**CITY OF ANNAPOLIS**
**REGULAR MEETING OF THE CITY COUNCIL**
October 28, 2013 7:00 p.m.

| | |
|---|---|
| Call to Order | Mayor Cohen |
| Invocation | Alderman Arnett |
| Pledge of Allegiance | Mayor Cohen |
| Roll Call | City Clerk Watkins-Eldridge |
| Approval of Agenda | |

**PETITIONS, REPORTS AND COMMUNICATIONS**

Presentation from the U.S. Postal Service on new retail location within the City of Annapolis

Approval of Journal Proceeding (Available 10/28) — Special Meeting October 10, 2013
Regular Meeting October 14, 2013
Special Meeting October 21, 2013

Reports by Committees

Comments by the General Public

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

**BUSINESS and MISCELLANEOUS**

1. Ratification of Proposed Union Memoranda of Understanding (Available 10/28)
2. Budget revisions
3. Appointments

**LEGISLATIVE ACTION – 2nd READER**
**ORDINANCES AND RESOLUTIONS**

**R-49-12** **2012 City Dock Master Plan** - For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 12/10/12 | 7/25/13<br>10/21/13 | 1/7/13 | 6/8/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Government | 12/10/12 | 10/15/13 | Defer to Council |
| Economic Matters | 12/10/12 | 10/21/13 | Defer to Council |
| Planning Commission | 12/10/12 | 5/16/13 | Favorable w/ amd. |
| Historic Preservation Commission | 12/10/12 | 3/12/13 | Comments |

**O-51-11Amd. Use and Redevelopment of Property in C2 Zoning Districts** – For the purpose of adding certain provisions governing use and redevelopment of

property located in a C2 Zoning District. *Proposed to be postponed indefinitely.*

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

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

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

**O-19-13** **Capacity of Schools in the Development Review Process** – For the purpose of adding current and projected school capacity of Annapolis Feeder System schools geographically located within the City of Annapolis to the list of development review criteria and findings; and specifying duties of the Director of Planning and Zoning regarding school capacity.

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 6/10/13 | 10/14/13 | 5/26/13 | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 6/10/13 | 10/15/13 | Favorable w/ amd. |
| Planning Commission | 6/10/13 | 10/3/13 | Unfavorable |

**O-35-13** **Issuance of Bonds and Bond Anticipation Notes** – For the purpose of authorizing and empowering the City of Annapolis (the "City") to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate

principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the "Charter"), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/9/13 | 9/23/13 | 9/16/13 | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 9/9/13 | 10/21/13 | Favorable |
| Finance | 9/9/13 | 10/24/13 | |
| Financial Advisory Commission | 9/9/13 | 10/21/13 | Favorable w/ amd. |

**O-47-11** **Fence Permits** - For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

| LEGISLATIVE HISTORY | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 9/26/11 | 4/22/13 | 2/17/12 | 3/23/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 9/26/11 | 6/6/13 | Favorable w/ amd. |
| Rules and City Gov't | 9/26/11 | 5/23/13 | Favorable |
| Planning Commission | 9/26/11 | 3/8/13 | Favorable w/ amd. |

**O-30-11** **Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence District** – For the purpose of amending Section 21.40.020 – R1 Single Family Residence District to delete Section D related to contiguous lots.

| LEGISLATIVE HISTORY |
|---|

| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
|---|---|---|---|
| 7/11/11 | 10/14/13 | 1/7/12 | 1/13/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 7/11/11 | 10/15/13 | Favorable w/ amd. |
| Planning Commission | 7/11/11 | 10/3/13 | Favorable w/ amd. |

**O-28-13** **New Land Use Article References in the City Code** – For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 7/8/13 | 10/14/13 | 8/30/13 | 1/3/14 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 7/8/13 | 10/15/13 | Favorable |
| Planning Commission | 7/8/13 | 9/5/13 | Favorable |

**O-34-13** **Historic Preservation Tax Credit** – For the purpose of revising the provisions governing the historic preservation tax credit in the City of Annapolis.

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/9/13 | 10/14/13 | 9/16/13 | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Finance | 9/9/13 | 10/24/13 | |
| Economic Matters | 9/9/13 | 10/21/13 | Favorable w/ amd. |
| Historic Preservation Commission | 9/9/13 | 9/26/13 | Favorable w/ amd. |

**O-32-13** **Plumbing Permit Fees – Capital Facilities** – For the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction* |
|---|

| *and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 7/22/13 | 9/9/13 | 8/30/13 | 10/18/3 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 7/22/13 | 9/16/13 | Favorable |
| Finance | 7/22/13 | 10/24/13 | |

**O-33-13** **Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal Government** – For the purpose of approving a new 10-year wastewater conveyance and treatment (sewer service) contract (Contract) with the Federal Government to adjust the rate as provided; and all matters related to said wastewater conveyance and treatment.

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/23/13 | 10/14/13 | 10/4/13 | 12/20/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Finance | 9/23/13 | 10/24/13 | |
| Environmental Matters | 9/23/13 | 10/22/13 | |

**R-35-13** **Re-Activating the State Commission on the Capital City** – For the purpose of expressing the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/9/13 | N/A | 9/4/13 | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 9/9/13 | 9/10/13 | Favorable |

**UPCOMING CITY COUNCIL EVENTS**

None scheduled due to the end of this City Council term.

# City of Annapolis
## Budget Revision Request

Control number GT-2-14

Department
Planning and Zoning

Date 9-Oct-2013

| | Transfer To | Transfer From |
|---|---|---|
| | | |
| Contract Services | 31,800.00 | |
| | | |
| Salaries | | 31,800.00 |
| | | |
| | | |
| | | |
| | | |

Additional funds needed to cover cost for consultants on City Dock Project.

Funds to provide in house training for office staff.

Approved for Financial & Accounting Sufficiency:

Finance Director

Department Director

Approved by:
Mayor
Finance Committee
City Council

# City of Annapolis
## Budget Revision Request

Control number GA-3-13

Department
Mayor's Office

Date 15-Oct-2013

| Account Name Only | Transfer TO | Transfer FROM |
|---|---|---|
| Special Projects | 4,554.00 | |
| Community Grants | | 4,554.00 |
| | | |
| | | |
| | | |
| | | |
| | | |
| | | |

City contribution of $4,554 to the Annapolis Business Association for their annual holiday decorations.

Approved for Financial & Accounting Sufficiency:

Bruce T Miller / MSH
Finance Director

Department Director

Approved by:

Mayor

Finance Committee

City Council

# City of Annapolis
## Budget Revision Request

Control number GT-4-14

Department
Fire

Date 9-Oct-2013

| | Increase | Decrease |
|---|---|---|
| Revenue | | |
| County 508 Funds | 29,955.42 | |
| | | |
| Supplies | 29,955.42 | |
| | | |
| | | |
| | | |
| | | |

To budget for County Senator Amoss 508 funds for use by fire department

Approved for Financial & Accounting Sufficiency:

Finance Director

Department Director

Approved by:
Mayor
Finance Committee
City Council

Joshua J. Cohen, Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Chartered 1708

October 23, 2013

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: The Transportation Board

I respectfully submit for your approval the appointment of Mr. Alex Pline to the Transportation Board. Mr. Pline is a resident of Ward 2 and this appointment fills a vacancy on the Board. His resume is attached.

Alex Pline
305 Monterey Avenue
Annapolis, Maryland 21401
(410) 263-8457
alex.pline@gmail.com

Thank You.

JJC/hrr

Reviewed by: Transportation Board

✓ Favorable ___ Unfavorable

Committee Chair — Date 10-24-13

**Alex Pline - Statement of Interest – Annapolis Transportation Board**

The Baltimore/Washington/Annapolis metropolitan area faces significant transportation challenges. We have some of the worst auto traffic in the country and in many cases, have limited non-auto transportation options. Auto-based transportation certainly has its place in our are and provides many benefits, especially for citizens in our more rural communities. However, auto dependence has many negative consequences, such as pollution, sprawling and unattractive suburban development patterns, and can be disenfranchising to the young, old and less well off who cannot drive. I am a partial to non-auto dependent walkable/bikeable urban environments and given the relatively compact nature of Annapolis, I believe there are many things we can do to further the city goals of providing multi-mode access. I engage in many types of cycling, competitive road cycling as well as mountain biking and trail riding and using my bike for daily trips around the greater Annapolis area. In addition, I also use public transportation for commuting and like many people in the area, I drive a car. As such, I have a wide perspective on transportation issues and feel I can contribute meaningfully in discussing Annapolis transportation issues.

**Other Technical Skills Include:**

- Windows, Apple OSX, Unix operating systems
- Programming languages/Web technologies (Java, XML, XSLT, Web Services, RSS, HTML, XHTML)
- Server applications and software infrastructure (Apache Projects, J2EE software development, SQL/Oracle databases)
- Web content management and portal frameworks
- Semantic Web concepts (RDF, OWL)
- Office automation and telecommunication techniques (hardware and software)
- IP-based networking concepts
- PC/Mac graphics software and applications

## PROFESSIONAL EXPERIENCE

**NASA Headquarters, Washington, DC** **8/96-Present**
IT Project Manager

**NASA Glenn (Lewis) Research Center, Cleveland, Ohio** **8/88-8/96**
Project Scientist 1/91-8/96
Research Engineer 8/88-8/96

**Case Western Reserve University, Cleveland, Ohio** **6/86-8/88**
Resident Research Associate

## EDUCATION

**NASA Professional Development Program** **1996-1997**
**MS Engineering** **Case Western Reserve University, 1988**
**BS Fluid and Thermal Sciences** **Case Western Reserve University, 1984**

## PROFESSIONAL ACTIVITIES/AWARDS

- Co-Chair Anne Arundel County Citizen's Advisory Committee, Pedestrian and Bicycle Master Plan 2013
- Co-Chair Anne Arundel County Transportation Commission 2013
- Member NASA Webmasters Working Group
- Member NASA Web Portal Editorial Board
- NASA Group Achievement, Special Service, Sustained Superior Performance, and Distinguished Publication Awards
- Case Western Reserve University Graduate Assistantship

## PERSONAL

- Hobbies/interests include cycling, sailing, computer/consumer technologies, and urban design
- Member USA Cycling and Annapolis Bicycle Racing Team
- Member United States Sailing Association and Snipe Class International Racing Association

***References/publication list available upon request***

**Other Technical Skills Include:**

- Windows, Apple OSX, Unix operating systems
- Programming languages/Web technologies (Java, XML, XSLT, Web Services, RSS, HTML, XHTML)
- Server applications and software infrastructure (Apache Projects, J2EE software development, SQL/Oracle databases)
- Web content management and portal frameworks
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- PC/Mac graphics software and applications

## PROFESSIONAL EXPERIENCE

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IT Project Manager

**NASA Glenn (Lewis) Research Center, Cleveland, Ohio** **8/88-8/96**
Project Scientist 1/91-8/96
Research Engineer 8/88-8/96

**Case Western Reserve University, Cleveland, Ohio** **6/86-8/88**
Resident Research Associate

## EDUCATION

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**MS Engineering** **Case Western Reserve University, 1988**
**BS Fluid and Thermal Sciences** **Case Western Reserve University, 1984**

## PROFESSIONAL ACTIVITIES/AWARDS

- Co-Chair Anne Arundel County Citizen's Advisory Committee, Pedestrian and Bicycle Master Plan 2013
- Co-Chair Anne Arundel County Transportation Commission 2013
- Member NASA Webmasters Working Group
- Member NASA Web Portal Editorial Board
- NASA Group Achievement, Special Service, Sustained Superior Performance, and Distinguished Publication Awards
- Case Western Reserve University Graduate Assistantship

## PERSONAL

- Hobbies/interests include cycling, sailing, computer/consumer technologies, and urban design
- Member USA Cycling and Annapolis Bicycle Racing Team
- Member United States Sailing Association and Snipe Class International Racing Association

***References/publication list available upon request***

Joshua J. Cohen, Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Chartered 1708

October 23, 2013

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: The Transportation Board

I respectfully submit for your approval the appointment of Ms. Ann Widener to the Transportation Board. Ms. Widener is a resident of Ward 1, a former member of the Parking Advisory Board and this appointment fills a vacancy on the Board. Her resume is attached.

Ann Widener
146 Duke of Gloucester Street
Annapolis MD 21401
annwidener@comcast.net

Thank You.

JJC/hrr

Reviewed by: Transportation Board

✓ Favorable ___ Unfavorable

Committee Chair 10-24-13 Date

Phone: 410-263-7997 / Fax: 410-216-9284 / E-mail: mayor@annapolis.gov / www.annapolis.gov

Ann Widener, owner of the Peake House located at 76 Maryland Avenue in Annapolis, Maryland since 1988.

Active member of the Maryland Avenue State Circle Business Association for the 23 years. Served as the President for four years.

Have been an active member of the Annapolis Business Association (ABA) and its Board for the past 20 years.

Currently act as the liaison between the Maryland Avenue State Circle Business Association and the ABA.

Since 1988 I have volunteered for and served on the following committees under many different city administrations:

- Member of the committee for the Paving and Redesign of State Circle while Maryland Avenue served as a staging, construction site.
- Member of the City Comprehensive Planning Commission.
- Member of the Parking Commission under the Hopkins administration.
- Member of the Main Street Redesign Commission.
- Member of the committee to study the Need for Fire Suppression in the Historic District under the Johnson administration.

Joshua J. Cohen, Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Chartered 1708

October 23, 2013

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: The Transportation Board

I respectfully submit for your approval the appointment of Ms. Elizabeth Dolezal to the Transportation Board. Ms. Dolezal is a resident of Ward 1, a former member of the Parking Advisory Board and this appointment fills a vacancy on the Board. Her resume is attached.

Elizabeth Dolezal
86 Market Street
Annapolis MD 21401
410-263-9443
bethdolezal@verizon.net

Thank You.

JJC/hrr

Reviewed by: Transportation Board

✓ Favorable ___ Unfavorable

Committee Chair

10-24-13
Date

# Elizabeth (Beth) Dolezal
## Resume
## June 5, 2007

Retired; 30 years Federal Government Service,
US Department of the Navy, 12 years
Office of Personal Management, 1 year
US Department of Justice, 17 years
Computer Specialist and Project Manager

While at USDOJ organized and ran national conferences for;
GITEC, Government Information Technology & Electronic Centers,
1 conference
FGIPC, Federal Government Information Processing Centers,
3 conferences

President of AFFIRM, Association for Federal Information Resources Managers,
Established new membership criteria
Increased membership by 3 fold
Established program for private industry membership & sponsorship

Served on the board of First Night Annapolis for 4 years
3 as Vice President

Currently on the Board of Friends of the Annapolis Symphony, 4th year
2 as Vice President
currently Vice President of Ways & Means
Chair of the FASO Cookbook Committee (developing a cookbook/fundraiser)

Chair of Historic Hammond-Harwood House, Secret Garden Tour
3 years as Chair
increased attendance 30%
expanded media coverage
raised awareness of tour in community and surrounding area
will be Chair in 2008

Volunteer with the City on Sister City Program
Represented City in Kronstadt, Russia
Represented City in Dartmouth, England

Volunteer at Annapolis & Anne Arundel County Conference and Visitor Center
Information Specialist for 12 years

Joshua J. Cohen, Mayor
City of Annapolis
160 Duke of Gloucester Street
Annapolis, Maryland 21401

Chartered 1708

October 23, 2013

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: The Transportation Board

I respectfully submit for your approval the appointment of Ms. Jennifer West-Miser to the Transportation Board. Ms. West-Miser is a resident of Ward 8, a former member of the Parking Advisory Board and this appointment fills a vacancy on the Board. Her resume is attached.

Jennifer West-Miser
400 Washington Street
Annapolis MD 21401
410-533-8990
jenniferwest@mris.com

Thank You.

JJC/hrr

Reviewed by: Transportation Board

✓ Favorable ___ Unfavorable

Committee Chair — Date 10-24-13

# Jennifer West-Miser
# Resume for Parking Commission

I want to confirm my interest in being a member of the Annapolis Parking Commission. I feel that it would be appropriate because of my work in town as an Associate Broker and also because I live in Eastport.

I have been in the Real Estate industry for 20 years and a resident of Eastport for the last 13 years. My work as a Realtor has involved me in many areas of local life. I am currently in my 7th. year as a member of the Anne Arundel Association Of Realtors (AACAR) Legislative Committee and in my third year as co-chair of the AACAR International Council. In this position, I interact with real estate agencies on common issues in the International arena.

Through out my years in Annapolis, I have supported many local organizations, i.e. the Court Appointed Special Advocates (CASA) and Glenwood House senior residential community.

I care a great deal about our community and the environment of Annapolis that enhances living in this great city.

I would love to serve on the Parking Commission and feel my participation would benefit the city.

Direct Desk Line 410-919-1885 (24hrs) Cell 410-533-8990 and Coldwell Banker @ Church Circle 410-263-8686 x 1885

# CITY COUNCIL OF THE
# City of Annapolis

## Resolution No. R-49-12

**Introduced by: Mayor Cohen**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 12/10/12 | | | 03/10/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Government | 12/10/12 | | |
| Economic Matters | 12/10/12 | | |
| Planning Commission | 12/10/12 | | |
| Historic Preservation Commission | 12/10/12 | | |

**A RESOLUTION** concerning

**2012 City Dock Master Plan**

**FOR** the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

**WHEREAS,** The Maryland Annotated Code, Land Use Article, Title 3, requires municipalities to adopt comprehensive plans, which are to include policies, statements, goals, and interrelated plans for private and public land use, transportation, and community facilities, and which are to be documented in texts and maps that constitute the guide for future development; and

**WHEREAS,** the Annapolis City Council adopted successive comprehensive plans for the City in 1975, 1985, 1998, and 2009; and

**WHEREAS,** on October 5, 2009 the Annapolis City Council adopted the 2009 Annapolis Comprehensive Plan pursuant to R-32-09Amended; and

**WHEREAS,** pursuant to the stated policy of the 2009 Annapolis Comprehensive Plan to "enhance the public realm of City Dock and its environs," in September 2010 the City Council established the City Dock Advisory Committee to advise the City on rejuvenating City Dock; and

**WHEREAS,** the City Dock Advisory Committee, is comprised of 25 members and includes business owners, property owners, historians, artisans, and designers; and

**WHEREAS,** the City Dock Advisory Committee, conducted public forums, solicited input from stakeholders, held public meetings, and developed a Draft City Dock Master Plan; presented their phase one report, "Visions and Guiding Principles" to City Council on July 21, 2011; and made a presentation to the City of Annapolis City Council on November 26, 2012; and

**WHEREAS,** the City Dock Advisory Committee has recommended to the City Council the adoption of a City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan and transmitted the Draft City Dock Master Plan to the Annapolis City Council on December 10, 2012; and

**WHEREAS,** the City Dock Master Plan, if adopted by the City Council by passage of this Resolution, shall constitute an addendum to the 2009 Annapolis Comprehensive Plan which sets forth goals and a guide for future development; and

**NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY** that the Draft City Dock Master Plan, attached to this Resolution, is also available online at http://www.annapolis.gov/Government/Departments/PlanZone/CityDockPlan/masterplan.aspx, is hereby adopted; and

**BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Dock Master Plan be, and the same hereby, made part of the 2009 Annapolis Comprehensive Plan. The Plan shall be known as the "2012 City Dock Master Plan;" and

**BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the adoption of the City Dock Master Plan shall not be construed as an approval of individual projects that may be recommended therein, and that the Annapolis City Council reserves the right to consider, debate, oppose, or support specific actions that may come before the Council and that are intended to implement specific elements of the Plan.

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Staff Report

### R-49-12 - 2012 City Dock Master Plan

This resolution, if adopted, will approve the 2012 City Dock Master Plan and designate the plan as an addendum to the 2009 Annapolis Comprehensive Plan (adopted by the City Council on October 5, 2009 pursuant to R-32-09Amended). The City Dock Master Plan seeks to advance the policy directive, found in the 2009 Comprehensive Plan, to "enhance the public realm of City Dock and its environs." The plan represents a framework for guiding improvements and redevelopment in the City Dock area.

The City Dock Master Plan was created by the City Dock Advisory Committee (CDAC). Formed by the City Council in September 2010, CDAC was directed to:

- Establish the guiding principles for the use and redevelopment of the City Dock area;
- Develop and define a design plan for City Dock based on those principles, and
- Encourage and coordinate public participation via a series of public events throughout the process.

Since its founding, CDAC, together with the Planning & Zoning Department and a team of consultants, developed the Draft City Dock Master Plan. All of CDAC's meeting were open to the public and included presentation stakeholder meetings and two public workshops. On July 21, 2011, the CDAC presented its phase one report, "Visions and Guiding Principles" to the City Council. As explained more fully in that report, CDAC's five guiding principles are:

- Gradual improvement with emphasis on historic layout, scale, and vistas;
- High quality walkable public open spaces,
- Toward balance in transportation on City Dock,
- Greening and sustainability; and
- Public art – nurturing the uniqueness of place.

The City Dock Master Plan recommends a comprehensive strategy for improvements based on the principles from the Phase 1 Report. It also recommends strategies in support of the plan, including a management entity, parking management, a comprehensive rezoning of the City Dock area, redevelopment sites, capital improvements, and traffic engineering.

Prepared by Virginia Burke, Chief of Comprehensive Planning, Department of Planning and Zoning, VJBurke@annapolis.gov and Carol Richardson, Legislative and Policy Analyst, City of Annapolis Office of Law, cdrichardson@annapolis.gov or 410.263.1184.

# Annapolis City Dock Master Plan

## A Framework to Guide Improvements & Redevelopment

December 2012

## *A Letter to the Citizens of Annapolis*

*In 2010, Mayor Josh Cohen directed that a citizens' committee be formed to advise the City on rejuvenating City Dock – the City Dock Advisory Committee (CDAC). The Mayor charged us with three objectives: to establish guiding principles for the use and redevelopment of City Dock, to develop a master plan based on those principles, and to encourage and coordinate public participation throughout the planning process. CDAC has now completed our tasks and we are pleased to deliver this master plan report. We published our first report,* Visions and Principles, Phase One Report*, in July 2011. It has been an honor for us to serve the City in preparing this Plan, which we hope will help bring economic revitalization to City Dock; the City's Beautiful Historic Seaport.*

*As part of our work we hosted two citizen work sessions at the Old Recreation Center at City Dock. At the first, citizens reviewed alternative approaches to addressing broad concerns, such as open space, pedestrian and vehicular circulation, and access to the water, and evaluated the relative strengths and weakness of different ideas. At the second workshop, we asked citizens to evaluate and deliberate on a preliminary master plan. We also held seven committee meetings between May and November 2012 as we prepared this Master Plan; each was open to the public and the input we received at these meetings helped shape this document.*

*We embrace the outcome of our efforts yet we note that we are not unanimous in our support of two elements of the Plan. The first concerns the intersection of Compromise, Main, and Randall. While one-half of our committee supports the Plan's call to convert Memorial Circle to a "T" intersection, the other half has reservations about any such change and would generally prefer modifications, or no changes at all, to the current circle. The CDAC does agree that the intersection needs further evaluation to assess traffic operational and aesthetic concerns because it of its central role, for better or for worse, in shaping the pedestrian experience and the opportunities for public space. The second element is parking along Dock Street. While we are less divided on this question, we recognize that reducing the number of parking spaces along Dock Street will require the City to commit to effective parking management strategies to ensure that short-term customer parking remains available even while the total number of spaces on Dock Street is reduced. We encourage the City to balance the planned open space improvements with thoughtful implementation of parking management and involve the business owners on Dock and Market Streets.*

*A considerable amount of work has been undertaken and more than anything, it has revealed to us the great complexities that attend any effort to prepare a plan for such a unique and significant part of our City. The consensus of CDAC is that this Master Plan is a guide to public and private decision-making. We encourage the City to work diligently in implementing it and to seek, on an ongoing basis, the input of all members of the community. We know that any plan will take years to implement, that options will be tried and tested, learning will take place and new responses will be adopted. We are encouraged that the unanimously supported principles we established in 2011 are not only achievable with this Plan; they are its very foundation.*

*Much work still lies ahead now that we have completed our assignment. This Plan will be reviewed by the Planning Commission, which is officially charged with making plans that guide development and redevelopment in Annapolis. The Historic Preservation Commission and other appointed or voluntary associations and commissioners both in and outside of City government will review and comment on this Plan. To those groups we ask first and foremost that you recognize, as we have, that there is a broad set of community interests, values, and concerns, many of which are competing. These varying concerns and interests must be held in balance and respected.*

*We understand that a Master Plan is a document that provides direction and guidance; it is not a detailed design to be quibbled over or a static design that can never be adjusted. The illustrated plan in this report is a hopeful target; a destination point to be arrived at. In order to get there, we ask all concerned to remember that each decision made at City Dock, whether*

*it concerns a private request for a zoning change or a public need for flood protection, has the opportunity to either detract from or contribute to this Plan. We respectfully and earnestly ask the Mayor and City Council to weigh such decisions against this Master Plan, which at its core reflects the public's interest and aspirations for the future of City Dock.*

## *~the Members of the City Dock Advisory Committee*

*Chairman Kurt Schmoke*
*Vice-Chairman Gene Godley*
*Adriana Apolito-Bevis*
*Karen Theimer Brown,*
*Joe Budge*
*Anthony Clarke*
*Dick D'Amato*
*Cathy Durkan*
*Debbie Gosselin*
*Matt Grubbs*
*John Guild*
*Kitty Higgins*
*Catharine Incaprera*
*Ann Jensen*
*Gary Jobson*
*Pearse O'Doherty*
*Rhonda Pindell-Charles*
*Orlando Ridout V*
*Joseph Rubino*
*Chris Schein*
*Gary Schwerzler*
*NT Sharps*
*Peggy Summers*
*Robert Waldman*
*Chance Walgran*
*Carol Nethen West*

# Acknowledgment Page

# The City Dock Master Plan

This Plan is a response to the place of City Dock, as it is. It does not seek to impose ideas but instead helps reveal the potential and possibility held in the current condition, the beautiful historic Annapolis seaport. The Plan offers responses to the needs of today and tomorrow but is grounded in a profound respect for the historical context of Annapolis.

The Master Plan is illustrated here. It is not meant to be static in its design. It is instead a guide to decision-making for the next 20 years. The Master Plan should guide infrastructure improvements, redevelopment plans, and zoning decisions. Since the Plan was prepared with a great deal of citizen involvement, it also stands as an invitation to the citizens of Annapolis to work toward realizing the new possibilities that can be found at City Dock.

## The Contents of this Report


I. Annapolis City Dock

II. Principles Applied

- A. Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas
- B. High Quality Walkable Public Open Spaces
- C. Toward Balance in Transportation on City Dock
- D. Greening and Sustainability
- E. Public Art: Nurturing the Uniqueness of Place

III. Strategies that Support the Plan

IV. Conclusion

# I. Annapolis City Dock

In as much as any place can, City Dock holds within its frame a long-running conversation about community that has much to offer. The radial streets of the 1695 Annapolis city plan lead to a beautiful place at the water's edge. It is a place of everyday commerce and special civic gatherings, a place of arrival and departure, a place for chance encounters. As the Alex Haley Memorial reminds us, it is also a place for honoring the triumph of the human spirit.

Both individual and collective efforts have for centuries sculpted and re-sculpted City Dock. In the 18th and 19th century, the City formalized, and filled the inlet using all manner of fill—oyster shells, lumber, rock, and dredge. In the process the City created new land and Annapolitans built maritime buildings and commercial enterprises. Buildings, businesses, and infrastructure on City Dock were replaced again and again in a process of continual change.

The Market House took form at City Dock in the early part of the City' s history and by the late 19th century the public space around Market House had achieved a formal structure. It was improved into a park with trees and a traffic circle between Green Street and Middleton's Tavern. By the mid 20th century use of the space within the circle was privatized and eventually it gave way to the circulation demands of the automobile. Compromise Street was extended to Spa Creek by this time and thus City Dock was connected to Eastport via road.

By the middle of the 20th century, many of the buildings on the north side of City Dock had been replaced with the parking lots that are still there today and the building pattern along Compromise Street had begun to take the form we see now. City Dock is not what it was centuries ago but its history is recognizable in today's patterns, vistas, buildings, and commercial activities.

City Dock has much history still to come and its continual change will speak to future Annapolitans of today's values and today's responses to changing needs and conditions. A central and integral objective of this Plan is the rejuvenation and sustained economic revitalization of City Dock. The Plan envisions critically important investments such as wider sidewalks, public spaces, flood protection, and public arts programming that reinforces the Annapolis Beautiful Historic Seaport brand, and thoughtful management of parking supplies that increase the availability of customer parking. These are among the public space investments that have helped revitalize downtown waterfront district throughout the world.

# II. Guiding Principles Applied

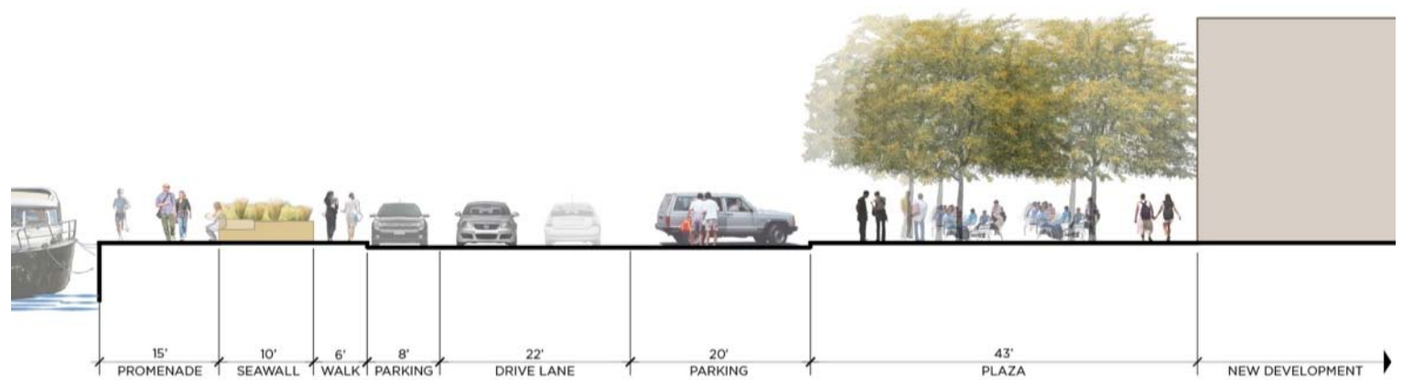
In 2010, Mayor Josh Cohen directed the Planning Department to form a citizens' committee to advise the City on rejuvenating City Dock. Twenty-five members reflecting varying interests were appointed and the City Dock Advisory Committee (CDAC) began its work. The Mayor charged the CDAC with establishing guiding principles for the use and redevelopment of City Dock, developing a master plan based on those principles, and encouraging and coordinating public participation throughout the planning process. CDAC published its first report, City Dock Advisory Committee: *Visions and Guiding Principles, Phase One Report*, in July 2011 after outreach to the Annapolis community. The principles as adopted by CDAC are listed in the Appendix to this report.

CDAC's guiding principles are the foundation for this Master Plan and the presentation, which follows, is organized around these principles. Each of the next sections leads with a summary statement of a guiding principle: (1) Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas, (2) High Quality Walkable Public Open Spaces, (3) Toward Balance in Transportation on City Dock, (4) Greening and Sustainability, and (5) Public Art: Nurturing the Uniqueness of Place.

# A. Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas

## Gradual Improvements and Emphasis on Context

As an example of how a master plan works with gradual improvement and emphasis on context, consider the sidewalk in front of the businesses on City Dock. It is too narrow to handle regular pedestrian traffic and it is an obstacle to the flow of pedestrians especially along the 100 block of Dock Street. Widening the sidewalk while holding its new edge parallel to the bulkhead rather than to the buildings has the effect of creating an increasingly wider pedestrian zone along the building frontage as the sidewalk extends eastward to Craig Street. As sidewalks approach 30 or more feet in width they can become places for outdoor dining, shade, street furniture, bicycle parking, and more, all of which increases social and economic vitality. This public improvement therefore creates a new center of activity that draws people out to Dock Street. With the enlargement of the existing sidewalk to create a larger pedestrian zone in front of the buildings, the Plan also effectively defines the edge of Dock Street, which can then be seen as a well-defined commercial street rather than as drive aisle through a parking lot. Improvements such as above should be made gradually in time so that the City can assess how they are working before making the next improvement.



There are other such instances, such as at Market House, where modest changes find their genesis in an historic framework. On the south end of Market House (facing Green Street), the Plan seeks to reclaim space for public use. Perhaps nowhere else in Annapolis does the potential exist for an outdoor room so close to the water and yet so nicely framed by the City's historic architecture. In reclaiming this space for people, the Plan reclaims the historic urban fabric of City Dock, rededicating space that had historically been available for public use. This potential is particularly achievable, if the opportunity to convert Memorial Circle to a more space-efficient T intersection is taken, as discussed later in the Plan.

## Scale and Vistas

The City Plan for Annapolis (1695) is in the Grand Manner or Baroque style. Not unlike plans for Paris, Rome, and Washington D.C., the Annapolis City Plan makes grand gestures with radiating streets and open vistas. These enduring elements of civic beauty are not accidents of topography or the unintended result of private decision-making about building or development. These features of City Dock are by design; they are intentional.

The long view enjoyed from along Main Street out to the Chesapeake Bay is intentional and nothing in the Master Plan impedes or distracts from this view.

Also critical is the potential for sweeping views from nearer to the foot of Main Street out over City Dock to the Annapolis Harbor. While the great expanse of this view has not yet been realized because of buildings and other structures, its potential is inherent in the City's historic plan. In fact, when the 1695 Plan was laid out there were no structures (not even land) where the former Fawcett's building now stands. The Plan therefore restores the viewshed envisioned centuries ago. As illustrated on this page, the Plan provides opportunities for new buildings while securing this view in perpetuity. The Plan calls for removing the old Fawcett's Building from the viewshed; allowing Annapolis to seize the opportunity to realize this potential that is held on City Dock. There are other views, to and from the water, that define the context of City Dock and great care and discernment will need to be brought to bear in the future as development projects are both proposed and reviewed.

On City Dock, no private development or public use, space, square, building, or art whether existing or to be constructed can be viewed in isolation. It must be considered within its historic and physical context. This includes parking. The allocation of so much public land to the parking of private vehicles severely undervalues City Dock and historic Annapolis.

## Scale and New Buildings

The Plan envisions that redevelopment will occur on City Dock. Three opportunity sites are shown on the exhibit below. Each project has the ability to contribute to the context and setting of City Dock and indeed each has the potential to distract from it as well. The approximate footprint of the buildings are set outside of the principal viewsheds to and from the water. However, it will be imperative that viewshed analyses be undertaken during the plan-review process for any new development or major redevelopment projects on City Dock.

Apart from views, other important considerations should be made. For example, for the proposed redevelopment projects along Dock Street, strong building massing of three- to five-story heights facing the water will help activate and frame the open spaces. Such larger buildings also have the potential to distract from the architectural patterns established on Prince George Street. This is especially the case on that section of Prince George Street between Craig Street and Randall Street. New building forms facing Prince George Street at this location will need to fit harmoniously with a historic residential character.

On the former Fawcett's site, the Plan's principal objectives include setting new buildings back from the water's edge by 45 to 55 feet. This allows space for the promenade and ample room for flood mitigation infrastructure while leaving space for outdoor use by the users of the building in ways that will energize and enliven this side of City Dock. It is recommended that the building have a far smaller setback along Compromise Street; 15 to 20 feet would be about enough to secure the proposed sidewalk width needed in this area. The building would likely be developed in part on property presently owned by the City (the "Fleet" parking lot, located at the intersection of Newman and Compromise Streets.). The massing of building(s) on the former Fawcett site should provide a beautiful backdrop to the proposed public space on the Donner Lot and help frame, in the distance, the proposed market square. Two to three stories are recommended.

# B. High Quality Pedestrian-Oriented and Walkable Open Space

## Parks and Open Spaces

Much of City Dock is public, but, with few isolated exceptions, it is not yet a public space. The Plan makes a firm commitment to improve conditions for people by creating new spaces and an improved pedestrian environment, not through bold gestures, but through small deliberate changes that help tie City Dock together. This is a central organizing principle of this Plan.

The Plan locates public recreational spaces at locations that seem obvious. The plan calls for an improved Susan Campbell Park where the main pedestrian routes terminate at the furthest reach of the land. It calls for a new public space at the Donner Lot, which lies adjacent to the water and thereby secures the view to and from the water. The Plan calls for a new park at the naturally low-lying area where Newman Street reaches the water. This park would provide access to the water and consistent with so much public input, this park would effectively extend play space for the City's children from the playground at Newman and Compromise down to the water. The Plan also calls for a new civic space at Market House and public/private spaces—outdoor dining, for example, adjacent to what could become new buildings in the future.

## Market Square

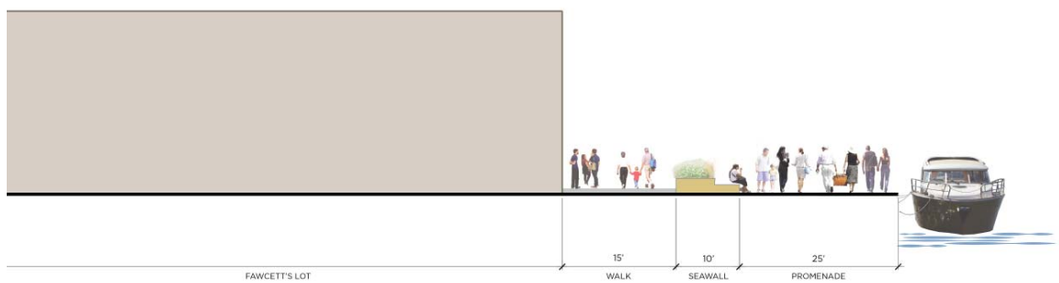
A new central market square is proposed at Market House. The space is already framed by historic buildings and activated by retail and restaurants. It affords spectacular views eastward down Ego Alley. This space could provide outdoor seating for Market House vendors and the customers of other businesses. It should secure space for the Compass Rose, the Memorial Circle flag, and shade trees. The space would be enlivened with a continual flow of pedestrians along its perimeter as people walk from Main Street out to City Dock and back. This market square visually extends over Randall Street to the water's edge at the head of Ego Alley. As shown below the consistency in surface materials can create the sense of one larger place.

Presently Market House and Hopkins Plaza together comprise 16,000 square feet. As proposed in this Plan, the total space would approximate 22,800 square feet. The square in front of market house could extend 150 feet from the edge of Market House toward Main Street and 100 feet across from Market Place to Randall Street. Businesses with sidewalk frontage could extend out into Market Space or at least onto the proposed wider sidewalks which would extend 24 to 30 feet from the building's edge. Beginning at the approaches from all directions, the intersection would become a slow moving environment through the use of textured pavement and other means to calm traffic.

## A Promenade

The most prominent walkable public space would be the promenade. The Plan calls for it to extend from Newman Street around Ego Alley out to Susan Campbell Park. The promenade would retain its 15-foot width between Randall Street and the Water Taxi dockage. Beyond that point it would widen as it approaches the bulkhead at the end of City. It would provide views of the water uninterrupted by parked cars and would be wide enough to be multi-functional, while providing the space needs for docking activities. It could accommodate Boat Show exhibitor space, public art installations, seasonal shade structures and other objects and events.

On the south side of City Dock, from the Donner Lot to Newman Street, the promenade could range from 15 to 30 feet. The cross section below shows a promenade of 25 feet in width.

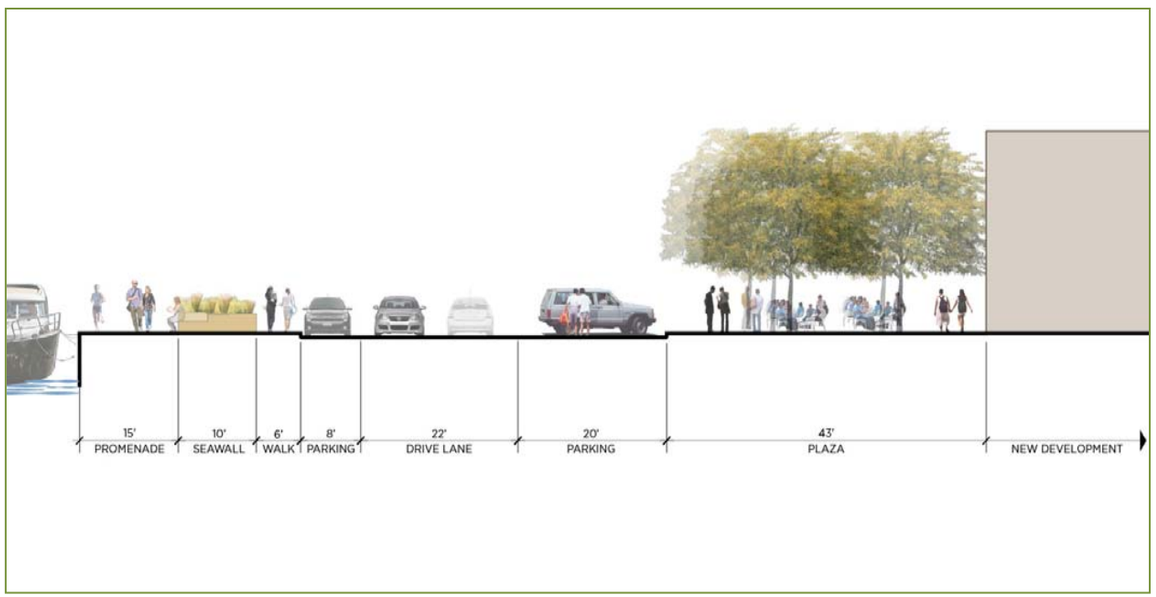



It is the intention of this Plan that in the future the promenade could extend from Newman Street along the bulkhead past the current Fleet Reserve Club and the Marriott Hotel to the Annapolis Yacht Basin before reconnecting to Compromise Street. As described elsewhere in this report, prior to any development or change of use on these properties, the Master Plan should be amended to incorporate and/or extend the principal public elements of this Plan. One day the promenade could connect to the Naval Academy and provide a continuous walkway along the bulkhead of the Severn River to the Naval Academy Bridge.

# C. Toward Balance in Transportation

Accommodating the movement and parking of cars at City Dock came at the expense of the pedestrian environment. Nearly half of the City Dock study area is covered in streets or parking lots. On City Dock, pedestrian spaces, and public space more generally, are confined to areas not required by cars. This factor, more than any other, has disconnected the City and its residents from the waterfront. When people speak of access to the water they speak of the ability to be near it, to walk along it, to enjoy the wind and views. It is telling that the most active place on City Dock is the bulkhead closest to Randall and near the Alex Haley sculpture where one can feed the ducks and sit close to the water. This Plan provides for a transition to a future in which the design of public spaces, the planning for pedestrian movements, and the planning for the circulation and parking of cars are considered together.

A simple example of the transition the Plan is making in favor of integrated and balanced city planning is Dock Street. As mentioned previously, under this Plan it would become a well-defined public street much like any business street in Annapolis with ample short-term parking and sidewalks. The extra pavement along the water's edge now devoted to parking would be re-purposed for essential public goods such as flood protection and for wider sidewalks along the storefronts. A proposed cross-section of Dock Street facing the market houe is shown here.



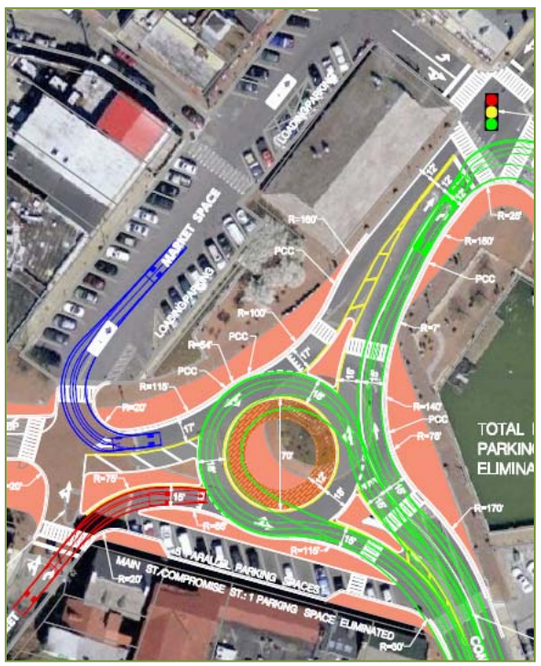
## Transition of an Intersection at the Heart of City Dock

The most prominent example of transition toward balance can be found in the Plan's approach to the intersection of Compromise, Main, and Randall. While the City Dock Advisory Committee could not find consensus on how best to address this intersection, the Plan does recognize that converting Memorial Circle to a "T" intersection is an opportunity to improve the pedestrian experience and create useable public spaces. Therefore the Plan features a "T" intersection with Randall Street intersecting Compromise and Main at a right angle, while recognizing that more community discussion will need to be devoted to this question. This adjustment to the physical layout of City Dock would reduce weekend traffic delays and back-ups during the spring and summer months when traffic is heaviest and have other traffic flow benefits. More detail regarding how the "T" intersection operates is provided in Section F. Improved traffic operations are not the only benefit of a new intersection; the main public benefit is the balance it brings to the flow of cars and pedestrians year-round while allowing useable public space at Market House and the Alex Haley Memorial.

A "T" intersection assists pedestrians in three ways. First, it allows multiple street crossings aligned with the routes pedestrians desire to take. Pedestrians would no longer be forced into circuitous movements around the intersection or unsafe crossings through the roundabout. This distributes pedestrian loadings and reduces the crowding at the Randall/Dock Street intersection. Second, the "T" allows the intersection to be signalized, providing "green time" exclusively for pedestrians while all traffic is stopped. Context-sensitive traffic signal poles would be used and the signals would be synchronized to allow greater time for pedestrians when most needed, and less time when not. Third, the "T" configuration allows lane widths and turning radii to be smaller, which reduces walking distances across the street and especially benefits the elderly, disabled, and persons with small children.

As mentioned earlier, CDAC has not found consensus on the how best to address the intersection. Other options were designed and studied, including a modification to the current roundabout. If the City adopted a Modified Circle option (shown on this page), the lanes entering and within the circle would be narrowed and the circle would be shifted northward on Main Street. This would free up space that could be added to Hopkins Plaza and along the water (shown in orange in the large exhibit below). Traffic engineering evaluations of this option revealed it offered no improvements to existing traffic operations, largely because a roundabout in an urban context like City Dock cannot account for the conflicting movements of pedestrians and vehicles and the variety of offsetting intersection approaches. As cars yield to pedestrians, traffic inevitably backs up into the circle. Further, access to the parking along the buildings at the intersection would have to be limited to right-hand turns from Green Street.

The other option considered was a traditional traffic circle similar to Church Circle and State Circle. This option had the advantage of enclosing a large amount of public open space but was judged impractical because pedestrians would have to cross multiple lanes of traffic to enter the encircled public space. The option of doing nothing is also an option that the City may wish to take. The drawbacks of making no changes to the intersection are that there can be no gains in public space or improvements to the pedestrian environment. New pedestrian crossings cannot be introduced under the currently configured circle without risking pedestrian safety.




Modified Circle

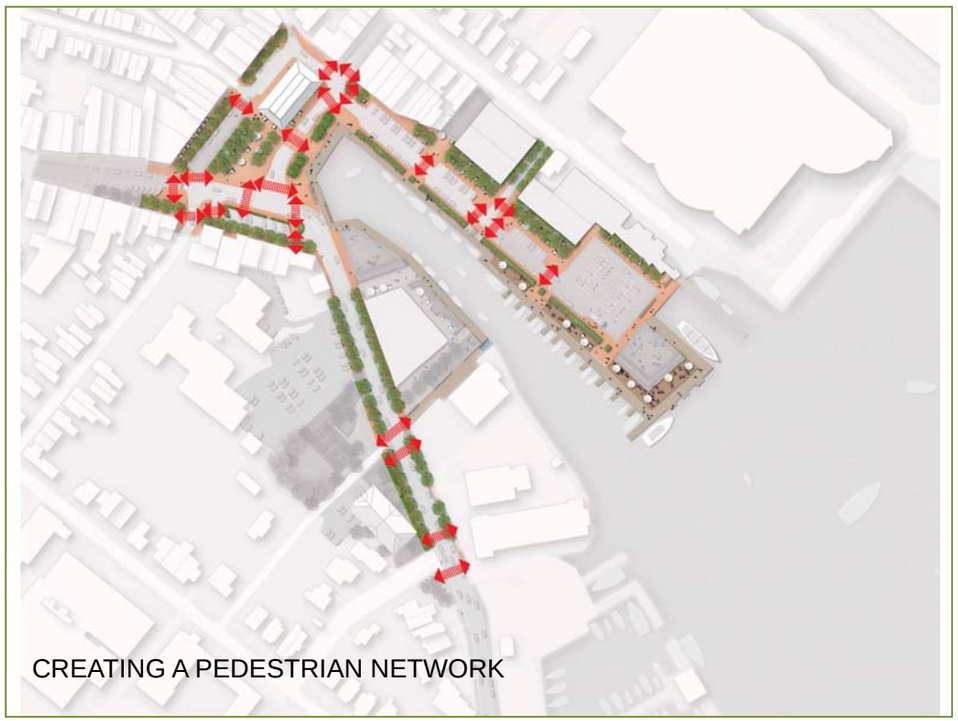
In sum, because the main transition envisioned by the community is one toward balance and away from car dominance, the intersection of Compromise, Main, and Randall demands much attention. Getting to a balance does require physical changes to the intersection. The most frequently cited concern about the "T" intersection is that it might create new or increased traffic congestion. The City's consulting engineer Sabra Wang Associates, Inc. evaluated this and determined that a "T" intersection improves overall traffic conditions as discussed previously. The other concern raised about the "T" intersection speaks to aesthetics, viewsheds, and historic context. These too are important concerns to embrace and, in so doing, one must recall how the current context in which a raised traffic island in the center of the intersection, planted with 14-foot tall trees, impedes views to and from the water. The current circle is a "within living memory" feature of City Dock.

Variations on the options studied for the Compromise/Main/Randall intersection.

## Pedestrian-ization

The Plan improves the pedestrian environment throughout the study area. As shown below, crosswalks are located along the lines that link pedestrians from downtown to the water. No longer should pedestrians be hemmed in by bollards and chains and directed to just one location for crossing Randall Street. The proposed signalized intersections at Compromise/Main and Randall Streets and at Dock and Randall Streets would referee the flow of pedestrians and vehicles. In all, three new crossings near the intersection of Randall and Main Streets are added. A prominent crosswalk in front of the Market House is provided and it connects the component elements of the Alex Haley Memorial together—the Compass Rose on the Market House side and the sculpture situated adjacent to the water.

The Plan would widen sidewalks in front of all existing businesses on Dock Street, Market Space, and the first block of Main Street. It also allows the sidewalk to be widened at Market House along Randall Street. The widening of these sidewalks would allow restaurants to have café seating while also allowing pedestrians to move more freely past tables.



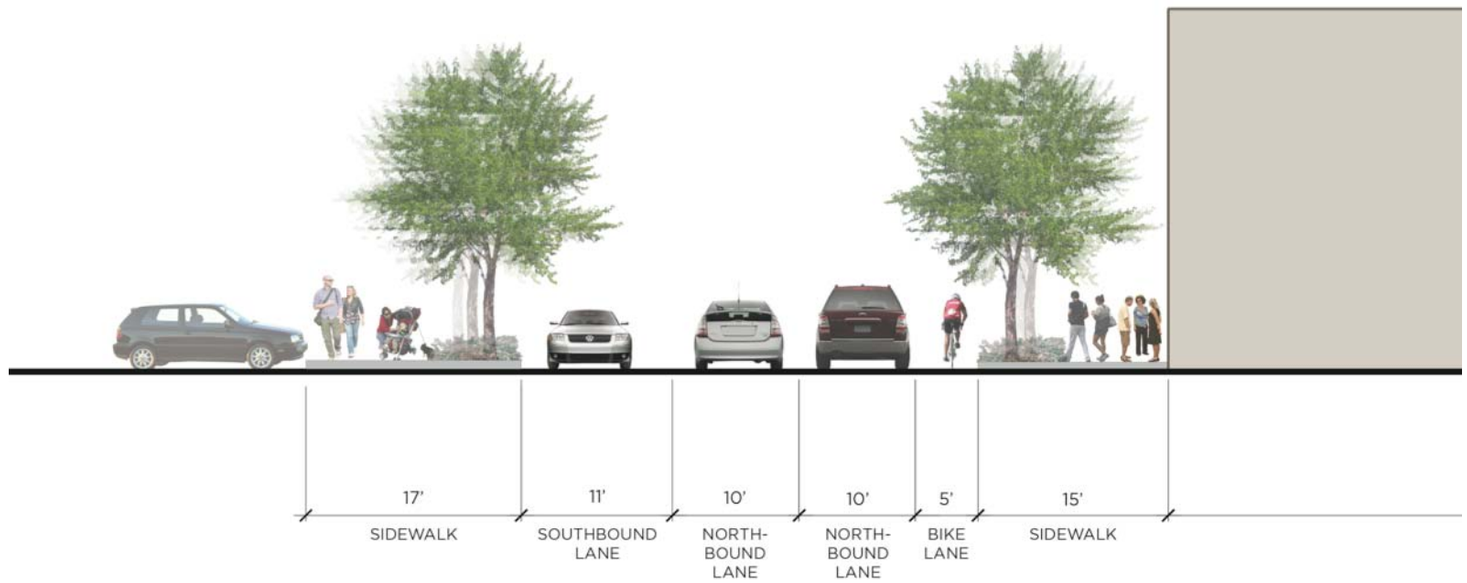
## Compromise Street

The Plan's treatment of Compromise Street is especially important. Currently Compromise can be a rather high speedway into City Dock. At about 36 feet wide, it can also be difficult to cross, especially for families with small children at Newman Street near the playground. Compromise Street is an important link for visitors walking between the downtown and the Marriott Hotel. Therefore, at both the Newman and St. Mary's Street intersections on Compromise Street, prominent crosswalks and other traffic calming measures should be used to calm traffic speeds and reduce the crossing distance for pedestrians if possible. The intersection of St. Mary's Street should define the point of entry or gateway into the City Dock area. The City should consider extending a unifying pavement treatment out to St. Mary's Street. The width of Compromise at this location allows for the loading and unloading of bus passengers at the hotel. This feature should not be negatively impacted by these plans to improve Compromise Street.

The proposed street section along Compromise Street looking toward downtown near the former Fawcett's property is provided here. Note the Plan calls for retaining two lanes of automobile traffic in the northbound direction and one lane in the southbound (toward the Spa Creek Bridge) direction. The Plan also calls for a designated bike lane northbound leading into City Dock. Bikes and cars would share the lane in the southbound direction, leading out of downtown.

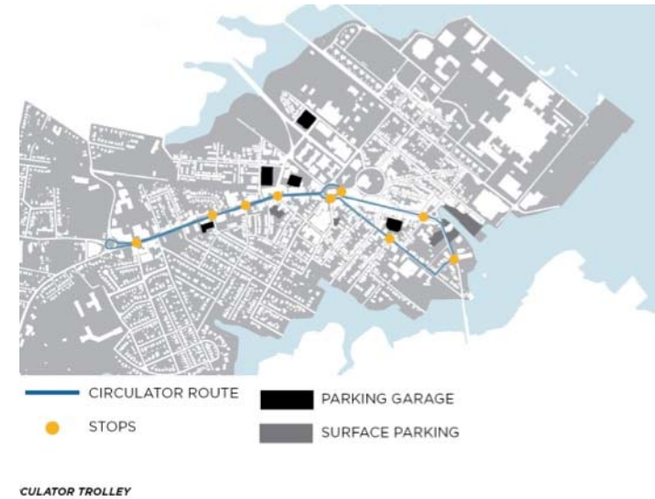
A 15-foot wide sidewalk is proposed along any new building(s) on the former Fawcett's property. On the opposite side of the street, including along the frontage of the Board of Education property, the Plan recommends installing a planting strip and street trees to buffer pedestrians from cars and provide shade.

A traffic signal may or may not be needed at Compromise and St. Mary's Streets, but if provided, it would benefit pedestrians who wish to cross Compromise Street but have limited opportunities to do so.



## Parking

The main discussion of the Plan's parking management strategies is set forth in Section IV of this report. The thoughtful management of parking demand and supply is essential to getting the balance right. The City is making strides to reduce long-term parking demand on City Dock in favor of increasing the availability of customer parking. One measure of the success of public private efforts to manage parking on City Dock is the hospitality employee parking program the City recently started. Under the program, employees of downtown restaurants are guaranteed low-cost parking at the Park Place garage and a free Circulator ride to and from City Dock. As the City implements other strategies and adjusts its parking pricing policies, the demand for long-term parking on City Dock will be shifted to public garages. As public improvements are made and the parking management strategies take hold, the number of surface parking spaces would be reduced. Under the plan, eventually and gradually the number of spaces along Dock Street could be reduced from 199 to about 90 while promoting the rate of turnover in parking spaces. Promoting turnover supports local business' needs for easy customer access. The City-owned Donner Lot would be improved as a public open space and the City-owned Fleet Lot at Newman and Compromise would become part of new building site. Customer storefront parking would remain throughout the study area as shown below, providing retailers on City Dock with about the number of on-street parking spaces one would find in a comparable business district.



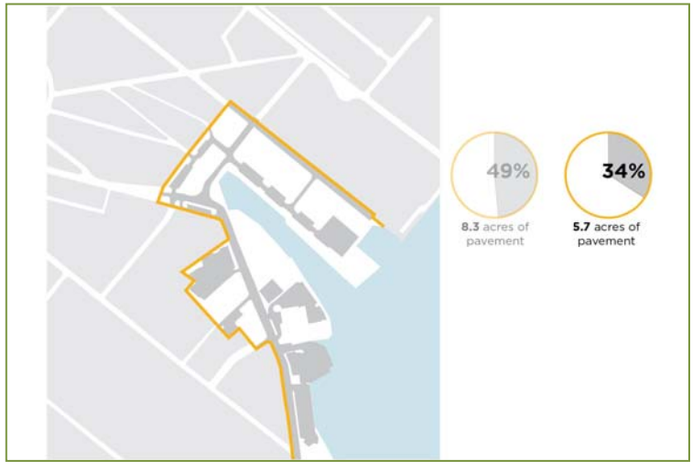

Several proposals that support parking management are worth mentioning here. First, the space shown in green in the exhibit below is "flexible" parking. This could be used for valet parking during the heaviest peak demand, increasing the number of cars parked by at least 20 percent. The space could also be used to guarantee parking for disabled persons or it could have a set aside for motorcycles and be a location for electric vehicle charging stations. During special events, this space at the outer reaches of City Dock could be closed off to traffic at the intersection of Dock and Craig Streets. Second, redevelopment would be encouraged on Dock Street and new buildings could have their own internal parking garages to meet the needs of the users of the buildings and any extra space could be made available for general public use. Third, the City should look to secure valet parking on the Board of Education site as another option for long-term parking.

Current

As Proposed

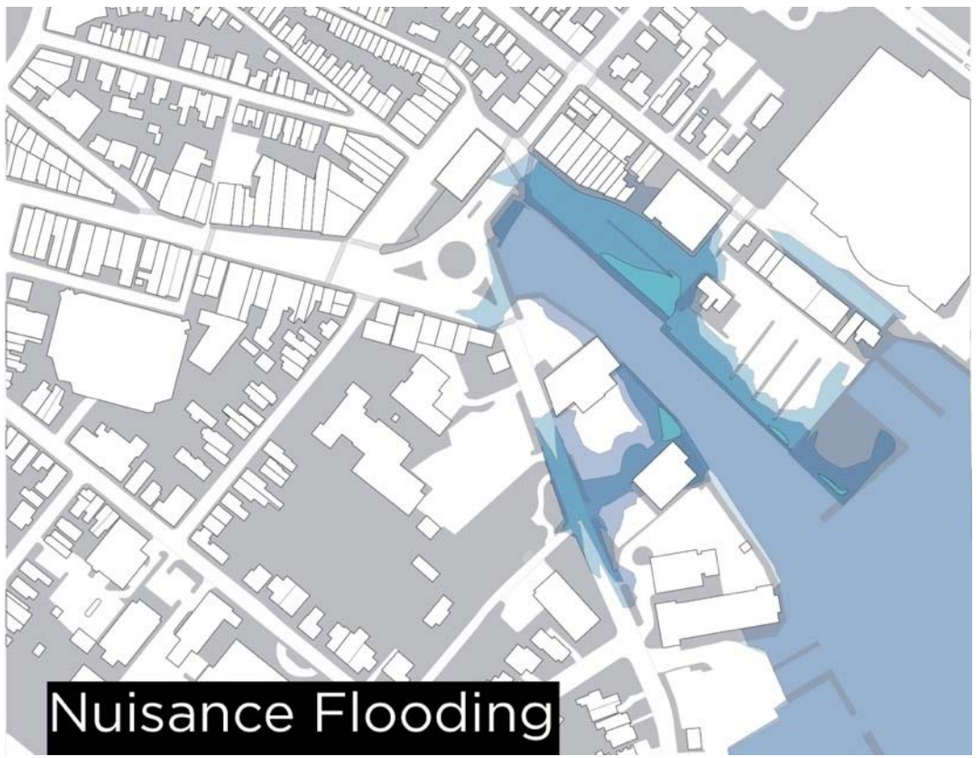
## The Transition Quantified

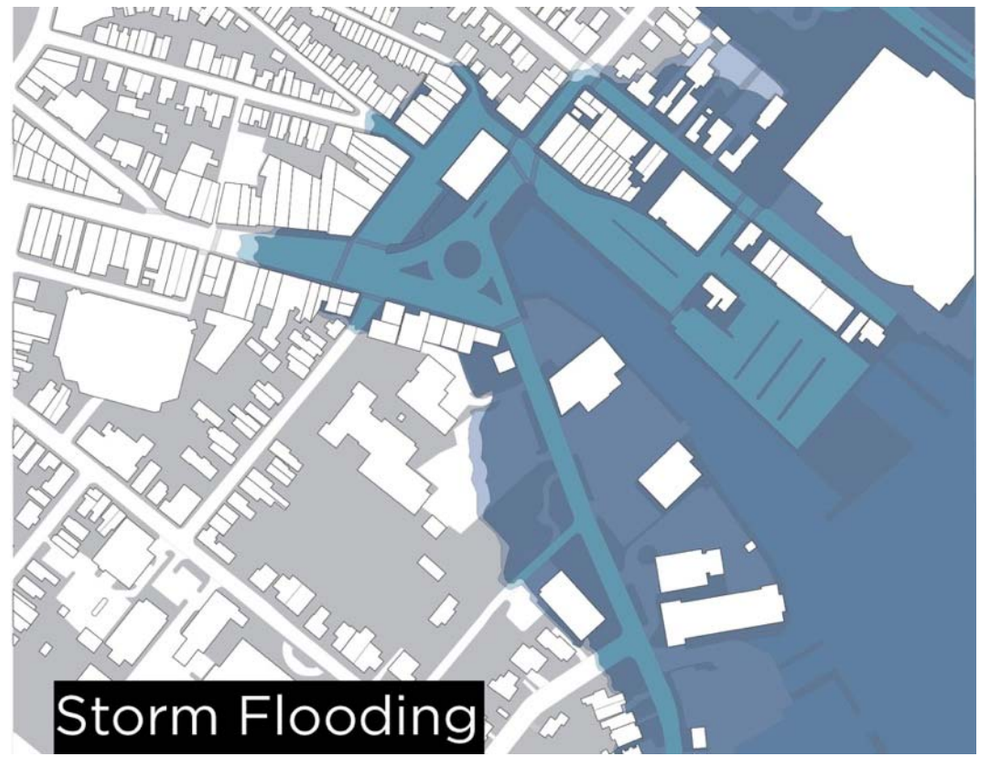
The transition to a more walkable and balanced urban form on City Dock is confirmed by a measurement of surface area devoted to cars and to the public realm in the exhibits on this page. The study area is comprised of 16.8 acres. Today 8.3 acres or 49 percent of the City Dock study area is devoted to streets and parking lots. Upon implementation of the Plan the total would drop to 5.7 acres or 34 percent of the study area. By comparison, the amount of public realm space would increase from 5.5 acres or 33 percent to 8 acres of 48 percent.



# D. Greening and Sustainability

A central element of the Plan is flood protection. The City has begun to evaluate steps to mitigate flooding on City Dock. Recurring flooding is caused by tidal fluctuations and relatively low elevations ranging from 2.0 feet to about 4.5 feet around City Dock. Storm drains back up during high tide events and stormwater flows out on onto Compromise and Newman Streets and into low lying areas on City Dock. More serious flooding occurs when there are high tides and storm surges associated with severe weather events. Sea level rise is compounding the problem and a 2011 study titled Flood Mitigation Strategies for the City of Annapolis by Whitney, Baily, Cox & Magnani, LLC, suggests that the occurrence of nuisance or recurring flooding is expected to double over the next 50 years. Conservative projections of sea level rise in the Chesapeake Bay region place the rate of sea level rise at 1.3 feet per century.



## Building in Resiliency

The City should begin immediately to engineer the flood mitigation strategies that will address recurring flooding on City Dock. This is a two-part plan. The first step includes installing back-flow preventers on the key drainpipes discharging into Ego Alley. The second step includes tying the drainage system at City Dock together and installing a major pumping station, possibly under the Donner Lot. The pumps would force water that would otherwise overflow from the storm drains out into Ego Alley. These steps would address the flooding that results for tidal and regular rain events and improve the business environment on City Dock. As the streets and other surfaces are rehabilitated following construction, the City should seize opportunities to make serious advances toward public space and pedestrian improvements.

Over the long term however, the historic built environment of City Dock and the City's infrastructure under Dock, Compromise and Randall Streets are threatened by sea level rise. In response, the Plan proposes that a seawall be constructed around the perimeter, as shown below, to protect downtown from storm events at least as severe as the 100-year flood, such as Hurricane Isabel. The goal is to integrate a seawall into the very fabric of City Dock so that it becomes a useable amenity to residents and visitors. It could be sitting wall and contain an elevated planting bed as illustrated below.

The seawall would be adaptable to sea level rise, which is projected to increase the severity and frequency of major storm events. For instance, the 100-year flood, five decades from now, would inundate more of City Dock than Hurricane Isabel did, so that structure must be adaptable. In its basic configuration the seawall could by three feet tall or slightly higher depending on the base elevation of ground. As envisioned though, the flood protection height could be increased as needed through built-in vertical partitions that would be raised in response to impending flood events. There are many spaces in the proposed seawall to allow broad access to the waters edge. These spaces could be equipped with floodgate technologies to allow the seawall to be sealed against flooding. The seawall would tie into a structure on the grounds of the U.S. Naval Academy on the north side of City Dock and tie into an acceptable elevation south of City Dock, likely on the northeast side of Compromise Street near the Spa Creek Bridge.

## Green Spaces and Shade

The Plan adds pervious surfaces on City Dock. As mentioned previously, three parks are shown and the Plan's preferred option is that these spaces or substantial parts of these spaces be set aside in lawn and landscaping. They could be part of a comprehensive stormwater management approach that will help prevent the effects of unfiltered runoff into the harbor. The green space at the improved Susan Campbell Park alone would approximate 8,200 square feet. The Plan also provides a continuous planting bed, forming part of the seawall.

Lastly, the Plan introduces more trees to City Dock, located so as not to block views but to offer shade at key locations and soften the building mass at other locations. Temporary shade structures, possibly public art installations, should be considered too.

The Plan supports preserving the Newman Street playground and the green spaces on the Old Recreation Center site.

# E. Public Art – Nurturing the Uniqueness of Place

A City can declare what is possible, perhaps best through its public art. Possibility has the power to transform in the here and now; it does not require a long wait. A man once said, "My daughter loves to declare what is possible; she will be a great pianist, she says. And in every moment she fills our house with the sound of her music, her possibility is alive. And so I know, it is her future that shapes her today. She is alive in her possibility." The same is true for Annapolis when it declares what is possible for City Dock.

The job of public art is to provide for the preservation and interpretation of culture and to reveal the great possibilities of a place. Public art is about engaging people at the level where they can experience, participate in, and create in an ongoing way the heritage of their place. Public art should challenge, inspire, inform, reveal, and celebrate. Public art can be a permanent installation or etched into the very fabric of a place. It can be temporary or ephemeral. It can be performance-based and staged or it can be more spontaneous. It can be informative, interpretative, and evocative. Public art is free to the public, made available to every one. Of course it is not free, though, and funding for public art must be part of the design and construction of improvements on City Dock, with contributions made by both the public and private sectors. This Plan embraces public art as basic to the improvement of City Dock and encourages the City to include a public art component in all capital projects on City Dock.

## The Space and Infrastructure for Public Art

The Master Plan envisions new public spaces at key locations connected by enhanced pedestrian ways and to the surroundings by sight lines and views. Since the big ideas have been largely "worked out" in the Master Plan, it would be easy to conclude that public art is simply about what sculpture should be installed within a certain public space, but that would be too narrow a view. Public art, as conceived here, is more than the carving out of a space for a future installation. The spaces themselves, indeed the entirety of City Dock, is the canvas or stage set for public art. As the City moves from this Master Plan stage to more detailed stages of design and building, the spaces and the elements themselves must be seen as public art. For example, the seawall, which is fundamental to protecting the built heritage of City Dock, should have an artistic component. Each of the public spaces, their edges, the seating that surrounds them, the buildings that frame them, and the views contained within then—each element of thoughtful place-making—holds potential. Therefore, artists should be integral members of the design teams that would shape and improve City Dock over the years.

Where public art involves a formal installation, it is essential that architecture and the built and natural environment support that art. Placement is critical. For example, as City Dock adapts to sea level rise and the increasing frequency of flooding, there will be potential to provide prominent space and an improved context for the Kunte Kinte - Alex Haley Memorial sculpture group, compass rose, and story wall. New opportunities for pedestrian circulation and open spaces will be realized under the Master Plan and all improvements must be thoughtfully integrated with these essential existing contributions to the City's public art.

The proposed market square is at an important crossroads, especially for pedestrians. It is a transition zone between historic Main Street and the water and between residences and the waterfront. It is an obvious location for art in many of its forms and the design of this space must embrace this potential. Market square and the Donner Lot are also sized for outdoor performances that can draw 90 to 150 people, which is perfect for year round community based performances. The larger "flexible" parking area near Susan Campbell Park also holds great possibility for artwork, while retaining its necessary functions as flexible parking area, tour bus turnaround, Boat Show exhibiter space, and entry plaza to the Sailing Hall of Fame. Here the space might call for something more ephemeral that could be seen from afar and draw people and boaters to it, that could cast a shadow, shape a view, or light up the evening sky above City Dock. By contrast, the Plan's connecting zone between the Newman Street playground and the water's edge at City Dock provides a great place for the City's children and families and art could reinforce that connection with fixed installations built into the sidewalks, walls, and plazas. The promenade running the length of bulkhead might well tell the story of the Chesapeake's seafood industry, the City's maritime culture, and the watermen of Annapolis.

There are possibilities in the design of key elements on City Dock to advance important ideas and values. City Dock can accelerate the transition to sustainability, for example, by focusing on ecology. A new stormwater system, which could incorporate the green spaces and even the proposed seawall, could tell a story about how civic design itself can improve local water quality. Places can be found along the edges of the bulkhead, perhaps at the foot of Newman Street, for a public oyster-raising program. The pumping station, which would protect City Dock from recurring tidal and stormwater flooding, will be a significant work of civil engineering and therefore might be designed in such a way as to be visible to passersby offering a tangible lesson about resiliency and how things work.

The Plan recommends that the Old Recreation Center at St. Mary's and Compromise Street retain a public or semi-public use. The second floor of the building, the location for the public meetings on this very Plan, holds promise as a dance studio or other performance space. The first floor of the building too could house activities that are central to the culture of Annapolis, whether maritime, artistic, educational, or recreational. Each of the proposed new or redeveloped buildings on City Dock, either at the former Fawcett's site or along outer Dock Street, and the spaces that surround them should enrich the authentic experiences of daily life on City Dock for the Annapolis residents.

## The Community of Artists

The Annapolis Art in Public Places Commission would have the lead role in convening and leading a "community of artists" in a thoughtful process of shaping and guiding the selection of art on City Dock. Artistic expression on City Dock should challenge and open the community to appreciating City Dock as a living, breathing place of local culture; a place that is on an arc of continual transition and change. Themes derived from the culture of Annapolis, in all its layers, could help shape the work of the community as it engages in the design of the open spaces. The Art in Public Places Commission as manager of public art on City Dock could be especially instrumental in working with landscape and urban design teams, in commissioning works of art, and in assigning subject area experts to advise and guide the community in the selection of projects, especially of permanent art.

A "community of artists" is a term meant to include any person desiring that an authentic culture of Annapolis be retained on City Dock. The community should be engaged in community-based approaches to decision making about design on City Dock. Bringing art to City Dock especially in its temporary and performance-based forms sooner rather than later can help facilitate this. This Plan envisions that City Dock would immediately become a venue for theater, music, and dance. This Plan is an invitation to the Annapolis theatre companies and the community's ballet, choral, opera and symphony artists, among other artists and musicians to act now to help the broader Annapolis community shape the possibility for public art on City Dock. The performing arts are a way to enliven public spaces, but in the context of this Master Plan, they are also a way to help reclaim those spaces, for the public in the first place.

# III. Strategies that Support the Plan

## A. Management Entity on City Dock

The creation of a management entity on City Dock was one of the six principles agreed to by the City Dock Advisory Committee and is therefore listed as the first supporting strategy. This Plan recommends that the Mayor and City Council create by ordinance a City Dock Management District and a Management Authority. The Authority should be run as a public-private organization authorized to raise and expend revenues within a City Dock Management District. A Board of governance should be composed of Annapolis citizens who share a commitment to the broad principles laid out by the City Dock Advisory Committee and are committed to implementing the City Dock Master Plan including representation of businesses on Dock and Market Streets. The Authority should work to promote the economic vitality and revitalization of City Dock.

The responsibilities of the Authority should include managing supplemental upkeep on City Dock. The Authority would not have primary responsibility for maintaining City Dock, which is a function of the City of Annapolis. However some upkeep, such as seasonal planting or clean-up after special events might readily be undertaken by the Authority. Second, the Authority could provide supplemental security of public and/or public-private spaces. Third, the Authority should manage and license events on City Dock. Fourth, the Authority should facilitate the installation of public art and arts programming in the public spaces on City Dock, along with others qualified to decide what public art should go where and when. Fifth, the Authority should have a voice in the management of parking on City Dock, being an advocate for the transition contemplated in this Plan toward parking management and public spaces. Lastly, the Authority should advocate for and educate the public about the City Dock Master Plan in support of its implementation and updating over time.

Possible sources of funding for the Authority, in support of a full time Executive Director and small staff, should include City and County general funds, the sale and lease of city owned properties on City Dock, a portion of Boat Show license fees, mooring and docking fees, license fees for events on City Dock, and approved commercial use or concessions on public spaces. The Authority should also raise revenues through a tax on property located within the District and though contributions, donations, grants and revenues from Authority sponsored special events. If the Authority, acting in concert with the City, were to acquire an interest in the Annapolis Boat Show, annual revenues could accrue to the public for ongoing improvements on City Dock. The full potential of this should be explored in the near term.

## B. Parking Management

The Plan's recommended transition to public use, open space, and flood protection, means that there would be fewer surface parking spaces in future years on City Dock. This does not mean however that that there would be a reduced availability of customer parking. Parking management would be used to promote turnover of spaces and thereby increase the availability of surface parking. A gradual removal of parking spaces guided by the Plan is recommended in coordination with downtown businesses to address business concerns about the reduction in the number of spaces. Parking management strategies can mitigate a reduction in the number of spaces with the principal aim being to ensure that short term customer parking remains available for the businesses located on City Dock, while directing long-term parking users to other locations. This includes downtown employees and employers, tourists, and other visitors. Parking management uses a market based approach to direct drivers to the parking locations that best meet their needs and it reflects the reality that waterfront real estate is valuable and it can provide many pubic benefits. As long as the least expensive parking in downtown Annapolis is on City Dock, few spaces will be available for the customers of today's business.

The Parking Plan contains six elements. (1) To professionalize the management of parking, the City would maintain and expand its contracts with the private operator of its parking garages. (2) To reduce the demand for parking on City Dock, the City and area businesses would expand the hospitality employee parking program mentioned earlier to cover more employees. To date about 750 employees have signed up for this program, which will have a measurable impact on the availability of parking. (3) To keep customer parking available the City would deploy performance pricing which incentivizes short-term customer parking on City Dock by charging very little for the first 30 to 45 minutes, but increasingly more for longer stays. (4) To make the most effective use of available surface parking lots during peak periods, the City's contractor would valet park certain lots. Valet intake stands could be set up near the proposed market square and the Donner Lot. (5) To provide low cost options for tourists and visitors, the City would maintain low prices in its garages and the free Circulator. (6) To direct people to the parking that best meets their needs, the City would implement its newly prepared Wayfinding Plan and smart meter technologies including smart phone apps. (7) To expand the capacity of Hillman Garage, the City contractor would valet park the ground level and structure it's pricing to gradually reduce the number of employee parking contracts.

When the City has more information about the timing of plans to reconstruct Hillman, it should develop, in concert with downtown businesses, a strategy to address the anticipated shortfall during reconstruction. The number of parking spaces at Hillman Garage should be expanded through the reconstruction to the extent practicable.

## C. Future Land Use

Three recommended categories of land use are shown in the exhibit below as well as the current zoning districts that surround City Dock (C-1, C-1A, and C-2) which are not proposed to change except in the modest way mentioned below.

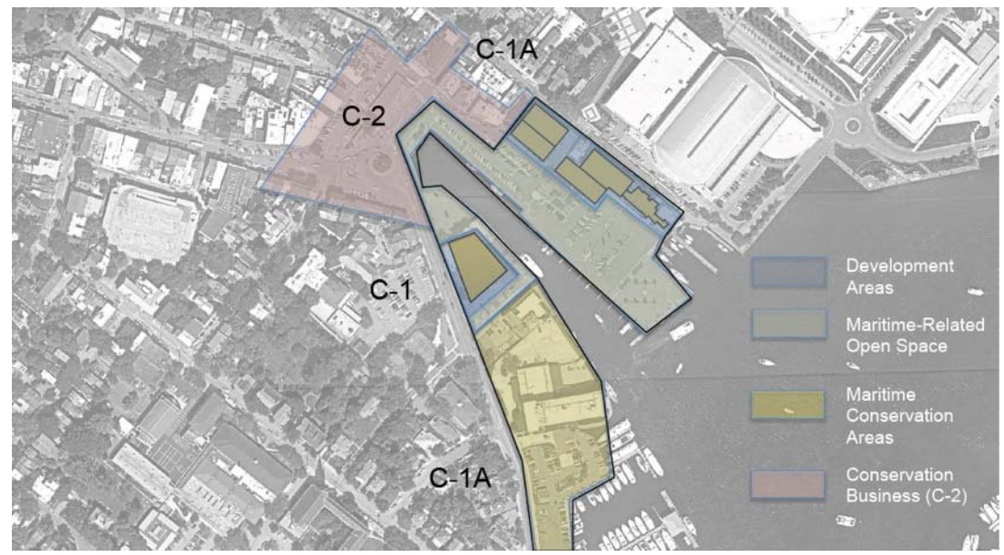
(1) "Development Areas" refers to the redevelopment sites that are supported by this Plan and described previously. The properties along Dock Street are presently zoned C-2 Conservation Commercial. These properties should be rezoned to a more fitting category that promotes high density mixed-use patterns including multi-family residential, and City Dock appropriate commercial uses such as hotels, restaurants, and retail, as well as maritime uses. Non-water related office or other such service uses should not be permitted. The permitted use types should be permitted in this new zone as "by-right" uses, not as special exception uses. Upon redevelopment, the buildings closest to the Sailing Hall of Fame should contain Harbor Master office and space in the building should be dedicated to the functions that serve visiting yachtsmen and recreational boaters. In general, new buildings in the Development Area on Dock Street have good potential for multi-family residential use, or a small hotel, with ground floor restaurants. The former Fawcett's site has great potential for maritime related commercial uses including retail, specialty foods, and restaurants and should include some ancillary public meeting, gallery, or studio space.

(2) "Maritime-Related Open Space" refers to most of the open area on City Dock, and would include the planned open space improvements. No new buildings should be allowed within this land use zone.

(3) "Maritime Conservation Areas". These areas should be put to maritime use in the future unless and until they are incorporated into the City Dock Master Plan, through its amendment and extension. This land use zone encompasses the Fleet Reserve and the Marriott Hotel. Should the owners of these properties seek to redevelop in the future for uses other than maritime uses, this Plan will need to be first amended to incorporate them into the City Dock Master Plan complete with the public use improvements such as the promenade.

The uses of land on the west side of Compromise Street shown here as zoned C-1 and C-1A should largely remain unchanged. The Old Recreation Center should be retained in public or semi-public uses such as for educational, artistic, or civic, recreational activities.

The aim of one of the first zoning amendments for City Dock should be a provision that requires the removal of the non-conforming billboard sign on Dock Street after a reasonable amortization period, for instance, five years.



## D. Redevelopment

The City must be prepared to promote, respond, adjust and support private redevelopment opportunities that are consistent with the Master Plan and support the Annapolis Beautiful Historic Seaport brand. The redevelopment of the former Fawcett's site and the buildings on outer Dock Street would allow parts of the Plan to advance including the public/private outdoor spaces, the seawall, and promenade. All modern waterfront development proceeds with public-private partnerships; they do not succeed without it. This is in part due to the extent of public ownership of land along the waterfront but also to something more fundamental; the clear, unambiguous, and legitimate public interests at stake in such redevelopment which include interests in safe and accommodating public access to and along the waterfront, interests in the preservation of beautiful and context-defining views from and to the water, interests in architecture and urban design that respects and contributes to historic context, interests in flood protection, stormwater management, and bulkhead stability, interests in the accessibility and safety of docking for recreational, commercial, and emergency watercraft, interests in the viability of major character-defining special events, and interests in the preservation of critical elements of the maritime economy. All of these interests are at stake on City Dock.

Public/private partnerships can help promote market-supportable private redevelopment while achieving the aims of a Master Plan. Such agreements may deal with public sector assistance in the structuring of a sale, lease, or redevelopment agreement. They can also deal with zoning and land use standards and procedures, infrastructure improvements, open space dedications and easements, and land swaps and contributions to financing of redevelopment proposals. Public/private agreements place the public and private sectors on the same side with the goal of realizing the overall vision of the Master Plan.

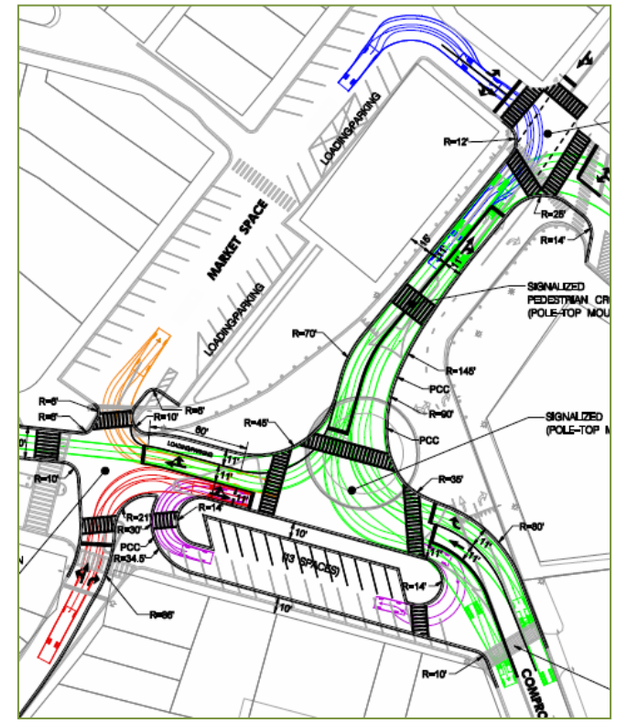
## E. Capital Planning and Phasing

The Master Plan for City Dock could be implemented in 20 years. Implementation of a Master Plan is not linear; it is strategic and depends on funding and the ability to link short-term projects with the longer-term vision. Implementation is an ongoing process that must respond to opportunities. Here are the principles for phasing on the City Dock Master Plan:

- Prioritize mitigating the flooding problem. The first two phases of the work are generally understood already, now the City must move assertively to undertake the necessary engineering and construction.
- Leverage capital investments that have to be made anyway, including for example the repair of the bulkhead. This and related public works will be disruptive and when the spaces are rehabilitated, they should be rebuilt in accord with the Master Plan.
- Use capital funds to leverage grants. Granting seeking is especially relevant for City Dock given the variety of linked public interests at stake.
- Convert parking to public spaces as the parking strategies bear fruit. This requires that the change in use and demand of parking be monitored so that information is available to make informed decisions. The new smart meter technologies that the City will implement in 2013 will allow this.
- Upon initiation of any major work on City Dock, the City should underground the utility lines that run above Dock Street.

# F. Traffic Engineering

Thoughtful, skilled, and context-sensitive traffic engineering must continue on City Dock as the Plan is moved into various stages of implementation. The City's consulting engineers on this project, Sabra Wang Associates, Inc., evaluated the proposed intersection configurations discussed in this report. The results of their assessment of the "T" intersection, which is featured in the design of the Master Plan, are summarized below. A more detailed analysis, including the evaluation of other options, can be obtained by contacting the City's Planning and Zoning Department.




For the "T" intersection, the traffic control changes, including the removal of the unnecessary signal at Randall and Prince George Streets, would maintain the average automobile travel times to, from, and through City Dock and even reduce travel times during the morning weekday rush and at other non-peak times during the day. With less side street traffic during such times, the signals would be set to favor traffic on Compromise and Randall Streets so that it would flow as efficiently as under existing morning or non-peak conditions. With dynamic signal timing, right turns on red from Compromise Street to Randall Street (and other movements) would be allowed because there are fewer pedestrians.

During the weekday evening peak, an overall average travel time increase of between 10 to 20 seconds would be expected due to signal changes for the side street traffic. In general, drivers, who under current conditions, wait at stop signs to turn, for example, from Dock Street left onto Randall Street, would experience similar or reduced delays while drivers traveling between the Naval Academy and Eastport would experience an increases of about 30 seconds on average. This would be mostly due to the wait for the left turn from Randall Street to Compromise Street.

During peak traffic periods on City Dock, such as Saturday afternoons, delays for auto traffic would be significantly reduced by the proposed "T" intersection, with average delays for trips to, from, and through City Dock reduced by two minutes or more. This would occur primarily due to the regulated control of auto and pedestrian flows. Drivers would be prohibited from turning on a red light and lights would go red nearly simultaneously at each signal to allow all pedestrians at all intersection to move concurrently. A major new pedestrian crosswalk in front of Market House is proposed and it too could be signalized, though this may not be required.

Among the supporting changes, the Plan also recommends reversing the direction of flow on Market Space and installing a signal at the intersection of Randall Street with Dock Street/Market Place. This change allows easier access to Market Space via a right turn from Main Street or a through movement from Green Street. The space currently dedicated to the left turn lane on Randall Street could then be eliminated to narrow the street and provide more public space in front of Market

House. Access to and from Pinkney, Fleet, and Cornhill Streets would be maintained. This could be a first phase of improvements and could be done without changing the current circle. The conversion of Memorial Circle to a "T" intersection along with the other improvements could occur later with the public space improvements.

Achieving the travel time reductions during the Saturday afternoon peaks mentioned above would require discouraging traffic on Green Street from making a two-part turn—that is, right onto Main Street with a quick left onto Randall Street. This could be done in part through signage that direct such trips to City Dock via St. Mary's Street rather than Green Street and/or by directing Green Street drivers across Main Street to Market Space and from Market Space to Randall Street. The City's wayfinding improvements, along with the transition to better parking management, and the use of the Circulator would each help with this too and, indeed, would benefit all traffic operations on City Dock during the busy times of the year.

# 4. Conclusion

The preparation of a Master Plan is at its heart an act of community good will. A good Master Plan aspires to be of service to the public, and in the case of the City Dock Master Plan, to thoughtfully reveal the potential that exists in one of the City's most prominent places. A 25-member citizen advisory committee, guided by community input, assembled this Plan and it now shares this Plan with the full community. The process followed in preparing this document has given voice to many concerns, arising from many perspectives, that City Dock can and should be improved while always preserving the essence of the Annapolis' beautiful historic seaport. This document does speak of change and that is undeniable. However, it speaks of gradual change and needed improvements that fit into a unique historic context.

Out of respect for the rich heritage, the merchants that make their living at City Dock, and the many Annapolitans that experience City Dock as a unique place of culture, this Plan should be used as a guide to improvements, not as a final or fixed design. Where possible, the ideas in this Plan should be flexibly ground-tested and evaluated on an ongoing basis. When changes are made, the results should be evaluated, and if and where adjustments to the Plan are called for, those changes should be made. This Plan is also an invitation to all members of the community who would like to see implementation happen sooner rather than later: begin now to shape and improve City Dock through your choices to walk to local businesses, to shop and dine downtown, to program events that speak to area's unique sense of place, and to gather in the very same places that in the future the City would improve as public spaces.  Do this and you will help realize the possibilities that this Plan speaks about.

# Appendix

The adopted principles of the City Dock Advisory Committee:

**Number One:** Improvements should be made gradually and emphasize historic layout and scale, access to the waterfront, sight lines and views. A preservation ethic should be reflected in our treatment of City Dock—through interpretive opportunities, historic walks and markers, and the demarcation of the historic shoreline. Power lines should be buried underground to further enhance vistas. All improvements should reinforce the "Beautiful Historic Seaport" brand and maintain a strong, clear identity.

**Number Two:** The management of City Dock should be coordinated year-round. The purview of the management entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core.

**Number Three:** A central organizing feature of improvements should be high quality pedestrian-oriented and walkable public open space that is flexible enough to support a variety of uses in a variety of seasons and under a variety of conditions (such as accommodating sea level rise). This could include a continuous promenade along the water from the Marriott Hotel to the site of the future Sailing Hall of Fame, more seating and benches, and shelter from the elements. There should be many destinations to attract people to different parts of City Dock.

**Number Four:** Improvements should support a greater *mix* of transportation modes (bikes, shuttles, water taxis, and public transit) that complement and enhance one another. There should be an emphasis on expanding off-street capacity and maximizing the use of garages. Highly visible and adequate signage and "smart" technologies such as flexible price parking based on demand, should be utilized to "catch" vehicles with an effective progression of directions and signage. There should be an efficient and uniform pay system for on-street parking. There should be creative and experimental ways to accommodate both parking and people that can be also be reversible.

**Number Five:** City Dock improvements should contribute to the City's "greening" and the area should serve as a sustainable focus for an authentic residential life. There should be an intersection of resources such as farmers markets and other local vendors with opportunities to celebrate Chesapeake Bay heritage and have meaningful and organic interactions with the water and the environment. Improvements should contribute to the economic vitality of the area.

**Number Six:** Public art opportunities and installations can enhance City Dock and provide both thought-provoking and entertaining experiences. The art can be permanent or ephemeral, suited to the season or a particular event. Art can help strengthen the "Beautiful Historic Seaport" brand, move pedestrians through new public open space, and inspire creative exchanges with the water.

# Annapolis City Dock Master Plan

## A Framework to Guide Improvements & Redevelopment

October 14, 2013: Final/Non-Annotated Draft

## *A Letter to the Citizens of Annapolis*

*In 2010, Mayor Josh Cohen directed that a citizens' committee be formed to advise the City on rejuvenating City Dock – the City Dock Advisory Committee (CDAC). The Mayor charged us with three objectives: to establish guiding principles for the use and redevelopment of City Dock, to develop a master plan based on those principles, and to encourage and coordinate public participation throughout the planning process. CDAC has now completed our tasks and we are pleased to deliver this master plan report. We published our first report,* Visions and Principles, Phase One Report*, in July 2011. It has been an honor for us to serve the City in preparing this Plan, which we hope will help bring economic revitalization to City Dock; the City's Beautiful Historic Seaport.*

*As part of our work we hosted two citizen work sessions at the Old Recreation Center at City Dock. At the first, citizens reviewed alternative approaches to addressing broad concerns, such as open space, pedestrian and vehicular circulation, and access to the water, and evaluated the relative strengths and weakness of different ideas. At the second workshop, we asked citizens to evaluate and deliberate on a preliminary master plan. We also held seven committee meetings between May and November 2012 as we prepared this Master Plan; each was open to the public and the input we received at these meetings helped shape this document.*

*We embrace the outcome of our efforts yet we note that we are not unanimous in our support of two elements of the Plan. The first concerns the intersection of Compromise, Main, and Randall. While one-half of our committee supports the Plan's call to convert Memorial Circle to a "T" intersection, the other half has reservations about any such change and would generally prefer modifications, or no changes at all, to the current circle. The CDAC does agree that the intersection needs further evaluation to assess traffic operational and aesthetic concerns because it of its central role, for better or for worse, in shaping the pedestrian experience and the opportunities for public space. The second element is parking along Dock Street. While we are less divided on this question, we recognize that reducing the number of parking spaces along Dock Street will require the City to commit to effective parking management strategies to ensure that short-term customer parking remains available even while the total number of spaces on Dock Street is reduced. We encourage the City to balance the planned open space improvements with thoughtful implementation of parking management and involve the business owners on Dock and Market Streets.*

*A considerable amount of work has been undertaken and more than anything, it has revealed to us the great complexities that attend any effort to prepare a plan for such a unique and significant part of our City. The consensus of CDAC is that this Master Plan is a guide to public and private decision-making. We encourage the City to work diligently in implementing it and to seek, on an ongoing basis, the input of all members of the community. We know that any plan will take years to implement, that options will be tried and tested, learning will take place and new responses will be adopted. We are encouraged that the unanimously supported principles we established in 2011 are not only achievable with this Plan; they are its very foundation.*

*Much work still lies ahead now that we have completed our assignment. This Plan will be reviewed by the Planning Commission, which is officially charged with making plans that guide development and redevelopment in Annapolis. The Historic Preservation Commission and other appointed or voluntary associations and commissioners both in and outside of City government will review and comment on this Plan. To those groups we ask first and foremost that you recognize, as we have, that there is a broad set of community interests, values, and concerns, many of which are competing. These varying concerns and interests must be held in balance and respected.*

*We understand that a Master Plan is a document that provides direction and guidance; it is not a detailed design to be quibbled over or a static design that can never be adjusted. The illustrated plan in this report is a hopeful target; a destination point to be arrived at. In order to get there, we ask all concerned to remember that each decision made at City Dock, whether*

*it concerns a private request for a zoning change or a public need for flood protection, has the opportunity to either detract from or contribute to this Plan. We respectfully and earnestly ask the Mayor and City Council to weigh such decisions against this Master Plan, which at its core reflects the public's interest and aspirations for the future of City Dock.*

## *~the Members of the City Dock Advisory Committee*

*Chairman Kurt Schmoke*
*Vice-Chairman Gene Godley*
*Adriana Apolito-Bevis*
*Karen Theimer Brown,*
*Joe Budge*
*Anthony Clarke*
*Dick D'Amato*
*Cathy Durkan*
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*Chance Walgran*
*Carol Nethen West*

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# The City Dock Master Plan

Annapolis enjoys a national reputation as a desirable place both to live and to visit, based on its history and access to the Chesapeake Bay. Downtown businesses cite these same factors as key advantages for competing on both a local and regional basis. Annapolis' unique history, with intact historical city plan and architecture, combined with its location on the Chesapeake Bay are powerful and desirable qualities. These qualities and the amenities that come along with them are enviable by any world-class city.

The City Dock is an intrinsic part of the town. It has been the heart of the City since our founding. The dock was initially developed as a robust commercial seaport. When the ever-increasing size of ships eventually shifted the freight and passenger business to Baltimore, City Dock became the hub of the City's vibrant fishing, crabbing, oystering, and warehousing industries and it became the City's central market. Changes in the Chesapeake's resources and the local economy have caused City Dock to evolve again during our lifetimes. Today millions of visitors and thousands of recreational boaters visit City Dock each year. The images of the City Dock area, framed by intact historic buildings from the 18th and 19th centuries, have become the iconic emblems of Annapolis, the beautiful historic seaport.

City Dock is not without challenges, however. For decades studies have criticized the area for "giving cars the best view of the water". There is little human-scale open space to congregate, to dine, to entertain and to be entertained. The feeling of a historic seaport is marred by visual clutter. Viewsheds and key sight lines are compromised. Repeated flooding damages buildings, necessary infrastructure and creates an obstacle for visitors and customers who might otherwise enjoy their downtown experience. Businesses, who compete with development outside the district, indicate a concern with sustaining a year round, vibrant and inviting city center.

The 2009 Annapolis Comprehensive Plan called for a plan for the future of City Dock that would:

- *Maximize public access to the waterfront;*
- *Maximize pedestrian and bicycle friendly features;*
- *Incorporate a variety of open places, both large and small, for people to congregate for various purposes;*
- *Accommodate boats of all types, as well as docking for cruise boats, commercial vessels, and water taxis;*
- *When hosting public events, balance the needs and interests of residents, businesses, and the event;*
- *Include a transportation element which will clear the proposed civic space of parking places for motor vehicles, and provide an alternate nearby site for such parking and/or remote parking with shuttle transportation;*
- *Propose measures, including those related to transportation and parking, which are necessary to keep existing Dock Street merchants viable.*

This Plan is a response to the place of City Dock, as it is. It does not seek to impose ideas but instead helps reveal the potential and possibility held in the current condition, the beautiful historic Annapolis seaport. The Plan offers responses to the needs of today and tomorrow but is grounded in a profound respect for the historical context of Annapolis.

The Master Plan is illustrated here. It is not meant to be static in its design. It is instead a guide to decision-making for the next 20 years. The Master Plan should guide infrastructure improvements, redevelopment plans, and zoning decisions. Since the Plan was prepared with a great deal of citizen involvement, it also stands as an invitation to the citizens of Annapolis to work toward realizing the new possibilities that can be found at City Dock.

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  E. Public Art: Nurturing the Uniqueness of Place
III. Strategies that Support the Plan
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  D. Future Land Use
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# I. Annapolis City Dock

In as much as any place can, City Dock holds within its frame a long-running conversation about community that has much to offer. The radial streets of the 1695 Annapolis city plan lead to a beautiful place at the water's edge. It is a place of everyday commerce and special civic gatherings, a place of arrival and departure, a place for chance encounters. As the Alex Haley Memorial reminds us, it is also a place for honoring the triumph of the human spirit.

Both individual and collective efforts have for centuries sculpted and re-sculpted City Dock. In the 18th and 19th century, the City formalized, and filled the inlet using all manner of fill—oyster shells, lumber, rock, and dredge. In the process the City created new land and Annapolitans built maritime buildings and commercial enterprises. Buildings, businesses, and infrastructure on City Dock were replaced again and again in a process of continual change.

The Market House took form at City Dock in the early part of the City' s history and by the late 19th century the public space around Market House had achieved a formal structure. It was improved into a park with trees and a traffic circle between Green Street and Middleton's Tavern. By the mid 20th century use of the space within the circle was privatized and eventually it gave way to the circulation demands of the automobile. Compromise Street was extended to Spa Creek by this time and thus City Dock was connected to Eastport via road.

By the middle of the 20th century, many of the buildings on the north side of City Dock had been replaced with the parking lots that are still there today and the building pattern along Compromise Street had begun to take the form we see now. City Dock is not what it was centuries ago but its history is recognizable in today's patterns, vistas, buildings, and commercial activities. The architecture and streetscapes, human in scale, contribute to the character, feel, and setting. Annapolis' unique small-town historic harbor distinguishes our community and our economy from the waterfront developments of surrounding cities. This Plan is respectful to the rich history and integrity of the area, preserves viewsheds and sightlines, and does not compete with the historic character. In the study area there is a collection of 18th and 19th Century architecture that is highly significant to Maryland and to the entire nation. City Dock is not one particular period in time that we are trying to recreate; rather this Plan sets forth a plan that manages change, promotes an economically sustainable cultural asset, and balances 21st Century needs within an intact historic setting.

City Dock has much history still to come and its continual change will speak to future Annapolitans of today's values and today's responses to changing needs and conditions. A central and integral objective of this Plan is the rejuvenation and sustained economic revitalization of City Dock. The Plan envisions critically important investments such as wider sidewalks, public spaces, flood protection, and public arts programming that reinforces the Annapolis Beautiful Historic Seaport brand, and thoughtful management of parking supplies that increase the availability of customer parking. These are among the public space investments that have helped revitalize downtown waterfront district throughout the world.

# II. Guiding Principles Applied

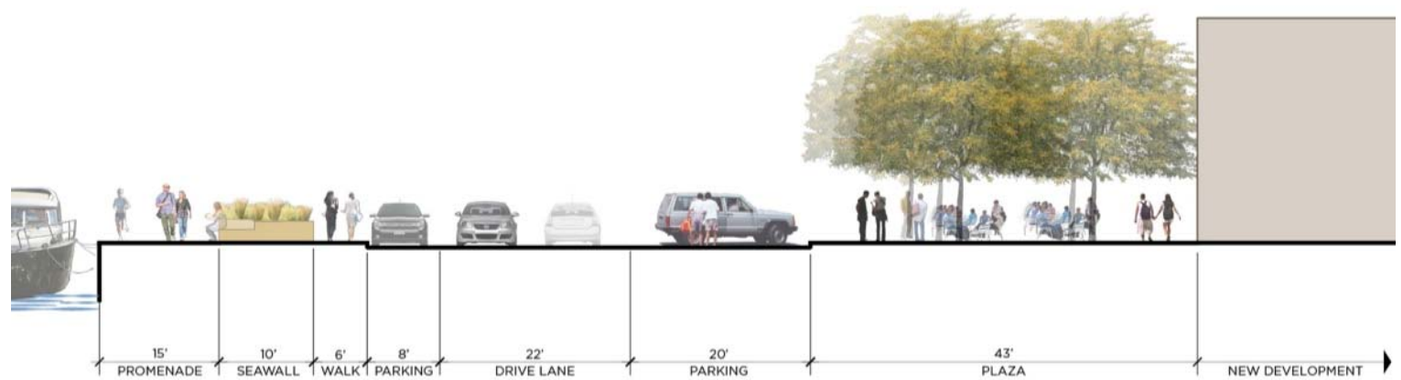
In 2010, Mayor Josh Cohen directed the Planning Department to form a citizens' committee to advise the City on rejuvenating City Dock. Twenty-five members reflecting varying interests were appointed and the City Dock Advisory Committee (CDAC) began its work. The Mayor charged the CDAC with establishing guiding principles for the use and redevelopment of City Dock, developing a master plan based on those principles, and encouraging and coordinating public participation throughout the planning process. CDAC published its first report, City Dock Advisory Committee: *Visions and Guiding Principles, Phase One Report*, in July 2011 after outreach to the Annapolis community. The principles as adopted by CDAC are listed in the Appendix to this report.

CDAC's guiding principles are the foundation for this Master Plan and the presentation, which follows, is organized around these principles. Each of the next sections leads with a summary statement of a guiding principle: (1) Gradual Improvement with Emphasis on Maintaining the Integrity of the Colonial Annapolis Historic Landmark District, including Historic Layout, Scale, Vistas, (2) High Quality Walkable Public Open Spaces, (3) Toward Balance in Transportation on City Dock, (4) Greening and Sustainability, and (5) Public Art: Nurturing the Uniqueness of Place. (See Appendix A and B)

# A. Gradual Improvement with Emphasis on Maintaining the Integrity of the Colonial Annapolis Historic Landmark District, including Historic Layout, Scale, Vistas

## Gradual Improvements and Emphasis on Context

As an example of how a master plan works with gradual improvement and emphasis on context, consider the sidewalk in front of the businesses on City Dock. It is too narrow to handle regular pedestrian traffic and it is an obstacle to the flow of pedestrians especially along the 100 block of Dock Street. Widening the sidewalk while holding its new edge parallel to the bulkhead rather than to the buildings has the effect of creating an increasingly wider pedestrian zone along the building frontage as the sidewalk extends eastward to Craig Street. As sidewalks approach 30 or more feet in width they can become places for outdoor dining, shade, street furniture, bicycle parking, and more, all of which increases social and economic vitality. This public improvement therefore creates a new center of activity that draws people out to Dock Street. With the enlargement of the existing sidewalk to create a larger pedestrian zone in front of the buildings, the Plan also effectively defines the edge of Dock Street, which can then be seen as a well-defined commercial street rather than as drive aisle through a parking lot. Improvements such as above should be made gradually in time so that the City can assess how they are working before making the next improvement.



There are other such instances, such as at Market House, where modest changes find their genesis in an historic framework. On the south end of Market House (facing Green Street), the Plan seeks to reclaim space for public use. Perhaps nowhere else in Annapolis does the potential exist for an outdoor room so close to the water and yet so nicely framed by the City's historic architecture. In reclaiming this space for people, the Plan reclaims the historic urban fabric of City Dock, rededicating space that had historically been available for public use. This potential is achievable, if the streetscape is modified by either the "T" intersection or the shift-circle option that are discussed later in the Plan.

## Scale and Vistas

The City Plan for Annapolis (1695) is in the Grand Manner or Baroque style. Not unlike plans for Paris, Rome, and Washington D.C., the Annapolis City Plan makes grand gestures with radiating streets and open vistas. These enduring elements of civic beauty are not accidents of topography or the unintended result of private decision-making about building or development. These features of City Dock are by design; they are intentional.

The long view enjoyed from along Main Street out to the Chesapeake Bay is intentional and nothing in the Master Plan impedes or distracts from this view.

Also critical is the potential for sweeping views from nearer to the foot of Main Street out over City Dock to the Annapolis Harbor. While the great expanse of this view has not yet been realized because of buildings and other structures, its potential is inherent in the City's historic plan. In fact, when the 1695 Plan was laid out there were no structures (not even land) where the former Fawcett's building now stands. The Plan therefore restores the viewshed envisioned centuries ago. As illustrated on this page, the Plan provides opportunities for new buildings while securing this view in perpetuity. The Plan calls for removing the old Fawcett's Building from the viewshed; allowing Annapolis to seize the opportunity to realize this potential that is held on City Dock. There are other views, to and from the water, that define the context of City Dock and great care and discernment will need to be brought to bear in the future as development projects are both proposed and reviewed.

On City Dock, no private development or public use, space, square, building, or art whether existing or to be constructed can be viewed in isolation. It must be considered within its historic and physical context. This includes parking. The allocation of so much public land to the parking of private vehicles severely undervalues City Dock and historic Annapolis.

## Scale and New Buildings

The Plan envisions that redevelopment will occur on City Dock. Three opportunity sites are shown on the exhibit below. Each project has the ability to contribute to the context and setting of City Dock and indeed each has the potential to distract from it as well. Redevelopment of the opportunity sites should retain the "small town feel" of downtown Annapolis. The approximate footprint of the buildings are set outside of the principal viewsheds to and from the water. In addition the Harbormaster Building, which presently forms a wall across the middle of Dock Street, is removed.

On the former Fawcett's site, the Plan's principal objectives include setting new buildings back from the water's edge by 45 to 55 feet. This allows space for the promenade and ample room for flood mitigation infrastructure while leaving space for outdoor use by the users of the building in ways that will energize and enliven this side of City Dock. For similar reasons, and to provide views toward the water from Compromise Street, the building should be set back 20 to 25 feet from Newman Street. It is recommended that the buildings have smaller setback along Compromise Street; 15 to 20 feet would be about enough to secure the proposed sidewalk width needed in this area.–The massing of building(s) on the former Fawcett site should enhance the historic character and provide a compatible backdrop to the proposed public space on the Donner Lot and help frame, in the distance, the proposed market square. Two and one-half stories are recommended. It will be imperative that viewshed analyses be undertaken during the plan-review process for any projects in this opportunity site.

With the proposed opportunity sites along Dock Street, removing the Harbormaster Building and moving the building footprints outward as depicted will activate and frame the open space facing the water. Currently the Harbormaster Building and the large offset to the outer Dock Street sidewalk present a visual barrier that inhibits pedestrian flow out the landward side of Dock Street. Reconfiguring the building footprints would allow the buildings to be on a continuous sightline, helpful to the flow of pedestrian retail traffic. Bringing the architecture closer to the water brings the people closer to the water and generates more vitality and business activity.

*New construction in the opportunity areas can be designed so that the height of the buildings is stepped back from the street, lessening the impact on the viewshed.*

Flexing of footprint and height that respects viewsheds and sight lines may be appropriate in the immediate context because there are fewer historic properties in this location and the USNA backdrop compromises the streetscape. At the same time we must acknowledge the present building line that dates back at least as far as 1878. Prior to enacting changes in the Dock Street opportunity sites, the City must prepare a professional cultural landscape report that recognizes the National Historic Landmark designation and applies the Secretary of the Interior's standard's for treatment of historic properties in assessing the significant historic assets in the vicinity, conducting a viewshed analysis, and determining the impact of the proposed developments on those properties and other aspects that may be pertinent. The study must be done under the direction of City staff and specifically the Chief of Historic Preservation to ensure its relevance to preservation requirements. The study results will be presented to the City Council and the Historic Preservation Commission for consideration.

The proposed changes to building footprints in the opportunity sites will have impacts on the business climate in the area. This Plan envisions those changes will be positive, but they are not without risk. The restructuring of the built environment must not take place until the City has assessed to City Council's satisfaction how the development will affect existing businesses, including the Annapolis Boat Shows, and the ability of the area to support new businesses given the constraints of space, parking, and transportation.

New construction in the opportunity sites must preserve the design guidelines and architectural principles found throughout the historic landmark district with regards to scale, massing, and rhythm and remain subject to review and approval by the historic preservation commission, as is presently the case. In order to facilitate new construction in the opportunity sites, the Historic Preservation Commission, as part of its review, should have the authority to grant small tolerances to allowable height if new construction is not otherwise feasible.

# B. High Quality Pedestrian-Oriented and Walkable Open Space

## Parks and Open Spaces

Much of City Dock is public, but, with few isolated exceptions, it is not yet a public space. The Plan makes a firm commitment to improve conditions for people by creating new spaces and an improved pedestrian environment, not through bold gestures, but through small deliberate changes that help tie City Dock together. This is a central organizing principle of this Plan.

The Plan locates public recreational spaces at locations that seem obvious. The Plan calls for an improved Susan Campbell Park where the main pedestrian routes terminate at the furthest reach of the land. It calls for a new public space at the Donner Lot, which lies adjacent to the water and thereby secures the view to and from the water. The Plan calls for a new park at the naturally low-lying area where Newman Street reaches the water. This park would provide access to the water and consistent with so much public input, this park would effectively extend play space for the City's children from the playground at Newman and Compromise down to the water. The Plan also calls for a new civic space at Market House and public/private spaces—outdoor dining, for example, adjacent to what could become new buildings in the future.

## Market Square

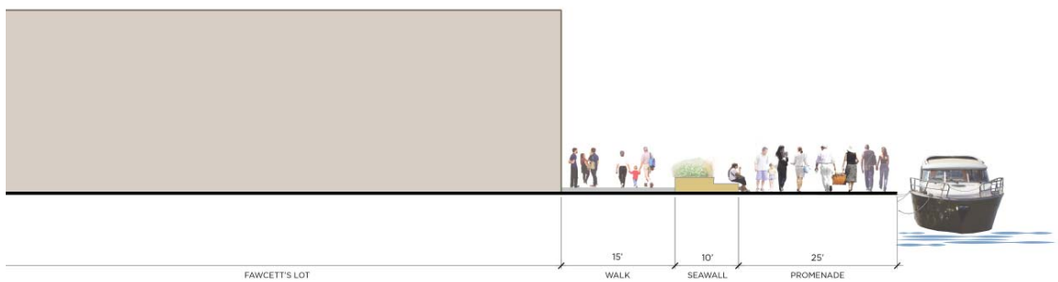
A new central market square is proposed at Market House. The space is already framed by historic buildings and activated by retail and restaurants. It affords spectacular views eastward down Ego Alley. This space could provide outdoor seating for Market House vendors and the customers of other businesses. It should secure space for the Compass Rose, the Memorial Circle flag, and shade trees. The space would be enlivened with a continual flow of pedestrians along its perimeter as people walk from Main Street out to City Dock and back. This market square visually extends over Randall Street to the water's edge at the head of Ego Alley. As shown below the consistency in surface materials can create the sense of one larger place.

Presently Market House and Hopkins Plaza together comprise 16,000 square feet. As proposed in this Plan, the total space would approximate 22,800 square feet. The square in front of Market House could extend 150 feet from the edge of Market House toward Main Street and 100 feet across from Market Place to Randall Street. Businesses with sidewalk frontage could extend out into Market Space or at least onto the proposed wider sidewalks which would extend 24 to 30 feet from the building's edge. Beginning at the approaches from all directions, the intersection can become a slow moving environment through the use of textured pavement and other means to calm traffic.

## A Promenade

The most prominent walkable public space would be the promenade. The Plan calls for it to extend from Newman Street around Ego Alley out to Susan Campbell Park. The promenade would retain its 15-foot width between Randall Street and the Water Taxi dockage. Beyond that point it would widen as it approaches the bulkhead at the end of City. It would provide views of the water uninterrupted by parked cars and would be wide enough to be multi-functional, while providing the space needs for docking activities. It could accommodate Boat Show exhibitor space, public art installations, seasonal shade structures and other objects and events.

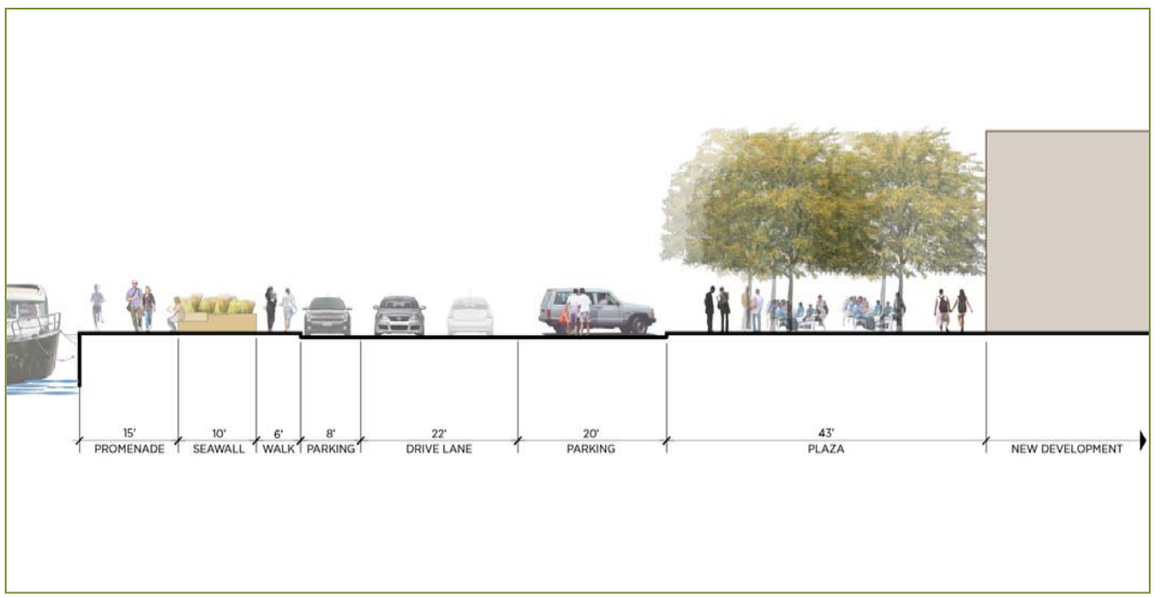
On the south side of City Dock, from the Donner Lot to Newman Street, the promenade could range from 15 to 30 feet. The cross section below shows a promenade of 25 feet in width.



# C. Toward Balance in Transportation

Accommodating the movement and parking of cars at City Dock came at the expense of the pedestrian environment. Nearly half of the City Dock study area is covered in streets or parking lots. On City Dock, pedestrian spaces, and public space more generally, are confined to areas not required by cars. This factor, more than any other, has disconnected the City and its residents from the waterfront. When people speak of access to the water they speak of the ability to be near it, to walk along it, to enjoy the wind and views. It is telling that the most active place on City Dock is the bulkhead closest to Randall and near the Alex Haley sculpture where one can feed the ducks and sit close to the water. This Plan provides for a transition to a future in which the design of public spaces, the planning for pedestrian movements, and the planning for the circulation and parking of cars are considered together.

A simple example of the transition the Plan is making in favor of integrated and balanced city planning is Dock Street. As mentioned previously, under this Plan it would become a well-defined public street much like any business street in Annapolis with ample short-term parking and sidewalks. The extra pavement along the water's edge now devoted to parking would be re-purposed for essential public goods such as flood protection and for wider sidewalks along the storefronts. A proposed cross-section of Dock Street facing the Market House is shown here.



## Main Street, Randall Street, and Compromise Street: The Intersection at the Heart of City Dock

The most prominent example of transition toward balance can be found in the Plan's approach to the intersection of Compromise, Main, and Randall. While the City Dock Advisory Committee could not find consensus on how best to address this intersection, the Plan does recognize that shifting Memorial Circle or converting the circle to a "T" intersection are opportunities to improve the pedestrian experience and create useable public spaces. Therefore the Plan recognizes that more community discussion, informed with the benefit of research, will need to be devoted to this question. -More detail regarding the intersection options is provided in Section C, Part III. (Also see Appendix C,D, and E) Improving traffic flow at City Dock remains a challenge due to its dual nature: during the week cars drive through City Dock. On weekends visitors coming to City Dock are added to that traffic, creating a more congested environment. Changes that may improve one will impact the other. Improved traffic operations are not the only benefit of a new intersection; the main public benefit is the balance it brings to the flow of cars and pedestrians year-round while allowing useable public space at Market House and the Alex Haley Memorial.

A "T" intersection assists pedestrians in three ways. First, it allows multiple street crossings aligned with the routes pedestrians desire to take. Pedestrians would no longer be forced into circuitous movements around the intersection or unsafe crossings through the roundabout. This distributes pedestrian loadings and reduces the crowding at the Randall/Dock Street intersection. Second, the "T" allows the intersection to be signalized, providing "green time" exclusively for pedestrians while all traffic is stopped. Context-sensitive traffic signal poles would be used and the signals would be synchronized to allow greater time for pedestrians when most needed, and less time when not. Third, the "T" configuration allows lane widths and turning radii to be smaller, which reduces walking distances across the street and especially benefits the elderly, disabled, and persons with small children.

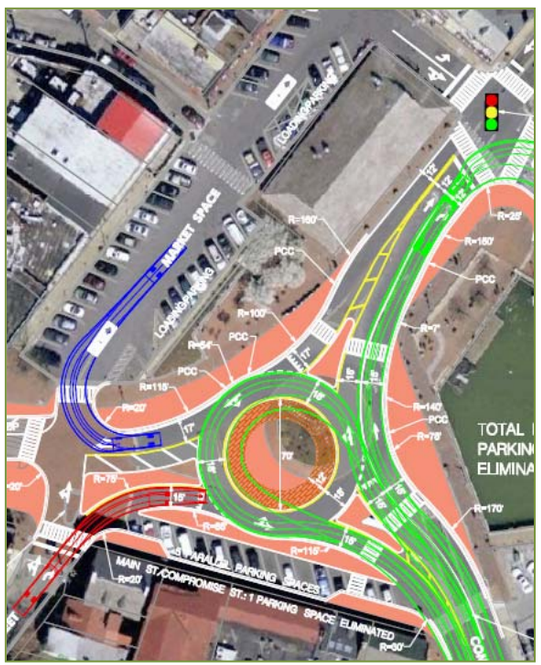
However, several concerns have been cited regarding the "T" intersection. These include the increased automotive transit times through the

intersection during normal operation, the elimination of most of the “ad hoc” loading zones in the study area, the elimination of a historical element of the streetscape, the introduction of traffic signals into the City’s most prominent viewshed, the elimination of the veteran’s memorial, and that the intersection and numerous traffic signals are out of character with the existing urban design of our baroque city plan. Some of these concerns must be addressed by the design of the new market square.

As mentioned earlier, CDAC has not found consensus on how best to address the intersection. Other options were designed and studied, including a modification to the current roundabout. If the City adopted a Modified Circle option (shown below), the lanes entering and within the circle would be narrowed and the circle would be shifted northward on Main Street. This would free up space that could be added to Hopkins Plaza and along the water (shown in orange in the large exhibit below). Traffic engineering evaluations of this option revealed it offered no improvements to existing traffic operations. Further, access to the parking along the buildings at the intersection might have to be limited to right-hand turns from Green Street, this requires additional study.

The other option considered was a traditional traffic circle enclosing pedestrian space similar to Church Circle and State Circle. This option had the advantage of enclosing a large amount of public open space but was judged impractical because pedestrians would have to cross multiple lanes of traffic to enter the encircled public space. The option of doing nothing is also an option that the City may wish to take. The drawbacks of making no changes to the intersection are that there can be no gains in public space or improvements to the pedestrian environment.

In sum, because the main transition envisioned by the community is one toward balance and away from car dominance, the intersection of Compromise, Main, and Randall demands much attention. Getting to a balance does require physical changes to the intersection that must be evaluated further.




Modified Circle

The City will prepare, for City Council approval, a plan for the intersections and crosswalks in the study area which considers the area’s dual role as both a destination and a throughway, gathering space for pedestrians, pedestrian and bicycle access to and through City Dock, wayfinding, bus and truck access, loading, and unloading, and the constraints of the historical context. This plan will include factors both inside and outside the study area that contribute to the congestion at City Dock such as the existing stoplights on Main and Randall Streets and the Spa Creek drawbridge, and the potential impact of the Plan’s implementation on routes outside the study area. This transportation plan is inextricably linked to the parking plan described on p. 22.

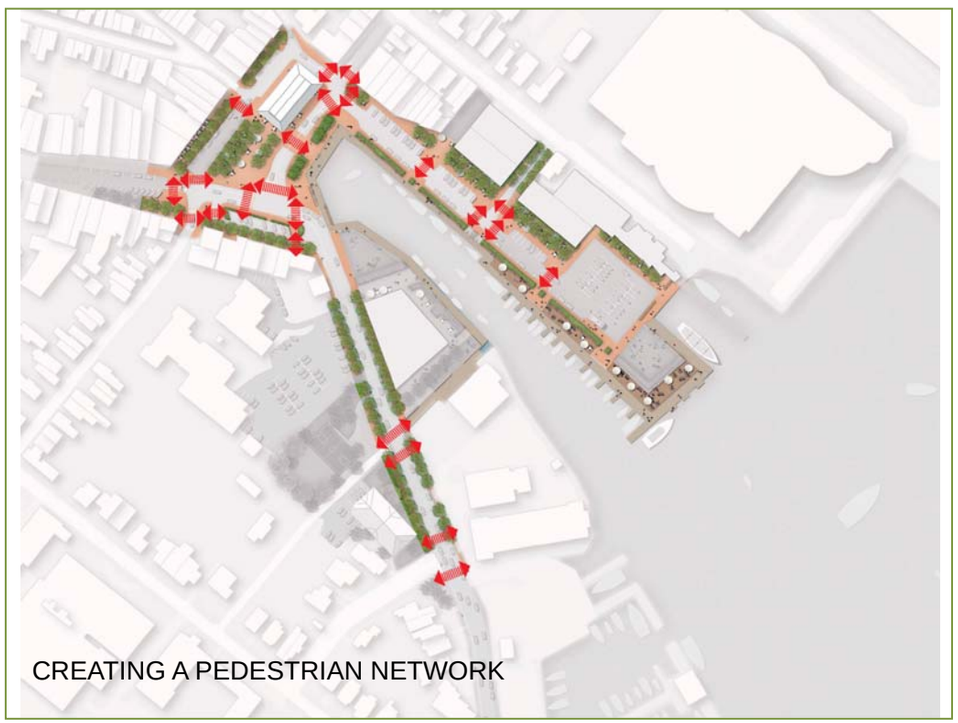
Variations on the options studied for the Compromise/Main/Randall intersection.

## Pedestrian-ization

The Plan improves the pedestrian environment throughout the study area. As shown below, crosswalks are located along the lines that link pedestrians from downtown to the water. No longer should pedestrians be hemmed in by bollards and chains and directed to just one location for crossing Randall Street. The proposed signalized intersections at Compromise/Main and Randall Streets and at Dock and Randall Streets would referee the flow of pedestrians and vehicles. In all, three new crossings near the intersection of Randall and Main Streets are added. A prominent crosswalk in front of the Market House is provided and it connects the component elements of the Alex Haley Memorial together—the Compass Rose on the Market House side and the sculpture situated adjacent to the water.

However, before the location or number of crosswalks is altered permanently, there should be analysis of how the changes would affect pedestrian movement, especially gathering spaces and how people travel to and from the City Dock area.  There should also be an analysis of how crosswalks impact traffic patterns.

The Plan would widen sidewalks in front of all existing businesses on Dock Street, Market Space, and the first block of Main Street. It also allows the sidewalk to be widened at Market House along Randall Street. The widening of these sidewalks would allow restaurants to have café seating while also allowing pedestrians to move more freely past tables.



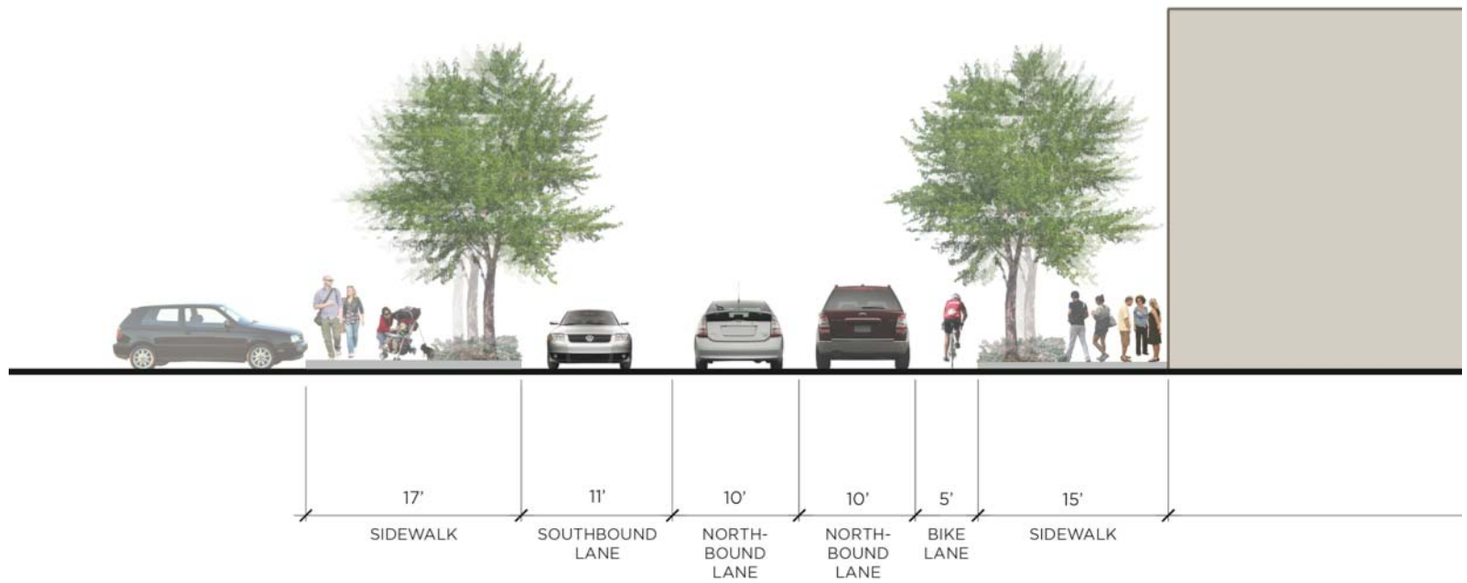
## Compromise Street

The Plan's treatment of Compromise Street is especially important. Currently Compromise can be a rather high speedway into City Dock. At about 36 feet wide, it can also be difficult to cross, especially for families with small children at Newman Street near the playground. Compromise Street is an important link for visitors walking between the downtown and the Marriott Hotel. Therefore, at both the Newman and St. Mary's Street intersections on Compromise Street, prominent crosswalks and other traffic calming measures should be used to calm traffic speeds and reduce the crossing distance for pedestrians if possible.- The City should consider extending a unifying pavement treatment out to St. Mary's Street. The width of Compromise at this location allows for the loading and unloading of bus passengers at the hotel. This feature should not be negatively impacted by these plans to improve Compromise Street.

The proposed street section along Compromise Street looking toward downtown near the former Fawcett's property is provided here. Note the Plan calls for retaining two lanes of automobile traffic in the northbound direction and one lane in the southbound (toward the Spa Creek Bridge) direction. The Plan also calls for a designated bike lane northbound leading into City Dock. Bikes and cars would share the lane in the southbound direction, leading out of downtown.

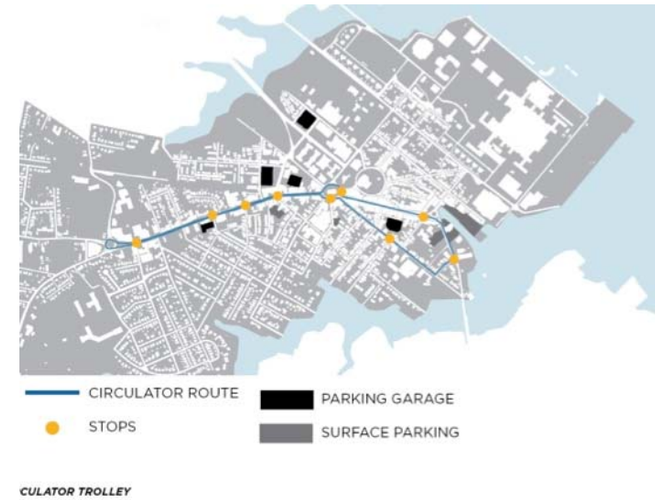
A 15-foot wide sidewalk is proposed along any new building(s) on the former Fawcett's property. On the opposite side of the street, including along the frontage of the Board of Education property, the Plan recommends installing a planting strip and street trees to buffer pedestrians from cars and provide shade.

A traffic signal may or may not be needed at Compromise and St. Mary's Streets, but if provided, it would benefit pedestrians who wish to cross Compromise Street but have limited opportunities to do so.



## Parking

The main discussion of the Plan's parking management strategies is set forth in Section B, Part III of this report. The thoughtful management of parking demand and supply is essential to getting the balance right. The City is making strides to reduce long-term parking demand on City Dock in favor of increasing the availability of customer parking. One measure of the success of public private efforts to manage parking on City Dock is the hospitality employee parking program the City recently started. Under the program, employees of downtown restaurants are guaranteed low-cost parking at the Park Place garage and a free Circulator ride to and from City Dock. As the City implements other strategies and adjusts its parking pricing policies, the demand for long-term parking on City Dock will be shifted to public garages. As public improvements are made and the parking management strategies take hold, the number of surface parking spaces would be reduced. Under the Plan, eventually and gradually the number of spaces along Dock Street could be reduced from 199 to about 90 while promoting the rate of turnover in parking spaces. Promoting turnover supports local business' needs for easy customer access. The City-owned Donner Lot would be improved as a public open space and the City-owned Fleet Lot at Newman and Compromise would become part of new building site. Customer storefront parking would remain throughout the study area as shown below, providing retailers on City Dock with about the number of on-street parking spaces one would find in a comparable business district.

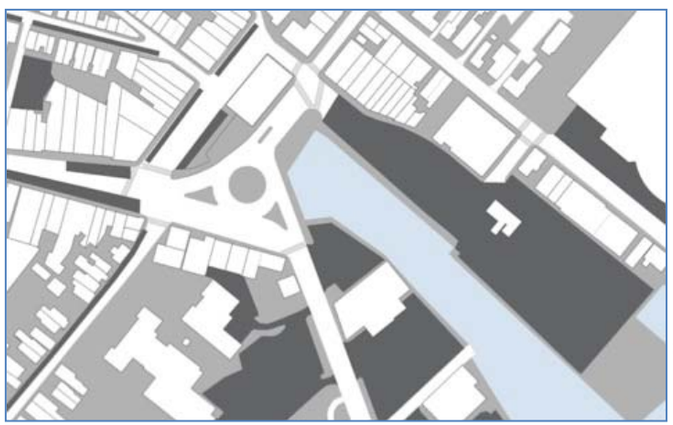



Several proposals that support parking management are worth mentioning here. First, the space shown in green in the exhibit below is "flexible" parking. This could be used for valet parking during the heaviest peak demand, increasing the number of cars parked by at least 20 percent. The space could also be used to guarantee parking for disabled persons or it could have a set aside for motorcycles and be a location for electric vehicle charging stations. During special events, this space at the outer reaches of City Dock could be closed off to traffic at the intersection of Dock and Craig Streets. Second, redevelopment would be encouraged on Dock Street and new buildings could have their own internal parking garages to meet the needs of the users of the buildings and any extra space could be made available for general public use. Third, the City should look to secure valet parking on the Board of Education site as another option for long-term parking.

There needs to be a comprehensive parking plan that addresses the current and future parking needs for the area. Before removing a significant number of parking spaces or formal or informal loading zone spaces in the City Dock study area, the City of Annapolis will develop and present to City Council for approval a parking management plan which identifies and considers:

- The inventory of parking spaces and loading zones both within the study area and within walking distance.
- The parking spaces, loading zones, and parking management practices necessary to support a vibrant economy in the City Dock study area,
- Specific programs for relocating parking from within the study area to locations outside the study area and strategies for accommodating the distance to the new locations. The parking relocation programs must meet the needs for success of existing and new businesses.

- The economic impacts of those relocation programs,
- The impacts of those relocation programs on parking elsewhere in the City, at other parking facilities and on-street in both business and residential areas,
- Alternatives to parking that will help City residents and visitors access City Dock without the need for a car,
- The costs and expected benefits of those programs,
- The provision of periodic evaluation of parking supply and demand in the study area, and
- The timing of those programs with respect to the anticipated reconstruction of the Hillman Garage.

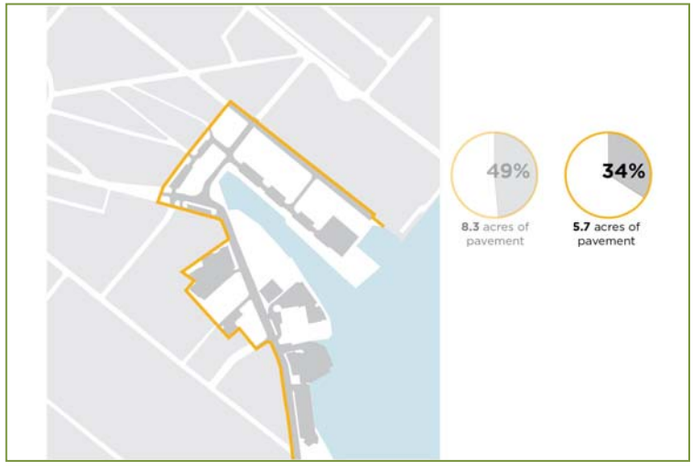


Current

As Proposed

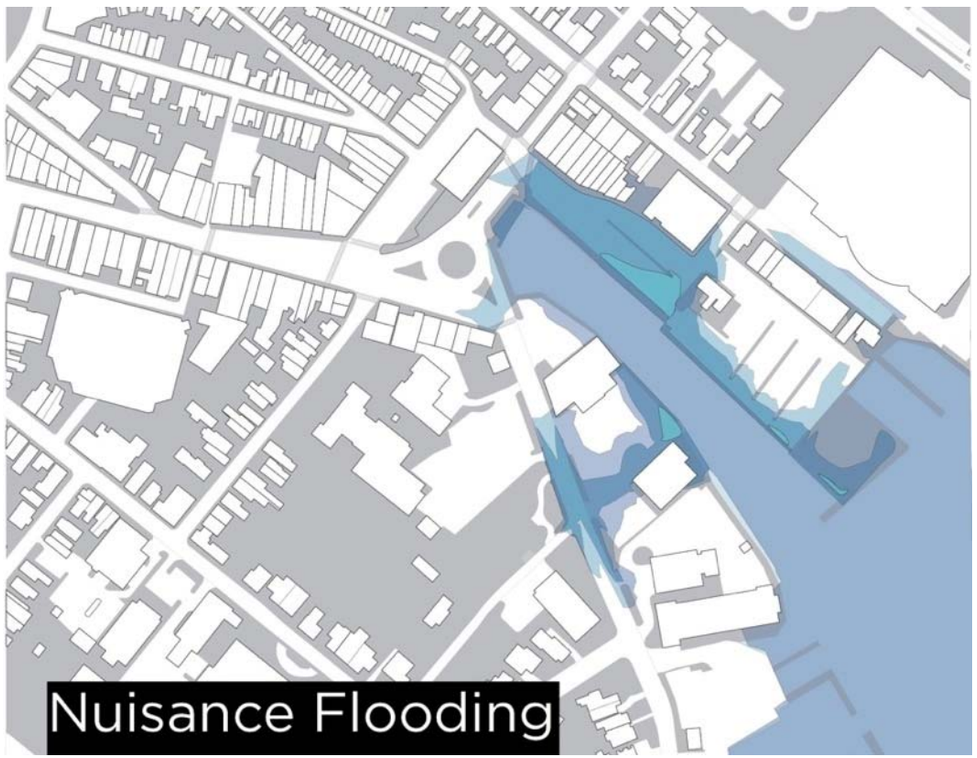
## The Transition Quantified

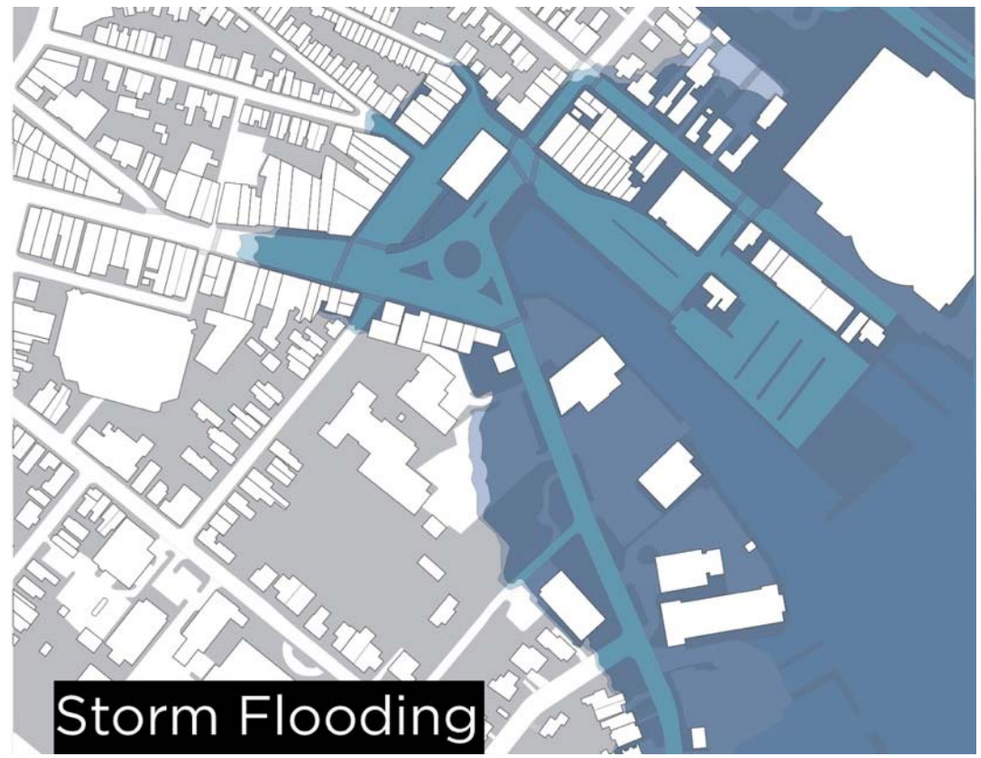
The transition to a more walkable and balanced urban form on City Dock is confirmed by a measurement of surface area devoted to cars and to the public realm in the exhibits on this page. The study area is comprised of 16.8 acres. Today 8.3 acres or 49 percent of the City Dock study area is devoted to streets and parking lots. Upon implementation of the Plan the total would drop to 5.7 acres or 34 percent of the study area. By comparison, the amount of public realm space would increase from 5.5 acres or 33 percent to 8 acres of 48 percent.



# D. Greening and Sustainability

A central element of the Plan is flood protection. The City has begun to evaluate steps to mitigate flooding on City Dock. Recurring flooding is caused by tidal fluctuations and relatively low elevations ranging from 2.0 feet to about 4.5 feet around City Dock. Storm drains back up during high tide events and stormwater flows out on onto Compromise and Newman Streets and into low lying areas on City Dock. More serious flooding occurs when there are high tides and storm surges associated with severe weather events. Sea level rise is compounding the problem and a 2011 study titled Flood Mitigation Strategies for the City of Annapolis by Whitney, Baily, Cox & Magnani, LLC (Appendix F), suggests that the occurrence of nuisance or recurring flooding is expected to double over the next 50 years. Conservative projections of sea level rise in the Chesapeake Bay region place the rate of sea level rise at 1.3 feet per century.



## Building in Resiliency

The City should begin immediately to engineer the flood mitigation strategies that will address recurring flooding on City Dock. This is a two-part plan. The first step includes installing back-flow preventers on the key drainpipes discharging into Ego Alley. The second step includes tying the drainage system at City Dock together and installing a major pumping station, possibly under the Donner Lot. The pumps would force water that would otherwise overflow from the storm drains out into Ego Alley. These steps would address the flooding that results for tidal and regular rain events and improve the business environment on City Dock. As the streets and other surfaces are rehabilitated following construction, the City should seize opportunities to make serious advances toward public space and pedestrian improvements.

The entire City Dock study area lies within an identified floodplain area. FEMA rules no longer allow for either major renovations or construction of habitable space within a floodplain. Although FEMA does not have jurisdiction over construction at City Dock, their rules mean habitable space built below the 100-year floodplain will be uninsured and ineligible for disaster assistance in future flood events. In order to allow rehabilitation of existing buildings and the creation of new ones, the historic district's height regulations should be modified to begin height measurement at grade or at the flood protection elevation, whichever is greater. As now, the Historic Preservation Commission should retain the authority to judge the height and bulk of individual proposals on a project-by-project basis in a fashion consistent with the historic district ordinance and the Historic Preservation Commission's design guidelines.

Over the long term however, the historic built environment of City Dock and the City's infrastructure under Dock, Compromise and Randall streets, and Market Space are threatened by sea level rise. The City will explore and present to the City Council for consideration several strategies for addressing the 100-year flood and sea level rise, including:

- Building a low, configurable seawall as depicted here,
- Building a seawall at the water's edge or at the sidewalk's edge,
- Raising buildings subject to the 100-year flood above the flood line,
- Other strategies which may be identified in the course of the study, and
- Allowing buildings to flood.
- Avoid redevelopment and new building construction within the 100 year floodplain, and improve City Dock with larger pedestrian walkways, plazas, green space, and temporary events, including boat shows, concerts, farmers markets and parking, that can be relocated in advance of flooding and do not need flood insurance.

The study of strategies for addressing sea level rise will include impacts on the historic fabric and infrastructure, visual impact, economic impact, engineering feasibility, insurability of structures, cost/benefit analysis, impact on the use of space in the City Dock area for other purposes, and relationship to the flood control measures and plans of the United States Naval Academy.

## Green Spaces and Shade

The Plan adds pervious surfaces on City Dock. As mentioned previously, three parks are shown and the Plan's preferred option is that these spaces or substantial parts of these spaces be set aside in lawn and landscaping. They could be part of a comprehensive stormwater management approach that will help prevent the effects of unfiltered runoff into the harbor. The green space at the improved Susan Campbell Park alone would approximate 8,200 square feet. The Plan also provides a continuous planting bed, forming part of the seawall.

Lastly, the Plan introduces more trees to City Dock, located so as not to block views but to offer shade at key locations and soften the building mass at other locations. Temporary shade structures, possibly public art installations, should be considered too.

The Plan supports preserving the Newman Street playground and the green spaces on the Old Recreation Center site.

# E. Public Art – Nurturing the Uniqueness of Place

A City can declare what is possible, perhaps best through its public art. Possibility has the power to transform in the here and now; it does not require a long wait. A man once said, "My daughter loves to declare what is possible; she will be a great pianist, she says. And in every moment she fills our house with the sound of her music, her possibility is alive. And so I know, it is her future that shapes her today. She is alive in her possibility." The same is true for Annapolis when it declares what is possible for City Dock.

The job of public art is to provide for the preservation and interpretation of culture and to reveal the great possibilities of a place. Public art is about engaging people at the level where they can experience, participate in, and create in an ongoing way the heritage of their place. Public art should challenge, inspire, inform, reveal, and celebrate. Public art can be a permanent installation or etched into the very fabric of a place. It can be temporary or ephemeral. It can be performance-based and staged or it can be more spontaneous. It can be informative, interpretative, and evocative. Public art is free to the public, made available to every one. Of course it is not free, though, and funding for public art must be part of the design and construction of improvements on City Dock, with contributions made by both the public and private sectors. This Plan embraces public art as basic to the improvement of City Dock and encourages the City to include a public art component in all capital projects on City Dock.

## The Space and Infrastructure for Public Art

The Master Plan envisions new public spaces at key locations connected by enhanced pedestrian ways and to the surroundings by sight lines and views. Since the big ideas have been largely "worked out" in the Master Plan, it would be easy to conclude that public art is simply about what sculpture should be installed within a certain public space, but that would be too narrow a view. Public art, as conceived here, is more than the carving out of a space for a future installation. The spaces themselves, indeed the entirety of City Dock, is the canvas or stage set for public art. As the City moves from this Master Plan stage to more detailed stages of design and building, the spaces and the elements themselves must be seen as public art. For example, the seawall, which is fundamental to protecting the built heritage of City Dock, should have an artistic component. Each of the public spaces, their edges, the seating that surrounds them, the buildings that frame them, and the views contained within them—each element of thoughtful place-making—holds potential. Therefore, artists should be integral members of the design teams that would shape and improve City Dock over the years.

Where public art involves a formal installation, it is essential that architecture and the built and natural environment support that art. Placement is critical. For example, as City Dock adapts to sea level rise and the increasing frequency of flooding, there will be potential to provide prominent space and an improved context for the Kunte Kinte - Alex Haley Memorial sculpture group, compass rose, and story wall. New opportunities for pedestrian circulation and open spaces will be realized under the Master Plan and all improvements must be thoughtfully integrated with these essential existing contributions to the City's public art.

The proposed market square is at an important crossroads, especially for pedestrians. It is a transition zone between historic Main Street and the water and between residences and the waterfront. It is an obvious location for art in many of its forms and the design of this space must embrace this potential. Market square and the Donner Lot are also sized for outdoor performances that can draw 90 to 150 people, which is perfect for year round community based performances. The larger "flexible" parking area near Susan Campbell Park also holds great possibility for artwork, while retaining its necessary functions as flexible parking area, tour bus turnaround, Boat Show exhibiter space, and entry plaza to the Sailing Hall of Fame. Here the space might call for something more ephemeral that could be seen from afar and draw people and boaters to it, that could cast a shadow, shape a view, or light up the evening sky above City Dock. By contrast, the Plan's connecting zone between the Newman Street playground and the water's edge at City Dock provides a great place for the City's children and families and art could reinforce that connection with fixed installations built into the sidewalks, walls, and plazas. The promenade running the length of bulkhead might well tell the story of the Chesapeake's seafood industry, the City's maritime culture, and the watermen of Annapolis.

There are possibilities in the design of key elements on City Dock to advance important ideas and values. City Dock can accelerate the transition to sustainability, for example, by focusing on ecology. A new stormwater system, which could incorporate the green spaces and even the proposed seawall, could tell a story about how civic design itself can improve local water quality. Places can be found along the edges of the bulkhead, perhaps at the foot of Newman Street, for a public oyster-raising program. The pumping station, which would protect City Dock from recurring tidal and stormwater flooding, will be a significant work of civil engineering and therefore might be designed in such a way as to be visible to passersby offering a tangible lesson about resiliency and how things work.

The Plan recommends that the Old Recreation Center at St. Mary's and Compromise Street retain a public or semi-public use. The second floor of the building, the location for the public meetings on this very Plan, holds promise as a dance studio or other performance space. The first floor of the building too could house activities that are central to the culture of Annapolis, whether maritime, artistic, educational, or recreational. Each of the proposed new or redeveloped buildings on City Dock, either at the former Fawcett's site or along outer Dock Street, and the spaces that surround them should enrich the authentic experiences of daily life on City Dock for the Annapolis residents.

## The Community of Artists

The Annapolis Art in Public Places Commission would have the lead role in convening and leading a "community of artists" in a thoughtful process of shaping and guiding the selection of art on City Dock. Artistic expression on City Dock should challenge and open the community to appreciating City Dock as a living, breathing place of local culture; a place that is on an arc of continual transition and change. Themes derived from the culture of Annapolis, in all its layers, could help shape the work of the community as it engages in the design of the open spaces. The Art in Public Places Commission as manager of public art on City Dock could be especially instrumental in working with landscape and urban design teams, in commissioning works of art, and in assigning subject area experts to advise and guide the community in the selection of projects, especially of permanent art.

A "community of artists" is a term meant to include any person desiring that an authentic culture of Annapolis be retained on City Dock. The community should be engaged in community-based approaches to decision making about design on City Dock. Bringing art to City Dock especially in its temporary and performance-based forms sooner rather than later can help facilitate this. This Plan envisions that City Dock would immediately become a venue for theater, music, and dance. This Plan is an invitation to the Annapolis theatre companies and the community's ballet, choral, opera and symphony artists, among other artists and musicians to act now to help the broader Annapolis community shape the possibility for public art on City Dock. The performing arts are a way to enliven public spaces, but in the context of this Master Plan, they are also a way to help reclaim those spaces, for the public in the first place.

# III. Strategies that Support the Plan

## A. Management Entity on City Dock

The management of City Dock should be coordinated year-round. The purview of any management function or entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core. The management of City Dock should receive input from and be responsive to the key stakeholder organizations in the City representing the business community, residents, visitors, and major property owners within the City Dock area.

## B. Parking Management

The Plan's recommended transition to public use, open space, and flood protection, means that there would be fewer surface parking spaces in future years on City Dock. This does not mean however that that there would be a reduced availability of customer parking. Parking management would be used to promote turnover of spaces and thereby increase the availability of surface parking. A gradual removal of parking spaces guided by the Plan is recommended in coordination with downtown businesses to address business concerns about the reduction in the number of spaces. Parking management strategies can mitigate a reduction in the number of spaces with the principal aim being to ensure that short term customer parking remains available for the businesses located on City Dock, while directing long-term parking users to other locations. This includes downtown employees and employers, tourists, and other visitors. Parking management uses a market based approach to direct drivers to the parking locations that best meet their needs and it reflects the reality that waterfront real estate is valuable and it can provide many pubic benefits. As long as the least expensive parking in downtown Annapolis is on City Dock, few spaces will be available for the customers of today's business.

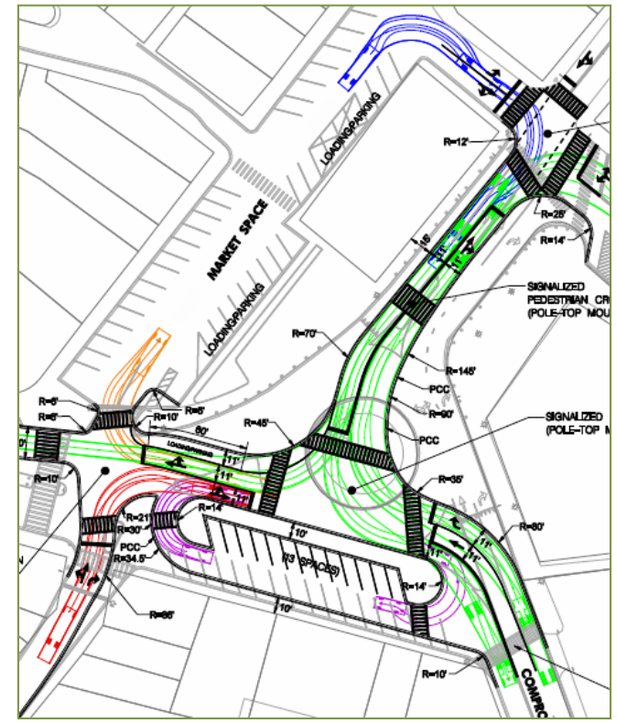
The Parking Plan contains six elements. (1) To professionalize the management of parking, the City would maintain and expand its contracts with the private operator of its parking garages. (2) To reduce the demand for parking on City Dock, the City and area businesses would expand the hospitality employee parking program mentioned earlier to cover more employees. To date about 750 employees have signed up for this program, which will have a measurable impact on the availability of parking. (3) To keep customer parking available the City would deploy performance pricing which incentivizes short-term customer parking on City Dock by charging very little for the first 30 to 45 minutes, but increasingly more for

longer stays. (4) To make the most effective use of available surface parking lots during peak periods, the City's contractor would valet park certain lots. Valet intake stands could be set up near the proposed market square and the Donner Lot. (5) To provide low cost options for tourists and visitors, the City would maintain low prices in its garages and the free Circulator. (6) To direct people to the parking that best meets their needs, the City would implement its newly prepared Wayfinding Plan and smart meter technologies including smart phone apps. (7) To expand the capacity of Hillman Garage, the City contractor would valet park the ground level and structure it's pricing to gradually reduce the number of employee parking contracts.

When the City has more information about the timing of plans to reconstruct Hillman, it should develop, in concert with downtown businesses, a strategy to address the anticipated shortfall during reconstruction. The number of parking spaces at Hillman Garage should be expanded through the reconstruction to the extent practicable. (For more information, see Appendix G)

# C. Traffic Engineering

Thoughtful, skilled, and context-sensitive traffic engineering must continue on City Dock as the Plan is moved into various stages of implementation. The City's consulting engineers on this project, Sabra, Wang, and Associates, Inc., evaluated the proposed intersection configurations discussed in this report. The results of their assessment of the "T" intersection, which is featured in the design of the Master Plan, are summarized below. A more detailed analysis, including the evaluation of other options, can be obtained by contacting the City's Planning and Zoning Department.




For the "T" intersection, the traffic control changes, including the removal of the unnecessary signal at Randall and Prince George Streets, would maintain the average automobile travel times to, from, and through City Dock and even reduce travel times during the morning weekday rush and at other non-peak times during the day. With less side street traffic during such times, the signals would be set to favor traffic on Compromise and Randall Streets so that it would flow as efficiently as under existing morning or non-peak conditions. With dynamic signal timing, right turns on red from Compromise Street to Randall Street (and other movements) would be allowed because there are fewer pedestrians.

During the weekday evening peak, an overall average travel time increase of between 10 to 20 seconds would be expected due to signal changes for the side street traffic. In general, drivers, who under current conditions, wait at stop signs to turn, for example, from Dock Street left onto Randall Street, would experience similar or reduced delays while drivers traveling between the Naval Academy and Eastport would experience an increases of about 30 seconds on average. This would be mostly due to the wait for the left turn from Randall Street to Compromise Street.

During peak traffic periods on City Dock, such as Saturday afternoons, delays for auto traffic would be significantly reduced by the proposed "T" intersection, with average delays for trips to, from, and through City Dock reduced by two minutes or more. This would occur primarily due to the regulated control of auto and pedestrian flows. Drivers would be prohibited from turning on a red light and lights would go red nearly simultaneously at each signal to allow all pedestrians at all intersection to move concurrently. A major new pedestrian crosswalk in front of Market House is proposed and it too could be signalized, though this may not be required.

Among the supporting changes, the Plan also recommends reversing the direction of flow on Market Space and installing a signal at the intersection of Randall Street with Dock Street/Market Place. This change allows easier access to Market Space via a right turn from Main Street or a through movement from Green Street. The space currently dedicated to the left turn lane on Randall Street could then be eliminated to narrow the street and provide more public space in front of Market

House. Access to and from Pinkney, Fleet, and Cornhill Streets would be maintained. This could be a first phase of improvements and could be done without changing the current circle. The conversion of Memorial Circle to a "T" intersection along with the other improvements could occur later with the public space improvements.

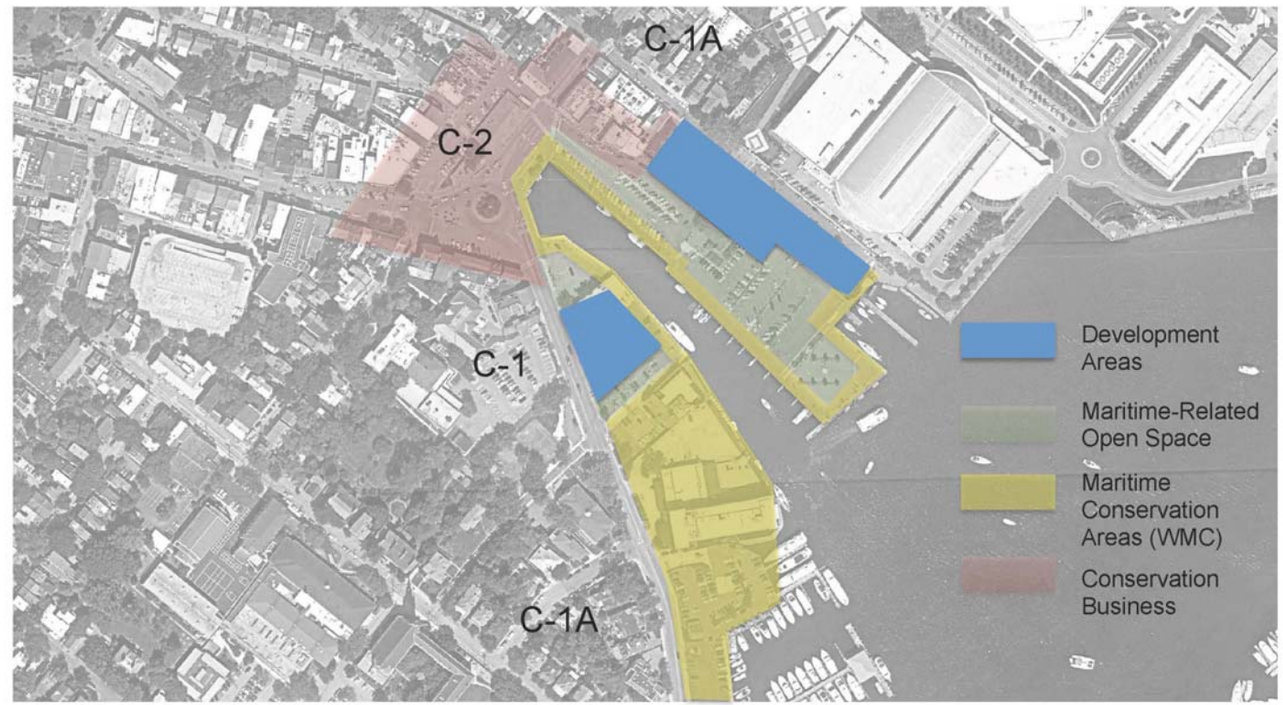
Achieving the travel time reductions during the Saturday afternoon peaks mentioned above would require discouraging traffic on Green Street from making a two-part turn—that is, right onto Main Street with a quick left onto Randall Street. This could be done in part through signage that direct such trips to City Dock via St. Mary's Street rather than Green Street and/or by directing Green Street drivers across Main Street to Market Space and from Market Space to Randall Street. The City's wayfinding improvements, along with the transition to better parking management, and the use of the Circulator would each help with this too and, indeed, would benefit all traffic operations on City Dock during the busy times of the year.

# D. Future Land Use

The Plan proposes three opportunity sites for redevelopment around City Dock, as described on page 12. In order to encourage prudent, historically artful, private investment at City Dock the Plan must give careful consideration to land use and ownership in the area. The opportunity sites on outer Dock Street and along Compromise Street overlay both public and private land and, in part, the Waterfront Maritime Conservation District.

As previously described, the Plan envisions a promenade along the water's edge, potentially backed by flood control structures. The promenade connects to the Compromise Street sidewalk along the northwest side of Newman Street. In order to accommodate these uses, the WMC District should incorporate a minimum 30-foot setback from the water for primary structures, and a 20-foot setback from the northwest side of Newman Street.

In order to attract investment, the Plan envisions that the areas of the opportunity sites be re-zoned to be compatible with the nearby commercial properties and to allow uses currently provided for in the C-2 district.




*The three development areas could be rezoned to allow more commercial uses while the Waterfront Maritime Conservation Zone could wrap around Market Slip*

The two opportunity sites on Compromise Street and outer Dock Street sit on a variety of parcels, some of which are in City hands and some of which are in private hands. The private parcels along outer Dock Street have several different owners. In order to implement the opportunity sites the City will need to negotiate with property owners and engage in property transactions or ongoing relationships that could include public-private partnerships. There is clear public interest for the City to do so: acquiring space for the waterside promenade and potential flood control structures on the Compromise Street side of Market Slip; improving pedestrian flow and activating the retail environment on the Dock Street side.

It is imperative, however, that the City receives value for the contribution of its own properties to the opportunity sites. In addition the City would be exchanging its own revenue-producing properties (primarily parking and boat shows leasing fees) for development that may result in higher property tax revenues. The City must understand and factor in the impact of the proposed development on its operating budget while negotiating with property owners.

The uses of land on the west side of Compromise Street, presently zoned C-1 and C-1a, should largely remain unchanged.

The Plan recommends a provision that requires the removal of the non-conforming billboard signs on Dock Street by appropriate legislation, as provided for under state law.

## E. Capital Planning and Phasing

The Master Plan for City Dock could be implemented in 20 years. Implementation of a Master Plan is not linear; it is strategic and depends on funding and the ability to link short-term projects with the longer-term vision. Implementation is an ongoing process that must respond to opportunities. Here are the principles for phasing on the City Dock Master Plan:

- Prioritize mitigating the flooding problem. The first two phases of the work are generally understood already, now the City must move assertively to undertake the necessary engineering and construction.
- Leverage capital investments that have to be made anyway, including for example the repair of the bulkhead. This and related public works will be disruptive and when the spaces are rehabilitated, they should be rebuilt in accord with the Master Plan.
- Use capital funds to leverage grants. Granting seeking is especially relevant for City Dock given the variety of linked public interests at stake.
- Convert parking to public spaces as the parking strategies bear fruit. This requires that the change in use and demand of parking be monitored so that information is available to make informed decisions. The new smart meter technologies that the City will implement in 2013 will allow this.
- Upon initiation of any major work on City Dock, the City should underground the utility lines that run above Dock Street.

# F. IMPLEMENTATION

The Master Plan is-an outline plan for the future direction of the City Dock area. It leaves many questions unanswered, many of which are already identified in the document which will be the subject of future study. Other questions, which must be addressed and brought to City Council for evaluation as components of the Plan proceed, include:

Costs – As best possible, divide up the Plan into separate parts/options and estimate costs, timeframe and major dependencies for each. What will be the major impacts on businesses and residents?

Benefits – What future savings will the City see if it implements this Plan? How much more could the City expect in property taxes/increased tax base if the project were wildly successful? Only mildly successful?

Overall impact of each significant element – Using the costs and benefits gathered above, and the intangible benefits outlined in this Plan, assess the overall impact of each element on the City, the businesses, and the residents. Consider, as well, the impact of doing nothing, or much less. Identify the key risks with each approach.

Timeline – The City should develop timelines by which the implementation could be phased in with contingencies so that the public is encouraged to have reasonable expectations and all can gauge progress. Achievable and recognizable milestones will be very important to implementing a vision that could take 20 years to complete. The timeline should identify which components of the Plan are contingent on other components of the Plan. It should include dependencies on key external factors and events such as the anticipated reconstruction of Hillman Garage (see Appendix H)

Implementation plan – A robust implementation plan will be critical to achieving this vision. With the loss of parking in the immediate dock areas and the prospect of the area being disrupted for a lengthy period of time for normal business activities it is vital to provide needed incentives to business and property owners as stakeholders.

# 4. Conclusion

The preparation of a Master Plan is at its heart an act of community good will. A good Master Plan aspires to be of service to the public, and in the case of the City Dock Master Plan, to thoughtfully reveal the potential that exists in one of the City's most prominent places. A 25-member citizen advisory committee, guided by community input, assembled this Plan and it now shares this Plan with the full community. The process followed in preparing this document has given voice to many concerns, arising from many perspectives, that City Dock can and should be improved while always preserving the essence of the Annapolis' beautiful historic seaport. This document does speak of change and that is undeniable. However, it speaks of gradual change and needed improvements that fit into a unique historic context.

Out of respect for the rich heritage, the merchants that make their living at City Dock, and the many Annapolitans that experience City Dock as a unique place of culture, this Plan should be used as a guide to improvements, not as a final or fixed design. Where possible, the ideas in this Plan should be flexibly ground-tested and evaluated on an ongoing basis. When changes are made, the results should be evaluated, and if and where adjustments to the Plan are called for, those changes should be made. This Plan is also an invitation to all members of the community who would like to see implementation happen sooner rather than later: begin now to shape and improve City Dock through your choices to walk to local businesses, to shop and dine downtown, to program events that speak to area's unique sense of place, and to gather in the very same places that in the future the City would improve as public spaces.  Do this and you will help realize the possibilities that this Plan speaks about.

# V. Appendices

Appendix A……Adopted Principles of the City Dock Advisory Committee
Appendix B……City Dock Advisory Committee's Visions and Guiding Principles Report (2011)
Appendix C……Bicycle, Automotive and Pedestrian Safety Evaluation (2011)
Appendix D……City Dock Concept Refinement & Traffic Analysis (2012)
Appendix E……Annapolis City Dock Data Collection & Analysis (2013)
Appendix F……Flood Mitigation Strategies for the City of Annapolis, MD: City Dock and Eastport Area (2011)
Appendix G……Annapolis City Dock Parking Strategy Technical Memorandum (2012)
Appendix H……Critical Path Diagrams

# Appendix A

The adopted principles of the City Dock Advisory Committee:

**Number One:** Improvements should be made gradually and emphasize historic layout and scale, access to the waterfront, sight lines and views. A preservation ethic should be reflected in our treatment of City Dock—through interpretive opportunities, historic walks and markers, and the demarcation of the historic shoreline. Power lines should be buried underground to further enhance vistas. All improvements should reinforce the "Beautiful Historic Seaport" brand and maintain a strong, clear identity.

**Number Two:** The management of City Dock should be coordinated year-round. The purview of the management entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core.

**Number Three:** A central organizing feature of improvements should be high quality pedestrian-oriented and walkable public open space that is flexible enough to support a variety of uses in a variety of seasons and under a variety of conditions (such as accommodating sea level rise). This could include a continuous promenade along the water from the Marriott Hotel to the site of the future Sailing Hall of Fame, more seating and benches, and shelter from the elements. There should be many destinations to attract people to different parts of City Dock.

**Number Four:** Improvements should support a greater *mix* of transportation modes (bikes, shuttles, water taxis, and public transit) that complement and enhance one another. There should be an emphasis on expanding off-street capacity and maximizing the use of garages. Highly visible and adequate signage and "smart" technologies such as flexible price parking based on demand, should be utilized to "catch" vehicles with an effective progression of directions and signage. There should be an efficient and uniform pay system for on-street parking. There should be creative and experimental ways to accommodate both parking and people that can be also be reversible.

**Number Five:** City Dock improvements should contribute to the City's "greening" and the area should serve as a sustainable focus for an authentic residential life. There should be an intersection of resources such as farmers markets and other local vendors with opportunities to celebrate Chesapeake Bay heritage and have meaningful and organic interactions with the water and the environment. Improvements should contribute to the economic vitality of the area.

**Number Six:** Public art opportunities and installations can enhance City Dock and provide both thought-provoking and entertaining experiences. The art can be permanent or ephemeral, suited to the season or a particular event. Art can help strengthen the "Beautiful Historic Seaport" brand, move pedestrians through new public open space, and inspire creative exchanges with the water.

# Annapolis City Dock Master Plan

## A Framework to Guide Improvements & Redevelopment

October 14, 2013: Annotated Draft

## *A Letter to the Citizens of Annapolis*

*In 2010, Mayor Josh Cohen directed that a citizens' committee be formed to advise the City on rejuvenating City Dock – the City Dock Advisory Committee (CDAC). The Mayor charged us with three objectives: to establish guiding principles for the use and redevelopment of City Dock, to develop a master plan based on those principles, and to encourage and coordinate public participation throughout the planning process. CDAC has now completed our tasks and we are pleased to deliver this master plan report. We published our first report,* Visions and Principles, Phase One Report*, in July 2011. It has been an honor for us to serve the City in preparing this Plan, which we hope will help bring economic revitalization to City Dock; the City's Beautiful Historic Seaport.*

*As part of our work we hosted two citizen work sessions at the Old Recreation Center at City Dock. At the first, citizens reviewed alternative approaches to addressing broad concerns, such as open space, pedestrian and vehicular circulation, and access to the water, and evaluated the relative strengths and weakness of different ideas. At the second workshop, we asked citizens to evaluate and deliberate on a preliminary master plan. We also held seven committee meetings between May and November 2012 as we prepared this Master Plan; each was open to the public and the input we received at these meetings helped shape this document.*

*We embrace the outcome of our efforts yet we note that we are not unanimous in our support of two elements of the Plan. The first concerns the intersection of Compromise, Main, and Randall. While one-half of our committee supports the Plan's call to convert Memorial Circle to a "T" intersection, the other half has reservations about any such change and would generally prefer modifications, or no changes at all, to the current circle. The CDAC does agree that the intersection needs further evaluation to assess traffic operational and aesthetic concerns because it of its central role, for better or for worse, in shaping the pedestrian experience and the opportunities for public space. The second element is parking along Dock Street. While we are less divided on this question, we recognize that reducing the number of parking spaces along Dock Street will require the City to commit to effective parking management strategies to ensure that short-term customer parking remains available even while the total number of spaces on Dock Street is reduced. We encourage the City to balance the planned open space improvements with thoughtful implementation of parking management and involve the business owners on Dock and Market Streets.*

*A considerable amount of work has been undertaken and more than anything, it has revealed to us the great complexities that attend any effort to prepare a plan for such a unique and significant part of our City. The consensus of CDAC is that this Master Plan is a guide to public and private decision-making. We encourage the City to work diligently in implementing it and to seek, on an ongoing basis, the input of all members of the community. We know that any plan will take years to implement, that options will be tried and tested, learning will take place and new responses will be adopted. We are encouraged that the unanimously supported principles we established in 2011 are not only achievable with this Plan; they are its very foundation.*

*Much work still lies ahead now that we have completed our assignment. This Plan will be reviewed by the Planning Commission, which is officially charged with making plans that guide development and redevelopment in Annapolis. The Historic Preservation Commission and other appointed or voluntary associations and commissioners both in and outside of City government will review and comment on this Plan. To those groups we ask first and foremost that you recognize, as we have, that there is a broad set of community interests, values, and concerns, many of which are competing. These varying concerns and interests must be held in balance and respected.*

*We understand that a Master Plan is a document that provides direction and guidance; it is not a detailed design to be quibbled over or a static design that can never be adjusted. The illustrated plan in this report is a hopeful target; a destination point to be arrived at. In order to get there, we ask all concerned to remember that each decision made at City Dock, whether*

*it concerns a private request for a zoning change or a public need for flood protection, has the opportunity to either detract from or contribute to this Plan. We respectfully and earnestly ask the Mayor and City Council to weigh such decisions against this Master Plan, which at its core reflects the public's interest and aspirations for the future of City Dock.*

## *~the Members of the City Dock Advisory Committee*

*Chairman Kurt Schmoke*
*Vice-Chairman Gene Godley*
*Adriana Apolito-Bevis*
*Karen Theimer Brown,*
*Joe Budge*
*Anthony Clarke*
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# The City Dock Master Plan

ANNAPOLIS ENJOYS A NATIONAL REPUTATION AS A DESIRABLE PLACE BOTH TO LIVE AND TO VISIT, BASED ON ITS HISTORY AND ACCESS TO THE CHESAPEAKE BAY. DOWNTOWN BUSINESSES CITE THESE SAME FACTORS AS KEY ADVANTAGES FOR COMPETING ON BOTH A LOCAL AND REGIONAL BASIS. ANNAPOLIS' UNIQUE HISTORY, WITH INTACT HISTORICAL CITY PLAN AND ARCHITECTURE, COMBINED WITH ITS LOCATION ON THE CHESAPEAKE BAY ARE POWERFUL AND DESIRABLE QUALITIES. THESE QUALITIES AND THE AMENITIES THAT COME ALONG WITH THEM ARE ENVIABLE BY ANY WORLD-CLASS CITY.

THE CITY DOCK IS AN INTRINSIC PART OF THE TOWN. IT HAS BEEN THE HEART OF THE CITY SINCE OUR FOUNDING. THE DOCK WAS INITIALLY DEVELOPED AS A ROBUST COMMERCIAL SEAPORT. WHEN THE EVER-INCREASING SIZE OF SHIPS EVENTUALLY SHIFTED THE FREIGHT AND PASSENGER BUSINESS TO BALTIMORE, CITY DOCK BECAME THE HUB OF THE CITY'S VIBRANT FISHING, CRABBING, OYSTERING, AND WAREHOUSING INDUSTRIES AND IT BECAME THE CITY'S CENTRAL MARKET. CHANGES IN THE CHESAPEAKE'S RESOURCES AND THE LOCAL ECONOMY HAVE CAUSED CITY DOCK TO EVOLVE AGAIN DURING OUR LIFETIMES. TODAY MILLIONS OF VISITORS AND THOUSANDS OF RECREATIONAL BOATERS VISIT CITY DOCK EACH YEAR. THE IMAGES OF THE CITY DOCK AREA, FRAMED BY INTACT HISTORIC BUILDINGS FROM THE 18TH AND 19TH CENTURIES, HAVE BECOME THE ICONIC EMBLEMS OF ANNAPOLIS, THE BEAUTIFUL HISTORIC SEAPORT.

CITY DOCK IS NOT WITHOUT CHALLENGES, HOWEVER. FOR DECADES STUDIES HAVE CRITICIZED THE AREA FOR "GIVING CARS THE BEST VIEW OF THE WATER". THERE IS LITTLE HUMAN-SCALE OPEN SPACE TO CONGREGATE, TO DINE, TO ENTERTAIN AND TO BE ENTERTAINED. THE FEELING OF A HISTORIC SEAPORT IS MARRED BY VISUAL CLUTTER. VIEWSHEDS AND KEY SIGHT LINES ARE COMPROMISED. REPEATED FLOODING DAMAGES BUILDINGS, NECESSARY INFRASTRUCTURE AND CREATES AN OBSTACLE FOR VISITORS AND CUSTOMERS WHO MIGHT OTHERWISE ENJOY THEIR DOWNTOWN EXPERIENCE. BUSINESSES, WHO COMPETE WITH DEVELOPMENT OUTSIDE THE DISTRICT, INDICATE A CONCERN WITH SUSTAINING A YEAR ROUND, VIBRANT AND INVITING CITY CENTER.

THE 2009 ANNAPOLIS COMPREHENSIVE PLAN CALLED FOR A PLAN FOR THE FUTURE OF CITY DOCK THAT WOULD:

- *MAXIMIZE PUBLIC ACCESS TO THE WATERFRONT;*
- *MAXIMIZE PEDESTRIAN AND BICYCLE FRIENDLY FEATURES;*
- *INCORPORATE A VARIETY OF OPEN PLACES, BOTH LARGE AND SMALL, FOR PEOPLE TO CONGREGATE FOR VARIOUS PURPOSES;*
- *ACCOMMODATE BOATS OF ALL TYPES, AS WELL AS DOCKING FOR CRUISE BOATS, COMMERCIAL VESSELS, AND WATER TAXIS;*
- *WHEN HOSTING PUBLIC EVENTS, BALANCE THE NEEDS AND INTERESTS OF RESIDENTS, BUSINESSES, AND THE EVENT;*
- *INCLUDE A TRANSPORTATION ELEMENT WHICH WILL CLEAR THE PROPOSED CIVIC SPACE OF PARKING PLACES FOR MOTOR VEHICLES, AND PROVIDE AN ALTERNATE NEARBY SITE FOR SUCH PARKING AND/OR REMOTE PARKING WITH SHUTTLE TRANSPORTATION;*
- *PROPOSE MEASURES, INCLUDING THOSE RELATED TO TRANSPORTATION AND PARKING, WHICH ARE NECESSARY TO KEEP EXISTING DOCK STREET MERCHANTS VIABLE.*

This Plan is a response to the place of City Dock, as it is. It does not seek to impose ideas but instead helps reveal the potential and possibility held in the current condition, the beautiful historic Annapolis seaport. The Plan offers responses to the needs of today and tomorrow but is grounded in a profound respect for the historical context of Annapolis.

The Master Plan is illustrated here. It is not meant to be static in its design. It is instead a guide to decision-making for the next 20 years. The Master Plan should guide infrastructure improvements, redevelopment plans, and zoning decisions. Since the Plan was prepared with a great deal of citizen involvement, it also stands as an invitation to the citizens of Annapolis to work toward realizing the new possibilities that can be found at City Dock.

## The Contents of this Report


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- C. Traffic Engineering
- D. Future Land Use
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- F. IMPLEMENTATION

IV. Conclusion
V. Appendices

# I. Annapolis City Dock

In as much as any place can, City Dock holds within its frame a long-running conversation about community that has much to offer. The radial streets of the 1695 Annapolis city plan lead to a beautiful place at the water's edge. It is a place of everyday commerce and special civic gatherings, a place of arrival and departure, a place for chance encounters. As the Alex Haley Memorial reminds us, it is also a place for honoring the triumph of the human spirit.

Both individual and collective efforts have for centuries sculpted and re-sculpted City Dock. In the 18th and 19th century, the City formalized, and filled the inlet using all manner of fill—oyster shells, lumber, rock, and dredge. In the process the City created new land and Annapolitans built maritime buildings and commercial enterprises. Buildings, businesses, and infrastructure on City Dock were replaced again and again in a process of continual change.

The Market House took form at City Dock in the early part of the City' s history and by the late 19th century the public space around Market House had achieved a formal structure. It was improved into a park with trees and a traffic circle between Green Street and Middleton's Tavern. By the mid 20th century use of the space within the circle was privatized and eventually it gave way to the circulation demands of the automobile. Compromise Street was extended to Spa Creek by this time and thus City Dock was connected to Eastport via road.

By the middle of the 20th century, many of the buildings on the north side of City Dock had been replaced with the parking lots that are still there today and the building pattern along Compromise Street had begun to take the form we see now. City Dock is not what it was centuries ago but its history is recognizable in today's patterns, vistas, buildings, and commercial activities. THE ARCHITECTURE AND STREETSCAPES, HUMAN IN SCALE, CONTRIBUTE TO THE CHARACTER, FEEL, AND SETTING. ANNAPOLIS' UNIQUE SMALL-TOWN HISTORIC HARBOR DISTINGUISHES OUR COMMUNITY AND OUR ECONOMY FROM THE WATERFRONT DEVELOPMENTS OF SURROUNDING CITIES. THIS PLAN IS RESPECTFUL TO THE RICH HISTORY AND INTEGRITY OF THE AREA, PRESERVES VIEWSHEDS AND SIGHTLINES, AND DOES NOT COMPETE WITH THE HISTORIC CHARACTER. IN THE STUDY AREA THERE IS A COLLECTION OF 18TH AND 19TH CENTURY ARCHITECTURE THAT IS HIGHLY SIGNIFICANT TO MARYLAND AND TO THE ENTIRE NATION. CITY DOCK IS NOT ONE PARTICULAR PERIOD IN TIME THAT WE ARE TRYING TO RECREATE; RATHER THIS SETS FORTH A PLAN THAT MANAGES CHANGE, PROMOTES AN ECONOMICALLY SUSTAINABLE CULTURAL ASSET AND BALANCES 21ST CENTURY NEEDS WITHIN AN INTACT HISTORIC SETTING.

City Dock has much history still to come and its continual change will speak to future Annapolitans of today's values and today's responses to changing needs and conditions. A central and integral objective of this Plan is the rejuvenation and sustained economic revitalization of City Dock. The Plan envisions critically important investments such as wider sidewalks, public spaces, flood protection, and public arts programming that reinforces the Annapolis Beautiful Historic Seaport brand, and thoughtful management of parking supplies that increase the availability of customer parking. These are among the public space investments that have helped revitalize downtown waterfront district throughout the world.

# II. Guiding Principles Applied

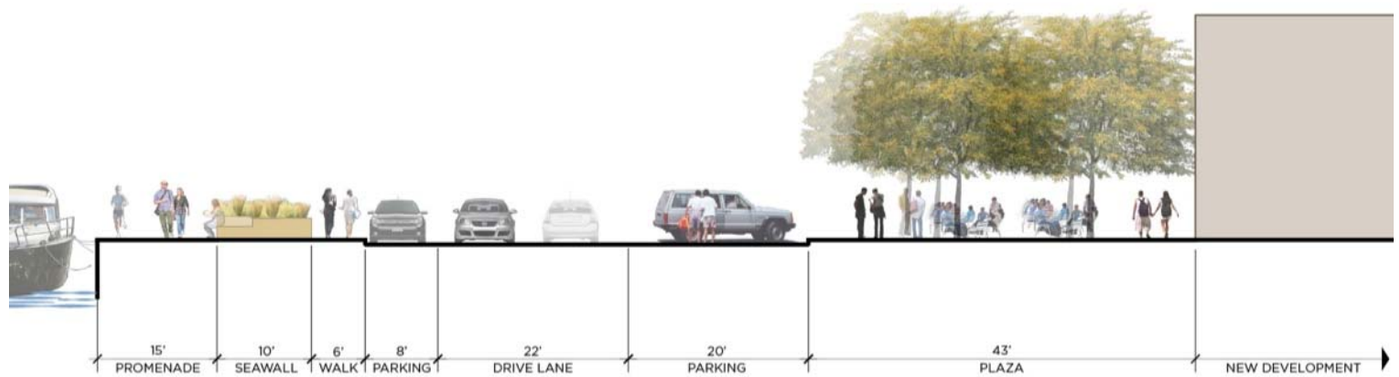
In 2010, Mayor Josh Cohen directed the Planning Department to form a citizens' committee to advise the City on rejuvenating City Dock. Twenty-five members reflecting varying interests were appointed and the City Dock Advisory Committee (CDAC) began its work. The Mayor charged the CDAC with establishing guiding principles for the use and redevelopment of City Dock, developing a master plan based on those principles, and encouraging and coordinating public participation throughout the planning process. CDAC published its first report, City Dock Advisory Committee: *Visions and Guiding Principles, Phase One Report*, in July 2011 after outreach to the Annapolis community. The principles as adopted by CDAC are listed in the Appendix to this report.

CDAC's guiding principles are the foundation for this Master Plan and the presentation, which follows, is organized around these principles. Each of the next sections leads with a summary statement of a guiding principle: (1) Gradual Improvement with Emphasis on MAINTAINING THE INTEGRITY OF THE COLONIAL ANNAPOLIS HISTORIC LANDMARK DISTRICT, INCLUDING Historic Layout, Scale, Vistas, (2) High Quality Walkable Public Open Spaces, (3) Toward Balance in Transportation on City Dock, (4) Greening and Sustainability, and (5) Public Art: Nurturing the Uniqueness of Place.

# A. Gradual Improvement with Emphasis on MAINTAINING THE INTEGRITY OF THE COLONIAL ANNAPOLIS HISTORIC LANDMARK DISTRICT, INCLUDING Historic Layout, Scale, Vistas

## Gradual Improvements and Emphasis on Context

As an example of how a master plan works with gradual improvement and emphasis on context, consider the sidewalk in front of the businesses on City Dock. It is too narrow to handle regular pedestrian traffic and it is an obstacle to the flow of pedestrians especially along the 100 block of Dock Street. Widening the sidewalk while holding its new edge parallel to the bulkhead rather than to the buildings has the effect of creating an increasingly wider pedestrian zone along the building frontage as the sidewalk extends eastward to Craig Street. As sidewalks approach 30 or more feet in width they can become places for outdoor dining, shade, street furniture, bicycle parking, and more, all of which increases social and economic vitality. This public improvement therefore creates a new center of activity that draws people out to Dock Street. With the enlargement of the existing sidewalk to create a larger pedestrian zone in front of the buildings, the Plan also effectively defines the edge of Dock Street, which can then be seen as a well-defined commercial street rather than as drive aisle through a parking lot. Improvements such as above should be made gradually in time so that the City can assess how they are working before making the next improvement.



There are other such instances, such as at Market House, where modest changes find their genesis in an historic framework. On the south end of Market House (facing Green Street), the Plan seeks to reclaim space for public use. Perhaps nowhere else in Annapolis does the potential exist for an outdoor room so close to the water and yet so nicely framed by the City's historic architecture. In reclaiming this space for people, the Plan reclaims the historic urban fabric of City Dock, rededicating space that had historically been available for public use. This potential is ~~particularly~~ achievable, if the ~~opportunity to convert Memorial Circle to a more space-efficient T intersection is taken, as~~ STREETSCAPE IS MODIFIED BY EITHER THE T INTERSECTION OR THE SHIFT-CIRCLE OPTION THAT ARE discussed later in the Plan.

## Scale and Vistas

The City Plan for Annapolis (1695) is in the Grand Manner or Baroque style. Not unlike plans for Paris, Rome, and Washington D.C., the Annapolis City Plan makes grand gestures with radiating streets and open vistas. These enduring elements of civic beauty are not accidents of topography or the unintended result of private decision-making about building or development. These features of City Dock are by design; they are intentional.

The long view enjoyed from along Main Street out to the Chesapeake Bay is intentional and nothing in the Master Plan impedes or distracts from this view.

Also critical is the potential for sweeping views from nearer to the foot of Main Street out over City Dock to the Annapolis Harbor. While the great expanse of this view has not yet been realized because of buildings and other structures, its potential is inherent in the City's historic plan. In fact, when the 1695 Plan was laid out there were no structures (not even land) where the former Fawcett's building now stands. The Plan therefore restores the viewshed envisioned centuries ago. As illustrated on this page, the Plan provides opportunities for new buildings while securing this view in perpetuity. The Plan calls for removing the old Fawcett's Building from the viewshed; allowing Annapolis to seize the opportunity to realize this potential that is held on City Dock. There are other views, to and from the water, that define the context of City Dock and great care and discernment will need to be brought to bear in the future as development projects are both proposed and reviewed.

On City Dock, no private development or public use, space, square, building, or art whether existing or to be constructed can be viewed in isolation. It must be considered within its historic and physical context. This includes parking. The allocation of so much public land to the parking of private vehicles severely undervalues City Dock and historic Annapolis.

## Scale and New Buildings

The Plan envisions that redevelopment will occur on City Dock. Three opportunity sites are shown on the exhibit below. Each project has the ability to contribute to the context and setting of City Dock and indeed each has the potential to distract from it as well. REDEVELOPMENT OF THE OPPORTUNITY SITES SHOULD RETAIN THE "SMALL TOWN FEEL" OF DOWNTOWN ANNAPOLIS. The approximate footprint of the buildings are set outside of the principal viewsheds to and from the water. IN ADDITION THE HARBORMASTER BUILDING, WHICH PRESENTLY FORMS A WALL ACROSS THE MIDDLE OF DOCK STREET, IS REMOVED. ~~However, it will be imperative that viewshed analyses be undertaken during the plan-review process for any new development or major redevelopment projects on City Dock.~~

~~Apart from views, other important considerations should be made. For example, for the proposed redevelopment projects along Dock Street, strong building massing of three- to five-story heights facing the water will help activate and frame the open spaces. Such larger buildings also have the potential to distract from the architectural patterns established on Prince George Street. This is especially the case on that section of Prince George Street between Craig Street and Randall Street. New building forms facing Prince George Street at this location will need to fit harmoniously with a historic residential character.~~

On the former Fawcett's site, the Plan's principal objectives include setting new buildings back from the water's edge by 45 to 55 feet. This allows space for the promenade and ample room for flood mitigation infrastructure while leaving space for outdoor use by the users of the building in ways that will energize and enliven this side of City Dock. FOR SIMILAR REASONS, AND TO PROVIDE VIEWS TOWARD THE WATER FROM COMPROMISE STREET, THE BUILDING SHOULD BE SET BACK 20 TO 25 FEET FROM NEWMAN STREET. It is recommended that the buildings have a ~~far~~ smaller setback along Compromise Street; 15 to 20 feet would be about enough to secure the proposed sidewalk width needed in this area. ~~The building would likely be developed in part on property presently owned by the City (the "Fleet" parking lot, located at the intersection of Newman and Compromise Streets.).~~ The massing of building(s) on the former Fawcett site should ~~provide a beautiful~~ ENHANCE THE HISTORIC CHARACTER AND PROVIDE A COMPATIBLE backdrop to the proposed public space on the Donner Lot and help frame, in the distance, the proposed market square. Two ~~to three~~ AND ONE-HALF stories are recommended. IT WILL BE IMPERATIVE THAT VIEWSHED ANALYSES BE UNDERTAKEN DURING THE PLAN-REVIEW PROCESS FOR ANY PROJECTS IN THIS OPPORTUNITY SITE.

WITH THE PROPOSED OPPORTUNITY SITES ALONG DOCK STREET, REMOVING THE HARBORMASTER BUILDING AND MOVING THE BUILDING FOOTPRINTS OUTWARD AS DEPICTED WILL ACTIVATE AND FRAME THE OPEN SPACE FACING THE WATER ~~WITH BUILDINGS OF THREE STORIES~~. CURRENTLY THE HARBORMASTER BUILDING AND THE LARGE OFFSET TO THE OUTER DOCK STREET SIDEWALK PRESENT A VISUAL BARRIER THAT INHIBITS PEDESTRIAN FLOW OUT THE LANDWARD SIDE OF DOCK STREET. RECONFIGURING THE BUILDING FOOTPRINTS WOULD ALLOW THE BUILDINGS TO BE ON A CONTINUOUS SIGHTLINE, HELPFUL TO THE FLOW OF PEDESTRIAN RETAIL TRAFFIC. BRINGING THE ARCHITECTURE CLOSER TO THE WATER BRINGS THE PEOPLE CLOSER TO THE WATER AND GENERATES MORE VITALITY AND BUSINESS ACTIVITY.

FLEXING OF FOOTPRINT AND HEIGHT THAT RESPECTS VIEWSHEDS AND SIGHT LINES MAY BE APPROPRIATE IN THE IMMEDIATE CONTEXT BECAUSE THERE ARE FEWER HISTORIC PROPERTIES IN THIS LOCATION AND THE USNA BACKDROP COMPROMISES THE STREETSCAPE. AT THE SAME TIME WE MUST ~~HONOR~~ ACKNOWLEDGE THE PRESENT BUILDING LINE THAT DATES BACK AT LEAST AS FAR AS 1878. PRIOR TO ENACTING CHANGES IN THE DOCK STREET OPPORTUNITY SITES, THE CITY MUST PREPARE A PROFESSIONAL CULTURAL LANDSCAPE REPORT THAT RECOGNIZES THE NATIONAL HISTORIC LANDMARK DESIGNATION AND APPLIES THE SECRETARY OF THE INTERIOR'S STANDARD'S FOR TREATMENT OF HISTORIC PROPERTIES IN ASSESSING THE SIGNIFICANT HISTORIC ASSETS IN THE VICINITY, CONDUCTING A VIEWSHED ANALYSIS, AND DETERMINING THE

IMPACT OF THE PROPOSED DEVELOPMENTS ON THOSE PROPERTIES AND OTHER ASPECTS THAT MAY BE PERTINENT. THE STUDY MUST BE DONE UNDER THE DIRECTION OF CITY STAFF AND SPECIFICALLY THE CHIEF OF HISTORIC PRESERVATION TO ENSURE ITS RELEVANCE TO PRESERVATION REQUIREMENTS. THE STUDY RESULTS WILL BE PRESENTED TO THE CITY COUNCIL AND THE HISTORIC PRESERVATION COMMISSION FOR CONSIDERATION.

THE PROPOSED CHANGES TO BUILDING FOOTPRINTS IN THE OPPORTUNITY SITES WILL HAVE IMPACTS ON THE BUSINESS CLIMATE IN THE AREA. THIS PLAN ENVISIONS THOSE CHANGES WILL BE POSITIVE, BUT THEY ARE NOT WITHOUT RISK. THE RESTRUCTURING OF THE BUILT ENVIRONMENT MUST NOT TAKE PLACE UNTIL THE CITY HAS ASSESSED TO CITY COUNCIL'S SATISFACTION HOW THE DEVELOPMENT WILL AFFECT EXISTING BUSINESSES, INCLUDING THE ANNAPOLIS BOAT SHOWS, AND THE ABILITY OF THE AREA TO SUPPORT NEW BUSINESSES GIVEN THE CONSTRAINTS OF SPACE, PARKING, AND TRANSPORTATION.

*NEW CONSTRUCTION IN THE OPPORTUNITY AREAS CAN BE DESIGNED SO THAT THE HEIGHT OF THE BUILDINGS IS STEPPED BACK FROM THE STREET, LESSENING THE IMPACT ON THE VIEWSHED.*

NEW CONSTRUCTION IN THE OPPORTUNITY SITES MUST PRESERVE THE DESIGN GUIDELINES AND ARCHITECTURAL PRINCIPLES FOUND THROUGHOUT THE HISTORIC LANDMARK DISTRICT WITH REGARDS TO SCALE, MASSING, AND RHYTHM AND REMAIN SUBJECT TO REVIEW AND APPROVAL BY THE HISTORIC PRESERVATION COMMISSION, AS IS PRESENTLY THE CASE. IN ORDER TO FACILITATE NEW CONSTRUCTION IN THE OPPORTUNITY SITES, THE HISTORIC PRESERVATION COMMISSION, AS PART OF ITS REVIEW, SHOULD HAVE THE AUTHORITY TO GRANT SMALL TOLERANCES TO ALLOWABLE HEIGHT IF NEW CONSTRUCTION IS NOT OTHERWISE FEASIBLE.

# B. High Quality Pedestrian-Oriented and Walkable Open Space

## Parks and Open Spaces

Much of City Dock is public, but, with few isolated exceptions, it is not yet a public space. The Plan makes a firm commitment to improve conditions for people by creating new spaces and an improved pedestrian environment, not through bold gestures, but through small deliberate changes that help tie City Dock together. This is a central organizing principle of this Plan.

The Plan locates public recreational spaces at locations that seem obvious. The plan calls for an improved Susan Campbell Park where the main pedestrian routes terminate at the furthest reach of the land. It calls for a new public space at the Donner Lot, which lies adjacent to the water and thereby secures the view to and from the water. The Plan calls for a new park at the naturally low-lying area where Newman Street reaches the water. This park would provide access to the water and consistent with so much public input, this park would effectively extend play space for the City's children from the playground at Newman and Compromise down to the water. The Plan also calls for a new civic space at Market House and public/private spaces—outdoor dining, for example, adjacent to what could become new buildings in the future.

## Market Square

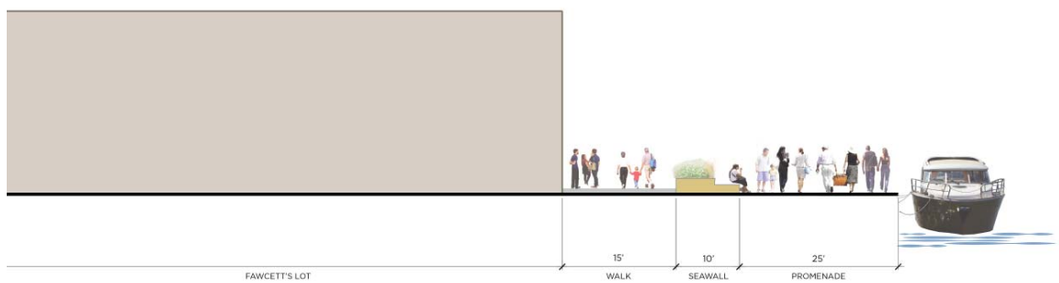
A new central market square is proposed at Market House. The space is already framed by historic buildings and activated by retail and restaurants. It affords spectacular views eastward down Ego Alley. This space could provide outdoor seating for Market House vendors and the customers of other businesses. It should secure space for the Compass Rose, the Memorial Circle flag, and shade trees. The space would be enlivened with a continual flow of pedestrians along its perimeter as people walk from Main Street out to City Dock and back. This market square visually extends over Randall Street to the water's edge at the head of Ego Alley. As shown below the consistency in surface materials can create the sense of one larger place.

Presently Market House and Hopkins Plaza together comprise 16,000 square feet. As proposed in this Plan, the total space would approximate 22,800 square feet. The square in front of Market House could extend 150 feet from the edge of Market House toward Main Street and 100 feet across from Market Place to Randall Street. Businesses with sidewalk frontage could extend out into Market Space or at least onto the proposed wider sidewalks which would extend 24 to 30 feet from the building's edge. Beginning at the approaches from all directions, the intersection ~~would~~ CAN become a slow moving environment through the use of textured pavement and other means to calm traffic.

## A Promenade

The most prominent walkable public space would be the promenade. The Plan calls for it to extend from Newman Street around Ego Alley out to Susan Campbell Park. The promenade would retain its 15-foot width between Randall Street and the Water Taxi dockage. Beyond that point it would widen as it approaches the bulkhead at the end of City. It would provide views of the water uninterrupted by parked cars and would be wide enough to be multi-functional, while providing the space needs for docking activities. It could accommodate Boat Show exhibitor space, public art installations, seasonal shade structures and other objects and events.

On the south side of City Dock, from the Donner Lot to Newman Street, the promenade could range from 15 to 30 feet. The cross section below shows a promenade of 25 feet in width.

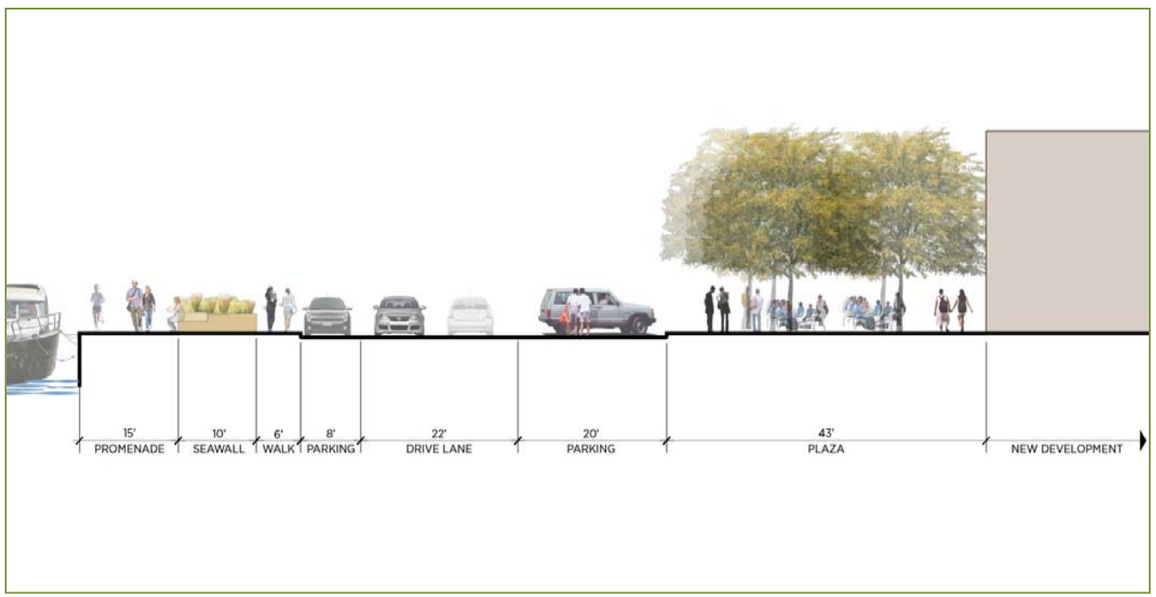



~~It is the intention of this Plan that in the future the promenade could extend from Newman Street along the bulkhead past the current Fleet Reserve Club and the Marriott Hotel to the Annapolis Yacht Basin before reconnecting to Compromise Street. As described elsewhere in this report, prior to any development or change of use on these properties, the Master Plan should be amended to incorporate and/or extend the principal public elements of this Plan. One day the promenade could connect to the Naval Academy and provide a continuous walkway along the bulkhead of the Severn River to the Naval Academy Bridge.~~

# C. Toward Balance in Transportation

Accommodating the movement and parking of cars at City Dock came at the expense of the pedestrian environment. Nearly half of the City Dock study area is covered in streets or parking lots. On City Dock, pedestrian spaces, and public space more generally, are confined to areas not required by cars. This factor, more than any other, has disconnected the City and its residents from the waterfront. When people speak of access to the water they speak of the ability to be near it, to walk along it, to enjoy the wind and views. It is telling that the most active place on City Dock is the bulkhead closest to Randall and near the Alex Haley sculpture where one can feed the ducks and sit close to the water. This Plan provides for a transition to a future in which the design of public spaces, the planning for pedestrian movements, and the planning for the circulation and parking of cars are considered together.

A simple example of the transition the Plan is making in favor of integrated and balanced city planning is Dock Street. As mentioned previously, under this Plan it would become a well-defined public street much like any business street in Annapolis with ample short-term parking and sidewalks. The extra pavement along the water's edge now devoted to parking would be re-purposed for essential public goods such as flood protection and for wider sidewalks along the storefronts. A proposed cross-section of Dock Street facing the Market House is shown here.



## ~~Transition of an~~ MAIN STREET, RANDALL STREET, AND COMPROMISE STREET: THE Intersection at the Heart of City Dock

The most prominent example of transition toward balance can be found in the Plan's approach to the intersection of Compromise, Main, and Randall. While the City Dock Advisory Committee could not find consensus on how best to address this intersection, the Plan does recognize that ~~converting~~ SHIFTING Memorial Circle OR CONVERTING THE CIRCLE to a "T" intersection ~~is an~~ ARE ~~opportunity~~ OPPORTUNITIES to improve the pedestrian experience and create useable public spaces. Therefore the Plan ~~features a "T" intersection with Randall Street intersecting Compromise and Main at a right angle, while recognizing~~ RECOGNIZINES that more community discussion INFORMED WITH THE BENEFIT OF RESEARCH will need to be devoted to this question. ~~This adjustment to the physical layout of City Dock would reduce weekend traffic delays and back- ups during the spring and summer months when traffic is heaviest and have other traffic flow benefits.~~ More detail regarding ~~how~~ the ~~"T"~~ intersection OPTIONS ~~operates~~ is provided in Section C, Part III. IMPROVING TRAFFIC FLOW AT CITY DOCK REMAINS A CHALLENGE DUE TO ITS DUAL NATURE: DURING THE WEEK CARS DRIVE THROUGH CITY DOCK. ON WEEKENDS VISITORS COMING TO CITY DOCK ARE ADDED TO THAT TRAFFIC, CREATING A MORE CONGESTED ENVIRONMENT. CHANGES THAT MAY IMPROVE ONE WILL IMPACT THE OTHER. Improved traffic operations are not the only benefit of a new intersection; the main public benefit is the balance it brings to the flow of cars and pedestrians year-round while allowing useable public space at Market House and the Alex Haley Memorial.

A "T" intersection assists pedestrians in three ways. First, it allows multiple street crossings aligned with the routes pedestrians desire to take. Pedestrians would no longer be forced into circuitous movements around the intersection or unsafe crossings through the roundabout. This distributes pedestrian loadings and reduces the crowding at the Randall/Dock Street intersection. Second, the "T" allows the intersection to be signalized, providing "green time" exclusively for pedestrians while all traffic is stopped. Context-sensitive traffic signal poles would be used and the signals would be synchronized to allow greater time for pedestrians when most needed, and less time when not. Third, the "T" configuration allows lane widths and turning radii to be smaller, which reduces walking distances across the street and especially benefits the elderly, disabled, and persons with small children.

HOWEVER, SEVERAL CONCERNS HAVE BEEN CITED REGARDING THE "T" INTERSECTION. THESE INCLUDE THE INCREASED AUTOMOTIVE TRANSIT TIMES THROUGH THE INTERSECTION DURING NORMAL OPERATION, THE ELIMINATION OF MOST OF THE "AD HOC" LOADING ZONES IN THE STUDY AREA, THE ELIMINATION OF A HISTORICAL ELEMENT OF THE STREETSCAPE, THE INTRODUCTION OF TRAFFIC SIGNALS INTO THE CITY'S MOST PROMINENT VIEWSHED, THE ELIMINATION OF THE VETERAN'S MEMORIAL, AND THAT THE INTERSECTION AND NUMEROUS TRAFFIC SIGNALS ARE OUT OF CHARACTER WITH THE EXISTING URBAN DESIGN OF OUR BAROQUE CITY PLAN. SOME OF THESE CONCERNS MUST BE ADDRESSED BY THE ~~INCLUSION OF A CIRCULAR ELEMENT IN THE~~ DESIGN OF THE NEW MARKET SQUARE.

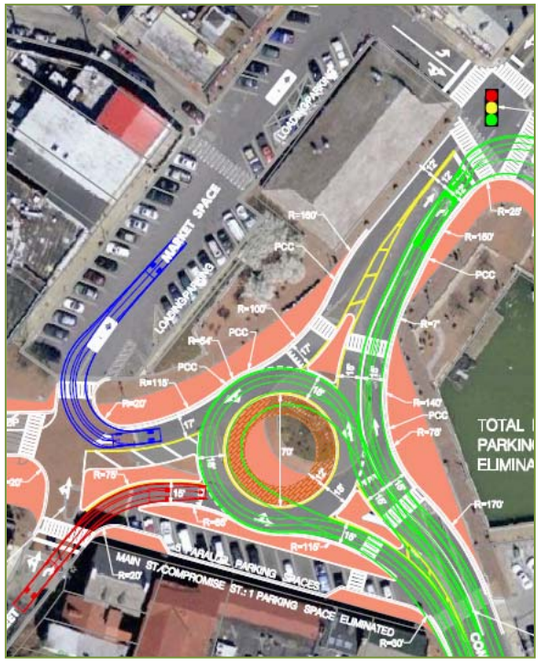
As mentioned earlier, CDAC has not found consensus on ~~the~~ how best to address the intersection. Other options were designed and studied, including a modification to the current roundabout. If the City adopted a Modified Circle option (shown on ~~this~~ THE FOLLOWING page), the lanes entering and within the circle would be narrowed and the circle would be shifted northward on Main Street. This would free up space that could be added to Hopkins Plaza and along the water (shown in orange in the large exhibit below). Traffic engineering evaluations of this option revealed it offered no improvements to existing traffic operations~~, largely because a roundabout in an urban context like City Dock cannot account for the conflicting movements of pedestrians and vehicles and the variety of offsetting intersection approaches. As cars yield to pedestrians, traffic inevitably backs up into the circle.~~ Further, access to the parking along the buildings at the intersection ~~would~~ MIGHT have to be limited to right-hand turns from Green Street, THIS REQUIRES ADDITIONAL STUDY.

The other option considered was a traditional traffic circle ENCLOSING PEDESTRIAN SPACE similar to Church Circle and State Circle. This option had the advantage of enclosing a large amount of public open space but was judged impractical because pedestrians would have to cross multiple lanes of traffic to enter the encircled public space. The option of doing nothing is also an option that the City may wish to take. The drawbacks of making no changes to the intersection are that there can be no gains in public space or improvements to the pedestrian environment. ~~New pedestrian crossings cannot be introduced under the currently configured circle without risking pedestrian safety.~~

In sum, because the main transition envisioned by the community is one toward balance and away from car dominance, the intersection of Compromise, Main, and Randall demands much attention. Getting to a balance does require physical changes to the intersection that must be evaluated further. ~~The most frequently cited concern about the "T" intersection is that it might create new or increased traffic congestion. The City's consulting engineer Sabra Wang Associates, Inc. evaluated this and determined that a "T" intersection improves overall traffic conditions as discussed previously. The other concern raised about the "T" intersection speaks to aesthetics, viewsheds, and historic context. These too are important concerns to embrace and, in so doing, one must recall how the current context in which a raised traffic island in the center of the intersection, planted with 14-foot tall trees, impedes views to and from the water. The current circle is a "within living memory" feature of City Dock.~~

THE CITY WILL PREPARE, FOR COUNCIL APPROVAL, A PLAN FOR THE ~~TWO RANDALL STREET~~ INTERSECTIONS AND CROSSWALKS IN THE STUDY AREA WHICH CONSIDERS THE AREA'S DUAL ROLE AS BOTH A DESTINATION AND A THROUGHWAY, GATHERING SPACE FOR PEDESTRIANS, PEDESTRIAN AND BICYCLE ACCESS TO AND THROUGH CITY DOCK, WAYFINDING, BUS AND TRUCK ACCESS, LOADING, AND UNLOADING, AND THE CONSTRAINTS OF THE HISTORICAL CONTEXT. THIS PLAN WILL INCLUDE FACTORS BOTH INSIDE AND OUTSIDE THE STUDY AREA THAT CONTRIBUTE TO THE CONGESTION AT CITY DOCK SUCH AS THE EXISTING STOPLIGHTS ON MAIN AND RANDALL STREETS AND THE SPA CREEK DRAWBRIDGE, AND THE POTENTIAL IMPACT OF THE PLAN'S IMPLEMENTATION ON ROUTES OUTSIDE THE STUDY AREA. THIS TRANSPORTATION PLAN IS INEXTRICABLY LINKED TO THE PARKING PLAN DESCRIBED ON P. 23.

~~The other option considered was a traditional traffic circle similar to Church Circle and State Circle. This option had the advantage of enclosing a large amount of public open space but was judged impractical because pedestrians would have to cross multiple lanes of traffic to enter the encircled public space. The option of doing nothing is also an option that the City may wish to take. The drawbacks of making no changes to the intersection are that there can be no gains in public space or improvements to the pedestrian environment. New pedestrian crossings cannot be introduced under the currently configured circle without risking pedestrian safety.~~




Modified Circle

~~In sum, because the main transition envisioned by the community is one toward balance and away from car dominance, the intersection of Compromise, Main, and Randall demands much attention. Getting to a balance does require physical changes to the intersection. The most frequently cited concern about the "T" intersection is that it might create new or increased traffic congestion. The City's consulting engineer Sabra Wang Associates, Inc. evaluated this and determined that a "T" intersection improves overall traffic conditions as discussed previously. The other concern raised about the "T" intersection speaks to aesthetics, viewsheds, and historic context. These too are important concerns to embrace and, in so doing, one must recall how the current context in which a raised traffic island in the center of the intersection, planted with 14-foot tall trees, impedes views to and from the water. The current circle is a "within living memory" feature of City Dock.~~

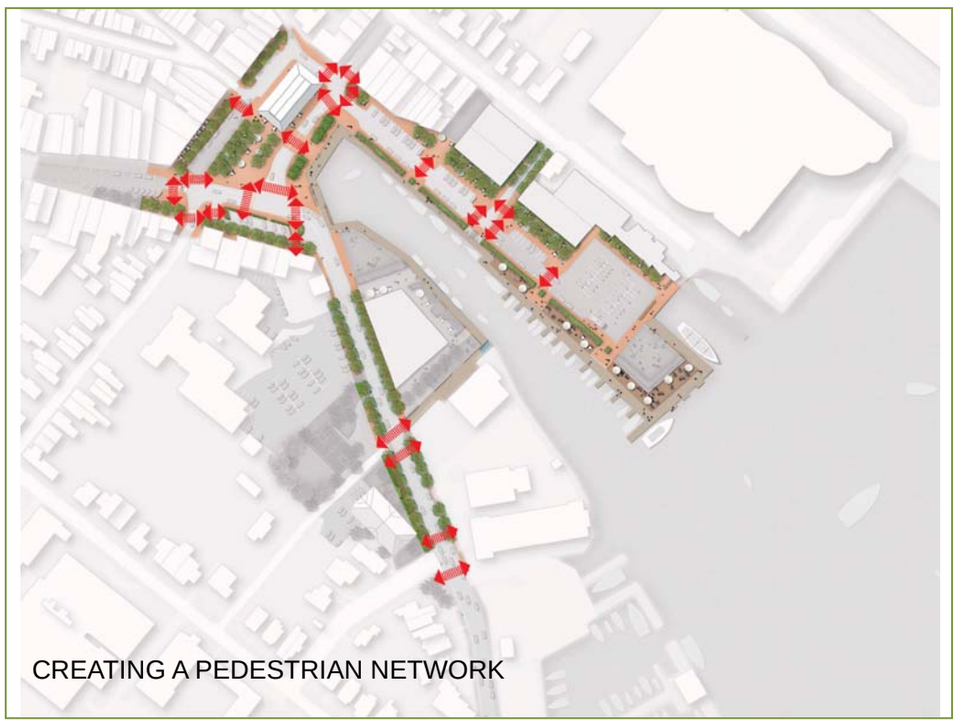
Variations on the options studied for the Compromise/Main/Randall intersection.

## Pedestrian-ization

The Plan improves the pedestrian environment throughout the study area. As shown below, crosswalks are located along the lines that link pedestrians from downtown to the water. No longer should pedestrians be hemmed in by bollards and chains and directed to just one location for crossing Randall Street. The proposed signalized intersections at Compromise/Main and Randall Streets and at Dock and Randall Streets would referee the flow of pedestrians and vehicles. In all, three new crossings near the intersection of Randall and Main Streets are added. A prominent crosswalk in front of the Market House is provided and it connects the component elements of the Alex Haley Memorial together—the Compass Rose on the Market House side and the sculpture situated adjacent to the water.

HOWEVER, BEFORE THE LOCATION OR NUMBER OF CROSSWALKS IS ALTERED PERMANENTLY, THERE SHOULD BE ANALYSIS OF HOW THE CHANGES WOULD AFFECT PEDESTRIAN MOVEMENT, ESPECIALLY GATHERING SPACES AND HOW PEOPLE TRAVEL TO AND FROM THE CITY DOCK AREA. THERE SHOULD ALSO BE AN ANALYSIS OF HOW CROSSWALKS IMPACT TRAFFIC PATTERNS.

The Plan would widen sidewalks in front of all existing businesses on Dock Street, Market Space, and the first block of Main Street. It also allows the sidewalk to be widened at Market House along Randall Street. The widening of these sidewalks would allow restaurants to have café seating while also allowing pedestrians to move more freely past tables.



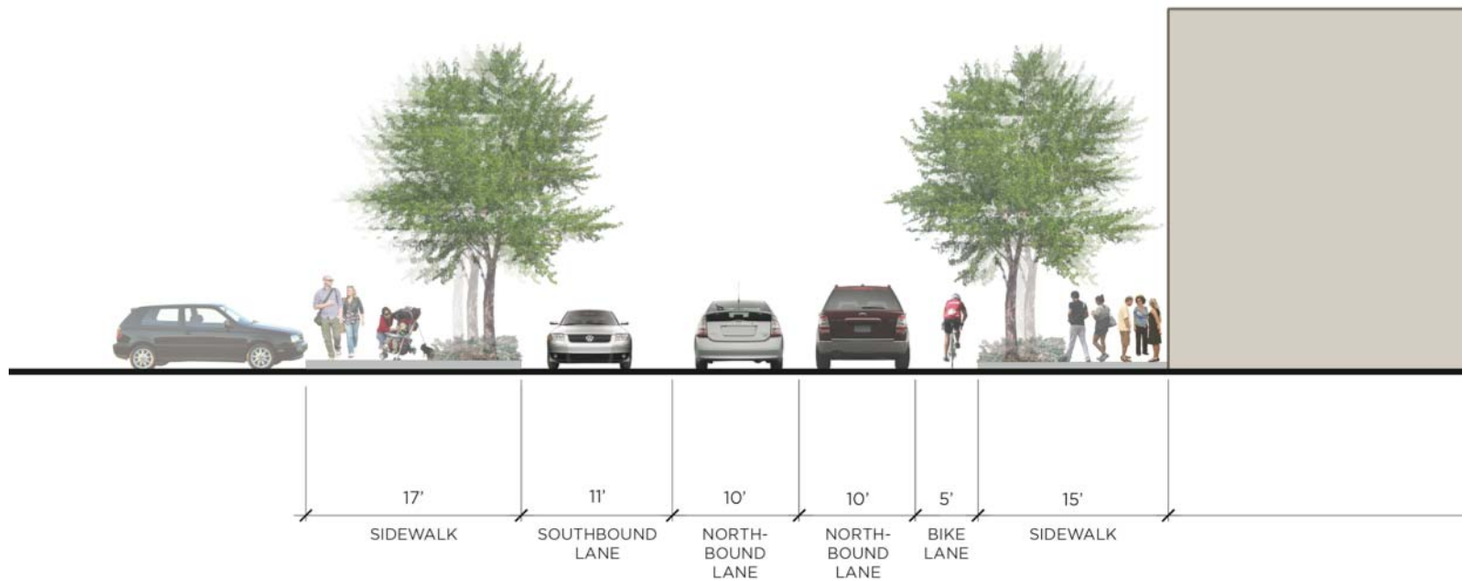
## Compromise Street

The Plan's treatment of Compromise Street is especially important. Currently Compromise can be a rather high speedway into City Dock. At about 36 feet wide, it can also be difficult to cross, especially for families with small children at Newman Street near the playground. Compromise Street is an important link for visitors walking between the downtown and the Marriott Hotel. Therefore, at both the Newman and St. Mary's Street intersections on Compromise Street, prominent crosswalks and other traffic calming measures should be used to calm traffic speeds and reduce the crossing distance for pedestrians if possible. ~~The intersection of St. Mary's Street should define the point of entry or gateway into the City Dock area.~~ The City should consider extending a unifying pavement treatment out to St. Mary's Street. The width of Compromise at this location allows for the loading and unloading of bus passengers at the hotel. This feature should not be negatively impacted by these plans to improve Compromise Street.

The proposed street section along Compromise Street looking toward downtown near the former Fawcett's property is provided here. Note the Plan calls for retaining two lanes of automobile traffic in the northbound direction and one lane in the southbound (toward the Spa Creek Bridge) direction. The Plan also calls for a designated bike lane northbound leading into City Dock. Bikes and cars would share the lane in the southbound direction, leading out of downtown.

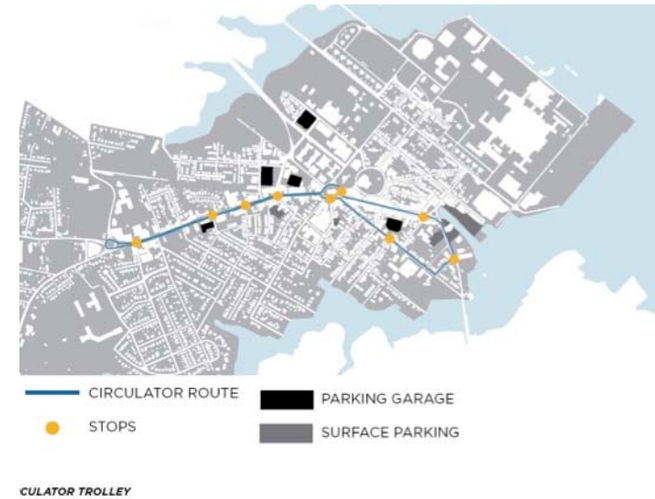
A 15-foot wide sidewalk is proposed along any new building(s) on the former Fawcett's property. On the opposite side of the street, including along the frontage of the Board of Education property, the Plan recommends installing a planting strip and street trees to buffer pedestrians from cars and provide shade.

A traffic signal may or may not be needed at Compromise and St. Mary's Streets, but if provided, it would benefit pedestrians who wish to cross Compromise Street but have limited opportunities to do so.



## Parking

The main discussion of the Plan's parking management strategies is set forth in Section B, Part III of this report. The thoughtful management of parking demand and supply is essential to getting the balance right. The City is making strides to reduce long-term parking demand on City Dock in favor of increasing the availability of customer parking. One measure of the success of public private efforts to manage parking on City Dock is the hospitality employee parking program the City recently started. Under the program, employees of downtown restaurants are guaranteed low-cost parking at the Park Place garage and a free Circulator ride to and from City Dock. As the City implements other strategies and adjusts its parking pricing policies, the demand for long-term parking on City Dock will be shifted to public garages. As public improvements are made and the parking management strategies take hold, the number of surface parking spaces would be reduced. Under the plan, eventually and gradually the number of spaces along Dock Street could be reduced from 199 to about 90 while promoting the rate of turnover in parking spaces. Promoting turnover supports local business' needs for easy customer access. The City-owned Donner Lot would be improved as a public open space and the City-owned Fleet Lot at Newman and Compromise would become part of new building site. Customer storefront parking would remain throughout the study area as shown below, providing retailers on City Dock with about the number of on-street parking spaces one would find in a comparable business district.

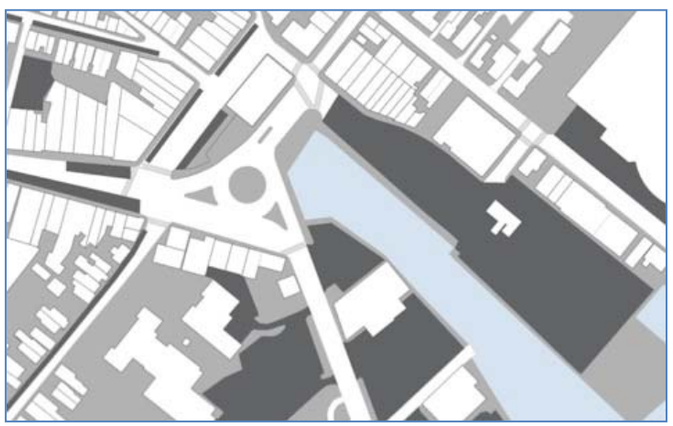



Several proposals that support parking management are worth mentioning here. First, the space shown in green in the exhibit below is "flexible" parking. This could be used for valet parking during the heaviest peak demand, increasing the number of cars parked by at least 20 percent. The space could also be used to guarantee parking for disabled persons or it could have a set aside for motorcycles and be a location for electric vehicle charging stations. During special events, this space at the outer reaches of City Dock could be closed off to traffic at the intersection of Dock and Craig Streets. Second, redevelopment would be encouraged on Dock Street and new buildings could have their own internal parking garages to meet the needs of the users of the buildings and any extra space could be made available for general public use. Third, the City should look to secure valet parking on the Board of Education site as another option for long-term parking.

THERE NEEDS TO BE A COMPREHENSIVE PARKING PLAN THAT ADDRESSES THE CURRENT AND FUTURE PARKING NEEDS FOR THE AREA. BEFORE REMOVING A SIGNIFICANT NUMBER OF PARKING SPACES OR FORMAL OR INFORMAL LOADING ZONE SPACES IN THE CITY DOCK STUDY AREA, THE CITY OF ANNAPOLIS WILL DEVELOP AND PRESENT TO CITY COUNCIL FOR APPROVAL A PARKING ~~RELOCATION~~ MANAGEMENT PLAN WHICH IDENTIFIES AND CONSIDERS:

- THE INVENTORY OF PARKING SPACES AND LOADING ZONES BOTH WITHIN THE STUDY AREA AND WITHIN WALKING DISTANCE.
- THE PARKING SPACES, LOADING ZONES, AND PARKING MANAGEMENT PRACTICES NECESSARY TO SUPPORT A VIBRANT ECONOMY IN THE CITY DOCK STUDY AREA,
- SPECIFIC PROGRAMS FOR RELOCATING PARKING FROM WITHIN THE STUDY AREA TO LOCATIONS OUTSIDE THE STUDY AREA AND STRATEGIES FOR ACCOMMODATING THE DISTANCE TO THE NEW LOCATIONS. THE PARKING RELOCATION PROGRAMS MUST MEET THE NEEDS FOR SUCCESS OF EXISTING AND NEW BUSINESSES.

- THE ECONOMIC IMPACTS OF THOSE RELOCATION PROGRAMS,
- THE IMPACTS OF THOSE RELOCATION PROGRAMS ON PARKING ELSEWHERE IN THE CITY, AT OTHER PARKING FACILITIES AND ON-STREET IN BOTH BUSINESS AND RESIDENTIAL AREAS,
- ALTERNATIVES TO PARKING THAT WILL HELP CITY RESIDENTS AND VISITORS ACCESS CITY DOCK WITHOUT THE NEED FOR A CAR,
- THE COSTS AND EXPECTED BENEFITS OF THOSE PROGRAMS,
- THE PROVISION OF PERIODIC EVALUATION OF PARKING SUPPLY AND DEMAND IN THE STUDY AREA, AND
- ~~AND~~ THE TIMING OF THOSE PROGRAMS WITH RESPECT TO THE ANTICIPATED RECONSTRUCTION OF THE HILLMAN GARAGE.

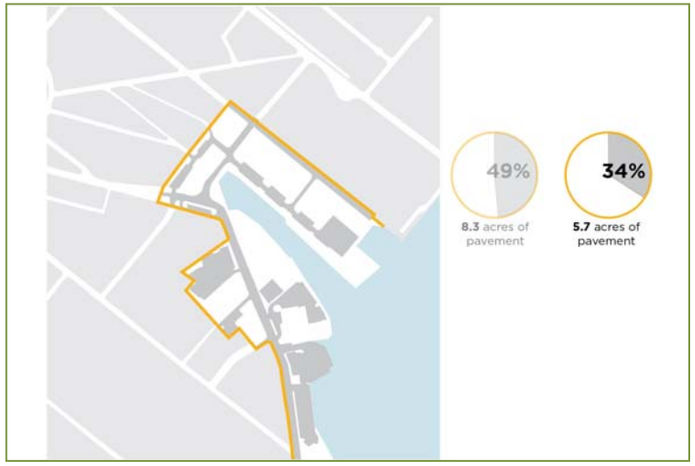


Current

As Proposed

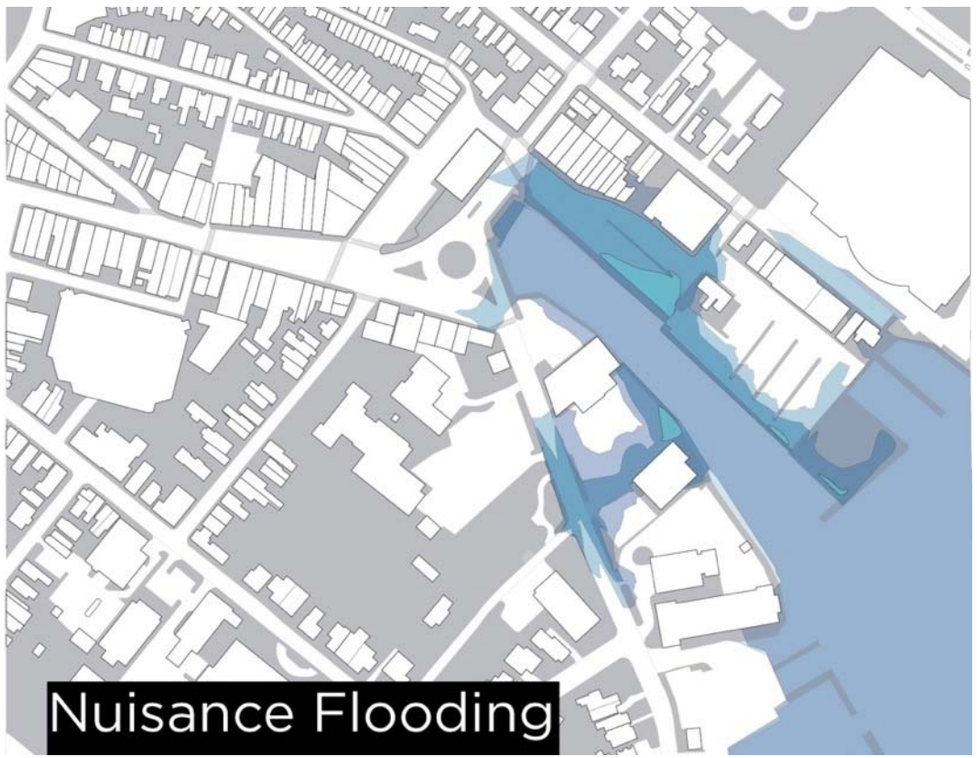
## The Transition Quantified

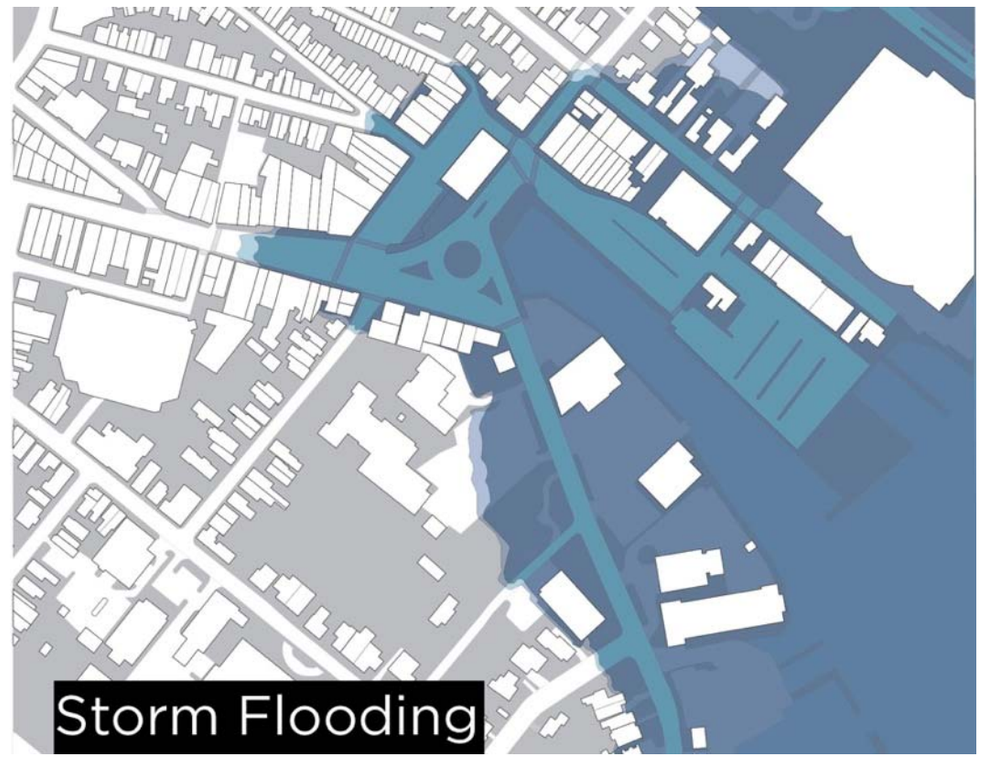
The transition to a more walkable and balanced urban form on City Dock is confirmed by a measurement of surface area devoted to cars and to the public realm in the exhibits on this page. The study area is comprised of 16.8 acres. Today 8.3 acres or 49 percent of the City Dock study area is devoted to streets and parking lots. Upon implementation of the Plan the total would drop to 5.7 acres or 34 percent of the study area. By comparison, the amount of public realm space would increase from 5.5 acres or 33 percent to 8 acres of 48 percent.



# D. Greening and Sustainability

A central element of the Plan is flood protection. The City has begun to evaluate steps to mitigate flooding on City Dock. Recurring flooding is caused by tidal fluctuations and relatively low elevations ranging from 2.0 feet to about 4.5 feet around City Dock. Storm drains back up during high tide events and stormwater flows out on onto Compromise and Newman Streets and into low lying areas on City Dock. More serious flooding occurs when there are high tides and storm surges associated with severe weather events. Sea level rise is compounding the problem and a 2011 study titled Flood Mitigation Strategies for the City of Annapolis by Whitney, Baily, Cox & Magnani, LLC, suggests that the occurrence of nuisance or recurring flooding is expected to double over the next 50 years. Conservative projections of sea level rise in the Chesapeake Bay region place the rate of sea level rise at 1.3 feet per century.



## Building in Resiliency

The City should begin immediately to engineer the flood mitigation strategies that will address recurring flooding on City Dock. This is a two-part plan. The first step includes installing back-flow preventers on the key drainpipes discharging into Ego Alley. The second step includes tying the drainage system at City Dock together and installing a major pumping station, possibly under the Donner Lot. The pumps would force water that would otherwise overflow from the storm drains out into Ego Alley. These steps would address the flooding that results for tidal and regular rain events and improve the business environment on City Dock. As the streets and other surfaces are rehabilitated following construction, the City should seize opportunities to make serious advances toward public space and pedestrian improvements.

~~Over the long term however, the historic built environment of City Dock and the City's infrastructure under Dock, Compromise and Randall Streets are threatened by sea level rise. In response, the Plan proposes that a seawall be constructed around the perimeter, as shown below, to protect downtown from storm events at least as severe as the 100-year flood, such as Hurricane Isabel. The goal is to integrate a seawall into the very fabric of City Dock so that it becomes a useable amenity to residents and visitors. It could be sitting wall and contain an elevated planting bed as illustrated below.~~

~~The seawall would be adaptable to sea level rise, which is projected to increase the severity and frequency of major storm events. For instance, the 100-year flood, five decades from now, would inundate more of City Dock than Hurricane Isabel did, so that structure must be adaptable. In its basic configuration the seawall could by three feet tall or slightly higher depending on the base elevation of ground. As envisioned though, the flood protection height could be increased as needed through built-in vertical partitions that would be raised in response to impending flood events. There are many spaces in the proposed seawall to allow broad access to the waters edge. These spaces could be equipped with floodgate technologies to allow the seawall to be sealed against flooding. The seawall would tie into a structure on the grounds of the U.S. Naval Academy on the north side of City Dock and tie into an acceptable elevation south of City Dock, likely on the northeast side of Compromise Street near the Spa Creek Bridge.~~

THE ENTIRE CITY DOCK STUDY AREA LIES WITHIN AN IDENTIFIED FLOODPLAIN AREA. FEMA RULES NO LONGER ALLOW FOR EITHER MAJOR RENOVATIONS OR CONSTRUCTION OF ~~NEW BUILDINGS~~ HABITABLE SPACE WITHIN A FLOODPLAIN. ALTHOUGH FEMA DOES NOT HAVE JURISDICTION OVER CONSTRUCTION AT CITY DOCK, THEIR RULES MEAN HABITABLE SPACE BUILT BELOW THE 100-YEAR FLOODPLAIN WILL BE UNINSURED AND INELIGIBLE FOR DISASTER ASSISTANCE IN FUTURE FLOOD EVENTS. IN ORDER TO ALLOW REHABILITATION OF EXISTING BUILDINGS AND THE CREATION OF NEW ONES, THE HISTORIC DISTRICT'S HEIGHT REGULATIONS SHOULD BE MODIFIED TO BEGIN HEIGHT MEASUREMENT AT GRADE OR AT THE FLOOD PROTECTION ELEVATION, WHICHEVER IS GREATER, ~~AND COULD ALLOW A SMALL VARIANCE TOLERANCE FOR HAZARD MITIGATION WITHIN THE FLOODPLAIN~~. AS NOW, THE HISTORIC

PRESERVATION COMMISSION SHOULD RETAIN THE AUTHORITY TO JUDGE THE HEIGHT AND BULK OF INDIVIDUAL PROPOSALS ON A PROJECT-BY-PROJECT BASIS IN A FASHION CONSISTENT WITH THE HISTORIC DISTRICT ORDINANCE AND THE HISTORIC PRESERVATION COMMISSION'S DESIGN GUIDELINES.

OVER THE LONG TERM HOWEVER, THE HISTORIC BUILT ENVIRONMENT OF CITY DOCK AND THE CITY'S INFRASTRUCTURE UNDER DOCK, COMPROMISE AND RANDALL STREETS, AND MARKET SPACE ARE THREATENED BY SEA LEVEL RISE. THE CITY WILL EXPLORE AND PRESENT TO THE CITY COUNCIL FOR CONSIDERATION SEVERAL STRATEGIES FOR ADDRESSING THE 100-YEAR FLOOD AND SEA LEVEL RISE, INCLUDING:

- BUILDING A LOW, CONFIGURABLE SEAWALL AS DEPICTED HERE,
- BUILDING A SEAWALL AT THE WATER'S EDGE OR AT THE SIDEWALK'S EDGE,
- RAISING BUILDINGS SUBJECT TO THE 100-YEAR FLOOD ABOVE THE FLOOD LINE,
- OTHER STRATEGIES WHICH MAY BE IDENTIFIED IN THE COURSE OF THE STUDY, AND
- ALLOWING BUILDINGS TO FLOOD.
- AVOID REDEVELOPMENT AND NEW BUILDING CONSTRUCTION WITHIN THE 100 YEAR FLOODPLAIN, AND IMPROVE CITY DOCK WITH LARGER PEDESTRIAN WALKWAYS, PLAZAS, GREEN SPACE, AND TEMPORARY EVENTS, INCLUDING BOAT SHOWS, CONCERTS, FARMERS MARKETS AND PARKING, THAT CAN BE RELOCATED IN ADVANCE OF FLOODING AND DO NOT NEED FLOOD INSURANCE.

THE STUDY OF STRATEGIES FOR ADDRESSING SEA LEVEL RISE WILL INCLUDE IMPACTS ON THE HISTORIC FABRIC AND INFRASTRUCTURE, VISUAL IMPACT, ECONOMIC IMPACT, ENGINEERING FEASIBILITY, INSURABILITY OF STRUCTURES, COST/BENEFIT ANALYSIS, IMPACT ON THE USE OF SPACE IN THE CITY DOCK AREA FOR OTHER PURPOSES, AND RELATIONSHIP TO THE FLOOD CONTROL MEASURES AND PLANS OF THE UNITED STATES NAVAL ACADEMY.

## Green Spaces and Shade

The Plan adds pervious surfaces on City Dock. As mentioned previously, three parks are shown and the Plan's preferred option is that these spaces or substantial parts of these spaces be set aside in lawn and landscaping. They could be part of a comprehensive stormwater management approach that will help prevent the effects of unfiltered runoff into the harbor. The green space at the improved Susan Campbell Park alone would approximate 8,200 square feet. The Plan also provides a continuous planting bed, forming part of the seawall.

Lastly, the Plan introduces more trees to City Dock, located so as not to block views but to offer shade at key locations and soften the building mass at other locations. Temporary shade structures, possibly public art installations, should be considered too.

The Plan supports preserving the Newman Street playground and the green spaces on the Old Recreation Center site.

# E. Public Art – Nurturing the Uniqueness of Place

A City can declare what is possible, perhaps best through its public art. Possibility has the power to transform in the here and now; it does not require a long wait. A man once said, "My daughter loves to declare what is possible; she will be a great pianist, she says. And in every moment she fills our house with the sound of her music, her possibility is alive. And so I know, it is her future that shapes her today. She is alive in her possibility." The same is true for Annapolis when it declares what is possible for City Dock.

The job of public art is to provide for the preservation and interpretation of culture and to reveal the great possibilities of a place. Public art is about engaging people at the level where they can experience, participate in, and create in an ongoing way the heritage of their place. Public art should challenge, inspire, inform, reveal, and celebrate. Public art can be a permanent installation or etched into the very fabric of a place. It can be temporary or ephemeral. It can be performance-based and staged or it can be more spontaneous. It can be informative, interpretative, and evocative. Public art is free to the public, made available to every one. Of course it is not free, though, and funding for public art must be part of the design and construction of improvements on City Dock, with contributions made by both the public and private sectors. This Plan embraces public art as basic to the improvement of City Dock and encourages the City to include a public art component in all capital projects on City Dock.

## The Space and Infrastructure for Public Art

The Master Plan envisions new public spaces at key locations connected by enhanced pedestrian ways and to the surroundings by sight lines and views. Since the big ideas have been largely "worked out" in the Master Plan, it would be easy to conclude that public art is simply about what sculpture should be installed within a certain public space, but that would be too narrow a view. Public art, as conceived here, is more than the carving out of a space for a future installation. The spaces themselves, indeed the entirety of City Dock, is the canvas or stage set for public art. As the City moves from this Master Plan stage to more detailed stages of design and building, the spaces and the elements themselves must be seen as public art. For example, the seawall, which is fundamental to protecting the built heritage of City Dock, should have an artistic component. Each of the public spaces, their edges, the seating that surrounds them, the buildings that frame them, and the views contained within them—each element of thoughtful place-making—holds potential. Therefore, artists should be integral members of the design teams that would shape and improve City Dock over the years.

Where public art involves a formal installation, it is essential that architecture and the built and natural environment support that art. Placement is critical. For example, as City Dock adapts to sea level rise and the increasing frequency of flooding, there will be potential to provide prominent space and an improved context for the Kunte Kinte - Alex Haley Memorial sculpture group, compass rose, and story wall. New opportunities for pedestrian circulation and open spaces will be realized under the Master Plan and all improvements must be thoughtfully integrated with these essential existing contributions to the City's public art.

The proposed market square is at an important crossroads, especially for pedestrians. It is a transition zone between historic Main Street and the water and between residences and the waterfront. It is an obvious location for art in many of its forms and the design of this space must embrace this potential. Market square and the Donner Lot are also sized for outdoor performances that can draw 90 to 150 people, which is perfect for year round community based performances. The larger "flexible" parking area near Susan Campbell Park also holds great possibility for artwork, while retaining its necessary functions as flexible parking area, tour bus turnaround, Boat Show exhibiter space, and entry plaza to the Sailing Hall of Fame. Here the space might call for something more ephemeral that could be seen from afar and draw people and boaters to it, that could cast a shadow, shape a view, or light up the evening sky above City Dock. By contrast, the Plan's connecting zone between the Newman Street playground and the water's edge at City Dock provides a great place for the City's children and families and art could reinforce that connection with fixed installations built into the sidewalks, walls, and plazas. The promenade running the length of bulkhead might well tell the story of the Chesapeake's seafood industry, the City's maritime culture, and the watermen of Annapolis.

There are possibilities in the design of key elements on City Dock to advance important ideas and values. City Dock can accelerate the transition to sustainability, for example, by focusing on ecology. A new stormwater system, which could incorporate the green spaces and even the proposed seawall, could tell a story about how civic design itself can improve local water quality. Places can be found along the edges of the bulkhead, perhaps at the foot of Newman Street, for a public oyster-raising program. The pumping station, which would protect City Dock from recurring tidal and stormwater flooding, will be a significant work of civil engineering and therefore might be designed in such a way as to be visible to passersby offering a tangible lesson about resiliency and how things work.

The Plan recommends that the Old Recreation Center at St. Mary's and Compromise Street retain a public or semi-public use. The second floor of the building, the location for the public meetings on this very Plan, holds promise as a dance studio or other performance space. The first floor of the building too could house activities that are central to the culture of Annapolis, whether maritime, artistic, educational, or recreational. Each of the proposed new or redeveloped buildings on City Dock, either at the former Fawcett's site or along outer Dock Street, and the spaces that surround them should enrich the authentic experiences of daily life on City Dock for the Annapolis residents.

## The Community of Artists

The Annapolis Art in Public Places Commission would have the lead role in convening and leading a "community of artists" in a thoughtful process of shaping and guiding the selection of art on City Dock. Artistic expression on City Dock should challenge and open the community to appreciating City Dock as a living, breathing place of local culture; a place that is on an arc of continual transition and change. Themes derived from the culture of Annapolis, in all its layers, could help shape the work of the community as it engages in the design of the open spaces. The Art in Public Places Commission as manager of public art on City Dock could be especially instrumental in working with landscape and urban design teams, in commissioning works of art, and in assigning subject area experts to advise and guide the community in the selection of projects, especially of permanent art.

A "community of artists" is a term meant to include any person desiring that an authentic culture of Annapolis be retained on City Dock. The community should be engaged in community-based approaches to decision making about design on City Dock. Bringing art to City Dock especially in its temporary and performance-based forms sooner rather than later can help facilitate this. This Plan envisions that City Dock would immediately become a venue for theater, music, and dance. This Plan is an invitation to the Annapolis theatre companies and the community's ballet, choral, opera and symphony artists, among other artists and musicians to act now to help the broader Annapolis community shape the possibility for public art on City Dock. The performing arts are a way to enliven public spaces, but in the context of this Master Plan, they are also a way to help reclaim those spaces, for the public in the first place.

# III. Strategies that Support the Plan

## A. Management Entity on City Dock

~~The creation of a management entity on City Dock was one of the six principles agreed to by the City Dock Advisory Committee and is therefore listed as the first supporting strategy. This Plan recommends that the Mayor and City Council create by ordinance a City Dock Management District and a Management Authority. The Authority should be run as a public-private organization authorized to raise and expend revenues within a City Dock Management District. A Board of governance should be composed of Annapolis citizens who share a commitment to the broad principles laid out by the City Dock Advisory Committee and are committed to implementing the City Dock Master Plan including representation of businesses on Dock and Market Streets. The Authority should work to promote the economic vitality and revitalization of City Dock.~~

~~The responsibilities of the Authority should include managing supplemental upkeep on City Dock. The Authority would not have primary responsibility for maintaining City Dock, which is a function of the City of Annapolis. However some upkeep, such as seasonal planting or clean-up after special events might readily be undertaken by the Authority. Second, the Authority could provide supplemental security of public and/or public-private spaces. Third, the Authority should manage and license events on City Dock. Fourth, the Authority should facilitate the installation of public art and arts programming in the public spaces on City Dock, along with others qualified to decide what public art should go where and when. Fifth, the Authority should have a voice in the management of parking on City Dock, being an advocate for the transition contemplated in this Plan toward parking management and public spaces. Lastly, the Authority should advocate for and educate the public about the City Dock Master Plan in support of its implementation and updating over time.~~

~~Possible sources of funding for the Authority, in support of a full time Executive Director and small staff, should include City and County general funds, the sale and lease of city owned properties on City Dock, a portion of Boat Show license fees, mooring and docking fees, license fees for events on City Dock, and approved commercial use or concessions on public spaces. The Authority should also raise revenues through a tax on property located within the District and though contributions, donations, grants and revenues from Authority sponsored special events. If the Authority, acting in concert with the City, were to acquire an interest in the Annapolis Boat Show, annual revenues could accrue to the public for ongoing improvements on City Dock. The full potential of this should be explored in the near term.~~

THE MANAGEMENT OF CITY DOCK SHOULD BE COORDINATED YEAR-ROUND. THE PURVIEW OF ANY MANAGEMENT FUNCTION OR ENTITY SHOULD INCLUDE THE PROGRAMMING OF PUBLIC SPACE, ENSURING TRASH PICK-UP AND CLEANLINESS, REDUCING CLUTTER, MONITORING THE PROGRESS OF IMPLEMENTING VISIONS FOR CITY DOCK, COLLECTING DATA, INCORPORATING FEEDBACK, COORDINATING MARKETING, AND SUPERVISING MARKET HOUSE OPERATIONS. THIS MANAGEMENT SHOULD SUPPORT LOCAL BUSINESSES AS WELL AND HELP THEM TO THRIVE. FURTHERMORE, THE MANAGEMENT SHOULD ADVOCATE FOR CITY DOCK AND PROTECT THE HISTORIC CORE. THE MANAGEMENT OF CITY DOCK SHOULD RECEIVE INPUT FROM AND BE RESPONSIVE TO THE KEY STAKEHOLDER ORGANIZATIONS IN THE CITY REPRESENTING THE BUSINESS COMMUNITY, RESIDENTS, VISITORS, AND MAJOR PROPERTY OWNERS WITHIN THE CITY DOCK AREA.

# B. Parking Management

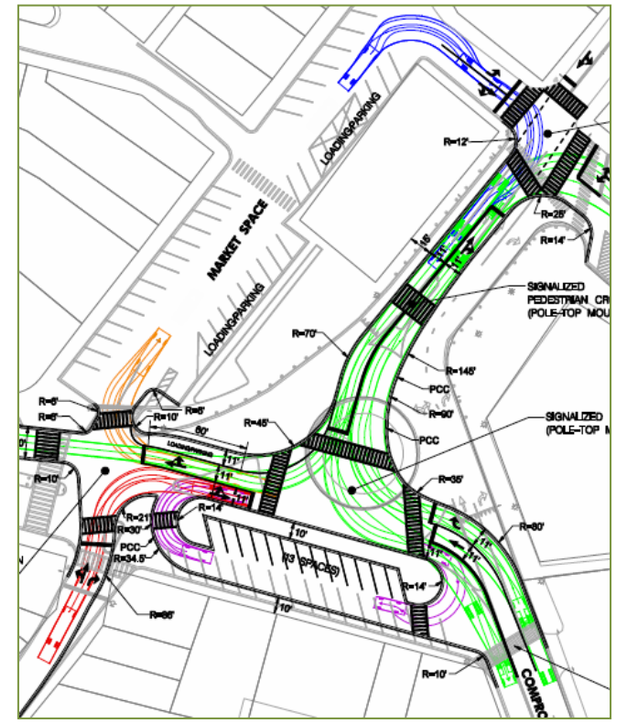
The Plan's recommended transition to public use, open space, and flood protection, means that there would be fewer surface parking spaces in future years on City Dock. This does not mean however that that there would be a reduced availability of customer parking. Parking management would be used to promote turnover of spaces and thereby increase the availability of surface parking. A gradual removal of parking spaces guided by the Plan is recommended in coordination with downtown businesses to address business concerns about the reduction in the number of spaces. Parking management strategies can mitigate a reduction in the number of spaces with the principal aim being to ensure that short term customer parking remains available for the businesses located on City Dock, while directing long-term parking users to other locations. This includes downtown employees and employers, tourists, and other visitors. Parking management uses a market based approach to direct drivers to the parking locations that best meet their needs and it reflects the reality that waterfront real estate is valuable and it can provide many pubic benefits. As long as the least expensive parking in downtown Annapolis is on City Dock, few spaces will be available for the customers of today's business.

The Parking Plan contains six elements. (1) To professionalize the management of parking, the City would maintain and expand its contracts with the private operator of its parking garages. (2) To reduce the demand for parking on City Dock, the City and area businesses would expand the hospitality employee parking program mentioned earlier to cover more employees. To date about 750 employees have signed up for this program, which will have a measurable impact on the availability of parking. (3) To keep customer parking available the City would deploy performance pricing which incentivizes short-term customer parking on City Dock by charging very little for the first 30 to 45 minutes, but increasingly more for longer stays. (4) To make the most effective use of available surface parking lots during peak periods, the City's contractor would valet park certain lots. Valet intake stands could be set up near the proposed market square and the Donner Lot. (5) To provide low cost options for tourists and visitors, the City would maintain low prices in its garages and the free Circulator. (6) To direct people to the parking that best meets their needs, the City would implement its newly prepared Wayfinding Plan and smart meter technologies including smart phone apps. (7) To expand the capacity of Hillman Garage, the City contractor would valet park the ground level and structure it's pricing to gradually reduce the number of employee parking contracts.

When the City has more information about the timing of plans to reconstruct Hillman, it should develop, in concert with downtown businesses, a strategy to address the anticipated shortfall during reconstruction. The number of parking spaces at Hillman Garage should be expanded through the reconstruction to the extent practicable.

# C. Traffic Engineering

Thoughtful, skilled, and context-sensitive traffic engineering must continue on City Dock as the Plan is moved into various stages of implementation. The City's consulting engineers on this project, Sabra Wang Associates, Inc., evaluated the proposed intersection configurations discussed in this report. The results of their assessment of the "T" intersection, which is featured in the design of the Master Plan, are summarized below. A more detailed analysis, including the evaluation of other options, can be obtained by contacting the City's Planning and Zoning Department.




For the "T" intersection, the traffic control changes, including the removal of the unnecessary signal at Randall and Prince George Streets, would maintain the average automobile travel times to, from, and through City Dock and even reduce travel times during the morning weekday rush and at other non-peak times during the day. With less side street traffic during such times, the signals would be set to favor traffic on Compromise and Randall Streets so that it would flow as efficiently as under existing morning or non-peak conditions. With dynamic signal timing, right turns on red from Compromise Street to Randall Street (and other movements) would be allowed because there are fewer pedestrians.

During the weekday evening peak, an overall average travel time increase of between 10 to 20 seconds would be expected due to signal changes for the side street traffic. In general, drivers, who under current conditions, wait at stop signs to turn, for example, from Dock Street left onto Randall Street, would experience similar or reduced delays while drivers traveling between the Naval Academy and Eastport would experience an increases of about 30 seconds on average. This would be mostly due to the wait for the left turn from Randall Street to Compromise Street.

During peak traffic periods on City Dock, such as Saturday afternoons, delays for auto traffic would be significantly reduced by the proposed "T" intersection, with average delays for trips to, from, and through City Dock reduced by two minutes or more. This would occur primarily due to the regulated control of auto and pedestrian flows. Drivers would be prohibited from turning on a red light and lights would go red nearly simultaneously at each signal to allow all pedestrians at all intersection to move concurrently. A major new pedestrian crosswalk in front of Market House is proposed and it too could be signalized, though this may not be required.

Among the supporting changes, the Plan also recommends reversing the direction of flow on Market Space and installing a signal at the intersection of Randall Street with Dock Street/Market Place. This change allows easier access to Market Space via a right turn from Main Street or a through movement from Green Street. The space currently dedicated to the left turn lane on Randall Street could then be eliminated to narrow the street and provide more public space in front of Market

House. Access to and from Pinkney, Fleet, and Cornhill Streets would be maintained. This could be a first phase of improvements and could be done without changing the current circle. The conversion of Memorial Circle to a "T" intersection along with the other improvements could occur later with the public space improvements.

Achieving the travel time reductions during the Saturday afternoon peaks mentioned above would require discouraging traffic on Green Street from making a two-part turn—that is, right onto Main Street with a quick left onto Randall Street. This could be done in part through signage that direct such trips to City Dock via St. Mary's Street rather than Green Street and/or by directing Green Street drivers across Main Street to Market Space and from Market Space to Randall Street. The City's wayfinding improvements, along with the transition to better parking management, and the use of the Circulator would each help with this too and, indeed, would benefit all traffic operations on City Dock during the busy times of the year.

## D. Future Land Use

~~Three recommended categories of land use are shown in the exhibit below as well as the current zoning districts that surround City Dock (C-1, C-1A, and C-2) which are not proposed to change except in the modest way mentioned below.~~

~~(1) "Development Areas" refers to the redevelopment sites that are supported by this Plan and described previously. The properties along Dock Street are presently zoned C-2 Conservation Commercial. These properties should be rezoned to a more fitting category that promotes high density mixed-use patterns including multi-family residential, and City Dock appropriate commercial uses such as hotels, restaurants, and retail, as well as maritime uses. Non-water related office or other such service uses should not be permitted. The permitted use types should be permitted in this new zone as "by-right" uses, not as special exception uses. Upon redevelopment, the buildings closest to the Sailing Hall of Fame should contain Harbor Master office and space in the building should be dedicated to the functions that serve visiting yachtsmen and recreational boaters. In general, new buildings in the Development Area on Dock Street have good potential for multi-family residential use, or a small hotel, with ground floor restaurants. The former Fawcett's site has great potential for maritime related commercial uses including retail, specialty foods, and restaurants and should include some ancillary public meeting, gallery, or studio space.~~

~~(2) "Maritime-Related Open Space" refers to most of the open area on City Dock, and would include the planned open space improvements. No new buildings should be allowed within this land use zone.~~

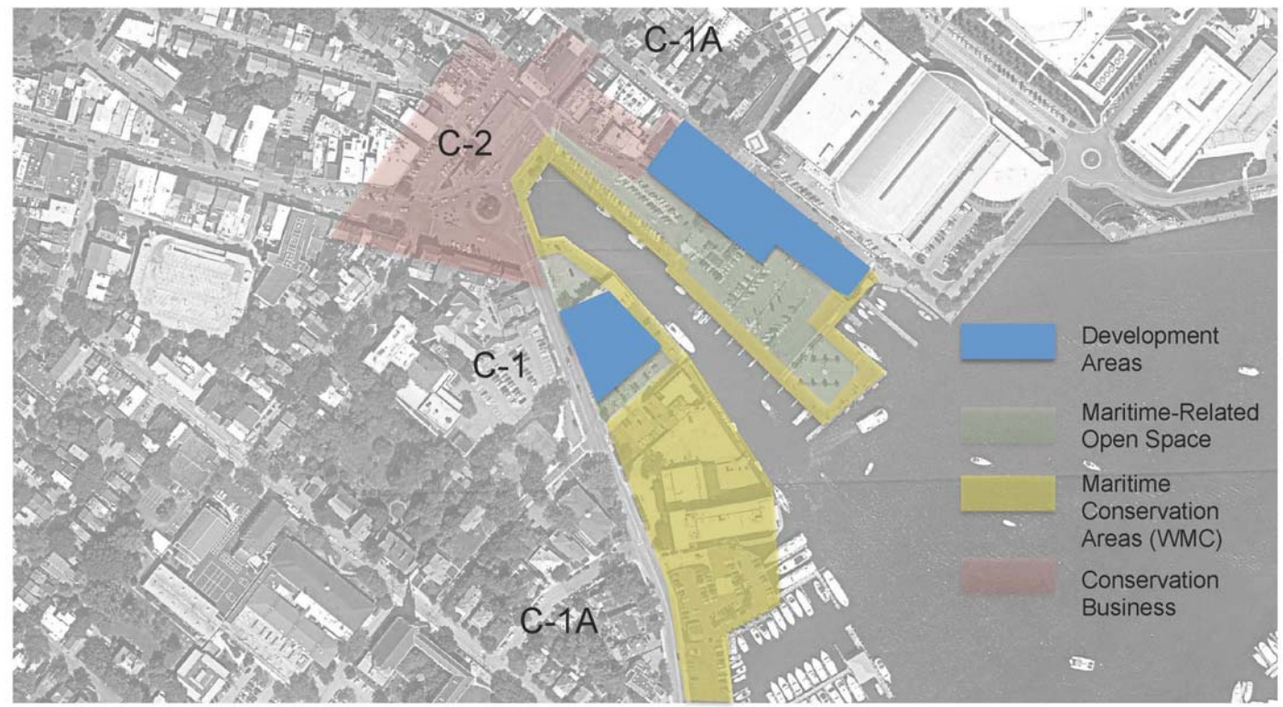
~~(3) "Maritime Conservation Areas". These areas should be put to maritime use in the future unless and until they are incorporated into the City Dock Master Plan, through its amendment and extension. This land use zone encompasses the Fleet Reserve and the Marriott Hotel. Should the owners of these properties seek to redevelop in the future for uses other than maritime uses, this Plan will need to be first amended to incorporate them into the City Dock Master Plan complete with the public use improvements such as the promenade.~~

~~The uses of land on the west side of Compromise Street shown here as zoned C-1 and C-1A should largely remain unchanged. The Old Recreation Center should be retained in public or semi-public uses such as for educational, artistic, or civic, recreational activities.~~

THE PLAN PROPOSES THREE OPPORTUNITY SITES FOR REDEVELOPMENT AROUND CITY DOCK, AS DESCRIBED ON PAGE 12. IN ORDER TO ENCOURAGE PRUDENT, HISTORICALLY ARTFUL, PRIVATE INVESTMENT AT CITY DOCK THE PLAN MUST GIVE CAREFUL CONSIDERATION TO LAND USE AND OWNERSHIP IN THE AREA. THE OPPORTUNITY SITES ON OUTER DOCK STREET AND ALONG COMPROMISE STREET OVERLAY BOTH PUBLIC AND PRIVATE LAND AND, IN PART, THE WATERFRONT MARITIME CONSERVATION DISTRICT.

AS PREVIOUSLY DESCRIBED, THE PLAN ENVISIONS A PROMENADE ALONG THE WATER'S EDGE, POTENTIALLY BACKED BY FLOOD CONTROL STRUCTURES. THE PROMENADE CONNECTS TO THE COMPROMISE STREET SIDEWALK ALONG THE NORTHWEST SIDE OF NEWMAN STREET. IN ORDER TO ACCOMMODATE THESE USES, THE WMC DISTRICT SHOULD INCORPORATE A MINIMUM 30-FOOT SETBACK FROM THE WATER FOR PRIMARY STRUCTURES, AND A 20-FOOT SETBACK FROM THE NORTHWEST SIDE OF NEWMAN STREET.

IN ORDER TO ATTRACT INVESTMENT, THE PLAN ENVISIONS THAT THE AREAS OF THE OPPORTUNITY SITES BE RE-ZONED TO BE ~~CONSISTENT~~ COMPATIBLE WITH THE NEARBY COMMERCIAL PROPERTIES AND TO ALLOW USES CURRENTLY PROVIDED FOR IN THE C2 DISTRICT. ~~THE SITE ON THE INNER BLOCK OF DOCK STREET IS ALREADY ZONED C-2 AND WOULD REMAIN AS-IS, WHILE THE OTHER SITES MIGHT BECOME C-2. THE REZONING SHOULD BE CONSISTENT WITH THE RECOMMENDATIONS OF A NEW ZONING AND ECONOMIC MARITIME SECTOR STUDY COVERING ALL OF THE CURRENT MARITIME DISTRICTS IN THE CITY.~~




THE THREE DEVELOPMENT AREAS COULD BE REZONED TO ALLOW MORE COMMERCIAL USES WHILE THE WATERFRONT MARITIME CONSERVATION ZONE COULD WRAP AROUND MARKET SLIP

~~WHILE THE PLAN ENVISIONS THAT THESE SITES BE RE-ZONED, PRIOR TO ENACTING ZONING CHANGES THE CITY SHALL REVIEW THE VIABILITY OF THE CURRENT RULES AND UNDERTAKE THE STUDIES AND ANALYSIS DESCRIBED EARLIER IN THE SECTION TITLED "SCALE AND NEW BUILDINGS".~~

~~AN EXCEPTION TO THE REQUIREMENT FOR ADDITIONAL ZONING STUDIES SHOULD BE MADE FOR AN OPPORTUNITY SITE IF IT CAN BE DEMONSTRATED TO COUNCIL'S SATISFACTION THAT REASONABLE BENEFICIAL USE OR RETURN ON PROPERTIES IN THE OPPORTUNITY SITE IS IMPOSSIBLE UNDER PRESENT ZONING AND CITY CODE, USING THE CRITERIA AND STANDARDS DEVELOPED IN THE STATE OF MARYLAND TO EVALUATE REAL ESTATE TAKINGS, AND THAT REASONABLE BENEFICIAL USE OR RETURN WOULD BE POSSIBLE UNDER THE ZONING PROPOSED BY THIS PLAN.~~

THE TWO OPPORTUNITY SITES ON COMPROMISE STREET AND OUTER DOCK STREET SIT ON A VARIETY OF PARCELS, SOME OF WHICH ARE IN CITY HANDS AND SOME OF WHICH ARE IN PRIVATE HANDS. THE PRIVATE PARCELS ALONG OUTER DOCK STREET HAVE SEVERAL DIFFERENT OWNERS. IN ORDER TO IMPLEMENT THE OPPORTUNITY SITES THE CITY WILL NEED TO NEGOTIATE WITH PROPERTY OWNERS AND ENGAGE IN PROPERTY TRANSACTIONS OR ONGOING RELATIONSHIPS THAT COULD INCLUDE PUBLIC-PRIVATE PARTNERSHIPS. THERE IS CLEAR PUBLIC INTEREST FOR THE CITY TO DO SO: ACQUIRING SPACE FOR THE WATERSIDE PROMENADE AND POTENTIAL FLOOD CONTROL STRUCTURES ON THE COMPROMISE STREET SIDE OF MARKET SLIP; IMPROVING PEDESTRIAN FLOW AND ACTIVATING THE RETAIL ENVIRONMENT ON THE DOCK STREET SIDE. IT IS IMPERATIVE, HOWEVER, THAT THE CITY RECEIVES VALUE FOR THE CONTRIBUTION OF ITS OWN PROPERTIES TO THE OPPORTUNITY SITES. IN ADDITION THE CITY WOULD BE EXCHANGING ITS OWN REVENUE-PRODUCING PROPERTIES (PRIMARILY PARKING AND BOAT SHOWS LEASING FEES) FOR DEVELOPMENT THAT MAY RESULT IN HIGHER PROPERTY TAX REVENUES. THE CITY MUST UNDERSTAND AND FACTOR IN THE IMPACT OF THE PROPOSED DEVELOPMENT ON ITS OPERATING BUDGET WHILE NEGOTIATING WITH PROPERTY OWNERS.

THE USES OF LAND ON THE WEST SIDE OF COMPROMISE STREET, PRESENTLY ZONED C-1 AND C-1A, SHOULD LARGELY REMAIN UNCHANGED. ~~THE OLD RECREATION CENTER SHOULD BE RETAINED IN PUBLIC OR SEMI-PUBLIC USES SUCH AS FOR EDUCATIONAL, ARTISTIC, OR CIVIC, RECREATIONAL ACTIVITIES.~~

~~The aim of one of the first zoning amendments for City Dock should be a provision that requires the removal of the non-conforming billboard sign on Dock Street after a reasonable amortization period, for instance, five years.~~ THE PLAN RECOMMENDS A PROVISION THAT REQUIRES THE REMOVAL OF THE NON-CONFORMING BILLBOARD SIGNS ON DOCK STREET BY APPROPRIATE LEGISLATION, AS PROVIDED FOR UNDER STATE LAW.

## ~~D. Redevelopment~~

~~The City must be prepared to promote, respond, adjust and support private redevelopment opportunities that are consistent with the Master Plan and support the Annapolis Beautiful Historic Seaport brand. The redevelopment of the former Fawcett's site and the buildings on outer Dock Street would allow parts of the Plan to advance including the public/private outdoor spaces, the seawall, and promenade. All modern waterfront development proceeds with public-private partnerships; they do not succeed without it. This is in part due to the extent of public ownership of land along the waterfront but also to something more fundamental; the clear, unambiguous, and legitimate public interests at stake in such redevelopment which include interests in safe and accommodating public access to and along the waterfront, interests in the preservation of beautiful and context-defining views from and to the~~

~~water, interests in architecture and urban design that respects and contributes to historic context, interests in flood protection, stormwater management, and bulkhead stability, interests in the accessibility and safety of docking for recreational, commercial, and emergency watercraft, interests in the viability of major character-defining special events, and interests in the preservation of critical elements of the maritime economy. All of these interests are at stake on City Dock.~~

~~Public/private partnerships can help promote market-supportable private redevelopment while achieving the aims of a Master Plan. Such agreements may deal with public sector assistance in the structuring of a sale, lease, or redevelopment agreement. They can also deal with zoning and land use standards and procedures, infrastructure improvements, open space dedications and easements, and land swaps and contributions to financing of redevelopment proposals. Public/private agreements place the public and private sectors on the same side with the goal of realizing the overall vision of the Master Plan.~~

## E. Capital Planning and Phasing

The Master Plan for City Dock could be implemented in 20 years. Implementation of a Master Plan is not linear; it is strategic and depends on funding and the ability to link short-term projects with the longer-term vision. Implementation is an ongoing process that must respond to opportunities. Here are the principles for phasing on the City Dock Master Plan:

- Prioritize mitigating the flooding problem. The first two phases of the work are generally understood already, now the City must move assertively to undertake the necessary engineering and construction.
- Leverage capital investments that have to be made anyway, including for example the repair of the bulkhead. This and related public works will be disruptive and when the spaces are rehabilitated, they should be rebuilt in accord with the Master Plan.
- Use capital funds to leverage grants. Granting seeking is especially relevant for City Dock given the variety of linked public interests at stake.
- Convert parking to public spaces as the parking strategies bear fruit. This requires that the change in use and demand of parking be monitored so that information is available to make informed decisions. The new smart meter technologies that the City will implement in 2013 will allow this.
- Upon initiation of any major work on City Dock, the City should underground the utility lines that run above Dock Street.

# F. IMPLEMENTATION

THE MASTER PLAN IS-AN OUTLINE PLAN FOR THE FUTURE DIRECTION OF THE CITY DOCK AREA. IT LEAVES MANY QUESTIONS UNANSWERED, MANY OF WHICH ARE ALREADY IDENTIFIED IN THE DOCUMENT WHICH WILL BE THE SUBJECT OF FUTURE STUDY. OTHER QUESTIONS, WHICH MUST BE ADDRESSED AND BROUGHT TO CITY COUNCIL FOR EVALUATION AS COMPONENTS OF THE PLAN PROCEED, INCLUDE:

COSTS – AS BEST POSSIBLE, DIVIDE UP THE PLAN INTO SEPARATE PARTS/OPTIONS AND ESTIMATE COSTS, TIMEFRAME AND MAJOR DEPENDENCIES FOR EACH. WHAT WILL BE THE MAJOR IMPACTS ON BUSINESSES AND RESIDENTS?

BENEFITS – WHAT FUTURE SAVINGS WILL THE CITY SEE IF IT IMPLEMENTS THIS PLAN? HOW MUCH MORE COULD THE CITY EXPECT IN PROPERTY TAXES/INCREASED TAX BASE IF THE PROJECT WERE WILDLY SUCCESSFUL? ONLY MILDLY SUCCESSFUL?

OVERALL IMPACT OF EACH SIGNIFICANT ELEMENT – USING THE COSTS AND BENEFITS GATHERED ABOVE, AND THE INTANGIBLE BENEFITS OUTLINED IN THIS PLAN, ASSESS THE OVERALL IMPACT OF EACH ELEMENT ON THE CITY, THE BUSINESSES, AND THE RESIDENTS. CONSIDER, AS WELL, THE IMPACT OF DOING NOTHING, OR MUCH LESS. IDENTIFY THE KEY RISKS WITH EACH APPROACH.

TIMELINE – THE CITY SHOULD DEVELOP TIMELINES BY WHICH THE IMPLEMENTATION COULD BE PHASED IN WITH CONTINGENCIES SO THAT THE PUBLIC IS ENCOURAGED TO HAVE REASONABLE EXPECTATIONS AND ALL CAN GAUGE PROGRESS. ACHIEVABLE AND RECOGNIZABLE MILESTONES WILL BE VERY IMPORTANT TO IMPLEMENTING A VISION THAT COULD TAKE 20 YEARS TO COMPLETE. THE TIMELINE SHOULD IDENTIFY WHICH COMPONENTS OF THE PLAN ARE CONTINGENT ON OTHER COMPONENTS OF THE PLAN. IT SHOULD INCLUDE DEPENDENCIES ON KEY EXTERNAL FACTORS AND EVENTS SUCH AS THE ANTICIPATED RECONSTRUCTION OF HILLMAN GARAGE

IMPLEMENTATION PLAN – A ROBUST IMPLEMENTATION PLAN WILL BE CRITICAL TO ACHIEVING THIS VISION. WITH THE LOSS OF PARKING IN THE IMMEDIATE DOCK AREAS AND THE PROSPECT OF THE AREA BEING DISRUPTED FOR A LENGTHY PERIOD OF TIME FOR NORMAL BUSINESS ACTIVITIES IT IS VITAL TO PROVIDE NEEDED INCENTIVES TO BUSINESS AND PROPERTY OWNERS AS STAKEHOLDERS.

# 4. Conclusion

The preparation of a Master Plan is at its heart an act of community good will. A good Master Plan aspires to be of service to the public, and in the case of the City Dock Master Plan, to thoughtfully reveal the potential that exists in one of the City's most prominent places. A 25-member citizen advisory committee, guided by community input, assembled this Plan and it now shares this Plan with the full community. The process followed in preparing this document has given voice to many concerns, arising from many perspectives, that City Dock can and should be improved while always preserving the essence of the Annapolis' beautiful historic seaport. This document does speak of change and that is undeniable. However, it speaks of gradual change and needed improvements that fit into a unique historic context.

Out of respect for the rich heritage, the merchants that make their living at City Dock, and the many Annapolitans that experience City Dock as a unique place of culture, this Plan should be used as a guide to improvements, not as a final or fixed design. Where possible, the ideas in this Plan should be flexibly ground-tested and evaluated on an ongoing basis. When changes are made, the results should be evaluated, and if and where adjustments to the Plan are called for, those changes should be made. This Plan is also an invitation to all members of the community who would like to see implementation happen sooner rather than later: begin now to shape and improve City Dock through your choices to walk to local businesses, to shop and dine downtown, to program events that speak to area's unique sense of place, and to gather in the very same places that in the future the City would improve as public spaces.  Do this and you will help realize the possibilities that this Plan speaks about.

# V. AppendiCES

APPENDIX A……ADOPTED PRINCIPLES OF THE CITY DOCK ADVISORY COMMITTEE
APPENDIX B……CITY DOCK ADVISORY COMMITTEE'S VISIONS AND GUIDING PRINCIPLES REPORT (2011)
APPENDIX C……BICYCLE, AUTOMOTIVE AND PEDESTRIAN SAFETY EVALUATION (2011)
APPENDIX D……CITY DOCK CONCEPT REFINEMENT & TRAFFIC ANALYSIS (2012)
APPENDIX E……FLOOD MITIGATION STRATEGIES FOR THE CITY OF ANNAPOLIS, MD: CITY DOCK AND EASTPORT AREA (2011)
APPENDIX F……ANNAPOLIS CITY DOCK DATA COLLECTION & ANALYSIS (2013)
APPENDIX G……ANNAPOLIS CITY DOCK PARKING STRATEGY TECHNICAL MEMORANDUM (2012)
APPENDIX H……CRITICAL PATH DIAGRAMS

# APPENDIX A

The adopted principles of the City Dock Advisory Committee:

**Number One:** Improvements should be made gradually and emphasize historic layout and scale, access to the waterfront, sight lines and views. A preservation ethic should be reflected in our treatment of City Dock—through interpretive opportunities, historic walks and markers, and the demarcation of the historic shoreline. Power lines should be buried underground to further enhance vistas. All improvements should reinforce the "Beautiful Historic Seaport" brand and maintain a strong, clear identity.

**Number Two:** The management of City Dock should be coordinated year-round. The purview of the management entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core.

**Number Three:** A central organizing feature of improvements should be high quality pedestrian-oriented and walkable public open space that is flexible enough to support a variety of uses in a variety of seasons and under a variety of conditions (such as accommodating sea level rise). This could include a continuous promenade along the water from the Marriott Hotel to the site of the future Sailing Hall of Fame, more seating and benches, and shelter from the elements. There should be many destinations to attract people to different parts of City Dock.

**Number Four:** Improvements should support a greater *mix* of transportation modes (bikes, shuttles, water taxis, and public transit) that complement and enhance one another. There should be an emphasis on expanding off-street capacity and maximizing the use of garages. Highly visible and adequate signage and "smart" technologies such as flexible price parking based on demand, should be utilized to "catch" vehicles with an effective progression of directions and signage. There should be an efficient and uniform pay system for on-street parking. There should be creative and experimental ways to accommodate both parking and people that can be also be reversible.

**Number Five:** City Dock improvements should contribute to the City's "greening" and the area should serve as a sustainable focus for an authentic residential life. There should be an intersection of resources such as farmers markets and other local vendors with opportunities to celebrate Chesapeake Bay heritage and have meaningful and organic interactions with the water and the environment. Improvements should contribute to the economic vitality of the area.

**Number Six:** Public art opportunities and installations can enhance City Dock and provide both thought-provoking and entertaining experiences. The art can be permanent or ephemeral, suited to the season or a particular event. Art can help strengthen the "Beautiful Historic Seaport" brand, move pedestrians through new public open space, and inspire creative exchanges with the water.

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 10/21/13

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

The Economic Matters Committee has reviewed R-49-12 and has taken the following action:

_____ Favorable

_____ Favorable with amendments

_____ Unfavorable

X No Action Defer to the full council

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Paone, Chair YES Ald. Finlayson YES Ald. Budge YES

Meeting Date 10/21/13 Signature of Chair Frederick M. Paone

Memo

To: City Council

From: Historic Preservation Commission Date: July 13, 2013

Re: Review of O-7-13

The Historic Preservation Commission (HPC) has reviewed O-7-13 as requested by the Council and received both public comment and expert advice on the ordinance. We offer these comments as recommendations and guidance to the Council in their deliberations regarding the adoption and/or amendment of O-7-13.

O-7-13 is a partial implementation of the City Dock Master Plan (CDMP). The CDMP was reviewed by the HPC earlier in the year and the comments submitted to the Planning Commission are an appendix to this memo. The two main areas of focus for the HPC related to O-7-13 are

1. Redefinition of measurement from "at grade" to "at flood protection elevation"
2. Revisions to the Height District Maps contained within the City Code.

A third major policy change implemented by O-7-13 is the revision to allowable uses for the properties affected by the ordinance. The HPC takes no position on the change in uses since that is not within the Commission's purview.

**Hearings:** The HPC took public input on the matter on June 11, 2013 at a regularly scheduled hearing, and allowed for written comment until June 28, 2013. At the meeting on June 11, 2013 Dr. Sally Nash provided technical and expert testimony from the planning department. At the meeting on June 28, 2013 Mr. Jon Arason provided technical and expert testimony from the planning department. The HPC discussed the ordinance at the June 28th Administrative Hearing, which was duly posted and attended by the public.

**Guidance and Recommendations:**

1. *Redefinition of measurement from "at grade" to "at flood protection elevation":* The HPC believes this redefinition is a requirement for rehabilitation within the affected areas. FEMA rules no longer allow for either major renovations or construction of new buildings within a floodplain. All the property affected by O-7-13 is located with the FEMA map floodplains. Therefore the HPC supports this portion of the ordinance if the following amendment is made: removal of the additional 2 feet of "freeboard" that the City adds on to the FEMA map requirements. The HPC believes that the minimum additional height needed to satisfy FEMA requirements (which allows owners access to insurance, lending etc) is sufficient. The areas affected by the change in measurement are extraordinarily sensitive locations and the difference of adding 2 additional feet to an individual building could have significant and detrimental design impacts. **Therefore the HPC recommends the ordinance reference FEMA base flood elevation as the new measurement standard as opposed to flood protection elevation.**

2. *Revisions to the Height District Maps contained within the City Code:* The HPC finds persuasive the testimony provided as to the benefits and protection that the current height and bulk districts have provided to the National Landmark District since their implementation decades ago. There was no factual or analytical testimony provided to form a basis for changing these limits. Additionally, the HPC

understands that the requested change is not spot zoning since it complies with the state planning process. However, the HPC does take note that the revised map creates a single property zoned for District 2 height, completely surrounded by properties zoned for District 1 heights.

The clear intent of the height and bulk regulations is to create a balance between private property rights and community interest in the protection of public waterfront assets/access and iconic viewsheds. Emerging environmental conditions and changing building code requirements demand a timely reassessment of that balance. **The HPC recommends that the Council not alter the zoning maps within the code as O-7-13 proposes, but rather allow for a variance from the map height requirements up to the amount that the FEMA base flood elevation demands to allow for rehabilitation or new construction.**

One hypothetical example to illustrate:

> Subject property is located in District 1 and therefore the height limit is 22 feet at the cornice and 32 feet at the ridgeline for a new building
>
> Subject property is at 5 feet above sea level when measured at grade; FEMA flood map shows minimum requirement of 8.5 feet above sea level. Therefore property needs to add 3.5 feet to meet minimum FEMA standards.
>
> Maximum cornice height is then calculated to be 25.5 feet (22 plus 3.5) and the maximum ridgeline height is 35.5 feet.

This proposal would allow for flexibility as needed on a case by case basis and would only be implemented when a specific property owner wished to rehabilitate or demolish and rebuild an existing structure. Non-conforming structures would not be allowed a variance. The HPC believes this recommendation strikes the appropriate balance between the private and public interests and would allow for design development that would be consistent with Secretary of Interiors Standards, Article 66B and the Design Guidelines for the City of Annapolis.

Respectfully Submitted,

Sharon A Kennedy, Chair
Timothy P Leahy Vice Chair
Kim Finch
Bronte Jones
Jay Kabriel
Rock Toews
Pat Zeno

**Appendix A**
Memo

To: Planning Commission

From: Historic Preservation Commission Date: March 12, 2013

Re: Review of City Dock Master Plan

**Executive Summary:**

The Historic Preservation Commission (HPC) has reviewed the City Dock Master Plan (CDMP) and received both public comment and expert advice on the plan. We offer these comments as guidance to the Planning Commission for their review of the CDMP and its' impact on potential infrastructure improvements and private redevelopment with in the study area.

There are many components of the CDMP that the HPC believes could be fully compliant with preservation standards and guidelines depending on site and design specifications. These include:

- Redefinition of measurement from "at grade" to at "flood protection elevation"
- Widening of some sidewalks and promenades to provide sufficient space for pedestrian usage
- Redesign of Hopkins Plaza to improve space utilization and flexible use of space
- Demolition of non-contributing buildings assuming appropriate designs are submitted for replacement structures
- Installation of a seawall

There are some components of the CDMP that the HPC believes illustrate conflict with and non-compliance to preservation standards and guidelines. These include:

- Revisions to height districts with the possible exception of the above mentioned technical redefinition depending on the specifically affected site
- Relocation of Dock Street towards Market Slip
- Realignment of sidewalks to parallel Market Slip as opposed to parallel to the building line
- Demolition of Memorial Circle

The HPC concurs with the CDMP that a viewshed analysis must be undertaken prior to any submission of plans to the HPC. The HPC however cannot restrict its viewshed analysis to the view down Main Street to City Dock as inferred by the CDMP. The HPC must consider all viewsheds: from land to water, from water to land and of significant historic resources (St. Annes, St. Marys, USNA Chapel Dome, Ridout House etc).

As with any other pre-application review, these are comments to ensure that applicants have an understanding of the areas of consensus and contention that should guide a property owner in developing an application that can be approved by the HPC.

Following this executive summary is a detailed analysis of the standards and guidelines the HPC used in developing these responses.

**Background:** The City Dock Master Plan (CDMP) was submitted to the City Council on December 10, 2012. It was referred to the Historic Preservation Commission (HPC) for review and comment.

**1. ANNAPOLIS HISTORIC DISTRICT ZONING ORDINANCE (excerpted)**

**21.56.010 – Authority and Purpose**

**B.** The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.

**C**. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the City.

**2.** The HPC took public input on the matter on February 12, 2013 at a regularly scheduled hearing, and allowed for written comment until February 28, 2013. The HPC discussed the document at the February 28th Administrative Hearing, which was duly posted and attended by the public. At the meeting on February 28, 2013 Dr. Sally Nash provided technical and expert testimony from the planning department. Under HPC Rules of Procedure (ROP) the report was treated as a pre-application conference under the following (excerpted) guidelines:

> ROP 3.10 A pre-application conference may be scheduled to provide an applicant with the opportunity for preliminary review of a project by the Commission prior to submitting a complete application for a certificate of approval….materials shall assist the commissioners in comprehending the issues related to the feasibility of the project and such broader issues as the scale and mass of the proposal, its impact on the streetscape, and the effect on the historic fabric and form of the resource…the comments made by the HPC members at a pre-application are in no way to be interpreted as an approval of the projects before them. Absence of comment on any aspect of the presentations does not indicate acceptance. The pre-application meeting is solely an accommodation for the applicant.

During a pre-application conference the HPC posits a series of questions related to how the proposed project would comply with various standards and guidelines.

**Materials Submitted for Review:** City Dock Master Plan, Public Testimony, Staff Report

In addition to the CDMP the following facts were introduced into the record:

1. The CDMP covers an area that contains currently three separate height restrictions. All heights are currently measured from the existing grade. Legislation that adoption of the CDMP would trigger would revise heights districts on Dock Street and Compromise Street. Additionally, the HPC was advised that Planning & Zoning intends to include in the legislation an amendment that would redefine the measurement from at grade (current code) to at flood protection elevation (proposed code). If these changes are enacted into code the height limits would change as follows:

| District | Current Cornice/Roof | Proposed Cornice/Roof* | Change |
|---|---|---|---|
| Fawcetts/ Compromise St | 22'/32' | 34'/44' | + 12 feet |
| Dock St (inner) Guzzi property | 28'/38' | 41'/51' | + 13 feet |
| Dock St (outer) | 28'/38' | 61'/71 | + 33 feet |

*Includes the measurement change from grade to flood protection elevation at 6 additional feet which is the maximum; depending on site the floodplain increment could be as low as 2 additional feet.

The legislation that adoption of the CDMP would trigger also proposes changes in zoning and creation of a Waterfront City Dock zone that would expand uses subject to standards. Some of the new uses would be hotels, restaurants and Planned Units Development (PUDs).

In addition to the above items, elements in the CDMP that commissioners focused on in their discussions and have significant impact from the HPC perspective include but are not limited to:

a. Relocation of outer Dock Street forward towards Market Slip (see comment 1)
b. Redefinition of the setbacks relative to sidewalk widths and building heights (see comment 2)
c. Redefinition of inner Dock Street sidewalks to parallel promenade as opposed to buildings (see comment 2)
d. Demolition of Fawcetts, 1 Craig Street and the Harbormaster Building (see comment 3)
e. Demolition of Memorial Circle and redesign of traffic flow at the foot of Main Street (see comment 4)
f. Installation of a seawall (see comment 5)

***Overall Comments:***

- As of this date, the testimony available to guide the HPC in evaluating the compliance of projects envisioned within CDMP is lacking one absolutely critical element: professional assessment of the impact of CDMP projects on viewsheds. The CDMP states "it will be imperative that viewshed analyses be undertaken during the plan review process for any new development or major redevelopment projects on City Dock." The HPC is charged with protection of all viewsheds, not simply the one referenced in the CDMP (ie down Main Street to the City Dock). The HPC must also evaluate impacts on views from the water, and from and of significant historic resources (such as the Naval Academy Chapel dome, the State House dome, Ridout House etc). A study to evaluate this issue must be undertaken prior to any formal application to the HPC for approval on a specific project which would impact the various viewsheds. The study must be done under the direction of City Staff and specifically the Chief of Historic Preservation to ensure its relevance to preservation requirements.

- Without the resources necessary to complete a professional assessment of the CDMP regarding preservation issues, the HPC members can only be guided by the Secretary of Interior Standards for Rehabilitation, Article 66B of the State of Maryland which provides enabling authority for the HPC and the adopted Design Guidelines for the City of Annapolis. These documents are the basis on which the component specific comments are based.

- The HPC believes that given the location of the plan area, all components are subject to a standard of strict scrutiny for review as opposed to a lenient standard.

***Component Comments:***

1. **Building Height and Bulk Changes/Setback Alterations:** Without the above referenced analysis the HPC cannot accurately assess the impact of the proposed changes on the numerous affected viewsheds. Looking to other impacts such as urban form, streetscapes and building design we refer to the following items (excerpted) in the Secretary of Interior Standards and the Annapolis Design Manual for assessment as to compliance and feasibility. In assessing City Dock as a single resource (as opposed to each individual structure and open space) the importance of preservation of the spatial relationships becomes critical.

**Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?**

I. Standards for Rehabilitation from the Secretary of the Interior **:** ***(emphasis added)***

*Standard 1*. A property will be used as it was historically or be given a new use that ***requires minimal change*** to its distinctive materials, features***, spaces, and spatial relationships.***

*Standard 2.* The historic character of a property will be retained and preserved. ***The removal of distinctive*** materials or alteration of features, ***spaces, and spatial relationships that characterize a property will be avoided.***

*Standard 4.* Changes to a property that have acquired historic significance in their own right will be retained and preserved.

*Standard 9.* New additions, exterior alterations, or ***related new construction will not destroy*** historic materials, features, and ***spatial relationships that characterize the property.*** The new work shall be differentiated from the old and ***will be compatible with*** the historic materials, features, size, ***scale*** and proportion, ***and massing to protect the integrity of the property and its environment.***

II. Annapolis Design Guidelines

*P 16:* "The historic district possesses a strong urban character formed by the radial city plan, sloping terrain, and numerous water views. For all its' diversity, there is a visual unity within the historic district, which results from the human scale of the buildings and streetscapes. It is this unity which the HPC seeks to preserve."

*P 25-32*: "Design principles provide a vocabulary for evaluating new buildings within an existing historic context. The ordinance encourages good contemporary design which follows the design principles of existing neighboring buildings, and respects the scale, proportions, order, rhythms, and materials of the prevailing historic context. Scale is perhaps the most important design principle to be considered in evaluating proposed new construction in historic neighborhoods. The principle of scale applies to both individual buildings and to streetscapes. Conversely, in the commercial, governmental, and institutional areas of the district, new large buildings of modern day function intrude upon a historic setting. Building size and age correlate closely in these areas; newer buildings tend to be larger. The significance of the size of the Capitol and the churches is diminished as more and more large buildings are constructed, because the diversity in scale these historic public buildings once provided has been diluted. Rhythm in architecture refers to the spacing and repetition of building elements. A lack of historic rhythms, is one of the most frequently repeated criticisms of modern architecture. It is particularly destructive to the character of a historic district.

A. GUIDELINES TO PRESERVE AND ENHANCE THE CITY'S HISTORIC URBAN FORM.

*A.1 The Town Plan and Focal Points:* New buildings should reinforce the historic town plan of Annapolis and should respect traditional views and visual focal points including the State House, St. Anne's Church, and the water. The dramatic pattern of streets converging on major spaces and radiating outward to views of the water (or other streets leading to the water) can be adversely affected by site planning and building design which does not reinforce the pattern. For example, large buildings at the visual terminus of a street may alter the human scale of the street and block historic views beyond.

*A.3 Views from the Water* All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.

B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

The residential street scape is an ensemble of street, sidewalks, fences, vegetation, and buildings. Each part is a layer in the transition from public to private and each is subject to the review of the Historic District Commission. Public space includes the street paving for vehicles and sidewalks for pedestrians. Buildings and landscape elements form walls of outdoor spaces which become the public halls and reception rooms of the city. Street and sidewalk paving is the flooring of these rooms, and the vegetation and street furniture the furnishings. The historic district ordinance is in place to protect the street scape from insensitive change. ***The ordinance discourages the removal of landscape elements and obliteration of the street scape "walls" by a change in setback, any increase in the height and width of the "walls," removal of the historic human scale, or disruption of the existing order and pattern of rhythm along the street. (emphasis added)***

*B.1 Visual Relationships Between the Old and New:* A new building or addition should visually relate to contributing historic buildings in its immediate neighbor- hood rather than to buildings in the historic district in general. The "immediate neighborhood" is defined as 1/2 block in both directions.

*B.2 New Building Design* : New buildings should be designed to strengthen the unity of the existing street scape, and should follow the design principles of historic architecture described in Chapter IV.

*B.3 Building Height and Bulk:* New buildings should respect the bulk and height of neighboring buildings. The facade height and proportions of new buildings should be compatible with the predominant character of other buildings in the street scape. ***Limiting the bulk and height of new construction is essential to protect the human scale of Annapolis streetscapes. (emphasis added)***

*B.10 Prevailing Setbacks* The prevailing setback line at the street should be preserved. Any new construction should address the street in a manner consistent with neighboring structures and the overall street form and character. The facade of a planned new building should respect the alignment of existing building facades relative to the sidewalk edge. On blocks where buildings are set back, a new building should be set back to the prevailing setback line.

*B. 11 Building Widths and Spacing* The prevailing relationships of building widths and the spaces between buildings should be respected and preserved. Where buildings are built out to the side lot lines, new buildings should be built out to side lot lines to maintain the sense of a "wall" along the street. Where buildings are clearly separated from one another by side yards, new buildings and additions to existing buildings should not encroach into the side yard spaces. Where the spacing of buildings and side yards creates a rhythm, new buildings and additions to existing buildings should not alter that rhythm.

*D.3 Preservation of Building Changes* Significant changes to historic buildings and sites which have taken place over time are evidence of the history of the building and shall be preserved.

**Assessment:**

- The HPC found particularly persuasive the document submitted entitled “Shorelines of Annapolis Market Slip” providing historical documentation that the setbacks along Dock Street have been in existence in their current form since approximately 1878 (Hopkins).

- The HPC can support the concept of a change in measurement definition as it relates to cornice and roof lines as a reasonable and necessary adaptation to a changing environment (in essence similar to

a field change when construction occurs). However, the HPC would require additional data on the impact of such a change based on specific sites , buildings and viewsheds. The HPC does not believe the concept of substantially altering the height district on Dock Street or Compromise Street would be compliant and feasible given the testimony in the record. The HPC does not believe the concept of altering the location of outer Dock Street would be compliant or feasible given the testimony in the record.

- The HPC takes note however of the following language in Title 21.56.060: "Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City" The HPC points out that the City and a property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.

**2. Redefinition of inner Dock Street sidewalks to parallel promenade as opposed to buildings and overall expansion of the ratio between sidewalks and buildings:**

**Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?**

I. Standards for Rehabilitation from the Secretary of the Interior : ***(emphasis added)***

*Standard 1*. A property will be used as it was historically or be given a new use that ***requires minimal change*** to its distinctive materials, features***, spaces, and spatial relationships.***

*Standard 2*. The historic character of a property will be retained and preserved. ***The removal of distinctive*** materials or alteration of features, ***spaces, and spatial relationships that characterize a property will be avoided.***

*Standard 9*. New additions, exterior alterations, or ***related new construction will not destroy*** historic materials, features, and ***spatial relationships that characterize the property.*** The new work shall be differentiated from the old and ***will be compatible with*** the historic materials, features, size, ***scale*** and proportion, ***and massing to protect the integrity of the property and its environment.***

II. **Annapolis Design Guidelines**.

*P 26.* The principle of scale applies to both individual buildings and to streetscapes. In an urban setting, where each building functions as a part of the larger streetscape, building scale is of paramount importance. Outdoor spaces, including streetscapes, have scale as well. The walls of buildings, hedges, fences, and outbuildings create outdoor spaces which have a scale created by the height and spacing of buildings, the width of the street, and landscape elements. The intimate scale of Annapolis streetscapes is formed by the residential scale of buildings,

the width of the street, the placement of buildings on their lots, the human scale of building features such as railings, porches, windows, shutters, doors, and the presence of trees and shrubs. The architectural diversity of Annapolis streets is visually pleasing because within the differences in styles there remains a harmony of scale.

B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

The residential street scape is an ensemble of street, sidewalks, fences, vegetation, and buildings. Each part is a layer in the transition from public to private and each is subject to the review of the Historic District Commission. Public space includes the street paving for vehicles and sidewalks for pedestrians. Buildings and landscape elements form walls of outdoor spaces which become the public halls and reception rooms of the city. Street and sidewalk paving is the flooring of these rooms, and the vegetation and street furniture the furnishings. The historic district ordinance is in place to protect the street scape from insensitive change. ***The ordinance discourages the removal of landscape elements and obliteration of the street scape "walls" by a change in setback, any increase in the height and width of the "walls," removal of the historic human scale, or disruption of the existing order and pattern of rhythm along the street. (emphasis added).***

**Assessment:**

- The HPC does believe that widening certain sections of sidewalk along Dock Street to more closely conform with dimensions present throughout Main Street and Market Space would be compliant and feasible based on the testimony in the record and within certain limits and would welcome an application from the City on this project. The HPC does not believe the concept of realigning sidewalks on Dock Street to parallel the promenade as opposed to the buildings would be compliant and feasible given the testimony in the record.

**3. Demolition of Fawcetts, 1 Craig Street and the Harbormaster Building:**

**Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?**

I. **Annapolis Design Guidelines**

*D2: Demolition:* Demolition potentially alters the essential character and integrity of the historic district and shall be reviewed strictly. The demolition of contributing structures does not met the Secretary of Interior Standards and should not be approved. In accordance with City Code Section 21.56.090 no demolitions except those undertaken for public safety shall be approved until plans for a replacement structure have been submitted and approved by the HPC. Archaeological research shall be conducted prior to demolition.

**Assessment:**

- The HPC does believe that demolition of non-contributing structures within the Historic District can be compliant and feasible based on the testimony in the record depending on the specific replacement design that is proposed. This analysis would extend to the Fawcetts building and the Harbormasters building but not 1 Craig Street (a contributing resource to the District).

**4. Demolition of Memorial Circle and redesign of traffic flow at the foot of Main Street, redesign of Hopkins Plaza:**

**Question: How would the proposed redevelopment projects/areas address the following standards and guidelines?**

**I.** Standards for Rehabilitation from the Secretary of the Interior :

*Standard 4.* Changes to a property that have acquired historic significance in their own right will be retained and preserved.

II. **Annapolis Design Guidelines**

*A.3 Views from the Water* All projects which are visible from the water shall respect and reinforce the historic character of the district and shall respect traditional views and visual focal points.

*D.3 Preservation of Building Changes* Significant changes to historic buildings and sites which have taken place over time are evidence of the history of the building and shall be preserved.

**Assessment:**

- The HPC believes a redesign of Hopkins Plaza prior to any decision on Memorial Circle would be compliant and feasible depending on the design specifications submitted. A majority of the Commissioners present at deliberations believe that the demolition of Memorial Circle would not be compliant and feasible based on the testimony in the record. These commissioners found the testimony from Ms McWilliams and Russo most persuasive. However unlike all other items discussed, this was not a unanimous opinion and some commissioners (2) remain undecided based on the record.

- The HPC takes note however of the following language in Title 21.56.060: "Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;" The HPC points out that the City as the property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.

**5. Installation of a Seawall:** The HPC does believe that the construction of a seawall could be compliant and feasible given the testimony in the record and depending on design specifications and welcomes an application from the City on that project.

***Comments from 2011 that the HPC continues to endorse are as follows:***

- The HPC would encourage the development, even at the conceptual level, of a streetscape materials guidance document. Recommendations for the standardized use of paving, curb, and sidewalk materials for specific areas/uses would provide cohesion to the development since the build out time is a lengthy one. Materials that are both sustainable and appropriate for use in the historic environment should be the focus of this effort. This project could be accomplished efficiently and would result in significant improvement in the streetscape design.

- The HPC heartily endorses the statement to coordinate and prioritize efforts with a review of the Capital Improvements Plan (CIP).

- The HPC has no opinion on the discussion relating to the management entity proposed by CDMP per se but is mindful that regardless of management type, the historic district ordinance vests authority for approval of infrastructure changes with the HPC.

***Other Items:***

- The HPC has requested additional review of CDMP from Maryland Historical Trust. Their letter is attached and made a part of this response.

- The HPC is forwarding and making part of the record all public written testimony as well as minutes (when complete and adopted) from the hearing on February 12, 2013.

- The HPC wishes to remind all parties that in addition to all other requirements as the CDMP moves into actionable projects that archaeological oversight will be a necessary component of the process.

The HPC wishes to express our appreciation for the on-going collaboration of the various groups on this important project and we look forward to reviewing complete applications as the projects develop.

Respectfully Submitted by:

Sharon A Kennedy (Chair)
Tim Leahy (Vice Chair)
Kim Finch
Bronte Jones
Jay Kabriel
Rock Toews
Pat Zeno

March 11, 2013

Sharon A. Kennedy, Chair
Annapolis Historic Preservation Commission
Department of Planning & Zoning
145 Gorman Street, Third Floor
Annapolis, MD 21401

Re: City of Annapolis
*City Dock Master Plan*

Dear Chairman Kennedy:

I have received your letter of March 4, 2013, requesting that the Maryland Historical Trust (MHT) provide technical assistance in the review of the City Dock Master Plan (CDMP) and its effects on the Colonial Annapolis Historic Landmark District. We have reviewed the CDMP and, in accordance with the provisions of Article 66B, §8.03 (b) (1) of the Annotated Code of Maryland, we offer the following comments for your consideration.

The CDMP describes five guiding principles for development and improvement around the City Dock area and discusses specific ways that the principles should be applied to preserve the historic layout and scale of the neighborhood, develop walkable public spaces, decrease the dominance of cars on the landscape, promote environmental sustainability, and foster public art. As you are well aware, the area addressed by the CDMP is in the core of a unique and nationally-important historic district. Historic Annapolis, Maryland Inventory of Historic Properties AA-137, has tremendous significance for its role in political, economic, and cultural history; as one of the first planned cities in Colonial America; and for its extraordinary collection of eighteenth and nineteenth-century architecture. The district has been listed in the National Register of Historic Places since 1965 and is one of the few large urban districts in the United States to be designated a National Historic Landmark, our nation's highest recognition of historic importance. The waterfront, and the connection of the surrounding district to the waterfront, is central to the character of the district and to telling the story of its history.

After careful review and consideration, MHT is pleased to endorse most aspects of the CDMP. The gradual transition to a more walkable neighborhood described in the plan capitalizes on and accentuates the unique and waterfront atmosphere of neighborhood. Many of the proposed changes will be beneficial to the preservation of the historic character of the area. Suggestions in the plan, such as improved sidewalks, a waterfront promenade, and additional park space will not only improve the experience of residents and visitors, but also make the surrounding historic buildings more economically viable while at the same time maintaining their context and historic integrity.

Central to the CDMP is reducing the physical impact of the automobile through better managed parking. A large amount of surface parking detracts from the historic character of the area and seems a poor use for waterfront land. Decreasing surface parking at Market Space and along Dock Street will decrease the separation of people and the historic waterfront that has been caused by parked cars and paving. Rather than meet parking needs by increasing volume or allowing other construction that might impose on the historic character of the neighborhood, the CDMP proposes to accommodate contemporary parking needs through increased use of technology and intelligent management. Strategic pricing, improved wayfinding, employee parking programs, encouraging the use of existing garages, maximizing the utility of existing spaces through valet parking, and free Circulator bus-type transit are all promising strategies that have been successful in other dense historic areas.

Members of the City Dock Advisory Committee were unable to reach consensus about the proposed removal of the traffic circle at the intersection of Main, Randall, and Compromise Streets and its replacement with a more conventional intersection. Historically there was a circular feature at this intersection; however, that feature has

been modified and moved over time, and it was not part of the original formal plan for the city. On the other hand, replacement with a more conventional intersection probably would necessitate introduction of traffic signals that would create visual clutter and adverse effects on the historic character of the district and, perhaps, its own unintended traffic congestion.

MHT is concerned with the CDMP's proposal to increase the long-standing historic district height and bulk limitations for new construction in the redevelopment areas. The CDMP proposes to permit new buildings of up to five stories. Redevelopment of the non-historic buildings in these areas is a great opportunity, but new construction should not exceed the existing scale of the historic buildings on Dock and Prince George Streets, and generally throughout the entire historic district of three stories and lower. A mass of taller buildings concentrated near the waterfront would create a psychological and visual separation between the dock area and the rest of the historic district. This would diminish the integrity of the district as a whole, especially given the importance of the connection between the waterfront and the historic city.

We agree with the several parties that already have commented on the somewhat limited focus the CDMP places on historic vistas and viewsheds. As Donna Ware of Historic Annapolis, Inc., wrote:

> While the view along Main Street to the Chesapeake Bay and the view from the foot of Main Street to the water are significant, there are many vistas that are equally important. The natural topography, prominent historic buildings and historic streetscapes, which are viewable from a number of vantage points, require protection and preservation in any plan for the city dock.

In this regard, the view of the historic district *from* the water also is worthy of preservation. A "wall" of even slightly taller new buildings near the edge of the waterfront would significantly alter the perception of the historic district from this important vantage point.

Finally, our comments should not be construed to constitute any pre-approval or position that MHT may subsequently determine in an undertaking subject to our legal jurisdiction. Such undertakings would include 1) any project sponsored, financially assisted, permitted or licensed by a state or federal agency; 2) projects proposed on state-owned property; and 3) projects involving property that is subject to a historic preservation easement held by MHT. Future projects subject to MHT jurisdiction will be treated *de novo* according to the circumstances and merits of the specific undertaking. With regard to the height for new construction, however, in the absence of extenuating or mitigating factors, any proposed construction over 3 stories will likely be determined to constitute an "adverse effect" on the character of the district.

We commend the City and the members of the City Dock Advisory Committee for their hard work to preserve the historic district and ensure that it remains an economically and culturally lively place for residents and visitors. If you have any questions about our review and comments, please do not hesitate to call.

Sincerely,

J. Rodney Little
Director \ State Historic Preservation Officer
Maryland Historical Trust

JRL \ JES
201300911
CC: Lisa Craig (City of Annapolis)

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

May 16, 2013

**To:** **Annapolis City Council**
**From:** **Planning Commission**
**Re:** **Annapolis City Dock Master Plan, Resolution No. R-49-12**

## CITY DOCK MASTER PLAN RECOMMENDATION

### Summary

The City of Annapolis Comprehensive Plan of 2009, endorsed by the Planning Commission and adopted by the City Council, in accordance with the laws of the State of Maryland, provides the officially designated Comprehensive Plan currently guiding development and land uses within our City.

An important focus in the Comprehensive Plan is on the City's downtown waterfront area known as City Dock. Because the Comprehensive Plan recognized the special importance and challenges of this area, a major recommendation of the Plan was to have this key area become the focus of a detailed sector study that would make planning recommendations. That sector study, which began in 2010, is known as the City Dock Master Plan (CDMP) of 2013. This Plan was prepared over a period of three years and incorporated a high level of public participation, as well as professional input from City staff and well-qualified specialist consultants.

The CDMP was presented to the Planning Commission in February 2013 and was the subject of a public hearing on March 21, 2013. Numerous members of the public attended and spoke at the hearing. Others contributed written opinions, issues, and observations that were admitted into testimony. The Planning Commission considered all of these community inputs and conferred in open session, among themselves, and with City staff to reach its findings as set forth in this recommendation.

The Planning Commission recommends to the City Council **APPROVAL** of the City Dock Master Plan (CDMP) with the following specific amendment:

*The proposed building height restrictions contained within the CDMP should be considered individually by development site. The following should apply:*
*Compromise Street: 2-3 stories*
*Upper Dock Street: 3-4 stories*
*Lower Dock Street (closest to Susan Campbell Park): 3-4.5 stories.*
*Heights should be consistent with existing building heights of approximately 3 to 4 floors and reflect patterns of existing development within the Historic District and within the City Dock study area. Additionally, revised zoning regulations are needed to change how height is measured. It should be changed to measure from grade or flood protection elevation, whichever is greater to ensure the number of allowed stories is achievable given existing federal and local floodplain regulations.*

## Process

The Planning Commission participated in a rigorous public process for review and consideration of the proposed CDMP. On February 7, 2013, consultants presented their current and final conclusions and recommendations and the public was accorded a lengthy question and answer session. The process continued with the public hearing before the Historic Preservation Commission. The comments received by the Historic Preservation Commission were forwarded to the Planning Commission for review. As noted above, the Planning Commission conducted a public hearing on March 21, 2013. Significant written comments were received in advance of the hearing.

The Department of Planning and Zoning, doing its own analysis, reported that the CDMP meets all standards and recommended approval of the CDMP. The Planning Commission admitted the staff report of the Department of Planning and Zoning into evidence as well as all other exhibits presented. Mr. Jon Arason, Director of the Department of Planning and Zoning and Dr. Sally Nash, Chief of Comprehensive Planning, presented on behalf of the Department of Planning and Zoning. At the hearing, everyone present who wished to speak was accorded the opportunity. Deliberations occurred in public sessions on March 21, May 2, and May 16, 2013.

## Findings

The Planning Commission reviewed the Master Plan according to the analyses required by the Land Use Article of the Maryland Annotated Code relevant to a special exception application. This analysis focuses on the consistency of the

proposed sector plan with the Comprehensive Plan, specifically:

1. Policies
2. Timing of the implementation of the Plan
3. Timing of any private development and construction
4. Timing of any rezoning required
5. Effect on patterns of development
6. Consistency with existing and surrounding land uses
7. Densities or intensities of resulting land uses

In reviewing the City Dock Master Plan, the Planning Commission focused particularly on its consistency with the Comprehensive Plan and with the general completeness, safety and quality of the plan design. The Commission is concerned that the neighborhood character, which comprises the fundamental approach of the Comprehensive Plan, is preserved and enhanced while avoiding undue adverse impacts to the community.

## I. Consistency with the Comprehensive Plan

The desire to substantially improve the attractiveness and efficiency of City Dock, and thereby to improve its economic strength, has been notably present for decades. The current Comprehensive Plan of 2009 called for the current City Dock sector plan to be developed. Thus, the preparation and submission of the City Dock Master Plan (CDMP) explicitly complies with the Comprehensive Plan. We find that the consistency between the two goes further.

The Comprehensive Plan contains a policy specifically directed toward changes and improvements at City Dock. In the Plan, Policy 6 in the *Land Use and Economic Development* chapter, "Enhance the Public Realm of City Dock and its Environs," calls for a downtown that maximizes public access and especially pedestrian access to the waterfront, that incorporates a variety of large and small open spaces, accommodates boats, clears some civic spaces of parking places, and provides parking and transportation measures designed to integrate these goals as well as the economic viability of City Dock merchants.

A further policy of the Comprehensive Plan, embodied in Policy 7 and Policy 10 from the *Transportation* chapter, is to shift the City's transportation priorities away from a sole reliance on single occupant automobiles to a more balanced mix of options that also include public transit, bicycle, and pedestrian circulation. It calls for transportation solutions that remove pedestrian-auto and auto-bicycle conflicts while maintaining the existing flows of daily traffic.

We find that the City Dock Master Plan is consistent with these explicit policies of the Comprehensive Plan. The CDMP provides for enhancing the public realm of City Dock through improved pedestrian circulation by replacing Memorial Circle with a simple and safe T intersection that improves traffic flows and returns enormous public space to pedestrian use and enjoyment. Moreover, the CDMP provides for better public access to the water, improved use of public space and also appropriately adjusts the transportation balance by decreasing some automobile parking from an area of the most scenic and valuable public space on the Chesapeake Bay. The CDMP recommends specific parking management and control strategies designed to create an enjoyable public destination and increased economic activity. The CDMP is consistently designed to reach the two goals of an enjoyable public destination and a stronger business district.

The CDMP complies with other policies articulated in the Comprehensive Plan. Policy 10 in the *Land Use and Economic Development* chapter provides for the City to consider, study, and act upon the "risks from sea level rise in decisions involving land use along the waterfront." This policy is explicitly addressed in the CDMP's careful consideration of and plans for stormwater mitigation and floodwall development.

## II. Timing of the Plan, Development and Rezoning

We find that the City Dock Master Plan is consistent with the timing envisioned by the Comprehensive Plan. There is little within the CDMP that is specifically timed. Key recommendations are for measures to be considered as part of a system of larger improvement programs and that they therefore are sequenced in a way that is efficient and appropriate in improving public welfare. Examples where timing may be significant include the stormwater and flood recommendations of the CDMP. Because flooding impacts have increased notably, even since the Comprehensive Plan was adopted in 2009, the City has moved quickly to incorporate some CDMP flooding and floodwall recommendations into the upcoming Capital Improvement Program.

In addition, City staff proposes to phase in circulation and parking recommendations with an awareness of the initiative to replace/rebuild the current Hillman downtown parking garage that is also included in the upcoming Capital Improvement Program.

Finally, the CDMP not only seeks to enhance the public's casual use and enjoyment of the waterfront but also recognizes the diverse and near-constant

use of City Dock for public and private events. The number, scheduling, and size of these events are the subject of current debate and legislative initiatives in City Council; but, in general, are an important part of life in the community. We find that the CDMP is flexible and therefore consistent with the timing of these events.

## III. Effect on Patterns of Development and Surrounding Land Uses

The Commission finds that the City Dock Master Plan is consistent with the surrounding areas and land uses. The CDMP calls for a mix of residential, commercial, and public uses within the study area that is very similar to the pattern of those uses that exists today. Indeed, only an accentuation of pedestrian-usability and adjustment to transportation and circulation patterns are envisioned. The intent of the recommendations is to make incremental changes that embody the policies adopted in the Comprehensive Plan.

The Commission finds that there are no additional pressures introduced by the CDMP that will affect the surrounding land uses within this downtown area. The surrounding areas are already an intensely developed area of our City. These existing buildings are tightly controlled by City law and are also highly regulated by the additional requirements of the Historic Preservation Commission. Thus, we find that the CDMP is consistent with the current land use regulation and patterns of development of the City Dock study area.

## IV. Densities or Intensities of Resulting Land Uses

The Commission finds that the CDMP, as amended in this recommendation, is consistent with the Comprehensive Plan in its recommendations for density and intensity of resulting land uses.

The Commission supports the recommendation of the CDMP for limited redevelopment of some vacant and underused parcels within the City Dock study area. The Commission understands the importance of these CDMP elements and supports these recommendations as a way of enhancing the area for the aesthetic and economic benefit of citizens and visitors to our City. These recommendations will serve to enhance the visual appeal of this "jewel" by framing it within a context of appropriate background structures. These new "framing developments" will serve to complete the overall picture, directing the focus to the main attractions and away from background distractions. These new structures, when developed, will provide additional activity, residents, and offices to the City Dock area—further improving its vitality and

economic base.

For example, one of the most appealing views and spaces within the City Dock area is of the Market House, as framed by the surrounding buildings of Factors Row behind it. These three- and four-story historic buildings provide a beautiful backdrop for views of the dock and the market. Moreover, the pedestrian space created between these buildings and the Market House conveys a sense of intimacy and excitement characteristic of the most successful pedestrian spaces anywhere. This is the building scale and positive environmental impact that the CDMP seeks to extend to other areas within the City Dock area.

Specifically, the Commission recommends amendments to the general language in the plan that make it more specific for each development parcel. The Compromise Street development site should be allowed 2-3 stories, the Upper Dock Street development site should be allowed 3-4 stories, and the Lower Dock Street (closest to Susan Campbell Park) development site should 3-4.5 stories. The Commission finds that the existing level of building density within the Historic District is controlled today by a set of three height districts. We recommend that the existing height district controls are adapted to account for flood protection elevation and that height be measured from either grade or flood protection elevation, whichever is greater. The only additional changes will be to shift specific parcels between height districts.

These small adjustments will allow for appropriate and desirable new development within the same height control approach that exists today. We understand that these current districts provide for a maximum height at the ridgeline of a building to be at least 3 to 4.5 floors above grade. The Commission recommends that this same approach be updated to reflect current regulations for ground floors and applied to the new buildings proposed in the CDMP.

## Recommendation

In summary, the goal of many Annapolitans has been for many years to return our front yard to uses that we can enjoy and that will attract visitors to a genuinely pleasant and beautiful waterfront. The Comprehensive Plan called for this goal. The City Dock Master Plan achieves this goal. The Planning Commission finds that the Master Plan is in compliance with the Comprehensive Plan and serves the public interest through enhancing the environment and stimulating the economy. The Commission recommends City Council approval of the City Dock Master Plan, as amended.

At a meeting on May 16, 2013, the Planning Commission voted ~~0~~ 5-0 to recommend to the City Council that it approve the City Dock Master Plan as amended by the above specific conditions.

Adopted May 16, 2013:

Eleanor M. Harris

Dr. Eleanor Harris, Chair

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
*Chartered 1708* Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP
DIRECTOR

March 11, 2013

**MEMORANDUM**

**To:** **Planning Commission**
**From:** **Sally Nash, Chief of Comprehensive Planning, Department of Planning and Zoning**
**Via:** **Jon Arason, Director of Planning and Zoning**
**Re:** **Annapolis City Dock Master Plan**
**Attachments:** **Resolution No. R-49-12, Nelson\Nygaard Technical Memorandum, Urban Land Institute Technical Assistance Report**

SUMMARY
For over 300 years, the City of Annapolis has been a waterfront destination. In 1965, the downtown district was named a National Historic Landmark. The importance of both water and history to the spirit of Annapolis is paramount. Both influences have long shaped the City Dock. However, while many of character-defining features remain, there are several factors that detract from City Dock's historic character, especially the quantity and quality of pedestrian space and public access to the waterfront. The 2009 Comprehensive Plan for the City of Annapolis called for a plan that would enhance City Dock and its environs. The City Dock Master Plan was developed as a means to accomplish that task, and it proposes a conceptual blueprint for the rejuvenation of City Dock. It also proposed concrete design solutions—some of which can be implemented in the short-term, while some will require more analysis and more design before implementation.

The Resolution (R-49-12) that supports this plan was introduced to City Council on December 10, 2012 and is attached.

BACKGROUND AND ANALYSIS
Policy 6 in the Land Use and Economic Development Chapter of the Comprehensive Plan calls for the enhancement of City Dock and its environs. It envisions a plan that is developed by the community, for the community, with an overall vision that improves public space and access to the water.

The policy in its entirety reads:
***Policy 6. Enhance the Public Realm of City Dock and its Environs.***
*City Dock and its environs are fundamental to the city's character and identity as a small seaport town with a rich history. Main Street has been designated one of Ten Great Streets in America by the American Planning Association for its role as a living museum, a place that makes significant contributions to Annapolis' downtown economy at the same time that the entire downtown remains physically and visually connected to its history, maritime culture, and architectural character.*

*Given the importance of the City Dock area to Annapolis, a plan for its future must be developed with broad participation by the entire community, as well as downtown residents and businesses. A plan for the public realm of City Dock and its environs should begin with forming a Vision, from which specific implementation steps be developed. Such a plan should update or replace the 1993* Ward One Sector Study, *which has been the guiding planning document for the downtown area.*

*The plan shall deem the public property from the Dock to and including the Market House to be Civic Space for residents of the city. The plan shall be drafted by the Planning & Zoning Department with the advice of a committee representative of residents, downtown merchants and representatives of maritime interests and with the assistance of such professional consultants as are deemed necessary. The Plan, which shall be presented to the City Council by September 1, 2010, shall:*

- *Maximize public access to the waterfront;*
- *Maximize pedestrian and bicycle friendly features;*
- *Incorporate a variety of open places, both large and small, for people to congregate for various purposes;*
- *Accommodate boats of all types, as well as docking for cruise boats, commercial vessels, and water taxis;*
- *When hosting public events, balance the needs and interests of residents, businesses, and the event;*
- *Include a transportation element which will clear the proposed Civic Space of parking places for motor vehicles, and provide an alternate nearby site for such parking and/or remote parking with shuttle transportation;*
- *Propose measures, including those related to transportation and parking, which are necessary to keep existing Dock Street merchants viable.*

In September 2010, Mayor Joshua Cohen formed a citizens committee to advise the City on rejuvenating City Dock. The City Dock Advisory Committee (CDAC) began to meet in November 2010, with past Baltimore Mayor Kurt Schmoke appointed as Chair. Other members of the Committee included business owners, property owners, historians, artists, and designers.

The CDAC was charged with establishing the guiding principles for the use and redevelopment of the City Dock area to ensure that the needs of the businesses and people—residents and visitors alike—were met; to develop and define a design plan for City Dock based on those principles; and to encourage and coordinate public participation throughout the process.

The Committee identified the vision and guiding principles for the purpose and function of the City Dock area after conducting extensive information gathering sessions, consulting interested parties, soliciting input from outside experts, and reviewing previous studies of City Dock. They presented their phase one report, "Visions and Guiding Principles" to City Council on July 21, 2011.

The six guiding principles presented in this report later became the foundation of the next phase of work—the drafting of the City Dock Master Plan. These guiding principles are:

- **Number One:** Improvements should be made gradually and emphasize historic layout and scale, access to the waterfront, sight lines and views. A preservation ethic should be reflected in our treatment of City Dock—through interpretive opportunities, historic walks and markers, and the demarcation of the historic shoreline. Power lines should be buried underground to further enhance vistas. All improvements should reinforce the "Beautiful Historic Seaport" brand and maintain a strong, clear identity.
- **Number Two:** The management of City Dock should be coordinated year-round. The purview of the management entity should include the programming of public space, ensuring trash pick-up and cleanliness, reducing clutter, monitoring the progress of implementing visions for City Dock, collecting data, incorporating feedback, coordinating marketing, and supervising Market House operations. This management should support local businesses as well and help them to thrive. Furthermore, the management should advocate for City Dock and protect the historic core.
- **Number Three:** A central organizing feature of improvements should be high quality pedestrian-oriented and walkable public open space that is flexible enough to support a variety of uses in a variety of seasons and under a variety of conditions (such as accommodating sea level rise). This could include a continuous promenade along the water from the Marriott Hotel to the site of the future Sailing Hall of Fame, more seating and benches, and shelter from the elements. There should be many destinations to attract people to different parts of City Dock.
- **Number Four:** Improvements should support a greater *mix* of transportation modes (bikes, shuttles, water taxis, and public transit) that complement and enhance one another. There should be an emphasis on expanding off-street capacity and maximizing the use of garages. Highly visible and adequate signage and "smart" technologies such as flexible price parking based on demand, should be utilized to "catch" vehicles with an effective progression of directions and signage. There should be an efficient and uniform pay system for on-street parking. There should be creative and experimental ways to accommodate both parking and people that can be also be reversible.
- **Number Five:** City Dock improvements should contribute to the City's "greening" and the area should serve as a sustainable focus for an authentic residential life. There should be an intersection of resources such as farmers markets and other local vendors with opportunities to celebrate Chesapeake Bay heritage and have meaningful and organic interactions with the water and the environment. Improvements should contribute to the economic vitality of the area.
- **Number Six:** Public art opportunities and installations can enhance City Dock and provide both thought-provoking and entertaining experiences. The art can be permanent or ephemeral, suited to the season or a particular event. Art can help strengthen the "Beautiful Historic Seaport" brand, move pedestrians through new public open space, and inspire creative exchanges with the water.

The goals of the City Dock Master Plan were to translate the guiding principles into specific design solutions and open the discussion to a broader group of stakeholders through a series of workshops and presentations. The Plan translates these principles in a variety of ways. It advocates flexibility and incrementalism, where possible. It recommends rebalancing open space from automobile-oriented space to pedestrian-oriented space. It protects many current uses of City Dock by calling for flexible space

that can serve a variety of functions. It also proposes new ways of managing City Dock and the events that take place there and the public art that could serve as a main attraction to this part of the City. All in all, it advocates a new balancing of uses and spaces that will encourage new visitors but protect the qualities that currently make City Dock so unique.

*Consistency with the Goals of the Comprehensive Plan and Other Studies*
The City Dock Master Plan is clearly consistent with the goals of the Comprehensive Plan and several other City plans.

- ***2009 Comprehensive Plan***. In addition to Policy 6, mentioned above, the Comprehensive Plan recommends several other policies that are in alignment with the City Dock Master Plan. For example, the Comprehensive Plan recommends that Annapolis protect and enhance its "rich cultural history and wealth of current historic and cultural offerings" (p. 38). It also calls for the evaluation of the "risks from sea level rise in decisions involving land use along the waterfront" (p. 40). Furthermore, it discusses such policies as looking carefully at parking management, encouraging bicycle and pedestrian spaces, and enhancing existing parks and facilities. The City Dock Master Plan recommends protecting important historic and cultural aspects of the dock area while also preparing for the future—such as by constructing a seawall to guard against sea-level rise. It proposes new strategies to help manage parking demand and promotes a multi-modal approach for transit options. These parking strategies were based on a technical memorandum from Karina Ricks of Nelson\Nygaard (a member of the consulting team). This memorandum, dated September 5, 2012, is attached.
- *Urban Land Institute Technical Assistance Report* (2010). The Urban Land Institute (ULI) proposed the idea of a Business Improvement District (BID) that would be responsible for data collection on market capacity and parking, help manage special events, and strengthen existing public and private partnerships. The City Dock Master Plan does not specifically propose a BID, but recommends that or a similar entity to help promote and protect City Dock. The ULI report also recommended that the City formulate a comprehensive parking strategy and maximize utilization of existing parking structures. The City Dock Master Plan proposes several parking strategies that can help improve traffic and circulation downtown. This report is attached.
- *Bicycle, Automotive and Pedestrian Safety Evaluation* (2011). This study looked at traffic conflicts throughout downtown and made preliminary suggestions on how to make downtown more pedestrian and bicycle friendly. It also recommended a more comprehensive parking management plan and encouraged the City to consider different ways to reduce conflicts between pedestrians and automobiles. The City Dock Master Plan proposes the idea of a "T" intersection at the base of Compromise Street and Main Street to help regulate the flow of pedestrians and automobiles at this intersection. This report can be found on-line at http://www.annapolis.gov/Government/Departments/PlanZone/CityDockPlan/Circulation.aspx.

*Public Input*
The City Dock Advisory Committee was comprised of business owners, residents, history and design experts, and artists. There were 22 CDAC meetings that were held over the course of this planning effort, and all were open to the public. Over 100 different members of the public attended these meetings. Most meetings had between 10-15 audience members, who were often allowed to participate

in the discussion. Between January 2011 and April 2011, the Committee hosted a series of presentations from 23 different stakeholders on a number of topics. All business owners on Dock Street and around Market Space were invited to give a presentation about changes to City Dock and how it could affect them.

In phase two of the planning effort, the consultants, CDAC, and City staff hosted two public workshops to gather input from a wide-selection of residents and business owners. The first workshop was help on June 28, 2012 and the second on September 27, 2012. In addition to a presentation before City Council in November of 2012, a presentation, hosted by the Planning Commission, was also given on February 7, 2013 for board and commission members, and open to the general public.

*Next Steps*

Following the Planning Commission public hearing and deliberations, the City Dock Master Plan will return to City Council for a public hearing. It will then be referred to the Rules and City Government Committee and the Economic Matters Committee. These committees will consider public testimony, as well as input from the Planning Commission, Historic Preservation Commission, and other boards and commissions. The zoning ordinance that will accompany this plan will be introduced at City Council in the spring and will then come before the Planning Commission.

RECOMMENDATION

Staff proposes that the Planning Commission recommends the *Annapolis City Dock Master Plan* for City Council approval and adoption.

Report Prepared by

Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning

FISCAL IMPACT NOTE

**Legislation No:** R-49-12 **First Reader Date:** 12/10/12

**Note Date:** 1/7/13

**Legislation Title: 2012 City Dock Master Plan**

**Description:** For the purpose of adopting the Draft City Dock Master Plan as an addendum to the 2009 Annapolis Comprehensive Plan.

**Analysis of Fiscal Impact:** This legislation merely adopts the Draft City Dock Master Plan and has no direct fiscal impact.

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-51-11 Amended

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

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

**A ORDINANCE** concerning

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

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

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

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

**Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

**21.42.080 - C2 Conservation Business district.**

A. Purpose. The C2 Conservation Business district is designed to encourage the preservation of the old City by allowing a compatible mixture of business and home crafts and shops, unique to the early development of the City.

B. Uses. Uses that may be permitted in the C2 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48

C. Development Standards. Chapter 21.50 contains the bulk regulations table for the C2 district.

D. Additional Standards.

1. All business, servicing or processing in the C2 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

2. Food service establishment restrictions apply in the C2 district, see Section 21.64.300

3. Off-street loading spaces are not required in the C2 district.

4. WATERFRONT PROPERTIES DESIGNATED AS PART OF THE C2 CONSERVATION BUSINESS DISTRICT SHALL PROVIDE A PUBLIC PEDESTRIAN ACCESS ACROSS THE WATERWAY FRONTAGE OF THE PROPERTY.

5. UPON REDEVELOPMENT OF A SITE IN THE C2 ZONING DISTRICT, THOSE SCENIC VIEWS RECOGNIZED IN THE ANNAPOLIS COMPREHENSIVE PLAN OR OTHER PLANS ADOPTED AS AMENDMENTS THERETO BY THE ANNAPOLIS CITY COUNCIL MUST BE RESTORED OR PRESERVED. FOR PURPOSES OF THIS SECTION, REDEVELOPMENT SHALL MEAN NEW CONSTRUCTION, ALTERATIONS OR RENOVATIONS TO THE EXTERIOR OF THE STRUCTURE(S) ON THE SITE, NOT INCLUDING DECKS, WINDOWS, DOORS AND FAÇADE TREATMENTS OR OTHER IMPROVEMENTS WITHIN THE EXISTING FOOTPRINT AND BUILDING ENVELOPE, IN EXCESS OF FIFTY PERCENT (50%) OF THE VALUE OF THE IMPROVEMENTS ON THE SITE AS OF THE DATE OF PERMIT REQUESTS.

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

**21.48 – USE TABLES**

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

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

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

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

| USES | District B1 | District B2 | District B3 | District B3-CD | District BCE | District BR | District C2 | District C2A | District PM2 | District I1 |
|---|---|---|---|---|---|---|---|---|---|---|
| Boat Showrooms | | | P | P | P | | | | | |
| BOAT SHOWS | | | | | | | P[5] | | | |

| | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|
| AND RELATED ACTIVITIES INCLUDING VENDOR BOOTHS AND DISPLAY AREAS | | | | | | | | | | |
| DOCKS, SLIPS, PIERS AND OTHER FACILITIES FOR IN-WATER STORAGE OF BOATS AND WATERCRAFT | | | | | | | P | | | |

Notes:

A. Uses in the PM2 district are subject to the following provisions as indicated in the table:

1. This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.

2. This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it exceed 33 percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in 21.64.420

3. If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special exception approval

4. ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

B. USES IN THE C2 DISTRICT ARE SUBJECT TO THE FOLLOWING PROVISIONS AS INDICATED IN THE TABLE:

5. THIS USE IS PERMITTED ONLY ON LOTS WITH WATERFRONT FRONTAGE.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Policy Report

## Ordinance O-51-11

## Use and Redevelopment of Property in C2 Zoning Districts

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

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

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

# City of Annapolis City Council
# Standing Committee Referral Action Report

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Date: 5/31/12

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

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

_____ Favorable

_____ Favorable with amendments

✓ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Israel, Chair NO  Ald. Hoyle YES  Ald. Arnett NO

Meeting Date 5/31/12  Signature of Chair for Richard E. Israel

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 5/31/12

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

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

✓ Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Paone, Chair YES  Ald. Finlayson YES  Ald. Pfeiffer YES

Meeting Date 5/31/12 Signature of Chair [signature]

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

March 1, 2012

**MEMORANDUM**

**To:** Annapolis City Council

**From:** Planning Commission

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

**Summary of Ordinance**
This ordinance would require that development in the C2 district incorporate the following design characteristics:

1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.

2. Upon redevelopment of a site, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto must be restored or preserved.

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

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

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

**Public Hearing**

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

**Recommendation**

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

"shall provide uninterrupted and unimpeded public pedestrian access…"

As to paragraph 5, the Commission recommends: "…redevelopment shall mean new construction, alterations or exterior renovations to the structures…"

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

Eleanor M. Harris

Dr. Eleanor M. Harris, Chair gmR

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
*Chartered 1708* Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

**From:** Jon Arason JA
Planning Director

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

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

**Summary of Ordinance**
This ordinance would require that development in the C2 district incorporate the following design characteristics:

1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.

2. Upon redevelopment of a site, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto must be restored or preserved.

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

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

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

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

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

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

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

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

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

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
*Chartered 1708* Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

**From:** Jon Arason JA
Planning Director

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

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

**Summary of Ordinance**
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1. If it is a waterfront property, it would be required to provide a pedestrian access along the waterway frontage of the property as illustrated on the next page.

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

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

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

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

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

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

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

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

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

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-51-11

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

| LEGISLATIVE HISTORY | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 11/14/11 | | | 5/12/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 11/14/11 | | |
| Planning Commission | 11/14/11 | | |

**A ORDINANCE** concerning

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

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

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

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

**Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

**21.42.080 - C2 Conservation Business district.**

A. Purpose. The C2 Conservation Business district is designed to encourage the preservation of the old City by allowing a compatible mixture of business and home crafts and shops, unique to the early development of the City.

B. Uses. Uses that may be permitted in the C2 district are set forth in the table of uses for commercial and industrial districts in Chapter 21.48

C. Development Standards. Chapter 21.50 contains the bulk regulations table for the C2 district.

D. Additional Standards.

1. All business, servicing or processing in the C2 district, except for off-street parking or loading, shall be conducted within completely enclosed buildings.

2. Food service establishment restrictions apply in the C2 district, see Section 21.64.300

3. Off-street loading spaces are not required in the C2 district.

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

5. Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior of the structure(s) on the site, not including decks, windows, doors and façade treatments or other improvements within the existing footprint and building envelope, in excess of fifty percent (50%) of the value of the improvements on the site as of the date of permit requests.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION:**
Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)
*Chartered 1708*

JON ARASON, AICP
DIRECTOR

October 19, 2011

**MEMORANDUM**

**TO:** City Council of Annapolis

**FROM:** Planning & Zoning Commission

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

## SUMMARY

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

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

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

## STAFF RECOMMENDATION

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

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

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

## REQUIRED FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other Considerations**

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

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

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

New Subsection 21.42.080 D.4.:
"Waterfront properties designated as part of the C2 Conservation Business District shall provide a pedestrian access across the waterway frontage of the property."

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

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

New Subsection 21.42.080 D.5.:
Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the
Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior

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

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

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

## PUBLIC HEARING AND DELIBERATION

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

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

## RECOMMENDATION

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

Chair:

David DiQuinzio

## Policy Report

## Ordinance O-51-11

## Use and Redevelopment of Property in C2 Zoning Districts

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

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

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

FISCAL IMPACT NOTE

**Legislation No:** O-51-11 **First Reader Date:** 11-14-11
**Note Date:** 11-27-11

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

**Description:**

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

**Analysis of Fiscal Impact:**

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

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-52-11 Amended

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

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

**A ORDINANCE** concerning

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

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

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

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

**Chapter 21.06 – ZONING DISTRICTS AND MAPPING**

**21.06.020 - Zoning District Map.**

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

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that having considered the application, testimony and evidence presented, and the report and recommendations of the Planning Commission, and having weighed the evidence and judged the credibility of witnesses appearing before it, the City Council in accordance with Section 4.05, Article 66B of the Annotated Code of Maryland, and Section 21.34.040 of the City Code of Annapolis, makes the following findings of fact concerning the rezoning of the parcels located at 110 Compromise Street.

## FINDINGS

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

**A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect upon the date of adoption.

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Exhibit A

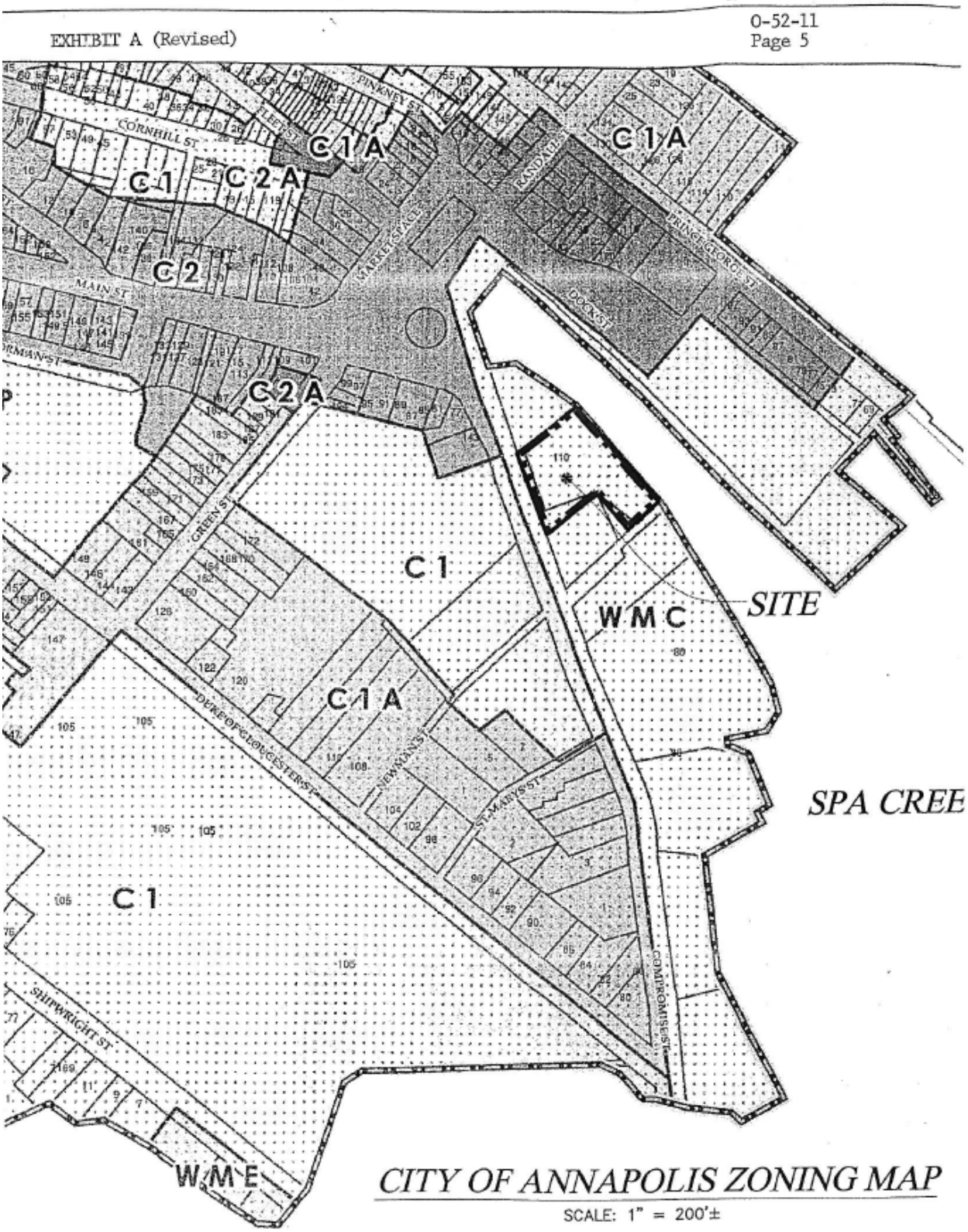
EXHIBIT A (Revised)
O-52-11
Page 5
C 1 A
C 1
C 2 A
C 2
C 2 A
C 1 A
C 1
C 1 A
C 1
W M C
W M E
SITE
SPA CREE
CORNHILL ST
MAIN ST
GREEN ST
DUKE OF GLOUCESTER ST
NEWMAN ST
ST MARY'S ST
COMPROMISE ST
SHIPWRIGHT ST
PRINCE GEORGE ST
DOCK ST
MARKET SPACE
PINKNEY ST
CITY OF ANNAPOLIS ZONING MAP
SCALE: 1" = 200'±

## Policy Report

## Ordinance O-52-11

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

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

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

Chapter 21.34 of the Annapolis City Code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:
A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.
B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.
C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
E. The availability of public facilities, present and future transportation patterns.
F. The relationship of the proposed amendment to the City's Comprehensive Plan.

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

City of Annapolis City Council
Standing Committee Referral Action Report

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Date: 5/31/12

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

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

✓ Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Paone, Chair NO  Ald. Finlayson Yes  Ald. Pfeiffer Yes

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

City of Annapolis City Council
Standing Committee Referral Action Report

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Date: 5/31/12

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

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

_____ Favorable

_____ Favorable with amendments

✓ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Israel, Chair Yes  Ald. Hoyle NO  Ald. Arnett Yes

Meeting Date 5/31/12  Signature of Chair Alderman Israel (for) [illegible]

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
*Chartered 1708* Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP
DIRECTOR

October 19, 2011

**MEMORANDUM**

**TO:** City Council of Annapolis

**FROM:** Planning & Zoning Commission

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

## SUMMARY

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

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

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

## STAFF RECOMMENDATION

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

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

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

## REQUIRED FINDINGS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other Considerations**

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

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

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

New Subsection 21.42.080 D.4.:
"Waterfront properties designated as part of the C2 Conservation Business District shall provide a pedestrian access across the waterway frontage of the property."

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

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

New Subsection 21.42.080 D.5.:
Upon redevelopment of a site in the C2 Zoning District, those scenic views recognized in the Annapolis Comprehensive Plan or other plans adopted as amendments thereto by the
Annapolis City Council must be restored or preserved. For purposes of this section, redevelopment shall mean new construction, alterations or renovations to the exterior

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

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

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

## PUBLIC HEARING AND DELIBERATION

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

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

## RECOMMENDATION

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

Chair:

David DiQuinzio

# City of Annapolis City Council
# Committee & Commission Referral Action Report

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Date: January 5, 2012

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

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

_____ Favorable

_____ Favorable with amendments

_XXX_ Unfavorable (7-3)

_____ No Action

_____ Other

_____ Comments:

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

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

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

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

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

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

cc: Members, Maritime Advisory Board

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

Meeting Date: December 20, 2011 Signature of Chair

## Policy Report

## Ordinance O-52-11

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

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

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

Chapter 21.34 of the Annapolis City Code sets forth the six criteria and findings that must be made in order to make the finding for change or mistake in considering a rezoning. They are as follows:
A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.
B. The suitability of the property in question to the uses permitted under the existing zoning classification compared to the uses permitted under the proposed zoning classification.
C. The trend of development in the general area, including any changes in zoning classification of the subject property or other properties in the area and the compatibility with existing and proposed development for the area.
D. Whether there has been a substantial change in the character of the neighborhood where the property is located or that there was a mistake in the existing zoning classification.
E. The availability of public facilities, present and future transportation patterns.
F. The relationship of the proposed amendment to the City's Comprehensive Plan.

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

FISCAL IMPACT NOTE

**Legislation No:** O-52-11 **First Reader Date:** 11-14-11
**Note Date:** 11-27-11

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

**Description:**

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

**Analysis of Fiscal Impact:**

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

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-19-13

**Sponsors: Alderman Littmann, Alderman Arnett and Alderman Pfeiffer**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 6/10/13 | | | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 6/10/13 | | |
| Planning Commission | 6/10/13 | | |

**A ORDINANCE** concerning

**Capacity of Schools in the Development Review Process**

**FOR** the purpose of adding current and projected school capacity of Annapolis Feeder System schools geographically located within the City of Annapolis to the list of development review criteria and findings; and specifying duties of the Director of Planning and Zoning regarding school capacity.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 21.08.050
Section 21.22.080
Section 21.24.090

**WHEREAS,** proposed developments with residential structures without age restrictions have the likelihood to create additional demand for public school resources; and

**WHEREAS,** residents and the City of Annapolis are concerned about the capacity of the public schools in the Annapolis Feeder System and their ability to satisfactorily serve the projected increase in additional students from proposed non-age restricted residential developments; and

**WHEREAS,** the Anne Arundel County School Board prepares an annual Educational Facilities Master Plan for the Annapolis Feeder System available at: http://www.aacps.org/planning/annapolisfeeder.pdf that details the current capacity and predicted capacity to 2021; and

**WHEREAS,** the relevant Appendices of the Anne Arundel County School Board 2012 Educational Facilities Master Plan that address state rated capacity and the school pupil generation factors yield per unit are attached to this ordinance; and

**WHEREAS,** in evaluating a proposed development application, the City of Annapolis coordinates with the Anne Arundel County School Board for a determination of school capacity; and

**WHEREAS,** it is in the best interest of the City of Annapolis to consider all available data regarding the impacts of a proposed development on school capacity before the City approves a proposed development.

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

**CHAPTER 21.08 – DECISION MAKING BODIES AND OFFICIALS**

**21.08.050 - Planning and Zoning Director.**

A. Establishment. The position of Planning and Zoning Director is established as the manager of the Department of Planning and Zoning, with the authority to administer and enforce this Zoning Code.

B. Duties. The Planning and Zoning Director may delegate zoning administration and enforcement responsibilities to any deputy director, assistant director, or staff member of the Department of Planning and Zoning, or other individual designated by the Director. The Planning and Zoning Director has the following powers and duties:

1. Decide applications for demolition permits pursuant to the provisions of Chapter 21.14
2. Decide applications for administrative interpretations pursuant to the provisions of Chapter 21.16
3. Decide applications for administrative adjustments pursuant to the provisions of Chapter 21.18
4. Decide applications for major and minor site plan review pursuant to the provisions of Chapter 21.22
5. Decide applications for extensions of planned developments pursuant to the provisions of Chapter 21.24
6. Decide applications for determinations of nonconforming use status pursuant to the provisions of Chapter 21.68
7. Hear and decide applications for change of nonconforming use pursuant to the provisions of Chapter 21.68
8. Conduct inspections of buildings, structures and use of land to determine compliance with the terms of this Zoning Code.
9. Take appropriate enforcement action with regard to alleged violations of this Zoning Code.

10. Maintain permanent and current records made under this Zoning Code, including, but not limited to, all maps, amendments, planned developments, special exceptions, variances, appeals, use permits and applications.

11. Provide and maintain public information related to this Zoning Code.

12. Initiate or direct from time to time a study of the provisions of this Zoning Code, and make reports or recommendations to the Planning Commission not less frequently than once a year.

13. COORDINATE THE EXCHANGE OF INFORMATION BETWEEN THE CITY'S DEPARTMENT OF PLANNING AND ZONING AND THE ANNE ARUNDEL COUNTY SCHOOL BOARD TO FACILITATE ACCURATE AND TIMELY DATA ABOUT SCHOOL CAPACITY OF THOSE ANNAPOLIS FEEDER SYSTEM SCHOOLS GEOGRAPHICALLY LOCATED WITHIN THE CITY OF ANNAPOLIS.

14. PROVIDE INPUT INTO ANNE ARUNDEL COUNTY PLANNING DOCUMENTS ON SCHOOL CAPACITY AND MAKE NECESSARY RECOMMENDATIONS TO ANNE ARUNDEL COUNTY REGARDING ADDITIONAL SCHOOL FACILITIES OR CAPITAL IMPROVEMENTS TO EXISTING FACILITIES.

C. Tolling of approvals. Approvals granted by the Planning and Zoning Director pursuant to Section 21.08.050B of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such approvals and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014.

**Chapter 21.22 – Site Design Plan Review**

**21.22.080 - Review criteria and findings.**

The decision of the Planning and Zoning Director shall be based on findings with respect to the following:

A. District Standards. The proposed design plan meets all of the requirements of the zoning district in which it is located, including but not limited to the site design standards set forth in Chapter 21.62

B. Design. The proposed design is in harmony with the character of the surrounding neighborhood and the Comprehensive Plan and achieves a maximum of compatibility, safety, efficiency, and attractiveness.

C. Compatibility. Each improvement, building and/or use is compatible with other uses and with existing and proposed developments on adjacent land.

D. Minimize Adverse Impacts. The proposed structures are sited in order to minimize any adverse impact upon the surrounding area by reason of: building location, height, bulk, shadows; location, intensity, direction and times of use of outdoor lighting or other similar characteristics.

E. Building Locations. The proposed locations of the buildings and structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient.

F. Natural Features. The proposed design results in minimal modification of existing geological and topographic features where practicable.

G. Slopes and Soils. The proposed design minimizes degradation of unique or sensitive lands, such as steep slopes or highly erodible soils.

H. Critical Area. The proposed design minimizes adverse impacts to resources in the Critical Area Overlay District, such as streams, wetlands, areas of aquifer recharge and discharge, areas with a high water table, mature stands of trees and wildlife habitat.

I. CONSIDERATION OF SCHOOL CAPACITY. THE PROPOSED DESIGN CONSIDERS:

1. HOW MANY SCHOOL-AGED CHILDREN ARE EXPECTED TO LIVE IN A PROPOSED DEVELOPMENT BASED ON THE SCHOOL PUPIL GENERATION FACTORS YIELD PER UNIT CONTAINED IN THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN;

2. WHICH, AND TO WHAT DEGREE, ANNAPOLIS FEEDER SCHOOLS GEOGRAPHICALLY LOCATED WITHIN THE CITY OF ANNAPOLIS WOULD BE IMPACTED; AND

3. THE CURRENT AND PROJECTED CAPACITY OF THOSE IMPACTED SCHOOLS TO ACCOMMODATE THE EXPECTED NUMBER OF SCHOOL-AGED CHILDREN AT PRESENT AND THE FORESEEABLE FUTURE BASED ON THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN.

**Chapter 21.24 – Planned Developments**

**21.24.090 - Planned development review criteria and findings.**

In deciding planned development applications the Planning Commission shall make written findings based on the following:

A. The planned development is compatible with the character of the surrounding neighborhood and the Comprehensive Plan and the purposes of planned developments.

B. The proposed locations of buildings, structures, open spaces, landscape elements, and pedestrian and vehicular circulation systems are adequate, safe, and efficient and designed to minimize any adverse impact upon the surrounding area.

C. The planned development will promote high quality design and will not result in greater adverse impacts to the surrounding area compared to the development that may otherwise be permitted pursuant to the Zoning Code if a planned development were not approved.

D. The planned development complies with the planned development use standards and bulk and density standards.

E. The planned development complies with the Site Design Plan Review criteria provided in Section 21.22.080

F. The planned development plan includes adequate provision of public facilities and the proposed infrastructure, utilities and all other proposed facilities are adequate to serve the planned development and adequately interconnect with existing public facilities.

G. CONSIDERATION OF SCHOOL CAPACITY. THE PROPOSED DESIGN CONSIDERS:

1. HOW MANY SCHOOL-AGED CHILDREN ARE EXPECTED TO LIVE IN A PROPOSED DEVELOPMENT BASED ON THE SCHOOL PUPIL GENERATION FACTORS YIELD PER UNIT CONTAINED IN THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN;

2. WHICH, AND TO WHAT DEGREE, ANNAPOLIS FEEDER SCHOOLS GEOGRAPHICALLY LOCATED WITHIN THE CITY OF ANNAPOLIS WOULD BE IMPACTED; AND

3. THE CURRENT AND PROJECTED CAPACITY OF THOSE IMPACTED SCHOOLS TO ACCOMMODATE THE EXPECTED NUMBER OF SCHOOL-AGED CHILDREN AT PRESENT AND THE FORESEEABLE FUTURE BASED ON THE ANNE ARUNDEL COUNTY EDUCATIONAL FACILITIES MASTER PLAN.

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

**SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall apply to applications for site design review and applications for a planned development submitted to the Planning Commission after the date of passage of this Ordinance.

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

# Policy Report

## Ordinance O-19-13

### Capacity of Schools in the Development Review Process

The proposed ordinance would add current and projected school capacity of Annapolis Feeder System schools that are geographically located within the City of Annapolis to the list of development review criteria and findings. The proposed ordinance would also specify duties of the Director of Planning and Zoning regarding school capacity and coordination with Anne Arundel County.

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

**Alderman Littmann's Proposed Amendment to O-19-13**
**Capacity of Schools in the Development Review Process**

**Amendment #1**
Page 1, line 12
Page 3, line 12
Page 4, line 13
Page 5, line 8
Strike "geographically located within" and insert "that serve the residents of"

**Amendment #2**
Page 4, Line 20, Insert:

A. If the City projects that a proposed residential development would either impact a school that already exceeds its State-Rated capacity in the current Anne Arundel County Educational Facilities Master Plan or cause the school to exceed its State-Rated Capacity, then the developer may satisfy the requirements in Section 21.22.080 I. by reaching agreement with the impacted governmental and educational organizations to fund improvements that result in total school enrollment as less than or equal to its current State-Rated Capacity.

**Amendment #2**
Page 5, Line 15, Insert:

A. If the City projects that a proposed residential development would either impact a school that already exceeds its State-Rated capacity in the current Anne Arundel County Educational Facilities Master Plan or cause the school to exceed its State-Rated Capacity, then the developer may satisfy the requirements in Section 21.24.090 G. by reaching agreement with the impacted governmental and educational organizations to fund improvements that result in total school enrollment as less than or equal to its current State-Rated Capacity.

# City of Annapolis City Council
## Standing Committee Referral Action Report

Date: 10/15/13

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

The Rules and City Government Committee has reviewed 0-19-13 and has taken the following action:

_____ Favorable

X Favorable with amendments attached

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Arnett, Chair YES Ald. Hoyle NO Ald. Budge YES

Meeting Date 10/15/13 Signature of Chair [signature]

Rules Committee Amendment to O-19-13 Capacity of Schools in the Development Review Process:

**On Page 4 line 6 and on page 5 Line 2 after "The proposed design considers" add "school capacity based on the most recent Educational Facilities Master Plan forwarded to the City of Annapolis by the Anne Arundel County Board of Education:"**

The Rules committee supports Alderman Littmann's Proposed Amendment to O-19-13 Capacity of Schools in the Development Review Process:

Page 1, line 12
Page 3, line 12
Page 4, line 13
Page 5, line 8
Strike "geographically located within" and insert "that serve the residents of"

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

**September 19, 2013**

**To:** **Mayor & City Council**

**From:** **Planning Commission**

**Re:** **Ordinance O-19-13 — Addition of Projected Capacity of Annapolis High School Feeder System Schools to Development Review Criteria**

## SUMMARY

Ordinance O-19-13 amends certain sections of Title 21 of the city code to require a more consideration of school capacity issues in the review process for major development projects. These include

- Chapter 21.08.050, Planning & Zoning Director's Duties – adds coordination of the exchange of information between the Planning & Zoning Department and Anne Arundel County Board of Education to assure that both organizations have accurate and timely data regarding the effects of new developments upon school capacity and providing input to the Anne Arundel County Planning Department on school capacity issues along with recommendations concerning school facility expansions and new construction
- Chapter 21.22, Site Design Review and Chapter 21.24, Planned Developments – adds consideration of school capacity issues to the criteria that must be included in the review of site designs and planned developments, including how many school-aged children can be expected to live in the development based on the methods used in creating the Anne Arundel County Board of Education's Educational Facility Master Plan (EFMP), which schools are affected and to what extent, and the current and projected capacity of the affected schools at present and in the foreseeable future per the EFMP.

The EFMP serves as the County's yardstick for measuring existing school capacity and planning future expansions and facility capital improvements. It incorporates requirements set by state regulations, although these regulations do not stipulate specific improvements to be made or timetables for implementing them. Meanwhile, Anne Arundel County has adopted an Adequate Public Facilities Ordinance that restricts developments in areas where student populations exceed school facility capacity levels. The City also has Adequate Public Facilities regulations in effect. These exist within Title 22 and not Title 21, to which the Ordinance in question makes changes.

## STAFF RECOMMENDATION

At the Planning Commission's regularly scheduled meeting on September 5, 2013, Planning & Zoning staff presented their report on the Ordinance. In addition, several officers of Anne Arundel County Schools attended the meeting gave a presentation explaining their methods and procedures for assessing school capacity needs, how they go about developing their EFMP and the state regulations that govern their efforts. Staff finds that this Ordinance imposes reasonable requirements with respect to improving information exchange with Anne Arundel County Schools and that these improvements would yield benefits in the form of more thorough consideration of school capacity issues in site design and planned development reviews. Staff recommends adopting the Ordinance.

## PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code a public hearing was held and the public was invited to comment on the application. Aldermen representing various wards and ~~two~~ three members of the public spoke regarding this Ordinance. After the close of the public hearing, the Planning Commission asked questions of staff and the officers of Anne Arundel County Schools who attended the meeting. The Planning Commission then entered into deliberations.

## RECOMMENDATION

Following deliberations, a motion to recommend approval of the Ordinance was made and seconded. The Planning Commission, by a vote of 3 – 3, did not vote in favor of this motion.

Adopted this ~~10th~~ 3rd day of ~~September~~ October, 2013

Eleanor M. Harris

Eleanor Harris, Ed.D., Chair

FISCAL IMPACT NOTE

**Legislation No:** O-19-13 **First Reader Date:** 5-20-13
**Note Date:** 5-26-13

**Legislation Title: Capacity of Schools in the Development Review Process**

**Description:** For the purpose of adding current and projected school capacity of Annapolis Feeder System schools geographically located within the City of Annapolis to the list of development review criteria and findings; and specifying duties of the Director of Planning and Zoning regarding school capacity.

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

# CITY COUNCIL OF THE
# City of Annapolis

**Ordinance No. O-35-13**

**Introduced By: Mayor Cohen**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/9/13 | | | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 9/9/13 | | |
| Finance | 9/9/13 | | |

**AN ORDINANCE** concerning

**Issuance of Bonds and Bond Anticipation Notes**

**FOR** the purpose of authorizing and empowering the City of Annapolis (the "City") to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the "Charter"), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

RECITALS

For convenience of reference, the City of Annapolis, a municipal body corporate and politic of the State of Maryland, is hereinafter sometimes referred to as the "City" or as "Annapolis."

The authority for the powers herein exercised is contained in Article VII, Section 11 of the Charter of the City (the "Charter") and in Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as

amended, such authority being hereinafter sometimes referred to collectively as the "Enabling Act."

The Enabling Act authorizes and empowers the City to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds and notes in accordance with the procedure prescribed by the Enabling Act, subject to the limitation imposed by the Charter, that no bonds shall be issued by the City if, by the issuance thereof, the total bonded indebtedness of the City incurred, less the amount of sinking funds established for the retirement thereof, would then exceed ten per centum (10%) of the assessed value of all real and personal property in the City taxable for municipal purposes.

The Charter further provides that, in computing compliance with such limitation, outstanding bonds or other indebtedness of the City issued pursuant to the authority of any public local law enacted by the General Assembly of Maryland prior to January 1, 1955, or pursuant to the authority of any public general law of the State of Maryland, other than the Enabling Act, together with tax anticipation notes issued pursuant to the Enabling Act, revenue bonds payable as to principal and interest solely from the revenues from revenue-producing projects, and short-term obligations issued pursuant to certain sections of the Charter, shall not be taken into account.

Pursuant to the Charter, the City Council of the City (the "City Council") may in its discretion hold a referendum on any such bond issue or may be required to do so as a result of a proper petition of registered voters filed for such purpose after the giving of notice to the City as prescribed in the Charter.

The Charter contains no limitations upon the rate at which *ad valorem* taxes may be levied by the City for the payment of the principal of and interest on such bonds and notes.

Since the adoption of Article XI-E as an amendment of the Constitution of Maryland, the General Assembly of Maryland has passed no law proposing a limitation upon the rate at which taxes may be levied by the City or a limitation upon the amount of bonded indebtedness which may be incurred by the City different from that set forth in the Charter.

NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED BY THE CITY COUNCIL, that:

SECTION 1. All terms used herein which are defined in the Recitals hereof shall have the meanings given such terms therein.

SECTION 2. It is in the best interest of the City to borrow money and incur indebtedness and the City is authorized and empowered to issue and sell, upon its full faith and credit, its general obligation, fully registered bonds in the aggregate principal amount not to exceed

$11,500,000 to be known as "Public Improvements Bonds, 2013 Series" (the "Bonds") or such other designation as deemed appropriate by the Mayor of Annapolis (the "Mayor") and City Manager of Annapolis (the "City Manager") for the purposes of financing and refinancing the costs of the public projects listed below (the "Projects"), including the costs of issuing the Bonds.

| PROJECT | FISCAL YEAR | BOND FUNDING |
|---|---|---|
| Truxton Swimming Pool | 2014 | $150,000 |
| General Sidewalks | 2014 | $250,000 |
| City Dock Infrastructure | 2014 | $5,150,445 |
| City Dock Infrastructure | 2014 Federal Boating Infrastructure Grant | $1,500,000 |
| Kingsport Park | 2014 | $10,931 |
| Wayfinding Signage | 2014 | $114,500 |
| Hillman Garage Replacement | 2014 | $765,190 |
| Capital Program Land Acquisition | 2013 | $2,500,000 |
| City Dock Infrastructure | 2013 | $275,000 |
| Wayfinding Signage | 2013 | $40,000 |
| **Total** | | **$10,756,066** |

The costs of the Projects shall include (without limitation) the costs of the planning, construction, reconstruction, demolition, improvement, refurbishing, renovation, restoration, extension, alteration, installation, repair, acquisition, conversion and modernization of structures; the acquisition of structures and sites for structures; the acquisition of rights of way for roads; architectural and engineering services, including preparation of plans, drawings and specifications; and all customary and necessary furnishings and fixed permanent equipment for structures.

Any Bonds issued pursuant to this Ordinance may be issued as one or more series of Bonds, as deemed appropriate by the Mayor and the City Manager.

SECTION 3. The City hereby covenants that any Bonds issued hereunder shall comply with all limitations of the Charter and that no Bonds shall be issued by the City if, by the issuance thereof, the total bonded indebtedness of the City incurred, less the amount of sinking

funds established for the retirement thereof, would then exceed ten per centum (10%) of the assessed value of all real and personal property in the City taxable for municipal purposes.

SECTION 4. The Bonds authorized by this Ordinance shall be dated the date of their delivery, shall be fully registered bonds without coupons in the denomination of Five Thousand Dollars ($5,000) each or any integral multiple thereof and shall bear interest at the interest rate or rates fixed at the time of the awarding of the Bonds in accordance with an executive order of the Mayor and the provisions of this Ordinance as hereinafter provided. Interest on the Bonds shall be payable semi-annually on the dates and in the years as may be determined by the Mayor in an executive order. The Bonds shall mature, subject to the option of prior redemption, in annual installments, including any mandatory sinking fund installments, in the years as shall be determined by the Mayor pursuant to an executive order; provided however, that the final maturity of the Bonds shall not exceed 30 years from the date of delivery of the Bonds. Each Bond shall bear interest from the interest payment date next preceding the date on which it is authenticated, unless authenticated upon an interest payment date, in which event it shall bear interest from such interest payment date, or unless authenticated prior to the first interest payment date, in which event it shall bear interest from the date of the Bonds; provided, however, that if at the time of authentication of any bond interest is in default, such bond shall bear interest from the date to which interest has been paid.

SECTION 5. Certain of the Bonds may be subject to redemption prior to maturity as may be determined by the Mayor in an executive order. With respect to the Bonds subject to redemption, if any, the redemption dates and the redemption prices shall be specified in an executive order by the Mayor.

The Bonds shall be redeemed only in integral multiples of $5,000. If less than all of the Bonds of any one maturity are called for redemption, the particular bonds to be redeemed from such maturity shall be selected by lot by the bond registrar for the Bonds (the “Bond Registrar”) in such manner as the Bond Registrar in its sole discretion may determine or under the procedures for book-entry bonds if the Bonds are under a book-entry system.

When less than all of a Bond in a denomination in excess of $5,000 shall be so redeemed, then upon the surrender of such Bond, there shall be issued to the registered owner thereof, without charges, for the unredeemed balance of the principal amount of such Bond, at the option of such owner, Bonds in any of the authorized denominations, the aggregate face amount of such Bonds not to exceed the unredeemed balance of the Bond so surrendered, and to bear the same interest rate and to mature on the same date as said unredeemed balance.

If the City elects to redeem all or a portion of the Bonds outstanding, it shall give or cause to be given a redemption notice by first class mail, postage prepaid, at least 20 days prior to the date fixed for redemption to each registered owner appearing on the books kept by the Bond Registrar. Notwithstanding the foregoing, so long as all of the Bonds are registered in the name of Cede & Co., as nominee for the Depository Trust Company, New York, New York ("DTC"), such notice shall be given by a secure means (e.g. legible facsimile transmission, registered or certified mail or overnight express delivery) in a timely manner designed to assure that such notice is in DTC possession no later than the close of business on such 20th day; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed or in the mailing thereof shall not affect the validity of the redemption proceedings. The redemption notice shall state (i) whether the Bonds are to be redeemed in whole or in part and, if in part, the maturities and numbers of the Bonds to be redeemed, (ii) the date fixed for redemption and the redemption price or prices, (iii) that the Bonds to be redeemed shall be presented for redemption at the office of the Bond Registrar, (iv) that interest on the Bonds called for redemption shall cease to accrue on the date fixed for redemption; and (v) other conditions, if any, for the redemption on the date fixed for redemption, including but not limited to the availability of funds for such redemption.

From and after the date fixed for redemption, if notice has been duly and properly given and if funds sufficient for the payment of the redemption price of the Bonds called for redemption plus accrued interest due thereon are available on such date, the Bonds so called for redemption shall become due and payable at the redemption price or prices provided for redemption of such Bonds on such date, interest on the Bonds shall cease to accrue and the registered owners of the Bonds so called for redemption shall have no rights in respect thereof except to receive payment of the redemption price plus accrued interest to the date fixed for redemption. Upon presentation and surrender of a Bond called for redemption in compliance with the redemption notice, the Bond Registrar shall pay the redemption price of such bond plus accrued interest thereon to the date fixed for redemption. If bonds so called for redemption are not paid upon presentation and surrender as described above, such bonds shall continue to bear interest at the rates stated therein until paid.

SECTION 6. The Bonds shall be executed in the name of the City and on its behalf by the Mayor. Such signature of the Mayor shall be imprinted on such Bonds by manual or facsimile and a facsimile of the corporate seal of Annapolis shall also be imprinted thereon, attested by the manual or facsimile signature of the City Clerk of Annapolis, all in accordance with and pursuant to the authority of the Maryland Uniform Facsimile Signature of Public

Officials Act, being Sections 2-301 through 2-306 of the State Finance and Procurement Article of the Annotated Code of Maryland.

In the event any official whose signature shall appear on such Bonds shall cease to be such official prior to the delivery of the Bonds, or in the event any such official whose signature shall appear on the Bonds shall have become such after the date of issue thereof, the Bonds shall nevertheless be valid and legally binding obligations of Annapolis in accordance with their terms.

All Bonds shall be issued as fully registered bonds without coupons and shall be registered in the name or names of the owner or owners thereof, on books kept for such purpose at the principal office of the Bond Registrar. The Bonds initially will be issued in book-entry form without any physical distribution of certificates made to the public. DTC will act as securities depository for the Bonds and the Bonds will be registered in the name of DTC's partnership nominee, Cede & Co. The City reserves the right to terminate maintenance of the Bonds in a book-entry only system and to issue fully certificated bonds. The Mayor or his designee is hereby authorized to appoint a financial institution to act as the Bond Registrar and as paying agent (the "Paying Agent") for the Bonds, unless the Mayor determines after consulting with the financial advisor to the City (the "Financial Adviser") that the City shall act as the Bond Registrar or the Paying Agent or both. Payment of the principal of and interest on the Bonds shall be made to the person appearing on the registration books maintained by the Bond Registrar as the registered owner thereof, such principal to be payable at the principal office of the Paying Agent upon presentation and surrender of such bonds as the same become due and payable, and such interest to be payable by check mailed by the Paying Agent to the persons in whose names the bonds are registered on the regular record date which shall be the fifteenth day of the month immediately preceding each regular interest payment date, or such other day specified in the bond (the "Regular Record Date"), at the registered owner's address as shown on the registration books maintained by the Bond Registrar.

SECTION 7. Any interest on any Bond which is payable but is not punctually paid or provision for the payment of which has not been made ("Defaulted Interest") shall forthwith cease to be payable to the registered owner on the relevant Regular Record Date solely by virtue of such registered owner having been such registered owner; and such Defaulted Interest may be paid by the City, at its election in each case, as provided in paragraph (1) or (2) below:

(1) The City may elect to make payment of any Defaulted Interest on the Bonds to the persons in whose names such Bond is registered at the close of business on a record date for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in

the following manner. The City shall notify the Paying Agent in writing of the amount of Defaulted Interest proposed to be paid on the Bonds and the date of the proposed payment (which date shall be such as will enable the Paying Agent to comply with the next sentence hereof), and at the same time the City shall deposit or cause to be deposited with the Paying Agent an amount of money equal to the aggregate amount proposed to be paid in respect of such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such deposit prior to the date of the proposed payment, such money when deposited to be held in trust for the benefit of the persons entitled to such Defaulted Interest as provided in this paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days prior to the date of the proposed payment after the receipt by the Paying Agent of the notice of the proposed payment. The Paying Agent shall promptly notify the City of such Special Record Date and, in the name of the City, shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, first-class postage prepaid, to each registered owner at his address as it appears in the registration books maintained by the Bond Registrar not less than ten (10) days prior to such Special Record Date. The Paying Agent may, in its discretion, in the name of the City, cause a similar notice to be published at least once in a newspaper of general circulation in Annapolis, Maryland but such publication shall not be a condition precedent to the establishment of such Special Record Date. Notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore having been mailed as aforesaid, such Defaulted Interest shall be paid to the registered owners of the Bonds as of the close of business on such Special Record Date.

(2) The City may make payment of any Defaulted Interest in any other lawful manner not inconsistent with the requirements of any securities exchange on which the Bonds may be listed, and upon such notice as may be required by such exchange, if, after notice given by the City to the Paying Agent of the proposed payment pursuant to this paragraph, such payment shall be deemed practicable, and approved in writing, by the Paying Agent.

Except as provided hereinafter or in ordinances of the Mayor and Aldermen of the City of Annapolis adopted prior to the issuance and delivery of the Bonds, all Bonds shall be substantially in the following form, with appropriate insertions as therein indicated and such other modifications as shall be approved by the Mayor, which form and all of the covenants therein contained are hereby adopted by Annapolis as and for the form of obligation to be incurred by Annapolis, and said covenants and conditions are hereby made binding upon Annapolis, including the promise to pay therein contained:

No. R-___
$_____

(Form of Bond)

UNITED STATES OF AMERICA
STATE OF MARYLAND
CITY OF ANNAPOLIS, MARYLAND

GENERAL OBLIGATION BOND

PUBLIC IMPROVEMENTS BOND
2013 SERIES

| Interest Rate Per Annum | Maturity Date | Date of Original Issue | CUSIP |
|---|---|---|---|

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT DOLLARS

CITY OF ANNAPOLIS (the "City"), a municipal corporation created and existing under the laws of the State of Maryland, hereby acknowledges itself indebted, and, for value received, promises to pay to the Registered Owner shown above or registered assigns or legal representatives on the Maturity Date shown above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for), the Principal Amount shown above or so much thereof as shall not have been paid upon prior redemption in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts upon presentation and surrender of this bond on the date such principal is payable or if such date is not a Business Day (hereinafter defined) then on the next succeeding Business Day at the principal office of the Paying Agent, and to pay to the registered owner hereof by check or draft, mailed to such registered owner at his address as it appears on said registration books (the "Bond Register") maintained by the Bond Registrar interest on said principal amount at the Interest Rate shown above until payment of such principal amount, or until the prior redemption hereof, such interest being payable semi-annually on the first days of [_____] and [_____] in each year, in like coin or currency to the registered owner in whose name this bond is registered on the Bond Register as of the close of business on the regular record date, which shall be the fifteenth day of the month immediately preceding each regular interest payment date (the "Regular Record Date"). Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on the Regular Record Date, and may be paid to the person in whose name this bond is registered at the close of business on a date fixed by the Paying Agent for such defaulted interest payment (the "Special Record Date"), notice of which is given to the registered owner hereof not less than ten (10) days prior to such Special Record Date, or may be paid at any time in any other lawful manner not inconsistent with the requirement of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange.

"Business Day" means a day other than a Saturday, Sunday or day on which banking institutions under the laws of the State governing the Paying Agent are authorized or obligated by law or required by executive order to remain closed.

This bond shall not be valid or become obligatory for any purpose, until this bond shall have been authenticated by an authorized officer of the Bond Registrar.

This bond is one of a duly authorized issue of general obligation bonds of the City aggregating _____ Dollars ($_____) in principal amount, which are in denominations of $5,000 or any integral multiple thereof, mature serially in installments on the first day of August in each of the years 20_ to 20_, inclusive, and bear interest per annum as follows:

| Year of Maturity | Principal Amount | Interest Rate | Year of Maturity | Principal Amount | Interest Rate |
|---|---|---|---|---|---|

The bonds are numbered from one consecutively upwards prefixed by the letter "R" and are of like tenor and effect except as to maturity, number, interest rate, denomination and redemption provisions, and are issued pursuant to and in full conformity with the provisions of Sections 31 to 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Annapolis City Charter, and by virtue of due proceedings had and taken by the Mayor and Aldermen of the City of Annapolis particularly an Ordinance adopted on the _____ day of _____, 20__ (approved _____ 20___) (the "Ordinance").

The bonds which mature on or before [_____] are not subject to redemption prior to their maturities. The bonds which mature on or after [_____] are subject to redemption prior to their maturities on or after [_____] at the option of the City either as a whole or in part at any time, in any order of maturities, at a redemption price expressed as a percentage of the principal amount of the bonds to be redeemed, set forth in the table below, together with interest accrued to the date fixed for redemption:

| Redemption Period (both dates inclusive) | Redemption Price |
|---|---|

If less than all of the bonds of any one maturity of this issue shall be called for redemption, the bonds to be redeemed shall be selected by lot by the Bond Registrar in such manner as, in its discretion, it shall determine.

When less than all of a bond in a denomination in excess of $5,000 shall be so redeemed, then, upon the surrender of such bond, there shall be issued to the registered owner thereof, without charge, for the unredeemed balance of the principal amount of such bond, at the option of such owner, bonds in any of the authorized denominations, the aggregate face amount of such bonds not to exceed the unredeemed balance of the bond so surrendered, and to bear the same interest rate and to mature on the same date as said unredeemed balance.

If the City elects to redeem all or a portion of the bonds outstanding, it shall give a redemption notice by first class mail, postage prepaid, at least 20 days prior to the date fixed for redemption

to each registered owner appearing on the books kept by the Bond Registrar. Notwithstanding the foregoing, so long as all of the Bonds are registered in the name of Cede & Co., as nominee for the Depository Trust Company, New York, New York ("DTC"), such notice shall be given by a secure means (e.g. legible facsimile transmission, registered or certified mail or overnight express delivery) in a timely manner designed to assure that such notice is in DTC possession no later than the close of business on such 20th day; provided, however, that the failure to mail the redemption notice or any defect in the notice so mailed or in the mailing thereof shall not affect the validity of the redemption proceedings. The redemption notice shall state (i) whether the bonds are to be redeemed in whole or in part and, if in part, the maturities and numbers of the bonds to be redeemed, (ii) the date fixed for redemption and the redemption price or prices, (iii) that the bonds to be redeemed shall be presented for redemption at the office of the Bond Registrar, (iv) that interest on the bonds called for redemption shall cease to accrue on the date fixed for redemption, and (v) other conditions, if any, for the redemption on the date fixed for redemption, including but not limited to the availability of funds for such redemption.

From and after the date fixed for redemption, if notice has been duly and properly given and if funds sufficient for the payment of the redemption price of the bonds called for redemption plus accrued interest due thereon are available on such date, the bonds so called for redemption shall become due and payable at the redemption price or prices provided for redemption of such bonds on such date interest on the bonds shall cease to accrue and the registered owners of the bonds so called for redemption shall have no rights in respect thereof except to receive payment of the redemption price plus accrued interest to the date fixed for redemption. Upon presentation and surrender of a bond called for redemption in compliance with the redemption notice, the Bond Registrar shall pay the redemption price of such Bond plus accrued interest thereon to the date fixed for redemption. If bonds so called for redemption are not paid upon presentation and surrender as described above, such bonds shall continue to bear interest at the rates stated therein until paid.

This bond is transferable only upon the registration books kept at the principal office of the Bond Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing, upon surrender hereof together with a written instrument of transfer in the form attached hereto and satisfactory to the Bond Registrar duly executed by the registered owner or his duly authorized attorney, and thereupon, within a reasonable time, the City shall issue in the name of the transferee a new registered bond or bonds of any authorized denominations in aggregate principal amount equal to the principal amount of this bond or the unredeemed portion hereof, and maturing on the same date and bearing interest at the same rate. Said new bond or bonds shall be delivered to the transferee only after payment of any tax or governmental charge required to be paid with respect to and any shipping expenses or insurance relating to, such transfer and only after due authentication thereof by an authorized officer of the Bond Registrar. The City shall not be required to issue, transfer or exchange any bond during the period beginning fifteen days before any selection of bonds to be redeemed and ending on the day of publication and mailing of the notice of redemption or to transfer or exchange any bond called or being called for redemption in whole or in part. The City may deem and treat the person in whose name this bond is registered as the absolute owner hereof for the purpose of receiving payment of or on account of the principal or redemption price hereof and interest due hereon and for all other purposes.

The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the prompt payment of the principal of and interest on this bond according to its terms, and the City does hereby covenant and agree to pay the principal of this bond and the interest thereon,

at the dates and in the manner mentioned herein, according to the true intent and meaning hereof.

It is hereby certified and recited that all conditions, acts and things required by the Constitution or statutes of the State of Maryland, the Charter and the Ordinance to exist, to have happened or to have been performed precedent to or in the issuance of this bond, exist, have happened and have been performed, and that the issue of bonds of which this is one, together with all other indebtedness of the City, is within every debt and other limit prescribed by said Constitution or statutes or Charter, and that due provision has been made for the levy and collection of an *ad valorem* tax or taxes upon all legally assessable property within the corporate limits of the City in rate and amount sufficient to provide for the payment, when due, of the principal of and interest on this bond.

IN WITNESS WHEREOF, this bond has been executed by the facsimile signature of the Mayor of the City, which signature has been imprinted hereon, a facsimile of the corporate seal of the City has been imprinted hereon, attested by the manual or facsimile signature of the City Clerk as of the first day of _____, ____.

ATTEST: CITY OF ANNAPOLIS

_____ By:_____
City Clerk Mayor

CERTIFICATION OF AUTHENTICATION

The undersigned hereby certifies that this bond is one of the registered bonds of the City of Annapolis.

_____
_____
[Authorized Officer of Bond Registrar]

(Form of Assignment)

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto _____ the within bond and all rights thereunder, and does hereby constitute and appoint _____ to transfer the within bond on the books kept for the registration thereof, with full power of substitution in the premises.

Dated: _____

In the presence of:

_____

Notice: The signature to this assignment must correspond with the name as it appears upon the face of the within bond in every particular, without alteration or enlargement or any change whatever.

SECTION 7. All of the Bonds authorized by this Ordinance may be sold by solicitation of competitive sealed proposals at public sale in accordance with the provisions of the following Notice of Sale at the principal office of the City, on such date as may be selected by the Mayor pursuant to an executive order for cash at no less than par, to the bidder therefore whose bid is deemed to be for the best interests of Annapolis. Bids shall be received as provided in the Notice of Sale. The Bonds authorized by this Ordinance may also be sold, if the Mayor determines that it would be in the best interest of the City, at private (negotiated) sale without advertisement, publication, notice of sale, or solicitation of competitive bids. The Mayor shall award the sale of the Bonds by executive order.

Unless a referendum petition shall be filed as provided hereinafter or the Bonds are sold at private (negotiated) sale, the City Clerk of Annapolis is authorized and directed to publish a notice of sale at least twice in a daily or weekly newspaper having general circulation in Annapolis. The publication of such notice of sale shall be made once at least ten days prior to the date of sale. The City Clerk may give such other notice of the sale of such Bonds, within or without this State, by publication or otherwise, as the Mayor may deem appropriate.

The Director of Finance of Annapolis (the “Finance Director”) is hereby authorized and directed to make all necessary arrangements for the tabulation and comparison of the proposals received, including the employment of specially qualified personnel, if necessary, so that he will be able promptly to advise the Mayor as to the proposal which produces the lowest true interest cost for the Bonds sold.

The Mayor, City Manager and Finance Director are hereby authorized to prepare and distribute a preliminary official statement and final official statement or a disclosure memorandum in connection with the sale of the Bonds.

The Notice of Sale if used for the issue of Bonds authorized by this Ordinance shall be in substantially the form hereinafter set forth, with the insertions therein indicated. The terms and conditions stated in such Notice of Sale are hereby adopted and approved as the terms and conditions under which and the manner in which such Bonds shall be sold, issued and delivered at public sale, subject to such insertions, alterations, additions or deletions as the Mayor may deem advisable due to financial or market conditions prevailing at the time based upon the advice of the Financial Advisor.

**NOTICE OF SALE**

**$_____**
**CITY OF ANNAPOLIS, MARYLAND**
**General Obligation Bonds**
**Public Improvements Bonds, 2013 Series**

Electronic bids via the BiDCOMP/Parity Competitive Bidding System ("PARITY") will be received until ____ a.m., prevailing Eastern time, on _____ (unless postponed as described herein) by City of Annapolis (the "City") for the City's General Obligation Bonds, Public Improvements Bonds, 2013 Series (the "Bonds").

**Terms of the Bonds**

The Bonds shall be dated the date of their delivery.

Interest on the Bonds is payable on _____ and semi-annually thereafter on [_____ and _____] until maturity. The Bonds will mature on [_____] in the following respective years and principal amounts:

| Maturing _____* | Principal Amount* | Maturing _____* | Principal Amount* |
|---|---|---|---|

_____
*Preliminary, subject to change. See "Adjustments of Principal Amounts."

The proceeds of the Bonds will be used to finance the costs of certain public projects of the City and pay the costs of issuing the Bonds. The Bonds will be fully registered bonds without coupons in the denomination of $5,000 each or any integral multiple thereof.

**Authority**

The Bonds are issued pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), and Article VII, Section 11 of the Charter of the City of Annapolis, as amended. The Bonds are authorized pursuant to Ordinance O-___-13.

The Bonds are general obligations of the City, and will constitute an irrevocable pledge of its full faith and credit and unlimited taxing power.

**Book-Entry System**

One bond representing each maturity of the Bonds will be issued to and registered in the name of Cede & Co., as nominee of The Depository Trust Company, New York, New York ("DTC"), as registered owner of the Bonds and each such bond shall be held in the custody of DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in book-entry form only, in the principal amount of $5,000 or any integral multiple thereof. Purchasers will not receive physical delivery of certificates representing their interest in the Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required to deposit the bond certificates representing each maturity with DTC.

Interest on the Bonds will be payable when due and the principal or redemption price of the Bonds will be payable at maturity or upon earlier redemption to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to beneficial owners of the Bonds by participants of DTC ("Participants") will be the responsibility of Participants and other nominees of beneficial owners. The City will not be responsible or liable for such transfers of payments or for maintaining, supervising or reviewing the records maintained by DTC, Participants or persons acting through Participants.

**Optional Redemption**

Bonds maturing on or before [_____] are not subject to redemption prior to their stated maturities. Bonds maturing on or after [_____] are subject to redemption prior to their maturities at the option of the City on or after [_____] either as a whole or in part at any time in any order of maturity at the option of the City, at par plus accrued interest thereon to the date fixed for redemption.

**Adjustments of Principal Amounts**

The preliminary aggregate principal amount of the Bonds and the preliminary principal amount of each annual payment on the Bonds as set forth in this Notice of Sale (the "Preliminary Aggregate Principal Amount" and the "Preliminary Annual Principal Amount", and collectively the "Preliminary Amounts") may be revised before the receipt and opening of the bids for their purchase. Such revisions may include the addition or deletion of maturities of the Bonds. **ANY SUCH REVISIONS** made prior to the opening of the bids (the "Revised Aggregate Principal Amount" and the "Revised Annual Principal Amount", and collectively the "Revised Amounts") **WILL BE PUBLISHED ON THOMPSON MUNICIPAL MARKET MONITOR ("TM3") (www.tm3.com) NOT LATER THAN 9:30 A.M. (LOCAL BALTIMORE, MARYLAND TIME) ON THE ANNOUNCED DATE FOR RECEIPT OF BIDS FOR THE BONDS.**

In the event that no such revisions are made, the Preliminary Amounts will constitute the Revised Amounts. Bidders shall submit bids based on the Revised Amounts and the Revised Amounts will be used to compare bids and select a winning bidder.

Such Revised Amounts, among other things, will be used by the City to calculate the final aggregate principal amount of the Bonds and the final principal amount of each annual payment on the Bonds (the "Final Aggregate Principal Amount" and the "Final Principal Amount" of each annual payment, respectively, and collectively, the "Final Amounts"). In determining the Final Amounts the City reserves the right to increase or decrease the aggregate amount of the Bonds by an amount not to exceed twelve percent (12%) and correspondingly adjust the issue size, with all calculations to be rounded to the nearest $5,000.

In the event of any such adjustment, no rebidding or recalculation of the bid submitted will be required or permitted. If necessary, the total purchase price of the Bonds will be increased or decreased in direct proportion to the ratio that the adjustment bears to the aggregate principal amount of the Bonds specified herein; and the Bonds of each maturity, as adjusted, will bear interest at the same rate and must have the same initial reoffering yields as specified in the bid of the successful bidder. However, the award will be made to the bidder whose bid produces the lowest true interest cost, calculated as specified in the section entitled "Basis of Award" herein. **THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST RATES BID OR THE INITIAL REOFFERING PRICES AS A RESULT OF ANY CHANGES MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. IN READJUSTING THE PRINCIPAL AMOUNT OF THE BONDS FOLLOWING THE AWARD, [THE CITY WILL HOLD CONSTANT THE BIDDER'S GROSS SPREAD PER $1,000 BONDS AS INDICATED IN THE ORIGINAL BID.]** In this process, however, the City reserves the right to adjust the actual dollar amount of Bidder's gross spread resulting from an upward or downward adjustment of the principal amount of the Bonds.

**Change of Bid Date and Closing Date**

The City reserves the right to postpone, from time to time, the date established for the receipt of bids and will undertake to notify registered prospective bidders via notification published on TM3.

A postponement of the bid date will be announced via TM3 not later than 4:00 p.m., prevailing Eastern Time, on the last business day prior to any announced date for receipt of bids, and an alternative sale date and time will be announced via TM3 at that time or at a later date.

On any such alternative date and time for receipt of bids, the City will accept electronic bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this Notice of Sale, except for the changes in the date and time for receipt of bids and any other changes announced via TM3.

The City reserves the right to change the scheduled delivery date for the Bonds.

**Bid Parameters**

No bid of less than 100% of par or more than [112%] on an "all-or-none" basis, no oral bid and no bid for less than all of the Bonds described in this Notice of Sale, will be considered.

Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%, and the highest rate may not exceed the lowest rate by more than 3% and no interest rate may exceed 5.50%. A zero rate may not be named. No Bond shall bear more than one rate of interest which rate shall be uniform for the life of the Bond.

**Basis of Award**

The Mayor of the City will not accept and will reject any bid for less than all of the Bonds. The City will award all of the Bonds to one bidder. The City reserves the right to reject any and all bids and to waive any irregularities in any of the bids. The judgment of the City shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity with the terms of this Notice of Sale.

The Bonds will be awarded to the bidder naming the lowest true interest cost (TIC) for the Bonds in any legally acceptable proposal and offering to pay not less than par. The lowest true interest cost with respect to the Bonds will be determined by doubling the semiannual interest rate, compounded semiannually, necessary to discount the debt service payments from the payment dates to the date of the Bonds and to the amount bid.

Where the proposals of two or more bidders result in the same lowest true interest cost for any Bonds, such Bonds may be apportioned between such bidders, but if this shall not be acceptable, the City shall have the right to award all of such Bonds to one bidder. There will be no auction. The right is reserved to the City to reject any or all proposals and to waive any irregularity or informality in any proposal. The City's judgment shall be final and binding upon all bidders with respect to the form and adequacy of any proposal received and as to its conformity to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m., prevailing Eastern Time, on the sale date. All bids remain firm until an award is made. Upon notice of such award, the winning bidder shall advise the City of the initial reoffering prices to the public of each maturity of the Bonds and the names of the members of the underwriting groups.

**Procedures for Electronic Bidding**

***Bidders to Submit Bids by PARITY***

Bids must be submitted electronically via PARITY pursuant to this Notice of Sale until 11:00 a.m., prevailing Eastern time, on the sale date but no bid will be received after the time for receiving bids specified above. To the extent any instructions or directions set forth in PARITY conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further information about PARITY, potential bidders may contact i-Deal LLC at 1359 Broadway, 2nd Floor, New York, New York 10018, telephone (212) 849-5021.

***Disclaimer***

Each prospective electronic bidder shall be solely responsible to submit its bid via PARITY as described above. Each prospective electronic bidder shall be solely responsible to make necessary arrangements to access PARITY for the purpose of submitting its bid in a timely manner and in compliance with the requirements of this Notice of Sale. Neither the City nor PARITY shall have any duty or obligation to provide or assure access to PARITY to any prospective bidder, and neither the City nor PARITY shall be responsible for proper operation of, or have any liability for any delays or interruptions of, or any damages caused by PARITY. The City is using PARITY as a communication mechanism, and not as the City's agent, to conduct the electronic bidding for the Bonds. The City is not bound by any advice and determination of PARITY to the effect that any particular bid complies with the terms of this Notice of Sale and in particular the "Bid Parameters" set forth herein. All costs and expenses incurred by prospective bidders in connection with their submission of bids via PARITY are the sole responsibility of the bidders; the City is not responsible, directly or indirectly, for any of such costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or withdrawing a bid for the Bonds, such bidder should telephone i-Deal LLC at (212) 849-5021 and notify Davenport & Company LLC by facsimile at (866) 932-6660.

***Electronic Bidding Procedures***

Electronic bids must be submitted for the purchase of the Bonds (all or none) via PARITY. Bids will be communicated electronically to the City at 11:00 a.m., prevailing Eastern time, on [_____]. Prior to that time, a prospective bidder may (1) submit the proposed terms of its bid via PARITY, (2) modify the proposed terms of its bid, in which event the proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated electronically via PARITY to the City, each bid will constitute an irrevocable offer to purchase the Bonds on the terms therein provided. For purposes of the electronic bidding process, the time as maintained on PARITY shall constitute the official time.

**Good Faith Deposit**

A good faith deposit in the amount of $_____ is required of the winning bidder for the Bonds. The winning bidder for the Bonds is required to submit such good faith deposit payable to the order of the City in the form of a wire transfer in federal funds as instructed by the City's Financial Advisor, Davenport & Company LLC or a financial surety bond. The winning bidder shall submit the good faith deposit not more than two hours after verbal award is made. The winning bidder should provide as quickly as it is available, evidence of wire transfer by providing the City the federal funds reference number. If the winning bidder fails to comply with the good faith deposit requirement as described herein, that bidder is nonetheless obligated to pay to the City the sum of $_____ as liquidated damages due to the failure of the winning bidder to timely deposit the good faith deposit.

***Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance of the terms of the good faith deposit requirement.***

The good faith deposit will be retained by the City until the delivery of the Bonds, at which time the good faith deposit will be applied against the purchase price of the Bonds or the good faith deposit will be retained by the City as partial liquidated damages in the event of the failure of the successful bidder to take up and pay for such Bonds in compliance with the terms of this Notice of Sale and of its bid. No interest on the good faith deposit will be paid by the City. The balance of the purchase price must be wired in federal funds to the account detailed in the closing memorandum, simultaneously with delivery of the Bonds.

**Approving Legal Opinion**

The approving legal opinion of McKennon Shelton & Henn LLP, Baltimore, Maryland, Bond Counsel, will be furnished to the purchasers without cost. There will also be furnished the usual closing papers and, in addition, a certificate signed by appropriate officers of the City, certifying that there is no litigation pending or, to the knowledge of the signers of such certificate, threatened affecting the validity of the Bonds and that on the date of the Official Statement mentioned below and at the time of delivery of the Bonds the statements and information contained in such Official Statement which are made and provided by the City are and will be true, correct and complete in all material respects and the Official Statement does not and will not omit any statement or information which is required to be stated therein or necessary to make the statements and information therein, in the light of the circumstances under which they were made, not misleading or incomplete in any material respect.

**Preliminary Official Statement; Continuing Disclosure**

The City has deemed the Preliminary Official Statement with respect to the Bonds dated _____ (the "Preliminary Official Statement") to be final as of its date for purposes of Rule 15c2-12 of the United States Securities and Exchange Commission (the "SEC"), except for the omission of certain information permitted to be omitted by said Rule. The City agrees to deliver to the successful bidder for its receipt no later than seven business days after the date of sale of the Bonds such quantities of the final official statement as the successful bidder shall request; provided, that the City shall deliver up to 300 copies of such official statement without charge to the successful bidder.

The City has made certain covenants for the benefit of the holders from time to time of the Bonds to provide certain continuing disclosure, in order to assist bidders for the Bonds in complying with Rule 15c2-12(b)(5) of the SEC. Such covenants are described in the Preliminary Official Statement.

**Delivery**

The Bonds will be delivered on or about [_____] (unless a notice of a change in the delivery date is provided) through the facilities of DTC in New York, New York, against payment therefore in federal or other immediately available funds.

**Reoffering Price Certificate**

**SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE SUCCESSFUL BIDDER SHALL FURNISH TO THE CITY A CERTIFICATE ACCEPTABLE TO BOND COUNSEL TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A BONA FIDE PUBLIC OFFERING OF EACH MATURITY OF THE BONDS AT THE INITIAL REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS, THE SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT OF EACH MATURITY OF THE BONDS TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE REOFFERING PRICES, AND (III) A SUBSTANTIAL AMOUNT OF EACH MATURITY OF THE BONDS WAS SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL REOFFERING PRICES OR SUCH OTHER FACTS REGARDING THE ACTUAL SALE OF THE BONDS AS BOND COUNSEL SHALL REQUEST, AS DESCRIBED BELOW.** Bond Counsel advises that (i) such certificate must be made on the best knowledge, information and belief of the successful bidder, (ii) the sale to the public of 10% or more in par amount of each maturity of the Bonds at the initial reoffering prices would be sufficient to certify as of the sale of a substantial amount of the bonds and (iii) reliance on other facts as a basis for such certification would require evaluation by Bond Counsel to assure compliance with the statutory requirement to avoid the establishment of an artificial price for the Bonds.

**Miscellaneous**

It is expected that CUSIP numbers will be printed on the Bonds. However, the validity, sale, delivery or acceptance of the Bonds will not be affected in any manner by any failure to print, or any error in printing, the CUSIP numbers on said Bonds, or any of them.

The right to reject any or all bids, or to waive any irregularity or informality in any bid, is reserved.

CITY OF ANNAPOLIS, MARYLAND

By: /s/_____
Mayor

By: /s/_____
Director of Finance

SECTION 9. If any Bonds are sold pursuant to the foregoing Notice of Sale, the award shall be made by order of the Mayor. Such action of the Mayor shall also fix the interest rate or rates payable on the Bonds in accordance with the accepted proposal. The Mayor shall also be authorized to make all changes necessary to the form of the Bond to comply with a book-entry only system. The Bonds shall thereupon be signed as hereinabove provided and delivered to the successful bidder upon payment of the balance of the purchase price thereof. The proceeds of the Bonds shall be paid to the Finance Director. The first proceeds of the Bonds in anticipation of the sale of which Notes (as defined herein) were issued shall be applied to the payment of the principal of and interest on such Notes. Upon approval of the appropriate vouchers, in accordance with the established procedure of the City, the Finance Director shall pay, from the proceeds of the Bonds in his hands, all expenses incurred in the issuance of the Bonds, including costs of advertising, printing, document reproduction and counsel fees and expenses. The balance of said proceeds shall be credited by the Finance Director to the several accounts on his books for the Projects described above and the Finance Director shall make disbursements for such Projects in accordance with the established procedure of Annapolis. Prior to expenditure of such proceeds, the same or any part thereof shall be invested by the Finance Director, with the approval of the Mayor, in any authorized investment of the City. If the funds derived from the sale of the Bonds shall exceed the amount needed to finance any of the Projects described in this Ordinance, or if the City Council determines that the public interest requires a change in the capital improvements program of Annapolis, the funds so borrowed and not expended for the public improvements provided by this Ordinance shall be set apart in a separate fund by the Finance Director and applied in payment of the debt service on the Bonds, unless the City Council shall adopt an ordinance allocating such funds to some other public capital improvement project or projects of Annapolis.

SECTION 10. In order to provide for the payment of the principal of and interest on the Bonds hereby authorized when due, there shall be appropriated in the next ensuing fiscal year of Annapolis and in each fiscal year thereafter, so long as any of the Bonds are outstanding and unpaid, or until sufficient funds have been accumulated and irrevocably set aside for the purpose, an amount sufficient to meet the debt service on the Bonds coming due in such fiscal year and there shall be levied *ad valorem* taxes upon all property within the corporate limits of the City subject to assessment for full City taxes, in rate and amount sufficient in each such year to fund such appropriations and to provide for the payment when due of the principal of and interest on all Bonds maturing in each such fiscal year. In the event the proceeds from the

taxes so levied in each such fiscal year shall prove inadequate for the above purposes, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency. Thereafter, prior to each semi-annual interest payment date, the Finance Director shall deposit with the Paying Agent, from the tax proceeds above described, the amounts needed to pay the principal of and interest on the Bonds coming due on each such interest payment date. All moneys so deposited with the Paying Agent shall be deemed and treated by the Paying Agent as trust funds for the use and benefit of the holders from time to time of the Bonds hereby authorized. Any such trust funds so held by the Paying Agent for the payment of particular Bonds for periods of more than two (2) years from the dates of such Bonds, upon the expiration of any such two-year period and the failure of the holders of said Bonds to present the same for payment within such period, shall be returned by the Paying Agent to the City and, therefor, the holders of any such Bonds shall have claims only against the City for payment of the obligations held by them and the Paying Agent shall be relieved of the trust hereby imposed.

To assure the performance by the City of the provisions of this Section, the full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to maturity of the principal of and interest on the Bonds hereby authorized as and when the same respectively mature and become payable and to the levy and collection of the taxes hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Bonds hereby authorized to be issued. This pledge is made hereby for the benefit of the holders, from time to time, of the Bonds hereby authorized.

The City hereby solemnly covenants and agrees with each holder of any of the Bonds hereby authorized to levy and collect the taxes hereinabove described and to take any other action that may be appropriate from time to time during the period that any of such Bonds remain outstanding and unpaid to provide the funds necessary to make principal and interest payments thereon when due.

SECTION 11. This Ordinance and the question of the issuance of Bonds hereunder shall not be submitted to a referendum of the registered voters of Annapolis, as permitted by law, unless, within ten (10) days after the passage of this Ordinance, there shall be served upon the Mayor a notice signed by not fewer than two hundred (200) of the registered voters of Annapolis, advising that a petition for a referendum on the issuance of said bonds is being circulated by one or more of the persons signing said notice and unless, within twenty (20) days after the delivery of such notice, there shall also be filed with the Mayor a petition or petitions

requesting the holding of such a referendum, properly signed as required by the Charter, by not fewer than twenty-five per centum (25%) of the registered voters of Annapolis, as shown by the registered voters books of Annapolis, maintained by the Board of Supervisors of Elections of the City (the "Board of Supervisors"). In view of the foregoing, no action shall be taken by Annapolis pursuant to this Ordinance for a period of ten (10) days following its passage. If, within such ten (10) day period, the notice above described is filed as aforesaid, then no action shall be taken by Annapolis pursuant to this Ordinance for a period of twenty (20) days following the filing of such notice. If, within such twenty (20) day period, a petition for referendum, as above-described, shall be filed as aforesaid, then no action shall be taken by Annapolis under this Ordinance unless and until the Mayor shall receive written advice from the City Attorney and the Board of Supervisors that such referendum petition does not meet the requirements of the Charter or unless and until the referendum requested in such petition shall be duly held in accordance with law and the Board of Supervisors shall certify to Annapolis that, in the election at which such referendum is held, a majority of the registered voters of Annapolis voting on the question referred duly cast their ballots in favor of the issuance of the Bonds hereby authorized. If this Ordinance shall be ratified or approved on any such referendum, then the Mayor and City Clerk may proceed with the issuance of the Bonds hereby authorized, without further action by Annapolis.

SECTION 12. That CUSIP numbers may be printed on the Bonds; provided, however, that the printing of CUSIP numbers on the Bonds (even if incorrect) shall have no legal effect and shall not in any way affect the enforceability or validity of any Bond. Any expenses in relation to the printing of CUSIP numbers on the Bonds, including any CUSIP Service Bureau charge for the assignment of such numbers, in the discretion of the Finance Director, may be paid for by the City from the proceeds of the Bonds.

SECTION 13. In addition to the insertions and variations prescribed by this Ordinance, the Mayor is hereby authorized to make such further modifications in such forms as will not alter the substance of such forms. In connection with the issuance of any Bonds pursuant to this Ordinance, the City is hereby authorized to enter into one or more agreements as the Mayor shall deem necessary or appropriate for the issuance, sale, delivery or security of such Bonds, which may include (without limitation) (i) underwriting, purchase or placement agreements for Bonds sold at private (negotiated) sale in accordance with the provisions of this Ordinance; (ii) trust agreements with commercial banks or trust companies providing for the issuance and security of such Bonds; (iii) any dealer, remarketing or similar agreements providing for the placement or remarketing of such Bonds; (iv) agreements providing for any credit or liquidity

facilities supporting any Bonds; (v) agreements with commercial banks or trust companies providing for the deposit of proceeds of any Bonds; (vi) agreements with fiscal agents providing for the issuance of Bonds, their authentication, registration, verification of amounts and earnings set aside to pay the Refunded Bonds or payment or other similar services; and (vii) continuing disclosure agreements, including any such agreements required to enable the underwriters of any Bonds to meet the requirements of paragraph (b)(5) of Rule l5c2-12 promulgated by the United States Securities and Exchange Commission. Each such agreement shall be in such form as shall be determined by the Mayor by executive order. The execution and delivery of each such agreement by the Mayor shall be conclusive evidence of the approval of the form of such agreement on behalf of the City.

SECTION 14. In the event that Bonds are issued pursuant to this Ordinance with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes this Section 14 shall apply.

The Mayor and the Finance Director shall be the officers of the City responsible for the issuance of the Bonds within the meaning of the “Arbitrage Regulations” (defined herein).

The Mayor and the Finance Director shall also be the officers of the City responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the City (the “Tax and Section 148 Certificate”) which complies with the requirements of Section 148 of the Internal Revenue Code of 1986, as amended (“Section 148”), and the applicable regulations thereunder (the “Arbitrage Regulations”), and such officials are hereby authorized and directed to execute the Tax and Section 148 Certificate and to deliver the same to Bond Counsel on the date of the issuance of the Bonds.

The City shall set forth in the Tax and Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any moneys, securities or other obligations to the credit of any account of the City which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, “Bond Proceeds”). The City covenants with each of the holders of any of the Bonds that the facts, estimates and circumstances set forth in the Tax and Section 148 Certificate will be based on the City’s reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials’ knowledge, true and correct as of that date.

In the event that Bonds are issued pursuant to this Ordinance with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes, the City covenants with each of the registered owners of any of the Bonds that it will not make,

or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 and the Arbitrage Regulations. The City further solemnly covenants that it will comply with Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds as long as the Bonds remain outstanding and unpaid. The Mayor, the City Manager, and the Finance Director are hereby authorized and directed to prepare or cause to be prepared and to execute any certification, opinion or other document, including, without limitation, the Tax and Section 148 Certificate, which may be required to assure that the Bonds will not be deemed to be “arbitrage bonds” within the meaning of Section 148 and the regulations thereunder.

The City further covenants with each of the registered owners of any of the Bonds (i) that it will not take any action or (to the extent that it exercises control or direction) permit any action to be taken that would cause the Bonds or a portion of the Bonds to be “federally guaranteed” within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended, and (ii) that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the proceeds of the Bonds or a portion of such proceeds that would cause the Bonds or a portion of the Bonds to be “private activity bonds” within the meaning of Section 141 of the Internal Revenue Code of 1986, as amended.

In the event that the Bonds are being issued hereunder with the expectation that interest on such Bonds will be excludable from gross income for federal income tax purposes, the Mayor may make such covenants or agreements in connection with the issuance of such Bonds as he shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes and such covenants or agreements shall be binding on the City so long as the observance by the City of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants or agreements may include such covenants or agreements on behalf of the City regarding compliance with the provisions of the Internal Revenue Code of 1986, as amended, as the Mayor shall deem advisable in order to assure the registered owners of the Bonds that the interest thereon is and shall remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of Bond Proceeds, the payment of certain earnings resulting from such investment to the United States, limitations on the times within which, and the purposes for which, Bond Proceeds may be expended, or the use of specified procedures for accounting for and

segregating Bond Proceeds. Any covenant or agreement made by the Mayor pursuant to this paragraph may be set forth in or authorized by the Tax and Section 148 Certificate or an order executed by the Mayor.

SECTION 15. Bonds issued under this Ordinance are hereby specifically exempted from the provisions of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement).

SECTION 16. The City is hereby authorized, pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter, to issue and sell its bond anticipation notes (the "Notes") in the maximum aggregate principal amount equal to the maximum aggregate principal amount of the Bonds to finance or refinance the Projects in anticipation of the issuance of the Bonds authorized to be issued and sold under this Ordinance, subject to the provisions of this Ordinance.

SECTION 17. Except as otherwise expressly provided in this Ordinance, the Notes shall be issued in the same manner as the Bonds issued pursuant to this Ordinance and shall have the terms and provisions determined in an executive order of the Mayor, and the Mayor is hereby authorized to make the determinations with respect to any Notes as if such Notes were Bonds.

All Notes authorized hereby shall mature on or before that date which is 30 years after the date of the first Note issued pursuant to this Ordinance.

The Mayor is hereby authorized to determine the form of any Notes issued hereunder. The execution and delivery of the Notes as herein provided shall be conclusive evidence of the approval of the form of such Notes on behalf of the City.

SECTION 18. The Notes hereby authorized may be sold for cash at no less than par, plus accrued interest to the date of delivery. The Notes may bear interest at fixed or variable rates as determined by executive order of the Mayor. Authority is hereby conferred on the Mayor to sell the Notes through a public sale or through a private (negotiated) sale, without solicitation of competitive bids, as the Mayor, upon consultation with the Finance Director and the City's Financial Advisor, shall determine to be in the best interests of the City. Any sale of the Notes hereunder by private negotiation is hereby determined to be for the City's best interest.

If the Mayor shall determine in accordance with this Section to sell any Notes at a public sale through the solicitation of competitive bids, then the Mayor may sell such Notes in accordance with such procedures as shall be determined by the Mayor.

Notes issued under this Ordinance are hereby specifically exempted from the provisions of Sections 10 and 11 of Article 31 (2010 Replacement Volume and 2012 Supplement).

SECTION 19. The City hereby covenants and agrees with the holders of the Notes issued under this Ordinance to issue the Bonds in anticipation of the sale of which such Notes are issued when, and as soon as, the reason for deferring the issuance thereof no longer exists, and to pay the principal of and interest on such Notes from the proceeds of such Bonds. This covenant shall be binding upon the City notwithstanding any limitation set forth in this Ordinance, including (without limitation) any limitation with respect to the interest rate or rates that the Bonds may bear. If the City shall not, for any reason, issue and sell such Bonds as aforesaid, or if the proceeds from the sale of such Bonds shall be insufficient to pay the principal of and interest on any Notes, then the tax or other revenue which the City Council shall have previously determined to apply to the payment of such Bonds and the interest thereon shall be applied to the payment of the interest on and principal of such Notes. The foregoing provisions shall not be construed so as to prohibit the City from paying the principal or redemption price of and interest on any Note issued hereunder from the proceeds of the sale of any other Note issued hereunder or from any other funds legally available for that purpose.

If the City shall not, for any reason, issue and sell any Bonds in anticipation of which any Notes are issued, or if the proceeds from the sale of such Bonds shall be insufficient to pay the principal of or interest on such Notes, then the City shall include in the levy in each and every fiscal year that any of such Notes are outstanding *ad valorem* taxes upon all property within the corporate limits of the City subject to assessment for full City taxes, in rate and amount sufficient in each such year to fund such appropriations and to provide for the payment when due of the principal of and interest on all Notes maturing in each such fiscal year. In the event the proceeds from the taxes so levied in each such fiscal year shall prove inadequate for the above purposes, additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.

To assure the performance by the City of the provisions of this Section, the full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to maturity of the principal of and interest on the Notes hereby authorized as and when the same respectively mature and become payable and to the levy and collection of the taxes

hereinabove described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of the Notes hereby authorized to be issued. This pledge is made hereby for the benefit of the holders, from time to time, of the Notes hereby authorized.

The City may apply to the payment of the principal of and interest on any such Notes any funds received by it from the State of Maryland, the United States of America or any agency or instrumentality thereof, or from any other source, if such funds are granted or otherwise obtained for the purpose of assisting the City in obtaining public facilities of the class or classes of public facilities for which such Notes are authorized; and to the extent that any such funds received or receivable in any fiscal year are applied to such purposes as provided herein, the taxes hereby required to be levied shall be reduced proportionately.

To the extent permitted by law, interest on the Notes hereby authorized may be capitalized and paid from the proceeds of the sale of such Notes or from the proceeds of the sale of the Bonds in anticipation of the sale of which such Notes are issued.

SECTION 20. The proceeds of Notes issued pursuant to this Ordinance may be used to pay, at maturity, or at the time of redemption, the principal or redemption price of, or the principal or redemption price of and interest on, Notes ("Refinanced Notes") previously issued pursuant to this Ordinance. If, and to the extent that, the proceeds from the issuance and sale of Notes are used to repay the principal of Refinanced Notes, such Notes shall constitute a continuance and reissuance of the indebtedness represented by the Refinanced Notes and authorized by this Ordinance and shall not constitute additional indebtedness hereunder or under any other authority.

SECTION 21. This Ordinance shall take effect from the date of its approval by the Mayor, on or following the date of its final adoption and, thereafter, within not more than three calendar days of such approval, notice of the adoption of this Ordinance shall be duly given by publication of the title hereof at least once in "The Capital," or another newspaper published and of general circulation in the City.

**ADOPTED** this _____ day of _____, 2013.

ATTEST:

THE ANNAPOLIS CITY COUNCIL

_____

BY:_____

Regina C. Watkins-Eldridge, MMC,
City Clerk

Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Policy Report

## Ordinance O-35-13

### Issuance of Bonds and Bond Anticipation Notes

The proposed ordinance would authorize the City of Annapolis to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the City Charter, and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter.

The list of projects is as follows:

| PROJECT | FISCAL YEAR | BOND FUNDING |
|---|---|---|
| Truxton Swimming Pool | 2014 | $150,000 |
| General Sidewalks | 2014 | $250,000 |
| City Dock Infrastructure | 2014 | $5,150,445 |
| City Dock Infrastructure | 2014 Federal Boating Infrastructure Grant | $1,500,000 |
| Kingsport Park | 2014 | $10,931 |
| Wayfinding Signage | 2014 | $114,500 |
| Hillman Garage Replacement | 2014 | $765,190 |
| Capital Program Land Acquisition | 2013 | $2,500,000 |
| City Dock Infrastructure | 2013 | $275,000 |
| Wayfinding Signage | 2013 | $40,000 |
| **Total** | | **$10,756,066** |

The total amount of $11,500,000 includes the projects above in addition to issuance costs and underwriter's fees.

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

**Technical Amendments to O-35-13 from Bond Counsel**
**Issuance of Bonds and Bond Anticipation Notes**

**Amendment #1**
Page 1 (two instances), Page 9 and Page 13:
Strike “31 through 39, inclusive, of Article 23A” and “2011 Replacement Volume and 2012 Supplement” and “as amended” and “12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended”

Insert “19-301 through 19-301 of the Local Government Article” and “(the “Local Government Article”)” and “19-212(A) of the Local Government Article”

**Amendment #2**
Page 12, Line 1: Strike “7” and insert “8”

**Amendment #3**
Page 25 and Page 26
Strike “10 and 11 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement)” and “12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended”

Insert “19-205 and 19-206 of the Local Government Article” and “19-212(A) of the Local Government Article”

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 10/21/13

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

The Economic Matters Committee has reviewed O-35-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Paone, Chair NO  Ald. Finlayson YES  Ald. Budge YES

Meeting Date 10/21/13 Signature of Chair Frederick M. Paone

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 10/15/13 & 10/24/13

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

The Finance Committee has reviewed O-35-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Finlayson, Chair Yes Ald. Arnett Yes Ald. Pfeiffer Yes

Meeting Date Oct. 24, '13 Signature of Chair Sheila M. Finlayson

City of Annapolis
Financial Advisory Commission
Referral Action Report

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Date: October 21, 2013

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

The Financial Advisory Commission has reviewed Ordinance O-35-13 and has taken the following action:

_____ Favorable

___x___ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

___x___ Comments:

Amendments:

1. On page 12, line 7, after "determines" insert ", after consultation with the City Council Finance Committee,"
2. On page 25, line 26, after "or" insert ", after consultation with the City Council Finance Committee,"

These amendments would require the Mayor to consult with the Finance Committee before deciding to sell bonds or bond anticipation notes at private sale. This would provide a measure of City Council oversight if there is a deviation from the authorization to sell at a publicly advertised sale.

Meeting Date: 10/17/13 Signature of Chair: *Frederick C. Sussman*

FISCAL IMPACT NOTE

**Legislation No:** O-35-13 **First Reader Date:** 9-9-13
**Note Date:** 9-16-13

**Legislation Title: Issuance of Bonds and Bond Anticipation Notes**

**Description:** For the purpose of authorizing and empowering the City of Annapolis (the "City") to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed $11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the "Charter"), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

**Analysis of Fiscal Impact**: This legislation would result in the City to borrow money and incur indebtedness and the City is authorized and empowered to issue and sell, upon its full faith and credit, its general obligation, fully registered bonds in the aggregate principal amount not to exceed $11,500,000 to be known as "Public Improvements Bonds, 2013 Series" (the "Bonds") or such other designation as deemed appropriate by the Mayor of Annapolis (the "Mayor") and City Manager of Annapolis (the "City Manager") for the purposes of financing and refinancing the costs of the public projects listed below (the "Projects"), including the costs of issuing the Bonds.

| PROJECT | FISCAL YEAR | BOND FUNDING |
|---|---|---|
| Truxton Swimming Pool | 2014 | $150,000 |
| General Sidewalks | 2014 | $250,000 |
| City Dock Infrastructure | 2014 | $5,150,445 |
| City Dock Infrastructure | 2014 Federal Boating Infrastructure Grant | $1,500,000 |
| Kingsport Park | 2014 | $10,931 |

| | | |
|---|---|---|
| Wayfinding Signage | 2014 | $114,500 |
| Hillman Garage Replacement | 2014 | $765,190 |
| Capital Program Land Acquisition | 2013 | $2,500,000 |
| City Dock Infrastructure | 2013 | $275,000 |
| Wayfinding Signage | 2013 | $40,000 |
| **Total** | | **$10,756,066** |

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-47-11

**Introduced by: Alderman Arnett**

| LEGISLATIVE HISTORY | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 9/26/11 | | | 3/23/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 9/26/11 | | |
| Rules and City Gov't | 9/26/11 | | |
| Planning Commission | 9/26/11 | | |

**A ORDINANCE** concerning

**Fence Permits**

**FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 17.34.010
Section 17.34.020
Section 17.34.030
Section 21.60.070

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

**CHAPTER 17.34 – FENCE CODE**.

**17.34.010 - Fences, hedges or walls.**
A. Permit Required.
1. No new fence, wall or hedge shall be erected and no existing fence or wall shall be altered or replaced until a permit is obtained from the City. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the drawings have been approved by the director or his or her designee.

~~2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character and purpose for which the fence, wall or~~

~~hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~

3. Fences or walls may be installed up to, but not over the property line. It is the responsibility of the applicant to assure that the proposed fence or wall will not be installed on property of others. All property line disputes are between abutting property owners, not the City.

4. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance.

B. Administrative Review.

~~1. All fences or walls of four feet or less measured from the adjoining finished grade will be approved routinely unless an inspection of the property indicates that a fence or wall of this height unduly would obstruct light and air from neighboring properties or public ways, or unduly obstruct visibility upon public streets.~~

~~2~~ 1. All fences or walls of more than four feet require notification to the neighbors. Only the property owners abutting the proposed fence or wall shall be notified. This includes the owners of vacant land, rental units and vacant buildings. The property owners shall be notified by mail or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility of the applicant or his authorized agent to notify the abutting owners. Failure to respond indicates no objection to the proposal.

~~3. All new fences or walls and gates and all existing fences, walls and gates to be altered located in the historic district as defined in Title 21 of the City Code require the review and approval of the Historic Preservation Commission.~~

~~4~~ 2. Unless approved otherwise, ~~all~~ fences or walls shall not be located in landscape buffers, conservation easements, over utility easements, across walkway easements ~~and~~ or on public rights of way.

~~5~~ 3. Fences or walls shall ~~not~~ be located ~~closer than~~ at least three feet ~~to~~ away from a fire hydrant.

~~6. Fences or walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.~~

4. All fences, hedges and walls shall be maintained in good condition at all times. All fences and walls shall be neatly finished and repaired, including all parts and supports.

5. No fence or wall may be constructed in a manner or location which will interfere with natural surface water run-off or which will result in a negative impact to any adjacent property by natural surface run-off. All fences and walls must be constructed in a manner that is in harmony with City drainage requirements and standards and in compliance with any approved drainage plans on file with the City for the property upon which the fence or wall is constructed.

6. It shall be unlawful for any person to place or to allow to be placed on land they own a fence, a hedge or a wall which creates an unsafe or dangerous obstruction or condition.

**17.34.020 - Appeals.**

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

B. Fifteen days' notice of the hearing also shall be given to persons owning property within two hundred feet of the location of the proposed fence, wall or hedge by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.

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

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

**17.34.030 - Violations.**

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.

**CHAPTER 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS**

**21.60.070 - Fences, walls, and plantings.**

A. For the purposes of this Section, the following definitions shall apply:

1. “Fence” means a fence, wall or hedge.

2. “Approved grade” means the elevation of the ground, or any paving or sidewalk built upon it, which has been established on the basis of an engineered grading and drainage plan for the property that has been reviewed and approved by the city for the property. When no engineered grading and drainage plan is on file with the city, an established historic grade may be accepted in-lieu-of the engineered plan, based on general information available, including, when appropriate, a site inspection of the property by the city before the fence, hedge or wall is constructed. In making a determination regarding historic grade, the city may, when deemed necessary, require submission of current surveyed elevations of the property and other nearby

properties; or may require that an engineered grading and drainage plan be submitted by the owner or occupant of the property.

3. “Fence section” means a portion or panel of fence construction, normally consisting of pickets, planks or metal fabric attached to horizontal rails, and which is attached or constructed, in more or less regular sequential intervals, to supporting vertical posts. In determining what constitutes a fence section, the normal guideline shall be sequential sections of fence which are eight feet in length.

4. “Hedge” means several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus effectively forming a barrier or enclosure.

5. “Top of fence/top of wall” means the uppermost point on the edge or surface of a fence or wall, but not including support posts or architectural features as described in section 18.48.070(A)(1)(d).

6. “Top of hedge” means the highest point on the uppermost branches or stems of a hedge above which only leaves or needles naturally grow.

B. A fence~~, wall or hedge~~ may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. It is the purpose of the provisions of this section to establish requirements for the height, location, and materials of fences, hedges or walls. Fences shall be required to comply with the following standards and requirements:

1. The height of a fence, or any combination of fences, is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, or any combination thereof, shall the height exceed the limits established in this Chapter.

2. The maximum height of a fence shall not include the support posts or ornamental features included in the construction, provided that (a) the overall construction of such posts and ornamental features does not exceed the limitations describing a limited solid material fence as set forth in Section 21.60.070(A)(3), and (b) no posts or ornamental features extend more than one foot above the top of the fence.

3. All fences which have a ratio of solid material to open space of not more than one to four shall be considered limited solid material fences, and walls.

4. All fences which have a ratio of solid material to open space of more than one to four shall be considered solid material fences, and walls.

5. All fences must be located within the boundary lines of the property owned by the person or persons who construct and maintain them.

6. No barbed wire or other sharp-pointed fences shall be installed on any property, except around storage yards in the I1 zoning district upon a specific finding by the Planning and Zoning Department that such a fence is necessary to protect property or goods.

C. The maximum height of all fences shall be eight feet, except as hereafter provided:
1. Fences around tennis, squash racquet, squash tennis or badminton courts and publicly owned recreation areas may exceed eight feet in height, provided, that the same are limited solid material fences, and walls.

2. Limited solid material fences located in a front yard, or a yard adjacent to a public right-of-way shall have a maximum height of four feet unless they meet the set back requirement(s) for the principal structure.

3. Solid material fences located in a front yard or a yard adjacent to a public right-of-way shall have a maximum height of forty-two inches unless the same meet the front setback requirement of the zone in which it is located.

4. Other fences may not exceed eight feet in height.

D. A sight visibility triangle is established in Section 21.72.010. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Section 21.72.010 for definition and calculation of the view cone.

1**.** No fences, walls, or hedges with a height greater than forty-eight inches are allowed in a view cone, except:

a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are transparent above forty-eight inches. A fence, wall, hand-rail, or guard is considered transparent if its opacity is twenty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.

b**.** Trees maintained with a single clear trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.

2**.** All plantings, exclusive of trees referenced in subsection (D)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of forty-eight inches or less.

E. Other considerations

1. When in a fence is to be constructed that otherwise meets the requirements of this section, but impedes an established view shed or a view of a waterway from adjoining public or private properties, the Planning Department may require modifications to the materials or the ratio of solid fencing to voids.
2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, and whether or not the fence, wall or hedge unduly will obstruct visibility from public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

3. If located in the historic district as defined in this Title, all proposed new fences, walls and gates and all proposed alterations to existing fences, walls and gates require the review and approval of the Historic Preservation Commission.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION:**
Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

**Incorporating All Amendments Since Introduction**

*Editorial note: the purpose of this working draft is to show how the Code would read if all known amendments were adopted.*

**Ordinance No. O-47-11**

**AN ORDINANCE** concerning

**Fence Permits**

**FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

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

17.34.010
17.34.020
21.18.030
21.60.070
21.60.080
21.60.090
21.72.010

**BY** adding the following portions to the Code of the City of Annapolis, 2012 Edition:

21.60.065
21.60.075

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

**Chapter 17.34 – FENCE PERMITS**

**17.34.010 - Fences and walls.**

A. Permit Required.

1. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced until a permit is obtained from the Department of Neighborhood and Environmental Programs. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the application and supporting documentation

have been reviewed by the appropriate City departments and approved by the Director or his or her designee.

2. At a minimum, the permit application shall be accompanied by a scaled drawing showing the proposed location and dimensions of the fence or wall on the subject lot, and its relationship to the property lines, public right-of-ways, easements, utilities, existing structures, existing trees, and steep topography. The permit application shall also include construction drawings, pictures or diagrams sufficient to illustrate the overall design and materials to be used for the proposed fence or wall. The Director may require the applicant to provide additional information as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code.

3. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance, unless extended by the Director of Neighborhood and Environmental Programs, or the permit will be revoked.

B. Restrictions.

1. In addition to the provisions of this Section, fences and walls shall be required to comply with the standards and requirements outlined in Section 21.60.070 of the Zoning Code.

2. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced so as to encroach upon a public right-of-way or easement area, without written approval from the Director of Public Works or his or her designee. When any part of a permitted fence or wall is installed within a public easement area, the City or any agent of the City permitted to use the easement area shall be held harmless by the owner of the property upon which the permitted fence or wall is located for any and all claims for damage to the fence or wall that might occur when work is performed in the public easement area, and shall not be held responsible or liable for the reinstallation of any fence or wall removed from the public easement.

3. The area three feet in radius around fire hydrants, fire hose connections and utility boxes shall be kept free of any fences or walls that could impede use of the hydrant, hose connection or utility box.

4. Fences and walls shall be installed so as not to disturb or damage existing trees equal to or greater than five inches diameter at breast height, unless otherwise approved by the City.

5. Fences and walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.

6. Fences and walls shall be assembled in accordance with the manufacturer's requirements and be constructed of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials normally used for fences and walls, and that has been manufactured for the purpose of fence or wall construction. The bottom of fence posts and wall foundations shall be set at least 30" below finished grade.

7. Fences and walls shall be maintained in accordance with the City's property maintenance code.

**17.34.020 - Appeals**

A. A person aggrieved by a determination or an order of the Director or the Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the determination or order. The notice of appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood and Environmental Programs along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. Fifteen days' notice of the hearing shall be given to persons or entities owning property within two hundred feet of the location of the proposed fence or wall that is the subject of the appeal. Notice shall be by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.

C. The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of Neighborhood and Environmental Programs at the time of the determination or order from which the appeal is taken. If the Board finds that the determination or order was in error or contrary to the provisions of this Code or other applicable law, the Board may reverse or modify the determination or order. The decision of the Board on all appeals shall be in writing and shall contain the factual findings of the Board and the reasons for the decision.

D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the Circuit Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200, as

may be amended from time to time. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the Board unless the person has appeared as a party at the hearing before the Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

**17.34.030 - Violations.**

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.

**Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS**

**21.18.030 - Permitted administrative adjustments.**

A. Administrative adjustments from the regulations of this Zoning Code may be granted by the Planning and Zoning Director only in accordance with the criteria established in this Chapter, and may be granted only for the following:

1. Setbacks. To permit any yard or setback of up to twenty percent less than a yard or a setback required by the applicable regulations.

2. Parking. To increase by not more than twenty percent the maximum distance that required parking spaces are permitted to be located from the use served.

3. Lot Coverage. To increase by not more than twenty percent the lot coverage restrictions, except that administrative adjustments of lot coverage restrictions shall not be permitted in the Critical Area Overlay District.

4. Signs. To adjust the limitations for signs in the specific instances set forth in Section 21.70.110.

5. Fences and Walls. To permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit specified in Section 21.60.070.

6. Specific Zoning District Provisions. The zoning district provisions applicable to specific zoning districts, as provided in Division III, may authorize other permitted administrative adjustments. In

Chapter 21.54, Critical Area Overlay, these adjustments are referred to as administrative variances.

B. The Director of Planning and Zoning may not approve administrative adjustments in the R1, Single-Family Residence District when the minimum lot width and area requirements for the affected property are not met.

## Chapter 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS

### 21.60.065 - Plantings.

A. All plantings shall be installed and maintained in accordance with the applicable provisions of Sections 21.62.030, 21.62.040 and 21.62.050.

B. Unless as otherwise may be required for planting mitigation or screening purposes by a condition of approval for a development application, plantings installed in the form of a boundary hedge, in-lieu-of or together with a fence or wall, shall be pruned or maintained so as not to exceed the height limits for fences and walls as outlined in Section 21.60.070.

C. In the event that the requirements of this section conflict with those in Chapter 21.54, Critical Area Overlay, the Critical Area requirements shall prevail.

### 21.60.070 - Fences and walls.

Fences and walls as defined by this Title may be erected, placed, maintained, altered or replaced pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. The following additional standards apply:

A. If located within the historic district as defined in this Title, all proposed new fences and walls, and all proposed alterations to existing fences and walls, require the review and approval of the Historic Preservation Commission. The Historic Preservation Commission has the authority to grant a waiver or exemption, if necessary, in order to comply with the Historic Preservation Commission Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

B. Fences and walls may be installed up to, but not over the property line. It is the responsibility of the property owner to assure that the proposed fence or wall is not installed on property of others. All property line disputes are between abutting property owners, and they shall not seek or have any remedy against the City.

C. Within required bufferyards adjacent to public streets, to the extent practical in order to achieve proper screening, fences and walls shall be located towards the interior edge of the landscape buffer, rather than at the edge of the public right-of-way.

D. Except as permitted by this Title, fences and walls shall not obstruct view cones or sight visibility triangles.

E. Fences and walls shall not be located to unduly obstruct light and air from neighboring properties or public ways.

F. The overall design and materials used for fences and walls shall be in keeping with the character and purpose for which the fence or wall is intended, and shall be compatible with other similar structures in the neighborhood.

G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall.

H. Except in connection with penal and correctional institutions and public utility and service uses, no fence or wall shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

I. Standard Maximum Height.

1. In all zoning districts, the maximum height of fences and walls enclosing outdoor tennis courts, baseball backstops, and other fences and walls normally provided with recreation facilities, shall be twelve feet or the minimum height required to protect public safety, whichever is greater.

2. In all non-residential zoning districts, except for the maritime districts, the maximum height of a fence or wall shall be eight feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed six feet.

3. In all residential and maritime zoning districts, the maximum height of a fence or wall shall be six feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed four feet.

4. Fences and walls shall not be considered as being located along a public street if they otherwise meet the same minimum front and corner-side yard setbacks that would be required for the principal structure on the subject property in the zoning district in which the fence or wall is located.

J. Allowance for Additional Height.

1. Up to two additional feet of height is allowed for decorative gates which do not exceed twenty-five feet in width for vehicular gates, or eight feet in width for pedestrian gates.

2. In accordance with the procedures for Administrative Adjustments set forth in Chapter 21.18, the Planning and Zoning Director may permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit established by this section.

3. In addition to the review criteria in Section 21.18.040, the Director of Planning and Zoning shall make additional written findings based on the following:

a. The subject fence or wall will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public right-of-ways, or safety concerns.

b. Within the intent and purpose of this Zoning Code, the proposed additional fence or wall height, if granted, is the minimum adjustment necessary to afford relief.

K. Notwithstanding the height limitations in this section, temporary fences and walls, incidental to construction on or development of the premises on which the temporary fences and walls are located, shall be permitted during the time construction or development is actively underway.

L. Lawfully existing fences and walls that do not conform to the bulk or other development or design standards for the district in which the fence or wall is located may be continued, if properly repaired and maintained as provided in Chapter 21.68, Nonconforming Uses and Structures. Nonconforming fences and walls which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Title.

**21.60.075 Sight Visibility Triangle.**

In all districts, a sight visibility triangle, as defined in Section 21.72.010, shall be provided at all intersections, including alleys and driveways, and shall be kept free of obstructions to vision between the height of two and one-half feet and twelve feet above the street. If, in the opinion of the Director of Planning and Zoning with the concurrence of the Director of Public Works, this requirement may be altered if such alteration will not result in a potential traffic hazard. Where intersections occur on roadways under the jurisdiction of the State of Maryland or Anne Arundel County, the sight visibility triangle required by the State or County may be substituted in-lieu-of the requirements above.

**21.60.080 - View cones.**

A. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Division VI for definition and calculation of the view cone.

B. Fences, Walls, and Plantings in View Cones.

1. No fences, walls, or plantings with a height greater than four feet are allowed in a view cone, except:

a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are open above four feet. A fence, wall, hand-rail, or guard is considered open if its opacity is fifty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.

b. Trees maintained with a single trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.

2. All plantings, exclusive of trees referenced in subsection (B)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of four feet or less.

**21.60.090 - Objects in required yards.**

The following are not obstructions when located in the required yards:

A. All Yards.
   1. Open terraces, porches, and decks not over four feet above the average level of the adjoining ground, but not including a permanent roof-over terrace or porch. Handrails and guardrails around terraces, porches, and decks within a view cone shall be open, pursuant to Section 21.60.080,
   2. Awnings and canopies,
   3. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley,
   4. Grade-level walks and driveways,
   5. Chimneys projecting two feet or less into a yard,
   6. Recreational and laundry-drying equipment,
   7. Arbors and trellises,
   8. Flagpoles, and
   9. Fences, walls and plantings, except as prohibited under Sections 21.60.075 and 21.60.080.

B. Front Yards.
   1. One-story bay windows projecting three feet or less into a yard,
   2. Overhanging eaves and gutters projecting three feet or less into the yard,
   3. Fuel, air and water pumps in conjunction with motor vehicle service stations; provided, that they are set back at least fifteen feet from the front lot line, and
   4. Canopies in conjunction with motor vehicle service stations subject to the site design plan review requirements of Chapter 21.22

C. Rear Yards.
   1. Balconies,
   2. One-story bay windows projecting three feet or less into the yard, and
   3. Overhanging eaves and gutters projecting three feet or less into the yard;

D. Side Yards.
   1. Overhanging eaves and gutters projecting eighteen inches or less into the yard, and
   2. Fuel, air and water pumps in conjunction with automobile service stations; provided, that they are set back at least fifteen feet from the side lot line.

**Chapter 21.72 – TERMS AND DEFINITIONS**

**21.72.010 - Terms.**

D. List of definitions.

"Fences and walls" means an artificially constructed exterior barrier of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials, for which the primary purpose is to mark boundaries, control access, or to screen views. For the purpose of this Title, the term "fences and walls" does not include retaining walls.

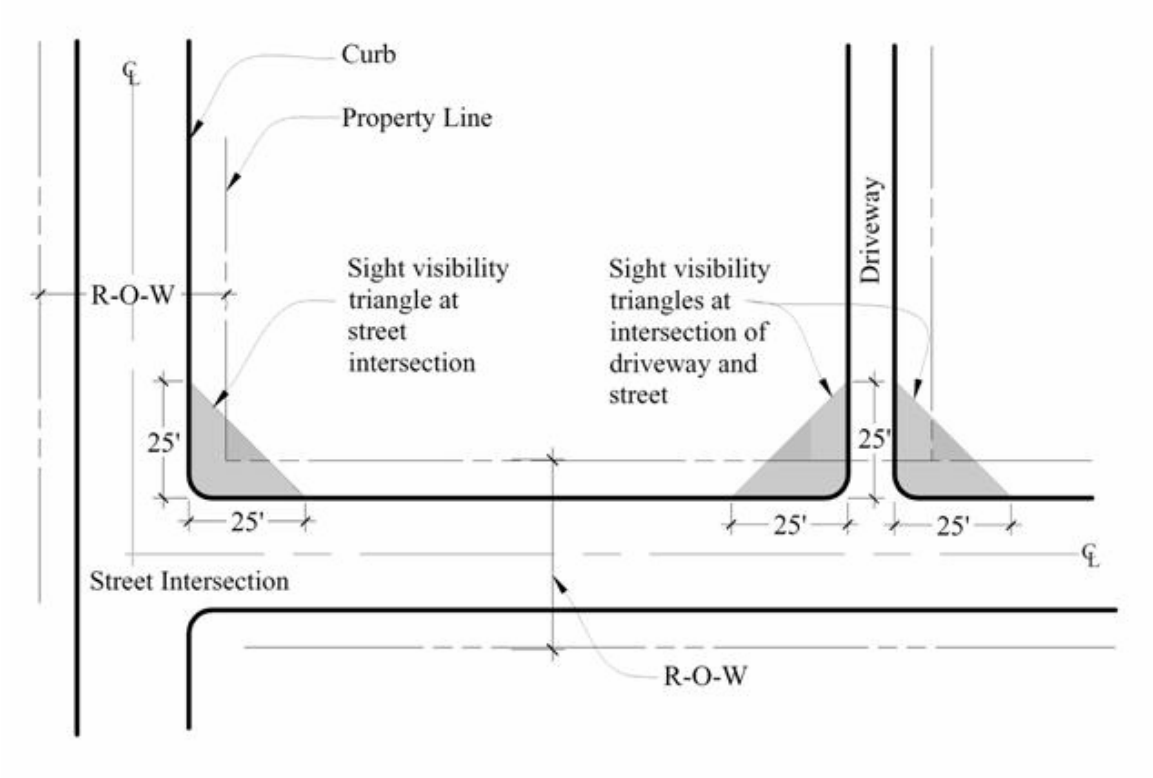
"Fences and walls height" means the vertical distance, measured to the nearest integral foot, from the elevation at grade directly below the structure to the top of the structure, not including supporting posts. If the fence or wall has been elevated through the use of a retaining wall, the creation of a berm or another method for the primary purpose of increasing the overall height of the fence or wall, then the fence or wall height shall be measured from the ground elevation prior to the grade modification.

"Hedge, boundary" means a linear row of closely planted shrubs or low-growing trees put in place to accomplish the same effect as a fence or wall.

"Height."

a. For buildings, see building height.
b. For fences and walls, see fences and walls height.
c. For signs, see Section 21.70.050(B).

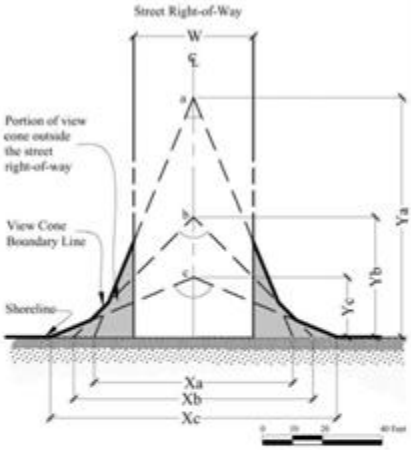
Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular area intended to remain free of visual obstructions to prevent potential traffic hazards across all property corners formed by two intersecting streets or the intersection of an alley and a street or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot between two points each measured twenty-five feet back from the vertex of the extended curblines of the intersecting streets, alleys or driveways.




"View cone" means a space defined by a series of projected lines from the centerline of a street right-of-way that is to be kept free of obstructions so as to preserve a distant view.

See illustration for calculation of view cone:

**Calculations for a given right-of-way (W)**




| Width of view cone at shoreline | Formula |
|---|---|
| Xa | 1.66 times (W) |
| Xb | 2 times (W) |
| Xc | 2.4 times (W) |
| **Distance from shoreline to apex of view cone** | |
| Ya | 2 times (W) |
| Yb | (W) |
| Yc | 0.5 times (W) |

**Definitions**

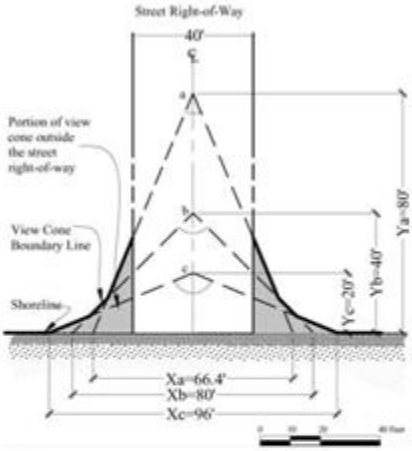
W = Width of street right-of-way
Xa,b,or c = Width of view cone
Ya,b,or c = Distance from shoreline to apex of view cone

**Example Calculations for a 40-foot street right-of-way**

The view cone boundary is defined by the outer edges of three triangular view cones, which are labeled 'a', 'b', and 'c' in the diagram. The boundaries are drawn in plan (top down) view. The cones widen progressively appeoaching the water's edge (as the observer's view widens). The depths and widths of view cones 'a', 'b', and 'c' are calculated relative to the width of the adjacent street right-of-way.

**Steps**:

1. Determine width of street right-of-way (W).
2. Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL).
3. Calculate the width (Xa) of view cone 'a' at the shoreline using the formula in the table. Draw a line on the graph paper showing this width, with the line centered on the street right-of-way centerline at the shoreline.
4. Calculate the depth (Ya) of view cone 'a' from the shoreline using the formula in the table. Mark this depth on the graph paper on the street centerline (point 'a' in the diagram).
5. Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle.
6. Calculate and draw view cones 'b' and 'c' using the formulae in the table for Xb, Yb, Xc and Yc.
7. The view cone boundary may now be drawn along the line that runs along the outermost extent from the street right-of-way of the three view cones (see heavy bold line in the diagram). The area within the view cone boundary, the shaded area in the diagram) is subject to Section 21.60.080.




| Width of view cone at shoreline | Formula | If Right-of-Way = 40' | |
|---|---|---|---|
| Xa | 1.66 times (W) | 1.66 times 40' | Xa=66.4' |
| Xb | 2 times (W) | 2 times 40' | Xb=80' |
| Xc | 2.4 times (W) | 2.4 times 40' | Xc=96' |
| **Distance from shoreline to apex of view cone** | | | |
| Ya | 2 times (W) | 2 times 40' | Ya=80' |
| Yb | (W) | 40' | Yb=40' |
| Yc | 0.5 times (W) | 0.5 times 40' | Yc=20' |

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

**ADOPTED** this _____ day of ___, ___.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**Office of Law Working Draft for Second Reader**

*Editorial note: the purpose of this working draft is to show 1) the current Code in effect that O-40-11 (Fence Permits) modified and was adopted at the same Council meeting where O-47-11 was introduced and 2) the recommended amendments since introduction.*

**Ordinance No. O-47-11**

**EXPLANATION:**
Gray highlighting indicates text proposed to be added to law as it existed at time ordinance was drafted.
~~Strikeout indicates text proposed to be deleted.~~
Yellow highlighting indicates text of current Code as revised by O-40-11 adopted by Council action on the same date this ordinance was introduced.
Underlining indicates amendments proposed by the Planning Commission.
Blue highlighting indicates needed technical amendments.
Purple highlighting indicates amendments proposed by the Planning Commission.

**AN ORDINANCE** concerning

**Fence Permits**

**FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 ~~2012~~ Edition:

17.34.010
17.34.020
21.18.030
21.60.070
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21.60.090
21.72.010

**BY** adding the following portions to the Code of the City of Annapolis, 2012 Edition:

21.60.065
21.60.075

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

## Chapter 17.34 – FENCE ~~CODE~~ PERMITS

### 17.34.010 - ~~Fences, hedges or walls~~ Fences and walls.

A. Permit Required.

1. No new fence~~,~~ or wall ~~or hedge~~ shall be erected, placed, or maintained ~~or grown~~ and no existing fence~~,~~ or wall ~~or hedge~~ shall be altered or replaced until a permit is obtained from the ~~City~~ Department of Neighborhood and Environmental Programs. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the ~~drawings~~ application and supporting documentation have been reviewed by the appropriate City departments and approved by the ~~d~~Director or his or her designee.

~~2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character of the neighborhood and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~

2. At a minimum, the permit application shall be accompanied by a scaled drawing showing the proposed location and dimensions of the fence or wall on the subject lot, and its relationship to the property lines, public right-of-ways, easements, utilities, existing structures, existing trees, and steep topography. The permit application shall also include construction drawings, pictures or diagrams sufficient to illustrate the overall design and materials to be used for the proposed fence or wall. The Director may require the applicant to provide additional information as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code.

~~3. A fence, wall, or hedge erected, placed, maintained or grown in or abutting residential and maritime zoning districts is subject to the following height limitations: (a) six feet along a front yard lot line or in a front yard; (b) six feet along side yard lot lines or in a side yard, between the front yard lot line and façade plane of the principal structure; and (c) except as limited by (b), six feet along the side yard and rear yard lot lines and in side and rear yards.~~

3 ~~5.~~ Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance, unless extended by the Director of Neighborhood and Environmental Programs, or the permit will be revoked.

~~4. A fence, wall, or hedge may be installed up to, but not over the property line. It is the responsibility of the applicant to assure that the proposed fence or wall will not be installed on property of others. All property line disputes are between abutting property owners, not the City.~~

~~B. Administrative Review.~~

~~1. A fence, wall, or hedge of four six feet or less measured from the adjoining finished grade will be approved routinely unless an inspection of the property indicates that a fence, wall, or hedge of this height unduly would obstruct light and air from nearby and adjoining properties or public ways, or unduly obstruct visibility upon public streets.~~

~~2. A proposed fence, wall, or hedge of more than four six feet requires notification to the neighbors prior to any approval. Only the abutting Property owners and occupants within 200 feet of the property of the proposed fence or wall shall be notified in accordance with Section 21.10.020(B) of the Zoning Code. This includes the owners of vacant land, rental units and vacant buildings. The property owners and occupants shall be notified by mail or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility of the applicant or his authorized agent to notify the abutting owners. Failure to respond indicates no objection to the proposal.~~

~~3. A new fence, wall, or hedge, and gates and all existing fences, walls, hedges and gates to be altered located in the historic district as defined in Title 21 of the City Code require the review and approval of the Historic Preservation Commission.~~

~~4. Unless approved otherwise, all fences or walls shall not be located in landscape buffers, conservation easements, over utility easements, across walkway easements or on public rights-of-way.~~

~~5. A fence, wall, or hedge shall not be located at least three feet away from a fire hydrant.~~

~~6. A fence, wall, or hedge shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.~~

~~7. A fence, wall, or hedge shall not unduly obstruct the view of tidal waterways from nearby residential properties.~~

~~8. All fences, hedges and walls shall be maintained in good condition at all times. All fences and walls shall be neatly finished and repaired, including all parts and supports.~~

~~9. No fence or wall may be constructed in a manner or location which will interfere with natural surface water run-off or which will result in a negative impact to any adjacent property by natural surface run-off. All fences and walls must be constructed in a manner that is in harmony with City drainage requirements and standards and in compliance with any approved drainage plans on file with the City for the property upon which the fence or wall is constructed.~~

~~10. It shall be unlawful for any person to place or to allow to be placed on land they own a fence, a hedge or a wall which creates an unsafe or dangerous obstruction or condition.~~

B. Restrictions.

1. In addition to the provisions of this Section, fences and walls shall be required to comply with the standards and requirements outlined in Section 21.60.070 of the Zoning Code.

2. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced so as to encroach upon a public right-of-way or easement area, without written approval from the Director of Public Works or his or her designee. When any part of a permitted fence or wall is installed within a public easement area, the City or any agent of the City permitted to use the easement area shall be held harmless by the owner of the property upon which the permitted fence or wall is located for any and all claims for damage to the fence or wall that might occur when work is performed in the public easement area, and shall not be held responsible or liable for the reinstallation of any fence or wall removed from the public easement.
3. The area three feet in radius around fire hydrants, fire hose connections and utility boxes shall be kept free of any fences or walls that could impede use of the hydrant, hose connection or utility box.

4. Fences and walls shall be installed so as not to disturb or damage existing trees equal to or greater than five inches diameter at breast height, unless otherwise approved by the City.

5. Fences and walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.

6. Fences and walls shall be assembled in accordance with the manufacturer's requirements and be constructed of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials normally used for fences and walls, and that has been manufactured for the purpose of fence or wall construction. The bottom of fence posts and wall foundations shall be set at least 30" below finished grade.

7. Fences and walls shall be maintained in accordance with the City's property maintenance code.

**17.34.020 - Appeals**

A. A person aggrieved by a determination or an order ~~from~~ of the ~~d~~Director or the ~~d~~Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the determination or order. The notice of ~~petition for~~ appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood and Environmental Programs along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. Fifteen days' notice of the hearing ~~also~~ shall be given to persons or entities owning property within two hundred feet of the location of the proposed ~~fence, wall or hedge~~ fence or wall that is the subject of the appeal. Notice shall be by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.

C. The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of Neighborhood and Environmental Programs at the time of the determination or order from which the appeal is ~~taking~~ taken. If the ~~b~~Board finds that the determination or order was in error or contrary to the provisions of this ~~c~~Code or other applicable law, the ~~b~~Board may reverse or modify the determination or order. The decision of the ~~b~~Board on all appeals shall be in writing and shall contain the factual findings of the ~~b~~Board and the reasons for the decision.

D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the ~~c~~Circuit ~~c~~Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 ~~or its successor~~, as may be amended from time to time. For purposes of this

subsection, a person shall not be considered aggrieved by a decision of the ~~b~~Board unless the person has appeared as a party at the hearing before the ~~b~~Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

**17.34.030 - Violations.**

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.

**Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS**

**21.18.030 - Permitted administrative adjustments.**

A. Administrative adjustments from the regulations of this Zoning Code may be granted by the Planning and Zoning Director only in accordance with the criteria established in this Chapter, and may be granted only for the following:

1. Setbacks. To permit any yard or setback of up to twenty percent less than a yard or a setback required by the applicable regulations.

2. Parking. To increase by not more than twenty percent the maximum distance that required parking spaces are permitted to be located from the use served.

3. Lot Coverage. To increase by not more than twenty percent the lot coverage restrictions, except that administrative adjustments of lot coverage restrictions shall not be permitted in the Critical Area Overlay District.

4. Signs. To adjust the limitations for signs in the specific instances set forth in Section 21.70.110.

5. Fences and Walls. To permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit specified in Section 21.60.070.

~~5.~~ 6. Specific Zoning District Provisions. The zoning district provisions applicable to specific zoning districts, as provided in Division III, may authorize other permitted administrative adjustments. In Chapter 21.54, Critical Area Overlay, these adjustments are referred to as administrative variances.

B. The Director of Planning and Zoning may not approve administrative adjustments in the R1, Single-Family Residence District when the minimum lot width and area requirements for the affected property are not met.

## Chapter 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS

### 21.60.065 - Plantings.

A. All plantings shall be installed and maintained in accordance with the applicable provisions of Sections 21.62.030, 21.62.040 and 21.62.050.

B. Unless as otherwise may be required for planting mitigation or screening purposes by a condition of approval for a development application, plantings installed in the form of a boundary hedge, in-lieu-of or together with a fence or wall, shall be pruned or maintained so as not to exceed the height limits for fences and walls as outlined in Section 21.60.070.

C. In the event that the requirements of this section conflict with those in Chapter 21.54, Critical Area Overlay, the Critical Area requirements shall prevail.

### 21.60.070 - ~~Fences, walls, and plantings.~~ Fences and walls.

~~A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code.~~

~~A. For the purposes of this Section, the following definitions shall apply:~~
~~1. "Fence" means a fence, wall or hedge.~~

~~2. "Approved grade" means the elevation of the ground, or any paving or sidewalk built upon it, which has been established on the basis of an engineered grading and drainage plan for the property that has been reviewed and approved by the city for the property. When no engineered grading and drainage plan is on file with the city, an established historic grade may be accepted in-lieu-of the engineered plan, based on general information available, including, when appropriate, a site inspection of the property by the city before the fence, hedge or wall is constructed. In making a determination regarding historic grade, the city may, when deemed necessary, require submission of current surveyed elevations of the property and other nearby properties; or may require that an engineered grading and drainage plan be submitted by the owner or occupant of the property.~~

~~3. "Fence section" means a portion or panel of fence construction, normally consisting of pickets, planks or metal fabric attached to horizontal rails, and which is attached or constructed, in more or less regular sequential intervals, to supporting vertical posts. In determining what constitutes a fence section, the normal guideline shall be sequential sections of fence which are eight feet in length.~~

~~4. "Hedge" means several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus effectively forming a barrier or enclosure.~~

~~5. "Top of fence/top of wall" means the uppermost point on the edge or surface of a fence or wall, but not including support posts or architectural features as described in section 18.48.070(A)(1)(d).~~

~~6. "Top of hedge" means the highest point on the uppermost branches or stems of a hedge above which only leaves or needles naturally grow.~~

~~B. A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. It is the purpose of the provisions of this section to establish requirements for the height, location, and materials of fences, hedges or walls. Fences shall be required to comply with the following standards and requirements:~~

~~1. The height of a fence, or any combination of fences, is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, or any combination thereof, shall the height exceed the limits established in this Chapter.~~

~~2. The maximum height of a fence shall not include the support posts or ornamental features included in the construction, provided that (a) the overall construction of such posts and ornamental features does not exceed the limitations describing a limited solid material fence as set forth in Section 21.60.070(A)(3), and (b) no posts or ornamental features extend more than one foot above the top of the fence.~~

~~3. All fences which have a ratio of solid material to open space of not more than one to four shall be considered limited solid material fences, and walls.~~

~~4. All fences which have a ratio of solid material to open space of more than one to four shall be considered solid material fences, and walls.~~

~~5. All fences must be located within the boundary lines of the property owned by the person or persons who construct and maintain them.~~

~~6. No barbed wire or other sharp-pointed fences shall be installed on any property, except around storage yards in the I1 zoning district upon a specific finding by the Planning and Zoning Department that such a fence is necessary to protect property or goods.~~

~~C. The maximum height of all fences shall be eight feet, except as hereafter provided:~~
~~1. Fences around tennis, squash racquet, squash tennis or badminton courts and publicly owned recreation areas may exceed eight feet in height, provided, that the same are limited solid material fences, and walls.~~

~~2. Limited solid material fences located in a front yard, or a yard adjacent to a public right-of-way shall have a maximum height of four feet unless they meet the set back requirement(s) for the principal structure.~~

~~3. Solid material fences located in a front yard or a yard adjacent to a public right-of-way shall have a maximum height of forty-two inches unless the same meet the front setback requirement of the zone in which it is located.~~

~~4. Other fences may not exceed eight feet in height.~~

~~D. A sight visibility triangle is established in Section 21.72.010. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Section 21.72.010 for definition and calculation of the view cone.~~

~~1. No fences, walls, or hedges with a height greater than forty-eight inches are allowed in a view cone, except:~~

~~a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are transparent above forty-eight inches. A fence, wall, hand-rail, or guard is considered transparent if its opacity is twenty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.~~

~~b. Trees maintained with a single clear trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.~~

~~2. All plantings, exclusive of trees referenced in subsection (D)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of forty-eight inches or less.~~

~~E. Other considerations~~

~~1. When in a fence is to be constructed that otherwise meets the requirements of this section, but impedes an established view shed or a view of a waterway from adjoining public or private properties, the Planning Department may require modifications to the materials or the ratio of solid fencing to voids.~~
~~2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, and whether or not the fence, wall or hedge unduly will obstruct visibility from public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~
~~3. If located in the historic district as defined in this Title, all proposed new fences, walls and gates and all proposed alterations to existing fences, walls and gates require the review and approval of the Historic Preservation Commission.~~

Fences and walls as defined by this Title may be erected, placed, maintained, altered or replaced pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. The following additional standards apply:

A. If located within the historic district as defined in this Title, all proposed new fences and walls, and all proposed alterations to existing fences and walls, require the review and approval of the Historic Preservation Commission. The Historic Preservation Commission has the authority to grant a waiver or exemption, if necessary, in order to comply with the Historic Preservation Commission Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation.

B. Fences and walls may be installed up to, but not over the property line. It is the responsibility of the property owner to assure that the proposed fence or wall is not installed on property of others. All property line disputes are between abutting property owners, and they shall not seek or have any remedy against the City.

C. Within required bufferyards adjacent to public streets, to the extent practical in order to achieve proper screening, fences and walls shall be

located towards the interior edge of the landscape buffer, rather than at the edge of the public right-of-way.

D. Except as permitted by this Title, fences and walls shall not obstruct view cones or sight visibility triangles.

E. Fences and walls shall not be located to unduly obstruct light and air from neighboring properties or public ways.

F. The overall design and materials used for fences and walls shall be in keeping with the character and purpose for which the fence or wall is intended, and shall be compatible with other similar structures in the neighborhood.

G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall.

H. Except in connection with penal and correctional institutions and public utility and service uses, no fence or wall shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

I. Standard Maximum Height.

1. In all zoning districts, the maximum height of fences and walls enclosing outdoor tennis courts, baseball backstops, and other fences and walls normally provided with recreation facilities, shall be twelve feet or the minimum height required to protect public safety, whichever is greater.

2. In all non-residential zoning districts, except for the maritime districts, the maximum height of a fence or wall shall be eight feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed six feet.

3. In all residential and maritime zoning districts, the maximum height of a fence or wall shall be six feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed four feet.

4. Fences and walls shall not be considered as being located along a public street if they otherwise meet the same minimum front and

corner-side yard setbacks that would be required for the principal structure on the subject property in the zoning district in which the fence or wall is located.

J. Allowance for Additional Height.

1. Up to two additional feet of height is allowed for decorative gates which do not exceed twenty-five feet in width for vehicular gates, or eight feet in width for pedestrian gates.

2. In accordance with the procedures for Administrative Adjustments set forth in Chapter 21.18, the Planning and Zoning Director may permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit established by this section.

3. In addition to the review criteria in Section 21.18.040, the Director of Planning and Zoning shall make additional written findings based on the following:

a. The subject fence or wall will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public right-of-ways, or safety concerns.

b. Within the intent and purpose of this Zoning Code, the proposed additional fence or wall height, if granted, is the minimum adjustment necessary to afford relief.

K. Notwithstanding the height limitations in this section, temporary fences and walls, incidental to construction on or development of the premises on which the temporary fences and walls are located, shall be permitted during the time construction or development is actively underway.

L. Lawfully existing fences and walls that do not conform to the bulk or other development or design standards for the district in which the fence or wall is located may be continued, if properly repaired and maintained as provided in Chapter 21.68, Nonconforming Uses and Structures. Nonconforming fences and walls which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Title.

**21.60.075 Sight Visibility Triangle.**

In all districts, a sight visibility triangle, as defined in Section 21.72.010, shall be provided at all intersections, including alleys and driveways, and shall be kept free of obstructions to vision between the height of two and one-half feet and twelve feet above the street. If, in the opinion of the Director of Planning and Zoning with the concurrence of the Director of Public Works, this requirement may be altered if such alteration will not result in a potential traffic hazard. Where intersections occur on roadways under the jurisdiction of the State of Maryland or Anne Arundel County, the sight visibility triangle required by the State or County may be substituted in-lieu-of the requirements above.

**21.60.080 - View cones.**

A. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Division VI for definition and calculation of the view cone.

B. Fences, Walls, and Plantings in View Cones.

1. No fences, walls, or plantings with a height greater than ~~forty-eight inches~~ four feet are allowed in a view cone, except:

a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are ~~transparent~~ open above ~~forty-eight inches~~ four feet. A fence, wall, hand-rail, or guard is considered ~~transparent~~ open if its opacity is ~~twenty~~ fifty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.

b. Trees maintained with a single ~~clear~~ trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.

2. All plantings, exclusive of trees referenced in subsection (B)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of ~~forty-eight inches~~ four feet or less.

~~3. The height of a fence, wall or planting or any combination of these is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, wall or planting or any combination thereof shall~~

~~the height exceed the limits established in subsections (B)(1)(a) and (B)(1)(b) of this section.~~

**21.60.090 - Objects in required yards.**

The following are not obstructions when located in the required yards:

A. All Yards.
   1. Open terraces, porches, and decks not over four feet above the average level of the adjoining ground, but not including a permanent roof-over terrace or porch. Handrails and guardrails around terraces, porches, and decks within a view cone shall be ~~transparent~~ open, pursuant to Section 21.60.080,
   2. Awnings and canopies,
   3. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley,
   4. Grade-level walks and driveways,
   5. Chimneys projecting two feet or less into a yard,
   6. Recreational and laundry-drying equipment,
   7. Arbors and trellises,
   8. Flagpoles, and
   9. ~~Fences, walls and plantings for which required permits have been issued in accordance with Chapter 17.34 of the City Code, except as prohibited under Section 21.60.080.~~ Fences, walls and plantings, except as prohibited under Sections 21.60.075 and 21.60.080.

B. Front Yards.
   1. One-story bay windows projecting three feet or less into a yard,
   2. Overhanging eaves and gutters projecting three feet or less into the yard,
   3. Fuel, air and water pumps in conjunction with motor vehicle service stations; provided, that they are set back at least fifteen feet from the front lot line, and
   4. Canopies in conjunction with motor vehicle service stations subject to the site design plan review requirements of Chapter 21.22

C. Rear Yards.
   1. Balconies,
   2. One-story bay windows projecting three feet or less into the yard, and
   3. Overhanging eaves and gutters projecting three feet or less into the yard;

D. Side Yards.
   1. Overhanging eaves and gutters projecting eighteen inches or less into the yard, and

2. Fuel, air and water pumps in conjunction with automobile service stations; provided, that they are set back at least fifteen feet from the side lot line.

## Chapter 21.72 – TERMS AND DEFINITIONS

### 21.72.010 - Terms.

D. List of definitions.

"Fences and walls" means an artificially constructed exterior barrier of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials, for which the primary purpose is to mark boundaries, control access, or to screen views. For the purpose of this Title, the term "fences and walls" does not include retaining walls.

"Fences and walls height" means the vertical distance, measured to the nearest integral foot, from the elevation at grade directly below the structure to the top of the structure, not including supporting posts. If the fence or wall has been elevated through the use of a retaining wall, the creation of a berm or another method for the primary purpose of increasing the overall height of the fence or wall, then the fence or wall height shall be measured from the ground elevation prior to the grade modification.

"Hedge, boundary" means a linear row of closely planted shrubs or low-growing trees put in place to accomplish the same effect as a fence or wall.

"Height."

a. For buildings, see building height.

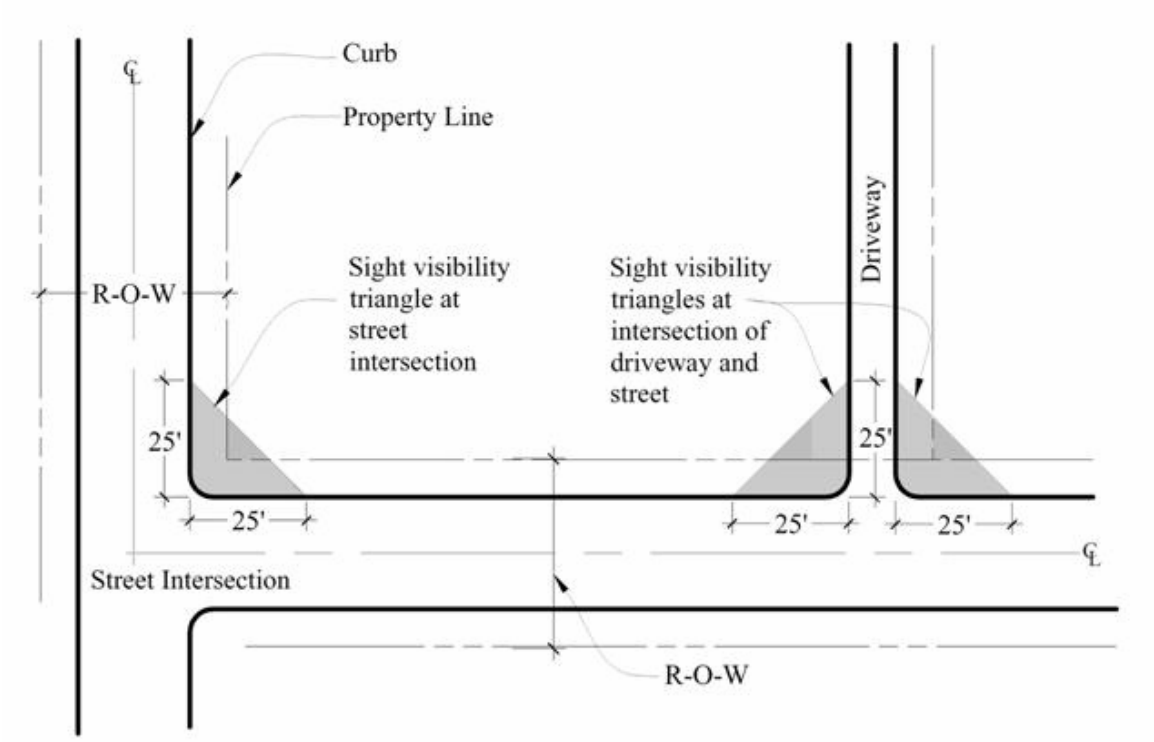
b. For fences and walls, see fences and walls height.

~~b.~~ c. For signs, see Section 21.70.050(B).

~~Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular space provided across all property corners created by either the intersection of two streets or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot measured from two points drawn twenty-five feet back from the street or driveway intersections with a street.~~

Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular area intended to remain free of visual obstructions to prevent potential

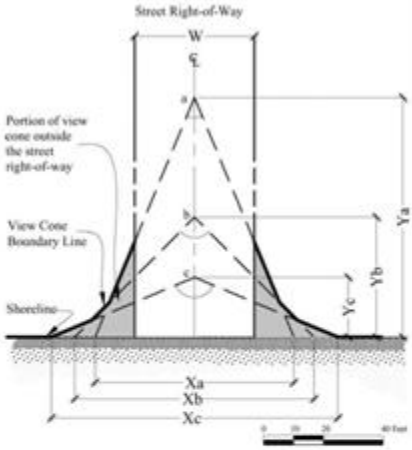
traffic hazards across all property corners formed by two intersecting streets or the intersection of an alley and a street or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot between two points each measured twenty-five feet back from the vertex of the extended curblines of the intersecting streets, alleys or driveways.




"View cone" means a space defined by ~~two~~ a series of projected lines from the centerline of a street right-of-way that is to be kept free of obstructions so as to preserve a distant view.

See illustration for calculation of view cone:

**Calculations for a given right-of-way (W)**




| Width of view cone at shoreline | Formula |
|---|---|
| Xa | 1.66 times (W) |
| Xb | 2 times (W) |
| Xc | 2.4 times (W) |
| **Distance from shoreline to apex of view cone** | |
| Ya | 2 times (W) |
| Yb | (W) |
| Yc | 0.5 times (W) |

**Definitions**

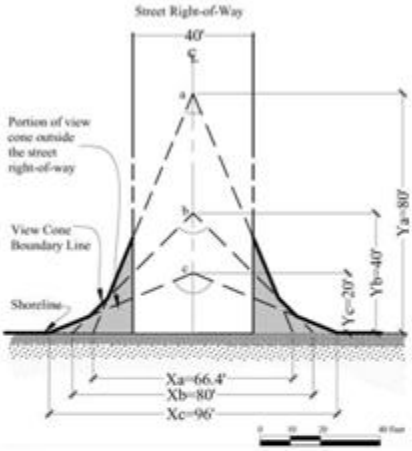
W = Width of street right-of-way
Xa,b,or c = Width of view cone
Ya,b,or c = Distance from shoreline to apex of view cone

**Example Calculations for a 40-foot street right-of-way**

The view cone boundary is defined by the outer edges of three triangular view cones, which are labeled 'a', 'b', and 'c' in the diagram. The boundaries are drawn in plan (top down) view. The cones widen progressively appeoaching the water's edge (as the observer's view widens). The depths and widths of view cones 'a', 'b', and 'c' are calculated relative to the width of the adjacent street right-of-way.

**Steps**:

1. Determine width of street right-of-way (W).
2. Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL).
3. Calculate the width (Xa) of view cone 'a' at the shoreline using the formula in the table. Draw a line on the graph paper showing this width, with the line centered on the street right-of-way centerline at the shoreline.
4. Calculate the depth (Ya) of view cone 'a' from the shoreline using the formula in the table. Mark this depth on the graph paper on the street centerline (point 'a' in the diagram).
5. Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle.
6. Calculate and draw view cones 'b' and 'c' using the formulae in the table for Xb, Yb, Xc and Yc.
7. The view cone boundary may now be drawn along the line that runs along the outermost extent from the street right-of-way of the three view cones (see heavy bold line in the diagram). The area within the view cone boundary, the shaded area in the diagram) is subject to Section 21.60.080.




| Width of view cone at shoreline | Formula | If Right-of-Way = 40' | |
|---|---|---|---|
| Xa | 1.66 times (W) | 1.66 times 40' | Xa=66.4' |
| Xb | 2 times (W) | 2 times 40' | Xb=80' |
| Xc | 2.4 times (W) | 2.4 times 40' | Xc=96' |
| **Distance from shoreline to apex of view cone** | | | |
| Ya | 2 times (W) | 2 times 40' | Ya=80' |
| Yb | (W) | 40' | Yb=40' |
| Yc | 0.5 times (W) | 0.5 times 40' | Yc=20' |

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 5/23/13

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

The Rules and City Government Committee has reviewed O-47-11 and has taken the following action:

_____ Favorable

_X_ Favorable with amendments — to give the HPC authority over fence aproval in the historic District

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Arnett, Chair YES  Ald. Hoyle YES  Ald. Budge YES

Meeting Date _____  Signature of Chair [signature]

City of Annapolis
Committee Referral Action

Date: March 8, 2013

To: Jessica Cowles
Legislative & Policy Analyst

The Planning Commission has reviewed Ordinance O-47-11 and has taken the following action:

___x___ Favorable with amendments

_____ Comments: See staff report for recommended changes

March 7, 2013
Meeting Date

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

March 7, 2013

**To:** **Annapolis City Council**

**From:** **Planning Commission**

**Re:** **Findings - O-47-11 Fence Permits**

## SUMMARY

O-47-11 proposes modifications to Chapter 17.34 Fence Code and to Chapter 21.60 Supplemental Use and Development Standards. The proposed ordinance would revise the Annapolis City Code with respect to the issuance of fence permits. Chapter 17.34 of the Annapolis City Code establishes the requirement for a fence permit application and permit fee.

Chapter 21.60 of the Annapolis City Code establishes supplemental use and development standards for fences. Examples of the proposed, additional supplemental use and development standards for fences in O-47-11 address the ratio of solid fence material to open space, the regulation of barbed wire fences, standards for fences affecting certain view cones, and the standards for Historic Preservation Commission review for fences, walls and gates in the historic district.

## STAFF RECOMMENDATION

At a regularly scheduled meeting on March 7, 2013, the Planning and Zoning staff presented their recommendation on the legislation. A revised version of the legislation was presented to the Commission.

O-47-11 was introduced by Alderman Arnett in order to establish new procedures for the approval of fences, including design standards and to establish an appeal process for fence permits. It proposes to establish design criteria under Title 21 for review by the Department of Planning and Zoning. Any references to design would be removed from Chapter 17.34 and DNEP would deal only with construction methods and permitting for fences and appeals of fence permits to the Building Board of Appeals.

Staff, after reviewing the initial legislation, researched fence regulations in other jurisdictions and met with DNEP to evaluate the proposed legislation. This process identified a number of issues with the legislation and the decision was made to formulate revised regulations that would more clearly separate the two aspects of permit review: construction and design. The revised legislation has also been reviewed by the sponsor, Aldermen Arnett, who concurred with our recommended revisions.

## PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held on March 7, 2013 and the public was invited to comment on the proposed text amendment. After the close of the public hearing, the Planning Commission entered into deliberations.

## 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 and public comments, the Commission by a vote of 6 to 0 recommends adoption of the ordinance, as revised by staff.

Adopted this 7th day of March, 2013

Eleanor Harris

Dr. Eleanor Harris, Chair

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
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JON ARASON, AICP
DIRECTOR

February 28, 2013

# MEMORANDUM

To: Planning Commission

From: Jon Arason, Director of Planning and Zoning

**Re: O-47-11 Fence Permits**

**Attachments: O-47-11**
**O-47-11 REVISED**

## SUMMARY

O-47-11 proposes modifications to Chapter 17.34 Fence Code and to Chapter 21.60 Supplemental Use and Development Standards. The proposed ordinance would revise the Annapolis City Code with respect to the issuance of fence permits. Chapter 17.34 of the Annapolis City Code establishes the requirement for a fence permit application and permit fee.

Chapter 21.60 of the Annapolis City Code establishes supplemental use and development standards for fences. Examples of the proposed, additional supplemental use and development standards for fences in O-47-11 address the ratio of solid fence material to open space, the regulation of barbed wire fences, standards for fences affecting certain view cones, and the standards for Historic Preservation Commission review for fences, walls and gates in the historic district.

## BACKGROUND AND ANALYSIS

Fences are currently regulated primarily through Chapter 17.34 Fence Code in the City under the purview of the Department of Neighborhood and Environmental Programs (DNEP).

Title 21 contains a cross-reference to Chapter 17.34 which states:

> *21.60.070 - Fences, walls, and plantings.*
> *A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code.*

There are also several specific references to fences in the Zoning Code:

The first is in the Bulk Regulation Tables for the B1, B2, B3, B3-CD, PM , PM2, I1 and MX districts which allows that in transitional yards *"...screening such as with a wall, fence or densely planted compact plantings may be required, as determined through the site design plan review process."*

The second is requirements for fences, walls and plantings in view cones:

> *21.60.080 - View cones.*
> *A. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Division VI for definition and calculation of the view cone.*
> *B. Fences, Walls, and Plantings in View Cones.*
> *1. No fences, walls, or plantings with a height greater than forty-eight inches are allowed in a view cone, except:*
> *a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are transparent above forty-eight inches. A fence, wall, hand-rail, or guard is considered transparent if its opacity is twenty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.*
> *b. Trees maintained with a single clear trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.*
> *2. All plantings, exclusive of trees referenced in subsection (B)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of forty-eight inches or less.*
> *3. The height of a fence, wall or planting or any combination of these is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, wall or planting or any combination thereof shall the height exceed the limits established in subsections (B)(1)(a) and (B)(1)(b) of this section.*

Third is a reference in Section 21.72.010 to including fencing in the definition of "landscape elements" and excluding fences form the definition of "lot coverage".

And lastly, there is a requirement under Section 21.59.070 - Building design guidelines for the Eastport Conservation Gateway Overlay zone that *"...Design compatibility is to include aspects such as width, façades, articulation, glazing, materials, lighting, mass, roof forms, accessory structures, fencing, and signage."*

O-47-11 was introduced by Alderman Arnett in order to establish new procedures for the approval of fences, including design standards and to establish an appeal process for fence permits. It proposes to establish design criteria under Title 21 for review by the Department of Planning and Zoning. Any references to design would be removed from Chapter 17.34 and DNEP would deal only with construction methods and permitting for fences and appeals of fence permits to the Building Board of Appeals.

Staff, after reviewing the initial legislation, researched fence regulations in other jurisdictions and met with DNEP to evaluate the proposed legislation. This process identified a number of issues with the legislation and the decision was made to formulate revised regulations that would more clearly separate the two aspects of permit review: construction and design. The revised legislation has also been reviewed by the sponsor, Aldermen Arnett, who concurred with our recommended revisions.

O-47-11 was introduced at the same time that O-40-10 Amended was adopted. O-40-10 Amended revised the height restrictions for fences in residential and maritime districts. Due to the time overlap, O-47-11 was not written to amend the current Code, but rather the Code that was effect prior to the passage of O-40-10 Amended. This immediately necessitated a number of revisions to the legislation. O-47-11 also created standards and terminology that staff, after review, felt would be overly complicated to interpret, administer, and enforce.

Key aspects of the revised legislation proposed by staff are, as follows:

- The revised ordinance has been reformatted to integrate with the existing structure of Title 21.
- It clarifies the regulations and eliminates ambiguous terminology.
- DNEP, under Title 17, will administer regulations regarding permitting and construction for fences and walls.
- Planning and Zoning, under Title 21, will review fences and walls for design considerations including compatibility, height and location.

RECOMMENDATION
Staff recommends approval of O-47-11 REVISED.

Report Prepared by

Kevin Scott, ASLA
Senior Land Use & Development Planner

**Prepared By:**
**Department of Planning and Zoning**

# Ordinance No. O-47-11 REVISED

**Introduced by: Alderman Arnett**

**AN ORDINANCE** concerning

**Fence Permits**

**FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition:

**17.34.010**
**17.34.020**
**21.18.030**
**21.60.070**
**21.60.080**
**21.60.090**
**21.72.010**

**BY** adding the following new code sections:

**21.60.065**
**21.60.075**

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

**Chapter 17.34 – FENCE ~~CODE~~ PERMITS**

**17.34.010 - ~~Fences, hedges or walls~~ Fences and walls.**

A. Permit Required.

~~1.~~ 1. ~~No new fence, wall or hedge shall be erected, placed, maintained or grown and no existing fence, wall, or hedge shall be altered or replaced~~ No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced until a permit is obtained from the ~~City~~ Department of Neighborhood and Environmental Programs. The nonrefundable application fee and permit fee shall be in accordance

with Section 17.12.056. The permit shall not be issued until the ~~drawings~~ application and supporting documentation have been reviewed by the appropriate City departments and approved by the ~~d~~Director or his or her designee.

~~2.~~ 2. At a minimum, the permit application shall be accompanied by a scaled drawing showing the proposed location and dimensions of the fence or wall on the subject lot, and its relationship to the property lines, public right-of-ways, easements, utilities, existing structures, existing trees, and steep topography. The permit application shall also include construction drawings, pictures or diagrams sufficient to illustrate the overall design and materials to be used for the proposed fence or wall. The Director may require the applicant to provide additional information as deemed necessary by the City in order to review the proposed fence or wall for conformity with the City Code.

~~3.~~ 3. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance, unless extended by the Director of Neighborhood and Environmental Programs, or the permit will be revoked.

~~4. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character of the neighborhood and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~

~~5. A fence, wall, or hedge erected, placed, maintained or grown in or abutting residential and maritime zoning districts is subject to the following height limitations: (a) six feet along a front yard lot line or in a front yard; (b) six feet along side yard lot lines or in a side yard, between the front yard lot line and façade plane of the principal structure; and (c) except as limited by (b), six feet along the side yard and rear yard lot lines and in side and rear yards.~~

~~6. A fence, wall, or hedge may be installed up to, but not over the property line. It is the responsibility of the applicant to assure that the proposed fence or wall will not be installed on property of others. All property line disputes are between abutting property owners, not the City.~~

B. Restrictions.

~~7.~~ 1. In addition to the provisions of this Section, fences and walls shall be required to comply with the standards and requirements outlined in Section 21.60.070 of the Zoning Code.

~~8.~~ 2. No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced so as to encroach upon a public right-of-way or easement area, without written approval from the Director of Public Works or his or her designee. When any part of a permitted fence or wall is installed within a public easement area, the City or any agent of the City permitted to use the easement area shall be held harmless by the owner of the property upon which the permitted fence or wall is located for any and all claims for damage to the fence or wall that might occur when work is performed in the public easement area, and shall not be held responsible or liable for the reinstallation of any fence or wall removed from the public easement.

~~9.~~ 3. The area three feet in radius around fire hydrants, fire hose connections and utility boxes shall be kept free of any fences or walls that could impede use of the hydrant, hose connection or utility box.

~~10.~~4. Fences and walls shall be installed so as not to disturb or damage existing trees equal to or greater than five inches diameter at breast height, unless otherwise approved by the City.

~~11.~~5. Fences and walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.

~~12.~~6. Fences and walls shall be assembled in accordance with the manufacturer's requirements and be constructed of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials normally used for fences and walls, and that has been manufactured for the purpose of fence or wall construction. The bottom of fence posts and wall foundations shall be set at least 30" below finished grade.

~~13.~~7. Fences and walls shall be maintained in accordance with the City's property maintenance code.

~~B. Administrative Review.~~

~~1. A fence, wall, or hedge of six feet or less measured from the adjoining finished grade will be approved routinely unless an inspection of the property indicates that a fence, wall, or hedge of this height unduly would~~

~~obstruct light and air from nearby and adjoining properties or public ways, or unduly obstruct visibility upon public streets.~~

~~2. A proposed fence, wall, or hedge of more than six feet requires notification prior to any approval. Property owners and occupants within 200 feet of the property of the proposed fence or wall shall be notified in accordance with Section 21.10.020(B) of the Zoning Code. This includes the owners of vacant land, rental units and vacant buildings. The property owners and occupants shall be notified by mail or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility of the applicant or his authorized agent to notify. Failure to respond indicates no objection to the proposal.~~

~~3. A new fence, wall, or hedge, and gates and all existing fences, walls, hedges and gates to be altered located in the historic district as defined in Title 21 of the City Code require the review and approval of the Historic Preservation Commission.~~

~~4. Unless approved otherwise, all fences or walls shall not be located in landscape buffers, conservation easements, over utility easements, across walkway easements and public rights-of-way.~~

~~5. A fence, wall, or hedge shall not be located closer than three feet to a fire hydrant.~~

~~6. A fence, wall, or hedge shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.~~

~~7. A fence, wall, or hedge shall not unduly obstruct the view of tidal waterways from nearby residential properties.~~

**17.34.020 - Appeals**

A. A person aggrieved by a determination or an order ~~from~~ of the ~~d~~Director or the ~~d~~Director's designee made pursuant to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board of Appeals within fifteen calendar days of the date of the determination or order. The notice of ~~petition for~~ appeal shall be in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood and Environmental Programs along with a nonrefundable fee in an amount established by the City Council. Any right to appeal shall be waived if not timely filed.

B. Fifteen days' notice of the hearing ~~also~~ shall be given to persons or entities owning property within two hundred feet of the location of the proposed ~~fence, wall or hedge~~ fence or wall that is the subject of the

appeal. Notice shall be by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.

C. The Building Board of Appeals shall consider the appeal based upon the information and documentation provided to the Department of Neighborhood and Environmental Programs at the time of the determination or order from which the appeal is ~~taking~~ taken. If the ~~b~~Board finds that the determination or order was in error or contrary to the provisions of this ~~c~~Code or other applicable law, the ~~b~~Board may reverse or modify the determination or order. The decision of the ~~b~~Board on all appeals shall be in writing and shall contain the factual findings of the ~~b~~Board and the reasons for the decision.

D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this section may appeal that decision to the ~~c~~Circuit ~~c~~Court for Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 ~~or its successor~~, as may be amended from time to time. For purposes of this subsection, a person shall not be considered aggrieved by a decision of the ~~b~~Board unless the person has appeared as a party at the hearing before the ~~b~~Board. An appeal under this section shall be taken within thirty days of the date of the decision appealed and shall be the exclusive remedy of the aggrieved party from that decision.

## Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS

### 21.18.030 - Permitted administrative adjustments.

A. Administrative adjustments from the regulations of this Zoning Code may be granted by the Planning and Zoning Director only in accordance with the criteria established in this Chapter, and may be granted only for the following:

1. Setbacks. To permit any yard or setback of up to twenty percent less than a yard or a setback required by the applicable regulations.

2. Parking. To increase by not more than twenty percent the maximum distance that required parking spaces are permitted to be located from the use served.

3. Lot Coverage. To increase by not more than twenty percent the lot coverage restrictions, except that administrative adjustments of lot coverage restrictions shall not be permitted in the Critical Area Overlay District.

4. Signs. To adjust the limitations for signs in the specific instances set forth in Section 21.70.110

5. Fences and Walls. To permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit specified in Section 21.60.070.

~~5.~~ 6. Specific Zoning District Provisions. The zoning district provisions applicable to specific zoning districts, as provided in Division III, may authorize other permitted administrative adjustments. In Chapter 21.54, Critical Area Overlay, these adjustments are referred to as administrative variances.

B. The Director of Planning and Zoning may not approve administrative adjustments in the R1, Single-Family Residence District when the minimum lot width and area requirements for the affected property are not met.

## Chapter 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS

### 21.60.065 - Plantings.

A. All plantings shall be installed and maintained in accordance with the applicable provisions of Sections 21.62.030, 21.62.040 and 21.62.050.

B. Unless as otherwise may be required for planting mitigation or screening purposes by a condition of approval for a development application, plantings installed in the form of a boundary hedge, in-lieu-of or together with a fence or wall, shall be pruned or maintained so as not to exceed the height limits for fences and walls as outlined in Section 21.60.070.

C. In the event that the requirements of this section conflict with those in Chapter 21.54, Critical Area Overlay, the Critical Area requirements shall prevail.

### 21.60.070 - ~~Fences, walls, and plantings.~~ Fences and walls.

~~A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code.~~

Fences and walls as defined by this Title may be erected, placed, maintained, altered or replaced pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. The following additional standards apply:

A. If located within the historic district as defined in this Title, all proposed new fences and walls, and all proposed alterations to existing fences and walls, require the review and approval of the Historic Preservation Commission.

B. Fences and walls may be installed up to, but not over the property line. It is the responsibility of the property owner to assure that the proposed fence or wall is not installed on property of others. All property line disputes are between abutting property owners, and they shall not seek or have any remedy against the City.

C. Within required bufferyards adjacent to public streets, to the extent practical in order to achieve proper screening, fences and walls shall be located towards the interior edge of the landscape buffer, rather than at the edge of the public right-of-way.

D. Except as permitted by this Title, fences and walls shall not obstruct view cones or sight visibility triangles.

E. Fences and walls shall not be located to unduly obstruct light and air from neighboring properties or public ways.

F. The overall design and materials used for fences and walls shall be in keeping with the character and purpose for which the fence or wall is intended, and shall be compatible with other similar structures in the neighborhood.

G. All fences and walls shall be installed with the finished side facing out, so that posts and lateral supports are not on the side of the fence or wall which faces an adjacent property or public right-of-way, unless such supporting members are exposed on both sides due to the specific design of the fence or wall.

H. Except in connection with penal and correctional institutions and public utility and service uses, no fence or wall shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

I. Standard Maximum Height.

1. In all zoning districts, the maximum height of fences and walls enclosing outdoor tennis courts, baseball backstops, and other fences and walls normally provided with recreation facilities, shall be twelve feet or the minimum height required to protect public safety, whichever is greater.

2. In all non-residential zoning districts, except for the maritime districts, the maximum height of a fence or wall shall be eight feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed six feet.

3. In all residential and maritime zoning districts, the maximum height of a fence or wall shall be six feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed four feet.

4. Fences and walls shall not be considered as being located along a public street if they otherwise meet the same minimum front and corner-side yard setbacks that would be required for the principal structure on the subject property in the zoning district in which the fence or wall is located.

J. Allowance for Additional Height.

1. Up to two additional feet of height is allowed for decorative gates which do not exceed twenty-five feet in width for vehicular gates, or eight feet in width for pedestrian gates.

2. In accordance with the procedures for Administrative Adjustments set forth in Chapter 21.18, the Planning and Zoning Director may permit certain fences and walls an additional height allowance of up to four feet above the standard maximum height limit established by this section.

3. In addition to the review criteria in Section 21.18.040, the Director of Planning and Zoning shall make additional written findings based on the following:

a. The subject fence or wall will be compatible with other similar structures in the neighborhood and is required to mitigate impacts from adjacent land uses, the subject property's proximity to public right-of-ways, or safety concerns.

b. Within the intent and purpose of this Zoning Code, the proposed additional fence or wall height, if granted, is the minimum adjustment necessary to afford relief.

K. Notwithstanding the height limitations in this section, temporary fences and walls, incidental to construction on or development of the premises on

which the temporary fences and walls are located, shall be permitted during the time construction or development is actively underway.

L. Lawfully existing fences and walls that do not conform to the bulk or other development or design standards for the district in which the fence or wall is located may be continued, if properly repaired and maintained as provided in Chapter 21.68, Nonconforming Uses and Structures. Nonconforming fences and walls which are structurally altered, relocated, or replaced shall comply immediately with all provisions of this Title.

**21.60.075 Sight Visibility Triangle.**

In all districts, a sight visibility triangle, as defined in Section 21.72.010, shall be provided at all intersections, including alleys and driveways, and shall be kept free of obstructions to vision between the height of two and one-half feet and twelve feet above the street. If, in the opinion of the Director of Planning and Zoning with the concurrence of the Director of Public Works, this requirement may be altered if such alteration will not result in a potential traffic hazard. Where intersections occur on roadways under the jurisdiction of the State of Maryland or Anne Arundel County, the sight visibility triangle required by the State or County may be substituted in-lieu-of the requirements above.

**21.60.080 - View cones.**

A. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Division VI for definition and calculation of the view cone.

B. Fences, Walls, and Plantings in View Cones.

1. No fences, walls, or plantings with a height greater than ~~forty-eight inches~~ four feet are allowed in a view cone, except:

a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are ~~transparent~~ open above ~~forty-eight inches~~ four feet. A fence, wall, hand-rail, or guard is considered ~~transparent~~ open if its opacity is ~~twenty~~ fifty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.

b. Trees maintained with a single ~~clear~~ trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.

2. All plantings, exclusive of trees referenced in subsection (B)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of ~~forty-eight inches~~ four feet or less.

~~3. The height of a fence, wall or planting or any combination of these is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, wall or planting or any combination thereof shall the height exceed the limits established in subsections (B)(1)(a) and (B)(1)(b) of this section.~~

**21.60.090 - Objects in required yards.**

The following are not obstructions when located in the required yards:

A. All Yards.

1. Open terraces, porches, and decks not over four feet above the average level of the adjoining ground, but not including a permanent roof-over terrace or porch. Handrails and guardrails around terraces, porches, and decks within a view cone shall be ~~transparent~~ open, pursuant to Section 21.60.080,
2. Awnings and canopies,
3. Steps four feet or less above grade which are necessary for access to a permitted building or for access to a zoning lot from a street or alley,
4. Grade-level walks and driveways,
5. Chimneys projecting two feet or less into a yard,
6. Recreational and laundry-drying equipment,
7. Arbors and trellises,
8. Flagpoles, and
9. ~~Fences, walls and plantings for which required permits have been issued in accordance with Chapter 17.34 of the City Code, except as prohibited under Section 21.60.080.~~ Fences, walls and plantings, except as prohibited under Sections 21.60.075 and 21.60.080.

B. Front Yards.

1. One-story bay windows projecting three feet or less into a yard,
2. Overhanging eaves and gutters projecting three feet or less into the yard,

3. Fuel, air and water pumps in conjunction with motor vehicle service stations; provided, that they are set back at least fifteen feet from the front lot line, and
4. Canopies in conjunction with motor vehicle service stations subject to the site design plan review requirements of Chapter 21.22

C. Rear Yards.
1. Balconies,
2. One-story bay windows projecting three feet or less into the yard, and
3. Overhanging eaves and gutters projecting three feet or less into the yard;

D. Side Yards.
1. Overhanging eaves and gutters projecting eighteen inches or less into the yard, and
2. Fuel, air and water pumps in conjunction with automobile service stations; provided, that they are set back at least fifteen feet from the side lot line.

## Chapter 21.72 – TERMS AND DEFINITIONS

### 21.72.010 - Terms.

"Fences and walls" means an artificially constructed exterior barrier of wood, masonry, stone, wire, metal, plastic, or any other manufactured material or combination of materials, for which the primary purpose is to mark boundaries, control access, or to screen views. For the purpose of this Title, the term "fences and walls" does not include retaining walls.

"Fences and walls height" means the vertical distance, measured to the nearest integral foot, from the elevation at grade directly below the structure to the top of the structure, not including supporting posts. If the fence or wall has been elevated through the use of a retaining wall, the creation of a berm or another method for the primary purpose of increasing the overall height of the fence or wall, then the fence or wall height shall be measured from the ground elevation prior to the grade modification.

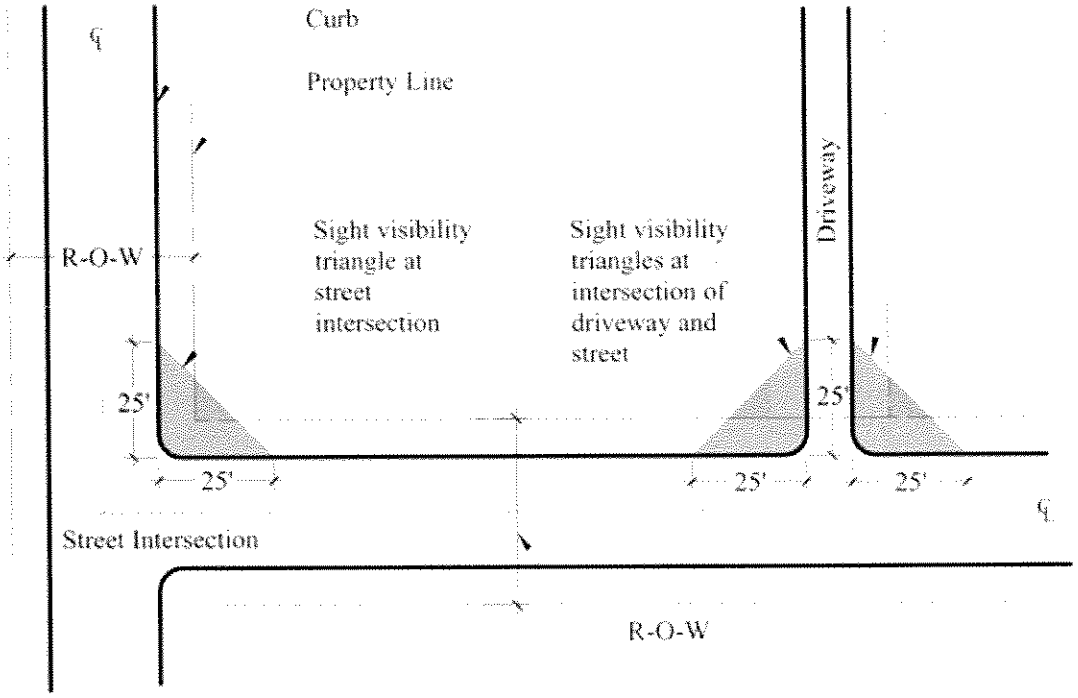
"Hedge, boundary" means a linear row of closely planted shrubs or low-growing trees put in place to accomplish the same effect as a fence or wall.

"Height."
a. For buildings, see building height.
b. For fences and walls, see fences and walls height.

~~b.~~ c. For signs, see Section 21.70.050(B).

~~Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular space provided across all property corners created by either the intersection of two streets or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot measured from two points drawn twenty-five feet back from the street or driveway intersections with a street.~~

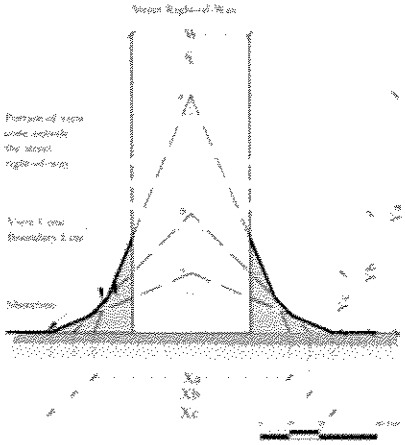
Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular area intended to remain free of visual obstructions to prevent potential traffic hazards across all property corners formed by two intersecting streets or the intersection of an alley and a street or the intersection of a driveway and a street. The sight visibility triangle is determined by drawing a diagonal line across the corner of the lot between two points each measured twenty-five feet back from the vertex of the extended curblines of the intersecting streets, alleys or driveways.




"View cone" means a space defined by ~~two~~ a series of projected lines from the centerline of a street right-of-way that is to be kept free of obstructions so as to preserve a distant view.

1 See illustration for calculation of view cone:

**Calculations for a given right-of-way (W)**




| Width of view cone at shoreline | Formula |
|---|---|
| Xa | 1.66 times (W) |
| Xb | 2 times (W) |
| Xc | 2.4 times (W) |
| **Distance from shoreline to apex of view cone** | |
| Ya | 2 times (W) |
| Yb | (W) |
| Yc | 0.5 times (W) |

**Definitions**

W = Width of street right-of-way

Xa,b,or c = Width of view cone

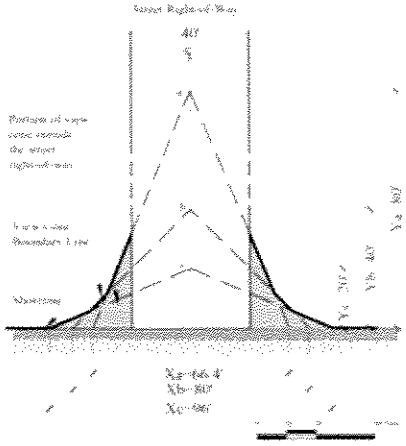
Ya,b,or c = Distance from shoreline to apex of view cone

**Example Calculations for a 40-foot street right-of-way**

The view cone boundary is defined by the outer edges of three triangular view cones, which are labeled 'a', 'b', and 'c' in the diagram. The boundaries are drawn in plan (top down) view. The cones widen progressively approaching the water's edge (as the observer's view widens). The depths and widths of view cones 'a', 'b', and 'c' are calculated relative to the width of the adjacent street right-of-way.

**Steps**

1. Determine width of street right-of-way (W)
2. Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL)
3. Calculate the width (Xa) of view cone 'a' at the shoreline using the formula in the table. Draw a line on the graph paper showing this width, with the line centered on the street right-of-way centerline at the shoreline
4. Calculate the depth (Ya) of view cone 'a' from the shoreline using the formula in the table. Mark this depth on the graph paper on the street centerline (point 'a' in the diagram)
5. Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle
6. Calculate and draw view cones 'b' and 'c' using the formulas in the table for Xb, Yb, Xc and Yc
7. The view cone boundary may now be drawn along the line that runs along the outermost extent from the street right-of-way of the three view cones (see heavy bold line in the diagram). The area within the view cone boundary, the shaded area in the diagram, is subject to Section 21.60.080




| Width of view cone at shoreline | Formula | If Right of Way = 40' | |
|---|---|---|---|
| Xa | 1.66 times (W) | 1.66 times 40' | Xa=66.4' |
| Xb | 2 times (W) | 2 times 40' | Xb=80' |
| Xc | 2.4 times (W) | 2.4 times 40' | Xc=96' |
| **Distance from shoreline to apex of view cone** | | | |
| Ya | 2 times (W) | 2 times 40' | Ya=80' |
| Yb | (W) | 40' | Yb=40' |
| Yc | 0.5 times (W) | 0.5 times 40' | Yc=20' |

2
3

CITY COUNCIL OF THE

# City of Annapolis

## Ordinance No. O-47-11

**Introduced by: Alderman Arnett**

| LEGISLATIVE HISTORY | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 9/26/11 | | | 3/23/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 9/26/11 | | |
| Rules and City Gov't | 9/26/11 | | |
| Planning Commission | 9/26/11 | | |

**A ORDINANCE** concerning

**Fence Permits**

**FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2011 Edition
Section 17.34.010
Section 17.34.020
Section 17.34.030
Section 21.60.070

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

**CHAPTER 17.34 – FENCE CODE**.

**17.34.010 - Fences, hedges or walls.**

A. Permit Required.

1. No new fence, wall or hedge shall be erected and no existing fence or wall shall be altered or replaced until a permit is obtained from the City. The nonrefundable application fee and permit fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the drawings have been approved by the director or his or her designee.

~~2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character and purpose for which the fence, wall or~~

~~hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~

3. Fences or walls may be installed up to, but not over the property line. It is the responsibility of the applicant to assure that the proposed fence or wall will not be installed on property of others. All property line disputes are between abutting property owners, not the City.

4. Work shall commence within thirty days from the date of the issuance of the permit and be completed in one hundred twenty days after issuance.

B. Administrative Review.

~~1. All fences or walls of four feet or less measured from the adjoining finished grade will be approved routinely unless an inspection of the property indicates that a fence or wall of this height unduly would obstruct light and air from neighboring properties or public ways, or unduly obstruct visibility upon public streets.~~

~~2~~ 1. All fences or walls of more than four feet require notification to the neighbors. Only the property owners abutting the proposed fence or wall shall be notified. This includes the owners of vacant land, rental units and vacant buildings. The property owners shall be notified by mail or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility of the applicant or his authorized agent to notify the abutting owners. Failure to respond indicates no objection to the proposal.

~~3. All new fences or walls and gates and all existing fences, walls and gates to be altered located in the historic district as defined in Title 21 of the City Code require the review and approval of the Historic Preservation Commission.~~

~~4~~ 2. Unless approved otherwise, ~~all~~ fences or walls shall not be located in landscape buffers, conservation easements, over utility easements, across walkway easements ~~and~~ or on public rights of way.

~~5~~ 3. Fences or walls shall ~~not~~ be located ~~closer than~~ at least three feet ~~to~~ away from a fire hydrant.

~~6. Fences or walls shall not alter or impede the natural flow of stormwater, nor divert the water onto the property of others.~~

4. All fences, hedges and walls shall be maintained in good condition at all times. All fences and walls shall be neatly finished and repaired, including all parts and supports.

5. No fence or wall may be constructed in a manner or location which will interfere with natural surface water run-off or which will result in a negative impact to any adjacent property by natural surface run-off. All fences and walls must be constructed in a manner that is in harmony with City drainage requirements and standards and in compliance with any approved drainage plans on file with the City for the property upon which the fence or wall is constructed.

6. It shall be unlawful for any person to place or to allow to be placed on land they own a fence, a hedge or a wall which creates an unsafe or dangerous obstruction or condition.

**17.34.020 - Appeals.**

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

B. Fifteen days' notice of the hearing also shall be given to persons owning property within two hundred feet of the location of the proposed fence, wall or hedge by first-class mail, and to the general public by a notice published in a newspaper of general circulation in the City. All required notices shall be at the appellant's expense.

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

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

**17.34.030 - Violations.**

A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of one hundred dollars for any single, initial violation and a fine of two hundred dollars for each repeat or continuing violation.

## CHAPTER 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS

**21.60.070 - Fences, walls, and plantings.**

A. For the purposes of this Section, the following definitions shall apply:

1. "Fence" means a fence, wall or hedge.

2. "Approved grade" means the elevation of the ground, or any paving or sidewalk built upon it, which has been established on the basis of an engineered grading and drainage plan for the property that has been reviewed and approved by the city for the property. When no engineered grading and drainage plan is on file with the city, an established historic grade may be accepted in-lieu-of the engineered plan, based on general information available, including, when appropriate, a site inspection of the property by the city before the fence, hedge or wall is constructed. In making a determination regarding historic grade, the city may, when deemed necessary, require submission of current surveyed elevations of the property and other nearby

properties; or may require that an engineered grading and drainage plan be submitted by the owner or occupant of the property.

3. "Fence section" means a portion or panel of fence construction, normally consisting of pickets, planks or metal fabric attached to horizontal rails, and which is attached or constructed, in more or less regular sequential intervals, to supporting vertical posts. In determining what constitutes a fence section, the normal guideline shall be sequential sections of fence which are eight feet in length.

4. "Hedge" means several plants planted in a sequence or pattern so that the branches and stems of adjacent plants grow together in a manner that results in a meshing or intertwining of stems and branches with little or no passable space left between the plants, thus effectively forming a barrier or enclosure.

5. "Top of fence/top of wall" means the uppermost point on the edge or surface of a fence or wall, but not including support posts or architectural features as described in section 18.48.070(A)(1)(d).

6. "Top of hedge" means the highest point on the uppermost branches or stems of a hedge above which only leaves or needles naturally grow.

B. A fence~~, wall or hedge~~ may be erected, placed, maintained or grown pursuant to a permit issued in accordance with Section 17.34.010 of the Annapolis City Code. It is the purpose of the provisions of this section to establish requirements for the height, location, and materials of fences, hedges or walls. Fences shall be required to comply with the following standards and requirements:

1. The height of a fence, or any combination of fences, is measured from the grade of the public right-of-way or easement. In the case where there is a change in grade, at no point along the length of the fence, or any combination thereof, shall the height exceed the limits established in this Chapter.

2. The maximum height of a fence shall not include the support posts or ornamental features included in the construction, provided that (a) the overall construction of such posts and ornamental features does not exceed the limitations describing a limited solid material fence as set forth in Section 21.60.070(A)(3), and (b) no posts or ornamental features extend more than one foot above the top of the fence.

3. All fences which have a ratio of solid material to open space of not more than one to four shall be considered limited solid material fences, and walls.

4. All fences which have a ratio of solid material to open space of more than one to four shall be considered solid material fences, and walls.

5. All fences must be located within the boundary lines of the property owned by the person or persons who construct and maintain them.

6. No barbed wire or other sharp-pointed fences shall be installed on any property, except around storage yards in the I1 zoning district upon a specific finding by the Planning and Zoning Department that such a fence is necessary to protect property or goods.

C. The maximum height of all fences shall be eight feet, except as hereafter provided:
1. Fences around tennis, squash racquet, squash tennis or badminton courts and publicly owned recreation areas may exceed eight feet in height, provided, that the same are limited solid material fences, and walls.

2. Limited solid material fences located in a front yard, or a yard adjacent to a public right-of-way shall have a maximum height of four feet unless they meet the set back requirement(s) for the principal structure.

3. Solid material fences located in a front yard or a yard adjacent to a public right-of-way shall have a maximum height of forty-two inches unless the same meet the front setback requirement of the zone in which it is located.

4. Other fences may not exceed eight feet in height.

D. A sight visibility triangle is established in Section 21.72.010. Where a public right-of-way or easement dedicated for public access terminates at a waterway, a view cone shall be provided. See Section 21.72.010 for definition and calculation of the view cone.

1. No fences, walls, or hedges with a height greater than forty-eight inches are allowed in a view cone, except:

a. Fences and walls (including their component parts, such as handrails and guards) that do not exceed six feet in height and are transparent above forty-eight inches. A fence, wall, hand-rail, or guard is considered transparent if its opacity is twenty percent or less. The percentage of opacity is measured by dividing the square footage of the opaque portion of the subject structure by the square footage of the entire structure, and multiplying the result by one hundred.

b. Trees maintained with a single clear trunk with all branches and pendulous branches removed to a height of seven feet above the ground plane. Trees shall not be planted closer than fifteen feet apart so as not to form a visual barrier.

2. All plantings, exclusive of trees referenced in subsection (D)(1)(b) of this section, located in a view cone must be pruned or maintained to a height of forty-eight inches or less.

E. Other considerations

1. When in a fence is to be constructed that otherwise meets the requirements of this section, but impedes an established view shed or a view of a waterway from adjoining public or private properties, the Planning Department may require modifications to the materials or the ratio of solid fencing to voids.
2. In approving or disapproving the drawings, consideration shall be given to the type of materials to be used, and whether or not the fence, wall or hedge unduly will obstruct visibility from public streets. Materials used for fences, walls or hedges in residential zoning districts shall be in keeping with the character and purpose for which the fence, wall or hedge was intended. Except in connection with penal and correctional institutions and public utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials designed or customarily utilized to inflict injury upon persons or animals.

3. If located in the historic district as defined in this Title, all proposed new fences, walls and gates and all proposed alterations to existing fences, walls and gates require the review and approval of the Historic Preservation Commission.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION:**
Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

## Policy Report

## Ordinance O-47-11

## Fence Permits

The proposed ordinance would revise the Annapolis City Code with respect to the issuance of fence permits. Chapter 17.34 of the Annapolis City Code establishes the requirement for a fence permit application fee and permit fee.

Chapter 21.60 of the Annapolis City Code establishes supplemental use and development standards for fences. Examples of the proposed, additional supplemental use and development standards for fences in O-47-11 address the ratio of solid fence material to open space, the regulation of barbed wire fences, standards for fences affecting certain view cones, and the standards for Historic Preservation Commission review for fences, walls and gates in the historic district.

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

## Proposed Amendment to O-47-11

I. Standard Maximum Height.

~~1. In all zoning districts, the maximum height of fences and walls enclosing outdoor tennis courts, baseball backstops, and other fences and walls normally provided with recreation facilities, shall be twelve feet or the minimum height required to protect public safety, whichever is greater.~~

~~2. In all non-residential zoning districts, except for the maritime districts, the maximum height of a fence or wall shall be eight feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed six feet.~~

~~3.~~ 1. ~~In all residential and maritime zoning districts~~ On properties within the R2-NC, R3-NC and R3-NC2 Residential Neighborhood Conservation Districts, the maximum height of a fence or wall shall be six feet, unless the fence or wall is located along a public street, in which case the maximum height of the fence or wall shall not exceed four feet.

2. The height limits in subsection (I)(1) of this section shall also apply to properties within the WME and WMM Maritime Districts as well as the OCD Overlay District, only when a fence or wall is located along a lot line or public street that is contiguous with an adjacent property in the R2-NC District.

~~4.~~ 3. Fences and walls shall not be considered as being located along a public street if they otherwise meet the same minimum front and corner-side yard setbacks that would be required for the principal structure on the subject property in the zoning district in which the fence or wall is located.

**Economic Matters Amendment**
**O-47-11 Fence Permits**

**Amendment #1**
Where it appears in the ordinance, strike the four-foot height restriction and insert a six-foot height restriction.

**Historic Preservation Commission Amendment**
**O-47-11**
**Fence Permits**

Page 6, Line 3:
Insert: “The Historic Preservation Commission has the authority to grant a waiver or exemption from Section 21.060.070 subsections B.2., C.2., C.3., C.4., and D.1. if necessary in order to comply with the Historic Preservation Commission Design Guidelines and the Secretary of the Interior’s Standards for Rehabilitation.”

## Policy Report

## Ordinance O-47-11

## Fence Permits

The proposed ordinance would revise the Annapolis City Code with respect to the issuance of fence permits. Chapter 17.34 of the Annapolis City Code establishes the requirement for a fence permit application fee and permit fee.

Chapter 21.60 of the Annapolis City Code establishes supplemental use and development standards for fences. Examples of the proposed, additional supplemental use and development standards for fences in O-47-11 address the ratio of solid fence material to open space, the regulation of barbed wire fences, standards for fences affecting certain view cones, and the standards for Historic Preservation Commission review for fences, walls and gates in the historic district.

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

FISCAL IMPACT NOTE

**Legislation No:** O-47-11

**First Reader Date:** 09-26-11
**Note Date:** 02-17-12

**Legislation Title:** Fence Permits

**Description:** For the purpose of amending the Code of the City of Annapolis with respect to the issuance of fence permits.

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

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-30-11

**Introduced by: Alderman Paone**

| LEGISLATIVE HISTORY | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 7/11/11 | | | 1/13/12 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 7/11/11 | | |
| Planning Commission | 7/11/11 | | |

**A ORDINANCE** concerning

**Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence District**

**FOR** the purpose of amending Section 21.40.020 – R1 Single Family Residence District to delete Section D related to contiguous lots.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2010 Edition
Section 21.40.020

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

**Chapter 21.40 – RESIDENTIAL DISTRICTS**.

**21.40.020 - R1 Single-Family Residence district.**
A. Purpose. The R1 Single-Family Residence district provides for single-family detached dwellings at approximately six dwelling units per acre and other uses compatible with these single-family neighborhoods of the City.
B. Uses. Uses that may be permitted in the R1 Single-Family Residence district are set forth in the table of uses for residential districts in Chapter 21.48
C. Development Standards. Chapter 21.50 contains the bulk regulations table for the R1 Single-Family Residence district.
~~D. Contiguous Lots.~~
~~1. Notwithstanding the provisions of Section 21.40.010(A), in the R1 District, except as described in (D)(2) of this section, a lot of record that is contiguous to one or more lots of record under single ownership or control on April 10, 2006, shall be considered part of a zoning lot, and shall not be developed or ownership transferred as an individual lot, unless the owner can demonstrate that the subject lot and each remaining lot or collection of lots in the zoning lot complies with the current base zoning regulations including lot size, lot coverage and yard setbacks.~~
~~2. A lot of record that is contiguous to one or more lots of record under single ownership or control can be developed in accordance with Section 21.40.010(A) if the land area and width of~~

~~the subject lot of record is not needed for the remaining contiguous lot(s) of record under single ownership or control to comply with the current base zoning regulations including lot size, lot coverage and yard setbacks.~~

~~3. Upon application for any building permit in which the proposed improvements would have any impact on lot size, lot coverage or yard setbacks, the property owner shall submit such information as required by the Department of Planning and Zoning concerning the ownership of contiguous lots of record pursuant to compliance with this subsection.~~

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION:**
Highlighting indicates matter added to existing law.
~~Strikeout indicates matter deleted from existing law.~~
Underlining indicates amendments.

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 10/15/13

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

The Rules and City Government Committee has reviewed 0-30-11 and has taken the following action:

_____ Favorable

_X_ Favorable with amendments attached

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Arnett, Chair YES Ald. Hoyle YES Ald. Budge YES

Meeting Date 10/15/13 Signature of Chair [signature]

Rules Committee amendment to O-30-11 Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence District

1. **Restore the struck text from page one line 28 through Page 2 Line 7:**

   D. Contiguous Lots.
   1. Notwithstanding the provisions of Section 21.40.010(A), in the R1 District, except as described in (D)(2) of this section, a lot of record that is contiguous to one or more lots of record under single ownership or control on April 10, 2006, shall be considered part of a zoning lot, and shall not be developed or ownership transferred as an individual lot, unless the owner can demonstrate that the subject lot and each remaining lot or collection of lots in the zoning lot complies with the current base zoning regulations including lot size, lot coverage and yard setbacks.
   2. A lot of record that is contiguous to one or more lots of record under single ownership or control can be developed in accordance with Section 21.40.010(A) if the land area and width of the subject lot of record is not needed for the remaining contiguous lot(s) of record under single ownership or control to comply with the current base zoning regulations including lot size, lot coverage and yard setbacks.
   3. Upon application for any building permit in which the proposed improvements would have any impact on lot size, lot coverage or yard setbacks, the property owner shall submit such information as required by the Department of Planning and Zoning concerning the ownership of contiguous lots of record pursuant to compliance with this subsection.

2. **On page one line 35 after "setbacks" add ", except lot width". Seconded. CARRIED on voice vote.**

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

October 3, 2013

**MEMORANDUM**

**To:** Annapolis City Council

**From:** Planning Commission

**Re:** Ordinance O-30-11 amending Section 21.40.020 by deleting subsection D. relating to contiguous lots

**SUMMARY**

Ordinance O-30-11 would delete Sections of the Code that prohibit lots lacking sufficient width or area from being found to be 'buildable' lots for the purpose of separate development. These prohibitions were put in place in 2006 via Ordinance O-23-05.

On April 10, 2006 the City Council adopted Ordinance O-23-05. This ordinance amended the R1, Single-family Residence District as follows:

- Prohibited the Planning and Zoning Director from granting administrative adjustments when the minimum lot width and area requirements of the affected property are not met
- Merged contiguous lots of record under single ownership or control to prevent transfer or development of individual lots unless it can be demonstrated that each lot so transferred or developed and the remaining lot(s) comply with the base district regulations including lot size, lot width, lot coverage and setbacks.
- Allows the development of a lot of record contiguous to one or more lots of record to be developed provided that the land area or width of the subject lot is not needed for the remaining contiguous lot(s) to be compliant with setbacks, area width or other base district requirements.

In the R1 zoning district, the minimum lot width is sixty (60) feet, and the minimum lot area is seven thousand (7,000) square feet. The original lots platted for Fairfax Road and Heritage exceed the current R1 requirements. In the R1 area of Murray Hill the original lots are either developed as platted or substantially developed with homes that are unlikely to be demolished for the purpose of exposing underlying lots. Admiral Heights is platted in lots that are 35' x 120' and none of these lots meet the minimum width or lot area. West Annapolis is platted into lots of 50' x 150' (7,500 sq. ft.) so these lots typically meet the minimum lot area but not the lot width.

**STAFF RECOMMENDATION**

At a regularly scheduled meeting on October 3, 2013 the Planning and Zoning staff presented their recommendation. Which was to amend and approve.

**PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code a public hearing was held on October 3, 2013. After the close of the public hearing, the Planning Commission began its deliberations.

**RECOMMENDATION**

Section 221.32.010 reads as follows:

> *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 Zoning Code; 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.*

Following a review of the staff report and consideration of staff and public comments, the Commission by a vote of 5 to 0 recommend adoption of the ordinance with the following amendment:

*Maintain existing Section 21.40.;020 D. as is except for the following:*

1. *At the end of Section 21.40.020 D. 1.— add 'except lot width'*
2. *Section 21.40.020 D. 2.—delete references to lot width*

This recommended amendment would only allow lots that meet the minimum lot size to be separately developed. The other restrictions would remain in place.

Adopted this 3rd day of October, 2013

Eleanor M. Harris

Dr. Eleanor Harris,
Chair

## Policy Report

## Ordinance O-30-11

## Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence

The proposed ordinance would delete 21.40.040 (D) of the Annapolis City Code relating to the contiguous lots provision in the R1 single-family residence zoning district. The Code currently provides that where contiguous lots of record are under single ownership, they are considered one zoning lot and cannot be built on separately unless they individually meet the lot area and width requirements of the R1 District.

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

FISCAL IMPACT NOTE

**Legislation No:** O-30-11 **First Reader Date:** 07-11-11
**Note Date:** 01-07-12

**Legislation Title: Deleting the Contiguous Lots Section of 21.40.020 – R1 Single Family Residence District**

**Description**: For the purpose of amending Section 21.40.020 – R1 single Family Residence District to delete Section D related to contiguous lots.

**Analysis of Fiscal Impact:**

This legislation produces no significant fiscal impact.

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-28-13

**Sponsor: Mayor Cohen**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 7/8/13 | | | 1/3/14 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 7/8/13 | | |
| Planning Commission | 7/8/13 | | |

**A ORDINANCE** concerning

**New Land Use Article References in the City Code**

**FOR** the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 6.04.240
Section 17.11.020
Section 21.02.020
Section 21.08.030
Section 21.08.040
Section 21.08.060
Section 21.30.030
Section 21.56.010
Section 21.56.140

**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 6.04 – FINANCE AND TAXATION GENERALLY**

**6.04.240 - Undergrounding Utilities Fund.**

A. Purpose. The Director of Finance shall establish and maintain an Underground Utilities Fund and implement necessary procedures for the purpose of funding the undergrounding of utilities in the Historic District.

B. Revenue Source. The annual fees collected from utility providers for utility poles under Section 7.08.050 shall be deposited by the Director of Finance into a separate fund that may only be used to cover the costs incurred by the City in undergrounding utilities.

C. Implementation. Under [Section 8.16 of] the LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME, the City is adopting this section to require utility companies to relocate underground existing overhead lines and facilities within the Historic District when so requested by the Director of Public Works. The Director of Public Works shall direct the undergrounding of such utilities based on the availability of funding within the Undergrounding Utilities Fund and after giving consideration to various safety considerations.

## CHAPTER 17.11 – FLOODPLAIN MANAGEMENT

### 17.11.020 - Statutory authorization.

A. The Maryland General Assembly, in THE LAND USE Article [66B, Section 4, General Development Regulations and Zoning] (Annotated Code of Maryland) AS MAY BE AMENDED FROM TIME TO TIME, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources.

B. Therefore, the City Council of the City of Annapolis does hereby adopt the following floodplain management chapter of the City Code.

## Chapter 21.02 - INTRODUCTORY PROVISIONS

### 21.02.020 - Authority.

The City Council of the City of Annapolis adopts this Zoning Code pursuant to THE LAND USE Article [66B], of the Annotated Code of Maryland, as amended, and other relevant authorities and provisions of Maryland statutory and common law.

## Chapter 21.08 – DECISION MAKING BODIES

### 21.08.030 - Planning Commission.

A. Establishment. The Planning Commission is established under THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME.

B. Membership. The Planning Commission shall consist of seven residents of the City who have a demonstrated interest with regard to planning policy and with regard to land use

matters and procedures of the City. The members shall be appointed by the Mayor and confirmed by the City Council.

C. Term. The term of office of each member of the Planning Commission shall be as provided in THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME. The term of each member shall commence on July 1st of the year in the appointment is made.

D. Rules. The Planning Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code.

E. Duties. The Planning Commission shall have the following powers and duties:

1. Review all proposed amendments to this Zoning Code and Zoning Map and to report to the City Council its findings and recommendations in the manner prescribed in this Zoning Code, Chapter 21.32 and Chapter 21.34

2. Receive the Planning and Zoning Director's recommendations related to the effectiveness of this Zoning Code and report its conclusions and recommendations to the City Council not less frequently than once a year.

3. Hear and decide applications on planned developments pursuant to the provisions of Zoning Code Chapter 21.24

4. Execute all powers conferred to Planning Commissions under THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME.

5. On referral by the Director of Planning and Zoning of a major site design the Planning Commission shall hold a public hearing and make recommendations.

6. On referral by the Director of Planning and Zoning on structures greater than 3250 square feet in R2-NC zoning districts the Planning Commission shall hold a public hearing and make recommendations.

**21.08.040 - Board of Appeals.**

A. Establishment. The Board of Appeals is established pursuant to and has the authority to execute all of the powers granted to Boards of Appeals by THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME.

B. Membership. The Board of Appeals shall consist of five members who shall be residents and registered voters of the City of Annapolis and who shall serve without compensation. The regular members and one alternate member shall be appointed by the Mayor and confirmed by the City Council and be removable for cause, upon written charges, and after public hearing. When an alternate member is absent, the Mayor with the confirmation of the City Council may designate a temporary alternate.

C. Term. The term of office of each member of the Board of Appeals shall be for three years, as provided in THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME. Vacancies shall be filled for the unexpired term of any member whose term becomes vacant.

D. Rules. The Board of Appeals shall adopt rules in accordance with the provisions of this section and in accordance with the provisions of THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME. The Board shall adopt and amend rules as follows:

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

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

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

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

3. To hear and decide applications for variances from the terms of this Zoning Code, pursuant to the provisions of Chapter 21.28 and from the terms of Title 20 - Subdivisions, pursuant to the provisions of Chapter 20.32

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

5. To hear and decide applications for physical alteration of a nonconforming use pursuant to the provisions of Chapter 21.68

6. To hear and decide all matters referred to it or upon which it is required to decide by this Zoning Code, and as prescribed by THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME.

F. Tolling of Approvals. Approvals granted by the Board of Appeals pursuant to Section 21.08.040E of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such approvals and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014.

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

**21.08.060 - Historic Preservation Commission.**

A. Establishment. The Historic Preservation Commission is established to execute all of the powers conferred to it by this Zoning Code and pursuant to THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME.

B. Membership. The Historic Preservation Commission shall consist of seven members appointed by the Mayor and confirmed by the City Council. The members of the Commission shall be residents of the City. Each member shall possess a demonstrated special interest, specific knowledge, or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design, or related disciplines. In addition, the Commission membership shall comply with the following:

1. At least two members of the Commission shall possess professional or academic training in one or more of the above-listed fields in accordance with the minimum professional requirements of the United States Department of the Interior for certifying local governments under 36. C.F.R. Part 61.

2. The criteria for Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one or more of the fields listed in subsection (B) of this section or active membership in a preservation-related organization. The requirement for membership under the category of specific knowledge may be satisfied by formal post secondary education, employment or practical experience in one or more of the above-listed fields. The requirement for Commission membership under the category of professional or academic training may be satisfied by, at a minimum, two years experience as a professional or a bachelor's degree in one or more of the above-listed fields.

3. The Commission shall elect, from its membership, a chairperson and vice chairperson. The terms of the chairperson and vice chairperson shall be for one year, with eligibility for re-election.

4. Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the Director of Finance.

C. Term. The Commission members shall be appointed for terms of three years, except that the terms shall be staggered so that not more than three appointments shall expire in a given year. Commission members are eligible for reappointment. Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment and confirmation of the initial members of the Commission. Any vacancy of the Commission shall be filled within sixty days. In the case of expiration of terms, members may continue to serve until their successors are appointed and confirmed. Any absence of three consecutive meetings or four meetings within one calendar year shall constitute a vacancy.

D. Rules. The Historic Preservation Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code. Any rules of procedure adopted by the Commission shall be consistent with the following procedures:

1. Any interested person, or person's representative, is entitled to appear and be heard at any public hearing conducted by the Commission.

2. The Commission shall keep a record of its proceedings and actions which shall be on file for public view.

3. Notice of Commission meetings shall appear in a newspaper with general circulation in the City seven days prior to the meetings.

4. Four members shall constitute a quorum and the vote of the majority present is necessary for a decision.

5. The chair, or the acting chair in the absence of the chair, may administer oaths and compel the attendance and testimony of witnesses and the production of documents on matters relating to the business of the Commission.

E. Duties. The Historic Preservation Commission shall have the following powers and duties:

1. The Historic Preservation Commission shall hold no fewer than one regular meeting monthly to discharge its duties.

2. Consistent with the City's policies and procedures, employees may be assigned to the Commission, and such services and facilities made available as are deemed necessary or appropriate for the proper performance of its duties.

3. The Historic Preservation Commission shall annually file a report with the City Council summarizing the Commission's discharge of its responsibilities.

4. The Historic Preservation Commission shall decide applications for Certificates of Approval pursuant to the provisions of Chapter 21.56

5. The Historic Preservation Commission may accept and use gifts in the exercise of its functions, subject to any applicable City policies or procedures regarding acceptance or use of gifts by public officials.

6. The Historic Preservation Commission may direct studies, reports, and surveys to identify historically, culturally, archaeologically, or architecturally significant landmarks, sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the City, State or Nation.

7. The Historic Preservation Commission may adopt and utilize in its review of applications rehabilitation and new construction design guidelines and criteria for designated landmarks, sites, structures, and districts which are consistent with the U.S. Secretary of the Interior's standards for rehabilitation. Guidelines may include design characteristics intended to meet the needs of particular types of landmarks, sites, structures, and districts, and may identify categories of changes that, because they are minimal in nature, do not affect historic, cultural, archaeological, or architectural significance, and do not require review by the Commission.

8. To adopt sidewalk café furniture guidelines for use by operating establishments located in the historic district, which hold permits issued pursuant to Chapter 7.42 of the Annapolis City Code. In adopting any such guidelines, the Historic Preservation Commission shall consider the requirements of Section 7.42.020(F) of the Annapolis City Code.

9. Consistent with the City's Charter, ordinances, resolutions, local public law, policies, and procedures covering the acquisition of easements, to accept historic preservation easements, when deemed appropriate by the Commission, on designated landmarks, structures, or sites and on sites or structures located in, or adjacent to, a designated district, landmark, site, or structure.

10. To under take any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this Zoning Code.

**Chapter 21.30 - APPEALS**

**21.30.030 - Stay pending appeal.**

An appeal to the Board of Appeals pursuant to the preceding section shall stay all proceedings in furtherance of the action appealed only as provided by THE LAND USE Article [66B, Section 4.07] of the Annotated Code of Maryland (or its successors).

**Chapter 21.56 – HISTORIC DISTRICT**

**21.56.010 - Authority and purpose.**

A. The Mayor and City Council of the City of Annapolis, Maryland, derives authority for this chapter by virtue of its conformance with provisions of the State of Maryland Enabling Act for Historic Area Zoning, THE LAND USE Article [66B, Zoning and Planning, Sections 8.01—8.17], Annotated Code of Maryland, as amended.

B. The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.

C. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the City.

**21.56.140 - Statutory authority.**

The authorities for this law IS [are Section 4.01 et seq. and Section 8.01 et seq. of] THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the City to review proposals with respect to height and bulk.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Policy Report

## Ordinance O-28-13

## New Land Use Article References in the City Code

The proposed ordinance would update the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

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

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 10/15/13

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

The Rules and City Government Committee has reviewed 0-28-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Arnett, Chair YES  Ald. Hoyle YES  Ald. Budge YES

Meeting Date 10/15/13  Signature of Chair Carl H. Arnett III

City of Annapolis
Committee Referral Action

**Date: September 10, 2013**

**To: Regina C. Watkins-Eldridge, City Clerk**

**The Planning Commission has reviewed Ordinance O-28-13 and has taken the following action:**

**__X___ Favorable**

**_____ Favorable with amendments**

**_____ Unfavorable**

**_____ No Action**

**_____ Other**

**_____ Comments:**

**September 5, 2013**
**Meeting Date**

City of Annapolis
Chartered 1708

PLANNING COMMISSION
(410)263-7961
145 GORMAN STREET, 3RD FLOOR
ANNAPOLIS, MARYLAND 21401

September 5, 2013

**To:** **Annapolis City Council**

**From:** **Planning Commission**

**Re:** **Findings for O-28-13: For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article." – ZTA2013-013**

## SUMMARY

O-28-13 updates the references in Title 21 from the former "Article 66B" of the Annotated Code of Maryland to the new title of "Land Use Article."

## STAFF RECOMMENDATION

At a regularly scheduled meeting on September 5, 2013, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the proposed regulations and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated August 9, 2013.

Staff stated that during the 2012 legislative session, the Maryland General Assembly ratified a code revision for Maryland's land use statutes previously codified in Articles 66B and 28. These two articles were combined into one unnumbered article, the "Land Use Article." The primary purpose of the code revision was modernization and clarification, not substantive change.

The new Land Use Article "conforms to the organization, form, and numbering system used in the previously revised articles. Accordingly, the article is a separate, unnumbered volume and is cited by name."

This proposed ordinance would update the Article 66B references in Title 21.

**PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. No one spoke on the legislation.

At the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff.

**RECOMMENDATION**

By a vote of 6-0, the Planning Commission voted to recommend approval of O-28-13.

Adopted September 5, 2013

Eleanor M. Harris

Dr. Eleanor Harris, Chair

*City of Annapolis*
DEPARTMENT OF PLANNING AND ZONING
145 Gorman Street, 3rd Floor, Annapolis, Maryland 21401
*Chartered 1708* Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

JON ARASON, AICP
DIRECTOR

August 9, 2013

**MEMORANDUM**

| | |
|---|---|
| **To:** | **Planning Commission** |
| **From:** | **Jon Arason, AICP, Director of Planning and Zoning** |
| **Re:** | **O-28-13: For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article." – ZTA2013-013** |
| **Attachments:** | **O-28-13** |

**SUMMARY**

O-28-13 updates the references in Title 21 from the former "Article 66B" of the Annotated Code of Maryland to the new title of "Land Use Article.

BACKGROUND AND ANALYSIS

During the 2012 legislative session, the Maryland General Assembly ratified a code revision for Maryland's land use statutes previously codified in Articles 66B and 28. These two articles were combined into one unnumbered article, the "Land Use Article." The primary purpose of the code revision was modernization and clarification, not substantive change.

The new Land Use Article "conforms to the organization, form, and numbering system used in the previously revised articles. Accordingly, the article is a separate, unnumbered volume and is cited by name." "

This proposed ordinance would update the Article 66B references in Title 21.

RECOMMENDATION

Staff recommends that the terminology update proposed in O-28-13 be APPROVED.

Report Prepared by

Sally Nash, Ph.D., AICP
Chief of Comprehensive Planning

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-28-13

**Sponsor: Mayor Cohen**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 180 Day Rule |
| 7/8/13 | | | 1/3/14 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 7/8/13 | | |
| Planning Commission | 7/8/13 | | |

**A ORDINANCE** concerning

**New Land Use Article References in the City Code**

**FOR** the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 6.04.240
Section 17.11.020
Section 21.02.020
Section 21.08.030
Section 21.08.040
Section 21.08.060
Section 21.30.030
Section 21.56.010
Section 21.56.140

**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 6.04 – FINANCE AND TAXATION GENERALLY**

**6.04.240 - Undergrounding Utilities Fund.**

A. Purpose. The Director of Finance shall establish and maintain an Underground Utilities Fund and implement necessary procedures for the purpose of funding the undergrounding of utilities in the Historic District.

B. Revenue Source. The annual fees collected from utility providers for utility poles under Section 7.08.050 shall be deposited by the Director of Finance into a separate fund that may only be used to cover the costs incurred by the City in undergrounding utilities.

C. Implementation. Under [Section 8.16 of] the LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME, the City is adopting this section to require utility companies to relocate underground existing overhead lines and facilities within the Historic District when so requested by the Director of Public Works. The Director of Public Works shall direct the undergrounding of such utilities based on the availability of funding within the Undergrounding Utilities Fund and after giving consideration to various safety considerations.

## CHAPTER 17.11 – FLOODPLAIN MANAGEMENT

### 17.11.020 - Statutory authorization.

A. The Maryland General Assembly, in THE LAND USE Article [66B, Section 4, General Development Regulations and Zoning] (Annotated Code of Maryland) AS MAY BE AMENDED FROM TIME TO TIME, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources.

B. Therefore, the City Council of the City of Annapolis does hereby adopt the following floodplain management chapter of the City Code.

## Chapter 21.02 - INTRODUCTORY PROVISIONS

### 21.02.020 - Authority.

The City Council of the City of Annapolis adopts this Zoning Code pursuant to THE LAND USE Article [66B], of the Annotated Code of Maryland, as amended, and other relevant authorities and provisions of Maryland statutory and common law.

## Chapter 21.08 – DECISION MAKING BODIES

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3. The Commission shall elect, from its membership, a chairperson and vice chairperson. The terms of the chairperson and vice chairperson shall be for one year, with eligibility for re-election.

4. Commission members shall serve without compensation, but may be reimbursed for actual expenses incurred in the performance of their duties, provided said expenses are permitted by the budget and approved in advance by the Director of Finance.

C. Term. The Commission members shall be appointed for terms of three years, except that the terms shall be staggered so that not more than three appointments shall expire in a given year. Commission members are eligible for reappointment. Any vacancy in the membership of the Commission caused by the expiration of a term, resignation, death, incapacity to discharge duties, removal for cause, or any other reason, shall be filled for a new term, or for the remainder of the term for which there is a vacancy, as the case may be, in the same manner as provided herein for the appointment and confirmation of the initial members of the Commission. Any vacancy of the Commission shall be filled within sixty days. In the case of expiration of terms, members may continue to serve until their successors are appointed and confirmed. Any absence of three consecutive meetings or four meetings within one calendar year shall constitute a vacancy.

D. Rules. The Historic Preservation Commission may adopt rules to assist the Commission in carrying out its duties under this Zoning Code. Any rules of procedure adopted by the Commission shall be consistent with the following procedures:

1. Any interested person, or person's representative, is entitled to appear and be heard at any public hearing conducted by the Commission.

2. The Commission shall keep a record of its proceedings and actions which shall be on file for public view.

3. Notice of Commission meetings shall appear in a newspaper with general circulation in the City seven days prior to the meetings.

4. Four members shall constitute a quorum and the vote of the majority present is necessary for a decision.

5. The chair, or the acting chair in the absence of the chair, may administer oaths and compel the attendance and testimony of witnesses and the production of documents on matters relating to the business of the Commission.

E. Duties. The Historic Preservation Commission shall have the following powers and duties:

1. The Historic Preservation Commission shall hold no fewer than one regular meeting monthly to discharge its duties.

2. Consistent with the City's policies and procedures, employees may be assigned to the Commission, and such services and facilities made available as are deemed necessary or appropriate for the proper performance of its duties.

3. The Historic Preservation Commission shall annually file a report with the City Council summarizing the Commission's discharge of its responsibilities.

4. The Historic Preservation Commission shall decide applications for Certificates of Approval pursuant to the provisions of Chapter 21.56

5. The Historic Preservation Commission may accept and use gifts in the exercise of its functions, subject to any applicable City policies or procedures regarding acceptance or use of gifts by public officials.

6. The Historic Preservation Commission may direct studies, reports, and surveys to identify historically, culturally, archaeologically, or architecturally significant landmarks, sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the City, State or Nation.

7. The Historic Preservation Commission may adopt and utilize in its review of applications rehabilitation and new construction design guidelines and criteria for designated landmarks, sites, structures, and districts which are consistent with the U.S. Secretary of the Interior's standards for rehabilitation. Guidelines may include design characteristics intended to meet the needs of particular types of landmarks, sites, structures, and districts, and may identify categories of changes that, because they are minimal in nature, do not affect historic, cultural, archaeological, or architectural significance, and do not require review by the Commission.

8. To adopt sidewalk café furniture guidelines for use by operating establishments located in the historic district, which hold permits issued pursuant to Chapter 7.42 of the Annapolis City Code. In adopting any such guidelines, the Historic Preservation Commission shall consider the requirements of Section 7.42.020(F) of the Annapolis City Code.

9. Consistent with the City's Charter, ordinances, resolutions, local public law, policies, and procedures covering the acquisition of easements, to accept historic preservation easements, when deemed appropriate by the Commission, on designated landmarks, structures, or sites and on sites or structures located in, or adjacent to, a designated district, landmark, site, or structure.

10. To under take any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this Zoning Code.

**Chapter 21.30 - APPEALS**

**21.30.030 - Stay pending appeal.**

An appeal to the Board of Appeals pursuant to the preceding section shall stay all proceedings in furtherance of the action appealed only as provided by THE LAND USE Article [66B, Section 4.07] of the Annotated Code of Maryland (or its successors).

**Chapter 21.56 – HISTORIC DISTRICT**

**21.56.010 - Authority and purpose.**

A. The Mayor and City Council of the City of Annapolis, Maryland, derives authority for this chapter by virtue of its conformance with provisions of the State of Maryland Enabling Act for Historic Area Zoning, THE LAND USE Article [66B, Zoning and Planning, Sections 8.01—8.17], Annotated Code of Maryland, as amended.

B. The preservation of sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose.

C. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of Annapolis by preserving sites, structures, or districts which reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic sites, structures and districts for the education and welfare of the citizens of the City.

**21.56.140 - Statutory authority.**

The authorities for this law IS [are Section 4.01 et seq. and Section 8.01 et seq. of] THE LAND USE Article [66B] of the Annotated Code of Maryland AS MAY BE AMENDED FROM TIME TO TIME. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the City to review proposals with respect to height and bulk.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Policy Report

## Ordinance O-28-13

## New Land Use Article References in the City Code

The proposed ordinance would update the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

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

FISCAL IMPACT NOTE

**Legislation No:** O-28-13 **First Reader Date:** 7-8-13
**Note Date:** 8-30-13

**Legislation Title: New Land Use Article References in the City Code**

**Description:** For the purpose of updating the references to the former Article 66B of the Annotated Code of Maryland to the new title of "Land Use Article."

**Analysis of Fiscal Impact**: This legislation provides the Director of Finance with the authority to establish and maintain an Underground Utilities Fund and implement necessary procedures for the purpose of funding the undergrounding of utilities in the Historic District. The annual fees collected from utility providers for utility poles under Section 7.08.050 shall be deposited by the Director of Finance into a separate fund that may only be used to cover the costs incurred by the City in undergrounding utilities.

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-34-13

**Sponsor: Alderman Budge**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/9/13 | | | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Finance | 9/9/13 | | |
| Economic Matters | 9/9/13 | | |
| Historic Preservation Commission | 9/9/13 | | |

**A ORDINANCE** concerning

**Historic Preservation Tax Credit**

**FOR** the purpose of revising the provisions governing the historic preservation tax credit in the City Code of the City of Annapolis.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 6.04.230

**WHEREAS** the City of Annapolis provides to owners of contributing historic properties within the Annapolis Historic Landmark District a financial incentive that assists with the rehabilitation costs for exterior improvements to historic buildings in the District; and

**WHEREAS** originally enacted in 2004, the Historic Preservation Tax Credit Program benefits property owners and the community generally by reducing a property owner's real property tax bill through a direct, dollar-for-dollar offset of City of Annapolis real property taxes, thereby encouraging protection of landmarks through the promotion and recognition of historic structures, and increasing the value of preserved, restored, and rehabilitated property; and

**WHEREAS** the Historic Preservation Tax Credit tax credit is limited to 10% of documented qualifying expenses for labor and materials related to a preservation, restoration, and rehabilitation project for which there is a Certificate of Approval issued by the Historic Preservation Commission; and

**WHEREAS** the State of Maryland has recently granted municipalities the authority to increase the tax credit to 25%; and

**WHEREAS** the Historic Preservation Division within the Planning and Zoning Department, working with the City's leadership, is proposing a limited adoption of the 25% credit in order to remain within the $150,000 cap established for the program by the City Council in 2004.

**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 6.04 – FINANCE AND TAXATION GENERALLY**

**6.04.230 - Historic Preservation Tax Credit.**

**[**A. Purpose. Subject to the provisions of this section there shall be allowed a tax credit on City real property taxes based upon the amount expended by a property owner for preservation, restoration and rehabilitation of any structure having historic or architectural value which is designated a City of Annapolis Landmark by resolution of the City Council based upon designation by the Annapolis Historic Preservation Commission. The total amounts of tax credits applied by the Director of Finance may not exceed one hundred fifty thousand dollars in any one fiscal year.**]**

**[**B. Eligibility. The tax credit shall be limited to those expenses having to do with exterior features of a structure only and not to expenses relating to the interior of a structure, which are not subject to the jurisdiction of the Annapolis Historic Preservation Commission. The tax credit shall be in an amount equal to ten percent of the owners expense for such restoration and preservation, as indicated by properly documented receipts. The total estimate for eligible expenses must exceed five thousand dollars per application. If property owner initiates an action that results in the loss of Landmark status within five years, then the owner must refund the entire amount of the tax credit to the City. If the loss of the Landmark status is not due to owner's actions, then no refund is required.**]**

**[**C. Project Approval. Once a structure has been designated a City of Annapolis Landmark, the property owner may submit an application for the Historic Preservation Tax Credit to the Historic Preservation Commission along with any other information requested by the Commission. The Historic Preservation Commission shall approve the application if is meets the criteria as set forth in this section, the Historic Preservation Commission Design Manual, and The Secretary of the Interior's Standards for Preservation, Restoration and Rehabilitation. Upon approval by the Historic Preservation Commission, the property owner must submit a tax credit application to the Chief of Historic Preservation. At the same time, the property owner must also submit any other necessary building and other permit requests to the Director of Neighborhood and Environmental Programs. All work must commence within one year of application approval by the Historical Preservation Commission.**]**

**[**D. Application of Credit. Within two years of approval by the Historic Preservation Commission, the property owner must submit appropriate receipts to the Chief of Historic Preservation. Upon notification by the Chief of Historic Preservation and the Director of Neighborhood and Environmental Programs that applicable laws have been met in the preservation, restoration and/or rehabilitation of the approved structure, the Director of Finance may apply the approved tax credit to the property owner's next tax bill. If the tax credit exceeds the property tax bill, the balance may be carried forward up to a total of five years.**]**

A. PURPOSE. SUBJECT TO THE PROVISIONS OF THIS SECTION, THE DIRECTOR OF FINANCE MAY ALLOW A TAX CREDIT ON CITY REAL PROPERTY TAXES BASED UPON THE AMOUNT EXPENDED BY A PROPERTY OWNER FOR PRESERVATION, RESTORATION AND/OR REHABILITATION OF ANY PROPERTY HAVING HISTORIC OR ARCHITECTURAL VALUE AND WHICH THE CITY COUNCIL DESIGNATES A LANDMARK PURSUANT TO CHAPTER 21.56 OF THE CITY OF ANNAPOLIS HISTORIC DISTRICT ZONING ORDINANCE. THE CHIEF OF HISTORIC PRESERVATION AND DIRECTOR OF FINANCE SHALL PROMULGATE RULES AND REGULATIONS TO IMPLEMENT THIS SECTION OF THE CITY CODE.

B. QUALIFIED EXPENSES. THE TAX CREDIT SHALL BE APPLIED TO THOSE EXPENSES HAVING TO DO WITH EXTERIOR FEATURES OF A STRUCTURE AND ALL THOSE INTERIOR IMPROVEMENTS REQUIRED FOR LIFE/SAFETY OR HAZARD MITIGATION AS DETERMINED TO BE QUALIFIED BY THE CHIEF OF HISTORIC PRESERVATION IN CONSULTATION WITH THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS.

C. TAX CREDIT DEFINED. THE TAX CREDIT SHALL BE IN AN AMOUNT EQUAL TO:

1. TEN PERCENT OF THE PROPERTY OWNER’S EXPENSES FOR QUALIFIED PRESERVATION, RESTORATION AND/OR REHABILITATION ON RESIDENTIAL PROPERTIES;
2. TWENTY FIVE PERCENT ON INCOME-PRODUCING PROPERTIES AND RESIDENTIAL PROPERTIES WITH QUALIFIED INTERIOR IMPROVEMENTS REQUIRED FOR LIFE/SAFETY OR HAZARD MITIGATION;
3. TWENTY FIVE PERCENT TAX CREDIT FOR QUALIFIED EXTERIOR RESTORATION WORK WHEN THERE IS REPLACEMENT OF A NON-HISTORIC FEATURE OR MATERIAL WITH A HISTORICALLY-APPROPRIATE FEATURE OR MATERIAL.

D. DOCUMENTATION. ALL EXPENSES SOUGHT TO BE QUALIFIED SHALL BE PROPERLY DOCUMENTED AND ATTESTED TO IN AN AFFIDAVIT ON THE REQUIRED FORM. THE TOTAL ESTIMATE OF ELIGIBLE EXPENSES MUST EXCEED FIVE THOUSAND DOLLARS PER APPLICATION FOR TAX CREDIT CONSIDERATION.

1. A PROPERTY OWNER SEEKING TO QUALIFY EXPENSES FOR PROPERTY TAX CREDIT PURPOSES MUST EITHER HAVE ALREADY OBTAINED A CERTIFICATE OF APPROVAL FROM THE HISTORIC PRESERVATION COMMISSION OR CONCURRENTLY SUBMIT AN APPLICATION FOR A CERTIFICATE OF APPROVAL WITH THE TAX CREDIT APPLICATION.

E. REFUND. IF A PROPERTY OWNER INITIATES AN ACTION THAT RESULTS IN THE LOSS OF LANDMARK STATUS, AS DETERMINED BY THE CHIEF OF HISTORIC PRESERVATION, WITHIN FIVE YEARS AFTER RECEIVING A TAX CREDIT APPROVAL, THEN THE PROPERTY OWNER SHALL REFUND THE ENTIRE AMOUNT OF THE TAX CREDIT TO THE CITY. IF THE LOSS OF THE LANDMARK STATUS IS NOT DUE TO A PROPERTY OWNER'S ACTIONS, THEN NO REFUND IS REQUIRED.

F. PROJECT APPROVAL. ONCE A PROPERTY HAS BEEN DESIGNATED A LANDMARK PURSUANT TO CHAPTER 21.56 OF THE ANNAPOLIS CITY CODE, THE PROPERTY OWNER MAY SUBMIT AN APPLICATION FOR THE HISTORIC PRESERVATION TAX CREDIT TO THE CHIEF OF HISTORIC PRESERVATION WITH THE DOCUMENTATION AND INFORMATION REQUIRED BY THE CHIEF OF HISTORIC PRESERVATION.

1. THE HISTORIC PRESERVATION COMMISSION MAY AUTHORIZE THE CHIEF OF HISTORIC PRESERVATION TO CERTIFY THE HISTORIC TAX CREDIT APPLICATION IF IT MEETS THE CRITERIA SET FORTH IN THIS SECTION OF THE CITY CODE, THE HISTORIC PRESERVATION COMMISSION DESIGN MANUAL, AND THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION. THE ISSUANCE OF A HISTORIC PRESERVATION COMMISSION CERTIFICATE OF APPROVAL FOR THE QUALIFIED PRESERVATION, RESTORATION OR REHABILITATION IS REQUIRED PRIOR TO SUBMISSION OF THE HISTORIC TAX CREDIT APPLICATION. THE PROPERTY OWNER SHALL ALSO CONCURRENTLY SUBMIT ANY OTHER NECESSARY BUILDING AND OTHER PERMIT APPLICATIONS TO THE DEPARTMENT OF NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS FOR ADJUDICATION OF THE APPLICATION.
2. ALL CERTIFIED HISTORIC TAX CREDIT WORK SHALL COMMENCE WITHIN SIX MONTHS AFTER THE DATE OF ISSUANCE OF THE ASSOCIATED CERTIFICATE OF APPROVAL.

G. APPLICATION OF CREDIT. WITHIN TWO YEARS OF CERTIFICATION OF THE HISTORIC TAX CREDIT APPLICATION, THE PROPERTY OWNER SHALL SUBMIT DOCUMENTATION, INCLUDING PHOTOGRAPHS OF THE COMPLETED WORK AND AN AFFIDAVIT, TO THE CHIEF OF HISTORIC PRESERVATION FOR FINAL CERTIFICATION OF THE HISTORIC TAX CREDIT EXPENSES. UPON DETERMINATION BY THE CHIEF OF HISTORIC PRESERVATION THAT ALL APPLICABLE LAWS HAVE BEEN MET IN THE PRESERVATION, RESTORATION AND/OR REHABILITATION OF THE APPROVED PROPERTY, AND CERTIFICATION OF QUALIFIED EXPENSES, THE DIRECTOR OF FINANCE MAY AUTHORIZE THE APPROVED TAX CREDIT TO BE APPLIED AS A CREDIT TO THE PROPERTY OWNER'S NEXT REAL PROPERTY TAX BILL.

1. IF THE TAX CREDIT EXCEEDS THE AMOUNT OF THE REAL PROPERTY TAX BILL, THE BALANCE MAY BE CARRIED FORWARD FOR UP TO FIVE YEARS.
2. THE TOTAL AMOUNT OF ALL HISTORIC TAX CREDITS THAT THE DIRECTOR OF FINANCE MAY APPROVE SHALL NOT EXCEED $150,000 DOLLARS IN ANY ONE FISCAL YEAR.

H. EXTENSIONS. ANY EXTENSIONS OF DEADLINES IMPOSED BY THIS SECTION OF THE CITY CODE SHALL BE SUBMITTED FOR REVIEW AND ADJUDICATION BY THE CHIEF OF HISTORIC PRESERVATION AS AUTHORIZED BY THE HISTORIC PRESERVATION COMMISSION. EXTENSIONS MAY BE ALLOWED FOR GOOD CAUSE.

I. APPEALS. ANY PERSON AGGRIEVED OF A FINAL DECISION PURSUANT TO THIS SECTION OF THE CITY CODE MAY APPEAL TO THE CIRCUIT COURT OF ANNE ARUNDEL COUNTY.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage and applies to all pending historic preservation tax credit applications as of the date of passage.

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

_____ BY _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Staff Report

## Ordinance O-34-13

## Historic Preservation Tax Credit

The proposed ordinance would revise the provisions of the City Code related to the historic preservation tax credit. Originally enacted in 2004, the Historic Preservation Tax Credit Program reduces a property owner's real property tax bill through a direct, dollar-for-dollar offset of City of Annapolis real property taxes, thereby encouraging protection of landmarks through the promotion and recognition of historic structures. The City of Annapolis, through the historic preservation tax credit, provides to owners of contributing historic properties within the Annapolis Historic Landmark District a financial incentive that assists with the rehabilitation costs for exterior improvements to historic buildings in the District.

The Historic Preservation Tax Credit tax credit is limited to 10% of documented qualifying expenses for labor and materials related to a preservation, restoration, and rehabilitation project for which there is a Certificate of Approval issued by the Historic Preservation Commission. The State of Maryland has recently granted municipalities the authority to increase the tax credit to 25%. The proposed ordinance provides a limited adoption of the 25% credit in order to remain within the $150,000 cap established for the program by the City Council in 2004.

Prepared by Lisa Craig, Chief of Historic Preservation at 410-263-7941 and LMCraig@annapolis.gov and Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.1184 or JCCowles@annapolis.gov.

**Alderman Budge's Proposed Amendments to O-34-13**
**Historic Preservation Tax Credit**

**Amendment #1**
Page 4, line 14: strike "submission" and insert to "PRELIMINARY CERTIFICATION."

Page 4, Line 14: strike "application."

**Amendment #2**
Page 3, Lines 20-30: substitute for the following:

C. TAX CREDIT DEFINED. THE TAX CREDIT SHALL BE IN AN AMOUNT EQUAL TO:
1. TEN PERCENT OF THE PROPERTY OWNER'S EXPENSES FOR QUALIFIED PRESERVATION, RESTORATION AND/OR REHABILITATION ON RESIDENTIAL PROPERTIES;

2. TWENTY-FIVE PERCENT OF QUALIFIED PRESERVATION, RESTORATION AND/OR REHABILITATION ON INCOME-PRODUCING PROPERTIES TO INCLUDE LIFE/SAFETY AND HAZARD MITIGATION;

3. RESIDENTIAL PROPERTIES MAY QUALIFY FOR A TWENTY-FIVE PERCENT TAX CREDIT ON QUALIFIED INTERIOR IMPROVEMENTS REQUIRED FOR LIFE/SAFETY OR HAZARD MITIGATION;

4. TWENTY-FIVE PERCENT TAX CREDIT FOR QUALIFIED EXTERIOR RESTORATION WORK WHEN THERE IS REPLACEMENT OF A NON-HISTORIC FEATURE OR MATERIAL WITH A HISTORICALLY APPROPRIATE FEATURE OR MATERIAL ON BOTH RESIDENTIAL AND INCOME-PRODUCING PROPERTIES.

City of Annapolis City Council
Standing Committee Referral Action Report

Date: 10/21/13

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

The Economic Matters Committee has reviewed O-34-13 and has taken the following action:

_____ Favorable

X Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

HPC Amendment
and
AEDC Amendment

Roll Call Vote:

Ald. Paone, Chair YES Ald. Finlayson YES Ald. Budge YES

Meeting Date 10/21/13 Signature of Chair [signature]

City of Annapolis City Council
Standing Committee Referral Action Report

Date: 10/15/13 & 10/24/13

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

The Finance Committee has reviewed O-34-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Finlayson, Chair Yes Ald. Arnett Yes Ald. Pfeiffer Yes

Meeting Date Oct. 24, '13 Signature of Chair Sheila M. Finlayson

City of Annapolis
Historic Preservation Commission
Referral Action Report

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Date: 10/11/2013

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

The Historic Preservation Commission has reviewed _0-34-13_ and has taken the following action:

_____ Favorable

__X___ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

The Historic Preservation Commission supports the ordinance as drafted with one amendment. Incorporate the following proposed language at Page 4, Line 39: "C. The Director of Finance may not approve a tax credit that exceeds $50,000 for any certificate of approval."

Meeting Date _____ Signature of Chair _____

FISCAL IMPACT NOTE

**Legislation No:** O-34-13 **First Reader Date:** 9-9-13
**Note Date:** 9-16-13

**Legislation Title: Historic Preservation Tax Credit**

**Description:** For the purpose of revising the provisions governing the historic preservation tax credit in the City Code of the City of Annapolis.

**Analysis of Fiscal Impact:** This legislation produces a negative financial impact to the General Fund tax revenues up to, but not to exceed $150,000, as adopted by the City Council in 2004. The City of Annapolis provides to owners of contributing historic properties within the Annapolis Historic Landmark District a financial incentive that assists with the rehabilitation costs for exterior improvements to historic buildings in the District. Originally enacted in 2004, the Historic Preservation Tax Credit Program benefits property owners and the community generally by reducing a property owner's real property tax bill through a direct, dollar-for-dollar offset of City of Annapolis real property taxes, thereby encouraging protection of landmarks through the promotion and recognition of historic structures, and increasing the value of preserved, restored, and rehabilitated property. The Historic Preservation Tax Credit tax credit is limited to 10% of documented qualifying expenses for labor and materials related to a preservation, restoration, and rehabilitation project for which there is a Certificate of Approval issued by the Historic Preservation Commission. The State of Maryland has recently granted municipalities the authority to increase the tax credit to 25%; which the Historic Preservation Division within the Planning and Zoning Department, working with the City's leadership, is proposing a limited adoption of the 25% credit in order to remain within the $150,000 cap established for the program by the City Council in 2004.

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-32-13

**Sponsor: Mayor Cohen**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 7/22/13 | | | 10/18/3 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Economic Matters | 7/22/13 | | |
| Finance | 7/22/13 | | |

**A ORDINANCE** concerning

**Plumbing Permit Fees – Capital Facilities**

**FOR** the purpose of authorizing applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued; and making such provisions retroactive to July 1, 2011.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition
Section 17.28.090

**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 17.28 – PLUMBING CODE**

**17.28.090 - Permit—Fees—Schedule.**

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

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

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

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

1. An individual residential dwelling unit is one EDU.

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

(a) By Director of [Public Works] NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS. Whenever a charge is set based on EDUs, the property owner shall provide all information required by the Director of [Public Works] NEIGHBORHOOD AND ENVIRONMENTAL PROGRAMS [(Director)] and the Director shall reasonably determine, based on that information and any other information that the Director deems appropriate, the number of EDUs for a property based on peak daily usage. If the Director OF PUBLIC WORKS determines within a three-year period after the initial determination that the property owner provided materially inaccurate information, the Director shall re-determine the number of EDUs and the property owner shall be liable for the difference in any charge that is set based on EDUs.

(b) By agreement.

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

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

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

metals or other deleterious materials prior to discharge of the waste to the City sewer system.

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

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

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

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

C. Capital Facility Assessment Charge. A capital facility assessment charge will continue to be applied after December 19, 2011 for accounts with remaining capital facility assessment charge balances. For active permits prior to December 19, 2011, the current structure for capital facility assessment charges will continue to be in effect.

D. Installation Charges.

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

a. Requesting party called for inspection, but work was not ready;

b. Requesting party was not on site;

c. Building was locked;

d. Safety features not on site;

e. Approved drawings not on site;

f. Permit card not posted and visible from fronting street.

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

F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the City and who also are registered master gasfitters in the City shall be charged as established by resolution of the City Council for the additional gas connection for gas hot water heaters; otherwise, the gas connection for gas hot water heaters must be made by a registered master gasfitter at the regular rates.

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

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

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

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

J. APPLICANTS SUBJECT TO PERMIT FEES IN SECTION 17.28.090 OF THE CITY CODE SHALL BE ELIGIBLE TO PAY THE PLUMBING PERMIT FEES (A CONNECTION CHARGE, A CAPITAL FACILITY CHARGE, A CAPITAL FACILITY ASSESSMENT CHARGE, AND AN INSTALLATION CHARGE), IN EFFECT AT THE TIME OF A SPECIAL EXCEPTION OR OTHER DEVELOPMENT REVIEW APPLICATION, RATHER THAN THE FEES THAT MAY BE IN EFFECT AT THE TIME THE PERMIT IS ISSUED. THIS PROVISION SHALL RETROACTIVELY APPLY TO ALL APPLICANTS FOR A SPECIAL EXCEPTION OR OTHER DEVELOPMENT REVIEW APPLICATIONS SUBMITTED ON OR BEFORE JULY 1, 2011.

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

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**
**CAPITAL LETTERS** indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Policy Report

## Ordinance O-32-13

## Plumbing Permit Fees – Capital Facilities

The proposed ordinance would authorize applicants for a special exception or other development proposal, subject to the following group of plumbing permit fees (a connection charge, a capital facility charge, a capital facility assessment charge, and an installation charge), to be eligible for the fees levied at the time of such application rather than the fees at the time the permit may be issued. The proposed ordinance would make such provisions retroactive to July 1, 2011.

Prepared by Jessica Cowles, Legislative and Policy Analyst in the City of Annapolis Office of Law at 410.263.7954 or JCCowles@annapolis.gov.

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 9/16/13

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

The Economic Matters Committee has reviewed O-32-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Paone, Chair YES Ald. Finlayson YES Ald. Budge YES

Meeting Date _____ Signature of Chair _____

# City of Annapolis City Council
# Standing Committee Referral Action Report

Date: 10/15/13 a 10/24/13

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

The Finance Committee has reviewed O-32-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Finlayson, Chair Yes Ald. Arnett Yes Ald. Pfeiffer Yes

Meeting Date Oct. 24/13 Signature of Chair Sheila M. Finlayson

# CITY COUNCIL OF THE
# City of Annapolis

## Ordinance No. O-33-13

**Sponsor: Mayor Cohen**

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/23/13 | | | 12/20/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Finance | 9/23/13 | | |
| Environmental Matters | 9/23/13 | | |

**A ORDINANCE** concerning

**Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal Government**

**FOR** the purpose of approving a new 10-year wastewater conveyance and treatment (sewer service) contract (Contract) with the Federal Government to adjust the rate as provided; and all matters related to said wastewater conveyance and treatment.

**WHEREAS,** the current wastewater conveyance and treatment contract between the City of Annapolis and the Federal Government governing services rendered by the City of Annapolis to the United States Naval Academy (USNA) authorizes a rate renegotiation following a general rate increase; and

**WHEREAS,** the City of Annapolis recently commissioned a comprehensive water and sewer rate study. The City formed a Citizen's Advisory Committee (CAC) to garner input from key stakeholders during the course of the study. The CAC was comprised of individuals representing various key stakeholder groups including business owners, City Council members, and representatives from the USNA; and

**WHEREAS,** since the USNA is the City's only wholesale sewer customer, a meeting was held with the NAVFAC (Naval Facilities Engineering Command) contract and rates groups to review the study findings; and

**WHEREAS,** on June 20, 2011, the Annapolis City Council approved a water and sewer rate increase for all customers, excluding the USNA; and

**WHEREAS,** as a result of the rate study findings, representatives from the Federal Government and the City have agreed to adjust the rates paid by the Federal Government for wastewater conveyance and treatment pursuant to the Contract.

**SECTION I: NOW THEREFORE BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the charge for wastewater conveyance and treatment services rendered pursuant to the Contract shall be adjusted to $4.21 per 1,000 gallons; this rate shall be applicable to all wastewater conveyance and treatment services under the terms of the Contract; this rate shall become effective retroactively to July 1, 2011 and shall remain in effect until a new rate is adjusted in accordance with the Contract terms.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Mayor is hereby authorized to execute the Contract attached hereto.

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

# AWARD/CONTRACT

1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)

RATING

PAGE 1 OF PAGES 26

2. CONTRACT (Proc. Inst. Ident.) NO.
N40080-12-C-0492

3. EFFECTIVE DATE
20 Jun 2012

4. REQUISITION/PURCHASE REQUEST/PROJECT NO.

5. ISSUED BY CODE N40080
NAVAL FACILITIES ENG COMMAND
1314 HARWOOD ST
WASHINGTON DC 20374

6. ADMINISTERED BY (If other than Item 5) CODE
**See Item 5**

7. NAME AND ADDRESS OF CONTRACTOR (No., street, city, county, state and zip code)
CITY OF ANNAPOLIS
160 DUKE OF GLOUCESTER ST
ANNAPOLIS MD 21401-2517

CODE 0H082 FACILITY CODE

8. DELIVERY
[ ] FOB ORIGIN [ X ] OTHER (See below)

9. DISCOUNT FOR PROMPT PAYMENT

10. SUBMIT INVOICES (4 copies unless otherwise specified) TO THE ADDRESS SHOWN IN:

ITEM

11. SHIP TO/MARK FOR CODE
**See Schedule**

12. PAYMENT WILL BE MADE BY CODE

13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION:
[ ] 10 U.S.C. 2304(c)( ) [ ] 41 U.S.C. 253(c)( )

14. ACCOUNTING AND APPROPRIATION DATA

| 15A. ITEM NO. | 15B. SUPPLIES/ SERVICES | 15C. QUANTITY | 15D. UNIT | 15E. UNIT PRICE | 15F. AMOUNT |
|---|---|---|---|---|---|
| | **SEE SCHEDULE** | | | | |

**15G. TOTAL AMOUNT OF CONTRACT $0.00**

16. TABLE OF CONTENTS

| (X) | SEC. | DESCRIPTION | PAGE(S) | (X) | SEC. | DESCRIPTION | PAGE(S) |
|---|---|---|---|---|---|---|---|
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| X | B | SUPPLIES OR SERVICES AND PRICES/ COSTS | 2 | | | **PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS** | |
| X | C | DESCRIPTION/ SPECS./ WORK STATEMENT | 3 - 5 | X | J | LIST OF ATTACHMENTS | 26 |
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| X | E | INSPECTION AND ACCEPTANCE | 6 | | K | REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS | |
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CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE

17. [ ] CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return copies to issuing office.) Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)

18. [ ] AWARD (Contractor is not required to sign this document.) Your offer on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the items listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further contractual document is necessary.

19A. NAME AND TITLE OF SIGNER (Type or print)

20A. NAME OF CONTRACTING OFFICER
TEL: EMAIL:

19B. NAME OF CONTRACTOR
BY _____
(Signature of person authorized to sign)

19C. DATE SIGNED

20B. UNITED STATES OF AMERICA
BY _____
(Signature of Contracting Officer)

20C. DATE SIGNED

DRAFT

Section B - Supplies or Services and Prices

| ITEM NO | SUPPLIES/SERVICES | QUANTITY | UNIT | UNIT PRICE | AMOUNT |
|---|---|---|---|---|---|
| 0001 | | | | | $0.00 |
| | Clin 0001<br>FFP<br>Waste Water Treatment Conveyance and Treatment Services from 1 July 2011 to 30 June 2021 for the US Naval Academy.<br>FOB: Destination | | | | |
| | | | | NET AMT | $0.00 |

CLIN 0001 CONT.

## WASTEWATER RATE SCHEDULE

**United States Naval Academy**
**Sewer (Wastewater) Rates**
**City of Annapolis Fiscal Year (FY) 2012 through 2021**

| Fiscal Year (July 1 through June 30) | | Wastewater Rate (per 1,000 gallons) |
|---|---|---|
| 2012 | (07/01/2011-06/30/2012) | $4.21 |
| 2013 | 07/01/2012-6/30/2013 | $4.21 |

Note: Rates, charges and changes in rates are subject to the terms of subsection H5.2 Rates And Charges and H5.3 Change of Rates.

Section C - Descriptions and Specifications

SPECIFICATIONS

1. CONTRACTOR: The term "Contractor" as used in this Contract and associated Clauses means the City of Annapolis, Maryland. However, it is understood that the City of Annapolis's role under this contract is as a utility providing wastewater conveyance and treatment service through its' existing sewer mains, pumping stations and co-owned treatment facility.
2. WASTEWATER TREATMENT: The City of Annapolis and Anne Arundel County, Maryland ("County.") jointly-own the wastewater treatment facility known as the Annapolis Water Reclamation Facility (AWRF), The County is solely responsible for the Operation and Maintenance of the AWRF. The City and County have a joint use agreement that defines the City Capacity, which includes capacity for the Premises as defined below.
3. CITY ON-BASE FACILITIES: The City is responsible for the following on-base facilities:
   - City-owned sewers and sewer manholes
   - Flow meters and vaults at Points of Delivery listed below
4. CONTRACTOR'S EFFECTIVE RATE: $4.21 per 1,000 gallons subject to the terms of **Subsection H5.2 Rates and Charges and H5.3 Changes of Rates.**

SPECIFICATIONS

1. PREMISES TO BE SERVED: U.S. Naval Academy
   Annapolis, MD 21401
2. PREMISES ARE: Government-Owned
3. ESTIMATED SERVICE:
   ESTIMATED FLOW: 360,000,000 gallons/year (1 Million gallons/day, MGD)
   AVERAGE WINTER FLOW: 0.94 MGD
   AVERAGE SUMMER FLOW: 1.1 MGD
   ESTIMATED MAXIMUM DAILY FLOW: 2.2 MGD
   (This estimate is based on historical usage. The Government shall not be restricted to minimum or maximum flow except as covered by the terms of subsection H5.5 and H5.6).
   TYPE OF SERVICE: Wastewater Conveyance and Treatment
4. SERVICE TO BE RENDERED. The Contractor shall provide wastewater services to convey and treat wastewater from the Premises. The Contractor shall operate the wastewater conveyance facilities in conformity with applicable laws, rules, and regulations promulgated by Federal, State, and local authorities.
5. RESERVED CAPACITY. The Contractor shall reserve a capacity of 1 MGD for the wastewater from the Premises in:
   a. the City wastewater collection system, and
   b. the "City Capacity" at the AWRF.
6. POINTS OF DELIVERY. The sewage shall be delivered to the Contractor by the Government at the following four locations. ( See Appendix A for more information).
   (1) Gate #1: King George Street, South of Dorsey Creek
   Size of Sewer: 24 Inch Diameter
   (2) Perry Center (Building #571): Tulip Street, North of Dorsey Creek

Size of Sewer: 12 Inch Diameter

(3) Water Treatment Plant: City of Annapolis Manhole No. 185 (SR 450 near Taylor Road)
Size of Sewer: 12 Inch Diameter

(4) Navy Family Housing (Buildings #500-520): Badger Road and Monroe Road
Size of Sewer: 8 Inch Diameter

7. METERING AND BILLING. Billing will be determined by metered wastewater usage at Points of Delivery locations (1) and (2) listed above, and estimated at Points of Delivery locations (3) and (4) until meters are installed. (The Contractor, at the Government's expense, will install meters at the other two points in the future as directed by Contract Modification).

8. NEW METERS AND CONNECTION POINTS. All New Meters and Connections will be added by Contract Modification after a price has been determined/negotiated. The Contractor will be reimbursed for the cost of new connections and meters.

Section E - Inspection and Acceptance

Not Applicable

Section F - Deliveries or Performance

Not Applicable

Section G - Contract Administration Data

Not Applicable

Section H - Special Contract Requirements

SPECIAL CONTRACT REQUIREMENTS

**H1**. **Scope**: Subject to the terms and conditions hereinafter set forth, the Contractor shall furnish and the Government shall purchase the wastewater collection services for the premises so noted in the Specifiations, included in Section C of the specifications and pursuant to the Contractor's Effective Rates as approved to the extent required by the appropriate regulatory body (Mayor, Aldermen and Alderwomen of the City of Annapolis.)

**H2 Term**: This Contract shall be for a term of 10 years from the effective date and thereafter, unless terminated at the option of the Government or the Contractor, *provided a suitable alternative exists for the Naval Academy*, by giving written notice to the other party not less than 360 days in advance of the effective date of the termination.

**H3 Superseded Contract(s):** The Contractor and the Government mutually agree, upon execution of this Contract , that Contract(s) # N62477-76-M-3603 and # N62477-76-C-3317 as amended, which has provided the Government with these services are hereby superseded and terminated at no cost to either party. The Contractor shall retain, for the purpose of providing dedicated services to the Government, those facilities previously described in the superseded contract, and paid for by the Government by means of a connection charge. At all times during the life of this Contract or any renewals thereof, said facilities shall be owned, operated and maintained by the Contractor at its expense.

## H4 Technical Provisions

### H4.1 Measurement of Service

(a) All services furnished by the Contractor shall be measured by metering equipment of standard manufacture, furnished, installed, maintained, calibrated and read by the Contractor at its expense. In the absence of metering equipment, the sewage flow shall be estimated as agreed upon by both parties to the Contract. In the event a meter fails to register or registers incorrectly, the quantity of service delivered during the period of malfunction shall be determined and an equitable adjustment based thereon shall be made in the Government service invoices.

(b) The Contractor shall read all meters at periodic intervals.

(c) The Contractor, at its expense, shall periodically inspect and test its meters as installed, in accordance with the Contractors standard practice. At the written request of the Contracting Officer, the Contractor, in the presence of a Government representative, shall make additional tests of any and all meters. The cost of these tests shall be borne by the Government unless the test reveals a percentage error greater than the meter manufacturer's standard.

### H4.2 Sewer Services

(a) The Contractor shall provide wastewater service that shall meet Specification 3, in Section C of this Contract.

(b) The Contractor's wastewater conveyance and treatment facilities shall conform to all applicable Federal, State and local laws and ordinances, permits and regulations promulgated by any and all authorities having jurisdiction.

## H5 General Provisions

### H5.1 Payments

(a) The Government shall pay the Contractor, upon the submission of proper invoices, at the rates or rate schedule specified within this contract for services delivered and accepted less any deductions or discounts provided for.

(b) Payments shall be contingent upon the availability of appropriations and

(c) shall not be made in advance.

(d) Invoices for service rendered shall contain statements of the meter readings at the beginning and at the end of the billing period, consumption during the billing period, estimates per subsection H4.1 where meters have not been installed and other pertinent data as shall be required to fully understand the Invoice.

(e) All invoices shall be submitted to:

Utility Invoice Processing Center
(Insert respective Government Account Number)
Box 159
9226 Third Avenue
Norfolk VA 23511-2313

At a frequency no more than monthly.

**H5.2 Rates And Charges**

(a) **Rates**

The Contractor hereby declares that the Government's specified rate or rate schedule is based on the June 2011 City of Annapolis Comprehensive Water and Sewer Rate Study, Cost of Service Analysis *and is the lowest rate for any non residential customer.*

(b) **Charges**

The parties agree to notify the other party upon discovery of deviations in flow that might indicate faulty operation of the Contractor's system. The Government and the Contractor shall mutually determine whether such deviations are causing the inaccurate recording of the Government's flow.

**H5.3 Change of Rates**

**(a)** No increase in rates shall be made to the Contract rate unless (i) the Contractor has placed into effect a general rate percentage increase to all other customers or (ii) based upon an updated Cost of Service Analysis. If the Contractor has placed into effect a general rate percentage decrease to all other customers, a corresponding decrease in the Contract rate shall be made.

**H5.4 Contractors Facilities**

(a) The Contractor, at its expense, unless otherwise provided for in this Contract, shall furnish, install, operate, and maintain all facilities required to furnish service hereunder, and measure, or to the extent permitted by this Contract, estimate such service at the points of delivery specified in the Specifications in Section C. Title to all such facilities shall remain with the Contractor and the Contractor shall be responsible for loss or damage to such facilities, except that the Government shall be responsible to the extent that loss or damage has been caused by the Government's negligent acts or omissions or otherwise wrongful acts.

(b) Notwithstanding any terms expressed in this clause, the Contractor shall obtain approval from the Contracting Officer prior to any equipment installation, construction, or removal for facilities required to furnish service hereunder. The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this Contract, a revocable permit or license to enter the service location for any proper purpose under this Contract. This permit or license includes use of the site or sites agreed upon by the parties hereto for the installation, operation, maintenance, and repair of the facilities of the Contractor required to be located upon Government premises. All applicable taxes and other charges in connection therewith, together with all liability of the Contractor in construction, operation, maintenance and repair of such facilities, shall be the obligation of the Contractor.

(c) Authorized representatives of the Contractor will be allowed access to the facilities on Government premises at reasonable times to perform the obligations of the Contractor regarding such facilities. It is expressly understood that the Government may limit or restrict the right of access herein granted in any manner considered necessary (e.g., national security, public safety).

(d) Unless otherwise specified in this Contract, the Contractor shall, at its expense, remove such facilities and restore Government premises to their original condition as near as practicable within a reasonable time after the Government terminates this contract. In the event such termination of this Contract is due to the fault of the Contractor, such facilities may be retained in place at the option of the Government and at the Government's expense for a reasonable time while the Government attempts to obtain service elsewhere comparable to that provided for hereunder.

(e) Contractor Access – Contractor shall be provided with annual passes for designated City of Annapolis's, Officers, Employees, Agents, and equipment (list to be provided by the City) to access CITY ON-BASE FACILITIES as defined in the Description section of the Contract at no cost to the City.

**H5.5 Change in Volume or Character of Service**

(a) The Contracting Officer or Contracting Officer's Representative shall give reasonable notice to the Contractor should any anticipated material changes in the volume or characteristics of the Utility Service be required at each location.

(b) The Contractor shall give reasonable notice to the Government should any limitations to the Utility Service allowable maximum flow be required at each and/or all of the locations.

(c) The Contractor and the Government shall operate their respective wastewater conveyance facilities in conformity with applicable laws, rules, and regulations promulgated by Federal, State, and local authorities, including, but not limited to, the applicable USNA Wastewater Discharge Permit.

**H5.6 Continuity of Service And Consumption**

(a) The Contractor shall use reasonable diligence to provide a regular and uninterrupted service to the Government in accordance with the terms and conditions of this contract and the specification(s).

(b) The Contractor shall use due diligence to cure or correct any cause or condition which so effects the continuity of utility service. The Contractor shall promptly commence and use due diligence to repair or replace any operational facilities and infrastructure rendered inoperable.

(c) Upon notification of limitations to the Utility Service by the Contractor (as in the case of a 100 year storm or similar weather event), the Government shall use due diligence to cure or correct any cause or condition which so effects the limitation.

**H5.7 Multiple Service Location**

(a) At any time by request, the Contracting Officer may designate any location within the service area of the Contractor at which utility service is needed or to be discontinued. Any changes to the Specifications in Section C shall be made a part of the Contract by the issuance of a contract modification to include the name and location of the service, specifying any different rate, the point of delivery, different specifications, and any other terms and conditions.

(b) The applicable rate specified in this contract shall be equitably prorated from the period in which commencement or discontinuance of service at any service location designated under the Specifications shall become effective.

**H5.8 Conflicts**

To the extent of any inconsistency between the provisions of this Contract and the provisions of any schedule, rider, or exhibit incorporated in this Contract by reference or otherwise, the provisions of the Contract shall control.

**H.6. LOCATION**

The service shall be provided to various Naval activities in the **Annapolis, MD** area.

**H.7. PERIOD OF PERFORMANCE**

The contract term is from 1 July 2011 to 30 June 2021

**H.8 Contracting Officer's Representative**

_____The Contract will be administered by an authorized representative of the Contracting Officer. In no event, however, will any understanding or agreement, modification, change order, or other matter deviating from the terms of the Contract between the Contractor and any person other than the Contracting Officer be effective or binding upon the Government, unless formalized by proper contractual documents executed by the Contracting Officer prior to completion of this Contract. The authorized representative as indicated hereinafter:

_____The Contracting Officer's Representative (COR) will be designated by the Contracting Officer as the authorized representative of the Contracting Officer. The COR is responsible for monitoring performance and the technical management of the effort required hereunder, and should be contacted regarding questions or problems of a technical nature.

_____The designated Contract Specialist will be the Administrative Contracting Officer's representative on all other contract administrative matters. The Contract Specialist should be contacted regarding all matters pertaining to the contract or task/delivery orders.

Section I - Contract Clauses

CLAUSES INCORPORATED BY FULL TEXT

52.202-1 DEFINITIONS (JUL 2004)

(a) When a solicitation provision or contract clause uses a word or term that is defined in the Federal Acquisition Regulation (FAR), the word or term has the same meaning as the definition in FAR 2.101 in effect at the time the solicitation was issued, unless--

(1) The solicitation, or amended solicitation, provides a different definition;

(2) The contracting parties agree to a different definition;

(3) The part, subpart, or section of the FAR where the provision or clause is prescribed provides a different meaning; or

(4) The word or term is defined in FAR Part 31, for use in the cost principles and procedures.

(b) The FAR Index is a guide to words and terms the FAR defines and shows where each definition is located. The FAR Index is available via the Internet at http://www.acqnet.gov at the end of the FAR, after the FAR Appendix.

(End of clause)

52.204-7 CENTRAL CONTRACTOR REGISTRATION (APR 2008)

(a) Definitions. As used in this clause--

Central Contractor Registration (CCR) database means the primary Government repository for Contractor information required for the conduct of business with the Government.

Data Universal Numbering System (DUNS) number means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.

Data Universal Numbering System +4 (DUNS+4) number means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at Subpart 32.11) for the same parent concern.

Registered in the CCR database means that--

(1) The Contractor has entered all mandatory information, including the DUNS number or the DUNS+4 number, into the CCR database; and

(2) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS), and has marked the record ``Active''. The Contractor will be required to provide consent for TIN validation to the Government as a part of the CCR registration process.

(b)(1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the CCR database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.

(2) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation “DUNS” or “DUNS +4” followed by the DUNS or DUNS +4 number that identifies the offeror's name and address exactly as stated in the offer. The DUNS number will be used by the Contracting Officer to verify that the offeror is registered in the CCR database.

(c) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number--

(i) Via the Internet at http://fedgov.dnb.com/webform or if the offeror does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office. The offeror should indicate that it is an offeror for a U.S. Government contract when contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

(i) Company legal business.

(ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.

(iii) Company Physical Street Address, City, State, and Zip Code.

(iv) Company Mailing Address, City, State and Zip Code (if separate from physical).

(v) Company Telephone Number.

(vi) Date the company was started.

(vii) Number of employees at your location.

(viii) Chief executive officer/key manager.

(ix) Line of business (industry).

(x) Company Headquarters name and address (reporting relationship within your entity).

(d) If the Offeror does not become registered in the CCR database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

(e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.

(f) The Contractor is responsible for the accuracy and completeness of the data within the CCR database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. Updating information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

(g)(1)(i) If a Contractor has legally changed its business name, “doing business as” name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in Subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of Subpart 42.12 of the FAR; and (C) agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

(ii) If the Contractor fails to comply with the requirements of paragraph (g)(1)(i) of this clause, or fails to perform the agreement at paragraph (g)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the “Suspension of Payment” paragraph of the electronic funds transfer (EFT) clause of this contract.

(2) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see FAR Subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the “Suspension of payment” paragraph of the EFT clause of this contract.

(h) Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at http://www.ccr.gov or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

52.213-2 INVOICES (APR 1984)

The Contractor's invoices must be submitted before payment can be made. The Contractor will be paid on the basis of the invoice, which must state (a) the starting and ending dates of the subscription delivery, and (b) either that orders have been placed in effect for the addressees required, or that the orders will be placed in effect upon receipt of payment.

(End of clause)

52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if--

(a) The amount due on the deliveries warrants it; or

(b) The Contractor requests it and the amount due on the deliveries is at least $1,000 or 50 percent of the total contract price.

(End of clause)

52.232-23 ASSIGNMENT OF CLAIMS (JAN 1986)

(a) The Contractor, under the Assignment of Claims Act, as amended, 31 U.S.C. 3727, 41 U.S.C. 15 (hereafter referred to as "the Act"), may assign its rights to be paid amounts due or to become due as a result of the performance of this contract to a bank, trust company, or other financing institution, including any Federal lending agency. The assignee under such an assignment may thereafter further assign or reassign its right under the original assignment to any type of financing institution described in the preceding sentence.

(b) Any assignment or reassignment authorized under the Act and this clause shall cover all unpaid amounts payable under this contract, and shall not be made to more than one party, except that an assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in the financing of this contract.

(c) The Contractor shall not furnish or disclose to any assignee under this contract any classified document (including this contract) or information related to work under this contract until the Contracting Officer authorizes such action in writing.

(End of clause)

52.232-25 PROMPT PAYMENT (OCT 2008)

Notwithstanding any other payment clause in this contract, the Government will make invoice payments under the terms and conditions specified in this clause. The Government considers payment as being made on the day a check is dated or the date of an electronic funds transfer (EFT). Definitions of pertinent terms are set forth in sections 2.101, 32.001, and 32.902 of the Federal Acquisition Regulation. All days referred to in this clause are calendar days, unless otherwise specified. (However, see paragraph (a)(4) of this clause concerning payments due on Saturdays, Sundays, and legal holidays.)

(a) Invoice payments--(1) Due date. (i) Except as indicated in paragraphs (a)(2) and (c) of this clause, the due date for making invoice payments by the designated payment office is the later of
the following two events:

(A) The 30th day after the designated billing office receives a proper invoice from the Contractor (except as provided in paragraph (a)(1)(ii) of this clause).

(B) The 30th day after Government acceptance of supplies delivered or services performed. For a final invoice, when the payment amount is subject to contract settlement actions, acceptance is deemed to occur on the effective date of the contract settlement.

(ii) If the designated billing office fails to annotate the invoice with the actual date of receipt at the time of receipt, the invoice payment due date is the 30th day after the date of the Contractor's invoice, provided the designated billing office receives a proper invoice and there is no disagreement over quantity, quality, or Contractor compliance with contract requirements.

(2) Certain food products and other payments. (i) Due dates on Contractor invoices for meat, meat food products, or fish; perishable agricultural commodities; and dairy products, edible fats or oils, and food products prepared from edible fats or oils are--

(A) For meat or meat food products, as defined in section 2(a)(3) of the Packers and Stockyard Act of 1921 (7 U.S.C. 182(3)), and as further defined in Pub. L. 98-181, including any edible fresh or frozen poultry meat, any perishable poultry meat food product, fresh eggs, and any perishable egg product, as close as possible to, but not later than, the 7th day after product delivery.

(B) For fresh or frozen fish, as defined in section 204(3) of the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)), as close as possible to, but not later than, the 7th day after product delivery.

(C) For perishable agricultural commodities, as defined in section 1(4) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(4)), as close as possible to, but not later than, the 10th day after product delivery, unless another date is specified in the contract.

(D) For dairy products, as defined in section 111(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502(e)), edible fats or oils, and food products prepared from edible fats or oils, as close as possible to, but not later than, the 10th day after the date on which a proper invoice has been received. Liquid milk, cheese, certain processed cheese products, butter, yogurt, ice cream, mayonnaise, salad dressings, and other similar products, fall within this classification. Nothing in the Act limits this classification to refrigerated products. When questions arise regarding the proper classification of a specific product, prevailing industry practices will be followed in specifying a contract payment due date. The burden of proof that a classification of a specific product is, in fact, prevailing industry practice is upon the Contractor making the representation.

(ii) If the contract does not require submission of an invoice for payment (e.g., periodic lease payments), the due date will be as specified in the contract.

(3) Contractor's invoice. The Contractor shall prepare and submit invoices to the designated billing office specified in the contract. A proper invoice must include the items listed in paragraphs (a)(3)(i) through (a)(3)(x) of this clause. If the invoice does not comply with these requirements, the designated billing office will return it within 7 days after receipt (3 days for meat, meat food products, or fish; 5 days for perishable agricultural commodities, dairy products, edible fats or oils, and food products prepared from edible fats or oils), with the reasons why it is not a proper invoice. The Government will take into account untimely notification when computing any interest penalty owed the Contractor.

(i) Name and address of the Contractor.

(ii) Invoice date and invoice number. (The Contractor should date invoices as close as possible to the date of the mailing or transmission.)

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, discount for prompt payment terms). Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to notify in the event of a defective invoice.

(viii) Taxpayer Identification Number (TIN). The Contractor shall include its TIN on the invoice only if required elsewhere in this contract.

(ix) Electronic funds transfer (EFT) banking information.

(A) The Contractor shall include EFT banking information on the invoice only if required elsewhere in this contract.

(B) If EFT banking information is not required to be on the invoice, in order for the invoice to be a proper invoice, the Contractor shall have submitted correct EFT banking information in accordance with the applicable solicitation provision (e.g., 52.232-38, Submission of Electronic Funds Transfer Information with Offer), contract clause (e.g., 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration, or 52.232-34, Payment by Electronic Funds Transfer--Other Than Central Contractor Registration), or applicable agency procedures.

(C) EFT banking information is not required if the Government waived the requirement to pay by EFT.

(x) Any other information or documentation required by the contract (e.g., evidence of shipment).

(4) Interest penalty. The designated payment office will pay an interest penalty automatically, without request from the Contractor, if payment is not made by the due date and the conditions listed in paragraphs (a)(4)(i) through (a)(4)(iii) of this clause are met, if applicable. However, when the due date falls on a Saturday, Sunday, or legal holiday, the designated payment office may make payment on the following working day without incurring a late payment interest penalty.

(i) The designated billing office received a proper invoice.

(ii) The Government processed a receiving report or other Government documentation authorizing payment, and there was no disagreement over quantity, quality, or Contractor compliance with any contract term or condition.

(iii) In the case of a final invoice for any balance of funds due the Contractor for supplies delivered or services performed, the amount was not subject to further contract settlement actions between the Government and the Contractor.

(5) Computing penalty amount. The Government will compute the interest penalty in accordance with the Office of Management and Budget prompt payment regulations at 5 CFR part 1315.

(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance is deemed to occur constructively on the 7th day (unless otherwise specified in this contract) after the Contractor delivers the supplies or performs the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality, or Contractor compliance with a contract provision. If actual acceptance occurs within the constructive acceptance period, the Government will base the determination of an interest penalty on the actual date of acceptance. The constructive acceptance requirement does not, however, compel Government officials to accept supplies or services, perform contract administration functions, or make payment prior to fulfilling their responsibilities.

(ii) The prompt payment regulations at 5 CFR 1315.10(c) do not require the Government to pay interest penalties if payment delays are due to disagreement between the Government and the Contractor over the payment amount or other issues involving contract compliance, or on amounts temporarily withheld or retained in accordance with the terms of the contract. The Government and the Contractor shall resolve claims involving disputes and any interest that may be payable in accordance with the clause at FAR 52.233-1, Disputes.

(6) Discounts for prompt payment. The designated payment office will pay an interest penalty automatically, without request from the Contractor, if the Government takes a discount for prompt payment improperly. The Government will calculate the interest penalty in accordance with the prompt payment regulations at 5 CFR part 1315.

(7) Additional interest penalty. (i) The designated payment office will pay a penalty amount, calculated in accordance with the prompt payment regulations at 5 CFR part 1315 in addition to the interest penalty amount only if--

(A) The Government owes an interest penalty of $1 or more;

(B) The designated payment office does not pay the interest penalty within 10 days after the date the invoice amount is paid; and

(C) The Contractor makes a written demand to the designated payment office for additional penalty payment, in accordance with paragraph (a)(7)(ii) of this clause, postmarked not later than 40 days after the invoice amount is paid.

(ii)(A) The Contractor shall support written demands for additional penalty payments with the following data. The Government will not request any additional data. The Contractor shall--

(1) Specifically assert that late payment interest is due under a specific invoice, and request payment of all overdue late payment interest penalty and such additional penalty as may be required;

(2) Attach a copy of the invoice on which the unpaid late payment interest is due; and

(3) State that payment of the principal has been received, including the date of receipt.

(B) If there is no postmark or the postmark is illegible--

(1) The designated payment office that receives the demand will annotate it with the date of receipt, provided the demand is received on or before the 40th day after payment was made; or

(2) If the designated payment office fails to make the required annotation, the Government will determine the demand's validity based on the date the Contractor has placed on the demand, provided such date is no later than the 40th day after payment was made.

(iii) The additional penalty does not apply to payments regulated by other Government regulations (e.g., payments under utility contracts subject to tariffs and regulation).

(b) Contract financing payment. If this contract provides for contract financing, the Government will make contract financing payments in accordance with the applicable contract financing clause.

(c) Fast payment procedure due dates. If this contract contains the clause at 52.213-1, Fast Payment Procedure, payments will be made within 15 days after the date of receipt of the invoice.

(d) Overpayments. If the Contractor becomes aware of a duplicate contract financing or invoice payment or that the Government has otherwise overpaid on a contract financing or invoice payment, the Contractor shall--

(1) Remit the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the--

(i) Circumstances of the overpayment (e.g., duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(ii) Affected contract number and delivery order number if applicable;

(iii) Affected contract line item or subline item, if applicable; and

(iv) Contractor point of contact.

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(End of clause)

52.233-1 DISPUTES. (JUL 2002)

(a) This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613).

(b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.

(c) Claim, as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding $100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.

(d)(1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.

(2)(i) The contractors shall provide the certification specified in subparagraph (d)(2)(iii) of this clause when submitting any claim exceeding $100,000.

(ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.

(iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor.

(3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.

(e) For Contractor claims of $100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over $100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.

(f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.

(g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative disput resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the request.

(h) The Government shall pay interest on the amount found due and unpaid from (1) the date the Contracting Officer receives the claim (certified, if required); or (2) the date that payment otherwise would be due, if that date is later, until the date of payment. With regard to claims having defective certifications, as defined in (FAR) 48 CFR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest

on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(i) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under the contract, and comply with any decision of the Contracting Officer.

(End of clause)

52.233-4 APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM (OCT 2004)

United States law will apply to resolve any claim of breach of this contract.

(End of clause)

52.241-2 ORDER OF PRECEDENCE-UTILITIES (FEB 1995)

In the event of any inconsistency between the terms of this contract (including the specifications) and any rate schedule, rider, or exhibit incorporated in this contract by reference or otherwise, or any of the Contractor's rules and regulations, the terms of this contract shall control.

(End of clause)

52.241-3 SCOPE AND DURATION OF CONTRACT (FEB 1995)

(a) For the period 1 July 2011 to 30 June 2021 the Contractor agrees to furnish and the Government agrees to purchase waste water conveyance and treatment service in accordance with the applicable tariff(s), rules, and regulations as approved by the applicable governing regulatory body and as set forth in the contract. The contractor shall furnish this service until 30 Jun 2021 or until substantial and lengthy non payment.

(b) It is expressly understood that neither the Contractor nor the Government is under any obligation to continue any service under the terms and conditions of this contract beyond the expiration date.

(c) The Contractor shall provide the Government with one complete set of rates, terms, and conditions of service which are in effect as of the date of this contract and any subsequently approved rates.

(d) The Contractor shall be paid at the applicable rate(s) under the tariff and the Government shall be liable for the minimum monthly charge, if any, specified in this contract commencing with the period in which service is initially furnished and continuing for the term of this contract. Any minimum monthly charge specified in this contract shall be equitably prorated for the periods in which commencement and termination of this contract become effective.

(End of clause)

52.241-7 CHANGE IN RATES OR TERMS AND CONDITIONS OF SERVICE FOR REGULATED

SERVICES (FEB 1995)

(a) This clause applies to the extent services furnished under this contract are subject to regulation by a regulatory body. The Contractor agrees to give 30 day written notice of (1) the filing of an application for change in rates or terms and conditions of service concurrently with the filing of the application and

(2) any changes pending with the regulatory body as of the date of contract award. Such notice shall fully describe the proposed change. If, during the term of this contract, the regulatory body having jurisdiction approves any changes, the Contractor shall forward to the Contracting Officer a copy of such changes within 15 days after the effective date thereof. The Contractor agrees to continue furnishing service under this contract in accordance with the amended tariff, and the Government agrees to pay for such service at the higher or lower rates as of the date when such rates are made effective.

(b) The Contractor agrees that throughout the life of this contract the applicable published and unpublished rate schedule(s) shall not be in excess of the lowest cost published and unpublished rate schedule(s) available to any other customers of the same class under similar conditions of use and service.

(c) In the event that the regulatory body promulgates any regulation concerning matters other than rates which affects this contract, the Contractor shall immediately provide a copy to the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with Federal laws or regulations.

(d) Any changes to rates or terms and conditions of service shall be made a part of this contract by the issuance of a contract modification unless otherwise specified in the contract. The effective date of the change shall be the effective date by the regulatory body. Any factors not governed by the regulatory body will have an effective date as agreed to by the parties.

(End of clause)

52.243-5 CHANGES AND CHANGED CONDITIONS (APR 1984)

(a) The Contracting Officer may, in writing, order changes in the drawings and specifications within the general scope of the contract.

(b) The Contractor shall promptly notify the Contracting Officer, in writing, of subsurface or latent physical conditions differing materially from those indicated in this contract or unknown unusual physical conditions at the site before proceeding with the work.

(c) If changes under paragraph (a) or conditions under paragraph (b) increase or decrease the cost of, or time required for performing the work, the Contracting Officer shall make an equitable adjustment (see paragraph (d)) upon submittal of a "proposal for adjustment" (hereafter referred to as proposal) by the Contractor before final payment under the contract.

(d) The Contracting Officer shall not make an equitable adjustment under paragraph (b) unless--

(1) The Contractor has submitted and the Contracting Officer has received the required written notice; or

(2) The Contracting Officer waives the requirement for the written notice.

(e) Failure to agree to any adjustment shall be a dispute under the Disputes clause.

(End of clause)

52.249-4 TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (SERVICES) (SHORT FORM) (APR 1984)

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Government shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

(End of clause)

52.249-8 DEFAULT (FIXED-PRICE SUPPLY AND SERVICE) (APR 1984)

(a)(1) The Government may, subject to paragraphs (c) and (d) of this clause, by written notice of default to the Contractor, terminate this contract in whole or in part if the Contractor fails to--

(i) Deliver the supplies or to perform the services within the time specified in this contract or any extension;

(ii) Make progress, so as to endanger performance of this contract (but see subparagraph (a)(2) of this clause); or

(iii) Perform any of the other provisions of this contract (but see subparagraph (a)(2) below).

(2) The Government's right to terminate this contract under subdivisions (a)(1)(ii) and (1)(iii) of this clause, may be exercised if the Contractor does not cure such failure within 10 days (or more if authorized in writing by the Contracting Officer) after receipt of the notice from the Contracting Officer specifying the failure.

(b) If the Government terminates this contract in whole or in part, it may acquire, under the terms and in the manner the Contracting Officer considers appropriate, supplies or services similar to those terminated, and the Contractor will be liable to the Government for any excess costs for those supplies or services. However, the Contractor shall continue the work not terminated.

(c) Except for defaults of subcontractors at any tier, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises from causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include (1) acts of God or of the public enemy, (2) acts of the Government in either its sovereign or contractual capacity, (3) fires, (4) floods, (5) epidemics, (6) quarantine restrictions, (7) strikes, (8) freight embargoes, and (9) unusually severe weather. In each instance the failure to perform must be beyond the control and without the fault or negligence of the Contractor.

(d) If the failure to perform is caused by the default of a subcontractor at any tier, and if the cause of the default is beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either, the Contractor shall not be liable for any excess costs for failure to perform, unless the subcontracted supplies or services were obtainable from other sources in sufficient time for the Contractor to meet the required delivery schedule.

(e) If this contract is terminated for default, the Government may require the Contractor to transfer title and deliver to the Government, as directed by the Contracting Officer, any (1) completed supplies, and (2) partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (collectively referred to as "manufacturing materials" in this clause) that the Contractor has specifically produced or acquired for the terminated portion of this contract. Upon direction of the Contracting Officer, the Contractor shall also protect and preserve property in its possession in which the Government has an interest.

(f) The Government shall pay contract price for completed supplies delivered and accepted. The Contractor and Contracting Officer shall agree on the amount of payment for manufacturing materials delivered and accepted and for the protection and preservation of the property. Failure to agree will be a dispute under the Disputes clause. The Government may withhold from these amounts any sum the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(g) If, after termination, it is determined that the Contractor was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Government.

(h) The rights and remedies of the Government in this clause are in addition to any other rights and remedies provided by law or under this contract.

(End of clause)

52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

http://farsite/hill.af.mil

(End of clause)

252.229-7000 INVOICES EXCLUSIVE OF TAXES OR DUTIES (JUNE 1997)

Invoices submitted in accordance with the terms and conditions of this contract shall be exclusive of all taxes or duties for which relief is available.

(End of clause)

252.241-7001 GOVERNMENT ACCESS. (DEC 1991)

Authorized representatives of the Government may have access to the Contractor's on-base facilities upon reasonable notice or in case of emergency.

(h) **Inspection By Regulatory Agencies (JUN 1994)**

(h) Work performed under this contract is subject by State and Federal Government Regulatory agencies including those described below.

(i) Permission has been granted by the Navy permitting Federal and State occupational health and safety officials to enter Navy shore installations, without delay and at reasonable times, to conduct routine safety and health investigations. Permission also extends to safety and health investigations based on reports of unsafe conditions. Occupational Health and Safety Administration (OSHA) officials may

also investigate accidents or illnesses involving the Contractor's employees. Inspections may also be carried out by the Department of Labor to inspect for compliance with labor laws.

(j) The Contractor shall cooperate with regulatory agencies and shall provide personnel to accompany the agency inspection or review teams. Contractor personnel shall be knowledgeable concerning the work being inspected, and participate in responding to all requests for information, inspection or review findings by regulatory agencies.

(END OF CLAUSE)

## Exhibit/Attachment Table of Contents

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## Staff Report

## Ordinance O-33-13

## Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal Government

The proposed ordinance would approve a new 10-year wastewater conveyance and treatment (sewer service) contract with the Federal Government to adjust the rate to $4.21 per 1,000 gallons and become effective retroactively to July 1, 2011. The first page of the attached contract on introduction incorrectly states the effective date of June 20, 2012 due to an error in the Navy's contracting software; the effective date of July 1, 2011 is correctly used elsewhere in the contract.

The current wastewater conveyance and treatment contract between the City of Annapolis and the Federal Government governing services rendered by the City of Annapolis to the United States Naval Academy authorizes a rate renegotiation following a general rate increase. On June 20, 2011, the Annapolis City Council approved a water and sewer rate increase for all customers, excluding the Naval Academy.

Prepared by Thora Burkhardt, Civil Engineer in the Department of Public Works at 410-263-7949 and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at 410-263-7954.

City of Annapolis City Council
Standing Committee Referral Action Report

Date: 10/22/13

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

The Environmental Matters Committee has reviewed O-33-13 and has taken the following action:

_____ Favorable

X Favorable with amendments on the contract, Page one Box #3 change date from 20 June, 2012 to 1 July 2011

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Littmann YES Ald. Paone YES Ald. Pfeiffer YES

Meeting Date 10/22/13 Signature of Chair [signature]

City of Annapolis City Council
Standing Committee Referral Action Report

Date: 10/15/13 & 10/24/13

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

The Finance Committee has reviewed O-33-13 and has taken the following action:

X Favorable

_____ Favorable with amendments

_____ Unfavorable

_____ No Action

_____ Other

_____ Comments:

Roll Call Vote:

Ald. Finlayson, Chair Yes Ald. Arnett Yes Ald. Pfeiffer Yes

Meeting Date Oct. 24, 13 Signature of Chair Sheila M. Finlayson

FISCAL IMPACT NOTE

**Legislation No:** O-33-13 **First Reader Date:** 9-23-13
**Note Date:** 10-04-13

**Legislation Title: Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal Government**

**Description:** For the purpose of approving a new 10-year wastewater conveyance and treatment (sewer service) contract (Contract) with the Federal Government to adjust the rate as provided; and all matters related to said wastewater conveyance and treatment.

**Analysis of Fiscal Impact:** This legislation produces significant positive financial impact, as the proposed ordinance would approve a new 10-year wastewater conveyance and treatment (sewer service) contract with the Federal Government to adjust the rate to $4.21 per 1,000 gallons.

The average annual sewer flow from USNA in FY12 and FY13 was 320,000 Kgal. The USNA rate increase is from the current $2.59/Kgal to $4.21/Kgal. The financial impact will be approximately $518,000 per year in increased revenue.

# CITY COUNCIL OF THE
# City of Annapolis

## Resolution No. R-35-13

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

| LEGISLATIVE HISTORY<br>*Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes* | | | |
|---|---|---|---|
| First Reading | Public Hearing | Fiscal Impact Note | 90 Day Rule |
| 9/9/13 | | | 12/6/13 |
| Referred to | Referral Date | Meeting Date | Action Taken |
| Rules and City Gov't | 9/9/13 | | |
| | | Suspension of the Rules Requested for 3rd Reader Vote on 9/9/13 | |

**A RESOLUTION** concerning

**Re-Activating the State Commission on the Capital City**

**FOR** the purpose of expressing the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

**WHEREAS,** the State of Maryland established the State Commission on the Capital City (Commission) in 1965 with authorization in the State Government Article of the Annotated Code of Maryland, §9-401 through §9-407; and

**WHEREAS,** according to the Maryland Manual, "the Commission studies ways to preserve and improve Annapolis as the capital of Maryland, particularly with regard to the location of State, county and municipal offices and buildings. In cooperation with public agencies, the Commission may develop plans for the physical development of Annapolis and adjacent areas, and ensure access to and transportation facilities for them. In addition, the Commission may make recommendations on community needs or projects in Annapolis and adjacent areas, including arterial highways, building codes, economic development, federal and State assistance, housing, industrial and commercial growth, parking facilities, space for public buildings, traffic control, and urban renewal;" and

**WHEREAS,** Commission membership includes: Martin J. O'Malley, Governor; John C. Astle, State Senator, Dist. 30; Michael E. Busch, Ronald A. George and Herbert H. McMillan, Delegates, Dist. 30; Laura A. Neuman, Anne Arundel County Executive; Joshua J. Cohen, Mayor of Annapolis; Vice Admiral Michael H. Miller, Superintendent, U.S. Naval Academy; and

**WHEREAS,** there is a need to re-activate the Commission to regularly connect key stakeholders to discuss such topics as: studying/funding City Dock improvements, sea-level rise, the City's current PILOT (payment in lieu of taxes) agreement with the State, and other areas where there is a shared interest; and

**WHEREAS,** a study or recommendation of the Commission is advisory only and the Commission may not require or compel the adoption or implementation of any recommendation; and

**WHEREAS,** the Commission (1) may accept money from a private or public agency for use in carrying out the powers and duties of the Commission; and (2) for that purpose, may give the money to a private or public agency or otherwise spend the money.

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that it is the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City to regularly connect key stakeholders in order to "study possible ways to preserve and improve Annapolis as the capital of the State," (State Government Article, §9-406).

**AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Annapolis City Council recommends that the Governor appoint Christopher B. Nelson, President of St. John's College as Chair of the State Commission on the Capital City.

**AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Clerk shall send a copy of this resolution to Martin J. O'Malley, Governor; John C. Astle, State Senator, Dist. 30; Michael E. Busch, Ronald A. George and Herbert H. McMillan, Delegates, Dist. 30; Laura A. Neuman, Anne Arundel County Executive; Vice Admiral Michael H. Miller, Superintendent, U.S. Naval Academy; and Christopher B. Nelson, President, St. John's College.

**ADOPTED** this _____ day of _____, _____.

ATTEST: THE ANNAPOLIS CITY COUNCIL

BY

_____ _____

Regina C. Watkins-Eldridge, MMC, City Clerk Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.
[brackets] indicate matter stricken from existing law.
Underlining indicates amendments.

## Staff Report

## R-35-13

## Re-Activating the State Commission on the Capital City

The proposed resolution would express the sense of the Annapolis City Council to ask the Governor of the State of Maryland to re-activate the State Commission on the Capital City in order to regularly connect key stakeholders in order to “study possible ways to preserve and improve Annapolis as the capital of the State,” (State Government Article, §9-406).

**Alderman Pfeiffer Amendment to R-35-13**
**Re-Activating the State Commission on the Capital City**

**Amendment #1**
Page 2, Line 4: after "State" insert: "QUALITY AND CAPACITY OF EDUCATIONAL FACILITIES"