Manager via a signed/initialed Grant Briefing Document. This approval is contingent on the department director's attestation that any local match requirement can be met within the department's current budget without any need for supplementation or enhancement. This current policy further states that such approvals to apply, once approved, will be forwarded to the Finance Committee solely for informational purposes.

##### ***Grant Budget***

If a grant is awarded after proper application, a grant award notice, grant agreement, grant contract or the like will be received from the awarding agency (such notices or agreements will hereafter be referred to summarily as a "grant award notice"). This grant award notice must be forwarded to the City Grant Coordinator. At that time, along with the grant award notice, the recipient department must submit an expense budget specific to the awarded grant revenues. This expense budget will make clear how the anticipated grant funds will be spent. The expense categories will be dictated by the same Chart of Accounts that are used to report normal operating/personnel budgets but further itemization should be provided if applicable. For example, if part of grant revenue is to be expended on supplies, specific supplies or types of supplies, with their appropriate costs, should be itemized.

On this grant budget, the appropriate director will provide a second attestation that any local match requirement will be met within the department's current budget without any need for supplementation or enhancement.

Also shown on the grant budget will be the grant revenue source. That is, any federal revenue from the grant award will be shown separate from state revenue or local match revenue so that all funds can be properly accounted.

### ***Approval of Award Acceptance***

Both this grant budget, as prepared by the recipient department(s), and the grant award notice (along with any other informative documents) will be forwarded to the City Grant Coordinator. From the City Grant Coordinator, this grant packet will follow the proper review and approval chain as dictated by the City's Grant Routing Slip (Appendix A).

If acceptance of the grant is administratively approved per the Grant Routing Slip chain, the grant packet will then be presented to the Finance Committee for their review and subsequent approval or rejection. If acceptance of the grant award is approved by the Finance Committee, action will be taken for the City's receipt of the grant award. The Finance Department will move forward with establishing a separate grant budget for the award and the appropriate departments will be given proper access to the grant revenue once received.

When the Finance Committee approves award acceptance, the Committee will act on behalf of the full City Council. The approval of grant acceptance will be forwarded to the City Council for information purposes but not for a separate vote.

If the Finance Committee rejects the award acceptance, the grant packet will be presented before the full City Council for their review and vote. In this case, the vote of the full City Council will be the deciding factor for acceptance or rejection of the grant award.

In all cases, approval of the grant packet assumes approval of the appropriation of the funds as detailed in the submitted grant budget.

The City Grant Coordinator will be kept abreast of proceedings as the grant packet follows the approval process.



**City of Annapolis**  
**Office of Grants Coordinator**  
 93 Main Street, Suite 3B.  
 Annapolis, Maryland 21401  
 (410) 268-5180 Fax: (410) 263-7468

## Grant Routing Slip

<b>Originator:</b>	<b>Date:</b>	<b>Briefing Document Must Be Attached</b>
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**Originator's Comments:**

**Priority of action requested**

<input type="checkbox"/> <b>Urgent</b> please handle immediately	<input type="checkbox"/> Please handle <b>EXPEDITIOUSLY</b>	<input type="checkbox"/> <b>Routine</b> consistent with other activities or during the normal duties course of business
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**The attached documents should be routed to the following. Please send this packet to the next person on the list once you have reviewed/signed documents.**

Review By <i>check all required</i>	Name	Reviewed <i>please initial below</i>	Approved <i>please initial below</i>	Denied <i>please initial below</i>	Date Com	ments
<input type="checkbox"/>	<b>Originating Department Director</b>					
<input type="checkbox"/>	<b>Grants Coordinator</b>					
<input type="checkbox"/>	<b>Finance Director</b>					
<input type="checkbox"/>	<b>Cit y Attorney</b>					
<input type="checkbox"/>	<b>City Manager</b>					
<input type="checkbox"/>	<b>Ma yor</b>					
<input type="checkbox"/>	<b>Cit y Clerk</b>					

*Please return to Originator at the conclusion of the process.*

## **Policy Report**

**R-27-12**

### **Establishing Policies and Procedures for Mayor and City Council Approval of Grant Revenue Appropriations**

The proposed resolution would establish policies and procedures for Mayor and City Council approval of grant revenue appropriations.

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



**City of Annapolis**  
Office of the City Clerk  
145 Gorman Street, 3<sup>rd</sup> Fl  
Annapolis, MD 21401-2535

[RCEldridge@annapolis.gov](mailto:RCEldridge@annapolis.gov) · 410-263-7942 · Fax 410-280-1853 · TDD 410-263-7943 · [www.annapolis.gov](http://www.annapolis.gov)

April 17, 2012

TO: Michael A. Pristoop, Chief of Police  
Annapolis Police Department

From: Regina C. Watkins- Eldridge, MMC  
City Clerk

RE: Towing License Renewal July 1, 2012 - June 30, 2013

Pursuant to City Code Section: 7.52.060 - License—Investigation.

- A. The City Clerk, after receipt of an application for a towing license, shall forward the application to the Chief of Police or the chief's designee for investigation and inspection of whether:
  - 1. The applicant has adequate off-street storage facilities within the City limits;
  - 2. The applicant has facilities to provide towing services when requested on a twenty-four-hour basis;
  - 3. The towing vehicles of the applicant are in good mechanical condition, equipped with necessary towing gear and safety apparatus, and are registered as commercial hauling vehicles with the Motor Vehicle Administration.
- B. The Chief of Police or the chief's designee promptly shall report the findings to the City Clerk. Thereafter, the City Council shall act upon the application.
- C. The City Council may reject an application when it finds that the applicant is not qualified to perform the towing and storage services. The council shall provide an applicant written notice setting forth the grounds for the rejection of the application.

Establishment Information:

JP Towing Service, LLC

Business Address: 44 Hudson Street, Annapolis, MD 21401

Storage Location: 1023 Spa Road, Annapolis, MD 21401

Please return your recommendations by Thursday, May 17, 2012 and the attached form to the City Clerk's Office. The City Council will consider this matter at their June 11, 2012 City Council Meeting. Thank you for your prompt attention to this matter. Application attached:



**City of Annapolis**  
 Office of the City Clerk  
 145 Gorman Street, 3<sup>rd</sup> Fl  
 Annapolis, MD 21401-2535

[CityClerk@annapolis.gov](mailto:CityClerk@annapolis.gov) • 410-263-7942 • Fax 410-280-1853 • [www.annapolis.gov](http://www.annapolis.gov)  
 Deaf, hard of hearing or speech disability - use MD Relay or 711

### Towing License Application

City Code Section 7.52

Applicant Kyle J Leapley

Resident address 679 Fairhaven Rd, Tracys Landing, MD 20779

Telephone, day 410-224-9774

Trading as JP Towing Service LLC

Business address 44 Hudson Street, Annapolis, MD 21401

Telephone, day 410-224-9774

Storage location 1023 Spa Road, Annapolis, MD

**Vehicle License plate number Vehicle Identification Number (VIN)**

Vehicle	License plate number	Vehicle Identification Number (VIN)
1	07001TT	1HTMMAAL06H317214
2	04878TT	1FDXF46PX6EA47584
3	04883TT	1FDXF46Y68EC71611
4	04869TT	2HSFHGMR5PC066848
5	04876TT	2HSFHGMR5PC066848
6	07007TT	1GDK7H1C0XJ519044
7	07024TT	1HTMMAAL66H150179

**I hereby certify under the penalties of perjury that:**

1. I am not directly or indirectly financially interested in any other towing license issued by the City of Annapolis;
2. I have reviewed and will charge the standard towing and storage fees approved by the City Council; and
3. I have filed a Twenty-Five Thousand (\$25,000) bond with the Annapolis City Clerk to protect the owner of any automobile from any property damage occurring while it is in my possession.

Signature \_\_\_\_\_

Date \_\_\_\_\_

4/9/12

**FOR CITY USE ONLY**

Dept.	Sent	Returned	Approved	Disapproved	Signature
Chief of Police					
Council					



**City of Annapolis**  
**Office of the City Clerk**  
145 Gorman Street, 3<sup>rd</sup> Fl  
Annapolis, MD 21401-2535

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April 17, 2012

To: Karen M. Hardwick  
City Attorney

From: Regina C. Watkins- Eldridge, MMC  
City Clerk *RCE*

RE: Towing – Permit Bond For: J P Towing Service, LLC:

Pursuant to City Code Sec: 7.52.070 - Bond.

Every person who is issued a towing license under the provisions of this chapter shall file with the City Clerk a bond in the amount of twenty-five thousand dollars to save harmless the owner of any automobile for any property damage occurring to the automobile during the time it is in the possession of the towing company.

Please review for legal sufficiency and return to the City Clerk. Thank you,

*Karen M. Hardwick*  
\_\_\_\_\_  
Sign here: Karen M. Hardwick, City Attorney

Date: 4/30/2012



INSCO INSURANCE SERVICES, INC.  
 Underwriting Manager for:  
 Developers Surety and Indemnity Company  
 Indemnity Company of California  
 17780 Fitch, Suite 200 • Irvine, California 92614 • (949) 263-3300

LICENSE PERMIT BOND

BOND NO. 588464C

KNOW ALL MEN BY THESE PRESENTS:

That we, J P Towing Service, LLC, as principal,  
 and the Developers Surety and Indemnity Company, a corporation duly licensed to do  
 business in the State of Maryland as Surety, are held and firmly bound unto  
City of Annapolis/Office of the City Clerk, Obligee, in the penal sum  
 of Twenty-five Thousand and 00/100

Dollars (\$ 25,000.00), lawful money of the United States, to be paid to the said Obligee,  
 for which payment well and truly to be made, we bind ourselves and our legal representatives, jointly and  
 severally by these presents.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, That whereas, the said Principal has been  
 granted a license to perform towing services \_\_\_\_\_ by said Obligee.

NOW, THEREFORE, if said Principal shall faithfully perform the duties and in all things comply with  
 the laws and ordinances, including all amendments thereto, appertaining to the license or permit applied  
 for, then this obligation shall be void, otherwise to remain in full force and effect until July 1, 2012  
June 30, 2013  
YEAR

The liability of the Surety hereunder may, however, be terminated by giving thirty (30) days' written notice  
 to the Principal and Obligee, and upon giving such notice, the Surety shall be discharged from all liability  
 under this bond for any act or omission of the Principal occurring after the expiration of thirty days from  
 the date of the receipt of such notice.

IN WITNESS WHEREOF, We have hereunto set our hands and seals this 22nd day  
 of March, 2012  
YEAR

J P Towing Service, LLC  
 PRINCIPAL

Developers Surety and Indemnity Company  
 SURETY

BY: \_\_\_\_\_

BY: Belinda M. Ferclot  
 Belinda M. Ferclot, Attorney-in-Fact

**POWER OF ATTORNEY FOR  
DEVELOPERS SURETY AND INDEMNITY COMPANY**  
PO Box 19725, IRVINE, CA 92623 (949) 263-3300

KNOW ALL BY THESE PRESENTS that except as expressly limited, DEVELOPERS SURETY AND INDEMNITY COMPANY, does hereby make, constitute and appoint:

\*\*\*Belinda M. Ferciot, Catherine M. Mathews, Michael E. Schendel, Debra L. Stewart, Anthony J. Pung, jointly or severally\*\*\*

as its true and lawful Attorney(s)-in-Fact, to make, execute, deliver and acknowledge, for and on behalf of said corporation, as surety, bonds, undertakings and contracts of suretyship giving and granting unto said Attorney(s)-in-Fact full power and authority to do and to perform every act necessary, requisite or proper to be done in connection therewith as each of said corporation could do, but reserving to each of said corporation full power of substitution and revocation, and all of the acts of said Attorney(s)-in-Fact, pursuant to these presents, are hereby ratified and confirmed.

This Power of Attorney is granted and is signed by facsimile under and by authority of the following resolution adopted by the Board of Directors of DEVELOPERS SURETY AND INDEMNITY COMPANY, effective as of January 1st, 2008.

RESOLVED, that a combination of any two of the Chairman of the Board, the President, any Executive Vice-President, Senior Vice-President or Vice-President of the corporation be, and that each of them hereby is, authorized to execute this Power of Attorney, qualifying the attorney(s) named in the Power of Attorney to execute, on behalf of the corporation, bonds, undertakings and contracts of suretyship; and that the Secretary or any Assistant Secretary of the corporation be, and each of them hereby is, authorized to attest the execution of any such Power of Attorney;

RESOLVED, FURTHER, that the signatures of such officers may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures shall be valid and binding upon the corporation when so affixed and in the future with respect to any bond, undertaking or contract of suretyship to which it is attached.

IN WITNESS WHEREOF, DEVELOPERS SURETY AND INDEMNITY COMPANY has caused these presents to be signed by its officers and attested by its Secretary or Assistant Secretary this January 1st, 2008.

By: *Daniel Young*  
Daniel Young, Vice-President

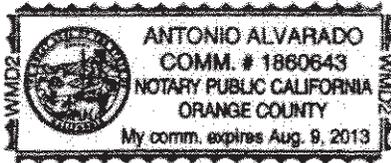
By: *Stephen T. Pate*  
Stephen T. Pate, Senior Vice-President



State of California  
County of Orange

On January 31, 2011 before me, Antonio Alvarado, Notary Public  
Date Here Insert Name and Title of the Officer

personally appeared Daniel Young and Stephen T. Pate  
Name(s) of Signer(s)



Place Notary Seal Above

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature *Antonio Alvarado*  
Antonio Alvarado, Notary Public

**CERTIFICATE**

The undersigned, as Secretary or Assistant Secretary of DEVELOPERS SURETY AND INDEMNITY COMPANY does hereby certify that the foregoing Power of Attorney remains in full force and has not been revoked and, furthermore, that the provisions of the resolution of the Board of Directors of said corporation set forth in the Power of Attorney are in force as of the date of this Certificate.

This Certificate is executed in the City of Irvine, California, this 22nd day of March, 2012

By: *Gregg Okura*  
Gregg Okura, Assistant Secretary



# CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)  
4/4/2012

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER <b>Sheehan Insurance Group</b> 14945 Washington Street PO Box 764 Haymarket VA 20168	CONTACT NAME: <b>Christal Eubank</b>	
	PHONE (A/C, No, Ext): <b>(703) 753-5488</b>	FAX (A/C, No): <b>(703) 753-4878</b>
E-MAIL ADDRESS: <b>christale@sheehaninsurance.com</b>		
INSURER(S) AFFORDING COVERAGE <b>INSURER A: Companion Property &amp; Casualty</b>		NAIC # <b>12157</b>
INSURER B:		
INSURER C:		
INSURER D:		
INSURER E:		
INSURER F:		
INSURED <b>JP Towing Service LLC</b> DBA: <b>JP Towing &amp; Recovery</b> 44 Hudson St Annapolis MD 21401		

**COVERAGES**CERTIFICATE NUMBER: **CL124408209**

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	<b>GENERAL LIABILITY</b> <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY <input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR			PM3615524 03 01	4/5/2012	4/5/2013	EACH OCCURRENCE \$ 1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 100,000 MED EXP (Any one person) \$ 5,000 PERSONAL & ADV INJURY \$ 1,000,000 GENERAL AGGREGATE \$ 2,000,000 PRODUCTS - COMP/OP AGG \$ 2,000,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC						
A	<b>AUTOMOBILE LIABILITY</b> <input type="checkbox"/> ANY AUTO ALL OWNED AUTOS <input type="checkbox"/> HIRED AUTOS <input checked="" type="checkbox"/> SCHEDULED AUTOS <input type="checkbox"/> NON-OWNED AUTOS			CAF3615524 03 01	4/5/2012	4/5/2013	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ Uninsured motorist combined \$ 1,000,000
	<b>UMBRELLA LIAB</b> <input type="checkbox"/> OCCUR <b>EXCESS LIAB</b> <input type="checkbox"/> CLAIMS-MADE DED <input type="checkbox"/> RETENTION \$						
A	<b>WORKERS COMPENSATION AND EMPLOYERS' LIABILITY</b> ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below		N/A	CWC3615524 01 03	4/5/2012	4/5/2013	<input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER E.L. EACH ACCIDENT \$ 500,000 E.L. DISEASE - EA EMPLOYEE \$ 500,000 E.L. DISEASE - POLICY LIMIT \$ 500,000
	<b>GKLL</b> On Hook/Cargo CAF3615524 03 01 4/5/2012 4/5/2013 Limit/Ded 120,000/500 PM 3615524 03 01 4/5/2012 4/5/2013 Limit/Ded 100,000/1,000						

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)

**CERTIFICATE HOLDER**

(410) 280-1853

 Annapolis City  
 Attn: Regina C. Watkins-Eldride
**CANCELLATION**

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

C Eubank/CHRIST



Chartered 1708

City of Annapolis

DEPARTMENT OF NEIGHBORHOOD & ENVIRONMENTAL PROGRAMS

160 DUKE OF GLOUCESTER STREET, ROOM 202, ANNAPOLIS, MARYLAND 21401

ANNAPOLIS (410) 263-7946 • FAX (410) 263-9158 • Deaf, hard of hearing or speech disability - Use MD relay 0r 711 • www.annapolis.gov

Certificate of Use

Date: 8/13/10

Pursuant to the provisions of the Annapolis City Code, Zoning Regulations, permission is hereby granted to use and occupy the land and/or building known as:

Business: J P Towing Service, LLC

Business Owner: Joe & Kyle Leapley

Business Address: 1023 Spa Road Suite: Rear Lot

Square Feet: 240 Floor: Zone: R3/Legal Non-Conforming

Specific Use of Business: Office/Towing & Storage

Permitted Use Yes Subject to Standards Special Exception

Special Conditions:

Fees: \$85.00

Permit: S-10-5

Issued by:

Signature of Cait Hare

Department of Neighborhood & Environmental Programs



NON-TRANSFERRABLE

Good only for the use and to the location and extent described above. Changes in use, alterations, and changes in occupancy require a new permit.

April 17, 2012

# Memo

To: Finance Office

From: Office of the City Clerk

RE: Counter Receipt - JP Towing Service, LLC Ck # 1480

110-35200-3507	ABCB Fines	
110-32200-3220	ABCB License	
110-32200-3226	Amusement	
110-32200-3226	Arcade	
110-32200-3226	Circus/Carnival	
110-34130-3403	Closing Out Sale	
110-32200-3226	Distributors	
110-34130-3403	Filing/Application Fees	
110-32200-3222	Fortune Tellers	
110-32200-3222	Massage Parlors	
110-36420-5140	Non-taxable Sales (Copies, Settlements)	
110-32200-3222	Pawnbroker	
110-32200-3222	Peddler	
110-32100-3219	Sidewalk Cafes	
110-32200-3226	Theatres	
110-32200-3224	Towing Licenses	\$50.00
TOTAL(S)		\$50.00

PLEASE STAMP PAID AND RETURN TO THE CITY CLERKS OFFICE

CITY OF ANNAPOLIS

APR 18 2012

PAID

*OK*



**City of Annapolis**  
Office of the City Clerk  
145 Gorman Street, 3<sup>rd</sup> Fl  
Annapolis, MD 21401-2535

RCEldridge@annapolis.gov · 410-263-7942 · Fax 410-280-1853 · TDD 410-263-7943 · www.annapolis.gov

May 9, 2012

TO: Michael A. Pristoop, Chief of Police  
Annapolis Police Department

From: Regina C. Watkins- Eldridge, MMC  
City Clerk

RE: Towing License Renewal July 1, 2012 - June 30, 2013

Pursuant to City Code Section: 7.52.060 - License—Investigation.

- A. The City Clerk, after receipt of an application for a towing license, shall forward the application to the Chief of Police or the chief's designee for investigation and inspection of whether:
  - 1. The applicant has adequate off-street storage facilities within the City limits;
  - 2. The applicant has facilities to provide towing services when requested on a twenty-four-hour basis;
  - 3. The towing vehicles of the applicant are in good mechanical condition, equipped with necessary towing gear and safety apparatus, and are registered as commercial hauling vehicles with the Motor Vehicle Administration.
- B. The Chief of Police or the chief's designee promptly shall report the findings to the City Clerk. Thereafter, the City Council shall act upon the application.
- C. The City Council may reject an application when it finds that the applicant is not qualified to perform the towing and storage services. The council shall provide an applicant written notice setting forth the grounds for the rejection of the application.

Establishment Information:

For Spa, Inc T/A Mason's Auto Repair

Business Address: 1032 West Street, Annapolis, Maryland 21401

Storage Location: 1032 West Street, Annapolis, Maryland 21401

Please return your recommendations by Thursday, May 17, 2012 and the attached form to the City Clerk's Office. The City Council will consider this matter at their June 11, 2012 City Council Meeting. Thank you for your prompt attention to this matter. Application attached:



**City of Annapolis**  
 Office of the City Clerk  
 145 Gorman Street, 3<sup>rd</sup> Fl  
 Annapolis, MD 21401-2535

CityClerk@annapolis.gov • 410-263-7942 • Fax 410-280-1853 • TDD use MD Relay or 711 • www.annapolis.gov

### Towing License Application

City Code Section 7.52

Applicant Robert E Mason  
 Resident address 1953 Fairfax Rd, Annapolis, MD 21401  
 Telephone, day 410-268-5781  
 Trading as For Spa Inc. T/A Mason's Auto Repair  
 Business address 1032 West St., ANNAPOLIS, MD 21401  
 Telephone, day 410-268-5781  
 Storage location 1032 West St, Annapolis, MD 21401

Vehicle	License plate number	Vehicle Identification Number (VIN)
1	00520TT	1FDXF47P17EA60563
2	TT840	1FDXF46F2YEE47679
3	TT2257	1FDAF56FIXED31027
4	TT9426	1FDAF46V19EB22966
5	6098TT	3ERNX65N64V662111
6	7049TT	1FDXF47P34EC34872
7		

**I hereby certify under the penalties of perjury that:**

1. I am not directly or indirectly financially interested in any other towing license issued by the City of Annapolis;
2. I have reviewed and will charge the standard towing and storage fees approved by the City Council; and
3. I have filed a Twenty-Five Thousand (\$25,000) bond with the Annapolis City Clerk to protect the owner of any automobile from any property damage occurring while it is in my possession.

Signature Robert E Mason Date 2/6/12

**FOR CITY USE ONLY**

Dept.	Sent	Returned	Approved	Disapproved	Signature
Chief of Police			<input checked="" type="checkbox"/>		
Council					



**City of Annapolis**  
Office of the City Clerk  
145 Gorman Street, 3<sup>rd</sup> Fl  
Annapolis, MD 21401-2535

RCEldridge@annapolis.gov · 410-263-7942 · Fax 410-280-1853 · TDD 410-263-7943 · www.annapolis.gov

May 9, 2012

To: Karen M. Hardwick  
City Attorney

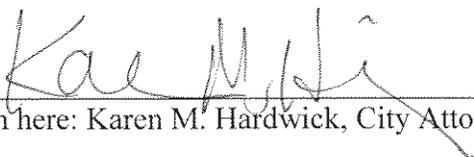
From: Regina C. Watkins- Eldridge, MMC  
City Clerk

RE: Towing – Permit Bond For: For Spa, Inc T/A Mason's Auto Repairs, Inc

Pursuant to City Code Sec: 7.52.070 - Bond.

Every person who is issued a towing license under the provisions of this chapter shall file with the City Clerk a bond in the amount of twenty-five thousand dollars to save harmless the owner of any automobile for any property damage occurring to the automobile during the time it is in the possession of the towing company.

Please review for legal sufficiency and return to the City Clerk. Thank you,

  
\_\_\_\_\_  
Sign here: Karen M. Hardwick, City Attorney

Date: 5/11/12



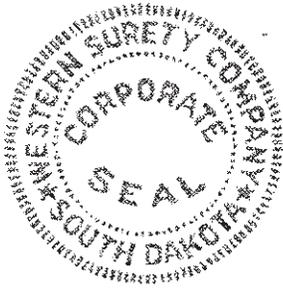
# Western Surety Company

## CONTINUATION CERTIFICATE

Western Surety Company hereby continues in force Bond No. 58457136 briefly described as TOWING CITY OF ANNAPOLIS,  
 \_\_\_\_\_,  
 for FOR SPA, INC. T/A MASONS AUTO REPAIRS, INC.,  
 \_\_\_\_\_, as Principal,  
 in the sum of \$ TWENTY-FIVE THOUSAND AND NO/100 Dollars, for the term beginning July 01, 2012, and ending June 30, 2013, subject to all the covenants and conditions of the original bond referred to above.

This continuation is issued upon the express condition that the liability of Western Surety Company under said Bond and this and all continuations thereof shall not be cumulative and shall in no event exceed the total sum above written.

Dated this 26 day of April, 2012.



WESTERN SURETY COMPANY

By Paul T. Bruflat  
 Paul T. Bruflat, Senior Vice President

**THIS "Continuation Certificate" MUST BE FILED WITH THE ABOVE BOND.**

May 9, 2012

## Memo

To: Finance Office

From: Office of the City Clerk

RE: Counter Receipt - For - Spa t/a Mason's Towing & Service Center Ck # 24859

110-35200-3507	ABCB Fines	
110-32200-3220	ABCB License	
110-32200-3226	Amusement	
110-32200-3226	Arcade	
110-32200-3226	Circus/Carnival	
110-34130-3403	Closing Out Sale	
110-32200-3226	Distributors	
110-34130-3403	Filing/Application Fees	
110-32200-3222	Fortune Tellers	
110-32200-3222	Massage Parlors	
110-36420-5140	Non-taxable Sales (Copies, Settlements)	
110-32200-3222	Pawnbroker	
110-32200-3222	Peddler	
110-32100-3219	Sidewalk Cafes	
110-32200-3226	Theatres	
110-32200-3224	Towing Licenses	\$50.00
TOTAL(S)		\$50.00

PLEASE STAMP PAID AND RETURN TO THE CITY CLERKS OFFICE

CITY OF ANNAPOLIS  
MAY 10 2012  
PAID



Chartered 1704

Joshua J. Cohen, Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

June 1, 2012

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Public Safety Disability Retirement Board

I respectfully submit for your approval the appointment of Adam G. Cohen to the Public Safety Disability Retirement Board. Mr. Cohen is an attorney admitted to practice law in the State of Maryland and this appointment fills a vacancy on the Commission.

Adam G. Cohen  
156 South Street  
Annapolis, MD 21401  
(410) 268-4500

[AGCohen@CohenandGreene.com](mailto:AGCohen@CohenandGreene.com)

Thank You.

JJC/hrr

**COHEN & GREENE, P.A.**  
ATTORNEYS AT LAW  
156 SOUTH STREET  
P. O. BOX 909  
ANNAPOLIS, MARYLAND 21404

ALLEN W. COHEN  
JOHN R. GREENE  
ADAM G. COHEN

ANNAPOLIS  
(410) 268-4500  
BALTIMORE  
(410) 269-0464  
WASHINGTON  
(301) 261-1950  
FACSIMILE  
(410) 269-6952

June 5, 2012

Hilary Roggio Raftovich  
Office of the Mayor  
City of Annapolis  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401

In re: Police and Fire Disability Retirement Board

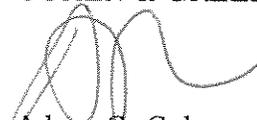
Dear Ms. Raftovich:

Enclosed please find my resume with regard to volunteering to sit on the Police and Fire Disability Retirement Board.

If you have any questions or concerns, please feel free to contact me.

Very truly yours,

COHEN & GREENE, P.A.



Adam G. Cohen

AGC/im

# **Adam G. Cohen**

Cohen & Greene, P.A.  
156 South Street  
Annapolis, MD 21401  
410-268-4500  
agcohen@cohenandgreene.com

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## **Work Experience**

- Cohen & Greene, P.A.; Associate at Personal Injury Law Firm  
Annapolis, Maryland (April 2009 – Present)
- Law Offices of Andrew B. Greenspan; In-House Counsel for Nationwide Insurance  
Annapolis/Linthicum, Maryland (September 2006 – April 2009)
- Judicial Law Clerk, The Honorable Nancy Davis-Loomis, Anne Arundel County Circuit Court  
Annapolis, Maryland (August 2005 – August 2006)

## **Legal Experience**

- Personal injury litigation with substantial experience trying cases before Judges and Juries at the State District and Circuit Court level.
- Reviewing medical documentation on a daily basis in the evaluation of personal injury claims from both the plaintiff and defense point of view.
- Negotiating personal injury settlements for both Plaintiffs and Defendants.
- Drafted opinions for Judge on matters that included administrative appeals, three-judge panels, post-conviction hearings, Judge Trials, and complex motions hearings.
- Argued before the Maryland Court of Special Appeals.

## **Education**

- Juris Doctor - Thomas M. Cooley Law School, Lansing, Michigan, May 2005
- Bachelor of Arts – University of Maryland, College Park, May 2002

## **Bar Admission**

- Maryland State Bar – Admitted 2005