



**City of Annapolis**  
Office of the City Clerk  
160 Duke of Gloucester Street  
Annapolis, MD 21401-2535

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MEMORANDUM

TO: Annapolis City Council

FROM: Regina C. Watkins-Eldridge, MMC  
City Clerk

RE: Closed Meeting

A closed session of the City Council has been proposed for **Monday, July 22, 2013 at 6:00 p.m.** in the City Council Chamber, 160 Duke of Gloucester Street, 2<sup>nd</sup> Floor, Annapolis, Maryland 21401 in accordance with Maryland State Government Article Sections § 10-508 (a) (7), (8):

*To consult with counsel to obtain legal advice on legal matters or potential litigation.*

Topic of Discussion:

***Chesapeake Harbour***

The Council will convene in open session and move pursuant to Maryland State Government Article, Sections: 10-508 (a) (7), (8) to go into closed session as indicated above.

cc: City Manager  
Communications Officer  
Press

**CITY OF ANNAPOLIS  
SPECIAL MEETING OF THE CITY COUNCIL**

Thursday, July 22, 2013 at 6:00 p.m.

Call to Order

Mayor Cohen

Invocation

Mayor Cohen

Pledge of Allegiance

Mayor Cohen

Roll Call

City Clerk Watkins-Eldridge

Statutory Authority to Close Sessions, State Government Article § 10-508 (a) (7), (8):

**CITY OF ANNAPOLIS  
SPECIAL MEETING OF THE CITY COUNCIL**

July 22, 2013 7:00 p.m.

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call

Mayor Cohen  
Mayor Cohen  
Mayor Cohen  
City Clerk Watkins-Eldridge

**PETITIONS, REPORTS AND COMMUNICATIONS**

Reports by Committees

Comments by the General Public

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

**PUBLIC HEARING**

**O-30-13**      **Issuance of General Obligation Refunding Revenue Bonds**– AN ORDINANCE concerning the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the “Refunding Bonds”) of the City of Annapolis (the “City”) for the purpose of refunding the City’s Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the “Series 2005 Bonds”), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a general obligation of the City; authorizing the Mayor of the City (the “Mayor”) to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the “Indenture”), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the

Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds; generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13	7/22/13	7/15/13	10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/8/13	7/11/13	Favorable
Financial Advisory Commission	7/8/13	7/11/13	Favorable

**LEGISLATIVE ACTIONS**

**ORDINANCES and RESOLUTIONS – 2<sup>ND</sup> READER**

**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-16-13 Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan** – For the purpose of authorizing local businesses to be eligible for a capital facilities payment plan.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/11/13	4/8/13	3/27/13	6/7/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	3/11/13	7/15/13	Favorable w/ amd.
Finance	3/11/13	7/11/13	Favorable w/ amd.

**O-18-13      The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue –**  
 For the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the conveyance by deed of Ana Cortes’ right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue; and all matters relating to these conveyances.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council’s adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
4/22/13	5/20/13	4/24/13	7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/22/13	7/15/13	Favorable

**O-30-13      Issuance of General Obligation Refunding Revenue Bonds–** AN ORDINANCE concerning the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the “Refunding Bonds”) of the City of Annapolis (the “City”) for the purpose of refunding the City’s Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the “Series 2005 Bonds”), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a general obligation of the City; authorizing the Mayor of the City (the “Mayor”) to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the “Indenture”), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the

Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds; generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13	7/22/13	7/15/13	10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/8/13	7/11/13	Favorable
Financial Advisory Commission	7/8/13	7/11/13	Favorable

**R-26-13 Special Event Applications – III** – For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving fees for the Eastport Yacht Club Lights Parade and the Grand Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved events.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/20/13	N/A	6/4/13	8/16/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/20/13	7/15/13	Favorable
Finance	5/20/13	7/11/13	Favorable

**R-31-13 Designation of Annapolis as a Sustainable Community** – For the purpose of supporting the designation of Annapolis as a Sustainable Community, pursuant to the attached Sustainable Community map and Sustainable Community Plan (the "Plan,") as further described in the Sustainable Community Application (the "Application"), for approval either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Smart Growth Sub-Cabinet of the State of Maryland.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction</i>			

<i>and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13	N/A	7/16/13	10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Human Welfare	7/8/13	7/22/13	
Environmental Matters	7/8/13	7/18/13	

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

**O-27-13 Sediment and Erosion Control** – For the purpose of adopting the State of Maryland's required erosion and sediment control ordinance that meets the intent of the State's sediment control laws and regulations.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13			10/18/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Environmental Matters	7/22/13		

**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			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13			10/18/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Finance	7/22/13		

**BUSINESS AND MISCELLANEOUS**

1. Appointments

**UPCOMING CITY COUNCIL EVENTS**

Special Meeting: Thursday, July 25, 2013, 7:00 p.m. City Council Chambers

**NOTICE OF ANNAPOLIS CITY  
COUNCIL PUBLIC HEARING**

Notice is hereby given that the Annapolis City Council will hold a public hearing on **Monday, July 22, 2013** at 7:00 p.m. in the City Council Chambers, 160 Duke of Gloucester Street, 2<sup>nd</sup> Floor, Annapolis, Maryland 21401, to consider the following ordinance:

**O-30-13 Issuance of General Obligation Refunding Revenue Bonds - AN ORDINANCE** concerning the issuance of not to exceed Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005 Bonds"), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place garage, which public portion consists of 680 spaces for parking by the general public, and related infrastructure improvements, located at the intersection of West Street and Taylor Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall, and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland) and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a general obligation of the City; authorizing the Mayor of the City (the "Mayor") to take such actions as shall be necessary or desirable in connection with the issuance and sale of the Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company, as trustee (the "Indenture"), providing for the sale of the Refunding Bonds at public or private (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on the Refunding Bonds; generally providing for and determining various matters relating to the issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

The above Ordinance can be viewed on the City's website at: <http://www.ci.annapolis.md.us/government/city-council/city-council-agendas>.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-30-13**

**Sponsor: Mayor Cohen**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13			10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/8/13		
Financial Advisory Commission	7/8/13		

8  
9  
10  
11

**Issuance of General Obligation Refunding Revenue Bonds**

12 **AN ORDINANCE** concerning the issuance of not to exceed Twenty-Five Million Dollars  
13 (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the  
14 "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's  
15 Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005  
16 Bonds"), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place  
17 garage, which public portion consists of 680 spaces for parking by the general public, and  
18 related infrastructure improvements, located at the intersection of West Street and Taylor  
19 Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office  
20 buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall,  
21 and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005  
22 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds  
23 shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-  
24 213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the  
25 Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland)  
26 and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding  
27 Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the  
28 Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and  
29 the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full  
30 faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the  
31 Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a  
32 general obligation of the City; authorizing the Mayor of the City (the "Mayor") to take such  
33 actions as shall be necessary or desirable in connection with the issuance and sale of the  
34 Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust  
35 dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company,  
36 as trustee (the "Indenture"), providing for the sale of the Refunding Bonds at public or private  
37 (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving

1 the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy  
2 and collect all taxes necessary to provide for the payment of the principal of and interest on the  
3 Refunding Bonds; generally providing for and determining various matters relating to the  
4 issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance  
5 supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

6  
7 **RECITALS**

8  
9 On February 18, 2005, the City of Annapolis (the "City") issued and sold its City of Annapolis  
10 Special Obligation Bonds (Park Place Project), Series 2005A, in the aggregate principal amount  
11 of \$18,560,000 (the "Series 2005A Bonds") and its City of Annapolis Special Obligation Bonds  
12 (Park Place Project), Series 2005B (the "Series 2005B Bonds" and collectively, with the Series  
13 2005A Bonds, the "Series 2005 Bonds").

14  
15 The Series 2005 Bonds were issued pursuant to and in accordance with (a) the Tax Increment  
16 Financing Act (then Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated Code of  
17 Maryland and now recodified as Sections 12-201 to 12-213, inclusive, of the Economic  
18 Development Article of the Annotated Code of Maryland) (the "Tax Increment Financing Act"),  
19 (b) Section 44A of Article 23A of the Annotated Code of Maryland (the "Special Tax District  
20 Act"), (c) Resolution No. R-8-01 of the City Council (the "City Council") of the City, adopted on  
21 May 14, 2001 (the "Original Resolution"), (d) Ordinance No. O-14-01 of the City, adopted on  
22 May 14, 2001 (the "Original Ordinance"), (e) Resolution No. R-22-04 of the City Council,  
23 adopted on December 13, 2004 (the "Supplemental Resolution" and collectively with the  
24 Original Resolution, the "Resolution") and (f) the Indenture of Trust dated as of February 1, 2005  
25 (the "Indenture") between the City and Manufacturers and Traders Trust Company, as trustee  
26 (the "Trustee").

27  
28 The proceeds of the Series 2005 Bonds were applied as provided in the Original Ordinance and  
29 the Indenture (a) to finance the costs of a portion of a mixed-use garage containing 680 parking  
30 spaces (the "Public Garage Unit"), together with related (i) drive aisles, ramps and walkways; (ii)  
31 garage roof; (iii) general excavation and miscellaneous site work; (iv) paving and lighting; (v)  
32 land; (vi) planning, engineering, architectural, financial consultancy and legal expenses; and (vii)  
33 the relocation and construction of certain public utilities and improvement related to the Park  
34 Place Development; (b) to make a deposit to the Reserve Fund under the Indenture; (c) to pay a  
35 portion of capitalized interest on the Series 2005 Bonds; (d) to pay administrative costs related  
36 to the Series 2005 Bonds and the Park Place Development District and Special Tax District, as  
37 more particularly described in the Original Ordinance (the "District"); and (e) to pay costs of  
38 issuing the Series 2005 Bonds.

39  
40 The Series 2005 Bonds are secured by: (i) the proceeds of tax collections by the City and by  
41 Anne Arundel County, Maryland (the "County"), arising from taxation of the increase, if any, in  
42 the appraised value of real property located in the District over an original assessable base  
43 exclusive of amounts payable to the State of Maryland (the "Tax Increment Revenues"); (ii) to  
44 the extent the Tax Increment Revenues are insufficient, Garage Net Operating Income (as  
45 defined in the Indenture) deposited into the Garage Net Operating Income Fund established  
46 under the Indenture; and (iii) to the extent that the Tax Increment Revenues and the Garage Net  
47 Operating Income deposited into the Garage Net Operating Income Fund are insufficient, the  
48 special tax (the "Special Tax") to be levied on the taxable parcels within the District. However,  
49 the Special Tax shall be levied in any given year only if the Tax Increment Revenues and the  
50 Garage Net Operating Income, as adjusted, are insufficient to cover debt service on the Series

1 2005 Bonds, pay administrative costs related to the Series 2005 Bonds and the District, or  
2 maintain any funds under the Indenture.

3  
4 The County, pursuant to Resolution No. 39-04, adopted by the County Council of Anne Arundel  
5 County, Maryland on December 6, 2004 and approved by the County Executive on December  
6 10, 2004 (the "County Resolution") provided for the transfer and deposit into the Tax Increment  
7 Fund established under the Indenture of Tax Increment Revenues levied and collected by the  
8 County pursuant to a Contribution Agreement, dated as of January 1, 2005 (the "Contribution  
9 Agreement"), by and between the City and the County.

10  
11 The District was created as a "development district" pursuant to the Tax Increment Financing  
12 Act by the Original Resolution, which also establishes the District as a "special taxing district"  
13 pursuant to the Special Tax District Act.

14  
15 The Original Ordinance provides that the authority to issue the Series 2005 Bonds is intended to  
16 and shall include the authority to issue refunding bonds. In addition, Section 24 of Article 31 of  
17 the Annotated Code of Maryland, as amended (the "Refunding Act"), provides that a municipal  
18 corporation which has power under any public general or public local law to borrow money and  
19 to evidence the borrowing by the issuance of its general obligation bonds, revenue bonds or  
20 other evidences of obligation by whatever name known or source of funds secured, may issue  
21 bonds for the purpose of refunding any of its bonds then outstanding, including the payment of  
22 any redemption premium and any interest accrued or to accrue to the date of redemption,  
23 purchase or maturity of the bonds or other obligations.

24  
25 Refunding bonds may be issued under the authority of the Refunding Act for the public purpose  
26 of (1) realizing savings to the issuer in the aggregate cost of debt service on either a direct  
27 comparison or present value basis; or (2) debt restructuring that: (i) in the aggregate effects  
28 such a reduction in the cost of debt service, or (ii) is determined by the governing body to be in  
29 the best interest of the issuer, to be consistent with the issuer's long-term financial plan, and to  
30 realize a financial objective of the issuer including, improving the relationship of debt service to  
31 a source of payment such as taxes, assessments, or other charges.

32  
33 The Refunding Act further provides that (a) the power to issue refunding bonds under such  
34 section shall be deemed additional and supplemental to the issuer's existing borrowing power,  
35 and (b) the procedures for the issuance of refunding bonds shall be the same as those  
36 applicable to the bonds or other obligations being refunded, except that refunding bonds may be  
37 sold on a negotiated basis without solicitation of bids if the issuer determines in a public meeting  
38 that such procedure is in the public interest.

39  
40 The Series 2005 Bonds are special obligations of the City rather than general obligations and  
41 are not secured by the full faith and credit of the City. However, the Tax Increment Financing  
42 Act expressly provides that an issuer may pledge its full faith and credit to pay bonds issued  
43 under the Tax Increment Financing Act.

44  
45 The City has now determined that (a) debt service savings on a direct comparison and a  
46 present-value basis can be achieved by refunding all or a portion of the Series 2005 Bonds in  
47 the manner provided in this Ordinance and that such refunding is in the best interest of the City  
48 and is consistent with the City's long-term financial plan; and (b) it is also in the best interest of  
49 the City to pledge its full faith and credit as security for bonds to be issued to refund the Series  
50 2005 Bonds, provided that such pledge shall be subordinate to the pledge of the Tax Increment  
51 Revenues, the Garage Net Operating Income and the Special Tax.

1  
2 The general obligation refunding revenue bonds to be issued to refund the Series 2005 Bonds  
3 will be issued and secured pursuant to the provisions of the Tax Increment Financing Act  
4 governing tax increment bond financing, the Special Tax District Act governing special taxing  
5 district bond financings and the Refunding Act.  
6

7 **NOW THEREFORE, IN ACCORDANCE WITH THE TAX INCREMENT FINANCING ACT, THE**  
8 **SPECIAL TAXING DISTRICT ACT AND THE REFUNDING ACT, BE IT ENACTED BY THE**  
9 **ANNAPOLIS CITY COUNCIL (THE “CITY COUNCIL”), THAT:**

- 10  
11 1.
- 12 a. The Recitals to this Ordinance (the “Recitals”) are deemed a substantive part of  
13 this Ordinance and are incorporated by reference herein, and capitalized terms  
14 defined in the Recitals and used herein shall have the meaning given to such  
15 terms in the Recitals, unless the context clearly requires a contrary meaning.  
16
  - 17 b. The words and terms used in this Ordinance that are defined in the Special Tax  
18 District Act, the Tax Increment Financing Act, the Refunding Act, the Original  
19 Ordinance, the Resolution or the Indenture shall have the meanings indicated in  
20 the Special Tax District Act, the Tax Increment Financing Act, the Refunding Act,  
21 the Original Ordinance, the Resolution and the Indenture, as the case may be,  
22 unless the context clearly requires a contrary meaning.  
23
  - 24 c. The findings and determinations set forth in Section 2 of the Resolution are  
25 hereby ratified and confirmed with respect to the subject matter of the Original  
26 Ordinance and this Ordinance and the issuance of Bonds (as defined in the  
27 Original Ordinance) provided for herein.  
28
  - 29 d. By the adoption of the Resolution, the City took all necessary action  
30 contemplated by the Tax Increment Financing Act to provide for the segregation  
31 and deposit in the Tax Increment Fund of that portion of the taxes representing  
32 the levy of the Tax Increment on properties located in the District, and by this  
33 Ordinance the City hereby reiterates its pledge and covenants to so levy, collect  
34 and segregate such revenues for the benefit of the holders of the Bonds.  
35
- 36 2. Acting pursuant to the Special Tax District Act, the Tax Increment Financing Act, the  
37 Refunding Act, the Original Ordinance and the Resolution, it is hereby found and  
38 determined that (a) the issuance of general obligation revenue bonds for the purpose of  
39 refunding all or a portion of the Series 2005 Bonds accomplishes the public purposes of  
40 the Special Tax District Act, the Tax Increment Financing Act, the Refunding Act, the  
41 Original Ordinance and the Resolution; (b) pursuant to this Ordinance and the Original  
42 Ordinance, the City has complied with Section 2-203 of the Tax Increment Financing Act  
43 and with the provisions of subsections (e) and (g) of the Special Tax District Act; and (c)  
44 the District, which in the aggregate consists of 11.05 acres, more or less, and all  
45 adjoining roads, highways, alleys, rights of way, parks and other similar property forms a  
46 contiguous area and has been designated by the Original Ordinance as a “development  
47 district” pursuant to Section 14-206 of the Tax Increment Financing Act (as then in  
48 effect) and a “special taxing district” pursuant to Section 44A(e) of the Special Tax  
49 District Act.  
50

- 1       3. The City hereby covenants to levy the Special Tax in rate and amount at least sufficient  
2       in each year in which any of the Series 2005 Bonds, any of the Refunding Bonds  
3       (hereinafter defined), and/or any other Bonds are outstanding to provide for the payment  
4       of the principal of and interest on the Series 2005 Bonds, the Refunding Bonds or any  
5       other Bonds to the extent of any deficiency in (1) the Tax Increment Fund and (2) the net  
6       operating revenues derived by the City from the operation of the parking garage (such  
7       net operating revenues being defined in the Indenture) (the "Garage Net Operating  
8       Revenues") and to provide for the payment of City expenses, to the extent such  
9       expenses are not otherwise provided for, as provided in Section 12 of the Resolution.  
10      The Special Tax also may be levied with respect to any other refunding bonds issued  
11      under the Special Tax District Act pursuant to the provisions of an ordinance or  
12      resolution enacted or adopted by the City in connection with the issuance of such other  
13      refunding bonds.  
14  
15      4. Pursuant to the provisions of the Resolution in accordance with the Tax Increment  
16      Financing Act, so long as any Bonds remain outstanding, the City shall deposit into the  
17      Tax Increment Fund all real property taxes received by the City for any Tax Year after  
18      the effective date of the Resolution equal to that portion of the taxes payable to the City  
19      representing the levy on the Tax Increment (as defined in the Resolution) that would  
20      normally be paid to the City, together with all amounts received from the County  
21      representing the levy on the tax increment that would normally be paid to the County, in  
22      accordance with the procedures heretofore established by the County. Notwithstanding  
23      the preceding sentence, the City Council may provide for the use of certain monies in  
24      the Tax Increment Fund in compliance with Section 8 of the Resolution and the related  
25      provisions of the Tax Increment Financing Act. Monies in the Tax Increment Fund shall  
26      be pledged to the payment of the Bonds other than those amounts withdrawn as  
27      permitted by the preceding sentence; provided, however, that the monies in the Tax  
28      Increment Fund may also be pledged by the City for the payment of additional bonds  
29      issued by the City under the Tax Increment Financing Act and other authority, if  
30      applicable, relating to the public infrastructure improvements described in the Original  
31      Ordinance or other projects subject to the provisions of the Indenture. The City hereby  
32      covenants to comply with Section 8 of the Resolution while any Bonds remain  
33      outstanding.  
34  
35      5. The general obligation refunding revenue bonds authorized to be issued hereunder (the  
36      "Refunding Bonds") may be issued in an aggregate principal amount not to exceed  
37      Twenty-Five Million Dollars (\$25,000,000) with a rate or rates of interest which shall not  
38      exceed five percent (5.00%) per annum and shall be and constitute "Bonds" under the  
39      Original Ordinance and "Additional Bonds" under the Indenture. The proceeds of the  
40      Refunding Bonds will be utilized solely to refund all or a portion of the Series 2005  
41      Bonds, to establish a debt service reserve fund, and to pay costs related to the issuance  
42      of the Refunding Bonds as permitted pursuant to the provisions of the Special Tax  
43      District Act, the Tax Increment Financing Act and the Refunding Act. The Refunding  
44      Bonds shall be issued as "Additional Bonds" under and pursuant to the provisions of the  
45      Indenture and may be issued at any time or from time to time in one or more series; and  
46      each issue or series of the Refunding Bonds shall be identified by the year of issue or by  
47      some other or additional appropriate designation.

48  
49      The proceeds of the Refunding Bonds which will be used to refund all or a portion of the  
50      Series 2005 Bonds, shall be used to purchase direct obligations of, or obligations the  
51      principal of and interest on which are unconditionally guaranteed by, the United States of

1 America or certificates of deposit or time deposits fully collateralized by direct obligations  
2 of, or obligations the principal of and the interest on which are unconditionally  
3 guaranteed by, the United States of America in such amounts and maturing at stated  
4 fixed prices as to principal and interest at such times so that sufficient moneys will be  
5 available from such maturing principal and interest, together with any initial cash deposit,  
6 to pay at maturity or redeem, as the case may be, the refunded Series 2005 Bonds, to  
7 pay any applicable redemption premiums, and to pay interest when due on the Series  
8 2005 Bonds. Such portion of the net proceeds of the Refunding Bonds will be deposited  
9 in trust with the escrow deposit agent for the Refunding Bonds, pursuant to an escrow  
10 deposit agreement. The Mayor is hereby authorized to appoint an escrow deposit agent  
11 for the Refunding Bonds.  
12

13 6. The Refunding Bonds will be payable, first, from the amounts levied and deposited in the  
14 Tax Increment Fund created pursuant to the Tax Increment Financing Act and the  
15 Resolution; second, from the Garage Net Operating Revenues pledged by the City  
16 pursuant to the Indenture; third, to the extent the Tax Increment Fund and Garage Net  
17 Operating Revenues do not provide monies in an amount sufficient for payment of debt  
18 service on such Refunding Bonds and to the extent amounts are required for deposit in  
19 funds and accounts created within the Indenture to replenish deficiencies therein or are  
20 required to pay certain other expenses described in the Resolution, from the Special Tax  
21 to be levied and deposited in the Special Tax Fund; and fourth, to the extent the Tax  
22 Increment Fund, the Garage Net Operating Revenues and the Special Tax do not  
23 provide monies in an amount sufficient for payment of debt service on such Refunding  
24 Bonds and to the extent amounts are required for deposit in funds and accounts created  
25 within the Indenture to replenish deficiencies therein or are required to pay certain other  
26 expenses described in the Resolution, from the City pursuant to its general obligation  
27 pledge hereunder. Provisions may be made for municipal bond insurance or any other  
28 type of financial guaranty of the Refunding Bonds, if applicable.  
29

30 7. The Refunding Bonds authorized to be issued hereunder are a general obligation of the  
31 City and a pledge of the City's full faith and credit and taxing power in addition to the  
32 pledge of the levy of the Special Tax and the pledge of the levy of the Tax Increment as  
33 set forth in the Resolution and the pledge of the Garage Net Operating Revenues.  
34

35 8. The Refunding Bonds shall be executed in the name of the City and on its behalf by the  
36 Mayor, by manual or facsimile signature, the corporate seal of the City or a facsimile  
37 thereof shall be impressed or otherwise reproduced thereon and attested by the City  
38 Clerk of Annapolis (the "City Clerk") by manual or facsimile signatures and the Bonds  
39 shall be authenticated by the Trustee as may be required by law. The supplemental  
40 indenture to be entered into between the City and the Trustee and, where applicable, all  
41 other documents as the Mayor deems necessary to effectuate the issuance, sale and  
42 delivery of the Refunding Bonds of any series, shall be executed in the name of the City  
43 and on its behalf by the Mayor by manual signature, and the corporate seal of the City or  
44 a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by  
45 the City Clerk by manual signature. If any officer whose signature or countersignature or  
46 a facsimile of whose signature or countersignature appears on the Refunding Bonds of  
47 any series or any of the aforesaid documents ceases to be such officer before the  
48 delivery of the Refunding Bonds of such series or any of the other aforesaid documents,  
49 such signature or countersignature or such facsimile shall nevertheless be valid and  
50 sufficient for all purposes, the same as if such officer had remained in office until  
51 delivery. The Mayor, the City Clerk and other officials of the City are hereby authorized

1 and empowered to do all such acts and things and execute such documents and  
2 certificates as the Mayor may determine to be necessary to carry out and comply with  
3 the provisions of this Ordinance, subject to the limitations set forth in the Special Tax  
4 District Act, the Tax Increment Financing Act, the Refunding Act and this Ordinance.  
5

6 9. In order to provide for the payment of principal of and interest on the Refunding Bonds  
7 hereby authorized when due, there shall be appropriated in the next ensuing fiscal year  
8 of Annapolis and in each fiscal year thereafter, so long as any of the Refunding Bonds  
9 are outstanding and unpaid, or until sufficient funds had been accumulated and  
10 irrevocably set aside under the Indenture for the purpose under the Indenture, an  
11 amount sufficient (together with the Tax Increment, the Garage Net Operating  
12 Revenues, the Special Tax and other available funds under the Indenture) to meet the  
13 debt service on the Refunding Bonds coming due in such fiscal year and there shall be  
14 levied ad valorem taxes upon all property within the corporate limits of the City subject to  
15 assessment for full City taxes, in rate and amount sufficient in each such year to fund  
16 such appropriations and to provide (together with the Tax Increment, the Garage Net  
17 Operating Revenues, the Special Tax and other available funds under the Indenture) for  
18 the payment when due of the principal of and interest on all of the Refunding Bonds  
19 maturing in each such fiscal year. In the event the proceeds from the taxes so levied in  
20 each such fiscal year shall prove inadequate for the above purposes, additional taxes  
21 shall be levied in the subsequent fiscal year to make up any deficiency.  
22

23 10. The Refunding Bonds shall be sold by public or private negotiated sale upon such terms  
24 (at, above, or below par) and conditions as the Mayor shall approve. The City Council  
25 deems it to be in the best interest of the City to authorize the Mayor to approve the  
26 manner of sale and the terms of the Refunding Bonds, within the limitations of the  
27 Special Tax District Act, the Tax Increment Financing Act, the Refunding Act, the  
28 Original Ordinance and this Ordinance.  
29

30 11. Subject to the provisions of this Ordinance, the Mayor may by executive order:

- 31
- 32 a. prescribe the form, tenor, terms and conditions of and security for the Refunding  
33 Bonds;
  - 34
  - 35 b. prescribe the principal amounts, rate or rates of interest (or the method or  
36 methods for determining the rate or rates of interest, which method may include,  
37 without limitation, periodic adjustment to the interest rate) which shall not exceed  
38 five percent (5.00 %) per annum, premiums, if any, denominations, date, maturity  
39 or maturities (within the limits prescribed in the Special Tax District Act, the Tax  
40 Increment Financing Act and the Refunding Act), and the time and place or  
41 places of payment of the Refunding Bonds, and the terms and conditions and  
42 details under which the Refunding Bonds may be called for redemption prior to  
43 their stated maturities;
  - 44
  - 45 c. approve the form and contents of, and provisions for the execution and delivery  
46 of, such financing or other documents that are not otherwise specifically identified  
47 in the Original Ordinance, this Ordinance or the Resolution, and any  
48 amendments, modifications or supplements thereto, as the Mayor shall deem  
49 necessary or desirable to evidence, secure or effectuate the issuance, sale and  
50 delivery of the Refunding Bonds, including, without limitation, any supplemental  
51 indenture, any amendment to the Contribution Agreement, agreements with

1 consultants to or agents of the City with respect to the District or the Refunding  
2 Bonds, any continuing disclosure agreement, fee agreements, funding  
3 agreements, investment agreements, security agreements, assignments,  
4 guarantees, financing agreements or escrow agreements;

5  
6 d. provide for the creation of security for the Refunding Bonds and provision for the  
7 administration of the Refunding Bonds including, without limitation, the  
8 appointment of such trustees, escrow agents, fiscal agents, administrators of the  
9 District, paying agents, registrars, rebate monitors or other agents as the Mayor  
10 shall deem necessary or desirable to effectuate the transactions authorized  
11 hereby;

12  
13 e. prepare and distribute, in conjunction with the underwriter, if any, for the  
14 Refunding Bonds, both a preliminary and a final official statement or other similar  
15 offering document in connection with the sale of the Refunding Bonds, if such  
16 preliminary official statement and final official statement or other similar offering  
17 document are determined to be necessary or desirable for the sale of the  
18 Refunding Bonds;

19  
20 f. determine the manner of sale of the Refunding Bonds, which may be either at  
21 public or private (negotiated) sale, the identity of the underwriter or placement  
22 agent for the Refunding Bonds, if any, or the purchaser or purchasers of the  
23 Refunding Bonds, and the form and contents of, and provisions for the execution  
24 and delivery of, any contract or contracts for the purchase and sale of the  
25 Refunding Bonds (or any portion thereof);

26  
27 g. determine the time of execution, issuance, sale and delivery of the Refunding  
28 Bonds and prescribe any and all other details of the Refunding Bonds;

29  
30 h. provide for the direct or indirect payment of all costs, fees and expenses incurred  
31 by or on behalf of the City in connection with the issuance, sale and delivery of  
32 the Refunding Bonds, including (without limitation) costs of printing (if any) and  
33 issuing the Refunding Bonds, the funding of reserves, legal expenses (including  
34 the fees of bond counsel) and compensation to any person performing services  
35 by or on behalf of the City in connection therewith; and

36  
37 i. do any and all things necessary, proper or expedient in connection with the  
38 issuance, sale and delivery of the Refunding Bonds in order to accomplish the  
39 legislative policy of the Special Tax District Act, the Tax Increment Financing Act,  
40 the Refunding Act and the public purposes of this Ordinance, subject to the  
41 limitations set forth in the Special Tax District Act and the Tax Increment  
42 Financing Act and any limitations prescribed in this Ordinance.

43  
44 12. The provisions hereinafter set forth in this Section shall be applicable only with respect  
45 to the Refunding Bonds of any series issued and sold hereunder on the basis that the  
46 interest on such Refunding Bonds will be excludable from gross income for federal  
47 income tax purposes.

48  
49 The Mayor and the Finance Director shall be the officers of the City responsible for the  
50 issuance of any Refunding Bonds hereunder within the meaning of the Arbitrage  
51 Regulations (defined herein). The Mayor and the Finance Director shall also be the

1 officers of the City responsible for the execution and delivery (on the date of issuance of  
2 the Refunding Bonds) of a Tax Certificate and Compliance Agreement of the City (the  
3 "Tax Certificate") which complies with the requirements of Section 148 of the Internal  
4 Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations  
5 thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and  
6 directed to execute the Tax Certificate and to deliver the same to bond counsel on the  
7 date of the issuance of the Refunding Bonds.  
8

9 a. The City shall set forth in the Tax Certificate its reasonable expectations as to  
10 relevant facts, estimates and circumstances relating to the use of the proceeds of  
11 the Refunding Bonds, or of any moneys, securities or other obligations to the  
12 credit of any account of the City which may be deemed to be proceeds of the  
13 Refunding Bonds pursuant to Section 148 or the Arbitrage Regulations  
14 (collectively, "Refunding Bond Proceeds"). The City covenants that the facts,  
15 estimates and circumstances set forth in the Tax Certificate will be based on the  
16 City's reasonable expectations on the date of issuance of the Refunding Bonds  
17 and will be, to the best of the certifying officials' knowledge, true and correct as of  
18 that date.  
19

20 b. The City covenants and agrees with each of the holders of any of the Refunding  
21 Bonds that it will not make, or (to the extent that it exercises control or direction)  
22 permit to be made, any use of the Refunding Bond Proceeds which would cause  
23 the Refunding Bonds to be "arbitrage bonds" within the meaning of Section 148  
24 and the regulations thereunder which are applicable to the Bonds on the date of  
25 issuance of the Refunding Bonds and which may subsequently lawfully be made  
26 applicable to the Refunding Bonds.  
27

28 c. The City further covenants that it shall make such use of the proceeds of the  
29 Bonds, regulate the investment of the proceeds thereof, and take other and  
30 further actions as may be required to maintain the excludability from gross  
31 income for federal income tax purposes of interest on the Refunding Bonds. All  
32 officers, employees and agents of the City are hereby authorized and directed to  
33 take such actions, and to provide such certifications of facts and estimates  
34 regarding the amount and use of the proceeds of the Refunding Bonds, as may  
35 be necessary or appropriate from time to time to comply with, or to evidence the  
36 City's compliance with, the covenants set forth in this Section.  
37

38 d. The Mayor, on behalf of the City, may make such covenants or agreements in  
39 connection with the issuance of Refunding Bonds issued hereunder as he shall  
40 deem advisable in order to assure the registered owners of such Refunding  
41 Bonds that interest thereon shall be and remain excludable from gross income  
42 for federal income tax purposes, and such covenants or agreements shall be  
43 binding on the City so long as the observance by the City or any such covenants  
44 or agreements is necessary in connection with the maintenance of the exclusion  
45 of the interest on such Refunding Bonds from gross income for federal income  
46 tax purposes. The foregoing covenants and agreements may include such  
47 covenants or agreements on behalf of the City regarding compliance with the  
48 provisions of the Internal Revenue Code of 1986, as amended, as the Mayor  
49 shall deem advisable in order to assure the registered owners of such Refunding  
50 Bonds that the interest thereon shall be and remain excludable from gross  
51 income for federal income tax purposes, including (without limitation) covenants

1 or agreements relating to the investment of the proceeds of such Refunding  
2 Bonds, the payment of rebate (or payments in lieu or rebate) to the United  
3 States, limitations on the times within which, and the purposes for which, such  
4 proceeds may be expended, or the use of specified procedures for accounting for  
5 and segregating such proceeds.  
6

7 e. Notwithstanding anything in this Ordinance or the Original Ordinance to the  
8 contrary, Refunding Bonds issued and sold hereunder may be issued and sold  
9 on the basis that the interest on such Refunding Bonds will not be excludable  
10 from gross income for federal income tax purposes.  
11

12 13. This Ordinance and the question of the issuance of the Refunding Bonds hereunder  
13 shall not be submitted to a referendum of the registered voters of the City, as permitted  
14 by law, unless, within ten (10) days after the passage of this Ordinance, there shall be  
15 served upon the Mayor a notice signed by not fewer than two hundred (200) of the  
16 registered voters of Annapolis, advising that a petition for a referendum on the issuance  
17 of the Refunding Bonds is being circulated by one or more of the persons signing said  
18 notice and unless, within twenty (20) days after the delivery of such notice, there shall  
19 also be filed with the Mayor a petition or petitions requesting the holding of such a  
20 referendum, properly signed as required by the Charter of the City (the "Charter"), by not  
21 fewer than twenty-five per centum (25%) of the registered voters of the City as shown by  
22 the registered voters books of the City, maintained by the Board of Supervisors of  
23 Elections. In view of the foregoing, no action shall be taken by the City pursuant to this  
24 Ordinance for a period of ten (10) days following its passage. If, within such ten (10) day  
25 period the notice above described is filed as aforesaid, then no action shall be taken by  
26 the City pursuant to this Ordinance for a period of twenty (20) days following the filing of  
27 such notice. If, within such twenty (20) day period, a petition for referendum, as above-  
28 described, shall be filed as aforesaid, then no action shall be taken by the City under this  
29 Ordinance unless and until the Mayor shall receive written advice from the City Attorney  
30 and the Board of Supervisors of Elections that such referendum petition does not meet  
31 the requirements of the Charter or unless and until the referendum requested in such  
32 petition shall be duly held in accordance with law and the Board of Supervisors of  
33 Elections shall certify to the City that, in the election at which such referendum is held, a  
34 majority of the registered voters of the City voting on the question referred duly cast their  
35 ballots in favor of the issuance of the Refunding Bonds hereby authorized. If this  
36 Ordinance shall be ratified or approved on any such referendum, then the Mayor and  
37 City Clerk may proceed with the issuance of the Refunding Bonds hereby authorized,  
38 without further action by the City.  
39

40 14. Any approvals, authorizations, or activities provided in this Ordinance shall not  
41 constitute, be deemed to constitute, or imply that the City Council, the Mayor, or any  
42 department, office or agency of the City approves, favors, authorizes, or consents to any  
43 action or activity within or required for the development or operation of the District,  
44 including any land use approval, requirements for the provision of public utilities or  
45 services, or any administrative, judicial, quasi-judicial, or legislative action.  
46

47 15. This Ordinance shall be supplemental to and shall amend the Original Ordinance, and all  
48 references in the Original Ordinance to "this Ordinance" and all references in the  
49 Resolution to "the Ordinance" shall mean the Original Ordinance as amended and  
50 supplemented by this Ordinance.  
51

1 16. The provisions of this Ordinance shall be liberally construed in order to effectuate and  
2 carry out the purposes of and the activities authorized by the Tax Increment Financing  
3 Act, the Special Tax District Act and the Refunding Act and the matters contemplated by  
4 this Ordinance.

5  
6 17. The provisions of this Ordinance are severable, and if any provision, sentence, clause,  
7 paragraph or part hereof is held or determined to be illegal, invalid or unconstitutional or  
8 inapplicable to any person or circumstances, such illegality, invalidity or  
9 unconstitutionality or inapplicability shall not affect or impair any of the remaining  
10 provisions, sentences, clauses, paragraphs or parts of this Ordinance or their application  
11 to other persons or circumstances. It is hereby declared to be the legislative intent that  
12 this Ordinance would have been passed if such illegal, invalid, unconstitutional or  
13 inapplicable provision, sentence, clause, paragraph or part had not been included  
14 herein, and if the person or circumstances to which this Ordinance or any part hereof are  
15 inapplicable had been specifically exempted herefrom.  
16

17 18. This Ordinance shall take effect upon this Ordinance being signed by the Mayor, on or  
18 following the date of its passage by the City Council.  
19

20  
21 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
22  
23

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY \_\_\_\_\_

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

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

24  
25  
26 **EXPLANATION**

27 CAPITAL LETTERS indicate matter added to existing law.

28 [brackets] indicate matter stricken from existing law.

29 Underlining indicates amendments.

**Staff Report**

**Ordinance O-30-13**

**Issuance of General Obligation Refunding Revenue Bonds**

The City has determined that debt service savings on a direct comparison and a present-value basis can be achieved by refunding all or a portion of the Series 2005 Bonds A & B, Special Obligation Bonds (Park Place Project), and that such refunding is in the best interest of the City and is consistent with the City's long-term financial plan. The opportunity to refund these Bonds for meaningful savings is a result of favorable market conditions and improved credit quality.

Prepared by: Melissa Lehman, Senior Accountant, Finance Department; 410-263-3411.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/11/13

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

The Finance Committee has reviewed 0-30-13 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Arnett yes

Ald. Pfeiffer yes

Meeting Date 7/11/13

Signature of Chair Heidi M. Finlayson



City of Annapolis  
Financial Advisory Commission  
Referral Action Report

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Date: July 17, 2013

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

The Financial Advisory Commission has reviewed O-30-13 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Meeting Date: July 11, 2013

Signature of Chair: /s/ Frederick C. Sussman

## FISCAL IMPACT NOTE

**Legislation No:** O-30-13

**First Reader Date:** 7-8-13

**Note Date:** 7-15-13

**Legislation Title:** **Issuance of General Obligation Refunding Revenue Bonds**

**Description:** For the purpose of refunding Special Obligation Bonds (Park Place Project), Series 2005A and 2005B, to create a significant savings for the City.

**Analysis of Fiscal Impact:** This legislation would result in the following financial implications:

- Assuming a 50-50 split between a tax-exempt and taxable series, there are attractive debt service savings:
  - Debt Service Savings - \$4.2M
  - Net Present Value Savings - \$3.18M
  - Percent Savings – 15.5%
  - Average Annual Savings - \$191,000
  
- Assuming a 100% tax-exempt issue, the savings are more significant
  - Debt Service Savings - \$6.1M
  - Net Present Value Savings - \$4.7M
  - Percent Savings – 23.1%
  - Average Annual Savings - \$277,700

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-47-11

4 Introduced by: Alderman Arnett  
5  
6  
7

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		

8  
9 **A ORDINANCE** concerning

10 **Fence Permits**

11 **FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance  
12 of fence permits.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2011 Edition  
15 Section 17.34.010  
16 Section 17.34.020  
17 Section 17.34.030  
18 Section 21.60.070  
19  
20

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

23 **CHAPTER 17.34 – FENCE CODE.**

24  
25 **17.34.010 - Fences, hedges or walls.**

26 A. Permit Required.

27 1. No new fence, wall or hedge shall be erected and no existing fence or wall shall be altered or  
28 replaced until a permit is obtained from the City. The nonrefundable application fee and permit  
29 fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the  
30 drawings have been approved by the director or his or her designee.

31  
32 ~~2. In approving or disapproving the drawings, consideration shall be given to the type of~~  
33 ~~materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from~~  
34 ~~neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will~~  
35 ~~obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential~~  
36 ~~zoning districts shall be in keeping with the character and purpose for which the fence, wall or~~

1 ~~hedge was intended. Except in connection with penal and correctional institutions and public~~  
2 ~~utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire~~  
3 ~~or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~  
4

5 3. Fences or walls may be installed up to, but not over the property line. It is the responsibility  
6 of the applicant to assure that the proposed fence or wall will not be installed on property of  
7 others. All property line disputes are between abutting property owners, not the City.  
8

9 4. Work shall commence within thirty days from the date of the issuance of the permit and be  
10 completed in one hundred twenty days after issuance.  
11

12 B. Administrative Review.

13 ~~1. All fences or walls of four feet or less measured from the adjoining finished grade will be~~  
14 ~~approved routinely unless an inspection of the property indicates that a fence or wall of this~~  
15 ~~height unduly would obstruct light and air from neighboring properties or public ways, or unduly~~  
16 ~~obstruct visibility upon public streets.~~  
17

18 2 1. All fences or walls of more than four feet require notification to the neighbors. Only the  
19 property owners abutting the proposed fence or wall shall be notified. This includes the owners  
20 of vacant land, rental units and vacant buildings. The property owners shall be notified by mail  
21 or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility  
22 of the applicant or his authorized agent to notify the abutting owners. Failure to respond  
23 indicates no objection to the proposal.  
24

25 ~~3. All new fences or walls and gates and all existing fences, walls and gates to be altered~~  
26 ~~located in the historic district as defined in Title 21 of the City Code require the review and~~  
27 ~~approval of the Historic Preservation Commission.~~  
28

29 4 2. Unless approved otherwise, all fences or walls shall not be located in landscape buffers,  
30 conservation easements, over utility easements, across walkway easements and or on public  
31 rights of way.  
32

33 5 3. Fences or walls shall not be located closer than at least three feet to away from a fire  
34 hydrant.  
35

36 ~~6. Fences or walls shall not alter or impede the natural flow of stormwater, nor divert the water~~  
37 ~~onto the property of others.~~  
38

39 4. All fences, hedges and walls shall be maintained in good condition at all times. All fences and  
40 walls shall be neatly finished and repaired, including all parts and supports.  
41

42 5. No fence or wall may be constructed in a manner or location which will interfere with natural  
43 surface water run-off or which will result in a negative impact to any adjacent property by natural  
44 surface run-off. All fences and walls must be constructed in a manner that is in harmony with  
45 City drainage requirements and standards and in compliance with any approved drainage plans  
46 on file with the City for the property upon which the fence or wall is constructed.  
47

48 6. It shall be unlawful for any person to place or to allow to be placed on land they own a fence,  
49 a hedge or a wall which creates an unsafe or dangerous obstruction or condition.  
50  
51

1 **17.34.020 - Appeals.**

2 A. A person aggrieved by an order from the director or the director's designee made pursuant  
3 to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board  
4 of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be  
5 in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood  
6 and Environmental Programs along with a nonrefundable fee in an amount established by the  
7 City Council. Any right to appeal shall be waived if not timely filed.

8  
9 B. Fifteen days' notice of the hearing also shall be given to persons owning property within two  
10 hundred feet of the location of the proposed fence, wall or hedge by first-class mail, and to the  
11 general public by a notice published in a newspaper of general circulation in the City. All  
12 required notices shall be at the appellant's expense.

13  
14 C. The Building Board of Appeals shall consider the appeal based upon the information  
15 provided to the Department of Neighborhood and Environmental Programs at the time of the  
16 order from which the appeal is taking. If the board finds that the order was in error or contrary to  
17 the provisions of this code or other applicable law, the board may reverse or modify the order.  
18 The decision of the board on all appeals shall be in writing and shall contain the factual findings  
19 of the board and the reasons for the decision.

20  
21 D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this  
22 section may appeal that decision to the circuit court for Anne Arundel County pursuant to  
23 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person  
24 shall not be considered aggrieved by a decision of the board unless the person has appeared  
25 as a party at the hearing before the board. An appeal under this section shall be taken within  
26 thirty days of the date of the decision appealed and shall be the exclusive remedy of the  
27 aggrieved party from that decision.

28  
29  
30 **17.34.030 - Violations.**

31 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of  
32 one hundred dollars for any single, initial violation and a fine of two hundred dollars for each  
33 repeat or continuing violation.

34  
35  
36 **CHAPTER 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS**

37 **21.60.070 - Fences, walls, and plantings.**

38 A. For the purposes of this Section, the following definitions shall apply:

39 1. "Fence" means a fence, wall or hedge.

40  
41 2. "Approved grade" means the elevation of the ground, or any paving or sidewalk built upon it,  
42 which has been established on the basis of an engineered grading and drainage plan for the  
43 property that has been reviewed and approved by the city for the property. When no engineered  
44 grading and drainage plan is on file with the city, an established historic grade may be accepted  
45 in-lieu-of the engineered plan, based on general information available, including, when  
46 appropriate, a site inspection of the property by the city before the fence, hedge or wall is  
47 constructed. In making a determination regarding historic grade, the city may, when deemed  
48 necessary, require submission of current surveyed elevations of the property and other nearby

1 properties; or may require that an engineered grading and drainage plan be submitted by the  
2 owner or occupant of the property.

3  
4 3. "Fence section" means a portion or panel of fence construction, normally consisting of  
5 pickets, planks or metal fabric attached to horizontal rails, and which is attached or constructed,  
6 in more or less regular sequential intervals, to supporting vertical posts. In determining what  
7 constitutes a fence section, the normal guideline shall be sequential sections of fence which are  
8 eight feet in length.

9  
10 4. "Hedge" means several plants planted in a sequence or pattern so that the branches and  
11 stems of adjacent plants grow together in a manner that results in a meshing or intertwining of  
12 stems and branches with little or no passable space left between the plants, thus effectively  
13 forming a barrier or enclosure.

14  
15 5. "Top of fence/top of wall" means the uppermost point on the edge or surface of a fence or  
16 wall, but not including support posts or architectural features as described in section  
17 18.48.070(A)(1)(d).

18  
19 6. "Top of hedge" means the highest point on the uppermost branches or stems of a hedge  
20 above which only leaves or needles naturally grow.

21  
22  
23 B. A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit  
24 issued in accordance with Section 17.34.010 of the Annapolis City Code. It is the purpose of  
25 the provisions of this section to establish requirements for the height, location, and materials of  
26 fences, hedges or walls. Fences shall be required to comply with the following standards and  
27 requirements:

28  
29 1. The height of a fence, or any combination of fences, is measured from the grade of the  
30 public right-of-way or easement. In the case where there is a change in grade, at no point along  
31 the length of the fence, or any combination thereof, shall the height exceed the limits  
32 established in this Chapter.

33  
34 2. The maximum height of a fence shall not include the support posts or ornamental features  
35 included in the construction, provided that (a) the overall construction of such posts and  
36 ornamental features does not exceed the limitations describing a limited solid material fence as  
37 set forth in Section 21.60.070(A)(3), and (b) no posts or ornamental features extend more than  
38 one foot above the top of the fence.

39  
40 3. All fences which have a ratio of solid material to open space of not more than one to four  
41 shall be considered limited solid material fences, and walls.

42  
43 4. All fences which have a ratio of solid material to open space of more than one to four shall be  
44 considered solid material fences, and walls.

45  
46 5. All fences must be located within the boundary lines of the property owned by the person or  
47 persons who construct and maintain them.

48  
49 6. No barbed wire or other sharp-pointed fences shall be installed on any property, except  
50 around storage yards in the I1 zoning district upon a specific finding by the Planning and Zoning  
51 Department that such a fence is necessary to protect property or goods.

1 C. The maximum height of all fences shall be eight feet, except as hereafter provided:  
2 1. Fences around tennis, squash racquet, squash tennis or badminton courts and publicly  
3 owned recreation areas may exceed eight feet in height, provided, that the same are limited  
4 solid material fences, and walls.

5  
6 2. Limited solid material fences located in a front yard, or a yard adjacent to a public right-of-way  
7 shall have a maximum height of four feet unless they meet the set back requirement(s) for the  
8 principal structure.

9  
10 3. Solid material fences located in a front yard or a yard adjacent to a public right-of-way shall  
11 have a maximum height of forty-two inches unless the same meet the front setback requirement  
12 of the zone in which it is located.

13  
14 4. Other fences may not exceed eight feet in height.  
15  
16

17 D. A sight visibility triangle is established in Section 21.72.010. Where a public right-of-way  
18 or easement dedicated for public access terminates at a waterway, a view cone shall be  
19 provided. See Section 21.72.010 for definition and calculation of the view cone.  
20

21 1. No fences, walls, or hedges with a height greater than forty-eight inches are allowed in a  
22 view cone, except:

23 a. Fences and walls (including their component parts, such as handrails and guards)  
24 that do not exceed six feet in height and are transparent above forty-eight inches. A  
25 fence, wall, hand-rail, or guard is considered transparent if its opacity is twenty percent  
26 or less. The percentage of opacity is measured by dividing the square footage of the  
27 opaque portion of the subject structure by the square footage of the entire structure, and  
28 multiplying the result by one hundred.

29 b. Trees maintained with a single clear trunk with all branches and pendulous branches  
30 removed to a height of seven feet above the ground plane. Trees shall not be planted  
31 closer than fifteen feet apart so as not to form a visual barrier.  
32

33 2. All plantings, exclusive of trees referenced in subsection (D)(1)(b) of this section, located in a  
34 view cone must be pruned or maintained to a height of forty-eight inches or less.  
35  
36

37 E. Other considerations  
38

39 1. When in a fence is to be constructed that otherwise meets the requirements of this section,  
40 but impedes an established view shed or a view of a waterway from adjoining public or private  
41 properties, the Planning Department may require modifications to the materials or the ratio of  
42 solid fencing to voids.

43 2. In approving or disapproving the drawings, consideration shall be given to the type of  
44 materials to be used, and whether or not the fence, wall or hedge unduly will obstruct visibility  
45 from public streets. Materials used for fences, walls or hedges in residential zoning districts shall  
46 be in keeping with the character and purpose for which the fence, wall or hedge was intended.  
47 Except in connection with penal and correctional institutions and public utility and service uses,  
48 no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials  
49 designed or customarily utilized to inflict injury upon persons or animals.  
50

1 3. If located in the historic district as defined in this Title, all proposed new fences, walls and  
2 gates and all proposed alterations to existing fences, walls and gates require the review and  
3 approval of the Historic Preservation Commission.  
4

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

7  
8 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
9

10  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

11  
12  
13 **EXPLANATION:**

14 Highlighting indicates matter added to existing law.  
15 ~~Strikeout indicates matter deleted from existing law.~~  
16 Underlining indicates amendments.  
17

1 **Incorporating All Amendments Since Introduction**

2 *Editorial note: the purpose of this working draft is to show how the Code*  
3 *would read if all known amendments were adopted.*

4  
5 **Ordinance No. O-47-11**

6  
7 **AN ORDINANCE** concerning

8  
9 **Fence Permits**

10  
11 **FOR** the purpose of amending the Code of the City of Annapolis with respect to  
12 the issuance of fence permits.

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

- 16 17.34.010
- 17 17.34.020
- 18 21.18.030
- 19 21.60.070
- 20 21.60.080
- 21 21.60.090
- 22 21.72.010

23  
24 **BY** adding the following portions to the Code of the City of Annapolis, 2012  
25 Edition:

- 26 21.60.065
- 27 21.60.075

28  
29  
30 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**  
31 **ANNAPOLIS CITY COUNCIL** that the Code of Annapolis shall be amended to  
32 read as follows:

33  
34  
35 **Chapter 17.34 – FENCE PERMITS**

36  
37 **17.34.010 - Fences and walls.**

38  
39 A. Permit Required.

40  
41 1. No new fence or wall shall be erected, placed, or maintained and no existing  
42 fence or wall shall be altered or replaced until a permit is obtained from the  
43 Department of Neighborhood and Environmental Programs. The nonrefundable  
44 application fee and permit fee shall be in accordance with Section 17.12.056.  
45 The permit shall not be issued until the application and supporting documentation

1 have been reviewed by the appropriate City departments and approved by the  
2 Director or his or her designee.

3  
4  
5 2. At a minimum, the permit application shall be accompanied by a scaled  
6 drawing showing the proposed location and dimensions of the fence or wall on  
7 the subject lot, and its relationship to the property lines, public right-of-ways,  
8 easements, utilities, existing structures, existing trees, and steep topography.  
9 The permit application shall also include construction drawings, pictures or  
10 diagrams sufficient to illustrate the overall design and materials to be used for the  
11 proposed fence or wall. The Director may require the applicant to provide  
12 additional information as deemed necessary by the City in order to review the  
13 proposed fence or wall for conformity with the City Code.

14  
15  
16 3. Work shall commence within thirty days from the date of the issuance of the  
17 permit and be completed in one hundred twenty days after issuance, unless  
18 extended by the Director of Neighborhood and Environmental Programs, or the  
19 permit will be revoked.

20  
21  
22 B. Restrictions.

23  
24 1. In addition to the provisions of this Section, fences and walls shall be required  
25 to comply with the standards and requirements outlined in Section 21.60.070 of  
26 the Zoning Code.

27  
28 2. No new fence or wall shall be erected, placed, or maintained and no existing  
29 fence or wall shall be altered or replaced so as to encroach upon a public right-  
30 of-way or easement area, without written approval from the Director of Public  
31 Works or his or her designee. When any part of a permitted fence or wall is  
32 installed within a public easement area, the City or any agent of the City  
33 permitted to use the easement area shall be held harmless by the owner of the  
34 property upon which the permitted fence or wall is located for any and all claims  
35 for damage to the fence or wall that might occur when work is performed in the  
36 public easement area, and shall not be held responsible or liable for the  
37 reinstatement of any fence or wall removed from the public easement.

38  
39 3. The area three feet in radius around fire hydrants, fire hose connections and  
40 utility boxes shall be kept free of any fences or walls that could impede use of the  
41 hydrant, hose connection or utility box.

42  
43 4. Fences and walls shall be installed so as not to disturb or damage existing  
44 trees equal to or greater than five inches diameter at breast height, unless  
45 otherwise approved by the City.

1 5. Fences and walls shall not alter or impede the natural flow of stormwater, nor  
2 divert the water onto the property of others.

3  
4 6. Fences and walls shall be assembled in accordance with the manufacturer's  
5 requirements and be constructed of wood, masonry, stone, wire, metal, plastic,  
6 or any other manufactured material or combination of materials normally used for  
7 fences and walls, and that has been manufactured for the purpose of fence or  
8 wall construction. The bottom of fence posts and wall foundations shall be set at  
9 least 30" below finished grade.

10  
11 7. Fences and walls shall be maintained in accordance with the City's property  
12 maintenance code.

13  
14  
15  
16 **17.34.020 - Appeals**

17  
18 A. A person aggrieved by a determination or an order of the Director or the  
19 Director's designee made pursuant to this chapter, other than the issuance  
20 of a municipal citation, may appeal to the Building Board of Appeals within  
21 fifteen calendar days of the date of the determination or order. The notice  
22 of appeal shall be in writing stating the grounds for appeal and shall be  
23 filed with the Department of Neighborhood and Environmental Programs  
24 along with a nonrefundable fee in an amount established by the City  
25 Council. Any right to appeal shall be waived if not timely filed.

26  
27 B. Fifteen days' notice of the hearing shall be given to persons or entities  
28 owning property within two hundred feet of the location of the proposed  
29 fence or wall that is the subject of the appeal. Notice shall be by first-class  
30 mail, and to the general public by a notice published in a newspaper of  
31 general circulation in the City. All required notices shall be at the  
32 appellant's expense.

33  
34 C. The Building Board of Appeals shall consider the appeal based upon the  
35 information and documentation provided to the Department of  
36 Neighborhood and Environmental Programs at the time of the  
37 determination or order from which the appeal is taken. If the Board finds  
38 that the determination or order was in error or contrary to the provisions of  
39 this Code or other applicable law, the Board may reverse or modify the  
40 determination or order. The decision of the Board on all appeals shall be  
41 in writing and shall contain the factual findings of the Board and the  
42 reasons for the decision.

43  
44 D. A person aggrieved by a decision of the Building Board of Appeals made  
45 pursuant to this section may appeal that decision to the Circuit Court for  
46 Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200, as

1 may be amended from time to time. For purposes of this subsection, a  
2 person shall not be considered aggrieved by a decision of the Board  
3 unless the person has appeared as a party at the hearing before the  
4 Board. An appeal under this section shall be taken within thirty days of  
5 the date of the decision appealed and shall be the exclusive remedy of the  
6 aggrieved party from that decision.  
7  
8

9 **17.34.030 - Violations.**

10 A person who violates this chapter is guilty of a municipal infraction and is  
11 subject to a fine of one hundred dollars for any single, initial violation and a fine  
12 of two hundred dollars for each repeat or continuing violation.  
13

14  
15 **Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS**

16  
17 **21.18.030 - Permitted administrative adjustments.**

- 18  
19 A. Administrative adjustments from the regulations of this Zoning Code may  
20 be granted by the Planning and Zoning Director only in accordance with  
21 the criteria established in this Chapter, and may be granted only for the  
22 following:  
23
- 24 1. Setbacks. To permit any yard or setback of up to twenty percent  
25 less than a yard or a setback required by the applicable regulations.  
26
  - 27 2. Parking. To increase by not more than twenty percent the  
28 maximum distance that required parking spaces are permitted to be  
29 located from the use served.  
30
  - 31 3. Lot Coverage. To increase by not more than twenty percent the lot  
32 coverage restrictions, except that administrative adjustments of lot  
33 coverage restrictions shall not be permitted in the Critical Area  
34 Overlay District.  
35
  - 36 4. Signs. To adjust the limitations for signs in the specific instances  
37 set forth in Section 21.70.110.  
38
  - 39 5. Fences and Walls. To permit certain fences and walls an additional  
40 height allowance of up to four feet above the standard maximum  
41 height limit specified in Section 21.60.070.  
42
  - 43 6. Specific Zoning District Provisions. The zoning district provisions  
44 applicable to specific zoning districts, as provided in Division III,  
45 may authorize other permitted administrative adjustments. In

1 Chapter 21.54, Critical Area Overlay, these adjustments are  
2 referred to as administrative variances.  
3

- 4 B. The Director of Planning and Zoning may not approve administrative  
5 adjustments in the R1, Single-Family Residence District when the  
6 minimum lot width and area requirements for the affected property are not  
7 met.  
8  
9

10 **Chapter 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS**  
11

12 **21.60.065 - Plantings.**  
13

- 14 A. All plantings shall be installed and maintained in accordance with the  
15 applicable provisions of Sections 21.62.030, 21.62.040 and 21.62.050.  
16  
17 B. Unless as otherwise may be required for planting mitigation or screening  
18 purposes by a condition of approval for a development application,  
19 plantings installed in the form of a boundary hedge, in-lieu-of or together  
20 with a fence or wall, shall be pruned or maintained so as not to exceed the  
21 height limits for fences and walls as outlined in Section 21.60.070.  
22  
23 C. In the event that the requirements of this section conflict with those in  
24 Chapter 21.54, Critical Area Overlay, the Critical Area requirements shall  
25 prevail.  
26  
27

28 **21.60.070 - Fences and walls.**  
29

30 Fences and walls as defined by this Title may be erected, placed, maintained,  
31 altered or replaced pursuant to a permit issued in accordance with Section  
32 17.34.010 of the Annapolis City Code. The following additional standards apply:  
33

- 34 A. If located within the historic district as defined in this Title, all proposed  
35 new fences and walls, and all proposed alterations to existing fences and  
36 walls, require the review and approval of the Historic Preservation  
37 Commission. The Historic Preservation Commission has the authority to  
38 grant a waiver or exemption, if necessary, in order to comply with the  
39 Historic Preservation Commission Design Guidelines and the Secretary of  
40 the Interior's Standards for Rehabilitation.  
41  
42 B. Fences and walls may be installed up to, but not over the property line. It  
43 is the responsibility of the property owner to assure that the proposed  
44 fence or wall is not installed on property of others. All property line  
45 disputes are between abutting property owners, and they shall not seek or  
46 have any remedy against the City.

- 1  
2 C. Within required bufferyards adjacent to public streets, to the extent  
3 practical in order to achieve proper screening, fences and walls shall be  
4 located towards the interior edge of the landscape buffer, rather than at  
5 the edge of the public right-of-way.  
6  
7 D. Except as permitted by this Title, fences and walls shall not obstruct view  
8 cones or sight visibility triangles.  
9  
10 E. Fences and walls shall not be located to unduly obstruct light and air from  
11 neighboring properties or public ways.  
12  
13 F. The overall design and materials used for fences and walls shall be in  
14 keeping with the character and purpose for which the fence or wall is  
15 intended, and shall be compatible with other similar structures in the  
16 neighborhood.  
17  
18 G. All fences and walls shall be installed with the finished side facing out, so  
19 that posts and lateral supports are not on the side of the fence or wall  
20 which faces an adjacent property or public right-of-way, unless such  
21 supporting members are exposed on both sides due to the specific design  
22 of the fence or wall.  
23  
24 H. Except in connection with penal and correctional institutions and public  
25 utility and service uses, no fence or wall shall consist, in whole or in part,  
26 of barbed wire or similar materials designed or customarily utilized to inflict  
27 injury upon persons or animals.  
28  
29 I. Standard Maximum Height.  
30  
31 1. In all zoning districts, the maximum height of fences and walls  
32 enclosing outdoor tennis courts, baseball backstops, and other  
33 fences and walls normally provided with recreation facilities, shall  
34 be twelve feet or the minimum height required to protect public  
35 safety, whichever is greater.  
36  
37 2. In all non-residential zoning districts, except for the maritime  
38 districts, the maximum height of a fence or wall shall be eight feet,  
39 unless the fence or wall is located along a public street, in which  
40 case the maximum height of the fence or wall shall not exceed six  
41 feet.  
42  
43 3. In all residential and maritime zoning districts, the maximum height  
44 of a fence or wall shall be six feet, unless the fence or wall is  
45 located along a public street, in which case the maximum height of  
46 the fence or wall shall not exceed four feet.

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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.

1 **21.60.075 Sight Visibility Triangle.**  
2

3 In all districts, a sight visibility triangle, as defined in Section 21.72.010, shall be  
4 provided at all intersections, including alleys and driveways, and shall be kept  
5 free of obstructions to vision between the height of two and one-half feet and  
6 twelve feet above the street. If, in the opinion of the Director of Planning and  
7 Zoning with the concurrence of the Director of Public Works, this requirement  
8 may be altered if such alteration will not result in a potential traffic hazard.  
9 Where intersections occur on roadways under the jurisdiction of the State of  
10 Maryland or Anne Arundel County, the sight visibility triangle required by the  
11 State or County may be substituted in-lieu-of the requirements above.  
12

13  
14 **21.60.080 - View cones.**  
15

- 16 A. Where a public right-of-way or easement dedicated for public access  
17 terminates at a waterway, a view cone shall be provided. See Division VI  
18 for definition and calculation of the view cone.  
19
- 20 B. Fences, Walls, and Plantings in View Cones.  
21
- 22 1. No fences, walls, or plantings with a height greater than four feet  
23 are allowed in a view cone, except:  
24
- 25 a. Fences and walls (including their component parts, such as  
26 handrails and guards) that do not exceed six feet in height  
27 and are open above four feet. A fence, wall, hand-rail, or  
28 guard is considered open if its opacity is fifty percent or less.  
29 The percentage of opacity is measured by dividing the  
30 square footage of the opaque portion of the subject structure  
31 by the square footage of the entire structure, and multiplying  
32 the result by one hundred.  
33
- 34 b. Trees maintained with a single trunk with all branches and  
35 pendulous branches removed to a height of seven feet  
36 above the ground plane. Trees shall not be planted closer  
37 than fifteen feet apart so as not to form a visual barrier.  
38
- 39 2. All plantings, exclusive of trees referenced in subsection (B)(1)(b)  
40 of this section, located in a view cone must be pruned or  
41 maintained to a height of four feet or less.  
42  
43  
44

45 **21.60.090 - Objects in required yards.**  
46

1 The following are not obstructions when located in the required yards:  
2

3 A. All Yards.

- 4 1. Open terraces, porches, and decks not over four feet above the  
5 average level of the adjoining ground, but not including a  
6 permanent roof-over terrace or porch. Handrails and guardrails  
7 around terraces, porches, and decks within a view cone shall be  
8 open, pursuant to Section 21.60.080,
- 9 2. Awnings and canopies,
- 10 3. Steps four feet or less above grade which are necessary for access  
11 to a permitted building or for access to a zoning lot from a street or  
12 alley,
- 13 4. Grade-level walks and driveways,
- 14 5. Chimneys projecting two feet or less into a yard,
- 15 6. Recreational and laundry-drying equipment,
- 16 7. Arbors and trellises,
- 17 8. Flagpoles, and
- 18 9. Fences, walls and plantings, except as prohibited under Sections  
19 21.60.075 and 21.60.080.

20 B. Front Yards.

- 21 1. One-story bay windows projecting three feet or less into a yard,
- 22 2. Overhanging eaves and gutters projecting three feet or less into the  
23 yard,
- 24 3. Fuel, air and water pumps in conjunction with motor vehicle service  
25 stations; provided, that they are set back at least fifteen feet from  
26 the front lot line, and
- 27 4. Canopies in conjunction with motor vehicle service stations subject  
28 to the site design plan review requirements of Chapter 21.22

29 C. Rear Yards.

- 30 1. Balconies,
- 31 2. One-story bay windows projecting three feet or less into the yard,  
32 and
- 33 3. Overhanging eaves and gutters projecting three feet or less into the  
34 yard;

35 D. Side Yards.

- 36 1. Overhanging eaves and gutters projecting eighteen inches or less  
37 into the yard, and
- 38 2. Fuel, air and water pumps in conjunction with automobile service  
39 stations; provided, that they are set back at least fifteen feet from  
40 the side lot line.

41  
42  
43 **Chapter 21.72 – TERMS AND DEFINITIONS**

44  
45 **21.72.010 - Terms.**

46 D. List of definitions.

1  
2 "Fences and walls" means an artificially constructed exterior barrier of  
3 wood, masonry, stone, wire, metal, plastic, or any other manufactured material or  
4 combination of materials, for which the primary purpose is to mark boundaries,  
5 control access, or to screen views. For the purpose of this Title, the term "fences  
6 and walls" does not include retaining walls.  
7

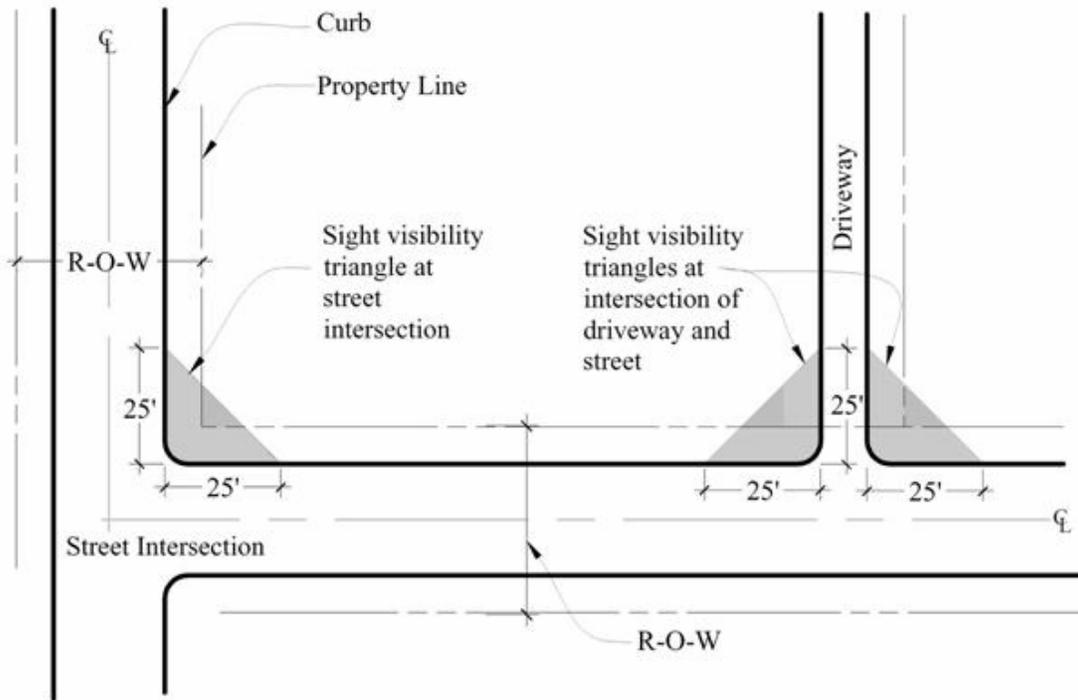
8  
9 "Fences and walls height" means the vertical distance, measured to the  
10 nearest integral foot, from the elevation at grade directly below the structure to  
11 the top of the structure, not including supporting posts. If the fence or wall has  
12 been elevated through the use of a retaining wall, the creation of a berm or  
13 another method for the primary purpose of increasing the overall height of the  
14 fence or wall, then the fence or wall height shall be measured from the ground  
15 elevation prior to the grade modification.  
16

17  
18 "Hedge, boundary" means a linear row of closely planted shrubs or low-  
19 growing trees put in place to accomplish the same effect as a fence or wall.  
20

21  
22 "Height."

- 23 a. For buildings, see building height.  
24 b. For fences and walls, see fences and walls height.  
25 c. For signs, see Section 21.70.050(B).  
26

27  
28 Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a  
29 triangular area intended to remain free of visual obstructions to prevent potential  
30 traffic hazards across all property corners formed by two intersecting streets or  
31 the intersection of an alley and a street or the intersection of a driveway and a  
32 street. The sight visibility triangle is determined by drawing a diagonal line  
33 across the corner of the lot between two points each measured twenty-five feet  
34 back from the vertex of the extended curblines of the intersecting streets, alleys  
35 or driveways.

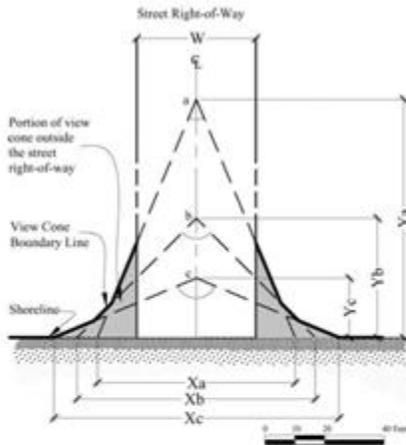


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- 8

"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

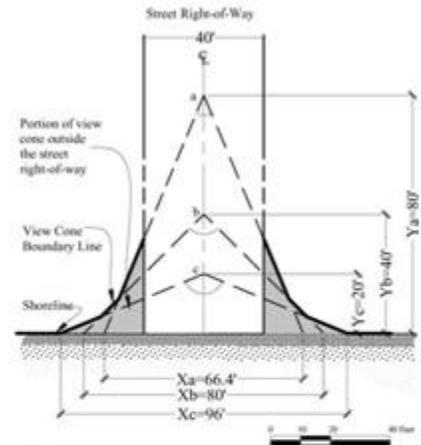


Example Calculations for a 40-foot street right-of-way

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 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:

- Determine width of street right-of-way (W).
- Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL).
- 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.
- 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).
- Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle.
- Calculate and draw view cones 'b' and 'c' using the formulae in the table for Xb, Yb, Xc and Yc.
- 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'

1  
2  
3  
4  
5  
6  
7  
8  
9

**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

10

1 **Office of Law Working Draft for Second Reader**

2 *Editorial note: the purpose of this working draft is to show 1) the current*  
3 *Code in effect that O-40-11 (Fence Permits) modified and was adopted at*  
4 *the same Council meeting where O-47-11 was introduced and*  
5 *2) the recommended amendments since introduction.*

6  
7 **Ordinance No. O-47-11**  
8

9 **EXPLANATION:**

10 Gray highlighting indicates text proposed to be added to law as it  
11 existed at time ordinance was drafted.

12 Strikeout indicates text proposed to be deleted.

13 Yellow highlighting indicates text of current Code as revised by O-  
14 40-11 adopted by Council action on the same date this ordinance  
15 was introduced.

16 Underlining indicates amendments proposed by the Planning  
17 Commission.

18 Blue highlighting indicates needed technical amendments.

19 Purple highlighting indicates amendments proposed by the  
20 Planning Commission.

21  
22 **AN ORDINANCE** concerning

23  
24 **Fence Permits**

25  
26 **FOR** the purpose of amending the Code of the City of Annapolis with respect to  
27 the issuance of fence permits.

28  
29 **BY** repealing and re-enacting with amendments the following portions of the  
30 Code of the City of Annapolis, 2011 2012 Edition:

31 17.34.010

32 17.34.020

33 21.18.030

34 21.60.070

35 21.60.080

36 21.60.090

37 21.72.010

38  
39 **BY** adding the following portions to the Code of the City of Annapolis, 2012  
40 Edition:

41 21.60.065

42 21.60.075

43  
44  
45 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE**  
46 **ANNAPOLIS CITY COUNCIL** that the Code of Annapolis shall be amended to  
47 read as follows:

1  
2  
3 **Chapter 17.34 – FENCE CODE PERMITS**

4  
5 **17.34.010 - Fences, hedges or walls Fences and walls.**

6  
7 A. Permit Required.

8  
9 1. No new fence, or wall or hedge shall be erected, placed, or maintained or  
10 grown and no existing fence, or wall or hedge shall be altered or replaced until a  
11 permit is obtained from the City Department of Neighborhood and Environmental  
12 Programs. The nonrefundable application fee and permit fee shall be in  
13 accordance with Section 17.12.056. The permit shall not be issued until the  
14 drawings application and supporting documentation have been reviewed by the  
15 appropriate City departments and approved by the Director or his or her  
16 designee.

17  
18  
19 ~~2. In approving or disapproving the drawings, consideration shall be given to the~~  
20 ~~type of materials to be used, whether or not the fence, wall or hedge unduly~~  
21 ~~obstructs light and air from neighboring properties or public ways, and whether or~~  
22 ~~not the fence, wall or hedge unduly will obstruct visibility upon public streets.~~  
23 ~~Materials used for fences, walls or hedges in residential zoning districts shall be~~  
24 ~~in keeping with the character of the neighborhood and purpose for which the~~  
25 ~~fence, wall or hedge was intended. Except in connection with penal and~~  
26 ~~correctional institutions and public utility and service uses, no fence, wall or~~  
27 ~~hedge shall consist, in whole or in part, of barbed wire or similar materials~~  
28 ~~designed or customarily utilized to inflict injury upon persons or animals.~~

29  
30 2. At a minimum, the permit application shall be accompanied by a scaled  
31 drawing showing the proposed location and dimensions of the fence or wall on  
32 the subject lot, and its relationship to the property lines, public right-of-ways,  
33 easements, utilities, existing structures, existing trees, and steep topography.  
34 The permit application shall also include construction drawings, pictures or  
35 diagrams sufficient to illustrate the overall design and materials to be used for the  
36 proposed fence or wall. The Director may require the applicant to provide  
37 additional information as deemed necessary by the City in order to review the  
38 proposed fence or wall for conformity with the City Code.

39  
40  
41 3. A fence, wall, or hedge erected, placed, maintained or grown in or abutting  
42 residential and maritime zoning districts is subject to the following height  
43 limitations: (a) six feet along a front yard lot line or in a front yard; (b) six feet  
44 along side yard lot lines or in a side yard, between the front yard lot line and  
45 façade plane of the principal structure; and (c) except as limited by (b), six feet  
46 along the side yard and rear yard lot lines and in side and rear yards.

1  
2 ~~3 5.~~ Work shall commence within thirty days from the date of the issuance of the  
3 permit and be completed in one hundred twenty days after issuance, ~~unless~~  
4 ~~extended by the Director of Neighborhood and Environmental Programs, or the~~  
5 ~~permit will be revoked.~~

6  
7 ~~4. A fence, wall, or hedge may be installed up to, but not over the property line. It~~  
8 ~~is the responsibility of the applicant to assure that the proposed fence or wall will~~  
9 ~~not be installed on property of others. All property line disputes are between~~  
10 ~~abutting property owners, not the City.~~

11  
12  
13 B. Administrative Review.

14  
15 ~~1. A fence, wall, or hedge of four~~ six feet or less measured from the adjoining  
16 finished grade will be approved routinely unless an inspection of the property  
17 indicates that a fence, wall, or hedge of this height unduly would obstruct light  
18 and air from nearby and adjoining properties or public ways, or unduly  
19 obstruct visibility upon public streets.

20  
21 ~~2. A proposed fence, wall, or hedge of more than four~~ six feet requires  
22 notification to the neighbors prior to any approval. ~~Only the abutting~~ Property  
23 owners ~~and occupants within 200 feet of the property of the proposed fence~~  
24 ~~or wall shall be notified in accordance with Section 21.10.020(B) of the Zoning~~  
25 ~~Code.~~ This includes the owners of vacant land, rental units and vacant  
26 buildings. The property owners and occupants shall be notified by mail or  
27 hand delivery of the proposal and given ten calendar days to respond. It is the  
28 responsibility of the applicant or his authorized agent to notify ~~the abutting~~  
29 ~~owners.~~ Failure to respond indicates no objection to the proposal.

30  
31 ~~3. A new fence, wall, or hedge, and gates and all existing fences, walls, hedges~~  
32 ~~and gates to be altered located in the historic district as defined in Title 21 of~~  
33 ~~the City Code require the review and approval of the Historic Preservation~~  
34 ~~Commission.~~

35  
36 ~~4. Unless approved otherwise, all fences or walls shall not be located in~~  
37 ~~landscape buffers, conservation easements, over utility easements, across~~  
38 ~~walkway easements or on public rights-of-way.~~

39  
40 ~~5. A fence, wall, or hedge shall not~~ be located at least three feet away from a fire  
41 hydrant.

42  
43 ~~6. A fence, wall, or hedge shall not alter or impede the natural flow of stormwater,~~  
44 ~~nor divert the water onto the property of others.~~

1 ~~7. A fence, wall, or hedge shall not unduly obstruct the view of tidal waterways~~  
2 ~~from nearby residential properties.~~

3  
4 ~~8. All fences, hedges and walls shall be maintained in good condition at all times.~~  
5 ~~All fences and walls shall be neatly finished and repaired, including all parts and~~  
6 ~~supports.~~

7  
8 ~~9. No fence or wall may be constructed in a manner or location which will~~  
9 ~~interfere with natural surface water run-off or which will result in a negative~~  
10 ~~impact to any adjacent property by natural surface run-off. All fences and walls~~  
11 ~~must be constructed in a manner that is in harmony with City drainage~~  
12 ~~requirements and standards and in compliance with any approved drainage~~  
13 ~~plans on file with the City for the property upon which the fence or wall is~~  
14 ~~constructed.~~

15  
16 ~~10. It shall be unlawful for any person to place or to allow to be placed on land~~  
17 ~~they own a fence, a hedge or a wall which creates an unsafe or dangerous~~  
18 ~~obstruction or condition.~~

19  
20  
21 B. Restrictions.

22  
23 1. In addition to the provisions of this Section, fences and walls shall be required  
24 to comply with the standards and requirements outlined in Section 21.60.070 of  
25 the Zoning Code.

26  
27 2. No new fence or wall shall be erected, placed, or maintained and no existing  
28 fence or wall shall be altered or replaced so as to encroach upon a public right-  
29 of-way or easement area, without written approval from the Director of Public  
30 Works or his or her designee. When any part of a permitted fence or wall is  
31 installed within a public easement area, the City or any agent of the City  
32 permitted to use the easement area shall be held harmless by the owner of the  
33 property upon which the permitted fence or wall is located for any and all claims  
34 for damage to the fence or wall that might occur when work is performed in the  
35 public easement area, and shall not be held responsible or liable for the  
36 reinstallation of any fence or wall removed from the public easement.

37 3. The area three feet in radius around fire hydrants, fire hose connections and  
38 utility boxes shall be kept free of any fences or walls that could impede use of the  
39 hydrant, hose connection or utility box.

40  
41 4. Fences and walls shall be installed so as not to disturb or damage existing  
42 trees equal to or greater than five inches diameter at breast height, unless  
43 otherwise approved by the City.

44  
45 5. Fences and walls shall not alter or impede the natural flow of stormwater, nor  
46 divert the water onto the property of others.

1  
2 6. Fences and walls shall be assembled in accordance with the manufacturer's  
3 requirements and be constructed of wood, masonry, stone, wire, metal, plastic,  
4 or any other manufactured material or combination of materials normally used for  
5 fences and walls, and that has been manufactured for the purpose of fence or  
6 wall construction. The bottom of fence posts and wall foundations shall be set at  
7 least 30" below finished grade.

8  
9 7. Fences and walls shall be maintained in accordance with the City's property  
10 maintenance code.

11  
12  
13  
14 **17.34.020 - Appeals**

15  
16 A. A person aggrieved by a determination or an order from of the dDirector or  
17 the dDirector's designee made pursuant to this chapter, other than the  
18 issuance of a municipal citation, may appeal to the Building Board of  
19 Appeals within fifteen calendar days of the date of the determination or  
20 order. The notice of petition for appeal shall be in writing stating the  
21 grounds for appeal and shall be filed with the Department of  
22 Neighborhood and Environmental Programs along with a nonrefundable  
23 fee in an amount established by the City Council. Any right to appeal shall  
24 be waived if not timely filed.

25  
26 B. Fifteen days' notice of the hearing also shall be given to persons or  
27 entities owning property within two hundred feet of the location of the  
28 proposed fence, wall or hedge fence or wall that is the subject of the  
29 appeal. Notice shall be by first-class mail, and to the general public by a  
30 notice published in a newspaper of general circulation in the City. All  
31 required notices shall be at the appellant's expense.

32  
33 C. The Building Board of Appeals shall consider the appeal based upon the  
34 information and documentation provided to the Department of  
35 Neighborhood and Environmental Programs at the time of the  
36 determination or order from which the appeal is taking taken. If the  
37 bBoard finds that the determination or order was in error or contrary to the  
38 provisions of this eCode or other applicable law, the bBoard may reverse  
39 or modify the determination or order. The decision of the bBoard on all  
40 appeals shall be in writing and shall contain the factual findings of the  
41 bBoard and the reasons for the decision.

42  
43 D. A person aggrieved by a decision of the Building Board of Appeals made  
44 pursuant to this section may appeal that decision to the eCircuit eCourt for  
45 Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or  
46 its successor, as may be amended from time to time. For purposes of this

1 subsection, a person shall not be considered aggrieved by a decision of  
2 the ~~b~~Board unless the person has appeared as a party at the hearing  
3 before the ~~b~~Board. An appeal under this section shall be taken within  
4 thirty days of the date of the decision appealed and shall be the exclusive  
5 remedy of the aggrieved party from that decision.  
6  
7

8 **17.34.030 - Violations.**

9 A person who violates this chapter is guilty of a municipal infraction and is  
10 subject to a fine of one hundred dollars for any single, initial violation and a fine  
11 of two hundred dollars for each repeat or continuing violation.  
12

13  
14 **Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS**

15  
16 **21.18.030 - Permitted administrative adjustments.**

17  
18 A. Administrative adjustments from the regulations of this Zoning Code may  
19 be granted by the Planning and Zoning Director only in accordance with  
20 the criteria established in this Chapter, and may be granted only for the  
21 following:  
22

23 1. Setbacks. To permit any yard or setback of up to twenty percent  
24 less than a yard or a setback required by the applicable regulations.  
25

26 2. Parking. To increase by not more than twenty percent the  
27 maximum distance that required parking spaces are permitted to be  
28 located from the use served.  
29

30 3. Lot Coverage. To increase by not more than twenty percent the lot  
31 coverage restrictions, except that administrative adjustments of lot  
32 coverage restrictions shall not be permitted in the Critical Area  
33 Overlay District.  
34

35 4. Signs. To adjust the limitations for signs in the specific instances  
36 set forth in Section 21.70.110.  
37

38 5. Fences and Walls. To permit certain fences and walls an additional  
39 height allowance of up to four feet above the standard maximum  
40 height limit specified in Section 21.60.070.  
41

42 ~~5.~~ 6. Specific Zoning District Provisions. The zoning district provisions  
43 applicable to specific zoning districts, as provided in Division III,  
44 may authorize other permitted administrative adjustments. In  
45 Chapter 21.54, Critical Area Overlay, these adjustments are  
46 referred to as administrative variances.

- 1  
2 B. The Director of Planning and Zoning may not approve administrative  
3 adjustments in the R1, Single-Family Residence District when the  
4 minimum lot width and area requirements for the affected property are not  
5 met.  
6

7  
8 **Chapter 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS**

9  
10 **21.60.065 - Plantings.**

- 11  
12 A. All plantings shall be installed and maintained in accordance with the  
13 applicable provisions of Sections 21.62.030, 21.62.040 and 21.62.050.  
14  
15 B. Unless as otherwise may be required for planting mitigation or screening  
16 purposes by a condition of approval for a development application,  
17 plantings installed in the form of a boundary hedge, in-lieu-of or together  
18 with a fence or wall, shall be pruned or maintained so as not to exceed the  
19 height limits for fences and walls as outlined in Section 21.60.070.  
20  
21 C. In the event that the requirements of this section conflict with those in  
22 Chapter 21.54, Critical Area Overlay, the Critical Area requirements shall  
23 prevail.  
24

25  
26 **21.60.070 - ~~Fences, walls, and plantings.~~ Fences and walls.**

27  
28 ~~A fence, wall or hedge may be erected, placed, maintained or grown pursuant to~~  
29 ~~a permit issued in accordance with Section 17.34.010 of the Annapolis City~~  
30 ~~Code.~~

31  
32 A. For the purposes of this Section, the following definitions shall apply:

33 1. "Fence" means a fence, wall or hedge.

34  
35 2. "Approved grade" means the elevation of the ground, or any paving or  
36 sidewalk built upon it, which has been established on the basis of an engineered  
37 grading and drainage plan for the property that has been reviewed and approved  
38 by the city for the property. When no engineered grading and drainage plan is on  
39 file with the city, an established historic grade may be accepted in-lieu-of the  
40 engineered plan, based on general information available, including, when  
41 appropriate, a site inspection of the property by the city before the fence, hedge  
42 or wall is constructed. In making a determination regarding historic grade, the city  
43 may, when deemed necessary, require submission of current surveyed  
44 elevations of the property and other nearby properties; or may require that an  
45 engineered grading and drainage plan be submitted by the owner or occupant of  
46 the property.

1  
2 3. "Fence section" means a portion or panel of fence construction, normally  
3 consisting of pickets, planks or metal fabric attached to horizontal rails, and  
4 which is attached or constructed, in more or less regular sequential intervals, to  
5 supporting vertical posts. In determining what constitutes a fence section, the  
6 normal guideline shall be sequential sections of fence which are eight feet in  
7 length.

8  
9 4. "Hedge" means several plants planted in a sequence or pattern so that the  
10 branches and stems of adjacent plants grow together in a manner that results in  
11 a meshing or intertwining of stems and branches with little or no passable space  
12 left between the plants, thus effectively forming a barrier or enclosure.

13  
14 5. "Top of fence/top of wall" means the uppermost point on the edge or surface of  
15 a fence or wall, but not including support posts or architectural features as  
16 described in section 18.48.070(A)(1)(d).

17  
18 6. "Top of hedge" means the highest point on the uppermost branches or stems  
19 of a hedge above which only leaves or needles naturally grow.

20  
21  
22 B. A fence, wall or hedge may be erected, placed, maintained or grown pursuant  
23 to a permit issued in accordance with Section 17.34.010 of the Annapolis City  
24 Code. It is the purpose of the provisions of this section to establish  
25 requirements for the height, location, and materials of fences, hedges or walls.  
26 Fences shall be required to comply with the following standards and  
27 requirements:

28  
29 1. The height of a fence, or any combination of fences, is measured from the  
30 grade of the public right-of-way or easement. In the case where there is a change  
31 in grade, at no point along the length of the fence, or any combination thereof,  
32 shall the height exceed the limits established in this Chapter.

33  
34 2. The maximum height of a fence shall not include the support posts or  
35 ornamental features included in the construction, provided that (a) the overall  
36 construction of such posts and ornamental features does not exceed the  
37 limitations describing a limited solid material fence as set forth in Section  
38 21.60.070(A)(3), and (b) no posts or ornamental features extend more than one  
39 foot above the top of the fence.

40  
41 3. All fences which have a ratio of solid material to open space of not more than  
42 one to four shall be considered limited solid material fences, and walls.

43  
44 4. All fences which have a ratio of solid material to open space of more than one  
45 to four shall be considered solid material fences, and walls.

46

1 5. All fences must be located within the boundary lines of the property owned by  
2 the person or persons who construct and maintain them.

3  
4 6. No barbed wire or other sharp pointed fences shall be installed on any  
5 property, except around storage yards in the I1 zoning district upon a specific  
6 finding by the Planning and Zoning Department that such a fence is necessary to  
7 protect property or goods.

8  
9 C. The maximum height of all fences shall be eight feet, except as hereafter  
10 provided:

11 1. Fences around tennis, squash racquet, squash tennis or badminton courts and  
12 publicly owned recreation areas may exceed eight feet in height, provided, that  
13 the same are limited solid material fences, and walls.

14  
15 2. Limited solid material fences located in a front yard, or a yard adjacent to a  
16 public right-of-way shall have a maximum height of four feet unless they meet the  
17 set back requirement(s) for the principal structure.

18  
19 3. Solid material fences located in a front yard or a yard adjacent to a public right-  
20 of-way shall have a maximum height of forty-two inches unless the same meet  
21 the front setback requirement of the zone in which it is located.

22  
23 4. Other fences may not exceed eight feet in height.

24  
25  
26 D. A sight visibility triangle is established in Section 21.72.010. Where a  
27 public right-of-way or easement dedicated for public access terminates at a  
28 waterway, a view cone shall be provided. See Section 21.72.010 for definition  
29 and calculation of the view cone.

30  
31 1. No fences, walls, or hedges with a height greater than forty-eight inches are  
32 allowed in a view cone, except:

33 a. Fences and walls (including their component parts, such as handrails  
34 and guards) that do not exceed six feet in height and are transparent  
35 above forty-eight inches. A fence, wall, hand-rail, or guard is considered  
36 transparent if its opacity is twenty percent or less. The percentage of  
37 opacity is measured by dividing the square footage of the opaque portion  
38 of the subject structure by the square footage of the entire structure, and  
39 multiplying the result by one hundred.

40 b. Trees maintained with a single clear trunk with all branches and  
41 pendulous branches removed to a height of seven feet above the ground  
42 plane. Trees shall not be planted closer than fifteen feet apart so as not to  
43 form a visual barrier.

1 ~~2. All plantings, exclusive of trees referenced in subsection (D)(1)(b) of this~~  
2 ~~section, located in a view cone must be pruned or maintained to a height of forty-~~  
3 ~~eight inches or less.~~

4  
5  
6 E. Other considerations

7  
8 ~~1. When a fence is to be constructed that otherwise meets the requirements of~~  
9 ~~this section, but impedes an established view shed or a view of a waterway from~~  
10 ~~adjoining public or private properties, the Planning Department may require~~  
11 ~~modifications to the materials or the ratio of solid fencing to voids.~~

12 ~~2. In approving or disapproving the drawings, consideration shall be given to the~~  
13 ~~type of materials to be used, and whether or not the fence, wall or hedge unduly~~  
14 ~~will obstruct visibility from public streets. Materials used for fences, walls or~~  
15 ~~hedges in residential zoning districts shall be in keeping with the character and~~  
16 ~~purpose for which the fence, wall or hedge was intended. Except in connection~~  
17 ~~with penal and correctional institutions and public utility and service uses, no~~  
18 ~~fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar~~  
19 ~~materials designed or customarily utilized to inflict injury upon persons or~~  
20 ~~animals.~~

21 ~~3. If located in the historic district as defined in this Title, all proposed new~~  
22 ~~fences, walls and gates and all proposed alterations to existing fences, walls and~~  
23 ~~gates require the review and approval of the Historic Preservation Commission.~~

24  
25  
26 Fences and walls as defined by this Title may be erected, placed, maintained,  
27 altered or replaced pursuant to a permit issued in accordance with Section  
28 17.34.010 of the Annapolis City Code. The following additional standards apply:

29  
30 A. If located within the historic district as defined in this Title, all proposed  
31 new fences and walls, and all proposed alterations to existing fences and  
32 walls, require the review and approval of the Historic Preservation  
33 Commission. The Historic Preservation Commission has the authority to  
34 grant a waiver or exemption, if necessary, in order to comply with the  
35 Historic Preservation Commission Design Guidelines and the Secretary of  
36 the Interior's Standards for Rehabilitation.

37  
38 B. Fences and walls may be installed up to, but not over the property line. It  
39 is the responsibility of the property owner to assure that the proposed  
40 fence or wall is not installed on property of others. All property line  
41 disputes are between abutting property owners, and they shall not seek or  
42 have any remedy against the City.

43  
44 C. Within required bufferyards adjacent to public streets, to the extent  
45 practical in order to achieve proper screening, fences and walls shall be

1 located towards the interior edge of the landscape buffer, rather than at  
2 the edge of the public right-of-way.

3  
4 D. Except as permitted by this Title, fences and walls shall not obstruct view  
5 cones or sight visibility triangles.

6  
7 E. Fences and walls shall not be located to unduly obstruct light and air from  
8 neighboring properties or public ways.

9  
10 F. The overall design and materials used for fences and walls shall be in  
11 keeping with the character and purpose for which the fence or wall is  
12 intended, and shall be compatible with other similar structures in the  
13 neighborhood.

14  
15 G. All fences and walls shall be installed with the finished side facing out, so  
16 that posts and lateral supports are not on the side of the fence or wall  
17 which faces an adjacent property or public right-of-way, unless such  
18 supporting members are exposed on both sides due to the specific design  
19 of the fence or wall.

20  
21 H. Except in connection with penal and correctional institutions and public  
22 utility and service uses, no fence or wall shall consist, in whole or in part,  
23 of barbed wire or similar materials designed or customarily utilized to inflict  
24 injury upon persons or animals.

25  
26 I. Standard Maximum Height.

27  
28 1. In all zoning districts, the maximum height of fences and walls  
29 enclosing outdoor tennis courts, baseball backstops, and other  
30 fences and walls normally provided with recreation facilities, shall  
31 be twelve feet or the minimum height required to protect public  
32 safety, whichever is greater.

33  
34 2. In all non-residential zoning districts, except for the maritime  
35 districts, the maximum height of a fence or wall shall be eight feet,  
36 unless the fence or wall is located along a public street, in which  
37 case the maximum height of the fence or wall shall not exceed six  
38 feet.

39  
40 3. In all residential and maritime zoning districts, the maximum height  
41 of a fence or wall shall be six feet, unless the fence or wall is  
42 located along a public street, in which case the maximum height of  
43 the fence or wall shall not exceed four feet.

44  
45 4. Fences and walls shall not be considered as being located along a  
46 public street if they otherwise meet the same minimum front and

1 corner-side yard setbacks that would be required for the principal  
2 structure on the subject property in the zoning district in which the  
3 fence or wall is located.

4  
5 **J. Allowance for Additional Height.**

6  
7 1. Up to two additional feet of height is allowed for decorative gates  
8 which do not exceed twenty-five feet in width for vehicular gates, or  
9 eight feet in width for pedestrian gates.

10  
11 2. In accordance with the procedures for Administrative Adjustments  
12 set forth in Chapter 21.18, the Planning and Zoning Director may  
13 permit certain fences and walls an additional height allowance of up  
14 to four feet above the standard maximum height limit established by  
15 this section.

16  
17 3. In addition to the review criteria in Section 21.18.040, the Director  
18 of Planning and Zoning shall make additional written findings based  
19 on the following:

20  
21 a. The subject fence or wall will be compatible with other  
22 similar structures in the neighborhood and is required to  
23 mitigate impacts from adjacent land uses, the subject  
24 property's proximity to public right-of-ways, or safety  
25 concerns.

26  
27 b. Within the intent and purpose of this Zoning Code, the  
28 proposed additional fence or wall height, if granted, is the  
29 minimum adjustment necessary to afford relief.

30  
31 **K. Notwithstanding the height limitations in this section, temporary fences**  
32 **and walls, incidental to construction on or development of the premises on**  
33 **which the temporary fences and walls are located, shall be permitted**  
34 **during the time construction or development is actively underway.**

35  
36 **L. Lawfully existing fences and walls that do not conform to the bulk or other**  
37 **development or design standards for the district in which the fence or wall**  
38 **is located may be continued, if properly repaired and maintained as**  
39 **provided in Chapter 21.68, Nonconforming Uses and Structures.**  
40 **Nonconforming fences and walls which are structurally altered, relocated,**  
41 **or replaced shall comply immediately with all provisions of this Title.**

42  
43  
44 **21.60.075 Sight Visibility Triangle.**

1 In all districts, a sight visibility triangle, as defined in Section 21.72.010, shall be  
2 provided at all intersections, including alleys and driveways, and shall be kept  
3 free of obstructions to vision between the height of two and one-half feet and  
4 twelve feet above the street. If, in the opinion of the Director of Planning and  
5 Zoning with the concurrence of the Director of Public Works, this requirement  
6 may be altered if such alteration will not result in a potential traffic hazard.  
7 Where intersections occur on roadways under the jurisdiction of the State of  
8 Maryland or Anne Arundel County, the sight visibility triangle required by the  
9 State or County may be substituted in-lieu-of the requirements above.

10  
11  
12 **21.60.080 - View cones.**

- 13  
14 A. Where a public right-of-way or easement dedicated for public access  
15 terminates at a waterway, a view cone shall be provided. See Division VI  
16 for definition and calculation of the view cone.  
17  
18 B. Fences, Walls, and Plantings in View Cones.  
19  
20 1. No fences, walls, or plantings with a height greater than ~~forty-eight~~  
21 ~~inches~~ four feet are allowed in a view cone, except:  
22  
23 a. Fences and walls (including their component parts, such as  
24 handrails and guards) that do not exceed six feet in height  
25 and are ~~transparent~~ open above ~~forty-eight inches~~ four feet.  
26 A fence, wall, hand-rail, or guard is considered ~~transparent~~  
27 open if its opacity is ~~twenty~~ fifty percent or less. The  
28 percentage of opacity is measured by dividing the square  
29 footage of the opaque portion of the subject structure by the  
30 square footage of the entire structure, and multiplying the  
31 result by one hundred.  
32  
33 b. Trees maintained with a single ~~clear~~ trunk with all branches  
34 and pendulous branches removed to a height of seven feet  
35 above the ground plane. Trees shall not be planted closer  
36 than fifteen feet apart so as not to form a visual barrier.  
37  
38 2. All plantings, exclusive of trees referenced in subsection (B)(1)(b)  
39 of this section, located in a view cone must be pruned or  
40 maintained to a height of ~~forty-eight inches~~ four feet or less.  
41  
42 ~~3. The height of a fence, wall or planting or any combination of these~~  
43 ~~is measured from the grade of the public right-of-way or easement.~~  
44 ~~In the case where there is a change in grade, at no point along the~~  
45 ~~length of the fence, wall or planting or any combination thereof shall~~

1 ~~the height exceed the limits established in subsections (B)(1)(a)~~  
2 ~~and (B)(1)(b) of this section.~~  
3  
4

5 **21.60.090 - Objects in required yards.**  
6

7 The following are not obstructions when located in the required yards:  
8

9 A. All Yards.

- 10 1. Open terraces, porches, and decks not over four feet above the  
11 average level of the adjoining ground, but not including a  
12 permanent roof-over terrace or porch. Handrails and guardrails  
13 around terraces, porches, and decks within a view cone shall be  
14 transparent open, pursuant to Section 21.60.080,
- 15 2. Awnings and canopies,
- 16 3. Steps four feet or less above grade which are necessary for access  
17 to a permitted building or for access to a zoning lot from a street or  
18 alley,
- 19 4. Grade-level walks and driveways,
- 20 5. Chimneys projecting two feet or less into a yard,
- 21 6. Recreational and laundry-drying equipment,
- 22 7. Arbors and trellises,
- 23 8. Flagpoles, and
- 24 9. Fences, walls and plantings for which required permits have been  
25 issued in accordance with Chapter 17.34 of the City Code, except  
26 as prohibited under Section 21.60.080. Fences, walls and  
27 plantings, except as prohibited under Sections 21.60.075 and  
28 21.60.080.

29 B. Front Yards.

- 30 1. One-story bay windows projecting three feet or less into a yard,
- 31 2. Overhanging eaves and gutters projecting three feet or less into the  
32 yard,
- 33 3. Fuel, air and water pumps in conjunction with motor vehicle service  
34 stations; provided, that they are set back at least fifteen feet from  
35 the front lot line, and
- 36 4. Canopies in conjunction with motor vehicle service stations subject  
37 to the site design plan review requirements of Chapter 21.22

38 C. Rear Yards.

- 39 1. Balconies,
- 40 2. One-story bay windows projecting three feet or less into the yard,  
41 and
- 42 3. Overhanging eaves and gutters projecting three feet or less into the  
43 yard;

44 D. Side Yards.

- 45 1. Overhanging eaves and gutters projecting eighteen inches or less  
46 into the yard, and

- 1           2.     Fuel, air and water pumps in conjunction with automobile service  
2                   stations; provided, that they are set back at least fifteen feet from  
3                   the side lot line.  
4  
5

6     **Chapter 21.72 – TERMS AND DEFINITIONS**  
7

8     **21.72.010 - Terms.**

9     D. List of definitions.  
10

11           “Fences and walls” means an artificially constructed exterior barrier of  
12 wood, masonry, stone, wire, metal, plastic, or any other manufactured material or  
13 combination of materials, for which the primary purpose is to mark boundaries,  
14 control access, or to screen views. For the purpose of this Title, the term “fences  
15 and walls” does not include retaining walls.  
16

17  
18           “Fences and walls height” means the vertical distance, measured to the  
19 nearest integral foot, from the elevation at grade directly below the structure to  
20 the top of the structure, not including supporting posts. If the fence or wall has  
21 been elevated through the use of a retaining wall, the creation of a berm or  
22 another method for the primary purpose of increasing the overall height of the  
23 fence or wall, then the fence or wall height shall be measured from the ground  
24 elevation prior to the grade modification.  
25

26  
27           “Hedge, boundary” means a linear row of closely planted shrubs or low-  
28 growing trees put in place to accomplish the same effect as a fence or wall.  
29

30  
31           “Height.”

32           a. For buildings, see building height.

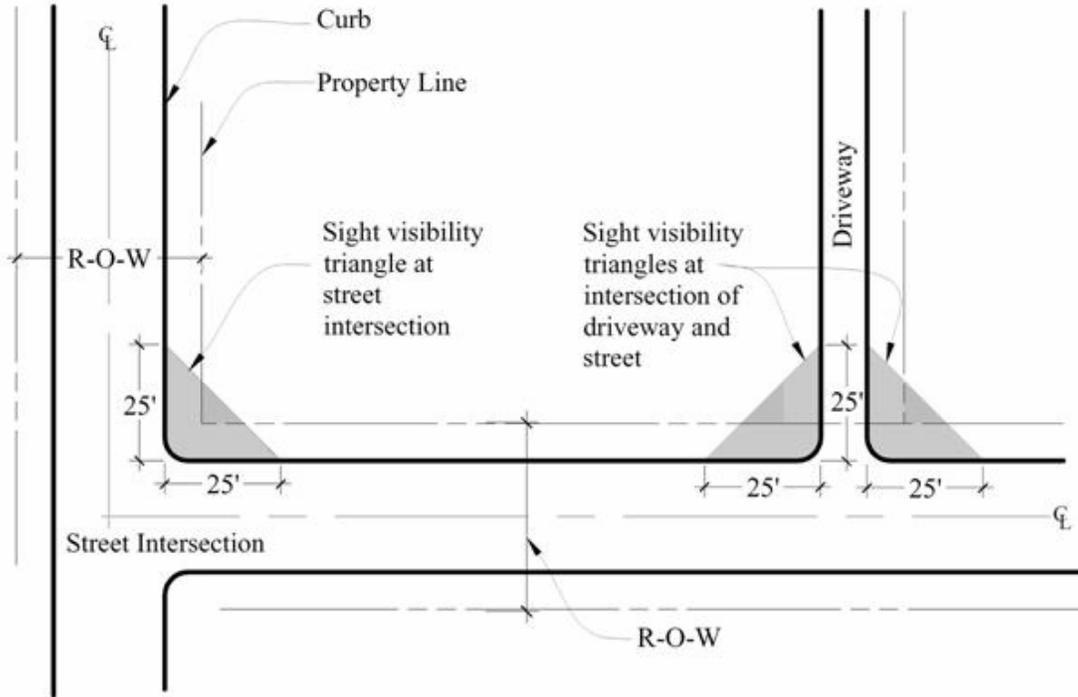
33           b. For fences and walls, see fences and walls height.

34           b. c. For signs, see Section 21.70.050(B).  
35

36  
37           ~~Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a~~  
38 ~~triangular space provided across all property corners created by either the~~  
39 ~~intersection of two streets or the intersection of a driveway and a street. The sight~~  
40 ~~visibility triangle is determined by drawing a diagonal line across the corner of the~~  
41 ~~lot measured from two points drawn twenty-five feet back from the street or~~  
42 ~~driveway intersections with a street.~~  
43

44  
45           Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a  
46 triangular area intended to remain free of visual obstructions to prevent potential

1 traffic hazards across all property corners formed by two intersecting streets or  
2 the intersection of an alley and a street or the intersection of a driveway and a  
3 street. The sight visibility triangle is determined by drawing a diagonal line  
4 across the corner of the lot between two points each measured twenty-five feet  
5 back from the vertex of the extended curblines of the intersecting streets, alleys  
6 or driveways.

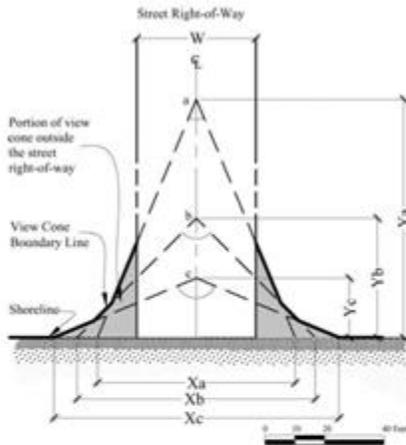


7  
8  
9  
10  
11  
12  
13  
14

"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

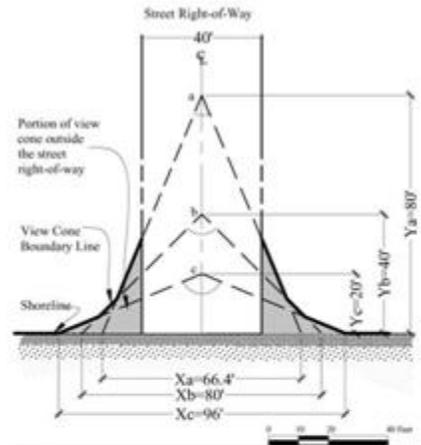


Example Calculations for a 40-foot street right-of-way

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 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:

- Determine width of street right-of-way (W).
- Using graph paper, draw to scale the street right-of-way, marking the shoreline and the street centerline (CL).
- 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.
- 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).
- Draw view cone 'a' by connecting the outer points of Xa (step 3) with point 'a' (step 4) to form a triangle.
- Calculate and draw view cones 'b' and 'c' using the formulae in the table for Xb, Yb, Xc and Yc.
- 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'

1  
2  
3  
4  
5  
6  
7  
8  
9

**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

10



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 0-47-11 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

*to give the HPC authority  
over fence approval in the  
historic District*

Roll Call Vote:

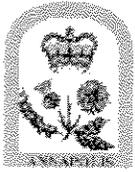
Ald. Arnett, Chair yes

Ald. Hoyle yes

Ald. Budge yes

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

Signature of Chair *Jess H. Arnett*



City of Annapolis  
Committee Referral Action

**Date:** March 8, 2013

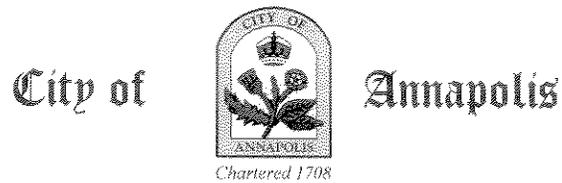
**To:** Jessica Cowles  
Legislative & Policy Analyst

The Planning Commission has reviewed Ordinance O-47-11 and has taken the following action:

Favorable with amendments

Comments: See staff report for recommended changes

March 7, 2013  
Meeting Date



## PLANNING COMMISSION

(410)263-7961

145 GORMAN STREET, 3<sup>RD</sup> 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 1 recommends adoption of the ordinance, as revised by staff.

Adopted this 7th day of March, 2013



Dr. Eleanor Harris, Chair



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

Chartered 1708  
145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

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 from 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



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Kevin Scott, ASLA  
Senior Land Use & Development Planner

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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. ~~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**

1 with Section 17.12.056. The permit shall not be issued until the drawings  
2 application and supporting documentation have been reviewed by the  
3 appropriate City departments and approved by the Director or his or her  
4 designee.  
5

6 2. At a minimum, the permit application shall be accompanied by a scaled  
7 drawing showing the proposed location and dimensions of the fence or  
8 wall on the subject lot, and its relationship to the property lines, public  
9 right-of-ways, easements, utilities, existing structures, existing trees, and  
10 steep topography. The permit application shall also include construction  
11 drawings, pictures or diagrams sufficient to illustrate the overall design  
12 and materials to be used for the proposed fence or wall. The Director may  
13 require the applicant to provide additional information as deemed  
14 necessary by the City in order to review the proposed fence or wall for  
15 conformity with the City Code.  
16

17 3. Work shall commence within thirty days from the date of the issuance of  
18 the permit and be completed in one hundred twenty days after issuance,  
19 unless extended by the Director of Neighborhood and Environmental  
20 Programs, or the permit will be revoked.  
21

22 ~~4. In approving or disapproving the drawings, consideration shall be given to~~  
23 ~~the type of materials to be used, whether or not the fence, wall or hedge~~  
24 ~~unduly obstructs light and air from neighboring properties or public ways,~~  
25 ~~and whether or not the fence, wall or hedge unduly will obstruct visibility~~  
26 ~~upon public streets. Materials used for fences, walls or hedges in~~  
27 ~~residential zoning districts shall be in keeping with the character of the~~  
28 ~~neighborhood and purpose for which the fence, wall or hedge was~~  
29 ~~intended. Except in connection with penal and correctional institutions and~~  
30 ~~public utility and service uses, no fence, wall or hedge shall consist, in~~  
31 ~~whole or in part, of barbed wire or similar materials designed or~~  
32 ~~customarily utilized to inflict injury upon persons or animals.~~  
33

34 ~~5. A fence, wall, or hedge erected, placed, maintained or grown in or abutting~~  
35 ~~residential and maritime zoning districts is subject to the following height~~  
36 ~~limitations: (a) six feet along a front yard lot line or in a front yard; (b) six~~  
37 ~~feet along side yard lot lines or in a side yard, between the front yard lot~~  
38 ~~line and façade plane of the principal structure; and (c) except as limited~~  
39 ~~by (b), six feet along the side yard and rear yard lot lines and in side and~~  
40 ~~rear yards.~~  
41

42 ~~6. A fence, wall, or hedge may be installed up to, but not over the property~~  
43 ~~line. It is the responsibility of the applicant to assure that the proposed~~  
44 ~~fence or wall will not be installed on property of others. All property line~~  
45 ~~disputes are between abutting property owners, not the City.~~  
46

1 B. Restrictions.

- 2
- 3 7. 1. In addition to the provisions of this Section, fences and walls shall be  
4 required to comply with the standards and requirements outlined in  
5 Section 21.60.070 of the Zoning Code.
- 6
- 7 8. 2. No new fence or wall shall be erected, placed, or maintained and no  
8 existing fence or wall shall be altered or replaced so as to encroach upon  
9 a public right-of-way or easement area, without written approval from the  
10 Director of Public Works or his or her designee. When any part of a  
11 permitted fence or wall is installed within a public easement area, the City  
12 or any agent of the City permitted to use the easement area shall be held  
13 harmless by the owner of the property upon which the permitted fence or  
14 wall is located for any and all claims for damage to the fence or wall that  
15 might occur when work is performed in the public easement area, and  
16 shall not be held responsible or liable for the reinstallation of any fence or  
17 wall removed from the public easement.
- 18
- 19 9. 3. The area three feet in radius around fire hydrants, fire hose connections  
20 and utility boxes shall be kept free of any fences or walls that could  
21 impede use of the hydrant, hose connection or utility box.
- 22
- 23 10. 4. Fences and walls shall be installed so as not to disturb or damage  
24 existing trees equal to or greater than five inches diameter at breast  
25 height, unless otherwise approved by the City.
- 26
- 27 11. 5. Fences and walls shall not alter or impede the natural flow of  
28 stormwater, nor divert the water onto the property of others.
- 29
- 30 12. 6. Fences and walls shall be assembled in accordance with the  
31 manufacturer's requirements and be constructed of wood, masonry, stone,  
32 wire, metal, plastic, or any other manufactured material or combination of  
33 materials normally used for fences and walls, and that has been  
34 manufactured for the purpose of fence or wall construction. The bottom of  
35 fence posts and wall foundations shall be set at least 30" below finished  
36 grade.
- 37
- 38 13. 7. Fences and walls shall be maintained in accordance with the City's  
39 property maintenance code.

40

41

42 B. Administrative Review.

- 43
- 44 1. A fence, wall, or hedge of six feet or less measured from the adjoining  
45 finished grade will be approved routinely unless an inspection of the  
46 property indicates that a fence, wall, or hedge of this height unduly would

- 1 obstruct light and air from nearby and adjoining properties or public ways,  
2 or unduly obstruct visibility upon public streets.  
3
- 4 2. A proposed fence, wall, or hedge of more than six feet requires notification  
5 prior to any approval. Property owners and occupants within 200 feet of  
6 the property of the proposed fence or wall shall be notified in accordance  
7 with Section 21.10.020(B) of the Zoning Code. This includes the owners of  
8 vacant land, rental units and vacant buildings. The property owners and  
9 occupants shall be notified by mail or hand delivery of the proposal and  
10 given ten calendar days to respond. It is the responsibility of the applicant  
11 or his authorized agent to notify. Failure to respond indicates no objection  
12 to the proposal.  
13
- 14 3. A new fence, wall, or hedge, and gates and all existing fences, walls,  
15 hedges and gates to be altered located in the historic district as defined in  
16 Title 21 of the City Code require the review and approval of the Historic  
17 Preservation Commission.  
18
- 19 4. Unless approved otherwise, all fences or walls shall not be located in  
20 landscape buffers, conservation easements, over utility easements,  
21 across walkway easements and public rights-of-way.  
22
- 23 5. A fence, wall, or hedge shall not be located closer than three feet to a fire  
24 hydrant.  
25
- 26 6. A fence, wall, or hedge shall not alter or impede the natural flow of  
27 stormwater, nor divert the water onto the property of others.  
28
- 29 7. A fence, wall, or hedge shall not unduly obstruct the view of tidal  
30 waterways from nearby residential properties.  
31

### 32 17.34.020 - Appeals

- 33
- 34 A. A person aggrieved by a determination or an order from of the dDirector or  
35 the dDirector's designee made pursuant to this chapter, other than the  
36 issuance of a municipal citation, may appeal to the Building Board of  
37 Appeals within fifteen calendar days of the date of the determination or  
38 order. The notice of petition for appeal shall be in writing stating the  
39 grounds for appeal and shall be filed with the Department of  
40 Neighborhood and Environmental Programs along with a nonrefundable  
41 fee in an amount established by the City Council. Any right to appeal shall  
42 be waived if not timely filed.  
43
- 44 B. Fifteen days' notice of the hearing also shall be given to persons or  
45 entities owning property within two hundred feet of the location of the  
46 proposed fence, wall or hedge fence or wall that is the subject of the

1 appeal. Notice shall be by first-class mail, and to the general public by a  
2 notice published in a newspaper of general circulation in the City. All  
3 required notices shall be at the appellant's expense.  
4

5 C. The Building Board of Appeals shall consider the appeal based upon the  
6 information and documentation provided to the Department of  
7 Neighborhood and Environmental Programs at the time of the  
8 determination or order from which the appeal is taking taken. If the  
9 bBoard finds that the determination or order was in error or contrary to the  
10 provisions of this eCode or other applicable law, the bBoard may reverse  
11 or modify the determination or order. The decision of the bBoard on all  
12 appeals shall be in writing and shall contain the factual findings of the  
13 bBoard and the reasons for the decision.  
14

15 D. A person aggrieved by a decision of the Building Board of Appeals made  
16 pursuant to this section may appeal that decision to the eCircuit eCourt for  
17 Anne Arundel County pursuant to Maryland Rule Title 7, Chapter 200 or  
18 its successor, as may be amended from time to time. For purposes of this  
19 subsection, a person shall not be considered aggrieved by a decision of  
20 the bBoard unless the person has appeared as a party at the hearing  
21 before the bBoard. An appeal under this section shall be taken within  
22 thirty days of the date of the decision appealed and shall be the exclusive  
23 remedy of the aggrieved party from that decision.  
24  
25

## 26 Chapter 21.18 – ADMINISTRATIVE ADJUSTMENTS

### 27 21.18.030 - Permitted administrative adjustments.

28 A. Administrative adjustments from the regulations of this Zoning Code may  
29 be granted by the Planning and Zoning Director only in accordance with  
30 the criteria established in this Chapter, and may be granted only for the  
31 following:  
32  
33

- 34 1. Setbacks. To permit any yard or setback of up to twenty percent  
35 less than a yard or a setback required by the applicable regulations.  
36
- 37 2. Parking. To increase by not more than twenty percent the  
38 maximum distance that required parking spaces are permitted to be  
39 located from the use served.  
40
- 41 3. Lot Coverage. To increase by not more than twenty percent the lot  
42 coverage restrictions, except that administrative adjustments of lot  
43 coverage restrictions shall not be permitted in the Critical Area  
44 Overlay District.  
45  
46

- 1 4. Signs. To adjust the limitations for signs in the specific instances  
2 set forth in Section 21.70.110  
3
- 4 5. Fences and Walls. To permit certain fences and walls an additional  
5 height allowance of up to four feet above the standard maximum  
6 height limit specified in Section 21.60.070.  
7
- 8 5- 6. Specific Zoning District Provisions. The zoning district provisions  
9 applicable to specific zoning districts, as provided in Division III,  
10 may authorize other permitted administrative adjustments. In  
11 Chapter 21.54, Critical Area Overlay, these adjustments are  
12 referred to as administrative variances.  
13
- 14 B. The Director of Planning and Zoning may not approve administrative  
15 adjustments in the R1, Single-Family Residence District when the  
16 minimum lot width and area requirements for the affected property are not  
17 met.  
18  
19

20 **Chapter 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS**  
21

22 **21.60.065 - Plantings.**  
23

- 24 A. All plantings shall be installed and maintained in accordance with the  
25 applicable provisions of Sections 21.62.030, 21.62.040 and 21.62.050.  
26
- 27 B. Unless as otherwise may be required for planting mitigation or screening  
28 purposes by a condition of approval for a development application,  
29 plantings installed in the form of a boundary hedge, in-lieu-of or together  
30 with a fence or wall, shall be pruned or maintained so as not to exceed the  
31 height limits for fences and walls as outlined in Section 21.60.070.  
32
- 33 C. In the event that the requirements of this section conflict with those in  
34 Chapter 21.54, Critical Area Overlay, the Critical Area requirements shall  
35 prevail.  
36

37  
38 **21.60.070 - Fences, walls, and plantings. Fences and walls.**  
39

40 ~~A fence, wall or hedge may be erected, placed, maintained or grown pursuant to~~  
41 ~~a permit issued in accordance with Section 17.34.010 of the Annapolis City~~  
42 ~~Code.~~  
43

44 Fences and walls as defined by this Title may be erected, placed, maintained,  
45 altered or replaced pursuant to a permit issued in accordance with Section  
46 17.34.010 of the Annapolis City Code. The following additional standards apply:

- 1  
2 A. If located within the historic district as defined in this Title, all proposed  
3 new fences and walls, and all proposed alterations to existing fences and  
4 walls, require the review and approval of the Historic Preservation  
5 Commission.  
6
- 7 B. Fences and walls may be installed up to, but not over the property line. It  
8 is the responsibility of the property owner to assure that the proposed  
9 fence or wall is not installed on property of others. All property line  
10 disputes are between abutting property owners, and they shall not seek or  
11 have any remedy against the City.  
12
- 13 C. Within required bufferyards adjacent to public streets, to the extent  
14 practical in order to achieve proper screening, fences and walls shall be  
15 located towards the interior edge of the landscape buffer, rather than at  
16 the edge of the public right-of-way.  
17
- 18 D. Except as permitted by this Title, fences and walls shall not obstruct view  
19 cones or sight visibility triangles.  
20
- 21 E. Fences and walls shall not be located to unduly obstruct light and air from  
22 neighboring properties or public ways.  
23
- 24 F. The overall design and materials used for fences and walls shall be in  
25 keeping with the character and purpose for which the fence or wall is  
26 intended, and shall be compatible with other similar structures in the  
27 neighborhood.  
28
- 29 G. All fences and walls shall be installed with the finished side facing out, so  
30 that posts and lateral supports are not on the side of the fence or wall  
31 which faces an adjacent property or public right-of-way, unless such  
32 supporting members are exposed on both sides due to the specific design  
33 of the fence or wall.  
34
- 35 H. Except in connection with penal and correctional institutions and public  
36 utility and service uses, no fence or wall shall consist, in whole or in part,  
37 of barbed wire or similar materials designed or customarily utilized to inflict  
38 injury upon persons or animals.  
39
- 40 I. Standard Maximum Height.  
41
- 42 1. In all zoning districts, the maximum height of fences and walls  
43 enclosing outdoor tennis courts, baseball backstops, and other  
44 fences and walls normally provided with recreation facilities, shall  
45 be twelve feet or the minimum height required to protect public  
46 safety, whichever is greater.

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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

1 which the temporary fences and walls are located, shall be permitted  
2 during the time construction or development is actively underway.  
3

- 4 L. Lawfully existing fences and walls that do not conform to the bulk or other  
5 development or design standards for the district in which the fence or wall  
6 is located may be continued, if properly repaired and maintained as  
7 provided in Chapter 21.68, Nonconforming Uses and Structures.  
8 Nonconforming fences and walls which are structurally altered, relocated,  
9 or replaced shall comply immediately with all provisions of this Title.  
10

11  
12 **21.60.075 Sight Visibility Triangle.**  
13

14 In all districts, a sight visibility triangle, as defined in Section 21.72.010, shall be  
15 provided at all intersections, including alleys and driveways, and shall be kept  
16 free of obstructions to vision between the height of two and one-half feet and  
17 twelve feet above the street. If, in the opinion of the Director of Planning and  
18 Zoning with the concurrence of the Director of Public Works, this requirement  
19 may be altered if such alteration will not result in a potential traffic hazard.  
20 Where intersections occur on roadways under the jurisdiction of the State of  
21 Maryland or Anne Arundel County, the sight visibility triangle required by the  
22 State or County may be substituted in-lieu-of the requirements above.  
23

24  
25 **21.60.080 - View cones.**  
26

- 27 A. Where a public right-of-way or easement dedicated for public access  
28 terminates at a waterway, a view cone shall be provided. See Division VI  
29 for definition and calculation of the view cone.  
30
- 31 B. Fences, Walls, and Plantings in View Cones.  
32
- 33 1. No fences, walls, or plantings with a height greater than ~~forty-eight~~  
34 inches ~~four feet~~ are allowed in a view cone, except:  
35
- 36 a. Fences and walls (including their component parts, such as  
37 handrails and guards) that do not exceed six feet in height  
38 and are transparent open above ~~forty-eight inches~~ ~~four feet~~.  
39 A fence, wall, hand-rail, or guard is considered transparent  
40 open if its opacity is ~~twenty~~ ~~fifty~~ percent or less. The  
41 percentage of opacity is measured by dividing the square  
42 footage of the opaque portion of the subject structure by the  
43 square footage of the entire structure, and multiplying the  
44 result by one hundred.  
45

1 b. Trees maintained with a single clear trunk with all branches  
2 and pendulous branches removed to a height of seven feet  
3 above the ground plane. Trees shall not be planted closer  
4 than fifteen feet apart so as not to form a visual barrier.  
5

6 2. All plantings, exclusive of trees referenced in subsection (B)(1)(b)  
7 of this section, located in a view cone must be pruned or  
8 maintained to a height of forty-eight inches four feet or less.  
9

10 3. ~~The height of a fence, wall or planting or any combination of these~~  
11 ~~is measured from the grade of the public right-of-way or easement.~~  
12 ~~In the case where there is a change in grade, at no point along the~~  
13 ~~length of the fence, wall or planting or any combination thereof shall~~  
14 ~~the height exceed the limits established in subsections (B)(1)(a)~~  
15 ~~and (B)(1)(b) of this section.~~  
16  
17

18 **21.60.090 - Objects in required yards.**  
19

20 The following are not obstructions when located in the required yards:  
21

22 A. All Yards.

- 23 1. Open terraces, porches, and decks not over four feet above the  
24 average level of the adjoining ground, but not including a  
25 permanent roof-over terrace or porch. Handrails and guardrails  
26 around terraces, porches, and decks within a view cone shall be  
27 transparent open, pursuant to Section 21.60.080,  
28 2. Awnings and canopies,  
29 3. Steps four feet or less above grade which are necessary for access  
30 to a permitted building or for access to a zoning lot from a street or  
31 alley,  
32 4. Grade-level walks and driveways,  
33 5. Chimneys projecting two feet or less into a yard,  
34 6. Recreational and laundry-drying equipment,  
35 7. Arbors and trellises,  
36 8. Flagpoles, and  
37 9. ~~Fences, walls and plantings for which required permits have been~~  
38 ~~issued in accordance with Chapter 17.34 of the City Code, except~~  
39 ~~as prohibited under Section 21.60.080. Fences, walls and~~  
40 ~~plantings, except as prohibited under Sections 21.60.075 and~~  
41 ~~21.60.080.~~

42 B. Front Yards.

- 43 1. One-story bay windows projecting three feet or less into a yard,  
44 2. Overhanging eaves and gutters projecting three feet or less into the  
45 yard,

- 1           3.     Fuel, air and water pumps in conjunction with motor vehicle service  
2           stations; provided, that they are set back at least fifteen feet from  
3           the front lot line, and
- 4           4.     Canopies in conjunction with motor vehicle service stations subject  
5           to the site design plan review requirements of Chapter 21.22
- 6     C.     Rear Yards.
  - 7           1.     Balconies,
  - 8           2.     One-story bay windows projecting three feet or less into the yard,  
9           and
  - 10          3.     Overhanging eaves and gutters projecting three feet or less into the  
11          yard;
- 12     D.     Side Yards.
  - 13          1.     Overhanging eaves and gutters projecting eighteen inches or less  
14          into the yard, and
  - 15          2.     Fuel, air and water pumps in conjunction with automobile service  
16          stations; provided, that they are set back at least fifteen feet from  
17          the side lot line.

## 20     Chapter 21.72 – TERMS AND DEFINITIONS

### 21     21.72.010 - Terms.

22           “Fences and walls” means an artificially constructed exterior barrier of  
23           wood, masonry, stone, wire, metal, plastic, or any other manufactured material or  
24           combination of materials, for which the primary purpose is to mark boundaries,  
25           control access, or to screen views. For the purpose of this Title, the term “fences  
26           and walls” does not include retaining walls.  
27           and walls” does not include retaining walls.  
28           and walls” does not include retaining walls.  
29           and walls” does not include retaining walls.  
30           and walls” does not include retaining walls.

31           “Fences and walls height” means the vertical distance, measured to the  
32           nearest integral foot, from the elevation at grade directly below the structure to  
33           the top of the structure, not including supporting posts. If the fence or wall has  
34           been elevated through the use of a retaining wall, the creation of a berm or  
35           another method for the primary purpose of increasing the overall height of the  
36           fence or wall, then the fence or wall height shall be measured from the ground  
37           elevation prior to the grade modification.  
38           elevation prior to the grade modification.  
39           elevation prior to the grade modification.

40           “Hedge, boundary” means a linear row of closely planted shrubs or low-  
41           growing trees put in place to accomplish the same effect as a fence or wall.  
42           growing trees put in place to accomplish the same effect as a fence or wall.  
43           growing trees put in place to accomplish the same effect as a fence or wall.

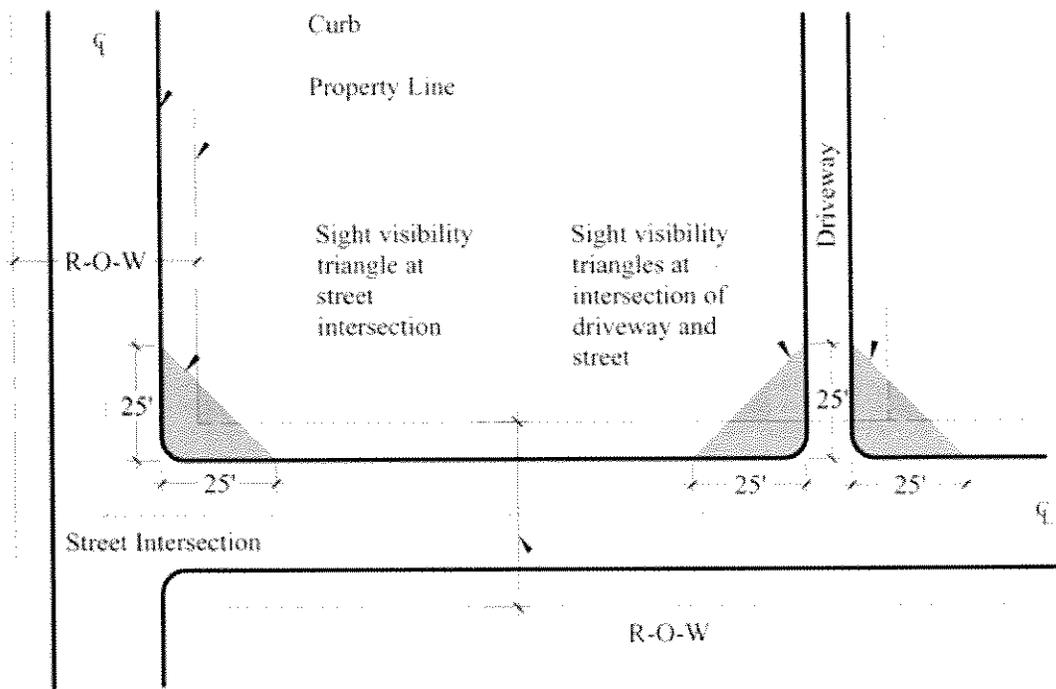
44           “Height.”

- 45          a. For buildings, see building height.
- 46          b. For fences and walls, see fences and walls height.

1 b. c. For signs, see Section 21.70.050(B).

2  
3  
4 Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a  
5 triangular space provided across all property corners created by either the  
6 intersection of two streets or the intersection of a driveway and a street. The sight  
7 visibility triangle is determined by drawing a diagonal line across the corner of the  
8 lot measured from two points drawn twenty five feet back from the street or  
9 driveway intersections with a street.

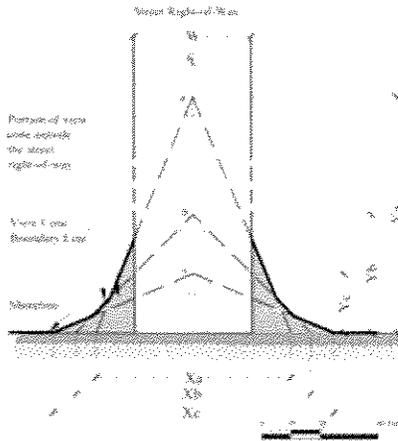
10  
11  
12 Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a  
13 triangular area intended to remain free of visual obstructions to prevent potential  
14 traffic hazards across all property corners formed by two intersecting streets or  
15 the intersection of an alley and a street or the intersection of a driveway and a  
16 street. The sight visibility triangle is determined by drawing a diagonal line  
17 across the corner of the lot between two points each measured twenty-five feet  
18 back from the vertex of the extended curblines of the intersecting streets, alleys  
19 or driveways.



20  
21  
22  
23 "View cone" means a space defined by two a series of projected lines  
24 from the centerline of a street right-of-way that is to be kept free of obstructions  
25 so as to preserve a distant view.  
26

1 See illustration for calculation of view cone:

Calculations for a given right-of-way (W)



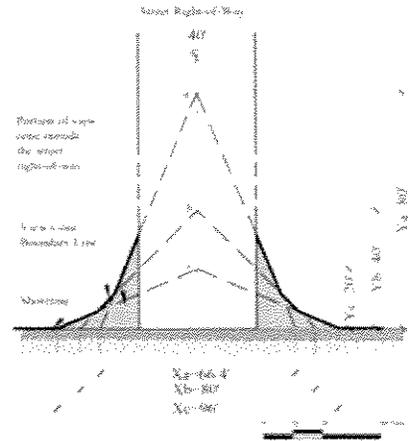
Width of view cone at shoreline	Formula
$X_a$	$1.66 \text{ Stages } (W)$
$X_b$	$1 \text{ Stage } (W)$
$X_c$	$0.4 \text{ Stages } (W)$
Distance from shoreline to apex of view cone	
$Y_a$	$1 \text{ Stage } (W)$
$Y_b$	$(W)$
$Y_c$	$0.5 \text{ Stages } (W)$

**Definitions**

- W = Width of street right-of-way
- $X_a, X_b, X_c$  = Width of view cone
- $Y_a, Y_b, Y_c$  = Distance from shoreline to apex of view cone



Example Calculations for a 40-foot street right-of-way



Width of view cone at shoreline	Formula	If Height of Eye = 4'
$X_a$	$1.66 \text{ Stages } (W)$	$1.66 \text{ Stages } 40'$
$X_b$	$1 \text{ Stage } (W)$	$1 \text{ Stage } 40'$
$X_c$	$0.4 \text{ Stages } (W)$	$0.4 \text{ Stages } 40'$
Distance from shoreline to apex of view cone		
$Y_a$	$1 \text{ Stage } (W)$	$1 \text{ Stage } 40'$
$Y_b$	$(W)$	$40'$
$Y_c$	$0.5 \text{ Stages } (W)$	$0.5 \text{ Stages } 40'$

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 viewer's eye (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 (C.L.)
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 the depth on the graph paper on the street centerline (apex '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 formula 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 innermost 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 21.01.080.

2  
3

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Ordinance No. O-47-11

5 Introduced by: Alderman Arnett  
6  
7

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		

8  
9 **A ORDINANCE** concerning

10 **Fence Permits**

11 **FOR** the purpose of amending the Code of the City of Annapolis with respect to the issuance  
12 of fence permits.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2011 Edition  
15 Section 17.34.010  
16 Section 17.34.020  
17 Section 17.34.030  
18 Section 21.60.070  
19  
20

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

23 **CHAPTER 17.34 – FENCE CODE.**

24  
25 **17.34.010 - Fences, hedges or walls.**

26 A. Permit Required.

27 1. No new fence, wall or hedge shall be erected and no existing fence or wall shall be altered or  
28 replaced until a permit is obtained from the City. The nonrefundable application fee and permit  
29 fee shall be in accordance with Section 17.12.056. The permit shall not be issued until the  
30 drawings have been approved by the director or his or her designee.

31  
32 ~~2. In approving or disapproving the drawings, consideration shall be given to the type of~~  
33 ~~materials to be used, whether or not the fence, wall or hedge unduly obstructs light and air from~~  
34 ~~neighboring properties or public ways, and whether or not the fence, wall or hedge unduly will~~  
35 ~~obstruct visibility upon public streets. Materials used for fences, walls or hedges in residential~~  
36 ~~zoning districts shall be in keeping with the character and purpose for which the fence, wall or~~

1 ~~hedge was intended. Except in connection with penal and correctional institutions and public~~  
2 ~~utility and service uses, no fence, wall or hedge shall consist, in whole or in part, of barbed wire~~  
3 ~~or similar materials designed or customarily utilized to inflict injury upon persons or animals.~~

4  
5 3. Fences or walls may be installed up to, but not over the property line. It is the responsibility  
6 of the applicant to assure that the proposed fence or wall will not be installed on property of  
7 others. All property line disputes are between abutting property owners, not the City.

8  
9 4. Work shall commence within thirty days from the date of the issuance of the permit and be  
10 completed in one hundred twenty days after issuance.

11  
12 B. Administrative Review.

13 ~~1. All fences or walls of four feet or less measured from the adjoining finished grade will be~~  
14 ~~approved routinely unless an inspection of the property indicates that a fence or wall of this~~  
15 ~~height unduly would obstruct light and air from neighboring properties or public ways, or unduly~~  
16 ~~obstruct visibility upon public streets.~~

17  
18 2 1. All fences or walls of more than four feet require notification to the neighbors. Only the  
19 property owners abutting the proposed fence or wall shall be notified. This includes the owners  
20 of vacant land, rental units and vacant buildings. The property owners shall be notified by mail  
21 or hand delivery of the proposal and given ten calendar days to respond. It is the responsibility  
22 of the applicant or his authorized agent to notify the abutting owners. Failure to respond  
23 indicates no objection to the proposal.

24  
25 ~~3. All new fences or walls and gates and all existing fences, walls and gates to be altered~~  
26 ~~located in the historic district as defined in Title 21 of the City Code require the review and~~  
27 ~~approval of the Historic Preservation Commission.~~

28  
29 4 2. Unless approved otherwise, all fences or walls shall not be located in landscape buffers,  
30 conservation easements, over utility easements, across walkway easements and or on public  
31 rights of way.

32  
33 5 3. Fences or walls shall not be located closer than at least three feet to away from a fire  
34 hydrant.

35  
36 ~~6. Fences or walls shall not alter or impede the natural flow of stormwater, nor divert the water~~  
37 ~~onto the property of others.~~

38  
39 4. All fences, hedges and walls shall be maintained in good condition at all times. All fences and  
40 walls shall be neatly finished and repaired, including all parts and supports.

41  
42 5. No fence or wall may be constructed in a manner or location which will interfere with natural  
43 surface water run-off or which will result in a negative impact to any adjacent property by natural  
44 surface run-off. All fences and walls must be constructed in a manner that is in harmony with  
45 City drainage requirements and standards and in compliance with any approved drainage plans  
46 on file with the City for the property upon which the fence or wall is constructed.

47  
48 6. It shall be unlawful for any person to place or to allow to be placed on land they own a fence,  
49 a hedge or a wall which creates an unsafe or dangerous obstruction or condition.  
50  
51

1 **17.34.020 - Appeals.**

2 A. A person aggrieved by an order from the director or the director's designee made pursuant  
3 to this chapter, other than the issuance of a municipal citation, may appeal to the Building Board  
4 of Appeals within fifteen calendar days of the date of the order. The petition for appeal shall be  
5 in writing stating the grounds for appeal and shall be filed with the Department of Neighborhood  
6 and Environmental Programs along with a nonrefundable fee in an amount established by the  
7 City Council. Any right to appeal shall be waived if not timely filed.

8  
9 B. Fifteen days' notice of the hearing also shall be given to persons owning property within two  
10 hundred feet of the location of the proposed fence, wall or hedge by first-class mail, and to the  
11 general public by a notice published in a newspaper of general circulation in the City. All  
12 required notices shall be at the appellant's expense.

13  
14 C. The Building Board of Appeals shall consider the appeal based upon the information  
15 provided to the Department of Neighborhood and Environmental Programs at the time of the  
16 order from which the appeal is taking. If the board finds that the order was in error or contrary to  
17 the provisions of this code or other applicable law, the board may reverse or modify the order.  
18 The decision of the board on all appeals shall be in writing and shall contain the factual findings  
19 of the board and the reasons for the decision.

20  
21 D. A person aggrieved by a decision of the Building Board of Appeals made pursuant to this  
22 section may appeal that decision to the circuit court for Anne Arundel County pursuant to  
23 Maryland Rule Title 7, Chapter 200 or its successor. For purposes of this subsection, a person  
24 shall not be considered aggrieved by a decision of the board unless the person has appeared  
25 as a party at the hearing before the board. An appeal under this section shall be taken within  
26 thirty days of the date of the decision appealed and shall be the exclusive remedy of the  
27 aggrieved party from that decision.

28  
29  
30 **17.34.030 - Violations.**

31 A person who violates this chapter is guilty of a municipal infraction and is subject to a fine of  
32 one hundred dollars for any single, initial violation and a fine of two hundred dollars for each  
33 repeat or continuing violation.  
34  
35

36 **CHAPTER 21.60 – SUPPLEMENTAL USE AND DEVELOPMENT STANDARDS**

37 **21.60.070 - Fences, walls, and plantings.**

38 A. For the purposes of this Section, the following definitions shall apply:

39 1. "Fence" means a fence, wall or hedge.

40  
41 2. "Approved grade" means the elevation of the ground, or any paving or sidewalk built upon it,  
42 which has been established on the basis of an engineered grading and drainage plan for the  
43 property that has been reviewed and approved by the city for the property. When no engineered  
44 grading and drainage plan is on file with the city, an established historic grade may be accepted  
45 in-lieu-of the engineered plan, based on general information available, including, when  
46 appropriate, a site inspection of the property by the city before the fence, hedge or wall is  
47 constructed. In making a determination regarding historic grade, the city may, when deemed  
48 necessary, require submission of current surveyed elevations of the property and other nearby

1 properties; or may require that an engineered grading and drainage plan be submitted by the  
2 owner or occupant of the property.

3  
4 3. "Fence section" means a portion or panel of fence construction, normally consisting of  
5 pickets, planks or metal fabric attached to horizontal rails, and which is attached or constructed,  
6 in more or less regular sequential intervals, to supporting vertical posts. In determining what  
7 constitutes a fence section, the normal guideline shall be sequential sections of fence which are  
8 eight feet in length.

9  
10 4. "Hedge" means several plants planted in a sequence or pattern so that the branches and  
11 stems of adjacent plants grow together in a manner that results in a meshing or intertwining of  
12 stems and branches with little or no passable space left between the plants, thus effectively  
13 forming a barrier or enclosure.

14  
15 5. "Top of fence/top of wall" means the uppermost point on the edge or surface of a fence or  
16 wall, but not including support posts or architectural features as described in section  
17 18.48.070(A)(1)(d).

18  
19 6. "Top of hedge" means the highest point on the uppermost branches or stems of a hedge  
20 above which only leaves or needles naturally grow.

21  
22  
23 **B.** A fence, wall or hedge may be erected, placed, maintained or grown pursuant to a permit  
24 issued in accordance with Section 17.34.010 of the Annapolis City Code. It is the purpose of  
25 the provisions of this section to establish requirements for the height, location, and materials of  
26 fences, hedges or walls. Fences shall be required to comply with the following standards and  
27 requirements.

28  
29 1. The height of a fence, or any combination of fences, is measured from the grade of the  
30 public right-of-way or easement. In the case where there is a change in grade, at no point along  
31 the length of the fence, or any combination thereof, shall the height exceed the limits  
32 established in this Chapter.

33  
34 2. The maximum height of a fence shall not include the support posts or ornamental features  
35 included in the construction, provided that (a) the overall construction of such posts and  
36 ornamental features does not exceed the limitations describing a limited solid material fence as  
37 set forth in Section 21.60.070(A)(3), and (b) no posts or ornamental features extend more than  
38 one foot above the top of the fence.

39  
40 3. All fences which have a ratio of solid material to open space of not more than one to four  
41 shall be considered limited solid material fences, and walls.

42  
43 4. All fences which have a ratio of solid material to open space of more than one to four shall be  
44 considered solid material fences, and walls.

45  
46 5. All fences must be located within the boundary lines of the property owned by the person or  
47 persons who construct and maintain them.

48  
49 6. No barbed wire or other sharp-pointed fences shall be installed on any property, except  
50 around storage yards in the I1 zoning district upon a specific finding by the Planning and Zoning  
51 Department that such a fence is necessary to protect property or goods.

1 C. The maximum height of all fences shall be eight feet, except as hereafter provided:  
2 1. Fences around tennis, squash racquet, squash tennis or badminton courts and publicly  
3 owned recreation areas may exceed eight feet in height, provided, that the same are limited  
4 solid material fences, and walls.

5  
6 2. Limited solid material fences located in a front yard, or a yard adjacent to a public right-of-way  
7 shall have a maximum height of four feet unless they meet the set back requirement(s) for the  
8 principal structure.

9  
10 3. Solid material fences located in a front yard or a yard adjacent to a public right-of-way shall  
11 have a maximum height of forty-two inches unless the same meet the front setback requirement  
12 of the zone in which it is located.

13  
14 4. Other fences may not exceed eight feet in height.

15  
16  
17 D. A sight visibility triangle is established in Section 21.72.010. Where a public right-of-way  
18 or easement dedicated for public access terminates at a waterway, a view cone shall be  
19 provided. See Section 21.72.010 for definition and calculation of the view cone.

20  
21 1. No fences, walls, or hedges with a height greater than forty-eight inches are allowed in a  
22 view cone, except:

23 a. Fences and walls (including their component parts, such as handrails and guards)  
24 that do not exceed six feet in height and are transparent above forty-eight inches. A  
25 fence, wall, hand-rail, or guard is considered transparent if its opacity is twenty percent  
26 or less. The percentage of opacity is measured by dividing the square footage of the  
27 opaque portion of the subject structure by the square footage of the entire structure, and  
28 multiplying the result by one hundred.

29 b. Trees maintained with a single clear trunk with all branches and pendulous branches  
30 removed to a height of seven feet above the ground plane. Trees shall not be planted  
31 closer than fifteen feet apart so as not to form a visual barrier.

32  
33 2. All plantings, exclusive of trees referenced in subsection (D)(1)(b) of this section, located in a  
34 view cone must be pruned or maintained to a height of forty-eight inches or less.

35  
36  
37 E. Other considerations

38  
39 1. When in a fence is to be constructed that otherwise meets the requirements of this section,  
40 but impedes an established view shed or a view of a waterway from adjoining public or private  
41 properties, the Planning Department may require modifications to the materials or the ratio of  
42 solid fencing to voids.

43 2. In approving or disapproving the drawings, consideration shall be given to the type of  
44 materials to be used, and whether or not the fence, wall or hedge unduly will obstruct visibility  
45 from public streets. Materials used for fences, walls or hedges in residential zoning districts shall  
46 be in keeping with the character and purpose for which the fence, wall or hedge was intended.  
47 Except in connection with penal and correctional institutions and public utility and service uses,  
48 no fence, wall or hedge shall consist, in whole or in part, of barbed wire or similar materials  
49 designed or customarily utilized to inflict injury upon persons or animals.

1 3. If located in the historic district as defined in this Title, all proposed new fences, walls and  
2 gates and all proposed alterations to existing fences, walls and gates require the review and  
3 approval of the Historic Preservation Commission.  
4

5 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
6 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
7

8 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
9  
10

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.

11  
12  
13  
14  
15  
16  
17

## **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](mailto:JCCowles@annapolis.gov).

## **Policy Report**

### **Ordinance O-47-11**

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

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.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-16-13

4 Sponsor: Mayor Cohen  
5  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
3/11/13			6/7/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	3/11/13		
Finance	3/11/13		

8  
9 **A ORDINANCE** concerning

10 **Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan**

11 **FOR** the purpose of authorizing local businesses to be eligible for a capital facilities payment  
12 plan.

13  
14 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
15 City of Annapolis, 2012 Edition  
16 Section 17.28.090

17  
18 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
19 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

20  
21 **CHAPTER 17.28 – PLUMBING CODE**

22 **17.28.090 - Permit—Fees—Schedule.**

23 The charges for issuance of permits are the sum of a connection charge, a capital facility  
24 charge, a capital facility assessment charge and an installation charge. The charges shall be  
25 recommended to the City Council by the Director of Public Works and collected by the Director  
26 of Neighborhood and Environmental Programs. The schedule of fees shall be established by  
27 resolution of the City Council.

- 28 A. Connection Charges. Connection charges for a one inch or less water service and four-  
29 inch sewer service shall be based on the City's cost of constructing the water and  
30 sewer service lines between the property line and main pipeline, including the cost of  
31 the water meter. There will be no connection charges for water services constructed by  
32 the applicant (all services greater than one inch and, when approved by the Director of  
33 Public Works, one inch or less) and for sewer services constructed by the applicant (all  
34 service greater than four inches and, when approved by the Director of Public Works,

1 four inches), but all costs associated with the construction of the connection between  
2 the property line and main pipeline, including the cost of the water meter, shall be the  
3 responsibility of the applicant.

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

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

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

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

19 (b) By agreement.

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

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

39 3. Industrial wastes of unusual strength or character may be assessed additional  
40 EDUs as determined by the Director of Neighborhood and Environmental  
41 Programs or his or her designee may require pretreatment to remove heavy  
42 metals or other deleterious materials prior to discharge of the waste to the City  
43 sewer system.

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

- 1 5. A person who purchases a home in the urban renewal project area and who  
2 previously resided in the home either as an owner or renter continuously for six  
3 months immediately prior to the acquisition of the home by the urban renewal  
4 authority, is exempt from the payment of the capital facilities charge.
- 5 6. Capital facilities and capital facilities assessment charges shall be used exclusively  
6 to pay for either or both the capital improvements and retirement of bonds on the  
7 sewer systems and water systems or facilities and not to supplement user rates.
- 8 7. When the use and occupancy of a structure is changed, the Director of  
9 Neighborhood and Environmental Programs or his or her designee shall determine  
10 if the water consumption or sewage discharge has changed materially from the  
11 previous use. Any significant increase in usage or discharge may require  
12 assessment of capital facilities charges as outlined in this subsection.
- 13 C. Capital Facility Assessment Charge. A capital facility assessment charge will continue  
14 to be applied after December 19, 2011 for accounts with remaining capital facility  
15 assessment charge balances. For active permits prior to December 19, 2011, the  
16 current structure for capital facility assessment charges will continue to be in effect.
- 17 D. Installation Charges.
  - 18 1. Reinspection Fee. A fee as established by resolution of the City Council must be  
19 paid before another inspection is made, if, for the original inspection, one or more  
20 of the following occurred:
    - 21 a. Requesting party called for inspection, but work was not ready;
    - 22 b. Requesting party was not on site;
    - 23 c. Building was locked;
    - 24 d. Safety features not on site;
    - 25 e. Approved drawings not on site;
    - 26 f. Permit card not posted and visible from fronting street.
- 27 E. State Road Opening or Tunneling. For any connection in which a state road must be  
28 opened or tunneled, the charges set out in this section for public sewer and water  
29 supply connections shall be increased by the additional cost of the work as estimated  
30 and approved by the Director of Neighborhood and Environmental Programs or his or  
31 her designee.
- 32 F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the City  
33 and who also are registered master gasfitters in the City shall be charged as  
34 established by resolution of the City Council for the additional gas connection for gas  
35 hot water heaters; otherwise, the gas connection for gas hot water heaters must be  
36 made by a registered master gasfitter at the regular rates.
- 37 G. Sizes Not Shown. Charges for any sizes not shown in this section shall be determined  
38 by the Director of Neighborhood and Environmental Programs or his or her designee.
- 39 H. The City Council may designate by resolution certain areas in the City of Annapolis to  
40 be revitalization areas. In adopting such a resolution, the City Council shall take into  
41 consideration the following factors as they apply to the area:
  - 42 1. The availability, cost, and condition of business facilities;
  - 43 2. The age and number of substandard structures;



## **Policy Report**

### **Ordinance O-16-13**

#### **Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan**

The proposed ordinance would authorize qualifying local businesses to be eligible for a capital facilities payment plan based on regulations promulgated by the Small Minority Business Enterprise Coordinator.

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



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/15/13

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

The Economic Matters Committee has reviewed 0-16-13 and has taken the following action:

Favorable

Favorable with amendments

*Economic Comm. Hec  
amendments attached*

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair yes

Ald. Finlayson yes Ald. Budge yes

Meeting Date 7/15/13

Signature of Chair Shirley M. Finlayson

**Finance Committee Amendments  
O-16-13**

**Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan**

**Amendment #1**

Page 4, Lines 8-10

Strike: "OR IS A QUALIFYING LOCAL BUSINESS BASED UPON REGULATIONS PROMULGATED BY THE SMALL MINORITY BUSINESS ENTERPRISE COORDINATOR"

**Amendment #2**

Page 4, Line 16:

Insert:

"SECTION J. A QUALIFYING LOCAL BUSINESS THAT MEETS ALL OF THE CRITERIA IN SECTION K, SHALL, AT THE REQUEST OF THE BUSINESS OWNER, BE ELIGIBLE TO PAY THE CAPITAL FACILITY CHARGE 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."

SECTION K. A LOCAL BUSINESS MEANS:

1. THE PRINCIPAL OFFICE OR BUSINESS IS PHYSICALLY LOCATED WITHIN THE ANNAPOLIS CITY LIMITS WITH NO OTHER NATIONAL HEADQUARTERS OUTSIDE THE CITY OF ANNAPOLIS;
2. THERE ARE FIVE OR FEWER BRANCHES OR OUTLETS OF THE BUSINESS IN TOTAL;
3. THE BUSINESS IS PRIVATELY-, EMPLOYEE-, COMMUNITY-, OR COOPERATIVELY- OWNED (NOT PUBLICLY TRADED);
4. THE BUSINESS PAYS FOR ALL OF ITS OWN MARKETING, RENT, AND OTHER BUSINESS EXPENSES WITHOUT ASSISTANCE FROM, OR PAYMENT TO, A CORPORATE HEADQUARTERS;
5. THE DECISION-MAKING AUTHORITY IS VESTED IN THE LOCAL OWNER AND NOT SUBJECT TO CONDITIONS DICTATED OR REQUIRED REMOTELY;
6. ANY ADDITIONAL CRITERIA AS PROMULGATED BY REGULATIONS FROM THE SMALL MINORITY BUSINESS ENTERPRISE COORDINATOR.

SECTION L: WHEN A BUSINESS OWNER REQUESTS A CAPITAL FACILITY CHARGE PAYMENT PLAN, SUCH OWNER MUST HAVE AN APPROVED AGREEMENT SIGNED BY THE BUSINESS OWNER AND PROPERTY OWNER STATING THAT A NOTICE OF LIEN IS TO BE EXECUTED ON THE PROPERTY. THE LIEN WILL REMAIN IN EFFECT UNTIL THE DEFERRED FEES HAVE BEEN PAID IN FULL.

SECTION K: CAPITAL FACILITY CHARGES THAT ARE DEFERRED SHALL ACCRUE INTEREST AFTER THE FIRST 12 MONTHS. ANY FEES DEFERRED SHALL BE PAID AT THE INTEREST RATE IN EFFECT AT THE TIME OF PAYMENT.

**Amendment #3**

Page 4, Line 18:

After "passage," insert: AND SHALL BE DEEMED ABROGATED AND OF NO FURTHER EFFECT EFFECTIVE JUNE 30, 2018, AND STRICKEN FROM THE CODE OF THE CITY OF ANNAPOLIS

## FISCAL IMPACT NOTE

**Legislation No:** O-16-13

**First Reader Date:** 3-11-13

**Note Date:** 3-27-13

**Legislation Title: Authorizing Local Businesses to be Eligible for a Capital Facilities Payment Plan**

**Description:** For the purpose authorizing local businesses to be eligible for a capital facilities payment plan.

**Analysis of Fiscal Impact:** This legislation provides for a payment plan for the capital facility charge for qualifying local businesses at the request of the property owner. The business must be in a designated revitalization area. Forty percent of the charge will be paid before the building permit is issued, 20% by the first anniversary of permit issuance, 20% by the following anniversary, and the final 20% by the third anniversary.

The City will not have the deferred cash available for its needs the year the permit is issued. There will also be costs associated with monitoring and collecting the payments and the risk and expense of delayed collection, possible default and tax sale.

However, the results of the revitalization effort can produce additional taxes and other revenues for the City.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3  
4 Ordinance No. O-18-13

5 Sponsors: Alderman Arnett and Mayor Cohen  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
4/22/13			7/19/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	4/22/13		

8  
9 **A ORDINANCE** concerning

10 **The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

11 **FOR** the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a  
12 certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the  
13 conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at  
14 908 Bay Ridge Avenue; and all matters relating to these conveyances.

15  
16 **WHEREAS,** Ana Cortes is the owner of record of the land at 908 Bay Ridge Avenue,  
17 Annapolis, Maryland 21401, shown as Parcel 1462 on Tax Map 52D, Grid 14,  
18 described in a deed recorded among the Land Records of Anne Arundel County,  
19 Maryland in Liber 9749 at folio 612; and  
20

21 **WHEREAS,** the Mayor and the Alderpersons of the City of Annapolis are the owners of record  
22 of the land at 914 Bay Ridge Avenue, Annapolis, Maryland 21401, shown as  
23 Parcel 1463 on Tax Map 52D, Grid 14, described in a deed recorded among the  
24 Land Records of Anne Arundel County, Maryland in Liber 1121 at folio 68; and  
25

26 **WHEREAS,** Ana Cortes desires to convey to the City of Annapolis approximately 9,583  
27 square feet of land from the property at 908 Bay Ridge Avenue, more particularly  
28 described in Exhibit A and depicted on Exhibit C attached to this Ordinance and  
29 incorporated herein; and  
30

31 **WHEREAS,** in exchange for the conveyance of the aforementioned part of 908 Bay Ridge  
32 Avenue, Ana Cortes proposes that the City of Annapolis convey to her  
33 approximately 4,792 square feet of land from the property at 914 Bay Ridge  
34 Avenue, more particularly described in Exhibit B and depicted on Exhibit C  
35 attached to this Ordinance and incorporated herein; and  
36

37 **WHEREAS,** by authorizing the deed attached to this Ordinance incorporated herein as Exhibit  
38 D, Ana Cortes shall convey her right, title, and interest in that part of the property

1 at 908 Bay Ridge Avenue, more particularly described in the attached Exhibits A  
2 and C, to the City of Annapolis; and  
3

4 **WHEREAS,** by authorizing the deed attached to this Ordinance incorporated herein as Exhibit  
5 E, the City of Annapolis shall convey its right, title, and interest in that part of  
6 property at 914 Bay Ridge Avenue, more particularly identified in Exhibits B and  
7 C, to Ana Cortes; and  
8

9 **WHEREAS,** Article III, Section 7 of the Annapolis City Charter requires the passage of an  
10 ordinance before the City of Annapolis may dispose of any property no longer  
11 needed for public use.  
12  
13

14 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
15 **COUNCIL** that it hereby approves and authorizes the conveyance, by deed, of the City's right,  
16 title, and interest in that part of the property at 914 Bay Ridge Avenue, more particularly  
17 identified in the attached Exhibits B and C, to Ana Cortes and, furthermore, that it hereby  
18 accepts the conveyance, by deed, of Ana Cortes' right, title, and interest in that part of the  
19 property at 908 Bay Ridge Avenue, more particularly identified in the attached Exhibits A and C,  
20 subject to the following conditions:  
21

- 22 1. That Ana Cortes shall bear all of the costs in connection with the conveyances  
23 authorized by this Ordinance, including but not limited to attorneys' fees, document  
24 preparation, survey expenses, title search, title insurance for her and for the City of  
25 Annapolis, recordation and transfer fees and taxes, and all other costs and  
26 expenses, if any, associated with the conveyances; and  
27
- 28 2. That all property descriptions, surveys, and deeds shall be subject to the review and  
29 approval of the City Attorney prior to final execution and recordation.  
30
- 31 3. That recordation of Deeds shall be contingent upon administrative subdivision  
32 approval pursuant to Title 21 of the City Code.  
33  
34

35 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
36 **ANNAPOLIS CITY COUNCIL** that it hereby expressly finds that the interest of the City of  
37 Annapolis in the property to be conveyed from the City of Annapolis is not needed for any public  
38 use.  
39  
40

41 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
42 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
43

44 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
45

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

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**EXPLANATION**

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

EXHIBIT "A"

DESCRIPTION OF 9,494 SQUARE FEET OR 0.2179 OF AN ACRE OF LAND  
PART OF LIBER 9749 AT FOLIO 612  
TAX MAP 52D GRID 14 PARCEL 1462  
SIXTH (6<sup>TH</sup>) TAX DISTRICT  
ANNE ARUNDEL COUNTY, MARYLAND

**BEING** a piece or parcel of land situated, lying, and being in the sixth (6th) tax district of Anne Arundel County, Maryland; the same being part of the conveyance from William W. Smith and Linda Marie Smith to Ana Cortes by deed dated April 25, 2000 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 9749 at Folio 612; the same being more particularly described, in City of Annapolis Datum, as follows:

**BEGINNING FOR THE SAME** at a point on and distant 82.06 feet from the beginning of the third or South 75° 57' 40" East 426.41 feet line of said Liber 9749 at Folio 612; thence binding on part of said line, the following course as now surveyed

1. South 75° 57' 23" East 157.35 feet to a point; thence so as to cross and divide said Liber 9749 at Folio 612, the following course

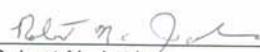
2. South 14° 02' 37" West 50.00 feet to a point on the first or North 75° 57' 40" West 490.84 feet line of said Liber 9749 at Folio 612; thence binding on part of said line and also binding reversely with part of the fourth or South 75° 57' 40" East 492.09 feet line of the conveyance from William H. Blades, widower, William Ralph Blades and Mary Belle Blades, his wife, and Cecil C. Blades, unmarried, to The Mayor and Aldermen of the City of Annapolis by deed dated May 17, 1957 and recorded among said Land Records in Liber 1121 at Folio 68, the following course as now surveyed

3. North 75° 57' 34" West 222.41 feet to a point; thence so as to cross and divide the parcel described in said Liber 9749 at Folio 612, the following course

4. North 66° 30' 08" East 82.06 feet to the point of beginning.

**CONTAINING** 9,494 square feet or 0.2179 of an acre of land, more or less, as now described.

**I HEREBY CERTIFY** to the best of my professional knowledge, information and belief, this description is correct based on deed and title information that I have been provided.

  
Robert N. Jordan  
Property Line Surveyor  
Md. Reg. No. 345



10-18-2012  
Date

EXHIBIT "B"

DESCRIPTION OF 5,162 SQUARE FEET OR 0.1185 OF AN ACRE OF LAND  
PART OF LIBER 1121 AT FOLIO 68  
TAX MAP 52D GRID 14 PARCEL 1463  
SIXTH (6<sup>TH</sup>) TAX DISTRICT  
ANNE ARUNDEL COUNTY, MARYLAND

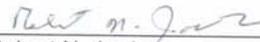
**BEING** a piece or parcel of land situated, lying, and being in the sixth (6th) tax district of Anne Arundel County, Maryland; the same being part of the conveyance from William H. Blades, widower, William Ralph Blades and Mary Belle Blades, his wife, and Cecil C. Blades, unmarried, to The Mayor and Aldermen of the City of Annapolis by deed dated May 17, 1957 and recorded among the Land Records of Anne Arundel County, Maryland in Liber 1121 at Folio 68; the same being more particularly described, in City of Annapolis Datum, as follows:

**BEGINNING FOR THE SAME** at a point on the east side of Jefferson Street, said point also being at the beginning of the third or North 65° 23' 30" East 71 feet line of said Liber 1121 at Folio 68; thence binding on said line, the following course as now surveyed

1. North 66° 30' 08" East 71.00 feet to a point; thence binding on part of the fourth or South 75° 57' 40" East 492.09 feet line of said Liber 1121 at Folio 68 and also binding reversely on part of the first or North 75° 57' 40" West 490.84 feet line of the conveyance to Ana Cortes by deed dated April 25, 2000 and recorded among said Land Records in Liber 9749 at Folio 612, the following course as now surveyed
2. South 75° 57' 23" East 82.06 feet to a point; thence so as to cross and divide the parcel described in said Liber 1121 at Folio 68, the following course
3. South 66° 30' 08" West 135.46 feet to intersect the second or North 24° 11' 30" West 192.50 feet line of said Liber 1121 at Folio 68; thence binding part of said line, the following course as now surveyed
4. North 24° 11' 13" West 50.00 feet to the point of beginning.

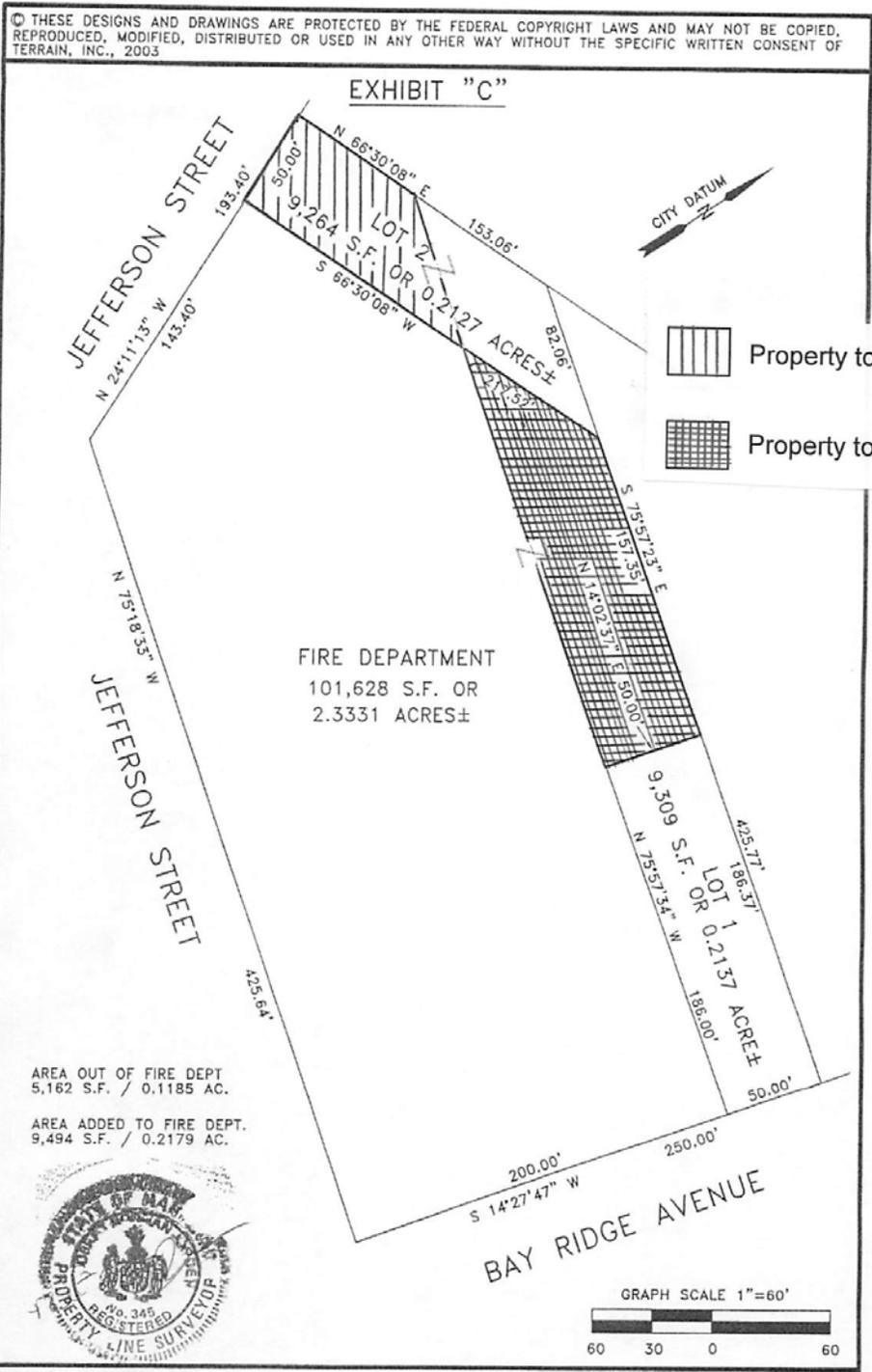
**CONTAINING** 5,162 square feet or 0.1185 of an acre of land, more or less, as now described.

**I HEREBY CERTIFY** to the best of my professional knowledge, information and belief, this description is correct based on deed and title information that I have been provided.

  
Robert N. Jorden  
Property Line Surveyor  
Md. Reg. No. 345



10-31-2012  
Date



**TERRAIN INC.**  
ENGINEERING AND DEVELOPMENT SERVICES

PH (410)266-1160  
FAX (410)266-6129

106 OLD SOLOMONS ISLAND ROAD  
ANNAPOLIS, MD 21401

C:\SURVEY\PLATS\2303-4.DWG

EXHIBIT D  
No Consideration Deed  
Tax Acct. No.: 06 000 04023600

**DEED**

THIS DEED is made \_\_\_\_ day of \_\_\_\_\_, 2013, by and between ANA CORTES (“Grantor”) and THE CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-18-13 of the City Council of the City of Annapolis adopted on the \_\_\_\_ day of \_\_\_\_\_, 2013, by the Mayor and Aldermen.

NOW, THEREFORE, in consideration of these premises, and for consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which the Grantor and Grantee acknowledge, the Grantor hereby grants, conveys and assigns to the Grantee, its successors and assigns, in fee simple, forever, all of those parcels of land situate, lying and being in Anne Arundel County, Maryland, more particularly described as follows:

See attached Exhibit “A” and Exhibit “B”

Description of 9,494 square feet or 0.2179 of an acre of land

BEING or intending to be a portion of that conveyance from William W. Smith and Linda Marie Smith to Ana Cortes by Deed dated April 25, 2000, and recorded among the Land Records of Anne Arundel County, Maryland, in Book 9749 Page 612. .

TOGETHER with the buildings and improvements thereon erected, made or being and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above described parcels of land unto and to the proper use and benefit of the Grantee, its successors and assigns, in fee simple, forever.

THE GRANTOR covenants that she has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that she will warrant specially the title to the property hereby conveyed, and that she will execute such further assurances of the same as may be requisite.

THE GRANTOR declares and affirms under the penalty of perjury that the consideration paid or to be paid for this conveyance, including the amount of any mortgage or deed of trust outstanding, is zero.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first herein written.

WITNESS

\_\_\_\_\_  
\_\_\_\_\_  
(Seal)  
Ana Cortes

IN WITNESS WHEREOF, the Grantee has executed this Deed on the day and year first herein written for the purpose of acknowledging its acceptance of this conveyance.

ATTESTATION, ACKNOWLEDGEMENT  
AND ACCEPTANCE OF CONVEYANCE  
AS TO ALL:

\_\_\_\_\_  
REGINA WATKINS-ELDRIDGE, City Clerk

**CITY COUNCIL OF THE CITY OF ANNAPOLIS:**

By: \_\_\_\_\_ (Seal)  
JOSHUA J. COHEN, Mayor

\_\_\_\_\_  
\_\_\_\_\_, Alderman

\_\_\_\_\_  
FREDERICK M. PAONE, Alderman

\_\_\_\_\_  
CLASSIE GILLIS HOYLE, Alderwoman (Seal)

\_\_\_\_\_  
SHEILA M. FINLAYSON, Alderwoman (Seal)

\_\_\_\_\_  
JARED LITTMANN, Alderman (Seal)

\_\_\_\_\_  
KENNETH A. KIRBY, Alderman (Seal)

\_\_\_\_\_  
IAN PFEIFFER, Alderman (Seal)

\_\_\_\_\_  
ROSS H. ARNETT, Alderman (Seal)

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
GARY M. ELSON, Assistant City Attorney Date

Pursuant to the Annotated Code of Maryland, Real Property Article, Section 3-104, it is hereby certified that this Deed has been prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

\_\_\_\_\_  
PLEASE RETURN ORIGINAL TO:  
Gary M. Elson  
City of Annapolis Office of Law  
160 Duke of Gloucester Street  
Annapolis, Maryland 21401  
Robert D. Miller, Esq.

Exhibit E  
No Consideration Deed  
Tax Acct. No.: 06 000 01407405

**DEED**

THIS DEED is made \_\_\_\_ day of \_\_\_\_\_, 2013, by and between the CITY OF ANNAPOLIS, a municipal corporation of the State of Maryland (“Grantor”) and ANA CORTES (“Grantee”).

WHEREAS, this Deed is authorized pursuant to Ordinance No. O-18-13 of the City Council of the City of Annapolis adopted on the \_\_\_\_ day of \_\_\_\_\_, 2013 by the Mayor and Aldermen.

NOW, THEREFORE, in consideration of these premises, and for consideration of One Dollar (\$1.00) and other good and valuable consideration, the receipt and sufficiency of which the Grantor and Grantee acknowledge, the Grantor hereby grants, conveys and assigns to the Grantee, her successors and assigns, in fee simple, forever, all of those parcels of land situate, lying and being in Anne Arundel County, Maryland, more particularly described as follows:

See attached Exhibit “A” and Exhibit “B”

Description of 5,162 square feet or 0.1185 of an acre of land

BEING or intending to be a portion of that conveyance from William H. Blades, Widower and Cecil C. Blades, unmarried, to The Mayor and Aldermen of the City of Annapolis by Deed dated May 17, 1957, and recorded among the Land Records of Anne Arundel County, Maryland, in Liber 1121 Folio 68. .

TOGETHER with the buildings and improvements thereon erected, made or being and all of the rights, alleys, ways, waters, privileges, appurtenances and advantages to the same belonging, or in anywise appertaining.

TO HAVE AND TO HOLD the above described parcel of land unto and to the proper use and benefit of the Grantee, her successors and assigns, in fee simple, forever.

THE GRANTOR covenants that it has not done or suffered to be done any act, matter or thing whatsoever to encumber the property hereby conveyed, that it will

warrant specially the title to the property hereby conveyed, and that it will execute such further assurances of the same as may be requisite.

THE GRANTOR declares and affirms under the penalty of perjury that the consideration paid or to be paid for this conveyance, including the amount of any mortgage or deed of trust outstanding, is zero.

IN WITNESS WHEREOF, the Grantor has executed this Deed on the day and year first herein written.

ATTESTATION, ACKNOWLEDGEMENT  
AND ACCEPTANCE OF CONVEYANCE  
AS TO ALL:

\_\_\_\_\_  
REGINA WATKINS-ELDRIDGE, City Clerk

**CITY COUNCIL OF THE CITY OF ANNAPOLIS:**

By: \_\_\_\_\_ (Seal)  
JOSHUA J. COHEN, Mayor

\_\_\_\_\_  
\_\_\_\_\_, Alderman (Seal)

\_\_\_\_\_  
FREDERICK M. PAONE, Alderman (Seal)

\_\_\_\_\_  
CLASSIE GILLIS HOYLE, Alderwoman (Seal)

\_\_\_\_\_  
SHEILA M. FINLAYSON, Alderwoman (Seal)

\_\_\_\_\_ (Seal)

JARED LITTMANN, Alderman

\_\_\_\_\_  
(Seal)

KENNETH A. KIRBY, Alderman

\_\_\_\_\_  
(Seal)

IAN PFEIFFER, Alderman

\_\_\_\_\_  
(Seal)

ROSS H. ARNETT, Alderman

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

\_\_\_\_\_  
GARY M. ELSON, Assistant City Attorney

Date

Pursuant to the Annotated Code of Maryland, Real Property Article, Section 3-104, it is hereby certified that this Deed has been prepared by or under the supervision of an attorney admitted to practice before the Court of Appeals of Maryland.

\_\_\_\_\_  
Robert D. Miller, Esq.

PLEASE RETURN ORIGINAL TO:

Robert D. Miller, Esq.  
Hyatt & Weber, P.A.  
200 Westgate Circle, Suite 500  
Annapolis, Maryland 21401

## **Policy Report**

### **Ordinance O-18-13**

#### **The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

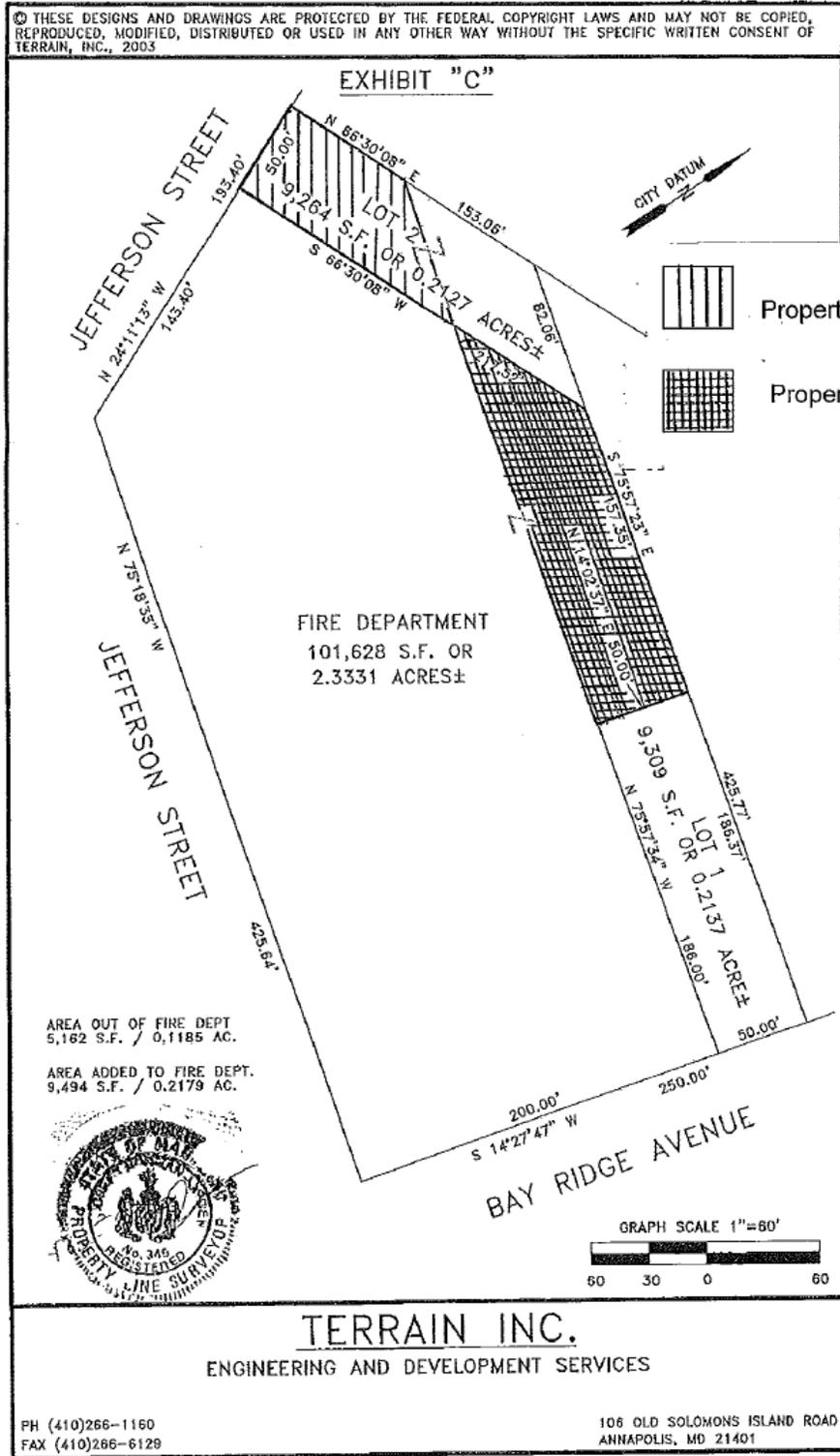
The proposed ordinance would convey by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes and accept the conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue.

The subject of the proposed ordinance is a land swap at the Eastport Fire Station with an adjoining property owner, Ana Cortez. Cortez would convey approximately 9,583 square feet from her property at 908 Bay Ridge Avenue to the City of Annapolis in exchange for 4,792 square feet of the City of Annapolis' property located at 914 Bay Ridge Avenue.

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

**Alderman Arnett and Mayor Cohen's Proposed Amendment to O-18-13  
The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

Substitute "Exhibit C" on Page 6 with the new "Exhibit C" below.





City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/15/13

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

The Economic Matters Committee has reviewed 0-18-13 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. Budge yes

Meeting Date 7/15/13 Signature of Chair Heila M. Finlayson

## FISCAL IMPACT NOTE

**Legislation No:** O-18-13

**First Reader Date:** 4-22-13

**Note Date:** 4-24-13

**Legislation Title:** **The Conveyance of Certain Portions of 908 and 914 Bay Ridge Avenue**

**Description:** For the purpose of conveying by deed the right, title, and interest of the City of Annapolis in a certain part of the land at 914 Bay Ridge Avenue to Ana Cortes; accepting the conveyance by deed of Ana Cortes' right, title, and interest in a certain part of the land at 908 Bay Ridge Avenue; and all matters relating to these conveyances.

**Analysis of Fiscal Impact:** This legislation provides for an exchange of land between Ana Cortes and the City of Annapolis. Ms. Cortes will bear all costs associated with the exchange including, but not limited to, attorney's fees, document preparation, survey expenses, title search, title insurance for her and for the City, recordation and transfer fees and taxes, and all other costs and expenses.

Other than the possibility of a change in the real property assessments of the properties, and thereby a change in the taxes collected by the City, this legislation produces no significant fiscal impact for the City.

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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-30-13**

**Sponsor: Mayor Cohen**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13			10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	7/8/13		
Financial Advisory Commission	7/8/13		

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**Issuance of General Obligation Refunding Revenue Bonds**

12 **AN ORDINANCE** concerning the issuance of not to exceed Twenty-Five Million Dollars  
13 (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds (the  
14 "Refunding Bonds") of the City of Annapolis (the "City") for the purpose of refunding the City's  
15 Special Obligation Bonds (Park Place Project), Series 2005A and 2005B (the "Series 2005  
16 Bonds"), which Series 2005 Bonds financed (a) costs of the public portion of the Park Place  
17 garage, which public portion consists of 680 spaces for parking by the general public, and  
18 related infrastructure improvements, located at the intersection of West Street and Taylor  
19 Avenue, as part of a mixed-use project which includes (1) a full-service hotel, (2) two office  
20 buildings, (3) approximately 208 residential condominiums, (4) the site for a performance hall,  
21 and (5) a clock tower structure, (b) a reserve fund and capitalized interest for the Series 2005  
22 Bonds, and (c) costs of issuance of the Series 2005 Bonds; providing that the Refunding Bonds  
23 shall be issued pursuant to the Tax Increment Financing Act (being Sections 12-201 through 12-  
24 213, inclusive, of the Economic Development Article of the Annotated Code of Maryland), the  
25 Special Tax District Act (being Section 44A of Article 23A of the Annotated Code of Maryland)  
26 and Section 24 of Article 31 of the Annotated Code of Maryland; providing that the Refunding  
27 Bonds shall be secured by a pledge of the security and revenues pledged to the payment of the  
28 Series 2005 Bonds (i.e., the Tax Increment Revenues, the Garage Net Operating Income and  
29 the Special Tax, all as defined in the Indenture (hereinafter defined)) and by a pledge of the full  
30 faith and credit of the City subordinate to the pledge of the Tax Increment Revenues, the  
31 Garage Net Operating Income and the Special Tax so that the Refunding Bonds shall be a  
32 general obligation of the City; authorizing the Mayor of the City (the "Mayor") to take such  
33 actions as shall be necessary or desirable in connection with the issuance and sale of the  
34 Refunding Bonds, including (without limitation) approving a supplement to the Indenture of Trust  
35 dated as of January 1, 2005 between the City and Manufacturers and Traders Trust Company,  
36 as trustee (the "Indenture"), providing for the sale of the Refunding Bonds at public or private  
37 (negotiated) sale, establishing the interest rate or rates for the Refunding Bonds, and approving

1 the price at which the Refunding Bonds are sold to the purchasers thereof; covenanting to levy  
2 and collect all taxes necessary to provide for the payment of the principal of and interest on the  
3 Refunding Bonds; generally providing for and determining various matters relating to the  
4 issuance, sale and delivery of the Refunding Bonds; and providing that this Ordinance  
5 supplements and amends Ordinance No. O-14-01, adopted on May 14, 2001.

6  
7 **RECITALS**

8  
9 On February 18, 2005, the City of Annapolis (the "City") issued and sold its City of Annapolis  
10 Special Obligation Bonds (Park Place Project), Series 2005A, in the aggregate principal amount  
11 of \$18,560,000 (the "Series 2005A Bonds") and its City of Annapolis Special Obligation Bonds  
12 (Park Place Project), Series 2005B (the "Series 2005B Bonds" and collectively, with the Series  
13 2005A Bonds, the "Series 2005 Bonds").

14  
15 The Series 2005 Bonds were issued pursuant to and in accordance with (a) the Tax Increment  
16 Financing Act (then Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated Code of  
17 Maryland and now recodified as Sections 12-201 to 12-213, inclusive, of the Economic  
18 Development Article of the Annotated Code of Maryland) (the "Tax Increment Financing Act"),  
19 (b) Section 44A of Article 23A of the Annotated Code of Maryland (the "Special Tax District  
20 Act"), (c) Resolution No. R-8-01 of the City Council (the "City Council") of the City, adopted on  
21 May 14, 2001 (the "Original Resolution"), (d) Ordinance No. O-14-01 of the City, adopted on  
22 May 14, 2001 (the "Original Ordinance"), (e) Resolution No. R-22-04 of the City Council,  
23 adopted on December 13, 2004 (the "Supplemental Resolution" and collectively with the  
24 Original Resolution, the "Resolution") and (f) the Indenture of Trust dated as of February 1, 2005  
25 (the "Indenture") between the City and Manufacturers and Traders Trust Company, as trustee  
26 (the "Trustee").

27  
28 The proceeds of the Series 2005 Bonds were applied as provided in the Original Ordinance and  
29 the Indenture (a) to finance the costs of a portion of a mixed-use garage containing 680 parking  
30 spaces (the "Public Garage Unit"), together with related (i) drive aisles, ramps and walkways; (ii)  
31 garage roof; (iii) general excavation and miscellaneous site work; (iv) paving and lighting; (v)  
32 land; (vi) planning, engineering, architectural, financial consultancy and legal expenses; and (vii)  
33 the relocation and construction of certain public utilities and improvement related to the Park  
34 Place Development; (b) to make a deposit to the Reserve Fund under the Indenture; (c) to pay a  
35 portion of capitalized interest on the Series 2005 Bonds; (d) to pay administrative costs related  
36 to the Series 2005 Bonds and the Park Place Development District and Special Tax District, as  
37 more particularly described in the Original Ordinance (the "District"); and (e) to pay costs of  
38 issuing the Series 2005 Bonds.

39  
40 The Series 2005 Bonds are secured by: (i) the proceeds of tax collections by the City and by  
41 Anne Arundel County, Maryland (the "County"), arising from taxation of the increase, if any, in  
42 the appraised value of real property located in the District over an original assessable base  
43 exclusive of amounts payable to the State of Maryland (the "Tax Increment Revenues"); (ii) to  
44 the extent the Tax Increment Revenues are insufficient, Garage Net Operating Income (as  
45 defined in the Indenture) deposited into the Garage Net Operating Income Fund established  
46 under the Indenture; and (iii) to the extent that the Tax Increment Revenues and the Garage Net  
47 Operating Income deposited into the Garage Net Operating Income Fund are insufficient, the  
48 special tax (the "Special Tax") to be levied on the taxable parcels within the District. However,  
49 the Special Tax shall be levied in any given year only if the Tax Increment Revenues and the  
50 Garage Net Operating Income, as adjusted, are insufficient to cover debt service on the Series

1 2005 Bonds, pay administrative costs related to the Series 2005 Bonds and the District, or  
2 maintain any funds under the Indenture.

3  
4 The County, pursuant to Resolution No. 39-04, adopted by the County Council of Anne Arundel  
5 County, Maryland on December 6, 2004 and approved by the County Executive on December  
6 10, 2004 (the "County Resolution") provided for the transfer and deposit into the Tax Increment  
7 Fund established under the Indenture of Tax Increment Revenues levied and collected by the  
8 County pursuant to a Contribution Agreement, dated as of January 1, 2005 (the "Contribution  
9 Agreement"), by and between the City and the County.

10  
11 The District was created as a "development district" pursuant to the Tax Increment Financing  
12 Act by the Original Resolution, which also establishes the District as a "special taxing district"  
13 pursuant to the Special Tax District Act.

14  
15 The Original Ordinance provides that the authority to issue the Series 2005 Bonds is intended to  
16 and shall include the authority to issue refunding bonds. In addition, Section 24 of Article 31 of  
17 the Annotated Code of Maryland, as amended (the "Refunding Act"), provides that a municipal  
18 corporation which has power under any public general or public local law to borrow money and  
19 to evidence the borrowing by the issuance of its general obligation bonds, revenue bonds or  
20 other evidences of obligation by whatever name known or source of funds secured, may issue  
21 bonds for the purpose of refunding any of its bonds then outstanding, including the payment of  
22 any redemption premium and any interest accrued or to accrue to the date of redemption,  
23 purchase or maturity of the bonds or other obligations.

24  
25 Refunding bonds may be issued under the authority of the Refunding Act for the public purpose  
26 of (1) realizing savings to the issuer in the aggregate cost of debt service on either a direct  
27 comparison or present value basis; or (2) debt restructuring that: (i) in the aggregate effects  
28 such a reduction in the cost of debt service, or (ii) is determined by the governing body to be in  
29 the best interest of the issuer, to be consistent with the issuer's long-term financial plan, and to  
30 realize a financial objective of the issuer including, improving the relationship of debt service to  
31 a source of payment such as taxes, assessments, or other charges.

32  
33 The Refunding Act further provides that (a) the power to issue refunding bonds under such  
34 section shall be deemed additional and supplemental to the issuer's existing borrowing power,  
35 and (b) the procedures for the issuance of refunding bonds shall be the same as those  
36 applicable to the bonds or other obligations being refunded, except that refunding bonds may be  
37 sold on a negotiated basis without solicitation of bids if the issuer determines in a public meeting  
38 that such procedure is in the public interest.

39  
40 The Series 2005 Bonds are special obligations of the City rather than general obligations and  
41 are not secured by the full faith and credit of the City. However, the Tax Increment Financing  
42 Act expressly provides that an issuer may pledge its full faith and credit to pay bonds issued  
43 under the Tax Increment Financing Act.

44  
45 The City has now determined that (a) debt service savings on a direct comparison and a  
46 present-value basis can be achieved by refunding all or a portion of the Series 2005 Bonds in  
47 the manner provided in this Ordinance and that such refunding is in the best interest of the City  
48 and is consistent with the City's long-term financial plan; and (b) it is also in the best interest of  
49 the City to pledge its full faith and credit as security for bonds to be issued to refund the Series  
50 2005 Bonds, provided that such pledge shall be subordinate to the pledge of the Tax Increment  
51 Revenues, the Garage Net Operating Income and the Special Tax.

1  
2 The general obligation refunding revenue bonds to be issued to refund the Series 2005 Bonds  
3 will be issued and secured pursuant to the provisions of the Tax Increment Financing Act  
4 governing tax increment bond financing, the Special Tax District Act governing special taxing  
5 district bond financings and the Refunding Act.  
6

7 **NOW THEREFORE, IN ACCORDANCE WITH THE TAX INCREMENT FINANCING ACT, THE**  
8 **SPECIAL TAXING DISTRICT ACT AND THE REFUNDING ACT, BE IT ENACTED BY THE**  
9 **ANNAPOLIS CITY COUNCIL (THE “CITY COUNCIL”), THAT:**

10  
11 **1.**

- 12 a. The Recitals to this Ordinance (the “Recitals”) are deemed a substantive part of  
13 this Ordinance and are incorporated by reference herein, and capitalized terms  
14 defined in the Recitals and used herein shall have the meaning given to such  
15 terms in the Recitals, unless the context clearly requires a contrary meaning.  
16  
17 b. The words and terms used in this Ordinance that are defined in the Special Tax  
18 District Act, the Tax Increment Financing Act, the Refunding Act, the Original  
19 Ordinance, the Resolution or the Indenture shall have the meanings indicated in  
20 the Special Tax District Act, the Tax Increment Financing Act, the Refunding Act,  
21 the Original Ordinance, the Resolution and the Indenture, as the case may be,  
22 unless the context clearly requires a contrary meaning.  
23  
24 c. The findings and determinations set forth in Section 2 of the Resolution are  
25 hereby ratified and confirmed with respect to the subject matter of the Original  
26 Ordinance and this Ordinance and the issuance of Bonds (as defined in the  
27 Original Ordinance) provided for herein.  
28  
29 d. By the adoption of the Resolution, the City took all necessary action  
30 contemplated by the Tax Increment Financing Act to provide for the segregation  
31 and deposit in the Tax Increment Fund of that portion of the taxes representing  
32 the levy of the Tax Increment on properties located in the District, and by this  
33 Ordinance the City hereby reiterates its pledge and covenants to so levy, collect  
34 and segregate such revenues for the benefit of the holders of the Bonds.  
35

- 36 **2.** Acting pursuant to the Special Tax District Act, the Tax Increment Financing Act, the  
37 Refunding Act, the Original Ordinance and the Resolution, it is hereby found and  
38 determined that (a) the issuance of general obligation revenue bonds for the purpose of  
39 refunding all or a portion of the Series 2005 Bonds accomplishes the public purposes of  
40 the Special Tax District Act, the Tax Increment Financing Act, the Refunding Act, the  
41 Original Ordinance and the Resolution; (b) pursuant to this Ordinance and the Original  
42 Ordinance, the City has complied with Section 2-203 of the Tax Increment Financing Act  
43 and with the provisions of subsections (e) and (g) of the Special Tax District Act; and (c)  
44 the District, which in the aggregate consists of 11.05 acres, more or less, and all  
45 adjoining roads, highways, alleys, rights of way, parks and other similar property forms a  
46 contiguous area and has been designated by the Original Ordinance as a “development  
47 district” pursuant to Section 14-206 of the Tax Increment Financing Act (as then in  
48 effect) and a “special taxing district” pursuant to Section 44A(e) of the Special Tax  
49 District Act.  
50

- 1       3. The City hereby covenants to levy the Special Tax in rate and amount at least sufficient  
2       in each year in which any of the Series 2005 Bonds, any of the Refunding Bonds  
3       (hereinafter defined), and/or any other Bonds are outstanding to provide for the payment  
4       of the principal of and interest on the Series 2005 Bonds, the Refunding Bonds or any  
5       other Bonds to the extent of any deficiency in (1) the Tax Increment Fund and (2) the net  
6       operating revenues derived by the City from the operation of the parking garage (such  
7       net operating revenues being defined in the Indenture) (the "Garage Net Operating  
8       Revenues") and to provide for the payment of City expenses, to the extent such  
9       expenses are not otherwise provided for, as provided in Section 12 of the Resolution.  
10      The Special Tax also may be levied with respect to any other refunding bonds issued  
11      under the Special Tax District Act pursuant to the provisions of an ordinance or  
12      resolution enacted or adopted by the City in connection with the issuance of such other  
13      refunding bonds.  
14  
15      4. Pursuant to the provisions of the Resolution in accordance with the Tax Increment  
16      Financing Act, so long as any Bonds remain outstanding, the City shall deposit into the  
17      Tax Increment Fund all real property taxes received by the City for any Tax Year after  
18      the effective date of the Resolution equal to that portion of the taxes payable to the City  
19      representing the levy on the Tax Increment (as defined in the Resolution) that would  
20      normally be paid to the City, together with all amounts received from the County  
21      representing the levy on the tax increment that would normally be paid to the County, in  
22      accordance with the procedures heretofore established by the County. Notwithstanding  
23      the preceding sentence, the City Council may provide for the use of certain monies in  
24      the Tax Increment Fund in compliance with Section 8 of the Resolution and the related  
25      provisions of the Tax Increment Financing Act. Monies in the Tax Increment Fund shall  
26      be pledged to the payment of the Bonds other than those amounts withdrawn as  
27      permitted by the preceding sentence; provided, however, that the monies in the Tax  
28      Increment Fund may also be pledged by the City for the payment of additional bonds  
29      issued by the City under the Tax Increment Financing Act and other authority, if  
30      applicable, relating to the public infrastructure improvements described in the Original  
31      Ordinance or other projects subject to the provisions of the Indenture. The City hereby  
32      covenants to comply with Section 8 of the Resolution while any Bonds remain  
33      outstanding.  
34  
35      5. The general obligation refunding revenue bonds authorized to be issued hereunder (the  
36      "Refunding Bonds") may be issued in an aggregate principal amount not to exceed  
37      Twenty-Five Million Dollars (\$25,000,000) with a rate or rates of interest which shall not  
38      exceed five percent (5.00%) per annum and shall be and constitute "Bonds" under the  
39      Original Ordinance and "Additional Bonds" under the Indenture. The proceeds of the  
40      Refunding Bonds will be utilized solely to refund all or a portion of the Series 2005  
41      Bonds, to establish a debt service reserve fund, and to pay costs related to the issuance  
42      of the Refunding Bonds as permitted pursuant to the provisions of the Special Tax  
43      District Act, the Tax Increment Financing Act and the Refunding Act. The Refunding  
44      Bonds shall be issued as "Additional Bonds" under and pursuant to the provisions of the  
45      Indenture and may be issued at any time or from time to time in one or more series; and  
46      each issue or series of the Refunding Bonds shall be identified by the year of issue or by  
47      some other or additional appropriate designation.

48  
49      The proceeds of the Refunding Bonds which will be used to refund all or a portion of the  
50      Series 2005 Bonds, shall be used to purchase direct obligations of, or obligations the  
51      principal of and interest on which are unconditionally guaranteed by, the United States of

1 America or certificates of deposit or time deposits fully collateralized by direct obligations  
2 of, or obligations the principal of and the interest on which are unconditionally  
3 guaranteed by, the United States of America in such amounts and maturing at stated  
4 fixed prices as to principal and interest at such times so that sufficient moneys will be  
5 available from such maturing principal and interest, together with any initial cash deposit,  
6 to pay at maturity or redeem, as the case may be, the refunded Series 2005 Bonds, to  
7 pay any applicable redemption premiums, and to pay interest when due on the Series  
8 2005 Bonds. Such portion of the net proceeds of the Refunding Bonds will be deposited  
9 in trust with the escrow deposit agent for the Refunding Bonds, pursuant to an escrow  
10 deposit agreement. The Mayor is hereby authorized to appoint an escrow deposit agent  
11 for the Refunding Bonds.  
12

13 6. The Refunding Bonds will be payable, first, from the amounts levied and deposited in the  
14 Tax Increment Fund created pursuant to the Tax Increment Financing Act and the  
15 Resolution; second, from the Garage Net Operating Revenues pledged by the City  
16 pursuant to the Indenture; third, to the extent the Tax Increment Fund and Garage Net  
17 Operating Revenues do not provide monies in an amount sufficient for payment of debt  
18 service on such Refunding Bonds and to the extent amounts are required for deposit in  
19 funds and accounts created within the Indenture to replenish deficiencies therein or are  
20 required to pay certain other expenses described in the Resolution, from the Special Tax  
21 to be levied and deposited in the Special Tax Fund; and fourth, to the extent the Tax  
22 Increment Fund, the Garage Net Operating Revenues and the Special Tax do not  
23 provide monies in an amount sufficient for payment of debt service on such Refunding  
24 Bonds and to the extent amounts are required for deposit in funds and accounts created  
25 within the Indenture to replenish deficiencies therein or are required to pay certain other  
26 expenses described in the Resolution, from the City pursuant to its general obligation  
27 pledge hereunder. Provisions may be made for municipal bond insurance or any other  
28 type of financial guaranty of the Refunding Bonds, if applicable.  
29

30 7. The Refunding Bonds authorized to be issued hereunder are a general obligation of the  
31 City and a pledge of the City's full faith and credit and taxing power in addition to the  
32 pledge of the levy of the Special Tax and the pledge of the levy of the Tax Increment as  
33 set forth in the Resolution and the pledge of the Garage Net Operating Revenues.  
34

35 8. The Refunding Bonds shall be executed in the name of the City and on its behalf by the  
36 Mayor, by manual or facsimile signature, the corporate seal of the City or a facsimile  
37 thereof shall be impressed or otherwise reproduced thereon and attested by the City  
38 Clerk of Annapolis (the "City Clerk") by manual or facsimile signatures and the Bonds  
39 shall be authenticated by the Trustee as may be required by law. The supplemental  
40 indenture to be entered into between the City and the Trustee and, where applicable, all  
41 other documents as the Mayor deems necessary to effectuate the issuance, sale and  
42 delivery of the Refunding Bonds of any series, shall be executed in the name of the City  
43 and on its behalf by the Mayor by manual signature, and the corporate seal of the City or  
44 a facsimile thereof shall be impressed or otherwise reproduced thereon and attested by  
45 the City Clerk by manual signature. If any officer whose signature or countersignature or  
46 a facsimile of whose signature or countersignature appears on the Refunding Bonds of  
47 any series or any of the aforesaid documents ceases to be such officer before the  
48 delivery of the Refunding Bonds of such series or any of the other aforesaid documents,  
49 such signature or countersignature or such facsimile shall nevertheless be valid and  
50 sufficient for all purposes, the same as if such officer had remained in office until  
51 delivery. The Mayor, the City Clerk and other officials of the City are hereby authorized

1 and empowered to do all such acts and things and execute such documents and  
2 certificates as the Mayor may determine to be necessary to carry out and comply with  
3 the provisions of this Ordinance, subject to the limitations set forth in the Special Tax  
4 District Act, the Tax Increment Financing Act, the Refunding Act and this Ordinance.  
5

6 9. In order to provide for the payment of principal of and interest on the Refunding Bonds  
7 hereby authorized when due, there shall be appropriated in the next ensuing fiscal year  
8 of Annapolis and in each fiscal year thereafter, so long as any of the Refunding Bonds  
9 are outstanding and unpaid, or until sufficient funds had been accumulated and  
10 irrevocably set aside under the Indenture for the purpose under the Indenture, an  
11 amount sufficient (together with the Tax Increment, the Garage Net Operating  
12 Revenues, the Special Tax and other available funds under the Indenture) to meet the  
13 debt service on the Refunding Bonds coming due in such fiscal year and there shall be  
14 levied ad valorem taxes upon all property within the corporate limits of the City subject to  
15 assessment for full City taxes, in rate and amount sufficient in each such year to fund  
16 such appropriations and to provide (together with the Tax Increment, the Garage Net  
17 Operating Revenues, the Special Tax and other available funds under the Indenture) for  
18 the payment when due of the principal of and interest on all of the Refunding Bonds  
19 maturing in each such fiscal year. In the event the proceeds from the taxes so levied in  
20 each such fiscal year shall prove inadequate for the above purposes, additional taxes  
21 shall be levied in the subsequent fiscal year to make up any deficiency.  
22

23 10. The Refunding Bonds shall be sold by public or private negotiated sale upon such terms  
24 (at, above, or below par) and conditions as the Mayor shall approve. The City Council  
25 deems it to be in the best interest of the City to authorize the Mayor to approve the  
26 manner of sale and the terms of the Refunding Bonds, within the limitations of the  
27 Special Tax District Act, the Tax Increment Financing Act, the Refunding Act, the  
28 Original Ordinance and this Ordinance.  
29

30 11. Subject to the provisions of this Ordinance, the Mayor may by executive order:  
31  
32 a. prescribe the form, tenor, terms and conditions of and security for the Refunding  
33 Bonds;  
34  
35 b. prescribe the principal amounts, rate or rates of interest (or the method or  
36 methods for determining the rate or rates of interest, which method may include,  
37 without limitation, periodic adjustment to the interest rate) which shall not exceed  
38 five percent (5.00 %) per annum, premiums, if any, denominations, date, maturity  
39 or maturities (within the limits prescribed in the Special Tax District Act, the Tax  
40 Increment Financing Act and the Refunding Act), and the time and place or  
41 places of payment of the Refunding Bonds, and the terms and conditions and  
42 details under which the Refunding Bonds may be called for redemption prior to  
43 their stated maturities;  
44  
45 c. approve the form and contents of, and provisions for the execution and delivery  
46 of, such financing or other documents that are not otherwise specifically identified  
47 in the Original Ordinance, this Ordinance or the Resolution, and any  
48 amendments, modifications or supplements thereto, as the Mayor shall deem  
49 necessary or desirable to evidence, secure or effectuate the issuance, sale and  
50 delivery of the Refunding Bonds, including, without limitation, any supplemental  
51 indenture, any amendment to the Contribution Agreement, agreements with

1 consultants to or agents of the City with respect to the District or the Refunding  
2 Bonds, any continuing disclosure agreement, fee agreements, funding  
3 agreements, investment agreements, security agreements, assignments,  
4 guarantees, financing agreements or escrow agreements;

5  
6 d. provide for the creation of security for the Refunding Bonds and provision for the  
7 administration of the Refunding Bonds including, without limitation, the  
8 appointment of such trustees, escrow agents, fiscal agents, administrators of the  
9 District, paying agents, registrars, rebate monitors or other agents as the Mayor  
10 shall deem necessary or desirable to effectuate the transactions authorized  
11 hereby;

12  
13 e. prepare and distribute, in conjunction with the underwriter, if any, for the  
14 Refunding Bonds, both a preliminary and a final official statement or other similar  
15 offering document in connection with the sale of the Refunding Bonds, if such  
16 preliminary official statement and final official statement or other similar offering  
17 document are determined to be necessary or desirable for the sale of the  
18 Refunding Bonds;

19  
20 f. determine the manner of sale of the Refunding Bonds, which may be either at  
21 public or private (negotiated) sale, the identity of the underwriter or placement  
22 agent for the Refunding Bonds, if any, or the purchaser or purchasers of the  
23 Refunding Bonds, and the form and contents of, and provisions for the execution  
24 and delivery of, any contract or contracts for the purchase and sale of the  
25 Refunding Bonds (or any portion thereof);

26  
27 g. determine the time of execution, issuance, sale and delivery of the Refunding  
28 Bonds and prescribe any and all other details of the Refunding Bonds;

29  
30 h. provide for the direct or indirect payment of all costs, fees and expenses incurred  
31 by or on behalf of the City in connection with the issuance, sale and delivery of  
32 the Refunding Bonds, including (without limitation) costs of printing (if any) and  
33 issuing the Refunding Bonds, the funding of reserves, legal expenses (including  
34 the fees of bond counsel) and compensation to any person performing services  
35 by or on behalf of the City in connection therewith; and

36  
37 i. do any and all things necessary, proper or expedient in connection with the  
38 issuance, sale and delivery of the Refunding Bonds in order to accomplish the  
39 legislative policy of the Special Tax District Act, the Tax Increment Financing Act,  
40 the Refunding Act and the public purposes of this Ordinance, subject to the  
41 limitations set forth in the Special Tax District Act and the Tax Increment  
42 Financing Act and any limitations prescribed in this Ordinance.

43  
44 12. The provisions hereinafter set forth in this Section shall be applicable only with respect  
45 to the Refunding Bonds of any series issued and sold hereunder on the basis that the  
46 interest on such Refunding Bonds will be excludable from gross income for federal  
47 income tax purposes.

48  
49 The Mayor and the Finance Director shall be the officers of the City responsible for the  
50 issuance of any Refunding Bonds hereunder within the meaning of the Arbitrage  
51 Regulations (defined herein). The Mayor and the Finance Director shall also be the

1 officers of the City responsible for the execution and delivery (on the date of issuance of  
2 the Refunding Bonds) of a Tax Certificate and Compliance Agreement of the City (the  
3 "Tax Certificate") which complies with the requirements of Section 148 of the Internal  
4 Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations  
5 thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and  
6 directed to execute the Tax Certificate and to deliver the same to bond counsel on the  
7 date of the issuance of the Refunding Bonds.  
8

9 a. The City shall set forth in the Tax Certificate its reasonable expectations as to  
10 relevant facts, estimates and circumstances relating to the use of the proceeds of  
11 the Refunding Bonds, or of any moneys, securities or other obligations to the  
12 credit of any account of the City which may be deemed to be proceeds of the  
13 Refunding Bonds pursuant to Section 148 or the Arbitrage Regulations  
14 (collectively, "Refunding Bond Proceeds"). The City covenants that the facts,  
15 estimates and circumstances set forth in the Tax Certificate will be based on the  
16 City's reasonable expectations on the date of issuance of the Refunding Bonds  
17 and will be, to the best of the certifying officials' knowledge, true and correct as of  
18 that date.  
19

20 b. The City covenants and agrees with each of the holders of any of the Refunding  
21 Bonds that it will not make, or (to the extent that it exercises control or direction)  
22 permit to be made, any use of the Refunding Bond Proceeds which would cause  
23 the Refunding Bonds to be "arbitrage bonds" within the meaning of Section 148  
24 and the regulations thereunder which are applicable to the Bonds on the date of  
25 issuance of the Refunding Bonds and which may subsequently lawfully be made  
26 applicable to the Refunding Bonds.  
27

28 c. The City further covenants that it shall make such use of the proceeds of the  
29 Bonds, regulate the investment of the proceeds thereof, and take other and  
30 further actions as may be required to maintain the excludability from gross  
31 income for federal income tax purposes of interest on the Refunding Bonds. All  
32 officers, employees and agents of the City are hereby authorized and directed to  
33 take such actions, and to provide such certifications of facts and estimates  
34 regarding the amount and use of the proceeds of the Refunding Bonds, as may  
35 be necessary or appropriate from time to time to comply with, or to evidence the  
36 City's compliance with, the covenants set forth in this Section.  
37

38 d. The Mayor, on behalf of the City, may make such covenants or agreements in  
39 connection with the issuance of Refunding Bonds issued hereunder as he shall  
40 deem advisable in order to assure the registered owners of such Refunding  
41 Bonds that interest thereon shall be and remain excludable from gross income  
42 for federal income tax purposes, and such covenants or agreements shall be  
43 binding on the City so long as the observance by the City or any such covenants  
44 or agreements is necessary in connection with the maintenance of the exclusion  
45 of the interest on such Refunding Bonds from gross income for federal income  
46 tax purposes. The foregoing covenants and agreements may include such  
47 covenants or agreements on behalf of the City regarding compliance with the  
48 provisions of the Internal Revenue Code of 1986, as amended, as the Mayor  
49 shall deem advisable in order to assure the registered owners of such Refunding  
50 Bonds that the interest thereon shall be and remain excludable from gross  
51 income for federal income tax purposes, including (without limitation) covenants

1 or agreements relating to the investment of the proceeds of such Refunding  
2 Bonds, the payment of rebate (or payments in lieu or rebate) to the United  
3 States, limitations on the times within which, and the purposes for which, such  
4 proceeds may be expended, or the use of specified procedures for accounting for  
5 and segregating such proceeds.  
6

7 e. Notwithstanding anything in this Ordinance or the Original Ordinance to the  
8 contrary, Refunding Bonds issued and sold hereunder may be issued and sold  
9 on the basis that the interest on such Refunding Bonds will not be excludable  
10 from gross income for federal income tax purposes.  
11

12 13. This Ordinance and the question of the issuance of the Refunding Bonds hereunder  
13 shall not be submitted to a referendum of the registered voters of the City, as permitted  
14 by law, unless, within ten (10) days after the passage of this Ordinance, there shall be  
15 served upon the Mayor a notice signed by not fewer than two hundred (200) of the  
16 registered voters of Annapolis, advising that a petition for a referendum on the issuance  
17 of the Refunding Bonds is being circulated by one or more of the persons signing said  
18 notice and unless, within twenty (20) days after the delivery of such notice, there shall  
19 also be filed with the Mayor a petition or petitions requesting the holding of such a  
20 referendum, properly signed as required by the Charter of the City (the "Charter"), by not  
21 fewer than twenty-five per centum (25%) of the registered voters of the City as shown by  
22 the registered voters books of the City, maintained by the Board of Supervisors of  
23 Elections. In view of the foregoing, no action shall be taken by the City pursuant to this  
24 Ordinance for a period of ten (10) days following its passage. If, within such ten (10) day  
25 period the notice above described is filed as aforesaid, then no action shall be taken by  
26 the City pursuant to this Ordinance for a period of twenty (20) days following the filing of  
27 such notice. If, within such twenty (20) day period, a petition for referendum, as above-  
28 described, shall be filed as aforesaid, then no action shall be taken by the City under this  
29 Ordinance unless and until the Mayor shall receive written advice from the City Attorney  
30 and the Board of Supervisors of Elections that such referendum petition does not meet  
31 the requirements of the Charter or unless and until the referendum requested in such  
32 petition shall be duly held in accordance with law and the Board of Supervisors of  
33 Elections shall certify to the City that, in the election at which such referendum is held, a  
34 majority of the registered voters of the City voting on the question referred duly cast their  
35 ballots in favor of the issuance of the Refunding Bonds hereby authorized. If this  
36 Ordinance shall be ratified or approved on any such referendum, then the Mayor and  
37 City Clerk may proceed with the issuance of the Refunding Bonds hereby authorized,  
38 without further action by the City.  
39

40 14. Any approvals, authorizations, or activities provided in this Ordinance shall not  
41 constitute, be deemed to constitute, or imply that the City Council, the Mayor, or any  
42 department, office or agency of the City approves, favors, authorizes, or consents to any  
43 action or activity within or required for the development or operation of the District,  
44 including any land use approval, requirements for the provision of public utilities or  
45 services, or any administrative, judicial, quasi-judicial, or legislative action.  
46

47 15. This Ordinance shall be supplemental to and shall amend the Original Ordinance, and all  
48 references in the Original Ordinance to "this Ordinance" and all references in the  
49 Resolution to "the Ordinance" shall mean the Original Ordinance as amended and  
50 supplemented by this Ordinance.  
51

1 16. The provisions of this Ordinance shall be liberally construed in order to effectuate and  
2 carry out the purposes of and the activities authorized by the Tax Increment Financing  
3 Act, the Special Tax District Act and the Refunding Act and the matters contemplated by  
4 this Ordinance.

5  
6 17. The provisions of this Ordinance are severable, and if any provision, sentence, clause,  
7 paragraph or part hereof is held or determined to be illegal, invalid or unconstitutional or  
8 inapplicable to any person or circumstances, such illegality, invalidity or  
9 unconstitutionality or inapplicability shall not affect or impair any of the remaining  
10 provisions, sentences, clauses, paragraphs or parts of this Ordinance or their application  
11 to other persons or circumstances. It is hereby declared to be the legislative intent that  
12 this Ordinance would have been passed if such illegal, invalid, unconstitutional or  
13 inapplicable provision, sentence, clause, paragraph or part had not been included  
14 herein, and if the person or circumstances to which this Ordinance or any part hereof are  
15 inapplicable had been specifically exempted herefrom.

16  
17 18. This Ordinance shall take effect upon this Ordinance being signed by the Mayor, on or  
18 following the date of its passage by the City Council.

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

22  
23  
ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

24  
25  
26 **EXPLANATION**

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

**Staff Report**

**Ordinance O-30-13**

**Issuance of General Obligation Refunding Revenue Bonds**

The City has determined that debt service savings on a direct comparison and a present-value basis can be achieved by refunding all or a portion of the Series 2005 Bonds A & B, Special Obligation Bonds (Park Place Project), and that such refunding is in the best interest of the City and is consistent with the City's long-term financial plan. The opportunity to refund these Bonds for meaningful savings is a result of favorable market conditions and improved credit quality.

Prepared by: Melissa Lehman, Senior Accountant, Finance Department; 410-263-3411.



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/11/13

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

The Finance Committee has reviewed 0-30-13 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Arnett yes

Ald. Pfeiffer yes

Meeting Date 7/11/13

Signature of Chair Heidi M. Finlayson



City of Annapolis  
Financial Advisory Commission  
Referral Action Report

---

Date: July 17, 2013

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

The Financial Advisory Commission has reviewed O-30-13 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Meeting Date: July 11, 2013

Signature of Chair: /s/ Frederick C. Sussman

## FISCAL IMPACT NOTE

**Legislation No:** O-30-13

**First Reader Date:** 7-8-13

**Note Date:** 7-15-13

**Legislation Title:** **Issuance of General Obligation Refunding Revenue Bonds**

**Description:** For the purpose of refunding Special Obligation Bonds (Park Place Project), Series 2005A and 2005B, to create a significant savings for the City.

**Analysis of Fiscal Impact:** This legislation would result in the following financial implications:

- Assuming a 50-50 split between a tax-exempt and taxable series, there are attractive debt service savings:
  - Debt Service Savings - \$4.2M
  - Net Present Value Savings - \$3.18M
  - Percent Savings – 15.5%
  - Average Annual Savings - \$191,000
  
- Assuming a 100% tax-exempt issue, the savings are more significant
  - Debt Service Savings - \$6.1M
  - Net Present Value Savings - \$4.7M
  - Percent Savings – 23.1%
  - Average Annual Savings - \$277,700

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-26-13**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/20/13			8/16/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/20/13		
Finance	5/20/13		

**A RESOLUTION** concerning

**Special Event Applications - III**

**FOR** the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving fees for the Eastport Yacht Club Lights Parade and the Grand Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved events.

**WHEREAS,** the Annapolis City Council adopted R-14-12 on April 23, 2012 that enacted a moratorium on administrative approvals of major special events at City Dock; and

**WHEREAS,** R-14-12 shall expire on April 23, 2013 or on the effective date of a forthcoming comprehensive special event ordinance (see pending ordinance O-4-13); and

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

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

1 **WHEREAS,** the following applicants seek to hold special events in the City in 2013  
 2 (complete details are included in the attached staff report);  
 3 • Annapolis Striders (10-mile Run: August 25)  
 4 • Chesapeake Bay Yacht Racing Association (CBYRA) (Annapolis Race  
 5 Week: August 31-September 2)  
 6 • Annapolis High School (Homecoming Parade: October 25)  
 7 • Maritime Republic of Eastport (Tug of War: November 2)  
 8 • Semper Fi Fund (John Ripley Memorial Race: November 10)  
 9 • Second Wind Productions (Annapolis Running Classic: November 23)  
 10 • Annapolis Jaycees (Grand Illumination: December 1)  
 11 • Eastport Yacht Club (Lights Parade: December 14).  
 12

13 **NOW THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
 14 Council authorizes the above special events and exempts from the R-14-12 moratorium the  
 15 Annapolis Striders 10-mile Run, the Annapolis High School Homecoming Parade, the Maritime  
 16 Republic of Eastport Tug of War, the Semper Fi John Ripley Memorial Race, the Second Wind  
 17 Productions Annapolis Running Classic, and the Eastport Yacht Club Lights Parade.  
 18

19 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that sales of  
 20 merchandise in the Historic District are allowed in conjunction only with the approved special  
 21 events (CBYRA Annapolis Race Week and the Maritime Republic of Eastport Tug of War) and  
 22 in the geographic location(s) of the approved special events.  
 23

24 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there shall be  
 25 a waiver of fees for the Grand Illumination and the Eastport Yacht Club Lights Parade.  
 26

27 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that there shall be  
 28 no waiver of full fees for any other approved special event in this resolution. Notwithstanding  
 29 any other provision of law, the Director of Finance shall determine the full fees incurred by the  
 30 City government and the organizers of the event shall reimburse the City for full fees.  
 31

32 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that a  
 33 representative of the City will be present to resolve matters relating to these special events and  
 34 his/her cell phone number shall be posted on the City's website during the hours the event is  
 35 open to the public.  
 36

37 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
 38

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.

39  
 40  
 41  
 42  
 43

## Staff Report

R-26-13

### Special Event Applications

The proposed resolution would authorize Council approval of the following special events under the three categories, below:

- Vendor Sales in the Historic District [Chapter 7.40.090 A.]
- Moratorium on Administrative Approvals of Major Special Events at City Dock [R-14-12]
- Waiver of fees [Chapter 6.04.210 D.4.]

#### **The Annapolis Striders**

**Event:** Annapolis Ten-Mile Run

**Council Action:** Moratorium on Administrative Approvals (road closures)

**Sales:** Stadium only

**Location:** Navy-Marine Stadium

**Dates:** Sunday, August 25, 2013 (grandfathered under policy of No-Sunday races)

**Event Time:** 7:00 a.m.-9:45 a.m.

**Property Use Time:** 3:00 a.m.-10:00 a.m.

**Participants:** 4,700 runners

**Attendees:** visitors to and residents of Annapolis

**Admission fee:** \$65.00 to race participants; free to attendees

**Street closures:** see route narrative below

**Posted no parking:** none

**Amplified music:** Navy-Marine Stadium

**Food/Beverage:** food and beverage (alcoholic and non-alcoholic); merchandise

**City Services:** full cost paid

- 1) DNEP: Exempt Peddlers permit to sell event merchandise; temporary structures
- 2) APD: police for traffic control and road closures
- 3) AFD: EMS service at start/finish
- 4) ABC Board: alcoholic beverage license

#### **Detailed Run Route Narrative Description**

- Exit Stadium West Parking lot and turn right onto Taylor Ave.
- Turn Right onto Cedar Park Rd.
- Turn Right onto Farragut Rd.
- Turn Right onto Rowe Blvd.
- Bear Right around East side of Church Cir.
- Bear Left off Church Cir. Onto Main St.
- Turn Left onto Randall St.
- Turn Left onto King George St.

- Turn Right onto Rt. 450, cross Naval Academy Bridge
- Bear Right onto Homewood Rd.
- Turn Left onto Homewood Rd.
- Turn Left onto Ferry Farms Rd.
- Turn Right onto Elmwood Rd.
- Turn Right onto Rt. 648
- Bear Left onto Rt. 648
- Reverse at Rt. 50
- Turn Right at Severn Ridge Rd. to Rt. 450
- Merge onto Rt. 450, Cross Naval Academy Bridge
- Turn Left onto Taylor Ave.
- Cross Rowe Blvd. to South Stadium entrance
- Turn Right onto grass on south side of stadium
- Turn Right into West Stadium Parking lot
- End in front of Stadium banquet facility on West Side

## **CBYRA**

**Event:** CBYRA Annapolis Race Week

**Council Action:** Vendor Sales in Historic District

**Sales:** event related merchandise

**Location:** Susan Campbell Park

**Date:** Saturday-Monday, August 31-September 2, 2013

**Event Time:** Noon-9 p.m.

**Property Use Time:** Setup 8 a.m. Friday, August 30; Breakdown 12:00 p.m. Tuesday, September 3, 2013

**Participants:** CBYRA members and volunteers

**Attendees:** race participants and guests

**Street closures:** None

**Post no parking:** No

**Admission fee:** None

**City Services:** full cost paid

1) DNEP: Exempt peddlers permit to sell in Historic District

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

## **Annapolis High School**

**Event:** Homecoming Parade

**Council Action:** Moratorium on Administrative Approvals (road closure)

**Sales:** none

**Posted no parking:** 10 metered parking Calvert St. between West St. and Northwest St.

**Location:** Calvert St. to West St. to Main St. to Randall St.

**Dates:** Friday, October 25, 2013

**Event Time:** 5:30-6:15 p.m.

**Property Use Time:** 4:45-6:15 p.m.

**Participants:** Annapolis HS Marching Band

**Attendees:** visitors to and residents of Annapolis

**Admission fee:** public, none

**Street closures:** Calvert St. at West; West St to Church Circle; Church Circle; Main St.;  
Randall St. (rolling close/open)

**Amplified music:** none

**Food:** none

**City Services:** paid in full

- 1) ADOT: posting of 10 parking meters and lost revenue
- 2) APD: traffic management and road closures

EMS service provided within normal AFD 911 service.

## **The Maritime Republic of Eastport (MRE)**

**Event:** Tug of War

**Council Action:** Vendor Sales in Historic District; Moratorium on Administrative Approvals  
(posted no parking)

**Sales:** food and beverages (alcoholic and non-alcoholic); merchandise

**Location:** Susan Campbell Park; City Dock

**Date:** Saturday, November 2, 2013

**Event Time:** 10:00 a.m.-5:00 p.m.

**Property Use Time:** Setup 8 a.m.; Breakdown 6:00 p.m.

**Participants:** MainStreets Partnership and MRE volunteers; Tug participants

**Attendees:** open to the general public

**Street closures:** None

**Post no parking:** 36 metered parking spaces City Dock; 2<sup>nd</sup> St. Eastport

**Admission fee:** None

**Amplified music:** Susan Campbell Park; 2<sup>nd</sup> St., Eastport

**City Services:** full cost paid

- 1) DNEP: Exempt peddlers permit to sell in Historic District; temporary structures permit
- 2) ADOT: posting of no parking labor and recovered cost
- 3) ABC Board: alcoholic beverage license
- 4) APD: two officers on site at Susan Campbell Park and Eastport

EMS service provided within normal 911 service.

## **Semper Fi Fund**

**Event:** 5<sup>th</sup> Annual John Ripley Memorial Race

**Council Action:** Moratorium on Administrative Approvals (road closure)

**Sales:** none

**Posted no parking:** none

**Location:** Navy-Marine Corps Stadium

**Dates:** Sunday, November 10, 2013

**Event Time:** 9-10 a.m.

**Property Use Time:** 6 a.m.-10:30 a.m.

**Participants:** Semper Fi Fund volunteers and event runners

**Attendees:** visitors and residents of Annapolis

**Admission fee:** public, none

**Street closures:** Route below; in City Dock: Randall Street from Main to Prince George Street

**Amplified music:** at Stadium only—pre-recorded music; announcements

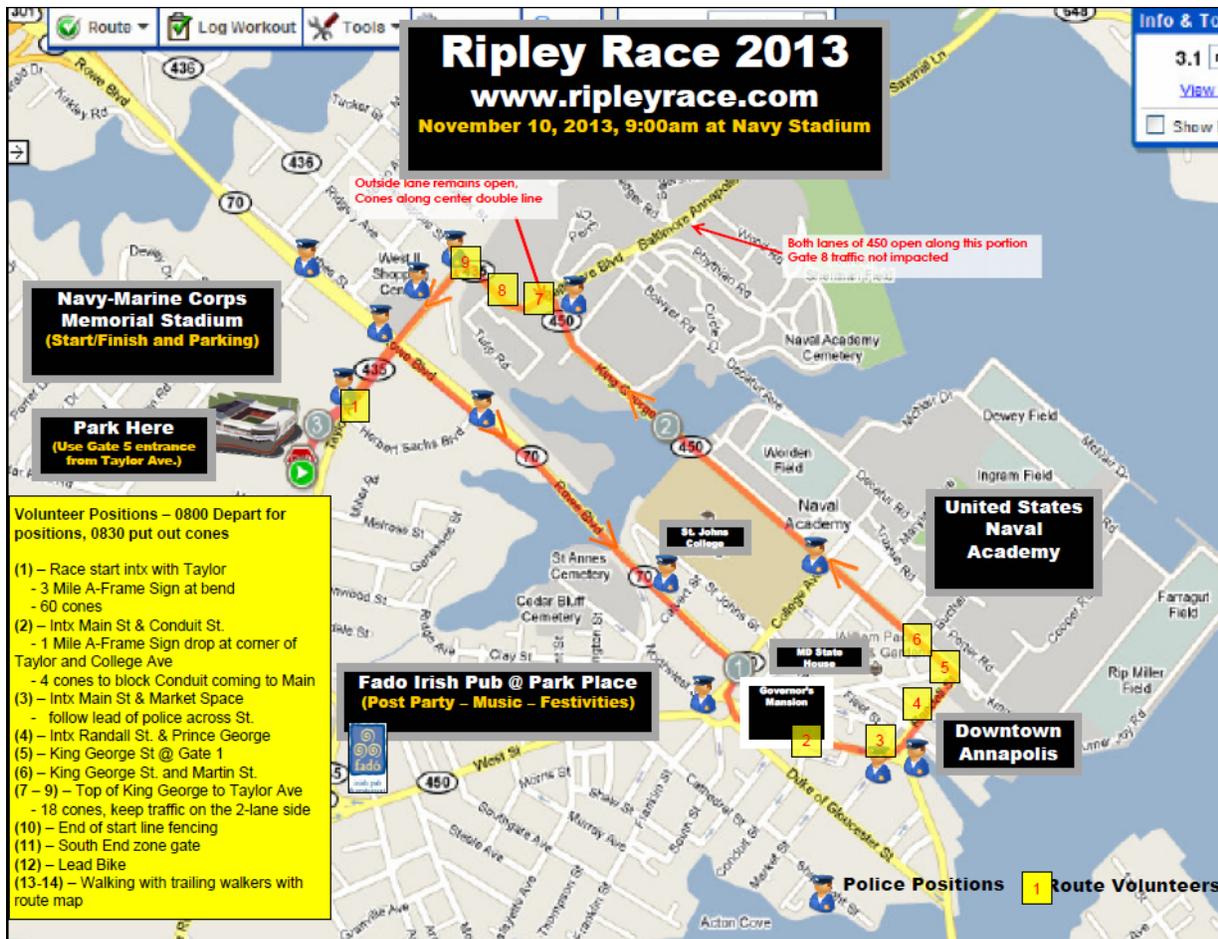
**Food:** none served or for sale

**City Services:** full cost paid

1) APD: Police route management

2) AFD: EMS on site

**RUN ROUTE:** below (start and finish only in City)



## Second Wind Productions

**Event:** Annapolis Running Classic (previously TCS Half Marathon)

**Council Action:** Moratorium on Administrative Approvals (posted no parking)

**Sales:** Navy-Marine Stadium only

**Location:** Navy-Marine Stadium

**Dates:** Saturday, November 23, 2013

**Event Time:** 7:30 a.m.-10:00 a.m.

**Property Use Time:** 3:30 a.m.-10:15 a.m.

**Participants:** 4,000 runners

**Attendees:** visitors to and residents of Annapolis

**Admission fee:** \$70 to race participants; free to attendees

**Street closures:** see route narrative below

**Posted no parking:** none

**Amplified music:** Navy-Marine Stadium

**Food/Beverage:** food and beverage (alcoholic and non-alcoholic); merchandise

**City Services:** full cost paid

1) DNEP: Peddlers permit to sell event merchandise; temporary structures



## **Annapolis Jaycees**

**Event:** Grand Illumination

**Council Action:** Waiver of Fees

**Sales:** none

**Posted no parking:** 23 metered parking spaces

**Location:** Market Space

**Dates:** Sunday, December 1, 2013

**Event Time:** 5:00-8:00 p.m.

**Property Use Time:** 3:30-9:00 p.m.

**Participants:** Jaycees volunteers

**Attendees:** visitors to and residents of Annapolis

**Admission fee:** none, open to the public

**Street closures:** Market Space from Main Street to Fleet Street

**Amplified music:** pre-recorded music; announcements

**Food:** hot chocolate for a donation to the Jaycees

**City Services:** paid in full

- 1) Special Event application
- 2) Solicitors' Permit

**City Services:** Request for waiver of cost

- 1) APD: Police traffic management; road closure
- 2) ADOT: posting of no parking and recovery of cost

EMS service provided within normal AFD 911 service.

## **Eastport Yacht Club**

**Event:** 31<sup>st</sup> Annual Eastport Yacht Club Lights Parade

**Council Action:** 1) Waiver of dockage fees and electricity for boat decorating; parking spaces for boat parade decorating participants; 2) Moratorium on Administrative Approvals (no parking posted)

**Sales:** none

**Posted no parking:** 20 spaces at Susan Campbell Park, 2 days on December 14-15, 2013

**Location:** Susan Campbell Park; seawall at Dock Street; dingy dock area; seawall beside Fawcett's

**Dates:** Saturday, December 14

**Event Time:** 9-10 a.m.

**Property Use Time:** 12:00 p.m. December 12 to 12:00 p.m. December 15

**Participants:** boat owners with their boats

**Attendees:** visitors and residents of Annapolis

**Admission fee:** public, none

**Street closures:** none  
**Amplified music:** none  
**Food:** none

**City Services:**

- 3) ADOT: posting of 20 Circulator: normal route; adjusted times possible
- 4) Harbormaster: dockage fee waiver requested

Police service provided within normal APD patrols; EMS service provided within normal AFD 911 service.

Prepared by Michelle LeFurge, Special Events Coordinator at [mmleforge@annapolis.gov](mailto:mmleforge@annapolis.gov).

**Mayor Cohen Amendment  
R-26-13  
Special Event Applications III**

*Intent of the amendment is to add the event - Drum Corps Associates Kickoff at the Dock to the resolution.*

**Event Details**

**DRUM CORPS ASSOCIATES**

**Event:** Drum Corps Associates Kickoff at the Dock!

**Council Action:** Vendor Sales in Historic District

**Sales:** tickets to drum corps event Labor Day weekend

**Location:** Susan Campbell Park

**Date:** Thursday, August 29, 2013

**Event Time:** 5:00pm

**Property Use Time:** Setup 2:00-8:00pm, August 29, 2013

**Participants:** Drum Corps from around the United States; Convention and Visitors Bureau, City officials

**Attendees:** residents and visitors to Annapolis; guests and family of the Drum Corps members

**Street closures:** None

**Post no parking:** yes

**Admission fee:** None

**Amendment #1**

Page 2, Line 4

Insert: DRUM CORPS ASSOCIATES (KICKOFF AT THE DOCK: AUGUST 29)

**Amendment #2**

Page 2, Line 21

After "week," insert: DRUM CORPS ASSOCIATES



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/11/13

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

The Finance Committee has reviewed R-26-13 and has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Finlayson, Chair yes

Ald. Arnett yes

Ald. Pfeiffer yes

Meeting Date 7/11/13

Signature of Chair Sheela M. Finlayson



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 7/15/13

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

The Economic Matters Committee has reviewed R-26-13 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. Budge yes

Meeting Date 7/15/13 Signature of Chair Shirley M. Finlayson

## FISCAL IMPACT NOTE

**Legislation No:** R-26-13

**First Reader Date:** 5-20-13

**Note Date:** 6-4-13

### **Legislation Title: Special Event Applications -III**

**Description:** For the purpose of authorizing City Council approval of selected special events per R-14-12, implementing a moratorium on administrative approvals for events at City Dock; designating specific dates for the sale of merchandise in the Historic District in conjunction with only the approved special events; waiving City fees for the Eastport Yacht Club Lights Parade and the Grand Illumination; and the reimbursement of full fees to the City for the cost associated with the other approved events.

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

The following events are included in this legislation

The Annapolis Striders – This group will pay full costs for police traffic control and road closures, EMS service at start and finish, and will obtain and pay for an alcoholic beverage license, exempt –peddlers license, and temporary structures permit.

CBYRA – There will be no street closures, no reservation of parking spaces, and normal police and fire service. CYBRA will be required to get a special event exempt peddler's permit for which there is no fee. Issuing an exempt peddler' permit uses minimal City resources and has little fiscal impact.

The Maritime Republic of Eastport (MRE) – This group will pay full costs for posting of no parking signs and 36 metered parking spaces at City Dock and at Second St. in Eastport, an exempt peddlers permit, temporary structures permit, alcoholic beverage license, and two officers on site at Susan Campbell Park and Second St. in Eastport.

Semper Fi Fund – Costs associated with closing the race route and EMS services will be reimbursed to the City.

Second Wind Productions -All City costs will be paid including a peddlers permit, temporary structures permit, police for traffic control and road closures, EMS services at start and finish, an alcoholic beverage license.

Annapolis Jaycees - A waiver of costs for police traffic management and road closure, estimated at \$1,650, and posting of no parking signs and lost parking revenue, estimated at \$230 for the Grand Illumination has been requested. The organization will pay for the special event application and solicitors' permit. EMS service will be provided within normal services.

Eastport Yacht Club Lights Parade – This legislation proposes waiver of dockage fees, electricity for boat decorating, police services and parking spaces for parade participants at Susan Campbell Park, the seawall at Dock Street, the dingy dock area and the seawall beside Fawcett's from noon December 12 through noon December 15. ADOT will provide Circulator service with some adjusted times possible. Lost revenues to the City include \$430 for 635 linear feet of dock at winter storage rates, and \$760 for 20 parking spaces. Electricity charges depend on the amp outlet size needed, the number of boats and the size of the boats, and is estimated at \$320. Police services are estimated at \$3,850. Total cost to the City will be around \$5,360 if the waiver is granted. EMS will be provided within normal service.

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-31-13**

**Introduced by: Mayor Cohen**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/8/13			10/4/13
Referred to	Referral Date	Meeting Date	Action Taken
Housing and Community Welfare	7/8/13		

**A RESOLUTION** concerning

**Designation of Annapolis as a Sustainable Community**

**FOR** the purpose of supporting the designation of Annapolis as a Sustainable Community, pursuant to the attached Sustainable Community map and Sustainable Community Plan (the "Plan,") as further described in the Sustainable Community Application (the "Application"), for approval either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through the Smart Growth Sub-Cabinet of the State of Maryland.

**WHEREAS,** the Annapolis City Council recognizes that there is a significant need for reinvestment in the communities in Annapolis; and

**WHEREAS,** the Annapolis City Council proposes to (i) designate the areas in the City, as outlined on the attached map (the "Area"), as a Sustainable Community, and to (ii) adopt the Plan, as further described in the Application, for the purposes of contributing to the reinvestment in the Area; and

**WHEREAS,** the Area is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act; and

**WHEREAS,** the applicable law and the Community Legacy Program regulations require a local government to submit an application to the Department in order to become a designated Sustainable Community, and to adopt a satisfactory Sustainable Community Plan in order to be eligible to receive financial assistance under the Community Legacy Program;

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that it hereby (i) endorses the designation of the Area as a Sustainable Community; and (ii) adopts the Sustainable Community Plan described in the Application.

1 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the chief  
2 elected executive official is hereby requested to endorse this Resolution, indicating his approval  
3 by signature hereof.  
4

5 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the following  
6 persons are hereby authorized to execute documents and take any action necessary to carry out  
7 the intent of this Resolution.  
8

9 **AND, BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Clerk  
10 shall send copies of this Resolution to the Secretary of the Department of Housing and  
11 Community Development of the State of Maryland for consideration by the Smart Growth Sub-  
12 Cabinet.  
13

14  
15 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
16  
17

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

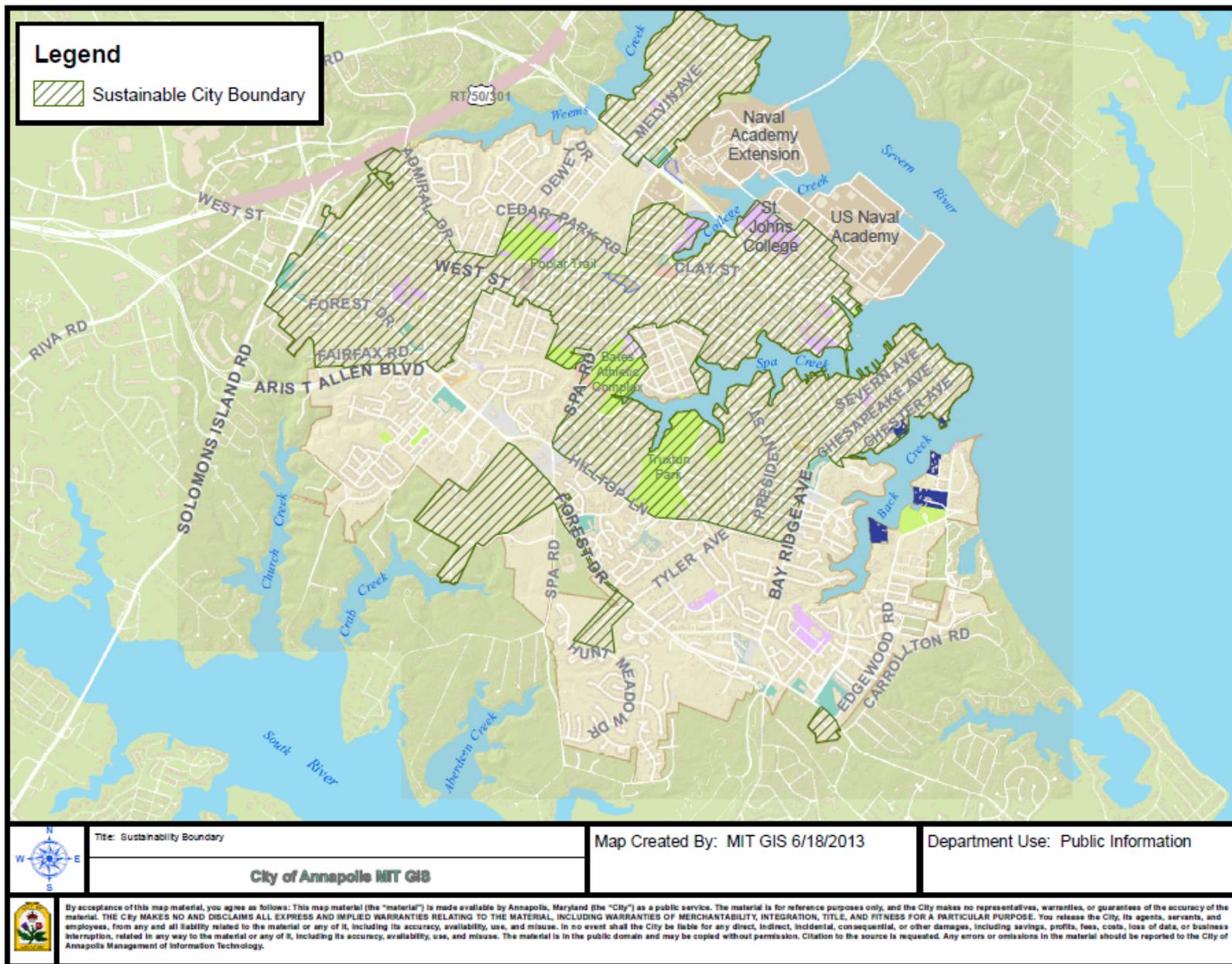
\_\_\_\_\_  
Joshua J. Cohen, Mayor

18  
19  
20 **Explanation:**

21 CAPITAL LETTERS indicate matter added to existing law.

22 [brackets] indicate matter stricken from existing law.

23 Underlining indicates amendments.



## **Staff Report**

**R-31-13**

### **Designation of Annapolis as a Sustainable Community**

The Maryland Sustainable Communities Act of 2010 created a program for consolidating areas identified for State revitalization investments into “Sustainable Communities Areas.” The main State programs that identify Sustainable Community Areas as a target for priority or enhanced consideration are Community Legacy Areas, Designated Maryland Main Streets, Local Historic Districts, National Register Historic Districts, Arts and Entertainment Districts, and Designated Neighborhoods. The number of program resources focused in these areas may expand. The purpose of the new, consolidated designation is to simplify program administration for the State and for program users.

Prepared by Sally Nash, Chief of Comprehensive Planning, Planning and Zoning Department at [SNash@annapolis.gov](mailto:SNash@annapolis.gov) or (410) 263-7961 and Jessica Cowles, Legislative and Policy Analyst, Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or (410) 263-7954.

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**CHECKLIST & TABLE OF CONTENTS**

**APPLICANT:** City of Annapolis

**NAME OF SUSTAINABLE COMMUNITY:** Annapolis

**Please review the checklist of attachments and furnish all of the attachments that are applicable. Contents of the notebook should be tabbed and organized as follows:**

- TAB #1    Applicant Information**
  
- TAB #2    Sustainable Community Baseline Information - In addition to hard copies of the project location map, a detailed listing of parcels (i.e. Parcel ID Numbers) that form the project boundary should be included. Maps should also be submitted in electronic GIS form (shape file). If you have additional comments or questions, please contact Brad Wolters, Senior GIS Specialist, DHCD, wolters@mdhousing.org.**
  
- TAB #3    Local Capacity to Implement Plans & Projects: Attach Sustainable Communities Workgroup roster noted in Section III**
  
- TAB #4    Sustainable Community Plan**
  
- TAB #5    Progress Measures**
  
- TAB #6    Local Support Resolution**
  
- TAB #7    Signed Sustainable Community Application Disclosure Authorization and Certification**

**All documents on this checklist are mandatory.  
Failure to provide the requested document will automatically deny your application.**



## **II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

Through this section, applicants will demonstrate that trends and conditions in homeownership, property values, employment, commercial and residential vacancy, community facilities and infrastructure, natural resources, the local business and residential districts show a need for new or continued revitalization reinvestment. Demographic data and trends provided by Applicants should support the choice of the proposed Sustainable Community Area boundary and help form a basis for needs and opportunities to be addressed through the initiatives and projects described in the Sustainable Community Action Plan (Section IV).

POINTS IN THIS SECTION WILL BE AWARDED BASED ON THE SC AREA'S NEED FOR REINVESTMENT AS EVIDENCED BY THOROUGH DESCRIPTIONS OF CURRENT CONDITIONS OR TRENDS (and will not be based upon current or planned revitalization activities which will be covered in Section IV).

### **A. Proposed Sustainable Community Area (s):**

**County:** Anne Arundel

**Name of Sustainable Community:** Annapolis

**Include boundary descriptions and a map of the Sustainable Community. In addition to hard copies of the of the project location map, a detailed listing of parcels (i.e. Parcel ID Numbers) that form the project boundary should be included. If possible, maps should also be submitted in electronic GIS form (shape file). If you have additional comments or questions, please contact Brad Wolters, Senior GIS Specialist, DHCD, [Wolters@MdHousing.org](mailto:Wolters@MdHousing.org)**

The proposed Sustainable Communities Area is the combination of Community Legacy Areas, Main Street Designated Neighborhoods, the Local and National Register Historic District, the Arts and Entertainment District, Designated Neighborhoods, and Opportunity Areas from the City's Comprehensive Plan. The proposed area includes downtown Annapolis with its wealth of historic buildings; Eastport and the West Annapolis neighborhood, both of which are a blend of commercial and residential areas where there are opportunities for neighborhood conservation and research; West Street and Clay Street, the City's core revitalization areas; and areas where outreach to the underserved and capital improvements are necessary.

**II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

Approximate number of acres within the SC Area: 2,204

Existing federal, state or local designations (check all that apply):

- Community Legacy Area
- Designated Neighborhood
- Main Street
- Maple Street
- Local Historic District
- National Register Historic District
- A & E District
- State Enterprise Zone Special Taxing District
- BRAC
- State Designated TOD
- Other(s): \_\_\_\_\_

## II. SUSTAINABLE COMMUNITY BASELINE INFORMATION

### Prior Revitalization Investments & Smart Growth:

**(a) List and describe any significant State and local smart growth or revitalization related program investments (for instance, Community Legacy or SC Rehab Tax Credit) that have been invested in the Area since the launching of Maryland's Smart Growth initiative and programs in 1997 (including Housing investment). What impact have these investments made in the community? (Answer Space 4,000 characters)**

Since 1997, the City of Annapolis has received significant state and local Smart Growth-related investments:

#### Community Development Administration Financing

By 1997, the City of Annapolis had made major investments in its public and subsidized housing inventory. The following properties have been either rehabilitated, totally redeveloped or newly constructed with \$58,760,739 in financing from DHCD's Low Income Housing Tax Credits and other CDA Programs: Bloomsbury Square, Annapolis Gardens, Bowman Court, College Creek Terrace, Obery Court, Bay Ridge Gardens, Woodside Gardens, Admiral Oaks Apartments, Homes at the Glen, Bay Forest Senior Apartments, and Wiley H. Bates Senior Apartments.

#### Community Legacy Program

Annapolis has two Community Legacy areas: Clay Street, and the Bates neighborhoods. Both areas have received significant investments totaling \$1,886,225. The Community Legacy Program and Plan provided the needed infusion of capital funds to revitalize and continue meeting the goals established by the city and the community in the Community Legacy Plans, particularly in the Clay Street neighborhood.

The City was able to improve housing conditions and increase homeownership in the Clay Street neighborhood. Approximately 50 percent of the privately owned single-family residences were improved and approximately 45 homeownership opportunities were generated because of this investment. The City completed the renovation of Town Pines Court, 22-unit townhouse development built during urban renewal. Moreover, the housing authority is redeveloping 164 units of substandard public housing and converting the still low and moderate-income units to private ownership and management. This endeavor has had the most impact on the housing conditions in the neighborhood.

Other revitalization efforts for Clay Street included constructing a gateway into this historic neighborhood by building a kiosk depicting the history of the neighborhood, installing brick crosswalk, streetlights and hanging flower baskets at the entrance of the neighborhood. In addition, community capacity improved with the addition of two homeowners association and a newly formed community development corporation.

#### Main Street Program

In 2008, the City of Annapolis became part of the statewide network of Maryland Main Street Communities and in 2009 the Downtown Annapolis Partnership, the governing board for the Annapolis Main Street Program, successfully incorporated as a 501 c 3. This board is now known as the MainStreet Annapolis Partnership. In fiscal year 2010 the city council earmarked \$30,000 funding to this group. In 2008, the City also administered a façade improvement grant program for the Main Street Area. More than \$20,000 was made available to more than 15 properties that applied for the funding during the year. The funding was available from matching state and city sources.

#### Maryland Sustainable Communities Tax Credit Program

Since 1997, the City has facilitated this State tax credit program for a total of 123 rehabilitation projects. For residential properties, there were 112 projects with \$11 million of final rehabilitation costs and more than \$2.3 million in tax credits. For commercial projects, there were 11 projects with \$23 million of final rehabilitation costs and more than \$4.6 million in tax credits.

#### Neighborhood Business Works

Annapolis designated the West Street Corridor as a "Designated Revitalization Area" in 1997. As a result, city business have received \$1,001,900 in Neighborhood Business Works loans for six successful business including Herrmann Advertising, Tsunami West Street and West Village.

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## **II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

**(b) Describe any existing barriers to Smart Growth that may affect your jurisdiction or the proposed SC Area. For instance, does your area have higher development fees than outer “cornfields”?**

*(Answer Space 4,000 characters)*

The entirety of the City of Annapolis is located in a Priority Funding Area—therefore, it can be argued that any development within the City is Smart Growth. The barriers that do exist consist mainly of the costs of doing business in a location where the majority of development is infill development. This includes providing stormwater management and Chesapeake Bay Critical Area mitigation. It also includes the cost of working in a historic district where the quality of construction can require specialized trade and materials.

Another barrier is that 20% of the City’s property is non-taxable because it belongs either to the Federal, State, or County Government; the Board of Education; or to a Church or other non-profit. Each year, the City loses approximately \$56.5 million in property dollars to these land parcels. In addition, the costs for services to accommodate the several million visitors to our State Capital and historic landmark city are borne by 38,000 residents. The City simply cannot depend on residential property tax dollars alone to meet its goals for its citizens and to lessen barriers to Smart Growth.

## II. SUSTAINABLE COMMUNITY BASELINE INFORMATION

### **B. Community Conditions: Strengths and Weaknesses**

**(1) Describe the strengths and weaknesses in the proposed Area's existing built environment. For example, what is the condition of housing? Are there underutilized historic buildings and cultural places? What is the condition and availability of community parks and recreational assets? Are there transportation assets? What is the current condition of community infrastructure such as roads and lighting? (Answer Space 4,000 characters)**

Annapolis neighborhoods vary widely in age, character, and level of affluence. From the historic homes and quaint streets downtown, to the post-WWII neighborhoods of Admiral Heights, Germantown, and Homewood, and the newer neighborhoods along Forest Drive, almost every era of home-building in America is represented in Annapolis. Most neighborhoods have their own story and history. Some neighborhoods overlook the creeks and bridges of Annapolis. For other neighborhoods, parks, schools, or commercial corridors are the primary focus.

Annapolis housing stock includes a large number of historic homes. The median age of construction for homes in Annapolis is 1968, but the age of houses varies considerably. Many of the older homes outside of the historic core are at risk of replacement because they do not offer the size or amenities desired in today's housing market.

Some of the strengths in the built environment include:

- Availability of subsidized housing available for low and moderate income households
- Attractive neighborhoods
- Waterfront setting
- Accessible community parks and recreational assets

There are currently underutilized historic buildings and cultural places in Annapolis. The National Historic Landmark Colonial Annapolis Historic District has not been adequately surveyed since its designation in 1965. Many of the properties have no intensive level survey forms completed. As well, many of the properties surveyed in 1983 for the National Register of Historic Places designation have not been resurveyed. Outside of the designated National Register District, there has been no other survey work completed for the City.

Additionally, while there are believed to be a large number of properties associated with African-American and Filipino history in Annapolis, no thematic studies have been complete related to those communities. The same can be said of the Maritime history. Nor has a comprehensive cultural landscape survey been completed for the City's Historic District.

Regarding underutilized public assets in the Historic District, the vacated Recreation Center, previously constructed as a USO facility, has no planned use and no Historic Structures Report has been completed for the property. It is estimated that approximately \$1.2 million is needed for a basic rehabilitation program. The Maynard Burgess House, an 18th Century African-American property is also sitting vacant with a minimal amount of funding awarded for structural and interior improvements.

The community has a wide and extensive transportation network dating back to the Colonial era. There are some advantages and some disadvantages to having a system that has been in place for many years. The transportation assets within the community do provide for safe, reliable and economical choices for residents, employees, and visitors. Other strengths include a robust transit system featuring five fixed route services, a paratransit service and a free downtown trolley service. The transit system provides services within the City and the region. Three-quarters of all City residents live within a five-minute walk of a bus stop. In addition, the City is served by Maryland Transit Administration routes, commuter bus routes to Washington, D.C. and national Greyhound connections.

Much in the same way that the City's roadways are both a strength and a weakness for automobiles, they are too for pedestrian facilities. The historic downtown and new development areas provide an excellent and accessible way to experience the City by walking. However, conditions elsewhere in the City are less connected. Sidewalks throughout the City are often blocked by trees and utility poles, interrupted by vehicular curb-cuts and can pose significant ADA concerns. Other critical pieces of infrastructure, such as roads, are also in need of maintenance and repair.

## **II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

**(2) Describe the Area's land use/zoning make-up (residential, commercial, industrial, and mixed-use). Is the current land use or zoning conducive to revitalization investment? (Answer Space 4,000 characters)**

The City's geographic location on the Annapolis Neck Peninsula between the South and Severn River leaves little room for physical expansion. Existing development outside of Annapolis, combined with the expansion of commercial areas outside of the city limits, leave Annapolis with few options for growth.

For decades, Annapolis has promoted and supported development policies that are in balance with its geographic constraints and area-wide development trends. The City has optimized land use within its borders, promoted a mix of commercial and residential redevelopment of underutilized land, and conserved and revitalized downtown and its residential districts.

The historic Annapolis downtown is a center of business, government, and housing. It is located between Spa Creek and College Creek. With its advantaged waterfront location, downtown Annapolis remains a unique and special American place. The U.S. Naval Academy, St. John's College, and the Maryland State Government are the major institutions located in downtown. Main Street is designated by the State's Main Street Maryland Program and was named one of the Ten Great Streets in America by the American Planning Association in 2008.

Throughout the City, land use on the waterfront has evolved over time. City residents have remained supportive of the maritime and sailing industries and large sections of Spa Creek and Back Creek are devoted to water related and/or water dependent enterprises. The maritime industry consists of about 300 maritime businesses, dozens of grassroots-driven organizations and yacht clubs, hundreds of year-round local, national, and international regattas and championships, and more than 3,000 private and commercial boat slips and public moorings.

Professional office space is located along West Street, in West Annapolis where access to both U.S. Route 50 and downtown is convenient, in downtown Annapolis, and to a lesser extent along Forest Drive. Annapolis is known as one of the "tightest" office markets in the Baltimore region with low vacancy rates thanks in part to the stabilizing influence of County and State government. The limited availability of prime sites has continued to constrain new office development. Office rents in Annapolis are higher than in many other jurisdictions in Maryland.

The primary concentrations of industrial land in the City are in the Outer West Street corridor, the Annapolis Business Park along Gibraltar Avenue, and in areas along Chinquapin Round Road and Legion Avenue. These areas feature heavy commercial services, light industrial businesses, warehousing, and other employment uses. These land areas are at or near build-out capacity for their intended uses.

The City's core is surrounded by residential neighborhoods that vary in age, character, and cost of housing. The neighborhood of Eastport, opposite Spa Creek from downtown, while mostly residential, features a mix of maritime uses, restaurants and local commercial uses. The revitalized Inner West Street Commercial District, a narrow corridor surrounded by established residential neighborhoods, extends outward from downtown to Westgate Circle. This corridor is newly designated as the Capital City Cultural Arts District, a State designation to promote arts and entertainment.

Roughly three percent of the land within the City is vacant, 15 percent is devoted to roadways, and the majority of the City's land area (approximately 56%) is in residential use.

Current zoning and land use policies throughout the City are conducive to revitalization investment, especially for parcels in industrially or commercially zoned areas that are close to capacity.

## **II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

**3) Describe strengths and weaknesses in basic features of community quality-of-life. For instance, is crime an issue for this SC Area? What is the condition and quality of educational choices available to the community? Are artistic, cultural, or community resources, events or facilities within or accessible to residents in the proposed SC Area? (Answer Space 4,000 characters)**

In a survey conducted in 2012, 80% of City of Annapolis residents said they felt the Annapolis Police Department (APD) was doing an excellent or good job. While crime rates fluctuate year-to-year, overall, the Annapolis Police Department reports that violent crime and property crimes are down in Annapolis over the last five year period. Property crimes were higher in 2012 compared to 2011, however.

Both the Annapolis Fire Department and the Annapolis Police Department have been awarded national accreditation for achieving the highest professional standards. This puts the APD in elite company along with only 29 out of 183 Maryland and 593 of approximately 17,000 police agencies in the U.S. APD are now among the highest paid, and have some of the best health and retirement benefits in Maryland. The APD maintains a ratio of 3.6 officers per 1,000 residents, whereas the national ration of officers per 1,000 citizens is only 1 per 1,000.

The citizens of Annapolis are receiving the most modern and efficient services possible from the best-trained men and women available. However, although the City has become a model city for Public Safety, the combination of illegal drugs and illegal guns continue to affect residents and visitors.

The condition and quality of the education choices that are available in Annapolis for high school and middle school education are some of the best in the state. Annapolis schools have been named as National Blue Ribbon Schools and Maryland Blue Ribbon Schools of Excellence. Annapolis is the location of a magnet school for International Baccalaureate (IB) Middle Years and Diploma Programmes, and has a designated signature program for Change Engineering. However, the elementary schools in the proposed sustainable community area are not as strong; for example, Mills-Parole Elementary has lower test scores on average compared to the rest of the district, and is in the 47 percentile for the state.

There are many artistic, cultural, and community resources in the proposed sustainable communities area. For example, the Stanton Community Center is a City facility located in a newly renovated historic city building. The center displays historical portraits of Annapolis' diverse community and features many offices, a multi-purpose gymnasium, a commercial kitchen, a fitness area, an historic classroom, a media center with computers, and two conference/meeting rooms.

There are also facilities in Annapolis such as Maryland Hall, which is located in the Arts and Entertainment District. Its mission is to provide opportunities for community participation in arts education, the visual arts, and performing arts. Today, Annapolis has a symphony, an opera company, the largest Ballet Company in Maryland, two theater companies, a Chorale and dozens of artists. There are yacht clubs, service clubs, museums, churches and synagogues to fit every taste. The City offers many community service activities, education programs for all ages, and even parenting classes.

## II. SUSTAINABLE COMMUNITY BASELINE INFORMATION

### C. Natural Resources and Environmental Impact: Strengths and Weaknesses

**(1) Describe the strengths and weaknesses of the community's "natural environment." in or near the Sustainable Community Area. What is the current condition of key natural resources - lands, air, water, watersheds, tree canopy, other? If the community is located in a coastal zone, what risks might the community be subject to associated with climate induced sea level rise? (Answer Space 4,000 characters)**

The Chesapeake Bay and the creeks of Annapolis are fundamental to the City's identity, sense of place, and beauty. However, the Bay is threatened by polluted runoff that degrades its ecological health. While the Chesapeake Bay's watershed spans parts of six states and 64,000 square miles, attention to all possible local improvements is warranted. Remedies to improve runoff water quality in fully developed areas such as Annapolis can be costly and require a degree of technical sophistication, as remedies often involve retro-fitting existing buildings and infrastructure. Globally, we face the prospect of climate change and must commit to reducing our carbon emissions through systemic and individual actions.

In the last few years since the last Comprehensive Plan was completed, the City has made significant strides on a variety of environmental preservation efforts and has earned a reputation as a model for a city of its size.

#### Current Conditions

-Poor water quality is a persistent environmental problem for the Chesapeake Bay, stemming from the agricultural runoff and urban stormwater that flows into the Bay. As much as 80 percent of Annapolis' stormwater infrastructure was built prior to 1983, based on the engineering principle of removing water as quickly and directly from a site as possible.

-Approximately 42 percent of Annapolis land area is covered with impervious surface, an estimate generated by a Strategic Urban Forestry Assessment (SUFA) in 2006.

-Steep slopes (slopes greater than 15 percent) occur mostly in the upper reaches of Spa and Weems creeks and, as such, lie in the Chesapeake Bay Critical Area and are subject to its protections.

-Sea level has risen approximately one foot along Maryland's coastline in the last century. A general prediction estimates a rise of 1 meter by the end of this century. Areas extremely critical to the overall character of Annapolis and most susceptible to flooding include the downtown City Dock area, portions of Eastport, and the Naval Academy. As proven in the aftermath of the flooding caused by Hurricane Isabel in 2003, these areas are already susceptible to significant damage related to flooding as a result of storm surges. With the help of volunteers, the City has constructed approximately 3,000 feet of natural shoreline around many City-owned parks. Such living shorelines control shoreline erosion, while restoring and preserving the characteristics of the estuarine marshes, tidal wetlands, and upland buffers.

-Annapolis is a part of a Nitrogen Oxide Air Quality Non-Attainment area that spans a number of states. A portion of the air quality problem is attributable to major out-of-state sources, but local emissions and travel patterns also contribute.

## II. SUSTAINABLE COMMUNITY BASELINE INFORMATION

**(2) Describe the strengths and weaknesses of any current efforts to reduce the community's "carbon footprint" or impact on the environment. Is recycling (commercial or residential) available to minimize waste? Are there current efforts to encourage the purchase and availability of fresh local food and other local products and services to the community? Describe any current energy or water conservation efforts that may be underway. If the community has not implemented one of the above initiatives, has the community identified a need or interest to pursue these or other efforts to reduce environmental impact, for instance through the new Sustainable Maryland Certified initiative? (Answer Space 4,000 characters)**

"Sustainability" means meeting today's environmental, economic, and social needs without compromising the next generation's ability to meet the same needs. Annapolis is a member of an international group called Local Governments for Sustainability (ICLEI, formerly known as International Cities for Local Environmental Initiatives), which has over 1000 member cities and counties worldwide that are following their 5-step milestone program:

1. Conduct a greenhouse gas (GHG) emissions inventory
2. Get a GHG emissions reduction target
3. Create a Climate Action Plan (CAP)
4. Implement the CAP
5. Monitor progress on implementing the CAP

The City's Sustainable Annapolis Community Action Plan lays out ideas for programs, policies, and other actions we can take to improve our environment, economy, neighborhoods, and climate. Some of the action items in the report include improving our energy efficiency by installing motion sensors, achieving energy independence through installing renewable energy in the City, and growing the green collar sector in the city by holding green job fairs and green training opportunities.

As energy efficiencies are introduced for municipal properties (e.g., LED lighting, efficient generators for water and wastewater operations) they are offset by energy use by an expanding city population. In an effort to address energy efficiency for private properties, the City enacted new regulations entitled "Green Buildings: Energy Efficiency and Environmental Design", which established minimum energy efficiency standards for most new development (City Code Chapter 17.14, 2008). The impact by the green building standards on city-wide energy efficiency will take years to realize as properties are developed and redeveloped. However, this program, along with the City's residential and recently-expanded commercial recycling, will greatly help the City reduce its environmental impact.

## **II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

**(3) Describe the strengths and weaknesses of the jurisdiction's current stormwater management practices and how these may affect the proposed SC Area. Is redevelopment and retrofitting of infrastructure an issue or opportunity in this SC Area? Stormwater runoff is a significant source of pollution to Maryland's streams and the Chesapeake Bay. Buildings constructed before 1985 have little or no stormwater controls, and development between 1985 and 2010 have some controls. Updated stormwater regulations passed by Maryland's General Assembly in 2010 require that development and redevelopment projects utilize stringent stormwater controls. Sustainable Community Areas may have opportunities for redevelopment practices that can reduce stormwater flows. (Answer Space 4,000 characters)**

Annapolis recognizes that the protection of its water resources, particularly the condition of Chesapeake Bay, is of paramount importance to its future vitality. Generally, the City is served by a combination of storm sewers in the downtown urban areas and surface drainage into streams and creeks in the outlying areas. The storm sewers were separated from the sanitary sewer system during the 1960s and 1970s.

Chapter 17.10 is the stormwater management section of the City Code. It provides that all development and redevelopment activity in the City address water quality. In particular, it establishes that all site development plans with disturbances of more than 5,000 square feet (and 2,000 square feet for waterfront sites) shall reduce existing impervious area by at least 50 percent. If site conditions prevent this from being accomplished then the development plan must provide for enhanced control of the quality of runoff from the site. This can make redevelopment of existing sites very expensive and is one of the main stormwater management issues in this proposed Sustainable Community Area.

Introduction of organic chemicals and fertilizers into storm sewers and waterways can be destructive to the biological balance of receiving streams, waterways, and rivers. Best management practices are normally associated with public education on appropriate ways to dispose of household substances and the proper application of lawn chemicals. The use of fertilizers in City parks is extremely limited. Fertilizers containing phosphates may only be used in the City under limited conditions or upon the completion of a soil test.

The State requirements for erosion and sediment control are administered locally by the City of Annapolis. Techniques deal with appropriate means of soil stockpiling, surface grading, and the application sedimentation skirting and fencing. Grading, soil erosion, and sedimentation control permitting requirements are administered by the City as part of the building and grading permitting process. Sediments entering storm sewers and surface waterways are also managed through a regular street sweeping program.

## II. SUSTAINABLE COMMUNITY BASELINE INFORMATION

### **D. Economic Conditions & Access to Opportunity: Strengths and Weaknesses**

**(1) Describe the jurisdiction's current economic strengths and weaknesses. For example, are there distinct economic drivers in the area or region that will affect access to job opportunities and the progress of the SC Plan? What are the main barriers to the Area's economic competitiveness? What is the current level of broadband access available to serve residents, businesses and public facilities? What efforts are currently in place to increase worker skills and employment? Describe trends in employment rates and business formation.**

*(Answer Space 4,000 characters)*

The City of Annapolis has many economic strengths; however it also has areas of weaknesses. It is many ways a "Tale of Two Cities." Some of the strengths include the following:

- Strategic location between the Severn and South Rivers, robust history and historic character, the State capital of Maryland, and home of the U.S. Naval Academy.
- Long standing businesses
- Low vacancy rate of 7.6% for retail space and 9.8% for office space
- Strong incomes and local homeownership
- Highly educated and wealthy population

Economic weaknesses of the City of Annapolis include the following:

- The City is generally built out with little opportunity for annexation of undeveloped land.
- The majority of lease space in the City is less than 2,500 square feet and there are few large, consolidated parcels of land.
- Business size in the City of Annapolis is heavily weighted to small businesses.
- There is very limited manufacturing in the City of Annapolis
- The Federal and State properties do not pay taxes to the local government

Some of the main barriers to economic competitiveness include:

- The availability of small lease spaces
- Paid and structured parking

Generally, the subsidized housing in the City is in good condition. Of the 10 public housing developments located in the City, five are in very good condition as they were recently renovated or redeveloped. The remaining five developments are in poor condition (Robinwood, Glenwood High-rise, Newtowne Twenty, Harbour House, Eastport Terrace). The Housing Authority spends \$1.5 million annually on physical improvements to the structures and plans to either rehabilitate or redevelop the five properties as funds become available. Broadband access is generally available in Annapolis, however, it is not provided by the Housing Authority.

The Light House, a homeless prevention support center and the Housing Authority are two leaders in providing opportunities for job training. However, the current lack of regional transportation often prohibits qualified workers from taking positions that require travel. The City is working with a regional transportation agency to improve its regional connectivity and provide public transit to more employment centers.

## II. SUSTAINABLE COMMUNITY BASELINE INFORMATION

**(2) Describe the jurisdiction's housing market and access to affordable workforce housing. What are the trends in residential construction (rental and homeownership), homeownership rate, foreclosure rate and, property values. Describe how and whether your jurisdiction's prevailing housing costs - both homeownership and rental - are affordable to households below 120% AMI, 80% AMI and 50% AMI. What efforts are in place currently to house individuals, families and the disabled at or below the AMI levels described above? (Answer Space 4,000 characters)**

The housing market in Annapolis is dominated by the fact that little land is available for new development and the resulting rise in the price of housing. New housing construction is increasingly limited to annexation areas, demolition, and redevelopment; as well as conversion of previously non-residential sites and structures.

Lack of available housing or land makes it increasingly difficult to provide new housing affordable to workforce, moderate, or low income households. Between the period between 2000 and 2008, affordable rental housing shrunk county-wide from 68% of overall rental stock to 50% of overall rental stock. This is forcing many households to live an extended distance from work.

In the years since the adoption of the last Comprehensive Plan, the City has focused its resources on the housing issues facing low and moderate-income households, defined as households earning no more than 50 or 80 percent of the regional median income respectively. The City has accessed federal and state funds targeted to these income groups to provide homeownership opportunities and to improve housing conditions.

The number of housing units in Annapolis is growing, but at the slow pace expected in a community that is largely developed. There were 15,303 occupied housing units in Annapolis in 2000 (or 16,192 units total), roughly 6 percent more than in 1990. In comparison, in the same time period the number of housing units in the county grew by almost 19 percent. In the years between 2000 and 2007, the number of occupied housing units in Annapolis grew to approximately 16,200.

Approximately 52 percent of Annapolis housing units are owner-occupied, and 48 percent are rental units. As recently as 1990, the majority of Annapolis housing units were rentals (52% of housing units were rentals in 1990). The home-ownership rate in the City is lower than the State (67%) or County (77%). Approximately 33 percent of Annapolis rental units are public housing or receive a public subsidy to provide housing to low and moderate-income households, as defined by HUD.

Home values grew by 148% in the ten years between 1997 and 2007. The median value for a home in Annapolis grew from \$172,000 in 1997 to \$428,000 in 2007. In 2007, only 21 homes under \$200,000 were offered for sale. Household income has not kept pace with the sharp increase in home sales prices. In contrast with the increase in home prices, median household income increased by only 40% in the same ten year period; from \$54,100 in 1997 to \$75,800 in 2007. The group most affected by this trend is the "workforce" or middle-income family who cannot afford to purchase a new home.

Even with the current housing problems, the housing prices in Annapolis continue to be relatively high. The City did not experience a high foreclosure rate and housing prices did not decline at the same rate as they did in the northern and southern part of Anne Arundel County. In fact, the City was not eligible to apply for funding through the Neighborhood Stabilization Program.

Approximately 48 percent of the City's total housing stock is rental in nature. Forty-three percent of the multi-family rental units (more than 20 units) in the City are subsidized. Of the 4,694 multifamily rental units, approximately 16 percent (790) are public housing units owned by the Housing Authority. An additional 1,272 apartment units are occupied by tenants who receive Section 8 housing assistance or other assistance. The City requires that all market-rate apartment complexes accept Housing Choice Vouchers and other vouchers as a source of income. Currently, more than half of the developments either have residents with Housing Choice Vouchers or are willing to accept the vouchers. Several apartment complexes have rents that are too high for vouchers to be used.

## **II. SUSTAINABLE COMMUNITY BASELINE INFORMATION**

**(3) Describe the SC Area's demographic trends (with respect to age, race, household size, household income, educational attainment, or other relevant factors). (Answer Space 4,000 characters)**

Overall the City of Annapolis' population grew 7.4% from 35,838 in 2000 to 38,499 in 2011. During that same time period, the City's population by age has fluctuated. There are more children aged five and younger, and there are more adults aged 55 and older. Population of other age segments between six and 54 years is dropping slightly. This trend coincides with the baby boomer generation living longer and healthier lives.

During the period from 2000 to 2011, the White, Asian and Hispanic populations in the City increased while the African American, American Indian, and Native Hawaiian populations decreased. White populations increased by 12% while African American populations decreased by the same amount. Although a smaller part of the overall population, Asian and Hispanic populations increased by 62% and 169%, respectively.

The percentage of households by family or households by nonfamily stayed relatively consistent from 2000 to 2011. Family households accounted for 57% of households in 2000 while nonfamily households accounted for 43% of households. In 2011, family households decreased to 55% while nonfamily households increased to 45%.

The average household size stayed consistent from 2000 to 2011 at 2.3 persons per household. The average family size increased slightly in the same timeframe from 2.93 to 3.04 persons per family.

In the City of Annapolis, educational attainment improved over the period from 2000 to 2011. In 2011, more people were graduating from high school, completing some college, or obtaining a Bachelor's degree or a graduate or professional degree.

The number of households in the City of Annapolis making less than \$75,000 dropped, while the number of household in the City making more than \$75,000 increased. However, Annapolis is home to many people whose travel and housing options are limited because of lower income levels, driving ineligibility, or disability.

The City of Annapolis is fortunate that over the course of the last eight years, the City's unemployment rate has been below the rates of the State of Maryland, the Baltimore Metropolitan Statistical Area and Anne Arundel County.

Source: U.S. Census Bureau. 2000. American FactFinder: Profile of Demographic Characteristics, City of Annapolis. Retrieved June 12, 2013, from

[http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC\\_00\\_SF1\\_DP1&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=DEC_00_SF1_DP1&prodType=table) and U.S. Census Bureau. 2009-2011. American FactFinder: ACS Demographic and Housing Estimates, City of Annapolis. Retrieved June 12, 2013 from

[http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS\\_11\\_3YR\\_DP05&prodType=table](http://factfinder2.census.gov/faces/tableservices/jsf/pages/productview.xhtml?pid=ACS_11_3YR_DP05&prodType=table).

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### **III. LOCAL CAPACITY TO IMPLEMENT PLANS & PROJECTS**

#### **A. Organizational Structure:**

**Describe the Applicant's organizational structure. Specifically, which organizations are members in the Sustainable Communities Workgroup and who are the respective staff? Who are the leaders, and how will the Workgroup advisor or staff manage implementation of the SC Area Plan? (Answer Space 4,000 characters)**

The City of Annapolis has a City Manager and a Mayor. The Mayor is a member of the nine-person City Council. There are nine City Departments, which include the Public Works Department, the Department of Neighborhood and Environmental Programs, the Transportation Department, and the Department of Planning and Zoning. These four departments form the core of the Sustainable Communities Workgroup along with the assistance of the Annapolis Economic Development Corporation (AEDC). The leaders in each department include engineers in the Public Works Department, the Chief of Environmental Programs and his staff in the Department of Neighborhood and Environmental Programs, the Transportation Specialist in the Transportation Department, and the Main Street Program Coordinator, Chief of Community Development, and Chief of Comprehensive Planning in the Planning and Zoning Department. The leaders also include the Mayor and City Manager, who are on the forefront in advocating sustainable methods of governance. The City Staff has and will continue to implement the goals of the Sustainable Communities Area Plan under their guidance.

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### **III. LOCAL CAPACITY TO IMPLEMENT PLANS & PROJECTS**

#### **B. Organizational Experience:**

**Describe the Applicant organization's past experience in administering revitalization plans and projects. Describe the roles of the members of the Sustainable Communities Workgroup, including their experience in implementing revitalization initiatives. What are the strengths and challenges of the capacity of these groups with respect to implementation of the SC Plan? (Answer Space 4,000 characters)**

The City has successfully administered many revitalization plans and projects. The Sustainable Communities Workgroup consists of members who have worked directly with these programs. For example, the Chief of Community Development, a workgroup member, administered Community Legacy funds in the fiscal years from 2002-2009 and in fiscal years 2011 and 2012. These funds totaled over 1.5 million dollars. The City completed all the Community Legacy capital projects and expended all its Community Legacy funds.

The City also manages approximately \$350,000 in Community Development Block Grant (CDBG) funds annually to address housing needs, provide support for various community service organizations, and complete public improvement projects. The City further participates in DHCD's Emergency Shelter Grant Program, HOME Program and Rental Allowance Program (RAP).

Additionally, every 10 years, Annapolis creates a new Comprehensive Plan to chart the City's direction for the following 10 to 20 years. Like every Maryland city, Annapolis is required by state law to create a statement of development strategies, goals and policies describing a future vision for the City within the confines of relevant state-legislative provisions already in place. There is much overlap between the Comprehensive Plan and the City's revitalization plans and projects.

The strengths of the capacity of the Sustainable Community Workgroup is the experience from working on community plans with broad public input and having representation from many different City Departments and City sectors. The challenges include competing priorities and the difficulty in procuring capital monies.

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### **III. LOCAL CAPACITY TO IMPLEMENT PLANS & PROJECTS**

#### **C. Public Input:**

**How did residents and other stakeholders in the community provide input to Action Plan described below in Section IV? (Answer Space 4,000 characters)**

The Action Plan was reviewed by a stakeholder group consisting of community leaders and representatives from several boards and commissions such as the Annapolis Environmental Commission, MainStreet Annapolis Partnership, and the Heritage Commission. They gave input and added suggestions to strengthen the plan. Furthermore, sections of the Action Plan draw on adopted studies such as the City's Comprehensive Plan and the Master Bike Plan. Plans such as this one were developed with a citizens committee over a multi-year period before being adopted by the City Council.

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

The Sustainable Community Action Plan (SC Plan or Plan) is meant to be a multi-year investment strategy - a strategic set of revitalization initiatives and projects that local partners believe will increase the economic vitality and livability of their community, increased prosperity for local households and improved health of the surrounding environment. The Plan should be flexible enough to be updated regularly and renewed every five years as the community envisions new goals. The priority initiatives and projects in the SC Plan should improve the livability of community places -- residential, commercial, or other public or private properties - and create new work, retail, recreational and housing opportunities for residents. These projects should also reduce the environmental impact of the community through water and energy resource conservation and management strategies. In this way, the Plan can be a road map for local stakeholders as well as State agencies to work together to create a more a sustainable and livable community.

##### **A. Supporting existing communities & reducing environmental impacts.**

**(1) A community's approach to Smart Growth generally includes two inter-related areas of focus: encouraging reinvestment and growth in existing communities; and, discouraging growth that degrades natural resources, and farms and rural landscapes. Broadly describe your jurisdiction's Smart Growth approach and any significant accomplishments made over the last decade or so. (Answer Space 4,000 characters)**

The City of Annapolis advocates Smart Growth principles by encouraging infill development and growth its Opportunity Areas (designated by the Comprehensive Plan). The guiding principle of the Comprehensive Plan is that the City's economic vitality does not depend on the outward expansion of its borders; rather, the perspective that growth should be directed primarily to these Opportunity Areas. Over the next five years, the City will undertake a sector study for each area. These studies will focus on any zoning changes that would encourage and facilitate infill development. There are several places within the City with the infrastructure to accommodate more density.

The City does have natural resources to protect—especially considering its proximity to the Chesapeake Bay. The City follows the State's Chesapeake Bay Critical Area laws, and is even more restrictive than the state-mandate in terms of allowable lot coverage. The City has recently revamped its procedure for adopting Forest Stand Delineations, making this process more rigorous and consistent. Many of the waterfront properties in Annapolis are developed with single-family homes and increases in zoning density allowances would not be appropriate in these areas.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(2) Describe any major investments in community infrastructure -water, stormwater, sewer, sidewalk, lighting, etc. -- that must be undertaken in order to improve the readiness or competitiveness of the proposed SC Area for private investment and compliance (if applicable) with TMDL regulations. Addressing the stormwater during redevelopment can reduce the pollution entering our streams and contribution to the restoration of the Chesapeake Bay. Investments in infrastructure, generally, can be an important catalyst for new private investment in the community. (Answer Space 4,000 characters)**

In order to improve the readiness of the proposed Sustainable Community area for private investment, the City is currently developing a Cultural Resource Hazard Mitigation Plan for a concentrated area within the 100 year flood plain area. This will help investors in this area have more awareness of the hazards that could affect them. However, at this time the City does not have funds for implementation of any Hazard Mitigation improvements to protect the vulnerable resources within the Historic District and Eastport.

The City has made progress in preparing for compliance with TMDL regulations. In 2008 the City began collecting a stormwater utility fee, separate from the water and sewer fee. This fund, which is collected quarterly, is allocated to infrastructure repair and TMDL compliance. In fiscal year 2013 and in fiscal year 2014, \$400,000 was allocated for stream restoration. Stream restoration is a key priority in improving water quality.

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(3) Describe policies, initiatives or projects that the community will undertake or expand in order to reduce the SC Area's impact on the environment. Examples include but are not limited to: conservation or management of stormwater through retrofitting of streets and by-ways (Green Streets, rain gardens, etc.); retrofitting of facilities and homes for energy conservation; implementation of "green" building codes and mixed-use zoning; recycling of waste; clean-ups of watersheds; and, encouragement of "Buy Local" approaches that benefit local suppliers and food producers. A comprehensive menu of such actions may be found through the nonprofit Sustainable Maryland Certified initiative. (Answer Space 4,000 characters)**

As a city that is surrounded by 7 bodies of water—Weems Creek, Spa Creek, Back Creek, College Creek, the Severn River, the South River, and the Chesapeake Bay—Annapolis residents have good reason to be worried about contributing to climate change and sea level rise. In September of 2003, when Hurricane Isabel visited Annapolis, we saw the effects that flooding can have. Later that year, the City joined an international organization called Local Governments for Sustainability (ICLEI), and started participating in their Cities for Climate Protection (CCP) program that laid out steps for cities to follow in order to inventory, reduce, and monitor their greenhouse gas emissions. In 2005, the mayor joined more than 850 US mayors and signed the US Mayors Climate Protection Agreement, which was followed by the creation of an energy efficiency task force, whose purpose was to deliver recommendations for improving energy efficiency of the government and the entire City. The task force's recommendations were released in 2006, and shortly thereafter a resolution was passed that committed the City to following the CCP milestone program.

Chief among these recommendations was that the City commit to a 10% reduction in energy use of all publicly owned or leased facilities within 5 years and a 15% reduction by 2020. In order to forecast and measure progress towards future reductions, the City was required to establish an inventory of energy use and emissions for a baseline year. From March to May 2006, Frank Biba (Chief, Environmental Programs) and Eric Schmitt (Climate Intern) of the Department of Neighborhood and Environmental Programs conducted a municipal energy inventory. That inventory showed that the three main CO2 contributors for city government are the vehicle fleet (28.6%), water/sewage systems (26.6%), and city buildings (24.6%).

The City will undertake several projects that will allow it to improve stormwater through retrofitting. A model for these projects will be Bloomsbury Square, the second-oldest public housing community in Annapolis, which was first built in the 1940s for Navy personnel. When the State acted to relocate the deteriorating Bloomsbury Square to make way for a new House of Delegates office building, a firm they commissioned designed aluminum-sided apartments and 40-foot wide roads with no storm water management. Despite its location on the banks of College Creek at the gateway to the State Office complex, none of the required historic-district design elements were considered, nor was compatibility with the new building or its neighbor, St. Johns College, the 3rd oldest college in America.

City officials worked with the State officials and were able to craft a much more sensitive project. The resulting neighborhood was a model of urban planning with 52 all-brick townhomes, 18 of which are fully handicapped accessible, and a two-story community center. It is a walkable community with tree-lined sidewalks and convenient access to the downtown area and transit. It also meets the highest environmental standards with a restored 100-foot shoreline buffer, and full, innovative stormwater treatment. The City retained twenty feet of open space along the creek, where it has developed rain gardens. Similar efforts will be part of all future projects that the City undertakes.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(4) Which community groups or stakeholders will be key to the implementation of the initiatives and projects noted in this section? (Answer Space 4,000 characters)**

The main stakeholders for ensuring implementation of the initiatives and projects noted in this section are the volunteers who make up the Annapolis Environmental Commission and the City staff that support them. There are nine members of the Environmental Commission, each of whom were appointed based on their demonstrated interest in protection and improvement of the environment. The Department of Neighborhood and Environmental Programs has spearheaded many initiatives to make the City more sustainable. Additionally, the Department of Planning and Zoning and the City's Planning Commission encourage infill development and Smart Growth through policy and practice.

## IV. SUSTAINABLE COMMUNITY ACTION PLAN

### **B. Valuing communities and neighborhoods -- building upon assets and building in amenities:**

**(1) What are the key assets that exist in the community upon which the Plan's projects and initiatives will build? Assets may include physical assets such as parks and historic structures and also civic and economic assets such as employers, educational institutions, and cultural organizations and activities. (Answer Space 4,000 characters)**

The City of Annapolis' Department of Recreation and Parks operates and maintains three multi-purpose indoor facilities: the Pip Moyer Recreation Center at Truxtun Park, the Stanton Center on West Washington Street, and the Annapolis Walk Community Building on Belle Drive. It also maintains approximately 200 acres of open space, park land, and athletic fields at Truxtun Park, Bates Athletic Complex, Back Creek Nature Park, Wiley H. Bates High School, Spa Creek Conservancy, Annapolis Sports Complex (behind Germantown School), Spa Creek Trail, Poplar Trail, Kingsport Community Park, and twenty neighborhood mini-parks. Furthermore, the Department assists with the maintenance at the United States Naval Academy (USNA) Marine-Corps Stadium walking trail. However, when only considering City-owned facilities, Annapolitans have fewer park acres per person (5.7 acres per 1,000 persons) than the recommended minimum national standard (6.0 acres per 1,000 persons).

A major addition to the City's physical assets is the Roger "Pip" Moyer Recreation Center. This Center, opened in 2009 and serves to consolidate and expand recreational opportunities for all citizens of Annapolis into one convenient location. The 60,000-SF facility houses full-sized gyms, an indoor 200-meter track, a rock climbing wall, community meeting rooms, a fitness center, preschool-age program space, babysitting services and recreation offices. Outside there are lighted tennis courts, a public boat ramp and pier, parking area improvements, and woodland trail improvements.

The City is constantly working to enhance existing parks and facilities, complete the network of pedestrian and bicycle pathways, and provide parks and recreation services to underserved areas.

The Plan will build on the City's existing assets and help focus efforts to improve its park system and to protect its historic structures and civic assets. The Stanton Community Center is an example of a civic asset that is located in a newly renovated historic city building. The Center offers a safe community space for recreational and cultural opportunities for children and adults to enrich their learning and physical well-being. In addition to a multipurpose gymnasium and fitness area, the historic City building serves as a community resource center. It houses many community organizations' that provide families with support human services, including health, medical, therapeutic, and counseling. In partnership with the Anne Arundel Medical Center, a free medical and dental clinic, one of only five in the nation, is set up at the Stanton Center. It has also become a hub of community activity with special functions, community events, dances, community meetings and dinners honoring special individuals. Recently, the City has replaced the aging roof on this structure, however more upgrades are necessary to continue to maintain this asset.

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(2) What policies, initiatives or projects will reuse or enhance the historical assets, traditional business districts/Main Streets and cultural resources of the community? What actions will reinforce your community's authentic "sense of place" and historic character? (Answer Space 4,000 characters)**

A city's "sense of place" and economic vitality does not depend on the outward expansion of its borders. Because the productive use of land is cyclical, at any given time there are land areas that are underutilized and buildings that are obsolete when compared to current community needs. A City can target and promote specific areas for redevelopment as part of a sound land use policy that can help guide private sector development decision making.

The following three initiatives will help the City of Annapolis reinforce its authentic character:

Initiative 1 - "Continue to maintain stringent historic preservation requirements in the downtown area and protect and conserve neighborhoods utilizing the neighborhood conservation zoning designation."

The City's neighborhood conservation districts should remain in place and be continually monitored to ensure their effectiveness. The City will work with neighborhoods wishing to implement a neighborhood conservation designation to protect neighborhood character.

Initiative 2 - "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.

Initiative 3 - "Acknowledging the importance of the Maritime Industry to Annapolis' character, identity, and economy, strive to ensure the Maritime Industry's sustained health and viability."

This includes promoting Annapolis for maritime business, maritime tourism, and charter and fishing activities as part of economic development efforts. It also includes celebrating the entire maritime heritage of the city and link the sites associated with this heritage by water transportation.

The City has worked with many non-profits as partners in these initiatives and will continue to do so. This includes such groups as Historic Annapolis Foundation, the Light House Shelter, and the Chesapeake Bay Foundation.

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(3) Describe policies, initiatives or projects that will increase community access to green spaces, parks and other amenities? A community can gain social and physical benefits from access to a healthy natural environment. The inclusion of complete streets, trails, green space, parks and trees contribute to the character and health of a community. Examples might include improvements to the tree canopy by planting street trees, improving local neighborhood streams, or reusing a vacant lot for a new community park or playground.** *(Answer Space 4,000 characters)*

The City will invest in system-wide improvements to convert main streets and avenues into “complete streets”— that is, streets which serve the full needs of the community. This will help improve community access to green spaces, parks, and other amenities.

Depending on the location, this could mean retrofitting existing streets to add sidewalks or tree planting strips, striping roadways to reinforce the shared use of streets for bicyclists, installing traffic calming measures, and approving a unified set of standards. Part of this policy is a goal of making Annapolis a premier community for safe and reliable bicycle transportation and walking, and promoting safe pedestrian and bicycle access to all schools in the community.

The design of Complete Streets elements will be done in coordination with the Maryland State Highway Administration’s Community Design Division. The State of Maryland has awarded Annapolis a Safe Routes to School grant and this and similar programs, such as the Sidewalk Retrofit Program, will be key tools for implementing this policy.

The primary function of major streets should be indicated through the use of landscape architectural treatments that are designed in harmony with the community character. West Street (MD 450), for example, is a major gateway from outside the city limits into the center of Annapolis. It should project a unified appearance as a gateway with street trees, plantings, street lights, bike lanes, sidewalks and improved crosswalks.

The City of Annapolis is committed to upholding the intent and spirit of the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973. This commitment extends to all programs, services and activities, such that no individual with a disability shall be discriminated against on the basis of his or her disability. Where applicable, the City ensures compliance with ADA standards and where possible, complies with ADA Best Practices.

The 2011 Bicycle Master Plan was developed to help plan and phase key projects. With the assistance of committed advocates, the City plans to create a world-class network of bicycling facilities and routes, and undertake the following key bicycle transportation improvements:

- Connect the Poplar and Spa Creek Trails.
- Extend the Poplar Trail to the downtown area in part by improving the service roads running parallel to West Street (MD 450).
- Extend the Poplar Trail to Parole, the Annapolis Mall, and to the Anne Arundel County South Shore Trail.
- Work with the State Highway Administration to install bicycle lanes on all State roads within the city.
- Develop a bicycle parking strategy that includes improved bicycle parking facilities at automobile parking facilities and other locations in commercial districts.
- Improve bicycle route signage and develop an action funding plan to implement the feasible bicycle facility improvements and policy changes recommended in the Bicycle Master Plan and previously in the Annapolis Bicycle Transportation Committee’s November 2008 Report.

In order to advance the implementation of the Bicycle Master Plan, the City has been working within the Maryland DOT Bikeways program and to date has received two (2) grant funding opportunities. These opportunities increase community access to green spaces and improve the character and health of the community.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(4) Which community groups or stakeholders will be key to the implementation of the initiatives and projects noted in this section? (Answer Space 4,000 characters)**

There are several important stakeholders for ensuring implementation of the initiatives and projects noted in this section. In terms of preserving historic structures and material, the Historic Preservation Commission's seven volunteers, as well as its staff in the Department of Planning and Zoning regulate development in the historic district. The Heritage Commission is another important stakeholder that consists of seven residents and up to five at large members who have a demonstrated knowledge and interest in the history and culture of Annapolis.

MainStreets Annapolis Partnership is a key stakeholder with historic preservation, economic vitality, and environmental concerns as its main focus. Additionally, the Department of Neighborhood and Environmental Programs and the Annapolis Department of Transportation are key stakeholders for initiating many programs such as bike trails and improving green spaces.

For example, the Transportation Department was the lead agency on the adoption of the Master Bike Plan in 2011. The bicycle network in the City has a combination of strengths and weaknesses that relate to the suitability of the roadway infrastructure. Many of the communities' roadways are too narrow for State-approved bicycle lanes. The Master Plan recommends the creation of a network focusing on the many low-traffic, low speed limit residential streets. The primary arterial roadways providing access to the City are under State jurisdiction and are not conducive for bicycling based upon the speed limits and traffic volumes. The process behind implementation of the master plan is based on creating alternatives to these primary roadways so that bicycling can be used for all purposes, whether it be commuting, transportation, or recreation. With the implementation of the Bicycle Master Plan the City will move from a network with less than 10 miles of facilities to over 35 miles of facilities.

This is one example of how the goals of this plan will be implemented by a key stakeholder.

## IV. SUSTAINABLE COMMUNITY ACTION PLAN

### C. Enhancing economic competitiveness

**(1) What economic development policies, initiatives or projects will improve the economy through investments in small businesses and other key employment sectors? What economic development and business incentives will you build upon or implement as part of the SC Plan? Examples could include but are not limited to: green-taping for expedited project application review; permitting and inspection; job training; business tax credits; and, revolving loan funds. (Answer Space 4,000 characters)**

The City has in place several economic development policies that will help improve the economy through investments in key employment sectors. The MainStreet Annapolis Partnership focuses on implementing the standards set by the National Trust Main Street Center—including:

- Building comprehensive and sustainable revitalization efforts
- Developing a mission
- Fostering strong public-private partnerships
- Securing an operating budget
- Tracking economic progress
- Preserving historic buildings

The partnership is made up of local business owners, property owners, the City of Annapolis, lenders, real estate development professionals, residents and local business associations. These partners work together on five committees to enhance the traditional business communities Downtown, in Eastport, on Inner West Street, and in West Annapolis.

Additionally, the City of Annapolis Economic Development Corporation (AEDC) focuses efforts on attracting and retaining four key industries:

- Retail
- Maritime
- Technology
- Finance, Insurance and Real Estate

AEDC does this by:

- Building cooperative relationships with governmental agencies to smooth the way for business development
- Providing technical, site selection, and market analysis assistance to businesses
- Working to expand workforce development opportunities
- Marketing Annapolis to investors and consumers
- Keeping businesses up-to-date regarding economic and political developments
- Recognizing the significant contributions of resident businesses
- Assisting businesses in accessing capital
- Helping businesses achieve their objectives

The economic development policies that have been recently adopted by the City include:

- Holding optional pre-application meetings for commercial projects.
- Helping to streamline the development review process by requiring either an approval by the Board of Appeals or the Planning Commission, instead of both boards.
- Reviewing the expansion of the City's financing plan for commercial businesses faced with capital facilities related to water and sewer infrastructure and allocation fees.

Some of the AEDC's programs focused on small and start-up businesses include the following:

"Entrepreneurs & Inventors"

The AEDC recognizes and proudly supports Annapolis entrepreneurs and inventors. It offers a bi-monthly program that focuses on startups and early-stage companies seeking information on how to take their idea from a business plan to an investment. The 2.5 hour program hosts a guest speaker allowing for questions and comments. Experienced business start-up experts will be available for further advice. Two of the attendees will also be given an opportunity to pitch their plans to the experts and receive comments from three industry experts.

"Project Opportunity"

The AEDC has joined forces with the Salisbury Area Chamber of Commerce Foundation and TEDCO to offer Project Opportunity. This free education and outreach service provides technical assistance and financing opportunities to veterans who are considering starting their own business. The core of the program is an 11-week training program that leads to a business boot camp.

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(2) What workforce development policies, initiatives or projects will increase access to jobs and economic opportunity for residents in the SC Area? Do you have a goal for job creation? Are green jobs an opportunity in the jurisdiction or SC Area? (Answer Space 4,000 characters)**

The City of Annapolis through the Annapolis Economic Development Corporation (AEDC) has set a goal of adding 150 jobs within the City this year. As a small jurisdiction with limited resources, the City of Annapolis relies on partnerships for workforce development.

State of Maryland:

The Maryland Department of Labor, Licensing and Regulations has a One-Stop Career Center in the City of Annapolis on West Street. It is part of a nationwide system that provides job information and services to job seekers and businesses. The office has resource areas equipped with internet access, a variety job search resource materials and resume writing software. They also provide on-line computer access, audio-visual libraries, free faxing, copying and telephone services for job search, and a variety of workshops to assist job seekers in finding employment.

Anne Arundel County:

Anne Arundel County has the Anne Arundel Workforce Development Corporation, which is a non-profit organization whose vision is to ensure that Anne Arundel County has a highly skilled workforce that meets the current and future needs of its businesses, and that its citizens have the tools, resources and up-to-date certifications they need to maximize their career potential.

Anne Arundel Community College (AACC):

Anne Arundel Community College is a fully accredited, public two-year institution serving more than 53,000 students each year. The college has become a nationally recognized leader for its innovative programs and services, commitment to learning-centered education and dedication to serving students and the community. AACC forms partnerships with businesses, government agencies, other colleges and community organizations to expand existing academic programs and begin new ones.

In the area of green jobs, the City of Annapolis is home to a number of green businesses, government offices and non-profit organizations, including the following:

- Headquarters for the Alliance for the Chesapeake Bay, which brings together individuals, organizations, businesses and governments to find collaborative solutions that benefit the land, waters, and residents of the Chesapeake Bay.
- Home of the Mid-Atlantic Regional Center for the National Wildlife Federation.
- Chesapeake Bay Program Office for the Environmental Protection Agency (EPA) and National Oceanic and Atmospheric Administration (NOAA)
- Headquarters for the Maryland Department of Natural Resources (DNR)
- National Social-Environmental Synthesis Center (SESYNC), a national research center, funded through a grant to the University of Maryland and founded at the intersection of natural and social sciences.
- New home of the Entomological Society of America, which is the largest organization in the world serving the professional and scientific needs of entomologists.
- Home of the Maryland Clean Energy Center, which encourages the transformation of the energy economy with programs that catalyze the growth of business, increase related "green collar" jobs, and make clean energy technologies, products and services affordable, accessible, and easy to implement for Maryland residents.
- Home of the Oyster Recovery Partnership (ORP), a non-profit that plans, promotes and implements science-based and sustainable shellfish restoration, aquaculture and wild fishery activities to protect our environment, support our economy and preserve our cultural heritage.
- Home of Annapolis Hybrid Marine who is the Eastern North American Distributor and Dealer for inboard electric propulsion systems.
- Home of Earth River Geothermal a locally-owned, full-service geothermal heating and cooling systems provider.
- Home to Energy Concepts Co., LLC, who designs and develops energy-efficient, heat-activated absorption systems and associated fluid contact equipment.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(3) Describe whether the Sustainable Community will be impacted by the Base Re-alignment and Closure (BRAC) activities in Maryland. If impacted, how do the initiatives and projects in your Plan complement BRAC-related growth? (If not applicable, all ten points will be assessed based on answers to questions 1, 2, and 4) (Answer Space 4,000 characters)**

The Sustainable Community of Annapolis will be impacted by the Base Re-alignment and Closure activities. Fort Meade, located in Anne Arundel County, will gain over 10,000 jobs. The main challenge will be providing transportation for workers of all levels to be able to reach the centers of job creation.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(4) Which community groups or stakeholders will be key to the implementation of the initiatives and projects noted in this section? (Answer Space 4,000 characters)**

The stakeholders that are key to the implementation of these economic initiatives include the Annapolis Economic Development Corporation (AEDC) and the MainStreet Annapolis Partnership. Both of these groups help educate small businesses about funding opportunities, as well as to offer organized forums where they can obtain advice and tips for their business.

Over the past two years, the AEDC has worked with MainStreet and the Department of Planning and Zoning to streamline applications and make it easier and quicker for businesses to approvals. It can be very difficult for smaller businesses in this proposed Sustainable Community to access expert advice such as attorneys and engineers. The Department of Planning and Zoning provides assistance with applications for such things as Special Exceptions and Variances, while the AEDC assists with location and background research and MainStreet helps with promotion and marketing.

## IV. SUSTAINABLE COMMUNITY ACTION PLAN

### **D. Promoting access to quality affordable housing.**

**(1) What housing policies, initiatives or projects will expand housing choices - rental and homeownership -- for people of a range of ages, incomes, and also for disabled individuals? How will these actions address the current housing conditions and needs noted in Section II? (Answer Space 4,000 characters)**

The City has several policies in its Comprehensive Plan that can be implemented in order to support access to a wide variety of housing choices. These include:

Policy 1 "Support Development of Housing Affordable to Workforce or Middle Income Households"

--Access funds to address housing needs of Workforce and Middle Income households, loosely defined as households earning between 80 percent and 120 percent of the Regional Median Family Income. Income range for a "Workforce" family of four in 2009 is \$64,000 - \$96,000. A family in this income range can typically afford a \$300,000 home. With an average price of \$354,000 for a house in Anne Arundel County in July 2009, "Workforce" families are priced out of the Annapolis housing market even after the effects of the housing downturn of 2009.

--Work with neighborhoods to consider allowing "mother-in-law apartments" or "granny flats" in owner-occupied houses in residential districts where the community finds them acceptable. This would benefit people in a range of ages, especially elderly parents who could live with their children, but with their own independent space.

Policy 2 "Support the Revitalization of Public Housing"

--Support the Housing Authority's (HACA) efforts to revitalize public housing, with the goal of ensuring quality housing for low-income residents. Revitalizing includes rebuilding and rehabilitating public housing complexes with a mix of ownership and rental units, new arrangements for property ownership (shared public-private ownership), and transitioning to private professional property management.

--As part of the Housing Authority's current and future redevelopment planning, the City should work with HACA to evaluate income diversity of public housing residents.

--While "bricks and mortar" are an important aspect of public housing, just as important is the social context of poverty and disparities in income and educational attainment experienced by public housing residents compared to the larger Annapolis community. The Housing Authority offers a range of supportive programs to public housing residents and the City recognizes that programs that address social disparities must be included in public housing's revitalization.

--Strive for efficient communication between the Housing Authority and City government and identify common goals for the improvement of quality of life in public housing communities. Regular meetings between City staff and the Housing Authority are recommended to help facilitate coordination and work toward achieving common goals.

Policy 3 "Support housing programs that assist low and moderate-income households with homeownership and housing rehabilitation"

--Utilize City Community Development Block Grant (CDBG) funds and other State and federal programs to offer housing rehabilitation programs that allow people to rehabilitate and stay in their homes, to help rehabilitate subsidized rental housing, and to provide homeownership opportunities.

--Foster partnerships with public, private, and nonprofit entities, particularly in efforts to acquire sites at a reasonable cost for purposes of affordable housing, including rehabilitation, redevelopment, and new development. In coordination with partner organizations, continue to pursue state and federal funds.

---

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(2) Will these housing initiatives or projects increase access to transit or community walkability and/or decrease transportation costs? In other words, will the housing investments result in more people living near work or town centers, or able to more conveniently reach work, school, shopping and/or recreation?** *(Answer Space 4,000 characters)*

The housing initiatives and projects that the proposed Sustainable Community are developing will help increase access to transit and walkability. Many City residents already live near bus stops, although the overall "Walk Score" for the City is 59, or "Somewhat Walkable" (<http://www.walkscore.com/MD/Annapolis>). Density can be increased in the City with less impact if such policies as allowing accessory apartments/"granny flats" are promoted. This will help make affordable dwelling that are within close proximity to transit. Rehabilitating and remodeling public housing units that are located near transit can also help achieve affordable density, with access to employment.

The sidewalks in Annapolis could also be improved and extended to improve walkability. The City has many State roads, which can sometimes make approval of new sidewalks more difficult. However, the State did resurface sidewalks along West Street, a main arterial, in 2012, which greatly improved walkability in the area.

---

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(3) What is your goal for of number of units to be created of affordable workforce housing, rental and homeownership? What populations (by income or special needs) will benefit from this increased access to affordable housing? (Answer Space 4,000 characters)**

To ensure that housing choices continue to be available to its residents and employees with moderate incomes, the City Council passed the Moderately Priced Dwelling Unit Law in 2004. This law requires that 12% of the houses for sale in new subdivisions of 10 or more units be moderately priced dwelling units (MPDUs). This means that the sale price or rent is below the market rate for other units in the same development.

To be eligible to purchase, or rent, through the MPDU program an individual or household must:

- o Have an income that is 100% or less than the median family income for the Baltimore Metropolitan Statistical Area (MSA), with adjustments for household size, as reported by the United States Department of Housing and Urban Development (HUD)

- o Not currently own a home and be:

- A City resident or employed within the City limits for at least the past twelve months

- A City of Annapolis employee beyond their probationary period

- A teacher or staff member in a school that is included in the Annapolis Senior High School district as defined by the Anne Arundel County Public Schools.

Currently the City has one rental property, which has 18 MPDU Units and four for-sale MPDU properties that are two bedrooms, one bathroom and are on the market for \$216,000. The first three MPDU units were recently sold. These three-bedroom units were priced at \$252,000 and are located in the City's Designated Revitalization Area on West Street. Several projects are in various stages in the development process and have the potential of producing another 45 for sale units. The Planning Department does not have any rental developments under review at this time.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(4) Which community groups or stakeholders will be key to the implementation of the initiatives and projects noted in this section? (Answer Space 4,000 characters)**

The main stakeholders that are key to the implementation of these affordable housing initiatives are the City Staff in the Community Development Division of the Department of Planning and Zoning. This division manages the Community Development Block Grant Program, the Hope Repair Program, and the Moderately Priced Dwelling Unit Program. These are three essential programs for implementation of these initiatives and programs. This division works with the Comprehensive Planning Division to coordinate and establish policies in the City's Comprehensive Plan. The division also provides support to the City Council, Housing and Community Development Committee and implements special redevelopment projects and neighborhood revitalization initiatives. Furthermore, this division works with many local nonprofit agencies that further the reach of city initiatives.

---

## **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

### **E. Support transportation efficiency and access.**

**(1) What policies, strategies and projects are envisioned to strengthen the transportation network that affects the proposed SC Area? How will these initiatives support transportation choices (including walking, bicycling, bus or rail transit, and carpooling) or otherwise promote an efficient transportation network that integrates housing and transportation land uses? (Answer Space 4,000 characters)**

The City of Annapolis advocates for regional decision-making and modal choice for transportation, as well as for eliminating bias against pedestrian, bicycle, public transit, and rail projects. It also is pursuing the establishment of an organizational structure and funding mechanism in support of cooperative transportation planning and funding that serves the Annapolis area, and even beyond the Annapolis region. These goals were proposed in the Annapolis Regional Transportation Vision and Master Plan that serves as a guiding document for improvements in the transportation system.

One transportation initiative that the City debuted in 2012 is the Circulator Trolley. This Circulator runs free-of-charge from downtown to the satellite parking garages located on West Street at a ten minute headway. Visitors and employees are encouraged to "store" their cars at these locations to leave short-term parking options available downtown. The City is also installing an upgraded wayfinding system. Funding for this program was approved for Fiscal Year 2014. The improved wayfinding will help direct motorists to parking garages and will also help bicyclists and pedestrians navigate the close distances between different attractions.

The City is pursuing the creation of a regional transit system serving the needs of Annapolis commuters, residents, and visitors. As a first step, a multi-modal transportation center is in the planning states. This center should be constructed to serve as the primary terminal for regional and local transit, taxis, and airport shuttles. The feasibility study that is now underway will focus on the specific needs of the center, its scope, overall program, and potential locations where the center could be constructed to best utilize the existing routes accessing the City. In addition to serving as the hub for public transit, it should provide intercept parking for vehicles, a bicycle rental facility, and be connected to the developing bicycle network.

The City recognizes that specific and targeted improvements to the local street system should be made with priority given to those that improve cross-town circulation, route continuity for public transit, and intersection capacities. The City will focus on travel demand management as a tool for improving circulation, accessibility, and mobility throughout Annapolis.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(2) If applicable, describe the SC Area's connection or proximity to transportation centers (e.g. Metro, MARC, and light rail stations) and describe opportunities for Transit - Oriented Development (TOD). Will Plan strategies and projects contribute to jobs/housing balance or otherwise provide a mix of land uses that can be expected to reduce reliance on single-occupancy automobiles? (If transit or TOD is not applicable in your community, all points in this section will be based on questions 1 and 3) (Answer Space 4,000 characters)**

The City does not have any "typical" transportation centers such as Metro, MARC or light rail stations but with its transit system enables developments to feature elements of Transit Oriented Development. Recent residential and commercial developments in proximity to downtown Annapolis focus on the enhanced mobility provided by the transit system, the ease of pedestrian and bicycle access, and the overall benefits that brings to the community. These opportunities will continue with the pursuit of the multi-modal transportation center, which will create enhanced regional access as well as potential development opportunities for public-private partnerships. This multi-modal transportation center is currently in the initial planning and feasibility stage.

---

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(3) Which community groups or stakeholders will be key to the implementation of the initiatives and projects noted in this section? (Answer Space 4,000 characters)**

There are three main stakeholders that are key to the implementation of the initiatives and projects noted in this section. First is the Annapolis Department of Transportation (ADOT). The staff in this department works daily to improve the efficiency of the bus system and the Circulator Trolley. They also led the bicycle master planning process in 2011. Staff is currently leading the feasibility study for the multi-modal transportation center as well as pursuing the establishment of a regional transportation entity. The Department of Planning and Zoning works closely with ADOT on these and other studies. It also is responsible for implementing the transportation policies of the Comprehensive Plan

The Transportation Board is also an important stakeholder that reviews and proposes transportation projects in the City. This board is made of eleven residents from the City with a demonstrated interest in transportation, parking, or traffic.

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## **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

### **F. Coordinating and Leveraging Policies and Investment**

**(1) What specific steps will the Sustainable Community Workgroup take to coordinate policies and funding streams to remove barriers to investment and maximize and increase funding in the proposed Sustainable Community Area? (Answer Space 4,000 characters)**

The Sustainable Community Workgroup for Annapolis consists of members from the MainStreet Annapolis Partnership, the Mayor's Office, and members from the Community Development Division and the Comprehensive Planning Division of the Department of Planning and Zoning. These members will work to coordinate the goals of the Sustainable Community program with the Capital Improvement Program and to make changes to the City Code when applicable. For example, the Mayor has recently introduced a new ordinance that will enable businesses to pay their capital facility fees in installments. This option is currently only available to businesses in designated revitalization areas. The new ordinance will help businesses in other sections of the Sustainable Community area.

#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(2) How is the proposed Sustainable Community Plan consistent with other existing community or comprehensive plans? (Answer Space 4,000 characters)**

The proposed Sustainable Community Plan is consistent with the Annapolis Comprehensive Plan. The policies of the two plans overlap in key areas, including smart growth development, accessible and efficient transportation, expanding recreational areas, promotion of affordable housing, and environmental protection

The specific policies that overlap are:

- Growth will be directed primarily to four Opportunity Areas
- Protect and promote the neighborhood commercial retail centers in the city.
- Enhance the public realm of City Dock and its environs.
- Acknowledging the importance of the Maritime industry to Annapolis' character, identity, and economy, strive to ensure the Maritime industry's sustained health and viability.
- Continue to maintain stringent historic preservation requirements in the downtown area and protect and conserve neighborhoods utilizing the neighborhood conservation zoning designation.
- Annapolis' rich cultural history and wealth of current historic and cultural offerings will be protected and enhanced.
- Evaluate risks from sea level rise in decisions involving land use along the waterfront.
- Pursue the creation of a regional transit system serving the needs of Annapolis commuters, residents, and visitors.
- Specific and targeted improvements to the local street system should be made with priority to those that improve cross-town circulation, route continuity for public transit, and intersection capacities.
- The City will invest in system-wide improvement to convert main streets and avenues into "complete streets" – that is, streets which serve the full needs of the community.
- Enhance existing parks and facilities with the objective of supporting structured and informal recreation, protecting the natural environment, and encouraging human health and fitness.
- Complete the network of pedestrian and bicycle pathways.
- Reduce the polluting effects of stormwater runoff into the Chesapeake Bay and its tributaries.
- Protect and restore environmentally sensitive areas and other natural resources within the city.
- Shrink the City's Carbon Footprint and become a community of Green buildings to combat climate change.
- Support development of housing affordable to workforce or middle income households.
- Support housing programs that assist low and moderate-income households with homeownership and housing rehabilitation.

The Sustainable Communities Plan is consistent with other community plans as well, such as the City of Annapolis Community Development Block Grant Five Year Action Plan, the Annapolis Regional Transportation Vision and Master Plan, the Master Bike Plan, and the Sustainable Annapolis Community Action Plan.

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#### **IV. SUSTAINABLE COMMUNITY ACTION PLAN**

**(3) How will the Plan help leverage and/or sustain more private sector investments?** *(Answer Space 4,000 characters)*

The City of Annapolis will use the Sustainable Community designation and plan to help leverage private sector investments in several ways. Initial public investment often persuades businesses to open stores in new locations, for example. Public money can also be used to match private money, especially for projects such as rehabilitating housing stock. The Maritime Museum in Eastport is able to provide education programs by using public and private funds. The City has successfully leveraged private dollars in the past through public works programs such as street improvements and undergrounding utilities.

Under the City's capital improvement program, it continues to be aggressive in attracting new development and commercial revitalization while providing improvements for current citizens and businesses. Wherever possible, the City has dug out old utilities, and installed new water, sewer, storm drains, and gas, phone and electric lines. In Annapolis, overhead wires are not only unsightly, they also impede emergency vehicles on the historic district's narrow angled streets. State law and funding is being addressed with the goal of having the entire City unfettered by telephone poles and overhead wires by 2020. More than a beautification project; it is a matter of public safety. The City also manages many grant and loan programs that effectively partner with investors in the private sector.

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## **V. PROGRESS MEASURES**

### **For the Plan parts of section IV (A through F):**

#### **(1) List the specific outcomes that the Plan seeks to produce. (Answer Space 4,000 characters)**

There are many specific outcomes that this Plan will seek to produce. They include:

#### **A. Supporting existing communities & reducing environmental impacts**

- Encouraging infill development and growth in opportunity areas
- Maintaining limits on growth in environmentally sensitive properties
- Restoring stream beds
- Decreasing the City Government's environmental footprint through better design and adoption of best practices

#### **B. Valuing communities and neighborhoods -- building upon assets and building in amenities**

- Improving and connecting existing recreational areas
- Revitalize City Dock and the waterfront area
- Encourage a "Complete Streets" approach

#### **C. Enhancing economic competitiveness**

- Provide education opportunities for small businesses
- Promote green jobs
- Join regional transportation initiatives

#### **D. Promoting access to quality affordable housing**

- Support the Housing Authority in revitalizing public housing
- Use Community Development Block Grants to encourage housing upkeep and renovations

#### **E. Support transportation efficiency and access**

- Join regional transportation initiatives
- Improve walkability
- Promote the Circulator Trolley and improved wayfinding

#### **F. Coordinating and Leveraging Policies and Investment**

- Help craft new Code language to make it easier for businesses to operate in the City of Annapolis

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## **V. PROGRESS MEASURES**

**(2) And, list the specific benchmarks that will be used to measure progress toward these outcomes. (Answer Space 4,000 characters)**

The specific benchmarks that will be used to measure progress include the following:

**A. Supporting existing communities & reducing environmental impacts**

- Building permits in opportunity areas
- Water quality of the City's surrounding rivers
- Number of streambed restorations
- % reduction in energy use by the city government

**B. Valuing communities and neighborhoods -- building upon assets and building in amenities**

- Miles of bike paths
- Adoption of the City Dock Master Plan
- New sidewalks

**C. Enhancing economic competitiveness**

- Reduction in unemployment rate
- Increase in number of green companies
- Member of regional transportation association

**D. Promoting access to quality affordable housing**

- Revitalized public housing
- Completion rate of Community Development Block Grants

**E. Support transportation efficiency and access**

- Better access to job through public transportation
- Walkability score
- Increase in use of Circulator Trolley

**F. Coordinating and Leveraging Policies and Investment**

- New ordinances



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

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

Chartered 1708 Annapolis 410-263-7961 • FAX 410-263-1129 • MD Relay (711)

JON ARASON, AICP  
DIRECTOR

**MEMORANDUM**

**TO:** City Council *ANW*  
**FROM:** Sally Nash, Department of Planning and Zoning  
**RE:** Sustainable Communities  
**DATE:** July 12, 2013

The Maryland Sustainable Communities Act of 2010 created a program for consolidating areas identified for State revitalization investments into “Sustainable Communities Areas.” This designation includes areas that were formally classified as Community Legacy Programs, Neighborhood Business Works Programs and several other designations such as the MainStreets Designation and the “Opportunity Areas” from our Comprehensive Plan. The purpose of the new, consolidated designation is to simplify program administration for the State and for program users.

The designation makes these areas eligible for grant funds or enhances applications for grant funding from the State. Sustainable Communities is a revitalization tool and a geographic designation to target scarce state and local revitalization resources. As a result, not all areas of the City would be appropriate for the designation. In its Sustainable Communities application, the City of Annapolis identified geographic areas that are a priority for revitalization resources (for example, commercial corridors like Main Street), and discussed revitalization strategies (the Sustainable Community Action Plan) for targeted areas.

Please find attached a list of Sustainable Community benefits. Once approved, the Sustainable Communities designation lasts five years. During that period, the City also has the ability to request amendments to the Sustainable Community Action Plan and boundary as conditions warrant.



## SUSTAINABLE COMMUNITIES BENEFITS

Location within a designated Sustainable Community is a threshold requirement for the Community Legacy and Neighborhood BusinessWorks programs as well as the new Strategic Demolition and Smart Growth Impact Fund. Other programs provide additional incentives or benefits for projects located in a Sustainable Community.

**Community Legacy Program:** Community Legacy provides local governments and community development organizations with funding for essential projects aimed at strengthening communities through activities such as business retention and attraction, encouraging homeownership and commercial revitalization.

**Neighborhood BusinessWorks Program:** Loan program provides gap financing, i.e. subordinate financing, to new or expanding small businesses and nonprofit organizations in Sustainable Communities throughout the State.

**Strategic Demolition and Smart Growth Impact Fund.** The Strategic Demolition and Smart Growth Impact Project Fund (the Fund) provides grants and loans to counties and municipalities for predevelopment activity including demolition and land assembly in for housing and revitalization projects. The Fund enables public and private investment towards the reuse of vacant and underutilized sites.

**MDOT Sidewalk Retrofit Program:** This program helps finance the construction and replacement of sidewalks along state highways. The program covers 50 percent of the cost for approved projects. For projects located in a Sustainable Community, the program covers 100 percent of the cost.

**DBED Job Creation Tax Credit:** Enhanced incentives are provided in Sustainable Communities. The maximum tax credit rises from \$1,000 to \$1500 per employee. The threshold to qualify drops from 60 to 25 jobs created.

**Sustainable Communities Tax Credit:** (formerly the Maryland Heritage Structure Rehabilitation Tax Credit). The Sustainable Communities Act of 2010 expanded the credit (10% commercial credit) to include qualified rehabilitated (non-historic) structures in Sustainable Communities beginning in fiscal 2012. Non-historic structures will be eligible for 10% of the appropriated amount in a fiscal year.

**Maryland Bikeways Program** Supports projects that maximize bicycle access and fill missing links in the state's bike system. Additional points awarded in application evaluation for projects located in a designated Sustainable Community. Sustainable Communities are considered also considered a "priority investment area" under the bikeways program and projects may be eligible for reduced matching requirements.

**MDOT Community Safety and Enhancement Program** Administered by the Maryland State Highway Administrations, this program provides funding for transportation improvements along state highways that support planned or on-going revitalization efforts. Improvements typically include pedestrian and vehicular safety, intersection capacity/operations, sidewalks, roadway reconstruction or resurfacing, drainage repair/upgrade and landscaping. Projects must be in a Priority Funding Area and communities designated as a Sustainable Community are given preference.

### **Sustainable Communities Application Submission**

Per the Sustainable Communities Act of 2010, all former Community Legacy Areas and Designated Neighborhoods received interim Sustainable Communities designation. The interim Sustainable Communities designation will expire on December 31, 2013, unless an application is submitted for continued Sustainable Communities designation. Local governments that are interested in continuing their designation are strongly encouraged to apply now.

Sustainable Community applications can be submitted at any time by a local government applicant, but will be reviewed in rounds. The upcoming deadlines for each round are listed below:

Wednesday, June 26, 2013 and Thursday, June 27, 2013

Tuesday, October 1, 2013 and Wednesday, October 2, 2013

Application rounds will continue in 2014, deadlines to be determined.

For more information, please contact John Papagni at 410-209-5807 or Mary Kendall at 410-209-5810 or visit:

<http://www.mdhousing.org/Website/Programs/dn/Default.aspx>

FISCAL IMPACT NOTE

**Legislation No:** R-31-13

**First Reader Date:** 7-8-13

**Note Date:** 7-16-13

**Legislation Title:** **Designation of Annapolis as a Sustainable Community**

**Description:** For the purpose of supporting the designation of Annapolis as a Sustainable Community, pursuant to the Sustainable Community map and Sustainable Community Plan as further described in the Sustainable Community Application, for approval either directly by the Department of Housing and Community Development of the State of Maryland or through the Smart Growth Sub-Cabinet of the State of Maryland.

**Analysis of Fiscal Impact:** If approved this legislation may result in significant fiscal impact. The City will be eligible to receive financial assistance under the Community Legacy Program, which in turn would allow the City to reinvest in the communities of Annapolis.

1 CITY COUNCIL OF THE  
2 **City of Annapolis**

3  
4 **Ordinance No. O-27-13**

5  
6 **Sponsor: Mayor Cohen**  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13			10/18/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Environmental Matters	7/22/13		

8  
9 **A ORDINANCE** concerning

10 **Sediment and Erosion Control**

11 **FOR** the purpose of adopting the State of Maryland's required erosion and sediment control  
12 ordinance that meets the intent of the State's sediment control laws and regulations.

13 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
14 City of Annapolis, 2012 Edition  
15 Chapter 17.04  
16 Chapter 17.08  
17

18 **WHEREAS,** The Environment Article of the Annotated Code of Maryland requires the  
19 Maryland Department of the Environment (MDE) to implement a statewide  
20 erosion and sediment control program to control sediment-laden runoff from land  
21 disturbing activities; and  
22

23 **WHEREAS,** MDE's obligation in meeting this mandate includes adopting regulations that  
24 establish criteria and procedures for erosion and sediment control throughout  
25 Maryland; and  
26

27 **WHEREAS,** Each county and municipality, in turn, is required to adopt an erosion and  
28 sediment control ordinance that meets the intent of Maryland's sediment control  
29 laws and regulations.  
30

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

33  
34 **CHAPTER 17.04 – DEFINITIONS**

1 17.04.010 - Accessory/appurtenant structure.

2 "Accessory/appurtenant structure" means a structure which is on the same parcel of property as  
3 the principal structure, is no greater than three hundred square feet and one story, and the use  
4 of which is incidental to the use of the principal structure.

5

6 17.04.020 - Adverse impact.

7 "Adverse impact" means any deleterious effect on waters or wetlands, including their quality,  
8 quantity, surface area, species composition, aesthetics or usefulness for human or natural uses.  
9 Such deleterious effect is or potentially may be harmful or injurious to human health, welfare,  
10 safety or property, to biological productivity, diversity or stability; or unreasonably may interfere  
11 with the enjoyment of life or property, including outdoor recreation.

12

13 17.04.030 - Afforestation.

14 "Afforestation" means the establishment of a tree crop on an area from which it always has or  
15 very long has been absent, or the planting of open areas which are not presently in forest cover.

16

17 17.04.040 - Agricultural land management practices.

18 "Agricultural land management practices" means those methods and procedures used in the  
19 cultivation of land in order to further crop and livestock production and conservation of related  
20 soil and water resources. Logging and timber removal operations may not be considered a part  
21 of this definition.

22

23 17.04.050 - Applicant.

24 "Applicant" means an owner, developer or their authorized agent who executes the forms  
25 required for obtaining a permit pursuant to this title.

26

27 17.04.060 - Approved.

28 "Approved," as used in this title, means accepted by the Director of Neighborhood and  
29 Environmental Programs.

30

31 17.04.070 - As-built plans.

32 "As-built plans" means approved site plans that have been revised, if necessary, to represent  
33 the actual, physical characteristics of the completed site. All revisions shall be clearly marked,  
34 and shall include or reference any and all support calculations, measurements and information.

35

1 [17.04.080 - Base flood elevation.]

2 ["Base flood elevation" means an elevation 7.2 feet above mean sea level.]

3

4 [17.04.090 - Basement.]

5 ["Basement," for floodplain management purposes, means any area of a building having its floor  
6 sub-grade partly or completely below ground level.]

7

8 **17.04.095 – BEST MANAGEMENT PRACTICE (BMP)**

9 **“BEST MANAGEMENT PRACTICE” (BMP) MEANS A STRUCTURAL DEVICE OR**  
10 **NONSTRUCTURAL PRACTICE DESIGNED TO TEMPORARILY STORE OR TREAT**  
11 **STORMWATER RUNOFF IN ORDER TO MITIGATE FLOODING, REDUCE POLLUTION,**  
12 **AND PROVIDE OTHER AMENITIES.**

13

14 17.04.100 - Buffer.

15 "Buffer" means a naturally vegetated area or vegetated area established or managed to protect  
16 aquatic, wetland, shoreline and terrestrial environments from manmade disturbances.

17

18 17.04.110 - Canopy.

19 "Canopy" means the highest layer of woody vegetation.

20

21 17.04.120 - Certification.

22 "Certification" means a signed, written statement that specific construction, inspections or tests  
23 shall be or have been performed and that they comply with the applicable standard of this title.  
24 Certification shall be required by a registered professional of an appropriate discipline for the  
25 work performed, as determined by the Director of Neighborhood and Environmental Programs.

26

27 17.04.130 - City.

28 "City" means the City of Annapolis, Maryland.

29

30 17.04.140 - City Attorney.

31 "City Attorney" means the City Attorney of the City of Annapolis.

32

1 17.04.[160]150 - Clearing.

2 "Clearing" means any activity that removes the vegetative ground cover **WHILE LEAVING THE**  
3 **ROOT MAT INTACT.**

4

5 17.04.[150]160 - Coastal floodplain.

6 "Coastal floodplain" means those portions of the floodplain district subject to coastal or tidal  
7 flooding by a one-hundred-year flood, where detailed study data are available. The coastal  
8 floodplain appears on the "Flood Insurance Rate Maps" as Zones A, AE, and A1 through A30.

9

10 **17.04.165 – CONCEPT PLAN**

11 **“CONCEPT PLAN” MEANS THE FIRST OF THREE PLANS SUBMITTED UNDER THE**  
12 **COMPREHENSIVE REVIEW AND APPROVAL PROCESS REQUIRED BY THE**  
13 **STORMWATER MANAGEMENT ACT OF 2007 (ACT), AS MAY BE AMENDED FROM TIME**  
14 **TO TIME, AND DESCRIBED IN CODE OF MARYLAND REGULATIONS (COMAR) 26.17.02**  
15 **AND SHALL INCLUDE THE FOLLOWING INFORMATION NECESSARY TO ALLOW AN**  
16 **INITIAL EVALUATION OF A PROPOSED PROJECT, PER 17.08.065 OF THE CITY CODE.**

17

18 17.04.170 - Construction.

19 "Construction" means any activity on a site which in any way alters its physical character.

20

21 17.04.180 - Critical area.

22 "Critical area" means all lands and waters defined in Annotated Code of Maryland, Natural  
23 Resources Article, Section 8-1807 (or its successors).

24

25 17.04.190 - Cruising.

26 "Cruising" means any forestry activity by which estimates are made of timber size, density, and  
27 extent or value.

28

29 17.04.200 - Cutting.

30 "Cutting" means any act or the conditions resulting from any act by which soil or rock is cut into,  
31 dug, quarried, uncovered, removed, displaced or located.

32

1 17.04.210 - Demolition.

2 "Demolition" means the physical act of removing or razing a structure or group of structures that  
3 does not require clearing, stripping or grading of the site other than for access or for rubble  
4 removal or stabilization.

5

6 17.04.220 - Department.

7 "Department" means the Department of Neighborhood and Environmental Programs of the City  
8 of Annapolis.

9

10 17.04.230 - Design professional.

11 "Design professional" means a registered professional engineer, registered land surveyor, or a  
12 registered landscape architect.

13

14 17.04.240 - Detention structure.

15 "Detention structure" means a permanent structure for the temporary storage of surface water  
16 runoff which is designed not to create a permanent pool of water.

17

18 17.04.250 - Developed woodlands.

19 "Developed woodlands" means those areas one acre or more in size which predominantly  
20 contain trees and natural vegetation and which also include residential, commercial or industrial  
21 structures and uses.

22

23 17.04.260 - Developer.

24 "Developer" means any person or entity acting as a property owner or in behalf of a property  
25 owner to develop a site.

26

27 17.04.270 - Development.

28 "Development" means any manmade change to improved or unimproved real estate, including  
29 but not limited to any construction, reconstruction, modification, extension or expansion of  
30 buildings or other structures, placement of fill or concrete, construction of new or replacement  
31 infrastructure, dumping, mining, dredging, grading, paving, drilling operations, storage of  
32 materials, land excavation, land clearing, land improvement or landfill operation. This term also  
33 includes the subdivision of land.

34

1 17.04.280 - Diameter at breast height.

2 "Diameter at breast height" ("DBH") means the diameter of a tree measured at four and one-half  
3 feet above existing, natural grade.

4

5 17.04.290 - Director.

6 "Director" means the Director of Neighborhood and Environmental Programs of the City of  
7 Annapolis.

8

9 17.04.300 - Diversion.

10 "Diversion" means a channel, ditch or ridge, constructed across a slope, which intercepts and  
11 diverts surface water runoff.

12

13 17.04.310 - Drainage area.

14 "Drainage area" means that area contributing surface water runoff to a single point, as  
15 measured in a horizontal plane.

16

17 **17.04.315 – DRAINAGE WAY**

18 **“DRAINAGE WAY” MEANS ANY NATURAL OR ARTIFICIAL FLOW OR PATH, INCLUDING,**  
19 **BUT NOT LIMITED TO, STREAMS, RIVERS, CREEKS, PONDS, LAKES, DITCHES,**  
20 **CHANNELS, CANALS, CONDUITS, CULVERTS, DRAINS, WATERWAYS, GULLIES,**  
21 **RAVINES OR WASHES IN WHICH WATERS FLOW IN A DEFINITE DIRECTION OR**  
22 **COURSE, EITHER CONTINUOUSLY OR INTERMITTENTLY, AND INCLUDING ANY**  
23 **ADJACENT AREA WHICH IS SUBJECT TO INUNDATION BY REASON OF OVERFLOW OR**  
24 **FLOODWATERS.**

25

26 17.04.320 - Dredging.

27 "Dredging" means any act of excavating in a body of water below the level of mean high tide.

28

29 17.04.330 - Dripline.

30 "Dripline" means the area on the ground beneath a tree as defined by the circumference of the  
31 tree's branches.

32

1 [17.04.340 - Elevation certificate.]

2 ["Elevation certificate" means the official form as prepared and distributed by the Federal  
3 Emergency Management Agency, using mean sea level as established by the National  
4 Geodetic Vertical Datum of 1929.]

5

6 17.04.350 - Engineer.

7 "Engineer" means a "professional engineer" as defined in the Maryland Professional Engineers  
8 Act, Annotated Code of Maryland, Business Occupations and Professions Article, Title 14 (or its  
9 successors), who is in good standing and properly registered by the State of Maryland to  
10 practice engineering in accordance with the Act.

11

12 **17.04.355 – ENVIRONMENTAL SITE DESIGN (ESD)**

13 **“ENVIRONMENTAL SITE DESIGN” (ESD) MEANS USING SMALL-SCALE STORMWATER**  
14 **MANAGEMENT PRACTICES, NONSTRUCTURAL TECHNIQUES, AND SITE PLANNING TO**  
15 **MIMIC NATURAL HYDROLOGIC RUNOFF CHARACTERISTICS AND MINIMIZE THE**  
16 **IMPACT OF LAND DEVELOPMENT ON WATER RESOURCES.**

17

18 17.04.360 - Erosion.

19 "Erosion" means the process of wearing away of the land surface. Erosion may result from  
20 either natural processes or manmade activities.

21

22 17.04.370 - Erosion and sediment control.

23 "Erosion and sediment control" means a system of structural and vegetative measures that  
24 minimize soil erosion and off-site sedimentation.

25

26 17.04.380 - Erosion and sediment control plan.

27 "Erosion and sediment control plan" means a strategy or plan designed to minimize erosion and  
28 prevent off-site sedimentation by containing sediment on site or by passing sediment-laden  
29 runoff through a sediment control measure, prepared and approved in accordance with the  
30 specific requirements of the Anne Arundel soil conservation district and this title, and designed  
31 in accordance with the [1994 Maryland] Standards and Specifications [for Soil Erosion and  
32 Sediment Control and any subsequent revisions].

33

34 17.04.390 - Excavation.

35 "Excavation" means any act or the conditions resulting from any act by which soil or rock is cut  
36 into, dug, quarried, uncovered, removed, displaced or relocated.

1 **17.04.395 – EXEMPTION**

2 **“EXEMPTION” MEANS THOSE LAND DEVELOPMENT ACTIVITIES THAT ARE NOT**  
3 **SUBJECT TO THE EROSION AND SEDIMENT CONTROL REQUIREMENTS CONTAINED IN**  
4 **THIS CHAPTER.**

5

6 17.04.400 - Existing grade.

7 "Existing grade" means the vertical location of the existing ground surface prior to any grading  
8 activity.

9

10 17.04.410 - Facility.

11 "Facility" means a stormwater management design, and shall include all land, materials and  
12 appurtenances used in construction and operation of that design.

13

14 17.04.420 - Fill.

15 "Fill" means any act, or any resultant of the act, by which soil, earth, sand, gravel, rock or any  
16 similar material is deposited, placed, pushed, pulled or transported.

17

18 **17.04.425 – FINAL EROSION AND SEDIMENT CONTROL PLAN**

19 **“FINAL EROSION AND SEDIMENT CONTROL PLAN” MEANS, ALONG WITH THE FINAL**  
20 **STORMWATER MANAGEMENT PLAN, THE LAST OF THREE PLANS SUBMITTED UNDER**  
21 **THE COMPREHENSIVE REVIEW AND APPROVAL PROCESS REQUIRED BY CHAPTER**  
22 **17.10 OF THE CITY CODE AND DESCRIBED IN CHAPTER 17.08 OF THE CITY CODE.**  
23 **FINAL EROSION AND SEDIMENT CONTROL PLANS SHALL BE PREPARED AND**  
24 **APPROVED IN ACCORDANCE WITH THE SPECIFIC REQUIREMENTS OF THE ANNE**  
25 **ARUNDEL SOIL CONSERVATION DISTRICT, THE DIRECTOR, AND THIS CHAPTER AND**  
26 **DESIGNED IN ACCORDANCE WITH THE STANDARDS AND SPECIFICATIONS.**

27

28 17.04.430 - Finished grade.

29 "Finished grade" means the final grade or elevation of the ground surface conforming to the  
30 approved site plan, including all Department-approved modifications to the site plan. The intent  
31 for grading is to have grades that are not too steep or too flat for site conditions and to provide  
32 for drainage patterns.

33

34 [17.04.440 - Flood.]

35 ["Flood" means a temporary inundation of normally dry land areas.]

1  
2 17.04.450 - Flood-related erosion.  
3 "Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or  
4 other body of water as a result of undermining caused by waves or currents of water exceeding  
5 anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body  
6 of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash  
7 flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which  
8 results in flooding.

9  
10 17.04.460 - Flood-related erosion-prone area.  
11 "Flood-related erosion-prone area" means a land area, adjoining the shore of a lake or other  
12 body of water, which, because of the composition of the shoreline or bank and high water levels  
13 or wind-driven currents, is likely to suffer flood-related erosion damage.

14  
15 [17.04.470 - Floodplain.]  
16 ["Floodplain" means (1) a relatively flat or lowland area, adjoining a river, stream or  
17 watercourse, which is subject to partial or complete inundation; (2) an area subject to the  
18 unusual and rapid accumulation of runoff or surface water from any source; or (3) an area  
19 subject to tidal surge or extreme tides.]

20  
21 [17.04.480 - Floodproofing.]  
22 ["Floodproofing" means any combination of structural and nonstructural additions, changes or  
23 adjustments of properties and structures which reduce or eliminate flood damage to lands,  
24 water and sanitary facilities, structures and contents of buildings.]

25  
26 17.04.490 - Forest.  
27 "Forest" means a biological community dominated by trees and other woody plants covering a  
28 land area of one acre or more. This also includes forests that have been cut, but not cleared.

29  
30 17.04.500 - Grading.  
31 ["Grading" means any act causing disturbance of the existing grade. This shall include, but is  
32 not limited to, any activities involving excavation, filling, stockpiling, dredging of earth materials,  
33 grubbing, root mat or topsoil disturbance.] **"GRADING" MEANS TO DISTURB EARTH BY,  
34 INCLUDING BUT NOT LIMITED TO, EXCAVATING, FILLING, STOCKPILING, DREDGING  
35 OF EARTH MATERIALS, GRUBBING, REMOVING ROOT MAT OR TOPSOIL, OR ANY  
36 COMBINATION THEREOF.**

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**17.04.503 – GRADING UNIT**

**“GRADING UNIT” MEANS THE MAXIMUM CONTIGUOUS AREA ALLOWED TO BE GRADED AT A GIVEN TIME. FOR THE PURPOSES OF THIS CHAPTER, A GRADING UNIT IS 20 ACRES OR LESS.**

**17.04.507 – HIGHLY ERODIBLE SOILS**

**“HIGHLY ERODIBLE SOILS” MEANS THOSE SOILS WITH A SLOPE GREATER THAN 15 PERCENT OR THOSE SOILS WITH A SOIL ERODABILITY FACTOR, K, GREATER THAN 0.35 AND WITH SLOPES GREATER THAN 5 PERCENT.**

17.04.510 - Housebarge.

"Housebarge", as used in this title, means "housebarge" as that term is defined in Section 15.02.030 of the code.

17.04.511 - Impervious surfaces.

"Impervious surfaces" means those areas which do not have a vegetated cover with a natural soil substrate or a stormwater management reservoir.

17.04.520 - Land disturbing activity.

"Land disturbing activity" means any action that results in the land surface or subgrade being either temporarily or permanently altered from its existing condition, whether that condition be of natural or manmade cover.

17.04.530 - Landscaping.

"Landscaping" means any act of planting, pruning, care or maintenance, or any other horticultural activity involving existing or transplanted vegetative material, including any associated digging or grading.

17.04.535 - Like-kind.

"Like-kind" means that the construction project is of the same nature or character. A mere difference in grade or quality does not disqualify the construction project.

1 [17.04.540 - Lowest floor.]

2 ["Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An  
3 unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or  
4 storage in an area other than a basement area is not considered a building's lowest floor,  
5 provided that the enclosure is not built in a manner as to render the structure in violation of the  
6 applicable nonelevation design requirements of the Federal Emergency Management Agency,  
7 National Flood Insurance Program.]

8

9 17.04.550 - Manufactured home or building.

10 "Manufactured home or building" means a structure, transportable in one or more sections,  
11 which is built on a permanent chassis and is designed for use with or without a permanent  
12 foundation when connected to the required utilities. For floodplain management purposes the  
13 term "manufactured home or building" also includes park trailers, travel trailers, and other  
14 similar vehicles placed on a site for more than one hundred eighty consecutive days.

15

16 [17.04.560 - Manufactured home park or subdivision.]

17 ["Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided  
18 into two or more manufactured home lots for rent or sale.]

19

20 **17.04.565 – MAXIMUM EXTENT PRACTICABLE (MEP)**

21 **“MAXIMUM EXTENT PRACTICABLE” (MEP) MEANS DESIGNING STORMWATER**  
22 **MANAGEMENT SYSTEMS SO THAT ALL REASONABLE OPPORTUNITIES FOR USING**  
23 **ENVIRONMENTAL SITE DESIGN PLANNING TECHNIQUES AND TREATMENT**  
24 **PRACTICES ARE EXHAUSTED AND ONLY WHERE ABSOLUTELY NECESSARY IS A**  
25 **STRUCTURAL BEST MANAGEMENT PRACTICE IMPLEMENTED.**

26

27 [17.04.570 - Mean sea level.]

28 ["Mean sea level" is as defined by the National Geodetic Vertical Datum of 1929.]

29

30 17.04.580 - Natural vegetation.

31 "Natural vegetation" means those plant communities that develop in the absence of human  
32 activities.

33

34 [17.04.585 - New construction.]

35 ["New construction" is a structure for which the start of construction commenced on or after the  
36 effective date of the adoption of a floodplain management ordinance, and includes any

1 subsequent improvements.]

2

3 17.04.590 - Off-site facility.

4 "Off-site facility," with respect to any particular property, means a stormwater management  
5 facility serving, but not located on, that property.

6

7 17.04.600 - On-site facility.

8 "On-site facility," with respect to any particular property, means a stormwater management  
9 facility serving, and located on, that property.

10

11 17.04.610 - One-hundred-year storm event.

12 "One-hundred-year storm event" means the most severe storm of a twenty-four-hour duration  
13 expected within a one-hundred-year period. In any given year, the probability for that type of  
14 storm is one percent.

15

16 17.04.620 – Owner/**DEVELOPER**.

17 ["Owner" means any person who, alone jointly or severally with others, holds legal or equitable  
18 title to any property or parcel of land referenced in the permit application.]  
19 **“OWNER/DEVELOPER” MEANS A PERSON UNDERTAKING, OR FOR WHOSE BENEFIT,**  
20 **ACTIVITIES COVERED BY THIS CHAPTER ARE CARRIED ON. GENERAL**  
21 **CONTRACTORS OR SUBCONTRACTORS, OR BOTH, WITHOUT A PROPRIETARY**  
22 **INTEREST IN A PROJECT ARE NOT INCLUDED WITHIN THIS DEFINITION.**

23

24 17.04.630 - Permit and tolling.

25 A. "Permit" means written, authorized approval to perform the proposed work.

26 B. Permits and any permit application reviewed, approved, and ready for issuance pursuant  
27 to Title 17, and any extensions thereof which are active and valid as of June 30, 2012, shall by  
28 definition be tolled until June 30, 2014 so that all such permits, permit application approvals, and  
29 extensions shall expire on, or any applicable extension request shall have been requested by,  
30 June 30, 2014.

31 1. The City of Annapolis Code in force at the time construction commences shall apply  
32 to all such permit application approvals.

33

34 17.04.640 - Permittee.

35 "Permittee" means any person to whom a permit is issued pursuant to this title.

1  
2 17.04.650 - Person.  
3 "Person" means and includes the Federal Government, the State, any County, municipal  
4 corporation or other political subdivision of the State, or any of their units, or an individual,  
5 receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind, or  
6 any partnership, firm, association, public or private corporation, or any of their affiliates, or any  
7 other entity.

8  
9

10 **17.04.655 – POLLUTANT**

11 **"POLLUTANT" MEANS ANY LIQUID, GASEOUS, SOLID, OR OTHER SUBSTANCES**  
12 **WHICH WILL CAUSE WATER POLLUTION OF A WATER RESOURCE OF THE CITY.**

13  
14 17.04.660 - Pre-development.

15 "Pre-development" means the United States Department of Agriculture (USDA) Soil  
16 Conservation Service classification for "meadow" in good hydrologic condition.

17  
18 17.04.670 - Principally above ground.

19 "Principally above ground" means that at least fifty-one percent of the actual cash value of a  
20 structure, less land value, is above ground as it pertains to the floodplain district.

21  
22 17.04.680 - Private stormwater management facility.

23 "Private stormwater management facility" means any stormwater management facility which is  
24 not to be owned and maintained by the City or any other government agency.

25  
26 17.04.690 - Pruning.

27 "Pruning" means any act of cutting or removing dead or living parts of branches of a tree or  
28 shrub in order to improve shape or growth.

29  
30 17.04.700 - Public stormwater management facility.

31 "Public stormwater management facility" means any stormwater management facility which is to  
32 be owned and maintained by the City or any other governmental agency.

33

1 17.04.710 - Responsible personnel.

2 "Responsible personnel" means any foreman, superintendent or project engineer who is in  
3 charge of on-site clearing and grading operations or sediment control associated with earth  
4 changes or disturbances.

5

6 17.04.720 - Retention structure.

7 "Retention structure" means a permanent structure that provides for the storage of surface  
8 water runoff by means of a permanent pool of water.

9

10 17.04.730 - Sediment.

11 "Sediment" means soils or other materials transported or deposited by the action of wind, water,  
12 ice, gravity or artificial means.

13

14 [17.04.740 - Sediment Control Inspection Agency.]

15 ["Sediment Control Inspection Agency" means the City of Annapolis, Department of  
16 Neighborhood and Environmental Programs.]

17

18 17.04.750 - Shrub layer.

19 "Shrub layer" means the lowest layer of woody vegetation.

20

21 17.04.760 - Site.

22 "Site" means that portion of land, lot or parcel of land or combination of contiguous lots or  
23 parcels of land upon which grading or other land-disturbing activity is to be performed as part of  
24 a unit, subdivision or project.

25

26 17.04.770 - Site design plan.

27 "Site design plan" means drawings that reflect a conceptual design for the physical  
28 characteristics of a site for planning purposes. The site design plan provides preliminary  
29 engineering which may be subject to the revisions during final engineering design.

30

31 17.04.780 - Site plan.

32 "Site plan" means drawings that reflect the physical characteristics of a site. These drawings  
33 include existing and proposed conditions.

1  
2 17.04.790 - Slope.

3 "Slope" means the inclined exposed surface of a fill, excavation or natural terrain, also the  
4 steepness or grade of that surface, expressed in terms of the ratio of horizontal distance to  
5 vertical rise, or in terms of a percentage.

6  
7 17.04.800 - Soil.

8 "Soil" means all earth material of whatever origin that overlies bedrock, including, but not limited  
9 to, the decomposed zone of bedrock which readily can be excavated by mechanical equipment.

10 17.04.810 - Specimen.  
11 "Specimen" means an individual tree uniquely representative of its species.

12  
13 17.04.820 - Stabilization.

14 ["Stabilization" means the prevention of soil movement by any of various vegetative or structural  
15 means.] **“STABILIZATION” MEANS THE PROTECTION OF EXPOSED SOILS FROM**  
16 **EROSION BY THE APPLICATION OF SEED AND MULCH, SEED AND MATTING, SOD,**  
17 **OTHER VEGETATIVE MEASURES, AND/OR STRUCTURAL MEANS.**

18  
19 17.04.825 - Standards and specifications.

20 "Standards and specifications" means the "[1994] **2011** Maryland Standards and Specifications  
21 for Soil Erosion and Sediment Control" or any subsequent revisions.

22  
23 17.04.830 - Steep slope.

24 "Steep slope" means a slope of greater than fifteen percent grade, which is characterized by  
25 increased runoff, erosion and sediment hazards.

26  
27 17.04.[850]**840** - Start of construction.

28 "Start of construction" means the date of issuance of the building permit for any development,  
29 including new construction and substantial improvements, provided that the actual start of the  
30 construction or improvement was within one hundred twenty days of permit issuance. The  
31 actual start of new construction means the initiation of any land-disturbing activity. For  
32 substantial improvement, the start of construction is the first alteration of any structural part of  
33 the building.

34

1 **17.04.850 – STORMWATER**

2 **“STORMWATER” MEANS WATER THAT ORIGINATES FROM A PRECIPITATION EVENT.**

3

4 17.04.860 - Stormwater management.

5 "Stormwater management" ("SWM") refers both to quantitative control: a system of vegetative  
6 and structural measures which control the increased volume and rate of surface runoff caused  
7 by manmade changes to the land and have the effect of maintaining the existing patterns of  
8 flood magnitude and frequency; and qualitative control: a system of vegetative, structural and  
9 other measures which control or treat pollutants carried by surface runoff.

10

11 **17.04.860 – STORMWATER MANAGEMENT SYSTEM**

12 **“STORMWATER MANAGEMENT SYSTEM” MEANS NATURAL AREAS, ESD PRACTICES,**  
13 **STORMWATER MANAGEMENT MEASURES, AND ANY OTHER STRUCTURE THROUGH**  
14 **WHICH STORMWATER FLOWS, INFILTRATES, OR DISCHARGES FROM A SITE.**

15

16 [17.04.870 - Stripping.]

17 ["Stripping" means any activity which removes the vegetative surface cover, including tree  
18 removal, clearing, grubbing and removal of topsoil.]

19

20 17.04.8[4]70 - Structure.

21 "Structure" means that which is built or constructed, to include but not limited to the following: a  
22 walled or roofed building, a gas or liquid storage tank, a building foundation, platform deck,  
23 swimming pool, bulkhead or greenhouse that is principally above ground and affixed to a  
24 permanent site or location.

25

26 17.04.880 - Subdivision.

27 "Subdivision" means the division or redivision of a lot, tract or parcel of land by any means into  
28 two or more lots, tracts, parcels or other divisions of land, including a change in existing lot  
29 lines, for the purpose, whether immediate or future, of lease, transfer of ownership, or building  
30 or lot development.

31

32 [17.04.885 - Substantial damage.]

33 ["Substantial damage" means damage of any origin sustained by a structure whereby the cost  
34 of restoring the structure to its before-damaged condition would equal or exceed fifty percent of  
35 the market value of the structure before the damage occurred.]

1  
2 17.04.890 - Substantial improvement.

3 "Substantial improvement" means:

4 [A. Any repair, reconstruction or improvement of a structure, the cost of which equals or  
5 exceeds fifty percent of the market value of the structure either:]

6 [1. Before the improvement or repair is started, or]

7 [2. If the structure has been damaged and is being restored, before the damage  
8 occurred; and]

9 [B. Is considered to occur when the first alteration of any wall, ceiling, floor or other  
10 structural part of the building commences, whether or not that alteration affects the  
11 external dimensions of the structure. The term, however, does not include either:]

12 [1. Any project for improvement of a structure to comply with existing State or local  
13 health, sanitary or safety code specifications which are necessary solely to assure  
14 safe living conditions, or]

15 [2. Any alteration of a structure listed in the National Register of Historic Places or a  
16 State inventory of historic places.]

17 **ANY RECONSTRUCTION, REHABILITATION, ADDITION, OR OTHER IMPROVEMENT OF A**  
18 **BUILDING OR STRUCTURE, THE COST OF WHICH EQUALS OR EXCEEDS FIFTY**  
19 **PERCENT OF THE MARKET VALUE OF THE BUILDING OR STRUCTURE BEFORE THE**  
20 **START OF CONSTRUCTION OF THE IMPROVEMENT. THE TERM INCLUDES**  
21 **STRUCTURES WHICH HAVE INCURRED SUBSTANTIAL DAMAGE, REGARDLESS OF**  
22 **THE ACTUAL REPAIR WORK PERFORMED. THE TERM DOES NOT; HOWEVER, INCLUDE**  
23 **EITHER:**

24 **(1) ANY PROJECT FOR IMPROVEMENT OF A BUILDING OR STRUCTURE TO**  
25 **CORRECT EXISTING VIOLATIONS OF STATE OR LOCAL HEALTH, SANITARY,**  
26 **OR SAFETY CODE SPECIFICATIONS WHICH HAVE BEEN IDENTIFIED BY THE**  
27 **LOCAL CODE ENFORCEMENT OFFICIAL PRIOR TO SUBMISSION OF AN**  
28 **APPLICATION FOR A PERMIT AND WHICH ARE THE MINIMUM NECESSARY TO**  
29 **ASSURE SAFE LIVING CONDITIONS; OR**

30 **(2) ANY ALTERATION OF A HISTORIC STRUCTURE, PROVIDED THAT THE**  
31 **ALTERATION WILL NOT PRECLUDE THE STRUCTURE'S CONTINUED**  
32 **DESIGNATION AS A HISTORIC STRUCTURE.**

33  
34 17.04.900 - Ten-year storm event.

35 "Ten-year storm event" means the most severe storm of a twenty-four-hour duration expected  
36 within a ten-year period. In any given year, the probability for that type of storm is ten percent.

37

1 17.04.910 - Trenching.

2 "Trenching" means any act of cutting, digging or excavating a trench for the emplacement of  
3 utilities.

4

5 17.04.920 - Two-year storm event.

6 "Two-year storm event" means the most severe storm of a twenty-four-hour duration expected  
7 within a two-year period. In any given year, the probability of that type of storm is fifty percent.

8

9 17.04.930 - Tunneling.

10 "Tunneling" means any act of cutting, digging or excavating a tunnel for the emplacement of  
11 utilities.

12

13 17.04.940 - Understory.

14 "Understory" means the intermediate layer of woody vegetation.

15

16 17.04.950 - Variance.

17 "Variance" means [modification of the criteria set forth in the standards and specifications.]  
18 **THE MODIFICATION OF THE MINIMUM EROSION AND SEDIMENT CONTROL**  
19 **REQUIREMENTS FOR EXCEPTIONAL CIRCUMSTANCES SUCH THAT STRICT**  
20 **ADHERENCE TO THE REQUIREMENTS WOULD RESULT IN UNNECESSARY HARDSHIP**  
21 **AND NOT FULFILL THE INTENT OF THIS CHAPTER.**

22

23 **17.04.955 – WATER POLLUTION**

24 **"WATER POLLUTION" MEANS ANY CONTAMINATION OR OTHER ALTERATION OF THE**  
25 **PHYSICAL, CHEMICAL, OR BIOLOGICAL PROPERTIES OF ANY WATERS, INCLUDING A**  
26 **CHANGE IN TEMPERATURE, TASTE, COLOR, TURBIDITY, OR ODOR OF THE WATERS**  
27 **OR THE DISCHARGE OR DEPOSIT OF ANY ORGANIC MATTER, HARMFUL ORGANISM,**  
28 **OR LIQUID, GASEOUS, SOLID, RADIOACTIVE, OR OTHER SUBSTANCE INTO ANY**  
29 **WATERS THAT WILL RENDER THE WATERS HARMFUL, OR DETRIMENTAL TO PUBLIC**  
30 **HEALTH AND SAFETY, LEGITIMATE BENEFICIAL USES, WILD ANIMALS, OR AQUATIC**  
31 **LIFE.**

32

33 [17.04.960 – Watercourse or drainage way.

34 "Watercourse or drainage way" means any natural or artificial flow or path, including, but not  
35 limited to, streams, rivers, creeks, ponds, lakes, ditches, channels, canals, conduits, culverts,  
36 drains, waterways, gullies, ravines or washes in which waters flow in a definite direction or

1 course, either continuously or intermittently, and including any adjacent area which is subject to  
2 inundation by reason of overflow or floodwaters. ]

3 **17.04.960 – WATER RESOURCE**

4 **"WATER RESOURCE" MEANS ANY WETLANDS, EPHEMERAL STREAMS,**  
5 **INTERMITTENT STREAMS, PERENNIAL STREAMS, OTHER BODIES OF WATER, AND**  
6 **ANY OTHER DRAINAGE WAY THAT MAY CONTINUOUSLY OR INTERMITTENTLY CARRY**  
7 **WATER TO ONE OF THESE WATER RESOURCES.**

8

9 17.04.970 - Watershed.

10 "Watershed" means the total drainage area contributing runoff to a specific water body, or to a  
11 specific point.

12

13 17.04.980 - Wetlands.

14 "Wetlands" means any area that has saturated soils or periodic high groundwater levels and  
15 vegetation adapted to wet conditions and periodic flooding, to include but not limited to land  
16 which is either considered "private wetland" or "State wetland" pursuant to Annotated Code of  
17 Maryland, Environment Article, Title 16 (or its successors), or defined as "wetland" by the U.S.  
18 Fish and Wildlife Service identification and classification procedures (or its successors).

19

20 17.04.990 - Wetland floodplain.

21 "Wetland floodplain" means those portions of land within the floodplain district subject to  
22 inundation by a one-hundred-year flood and determined to be "wetlands" as defined in this title.

23

24 17.04.1000 - Wildlife corridor.

25 "Wildlife corridor" means a strip of land having vegetation that provides habitat and a safe  
26 passageway for wildlife.

27

28 17.04.1010 - Work.

29 "Work" means any construction-related activity that leads to the performance of action provided  
30 by the grading or building permit.

31

32

1 **Chapter 17.08 - GRADING, EROSION AND SEDIMENT CONTROL**

2

3 **17.08.010 - Purpose.**

4 A. [The purpose of this chapter is to protect the public health, safety and property and the  
5 general welfare of the community by establishing minimum requirements for the stripping,  
6 excavating and filling of land, for dredging, and for the control of soil erosion and sediment.  
7 Minimizing soil erosion and off-site sedimentation will minimize damage to public and private  
8 property, and assist in the attainment and maintenance of water quality standards.] **THE**  
9 **PURPOSE OF THIS CHAPTER IS TO PROTECT, MAINTAIN, AND ENHANCE THE PUBLIC**  
10 **HEALTH, SAFETY, AND GENERAL WELFARE BY ESTABLISHING MINIMUM**  
11 **REQUIREMENTS AND PROCEDURES TO CONTROL THE ADVERSE IMPACTS**  
12 **ASSOCIATED WITH LAND DISTURBANCES. THE GOAL IS TO MINIMIZE SOIL EROSION**  
13 **AND PREVENT OFF-SITE SEDIMENTATION BY USING SOIL EROSION AND SEDIMENT**  
14 **CONTROL PRACTICES DESIGNED IN ACCORDANCE WITH THE CODE OF MARYLAND**  
15 **REGULATIONS (COMAR) 26.17.01, THE 2011 MARYLAND STANDARDS AND**  
16 **SPECIFICATIONS (STANDARDS AND SPECIFICATIONS) AND THE STORMWATER**  
17 **MANAGEMENT ACT OF 2007 (ACT) OR ITS SUCCESSORS. THIS CHAPTER WILL HELP**  
18 **REDUCE THE NEGATIVE IMPACTS OF LAND DEVELOPMENT ON WATER RESOURCES,**  
19 **MAINTAIN THE CHEMICAL, PHYSICAL, AND BIOLOGICAL INTEGRITY OF STREAMS,**  
20 **AND MINIMIZE DAMAGE TO PUBLIC AND PRIVATE PROPERTY.**

21 B. The provisions of this chapter are minimum requirements. They shall be conformed to in  
22 addition to, rather than in lieu of, all other legal requirements, and shall be construed liberally to  
23 accomplish the purposes set forth. No person shall allow and no landowner shall permit any  
24 work to be performed which violates this chapter.

25 C. The provisions of this chapter are adopted pursuant to Annotated Code of Maryland,  
26 Environment Article, Title 4, Subtitle 1 (or its successors), as well as the authority of the City  
27 Charter and the City Code and shall apply to all grading occurring within the City.

28

29 17.08.020 - Liability for damages.

30 The issuance of a permit under the provisions of this chapter or compliance with the provisions  
31 of this chapter does not relieve a person from responsibility for damage to persons or property  
32 otherwise imposed by law, or impose liability on the City for damages.

33

34 17.08.030 - Grading permit—Required application.

35 A. Except as set forth in Section 17.08.040, no person shall do and no owner allow, any  
36 grading of land without first having obtained a grading permit from the Director. Each permit  
37 shall authorize only the improvements set forth in the application and accompanying drawings,  
38 but each permit may cover any number of contiguous lots.

39 B. The application shall be filed with the Director or designee. Both the owner of the property  
40 and the contractor engaged to do the work are responsible equally for obtaining the required  
41 grading permit.

- 1 C. Each application for a grading permit shall be supported by the following:
- 2 1. Plans and specifications in accordance with Section 17.08.060
  - 3 2. The required fees in accordance with Section 17.08.080
  - 4 3. The written approval of appropriate State and Federal agencies, where applicable;
  - 5 4. A right-of-entry to the City for periodic inspection for compliance with this title;
  - 6 5. A bond in accordance with Section [18]17.08.092;
  - 7 6. Payment to the City Finance Director of all applicable school impact fees assessed by
  - 8 Anne Arundel County, or proof that the project is not subject to the County's school impact
  - 9 fees.

10

11 17.08.040 - Grading permit—[Exceptions.] **EXEMPTIONS**

12 **NO PERSON SHALL DISTURB LAND WITHOUT IMPLEMENTING SOIL EROSION AND**  
13 **SEDIMENT CONTROLS IN ACCORDANCE WITH THE REQUIREMENTS OF THIS**  
14 **CHAPTER AND THE STANDARDS AND SPECIFICATIONS EXCEPT AS PROVIDED WITHIN**  
15 **THIS SECTION.**

- 16 **A.** A grading permit is not required for the following **LIMITATIONS AS SET FORTH**  
17 **BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT'S MOST RECENT**  
18 **STANDARD SEDIMENT AND EROSION CONTROL PLAN LIMITATIONS**, provided that  
19 the other provisions of this chapter and of applicable State law are satisfied:

20 Land on which the following exist:

- 21 [1. Land-disturbing activities less than five thousand square feet, except for new  
22 single family homes for which a grading permit is required regardless of area  
23 disturbed,]
- 24 [2. The total excavation volume or fill volume of the site is less than one hundred  
25 cubic yards, and is above the established mean high water line,]
- 26 [3. Land-disturbing activities shall not include steep slope areas,]
- 27 [4. The owner, builder, developer or permittee is not the owner, builder, developer  
28 or permittee of any contiguous lots undergoing development,]
- 29 [5. The proposed grading will not impair existing surface drainage, constitute a  
30 potential erosion hazard, or act as a source of sedimentation to any adjacent land or  
31 watercourse, and]
- 32 [6. Grading will not take place within one hundred feet of the mean high water line.]

33 **1. AGRICULTURAL LAND MANAGEMENT PRACTICES AND AGRICULTURAL**  
34 **BMPS.**

35 **2. THE LOT WHERE THE WORK IS TO BE PERFORMED IS ON A PAVED,**  
36 **GRAVELED OR PUBLICLY MAINTAINED STREET WHERE STORM DRAINS**

- 1 ARE IN OPERATION AND ROADSIDE DITCHES ARE STABILIZED.
- 2 3. NOT MORE THAN 5,000 SQUARE FEET OF GROUND SHALL BE DISTURBED;  
3 NO MORE THAN 2,000 SQUARE FEET FOR WATERFRONT LOTS.
- 4 4. CUTS AND FILLS SHALL NOT EXCEED 10 FEET IN DEPTH OR HEIGHT AND  
5 SHALL NOT EXCEED 100 CUBIC YARDS IN VOLUME.
- 6 5. SLOPES WITH A GRADE OF 15% OR GREATER SHALL NOT BE DISTURBED  
7 AND SLOPES STEEPER THAN 3:1 MAY NOT BE CREATED.
- 8 6. HIGHLY ERODIBLE SOILS SHALL NOT BE DISTURBED.
- 9 7. NO EARTH DISTURBANCE SHALL OCCUR WITHIN THE FOLLOWING WITH  
10 THE EXCEPTION OF SHORELINE STABILIZATION PROJECTS AND RETAINING  
11 WALL REPLACEMENTS IN KIND:
- 12 a. THE LIMITS OF THE 100 YEAR FLOODPLAIN OF ANY STREAM;
- 13 b. 100 FEET OF ANY PERENNIAL STREAM OR WATER BODY;
- 14 c. 100 FEET LANDWARD OF THE MEAN HIGH WATER LINE OF ANY  
15 WATER BODY AFFECTED BY TIDAL ACTION (SUBJECT TO VARIANCE  
16 PROCEDURES IN TITLE 21 OF THE CITY CODE);
- 17 d. 100 FEET FROM ANY TIDAL WETLAND OR BOG; OR
- 18 e. 25 FEET OF ANY NON-TIDAL WETLAND EXCEPT FOR AN APPROVED  
19 BUFFER MANAGEMENT PLAN APPROVED BY THE CITY FOR  
20 CLEARING LESS THAN 5,000 SQUARE FEET OF VEGETATION.
- 21 8. THE OWNER, BUILDER OR DEVELOPER IS NOT THE SAME OWNER, BUILDER  
22 OR DEVELOPER OF ANY CONTIGUOUS LOTS UNDERGOING DEVELOPMENT.
- 23 9. THE PROPOSED CONSTRUCTION IS NOT A SINGLE FAMILY DWELLING OR  
24 AN ADDITION OR MODIFICATION THAT IS CLASSIFIED AS A SUBSTANTIAL  
25 IMPROVEMENT TO AN EXISTING SINGLE FAMILY DWELLING AS  
26 DETERMINED IN ACCORDANCE WITH CITY OF ANNAPOLIS CODE.
- 27 10. ANY PROPOSED GRADING WILL NOT IMPAIR EXISTING SURFACE  
28 DRAINAGE, CONSTITUTE A POTENTIAL EROSION HAZARD OR ACT AS A  
29 SOURCE OF SEDIMENTATION TO ADJACENT LAND OR WATER RESOURCE  
30 OR IMPACT AN EROSION AND SEDIMENT CONTROL PLAN PREVIOUSLY  
31 APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT OR  
32 THE CITY OF ANNAPOLIS.
- 33 11. THE SITE CONDITIONS MUST BE SUCH THAT IT IS POSSIBLE TO SATISFY  
34 THE REQUIRED EROSION AND SEDIMENT CONTROL REQUIREMENTS BY  
35 THE USE OF REINFORCED SILT FENCE, A STABILIZED CONSTRUCTION  
36 ENTRANCE AND VEGETATIVE STABILIZATION.
- 37 12. THE APPLICANT HAS SUBMITTED A SITE PLAN ADEQUATELY SHOWING THE  
38 PROPERTY LINES, SITE CONDITIONS, AND THE PROPOSED WORK WHICH IS  
39 ATTACHED HERETO AND MADE A PART THEREOF.

1           **13. FOR WORK IN THE CRITICAL AREA, THE APPLICANT HAS SUBMITTED A**  
2           **CRITICAL AREA WORKSHEET DETAILING EXISTING, AND PROPOSED LOT**  
3           **COVERAGE AND IMPERVIOUS COVER.**

4           **14. THE PROPOSED WORK DOES NOT REQUIRE A STATE WATERWAY OR**  
5           **WETLAND PERMIT EXCEPT WHERE THE PROJECT IS A SHORELINE**  
6           **STABILIZATION PROJECT.**

7           B. Land-disturbing activities that are subject exclusively to State approval and  
8           enforcement under State law and regulations.

9           **C. IF A GRADING PERMIT IS NOT REQUIRED UNDER SUB-SECTION A, A**  
10           **STANDARD SEDIMENT AND EROSION CONTROL PLAN SHALL BE ISSUED.**

11  
12   17.08.050 - Variances—Erosion and sediment control plan.

13   A.   The Director, based on written recommendations from the Anne Arundel Soil Conservation  
14   District, may grant a variance from the requirements of the ["1994 Maryland] Standards and  
15   Specifications [for Soil Erosion and Sediment Control," and any subsequent revisions], if strict  
16   adherence to the specifications will result in [unnecessary] **EXCEPTIONAL** hardship and not  
17   fulfill the intent of this chapter. The developer shall submit a written request for a variance to the  
18   **DIRECTOR AND THE** Anne Arundel Soil Conservation District. The request shall state the  
19   specific variances sought and reasons for requesting the variance. The Director shall not grant a  
20   variance unless and until sufficient specific reasons justifying the variance are provided by the  
21   owner/developer to the satisfaction of the Anne Arundel Soil Conservation District **AND THE**  
22   **DIRECTOR.**

23   B.   The granting of a variance as noted in this section does not in any way exempt the  
24   applicant from compliance with the other requirements of this chapter.

25  
26   17.08.060 - Permit—Plans and specifications.

27   [The grading permit application shall include site plans and specifications prepared by a design  
28   professional that provide, but shall not be limited to, the following information:]

29   [A.   An erosion and sediment control plan, on a scale not less than one inch equals forty  
30   feet, which meets the requirements of the Anne Arundel Soil Conservation District, this  
31   title, the State sediment control regulations, COMAR 26.17.01 and the "1994 Maryland  
32   Standards and Specifications for Soil Erosion and Sediment Control" and any subsequent  
33   revisions. The plan shall include sufficient information to evaluate the environmental  
34   characteristics of the affected areas, the potential impacts of the proposed grading on  
35   water resources, and the effectiveness and acceptability of measures proposed to  
36   minimize soil erosion and off-site sedimentation. The applicant shall certify on the drawings  
37   that all clearing, grading, drainage, construction and development shall be conducted in  
38   strict accordance with the plan. The plan shall include the following:]

39           [1. Applicant information: names, addresses and telephone numbers of the  
40           applicant, owner, contractor, developer, engineer, and person responsible for the  
41           proposed work,]

- 1 [2. Site location information: lot number, section, block, zone, property tax number,  
2 and address,]
- 3 [3. A vicinity sketch indicating north arrow, scale and other information necessary to  
4 locate the property easily,]
- 5 [4. A boundary line survey delineating the property lines of the site, or a copy of the  
6 officially recorded plat,]
- 7 [5. Existing and proposed topography for the site and the one-hundred-foot  
8 peripheral strip at contour intervals as determined by the slope:]
- 9 [a. Average three percent or less, contours shall have not more than one-foot  
10 interval,]
- 11 [b. Average more than three percent but less than fifteen percent, contours  
12 shall have not more than a two-foot interval, or]
- 13 [c. Average fifteen percent or more, contours shall have not more than a five-  
14 foot interval,]
- 15 [6. Location of existing and proposed buildings or structures, utilities, sanitary  
16 sewers, water mains, storm drainage systems, roadways, and fences on the site and  
17 within one hundred feet of the site,]
- 18 [7. The estimated disturbed surface area, volumes of cut, fill, borrow and spoil  
19 materials for the site and limits of grading,]
- 20 [8. Sequence of construction describing the relationship between the  
21 implementation and maintenance of erosion and sediment control measures,  
22 including permanent and temporary stabilization and the various stages or phases of  
23 earth disturbance and construction. The sequence of construction shall, at a  
24 minimum, include a schedule and time frame for the following activities:]
- 25 [a. Clearing and grubbing for those areas necessary for installation of  
26 perimeter controls,]
- 27 [b. Construction of perimeter controls,]
- 28 [c. Remaining clearing and grubbing,]
- 29 [d. Road grading,]
- 30 [e. Grading for remainder of site,]
- 31 [f. Utility installation,]
- 32 [g. Final grading, landscaping or stabilization, and]
- 33 [h. Removal of controls.]
- 34 [9. Erosion and sediment control measures that minimize on-site erosion and  
35 prevent off-site sedimentation, including:]
- 36 [a. Provisions to preserve topsoil and limit disturbance,]

1 [b. Details of grading practices,]

2 [c. Design details for structural controls that pertain to drainage, retaining  
3 walls, cribbing, vegetative practices, erosion and sediment control measures,  
4 and other protective devices to be constructed in connection with, or as part of,  
5 the proposed work, and]

6 [d. Details of temporary and permanent stabilization measures, including  
7 placement of the following statement on the plan:]

8 [Following initial soil disturbance or redisturbance, permanent or temporary stabilization  
9 shall be completed within:]

10 [i. Seven calendar days as to the surface of all perimeter dikes, swales, ditches, perimeter  
11 slopes, and all slopes greater than three horizontal to one vertical (3:1), and]

12 [ii. For all other disturbed or graded areas on the project site, not to exceed fourteen days if  
13 no backfilling takes place or immediately upon the backfilling of the foundation,]

14 [The requirements of subsections (A)(9)(d)(i) and (ii) of this section do  
15 not apply to those areas which are shown on the plan and currently  
16 are being used for material storage or for those areas on which actual  
17 active construction activities are being performed. Maintenance shall  
18 be performed as necessary to ensure that the stabilized areas  
19 continuously meet the appropriate requirements of the "1994  
20 Maryland Standards and Specifications for Soil Erosion and Sediment  
21 Control" and any subsequent revisions,]

22 [10. A statement shall be placed on the sediment and erosion control plan that states  
23 the following: "The developer/owner shall request that the Director approve work  
24 completed in accordance with the approved erosion and sediment control plan, the  
25 grading or building permit, and this title."]

26 [a. On all sites with disturbed areas in excess of two acres, approval of the  
27 Sediment Control Inspection Agency shall be requested upon completion of  
28 installation of perimeter erosion and sediment controls, but before proceeding  
29 with any other earth disturbance or grading. Other building or grading inspection  
30 approvals may not be authorized until this initial approval by the Director is  
31 made, and]

32 [b. Approval shall be requested upon final stabilization of all sites with  
33 disturbed areas in excess of two acres before removal of controls,]

34 [11. Certification by the developer/owner that any clearing, grading, construction or  
35 development, or all of these, will be done pursuant to this plan and that responsible  
36 personnel involved in the construction project will have a Certificate of Training at a  
37 Maryland Department of the Environment approved training program for the control of  
38 sediment and erosion before beginning the project. The Certification of Training for  
39 Responsible Personnel requirement may be waived by the Anne Arundel Soil  
40 Conservation District on any project involving four or fewer residential units,]

41 [12. A statement on the sediment and erosion control plan that indicates the  
42 permittee shall notify the Director forty-eight hours before commencing any land-

1           disturbing activity;]

2           [B. Adequate plans and specifications detailing:]

3           [1. Complete storm drainage information:]

4                   [a. Drainage area map, and where applicable, subdrainage area boundaries,  
5                   on a scale of not less than one inch to two hundred feet,]

6                   [b. Hydrologic and hydraulic studies, as required by the Department, and]

7                   [c. Requirements as stated in Chapter 17.10, Stormwater Management, of this  
8                   code,]

9           [2. Requirements as stated in Chapter 17.11, Floodplain Management, of this  
10           code,]

11           [3. Profiles for the following, where required by the Department:]

12                   [a. Roadways,]

13                   [b. Storm drainage systems and drainage channels,]

14                   [c. Sanitary sewers, and]

15                   [d. Water lines,]

16           [4. Requirements as stated in Chapter 17.09, Trees in Development Areas, of this  
17           code,]

18           [5. An engineer's certification where determined to be necessary by the Director,]

19           [6. Supplemental reports, data or additional information as the Department may  
20           require to the adequacy of the proposed plan. This information may include, but is not  
21           limited to:]

22                   [a. A record of field observations,]

23                   [b. Field test data (such as behavior of adjacent or nearby structures, geologic  
24                   history and origin of soil, test boring log giving classification, standard  
25                   penetration data and water level observations, pile load test, plate load test, and  
26                   others as necessary),]

27                   [c. Laboratory test data (such as moisture density curves, grain size curves,  
28                   shear strength tests, moisture content, and consolidation test results),]

29                   [d. Project characteristics (such as those affecting soil and foundation design,  
30                   sensitivity to settlement and design loads, factor of safety against failure,  
31                   consequences of failure and merits of programmed maintenance, location of  
32                   borrow pits on site or location where suitable fill will be obtained), and]

33                   [e. An outfall survey that documents the preconstruction and post-construction  
34                   conditions of the development site's drainage area outfall, and which may  
35                   include a topographical or bathymetric survey, vegetation description,  
36                   photographic or video documentation, and soil survey. Monitoring devices may

1 be required,]

2 [7. The Department may waive the filing of particular information wherever in its  
3 judgment the information will serve no useful purpose for the particular project and  
4 the waiver does not contravene the purposes of this title.]

5 **A. AN APPLICANT IS RESPONSIBLE FOR SUBMITTING EROSION AND SEDIMENT**  
6 **CONTROL PLANS THAT MEET THE REQUIREMENTS OF THE ANNE ARUNDEL SOIL**  
7 **CONSERVATION DISTRICT, THIS CHAPTER OF THE CITY CODE, CHAPTER 17.10 OF**  
8 **THE CITY CODE, THE STANDARDS AND SPECIFICATIONS, AND THE ACT. THE**  
9 **PLANS SHALL INCLUDE SUFFICIENT INFORMATION TO EVALUATE THE**  
10 **ENVIRONMENTAL CHARACTERISTICS OF THE AFFECTED AREAS, THE POTENTIAL**  
11 **IMPACTS OF THE PROPOSED GRADING ON WATER RESOURCES, AND THE**  
12 **EFFECTIVENESS AND ACCEPTABILITY OF MEASURES PROPOSED TO MINIMIZE**  
13 **SOIL EROSION AND OFF-SITE SEDIMENTATION.**

14 **B. AT A MINIMUM, AN APPLICANT SHALL SUBMIT THE FOLLOWING INFORMATION:**

15 **1. A LETTER OF TRANSMITTAL AND/OR APPLICATION;**

16 **2. NAME, ADDRESS, AND TELEPHONE NUMBER OF:**

17 **A. THE OWNER OF THE PROPERTY WHERE THE GRADING IS PROPOSED;**

18 **B. THE DEVELOPER; AND**

19 **C. THE APPLICANT;**

20 **3. A VICINITY MAP INDICATING NORTH ARROW, SCALE, SITE LOCATION, AND**  
21 **OTHER INFORMATION NECESSARY TO EASILY LOCATE THE PROPERTY;**

22 **4. DRAINAGE AREA MAP(S) AT A 1" = 200' MINIMUM SCALE SHOWING EXISTING,**  
23 **INTERIM, AND PROPOSED TOPOGRAPHY, PROPOSED IMPROVEMENTS,**  
24 **STANDARD SYMBOLS FOR PROPOSED SEDIMENT CONTROL FEATURES, AND**  
25 **PERTINENT DRAINAGE INFORMATION INCLUDING PROVISIONS TO PROTECT**  
26 **DOWNSTREAM AREAS FROM EROSION FOR A MINIMUM OF 200 FEET**  
27 **DOWNSTREAM OR TO THE NEXT CONVEYANCE SYSTEM;**

28 **5. THE LOCATION OF NATURAL RESOURCES, WETLANDS, FLOODPLAINS, HIGHLY**  
29 **ERODIBLE SOILS, SLOPES 15 PERCENT AND STEEPER, AND ANY OTHER**  
30 **SENSITIVE AREAS;**

31 **6. A GENERAL DESCRIPTION OF THE PREDOMINANT SOIL TYPES ON THE SITE,**  
32 **AS DESCRIBED BY THE APPROPRIATE SOIL SURVEY INFORMATION**  
33 **AVAILABLE THROUGH THE LOCAL SOIL CONSERVATION DISTRICT OR THE**  
34 **USDA NATURAL RESOURCES SOIL CONSERVATION SERVICE;**

35 **7. PROPOSED STORMWATER MANAGEMENT PRACTICES;**

36 **8. EROSION AND SEDIMENT CONTROL PLANS INCLUDING:**

37 **A. THE EXISTING TOPOGRAPHY AND IMPROVEMENTS AS WELL AS PROPOSED**  
38 **TOPOGRAPHY AND IMPROVEMENTS AT A SCALE BETWEEN 1" = 10' AND 1"**  
39 **= 50' WITH 2 FOOT CONTOURS OR OTHER APPROVED CONTOUR INTERVAL.**

- 1           **FOR PROJECTS WITH MORE THAN MINOR GRADING, INTERIM CONTOURS**  
2           **MAY ALSO BE REQUIRED;**
- 3           **B. SCALE, PROJECT AND SHEET TITLE, AND NORTH ARROW ON EACH PLAN**  
4           **SHEET;**
- 5           **C. THE LIMIT OF DISTURBANCE (LOD) INCLUDING:**
- 6               **I. LIMIT OF GRADING (GRADING UNITS, IF APPLICABLE); AND**  
7               **II. INITIAL, INTERIM, AND FINAL PHASES;**
- 8           **D. THE PROPOSED GRADING AND EARTH DISTURBANCE INCLUDING:**
- 9               **I. TOTAL DISTURBED AREA;**  
10              **II. VOLUME OF CUT AND FILL QUANTITIES; AND**  
11              **III. VOLUME OF BORROW AND SPOIL QUANTITIES;**
- 12           **E. STORM DRAINAGE FEATURES, INCLUDING:**
- 13               **I. EXISTING AND PROPOSED BRIDGES, STORM DRAINS, CULVERTS,**  
14               **OUTFALLS, ETC.;**
- 15               **II. VELOCITIES AND PEAK FLOW RATES AT OUTFALLS FOR THE TWO-YEAR**  
16               **AND TEN-YEAR FREQUENCY STORM EVENTS; AND**
- 17               **III. SITE CONDITIONS AROUND POINTS OF ALL SURFACE WATER**  
18               **DISCHARGE FROM THE SITE;**
- 19               **IV. DRAINAGE AREA MAP AND, WHERE APPLICABLE, SUBDRAINAGE AREA**  
20               **BOUNDARIES, ON A SCALE OF NOT LESS THAN ONE INCH TO TWO**  
21               **HUNDRED FEET;**
- 22               **V. HYDROLOGIC AND HYDRAULIC STUDIES, AS REQUIRED BY THE**  
23               **DEPARTMENT; AND**
- 24               **VI. REQUIREMENTS AS STATED IN CHAPTER 17.10, STORMWATER**  
25               **MANAGEMENT, OF THE CITY CODE;**
- 26           **F. EROSION AND SEDIMENT CONTROL PRACTICES TO MINIMIZE ON-SITE**  
27           **EROSION AND PREVENT OFF-SITE SEDIMENTATION INCLUDING:**
- 28               **I. THE SALVAGE AND REUSE OF TOPSOIL;**
- 29               **II. PHASED CONSTRUCTION AND IMPLEMENTATION OF GRADING UNIT(S)**  
30               **TO MINIMIZE DISTURBANCES, BOTH IN EXTENT AND DURATION;**
- 31               **III. LOCATION AND TYPE OF ALL PROPOSED SEDIMENT CONTROL**  
32               **PRACTICES;**
- 33               **IV. DESIGN DETAILS AND DATA FOR ALL EROSION AND SEDIMENT**  
34               **CONTROL PRACTICES; AND**

1           **V. SPECIFICATIONS FOR TEMPORARY AND PERMANENT STABILIZATION**  
2           **MEASURES INCLUDING, AT A MINIMUM:**

3           **(A) THE “STANDARD STABILIZATION NOTE” ON THE PLAN STATING:**  
4           **“FOLLOWING INITIAL SOIL DISTURBANCE OR RE-DISTURBANCE,**  
5           **PERMANENT OR TEMPORARY STABILIZATION MUST BE COMPLETED**  
6           **WITHIN:**

7                   **(I) THREE (3) CALENDAR DAYS AS TO THE SURFACE OF ALL**  
8                   **PERIMETER DIKES, SWALES, DITCHES, PERIMETER SLOPES, AND**  
9                   **ALL SLOPES STEEPER THAN 3 HORIZONTAL TO 1 VERTICAL (3:1);**  
10                  **AND**

11                   **(II) SEVEN (7) CALENDAR DAYS AS TO ALL OTHER DISTURBED OR**  
12                   **GRADED AREAS ON THE PROJECT SITE NOT UNDER ACTIVE**  
13                   **GRADING.”**

14           **(B) DETAILS FOR AREAS REQUIRING ACCELERATED STABILIZATION;**  
15           **AND**

16           **(C) MAINTENANCE REQUIREMENTS AS DEFINED IN THE STANDARDS**  
17           **AND SPECIFICATIONS;**

18           **(D) THE “VERTICAL STABILIZATION NOTE” ON THE PLAN STATING:**  
19           **“BUILDING CONSTRUCTION MAY NOT PROCEED PAST THE GROUND**  
20           **FLOOR UNTIL THE FOUNDATION HAS BEEN BACKFILLED AND ALL**  
21           **REMAINING DISTURBED AREAS HAVE BEEN PERMANENTLY OR**  
22           **TEMPORARILY STABILIZED. ONCE THE SITE IS STABILIZED, WITH**  
23           **THE DEPARTMENT’S APPROVAL, FRAMING MAY COMMENCE ABOVE**  
24           **THE GROUND FLOOR. DURING BUILDING CONSTRUCTION BEYOND**  
25           **THE GROUND FLOOR, ALL DISTURBED AREAS MUST BE STABILIZED**  
26           **AT THE END OF EACH BUSINESS DAY;**

27           **G. A SEQUENCE OF CONSTRUCTION DESCRIBING THE RELATIONSHIP**  
28           **BETWEEN THE IMPLEMENTATION AND MAINTENANCE OF CONTROLS,**  
29           **INCLUDING PERMANENT AND TEMPORARY STABILIZATION, AND THE**  
30           **VARIOUS STAGES OR PHASES OF EARTH DISTURBANCE AND**  
31           **CONSTRUCTION. ANY CHANGES OR REVISIONS TO THE SEQUENCE OF**  
32           **CONSTRUCTION MUST BE APPROVED BY THE ANNE ARUNDEL SOIL**  
33           **CONSERVATION DISTRICT OR THE DEPARTMENT PRIOR TO PROCEEDING**  
34           **WITH CONSTRUCTION. THE SEQUENCE OF CONSTRUCTION, AT A MINIMUM,**  
35           **MUST INCLUDE THE FOLLOWING:**

36                   **I. REQUEST FOR A PRE-CONSTRUCTION MEETING WITH THE**  
37                   **APPROPRIATE ENFORCEMENT AUTHORITY;**

38                   **II. CLEARING AND GRUBBING AS NECESSARY FOR THE INSTALLATION OF**  
39                   **PERIMETER CONTROLS;**

40                   **III. CONSTRUCTION AND STABILIZATION OF PERIMETER CONTROLS;**

41                   **IV. REMAINING CLEARING AND GRUBBING WITHIN INSTALLED PERIMETER**  
42                   **CONTROLS;**

- 1           **V. ROAD GRADING;**
- 2           **VI. GRADING FOR THE REMAINDER OF THE SITE;**
- 3           **VII. UTILITY INSTALLATION AND CONNECTION TO EXISTING STRUCTURES;**
- 4           **VIII. CONSTRUCTION OF BUILDINGS, ROADS, AND OTHER CONSTRUCTION;**
- 5           **IX. FINAL GRADING, LANDSCAPING, AND STABILIZATION;**
- 6           **X. INSTALLATION OF STORMWATER MANAGEMENT MEASURES;**
- 7           **XI. APPROVAL OF THE SEDIMENT CONTROL INSPECTOR PRIOR TO**  
8           **REMOVAL OF SEDIMENT CONTROLS; AND**
- 9           **XII. REMOVAL OF CONTROLS AND STABILIZATION OF AREAS THAT ARE**  
10           **DISTURBED BY REMOVAL OF SEDIMENT CONTROLS;**
- 11       **H. A STATEMENT REQUIRING THE OWNER/DEVELOPER OR REPRESENTATIVE**  
12       **TO CONTACT THE DEPARTMENT AT THE FOLLOWING STAGES OF THE**  
13       **PROJECT OR IN ACCORDANCE WITH THE APPROVED EROSION AND**  
14       **SEDIMENT CONTROL PLAN, GRADING PERMIT, OR BUILDING PERMIT:**
- 15           **I. FORTY-EIGHT HOURS PRIOR TO THE START OF EARTH DISTURBANCE;**
- 16           **II. UPON COMPLETION OF THE INSTALLATION OF PERIMETER EROSION**  
17           **AND SEDIMENT CONTROLS, BUT BEFORE PROCEEDING WITH ANY**  
18           **OTHER EARTH DISTURBANCE OR GRADING;**
- 19           **III. PRIOR TO THE START OF ANOTHER PHASE OF CONSTRUCTION OR**  
20           **OPENING OF ANOTHER GRADING UNIT; AND**
- 21           **IV. PRIOR TO THE REMOVAL OF SEDIMENT CONTROL PRACTICES;**
- 22       **I. REQUIREMENTS AS STATED IN CHAPTER 17.11, FLOODPLAIN**  
23       **MANAGEMENT, OF THE CITY CODE;**
- 24       **J. REQUIREMENTS AS STATED IN CHAPTER 17.09, TREES IN DEVELOPMENT**  
25       **AREAS, OF THE CITY CODE;**
- 26       **K. AN ENGINEER'S CERTIFICATION WHERE DETERMINED TO BE NECESSARY**  
27       **BY THE DEPARTMENT;**
- 28       **L. SUPPLEMENTAL REPORTS, DATA OR ADDITIONAL INFORMATION AS THE**  
29       **DEPARTMENT MAY REQUIRE TO THE ADEQUACY OF THE PROPOSED PLAN.**  
30       **THIS INFORMATION MAY INCLUDE, BUT IS NOT LIMITED TO:**
- 31           **I. A RECORD OF FIELD OBSERVATIONS;**
- 32           **II. FIELD OR LABORATORY TEST DATA;**
- 33           **III. AN OUTFALL SURVEY THAT DOCUMENTS THE PRE-CONSTRUCTION**  
34           **AND POST-CONSTRUCTION CONDITIONS OF THE DEVELOPMENT**  
35           **SITE'S DRAINAGE AREA OUTFALL, AND WHICH MAY INCLUDE A**  
36           **TOPOGRAPHICAL OR BATHYMETRIC SURVEY, VEGETATION**

1 DESCRIPTION, PHOTOGRAPHIC OR VIDEO DOCUMENTATION, AND  
2 SOIL SURVEY. MONITORING DEVICES MAY BE REQUIRED;

3 M. THE DEPARTMENT MAY WAIVE THE FILING OF PARTICULAR INFORMATION  
4 WHEREVER IN ITS JUDGEMENT THE INFORMATION WILL SERVE NO USEFUL  
5 PURPOSE FOR THE PARTICULAR PROJECT AND THE WAIVER DOES NOT  
6 CONTRAVENE THE PURPOSES OF THIS TITLE;

7 N. CERTIFICATION BY THE OWNER/DEVELOPER THAT ANY CLEARING,  
8 GRADING, CONSTRUCTION, OR DEVELOPMENT WILL BE DONE PURSUANT  
9 TO THE APPROVED EROSION AND SEDIMENT CONTROL PLAN. THE  
10 CERTIFICATION MUST ALSO REQUIRE THAT THE RESPONSIBLE  
11 PERSONNEL INVOLVED IN THE CONSTRUCTION PROJECT HAVE A  
12 CERTIFICATE OF TRAINING AT A MARYLAND DEPARTMENT OF THE  
13 ENVIRONMENT (MDE) APPROVED TRAINING PROGRAM FOR THE CONTROL  
14 OF EROSION AND SEDIMENT PRIOR TO BEGINNING THE PROJECT. THE  
15 CERTIFICATE OF TRAINING FOR RESPONSIBLE PERSONNEL MAY BE  
16 WAIVED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT ON ANY  
17 PROJECT INVOLVING FOUR OR FEWER RESIDENTIAL LOTS. ADDITIONALLY,  
18 THE OWNER/DEVELOPER SHALL ALLOW RIGHT OF ENTRY FOR PERIODIC  
19 ON-SITE EVALUATION BY THE ANNE ARUNDEL SOIL CONSERVATION  
20 DISTRICT, THE DEPARTMENT, AND/OR MDE;

21 O. CERTIFICATION BY A PROFESSIONAL ENGINEER, LAND SURVEYOR,  
22 LANDSCAPE ARCHITECT, ARCHITECT, OR FORESTER (FOR FOREST  
23 HARVEST OPERATIONS ONLY) REGISTERED IN THE STATE THAT THE  
24 PLANS HAVE BEEN DESIGNED IN ACCORDANCE WITH EROSION AND  
25 SEDIMENT CONTROL LAWS, REGULATIONS, AND STANDARDS, IF  
26 REQUIRED BY THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT, THE  
27 DEPARTMENT, OR THE MARYLAND DEPARTMENT OF THE ENVIRONMENT;

28 P. ANY ADDITIONAL INFORMATION OR DATA DEEMED APPROPRIATE BY THE  
29 DEPARTMENT.

30  
31 **17.08.065 – REVIEW AND APPROVAL OF EROSION AND SEDIMENT CONTROL PLANS**

32 A. A PERSON MAY NOT GRADE LAND WITHOUT AN EROSION AND SEDIMENT  
33 CONTROL PLAN APPROVED BY THE ANNE ARUNDEL SOIL CONSERVATION  
34 DISTRICT AND THE DEPARTMENT.

35 B. THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT AND THE DEPARTMENT  
36 SHALL REVIEW EROSION AND SEDIMENT CONTROL PLANS TO DETERMINE  
37 COMPLIANCE WITH THIS CHAPTER AND THE STANDARDS AND SPECIFICATIONS  
38 PRIOR TO APPROVAL. IN APPROVING THE PLAN, THE ANNE ARUNDEL SOIL  
39 CONSERVATION DISTRICT AND THE DEPARTMENT MAY IMPOSE SUCH  
40 CONDITIONS THAT MAY BE DEEMED NECESSARY TO ENSURE COMPLIANCE WITH  
41 THE PROVISIONS OF THIS CHAPTER, COMAR 26.17.01, THE STANDARDS AND  
42 SPECIFICATIONS, AND THE PRESERVATION OF PUBLIC HEALTH AND SAFETY.

43 C. THE REVIEW AND APPROVAL PROCESS SHALL BE IN ACCORDANCE WITH THE  
44 COMPREHENSIVE AND INTEGRATED PLAN APPROVAL PROCESS DESCRIBED IN

1 THE STANDARDS AND SPECIFICATIONS, CHAPTER 17.10 OF THE CITY CODE.

2 D. AT A MINIMUM, A CONCEPT PLAN MUST INCLUDE THE MAPPING OF NATURAL  
3 RESOURCES AND SENSITIVE AREAS INCLUDING HIGHLY ERODIBLE SOILS AND  
4 SLOPES GREATER THAN 15 PERCENT, WATER RESOURCES, AS WELL AS  
5 INFORMATION REQUIRED UNDER CHAPTER 17.10 OF THE CITY CODE, OR ANY  
6 OTHER INFORMATION REQUIRED BY THE DEPARTMENT. THESE AREAS ARE TO  
7 REMAIN UNDISTURBED OR AN EXPLANATION MUST BE INCLUDED WITH EITHER  
8 THE CONCEPT OR SITE DEVELOPMENT PLAN DESCRIBING ENHANCED  
9 PROTECTION STRATEGIES FOR THESE AREAS DURING CONSTRUCTION.

10 E. A SITE DEVELOPMENT PLAN SUBMITTAL MUST INCLUDE ALL CONCEPT PLAN  
11 INFORMATION AND INDICATE HOW PROPOSED EROSION AND SEDIMENT  
12 CONTROL PRACTICES WILL BE INTEGRATED WITH PROPOSED STORMWATER  
13 MANAGEMENT PRACTICES. THE LATTER IS TO BE DONE THROUGH A NARRATIVE  
14 AND AN OVERLAY PLAN SHOWING BOTH ESD AND EROSION AND SEDIMENT  
15 CONTROL PRACTICES. AN INITIAL SEQUENCE OF CONSTRUCTION AND  
16 PROPOSED PROJECT PHASING TO ACHIEVE THE GRADING UNIT RESTRICTION  
17 SHALL BE SUBMITTED AT THIS TIME.

18 F. AN APPLICANT SHALL SUBMIT A FINAL EROSION AND SEDIMENT CONTROL PLAN  
19 TO THE DEPARTMENT FOR REVIEW AND APPROVAL. THE PLAN MUST INCLUDE  
20 ALL OF THE INFORMATION REQUIRED BY THE CONCEPT AND SITE DEVELOPMENT  
21 PLANS AS WELL AS ANY INFORMATION IN 17.08.060 OF THE CITY CODE NOT  
22 ALREADY SUBMITTED, AND ANY OTHER INFORMATION REQUIRED BY THE  
23 DEPARTMENT.

24 G. A FINAL EROSION AND SEDIMENT CONTROL PLAN SHALL NOT BE CONSIDERED  
25 APPROVED WITHOUT THE INCLUSION OF THE SIGNATURE AND DATE OF THE  
26 ANNE ARUNDEL SOIL CONSERVATION DISTRICT ON THE PLAN.

27 H. APPROVED PLANS REMAIN VALID FOR 2 YEARS FROM THE DATE OF APPROVAL  
28 UNLESS EXTENDED OR RENEWED BY THE ANNE ARUNDEL SOIL CONSERVATION  
29 DISTRICT AND THE DEPARTMENT.

30 I. GRANDFATHERING OF APPROVED SEDIMENT & EROSION CONTROL PLANS:

31 1. ANY PLANS THAT RECEIVE FINAL APPROVAL AFTER JANUARY 9, 2013 MUST  
32 BE IN COMPLIANCE WITH THE REQUIREMENTS OF THIS ORDINANCE AND THE  
33 STANDARDS AND SPECIFICATIONS.

34 2. A PLAN THAT RECEIVES FINAL APPROVAL BY JANUARY 9, 2013 MAY BE  
35 REAPPROVED UNDER ITS EXISTING CONDITIONS IF GRADING ACTIVITIES HAVE  
36 BEGUN ON THE SITE BY JANUARY 9, 2015, WITH THE EXCEPTION OF  
37 STABILIZATION REQUIREMENTS.

38 3. STABILIZATION PRACTICES ON ALL SITES MUST BE IN COMPLIANCE WITH THE  
39 REQUIREMENTS OF THIS CHAPTER AND THE STANDARDS AND  
40 SPECIFICATIONS BY JANUARY 9, 2013 REGARDLESS OF WHEN AN APPROVED  
41 EROSION AND SEDIMENT CONTROL PLAN WAS APPROVED.

1 17.08.070 - Permit—Approvals.

2 No grading permit shall be issued unless:

3 A. The Department has reviewed and approved all site plans and specifications, and  
4 verified the estimated costs; and

5 B. An erosion and sediment control plan has been approved by the Anne Arundel Soil  
6 Conservation District. The approved plan shall include the signature and date of approval  
7 by the approval agency; and

8 C. All plans have received written approval by the appropriate State and Federal  
9 agencies, where applicable; and

10 D. Special exception or subdivision approval, as appropriate, has been obtained for land  
11 development projects; and

12 E. For a use which is designated under Title 21 as a permitted use subject to standards,  
13 the project first has been approved by the Department of Planning and Zoning in  
14 accordance with Chapter 21.64 of the code; and

15 F. All other provisions within the code have been satisfied, as required. The Department  
16 may impose such conditions as may be determined to be necessary to ensure compliance  
17 with the provisions of this title, the State sediment control regulations, COMAR 26.17.01,  
18 the ["1994 Maryland] Standards and Specifications [for Soil Erosion and Sediment Control"  
19 (or any subsequent revisions)], or for the preservation of public health and safety.

20

21 17.08.080 - Grading permit—Fees—Reinspection.

22 A. The fee for a grading permit shall be based upon the estimated cost of site work proposed,  
23 and includes the cost of materials and labor for installation and construction of such items as  
24 earthmoving, sediment control measures, storm drainage systems and stormwater management  
25 facilities, and roadways. Estimated costs and quantities shall be submitted to the Department.  
26 The fee shall be established by resolution of the City Council.

27 1. The application fee will not be refundable for any reason except if the permit  
28 application has been denied. The application fee will be applied to the final cost of the  
29 grading permit at the time of issuance per the procedures as established by the  
30 Department of Public Works.

31 B. Reinspection Fee. A fee as established by resolution of the City Council must be paid  
32 before another inspection is made if, for the original inspection, one or more of the following  
33 occurred:

34 1. Requesting party called for inspection, but work was not ready;

35 2. Requesting party was not on site;

36 3. Building was locked;

37 4. Safety features not on site;

1           5.    Approved drawings not on site;

2           6.    Permit not posted on site.

3

4   17.08.090 - Bonding—Purpose.

5   The purpose of the bond is to guarantee and insure, in the event of failure, that all work  
6   authorized by the permit will be completed satisfactorily, and that the site will be restored to a  
7   condition meeting the minimum requirements of this chapter.

8

9   17.08.092 - Bonding—Required.

10   A.   A performance bond shall be a prerequisite to obtaining a grading permit when:

11           1.    Greater than five thousand square feet is disturbed; or

12           2.    More than one [thousand] **HUNDRED** cubic yards are graded; or

13           3.    Any public facility or stormwater management facility is proposed.

14   B.   The bond amount shall be based upon the total estimated cost of labor and materials for  
15   construction and installation of:

16           1.    Earthmoving;

17           2.    Erosion and sediment control measures;

18           3.    Vegetative stabilization;

19           4.    Stormwater management systems and facilities;

20           5.    Public sanitary sewers and water mains;

21           6.    Roadways and roadway improvements; and

22           7.    Any other public improvements.

23   C.   A maintenance bond shall be required upon satisfactory completion of all requirements set  
24   forth in the grading permit. The maintenance bond shall represent a minimum of ten percent of  
25   the performance bond and is in effect for a minimum of one year. The Director or his or her  
26   designee may make adjustments based on current estimates or site conditions.

27   D.   Bonding estimates shall be certified by a registered engineer or land surveyor.

28   E.   Before acceptance, all bonds shall be approved by the Director or his or her designee and  
29   the City Attorney.

30   F.   In lieu of a bond, a cash deposit, certified check or an irrevocable letter of credit from a  
31   local bank or other accredited institution in like amount, may be filed with the Department  
32   subject to the same terms and conditions as applicable to a performance bond. All bonds and  
33   letters of credit shall be submitted in City format.

1 G. If a corporation bond is offered, it shall be executed by a surety or guaranty company  
2 qualified to transact business in the State, and if a cash bond is offered, it is to be deposited  
3 with the Director of Finance, who shall give an official receipt stipulating that the cash has been  
4 deposited in compliance with, and subject to, the provisions of this section.

5 H. If all work of the permit is not completed within the time specified in Section 17.08.140, or if  
6 any portion of the work violates any other terms or conditions, the cash deposit shall be  
7 forfeited, or if a bond or letter of credit has been posted, payment in full to the City will be  
8 ordered. The funds so received shall be used by the City for defraying the cost of contracting,  
9 including engineering and administration, for the restoration of the site to meet the minimum  
10 requirements of this chapter, with particular emphasis on stabilization, safety, drainage and  
11 erosion control. If those costs exceed that amount of deposit or bond or letter of credit, the  
12 excess constitutes a lien on the property, and the permittee continues to be bound firmly under  
13 a continuing obligation for payment of any and all costs and expenses of any nature incurred by  
14 the City. Any unused portion of moneys forfeited shall be returned. No money shall be returned  
15 to any surety or guaranty company if such funds were acquired, obtained or paid pursuant to a  
16 court order or judgment.

17  
18 17.08.100 - Permit—Bond provisions.

19 The bond or letter of credit shall include the following provisions:

20 A. The applicant shall comply with Section 17.09.092, this section and all other  
21 applicable laws and ordinances.

22 B. The applicant shall comply with all of the terms and conditions of the grading permit.

23 C. Any extension of completion time pursuant to the provisions of Section 17.08.140  
24 shall not release the applicant.

25 D. Upon default, the applicant shall continue to be bound firmly under a continuing  
26 obligation for payment of one of the following, at the election of the surety:

27 1. All costs and expenses necessary to complete the work in accordance with the  
28 approved plans and specifications (or any approved modification to the approved  
29 plans or specifications; or

30 2. All necessary costs and expenses or liabilities which may be incurred to stabilize  
31 in accordance with the stabilization plan for erosion control presented by the applicant  
32 to and approved by the City; or

33 3. Payment to the City in cash or by certified check in a sufficient amount to equal  
34 the cost of performing the necessary work. If the cost for restoration of a site to meet  
35 the minimum requirements of this section (with particular emphasis on stability,  
36 safety, drainage and erosion control) exceeds the amount of the cash or certified  
37 check, the permittee shall continue to be bound under a continuing obligation for  
38 payment of all excess costs and expenses incurred by the City.

39 E. The security shall remain in full force and effect until a certificate of completion has  
40 been issued by the Department of Neighborhood and Environmental Programs certifying  
41 that the work has been performed in accordance with the plans and specifications, or

1 certifying that the permit has been unused; provided, however, that the Director may  
2 increase or reduce security based on current estimates or site conditions. Upon issuance  
3 of this certificate, any unused portion of any cash or certified check shall be returned to the  
4 applicant, and the applicant and his/her surety shall be released from all further obligations  
5 under this section (provided default has not occurred). The certificate of completion shall  
6 be issued within sixty-days from the date the Department [of Neighborhood and  
7 Environmental Programs] receives written notice of completion, provided that during the  
8 sixty-day period, the Department inspects the work performed and is satisfied that the  
9 permittee has complied with the provisions of this section.

10

11 17.08.110 - Permit—Denial.

12 A. No permit authorizing grading shall be issued by the Director if it is found that the work  
13 proposed by the applicant is likely to endanger any property or public way, to pollute any water,  
14 or to damage wetlands or marine habitat. Factors to be considered by the Director include, but  
15 are not limited to, possible saturation by rains, earth movement, surface water runoff, soil  
16 erosion, sedimentation, siltation and subsurface conditions such as the stratification and faulting  
17 of rock, and the nature and type of soil and rock.

18 B. Failure of the Director or his or her designee to observe or recognize hazardous conditions  
19 or failure to deny the grading permit shall not relieve the owner or the owner's agent from  
20 responsibility for the conditions or damages resulting from the failures, and shall not result in the  
21 City or its officers or agents being responsible for the damages resulting from the failures.

22 C. No permits shall be issued to any applicant who has outstanding permit or code violations  
23 on other projects and activities within the City until those violations have been resolved  
24 satisfactorily as determined by the Director or his or her designee.

25

26 17.08.120 - Permit—Suspension or revocation.

27 [The Director or designee may suspend or revoke any grading permit for any violations of the  
28 approved sediment control plan, of the permit requirements, of the stop work order, or of this  
29 title, or any irregularities in grading, excavation or fill, or for unsafe or unworkmanlike operations  
30 or misrepresentation of facts, or for the purpose of inspection.] **THE DIRECTOR MAY  
31 SUSPEND OR REVOKE ANY GRADING OR BUILDING PERMITS AFTER PROVIDING  
32 WRITTEN NOTIFICATION TO THE PERMITTEE BASED ON ANY OF THE FOLLOWING  
33 REASONS:**

34 **A. ANY VIOLATION(S) OF THE TERMS OR CONDITIONS OF THE APPROVED EROSION  
35 AND SEDIMENT CONTROL PLAN OR PERMITS;**

36 **B. NONCOMPLIANCE WITH VIOLATION NOTICE(S) OR STOP WORK ORDER(S);**

37 **C. CHANGES IN SITE CHARACTERISTICS UPON WHICH PLAN APPROVAL AND PERMIT  
38 ISSUANCE WERE BASED; OR**

39 **D. ANY VIOLATION(S) OF THIS CHAPTER OR ANY RULES AND REGULATIONS  
40 ADOPTED UNDER IT.**

1 **E. ANY VIOLATION(S) OF THE PROCEDURES SET FORTH IN THE STANDARDS AND**  
2 **SPECIFICATIONS.**

3

4 17.08.130 - Plan modification.

5 [A. Major Modifications. Major modifications of the approved sediment and erosion control  
6 plans shall be submitted to the Director or designee and reprocessed as an initial application.]

7 [B. Minor Modifications.]

8 [1. The Anne Arundel Soil Conservation District shall develop a list of minor modifications  
9 of the approved erosion and sediment control plans that may be approved as field changes  
10 by the Director.]

11 [2. Field modifications of a minor nature may be authorized by the Director provided  
12 written authorization is given to the person performing the work.]

13 **A. THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT MAY REVISE APPROVED**  
14 **PLANS AS NECESSARY. MODIFICATIONS MAY BE REQUESTED BY THE**  
15 **OWNER/DEVELOPER OR DEPARTMENT IN ACCORDANCE WITH THE ANNE**  
16 **ARUNDEL SOIL CONSERVATION DISTRICT'S "MAJOR/MINOR CHANGE LIST FOR**  
17 **APPROVED SEDIMENT AND EROSION CONTROL PLANS." THE DIRECTOR MAY**  
18 **MAKE MINOR CHANGES TO APPROVED SEDIMENT AND EROSION CONTROL**  
19 **PLANS AS LISTED ON THE ANNE ARUNDEL SOIL CONSERVATION DISTRICT**  
20 **RESOLUTION TITLED, "MAJOR/MINOR CHANGE LIST FOR APPROVED SEDIMENT**  
21 **AND EROSION CONTROL PLANS." MAJOR CHANGES MUST BE APPROVED BY THE**  
22 **ANNE ARUNDEL SOIL CONSERVATION DISTRICT.**

23

24 17.08.140 - Expiration, renewal, deadline extension and nontransferability.

25 A. The applicant has thirty calendar days after the Department's verbal or written notification  
26 of permit approval to claim the approved grading permit **FOR ISSUANCE, OTHERWISE THE**  
27 **PERMIT WILL BE CONSIDERED VOID.**

28 B. A grading permit expires if no work is commenced within ninety days after issuance. A  
29 one-time renewal is permitted within a period of six months after the date of expiration if the  
30 conditions under which the permit was issued originally have remained unchanged, except that  
31 the construction phase time schedule must be revised. **AN APPLICATION FOR PERMIT**  
32 **RENEWAL SHALL BE MADE AT LEAST TWO MONTHS PRIOR TO THE PERMIT**  
33 **EXPIRATION DATE, AND MUST BE RENEWED BY THE DEPARTMENT AND ANNE**  
34 **ARUNDEL SOIL CONSERVATION DISTRICT.** A permit may not be renewed more than once.

35 C. A grading permit and the approved erosion and sediment control plan shall be valid for two  
36 years from the date of issuance, unless a shorter time period is designated by the Director or  
37 designee.

38 D. If the applicant is unable to complete the work within the time specified in the approved  
39 application, the applicant shall present a written request for extension to the Director or  
40 designee within thirty days before the expiration of the permit. The extension request shall set

1 forth the reasons for the extension. Where, in the sole discretion of the Director or designee, the  
2 extension is warranted, the Director may allow additional time as may be necessary to complete  
3 the approved work.

4 E. No permit issued under this title is transferable without the concurrence of the Director or  
5 designee. A written request for the transfer shall be submitted by the original applicant and the  
6 transferee shall acknowledge acceptance of the conditions under which the original permit was  
7 issued.

8

9 17.08.150 - Floodplain.

10 Grading within the nontidal one-hundred-year floodplain within open drainage ways shall not be  
11 permitted, except at the discretion of the Director and only after approval by the appropriate  
12 State and Federal agencies. Grading within the tidal one-hundred-year floodplain shall comply  
13 with all provisions of this chapter and Chapter 17.11, Floodplain Management.

14

15 17.08.160 - Erosion and sediment control—General requirements.

16 A. Effective control of soil to prevent erosion shall include the following:

17 1. Development shall be fitted to the topography and soils to create the least erosion  
18 potential.

19 2. Natural vegetation shall be retained wherever possible.

20 3. The smallest practical area of land shall be exposed at any one period during  
21 development for the shortest practical period of time in order to reduce the amount of land  
22 area and the duration of soil exposure.

23 4. Temporary vegetation or mulching shall be used to protect soils exposed during the  
24 time of development.

25 5. Erosion-control practices consistent with [sections B, F, and G of the 1994 Maryland]  
26 Standards and Specifications [for Soil Erosion and Sediment Control] shall be installed to  
27 minimize soil and water losses.

28 6. During and after development, provisions shall be made to accommodate in an  
29 effective manner the increased water runoff caused by changes in soil and surface  
30 conditions and to avoid siltation of receiving streams.

31 7. Satisfactory cover shall be maintained during the life of the project and is subject to  
32 inspection.

33 **8. ROADS AND STREETS SHALL BE PLACED AS CLOSE TO THE PRE-EXISTING**  
34 **CONTOUR AS POSSIBLE IN ORDER TO MINIMIZE CUTTING OR FILLING.**

35 **9. ALL GRADED SURFACES, EROSION-CONTROL MEASURES, VEGETATIVE**  
36 **COVERS AND OTHER PROTECTIVE MEASURES DISTURBED OR DESTROYED**  
37 **DURING THE COURSE OF OPERATIONS SHALL BE REPAIRED, RESTORED AND**  
38 **MAINTAINED PROMPTLY IN ACCORDANCE WITH THE APPROVED PLANS AND**

1       **SPECIFICATIONS UNTIL PERMANENT MEASURES ARE ACCEPTED BY THE**  
2       **DEPARTMENT.**

3       **10. THE OWNER MUST PROVIDE CONTACT INFORMATION FOR A PERSON(S)**  
4       **WHOM IS RESPONSIBLE FOR THE MAINTENANCE OF THE SEDIMENT AND**  
5       **EROSION CONTROL MEASURES, WHOM IS AVAILABLE 24 HOURS A DAY AND 7**  
6       **DAYS A WEEK, AND WHOM CAN RESPOND IMMEDIATELY TO RESOLVE ANY**  
7       **EMERGENCY OR NECESSARY FIELD CORRECTION. IF SAID PERSON(S) IS**  
8       **UNREACHABLE VIA THE SUBMITTED CONTACT INFORMATION DURING AN**  
9       **EMERGENCY, OR UNABLE TO PERFORM REQUIRED CORRECTIVE ACTIONS, THE**  
10       **OWNER AND/OR CONTRACTOR MAY BE ISSUED A CITATION.**

11       B. The Department shall investigate complaints or accept complaints from any interested  
12       party and apply their enforcement procedure when violations are confirmed. Any erosion and  
13       sediment control complaint received shall be acted upon, routinely with three working days, and  
14       the complainant shall be notified of any action or proposed action routinely within seven working  
15       days after receipt of the complaint.

16  
17       [17.08.170 - Steep slope areas.]

18       [A. Development within natural steep slope areas is permitted subject to the provisions of this  
19       section.]

20       [B. Development may occur within steep slope areas, provided that a minimum of thirty  
21       percent of the lot or parcel on which the principal structure is to be situated is less than fifteen  
22       percent grade and is contiguous to a Department-approved standard road so that direct access  
23       by vehicle to the principal structure may be achieved. The extent of cutting and filling permitted  
24       on a lot shall be based on the soil conditions at the site and as determined by the Department  
25       acting upon the recommendations of the Anne Arundel Soil Conservation District.]

26       [C. Roads and streets shall be placed as close to the contour as possible in order to minimize  
27       cutting or filling.]

28  
29       17.08.180 – [Removal of debris.] **PROHIBITED DISCHARGES**

30       No debris, **SEDIMENT, WASTEWATER, LANDSCAPING/YARD WASTE, REFUSE**, or other  
31       [materials] **POLLUTANT** shall be deposited in floodplains, [watercourses] **WATER**  
32       **RESOURCES**, public streets, highways, sidewalks, **STORM DRAINS**, or other public  
33       thoroughfares **PER THIS CHAPTER OF THE CITY CODE, MARYLAND ENVIRONMENT**  
34       **TITLE 4 AS MAY BE AMENDED FROM TIME TO TIME, COMAR 26.08.04, UNLESS**  
35       **OTHERWISE PERMITTED BY THE CITY OF ANNAPOLIS OR THE MARYLAND**  
36       **DEPARTMENT OF THE ENVIRONMENT. SUCH MATERIALS SHALL BE STORED**  
37       **PROPERLY TO MINIMIZE ANY THREAT OF DISCHARGE.**

38  
39       [17.08.190 - Maintenance of protective measures.]

40       [All graded surfaces, erosion-control measures, vegetative covers and other protective

1 measures disturbed or destroyed during the course of operations shall be repaired, restored and  
2 maintained promptly in accordance with the approved plans and specifications until permanent  
3 measures are accepted by the Department.]

4

5 17.08.200 - State and Federal standards for erosion and sediment control.

6 [Technical] **THE** standards and specifications [have been] established by the Maryland  
7 Department of the Environment and **ANY OTHER STANDARDS AND PROCEDURES**  
8 **ESTABLISHED** by **THE** [USDA] **ANNE ARUNDEL** Soil Conservation **DISTRICT** [Service for  
9 procedures such as vegetative erosion-control measures, structural sediment-control measures,  
10 fills and classification, compaction, maximum slopes for cut and fill, drainage for surface water  
11 runoff and other topics as may be deemed necessary or appropriate. The established technical  
12 standards] supplement this chapter and establish minimum standards [both] for [cutting and  
13 filling operations and for] the control of soil erosion and sediment. Failure to comply with these  
14 standards **IS CONSIDERED A VIOLATION OF THIS CHAPTER AND** may lead to revocation of  
15 a grading permit in accordance with Section 17.08.110 **OF THE CITY CODE.**

16 17.08.210 - Drainage.

17 A. Surface water runoff shall be disposed of or conveyed in accordance with the provisions of  
18 this section.

19 B. Drainage facilities shall be designed to prevent erosion, uncontrolled overflow, and  
20 ponding when ponding is not an integral part of the design and function of the drainage facility.  
21 The water shall be conveyed to an acceptable outlet in accordance with the design criteria,  
22 standards and procedures required by the Department. The ponding of water is not permitted  
23 above a cut or fill slope. Adequate drainage facilities shall be provided to prevent ponding above  
24 a cut or fill slope.

25 C. Surface water or groundwater may not damage the face of a cut or fill. Each slope shall be  
26 protected from surface water runoff by a berm or swale. Suitable underdrains shall be installed  
27 to intercept and carry ground water seepage to an acceptable outlet.

28 D. Each area shall be graded to provide for positive drainage away from the building and  
29 toward the approved disposal area.

30 E. The construction of all structures shall be preceded by the installation of storm drainage  
31 systems and stabilization measures.

32 F. Stormwater management designs shall comply with Chapter 17.10, Stormwater  
33 Management, and Chapter 17.11, Floodplain Management.

34

35 17.08.220 - Inspections.

36 [A. Prior to initiating any work subject to this chapter, the permittee shall submit for approval,  
37 upon the request of the Department, a proposed inspection and construction control schedule. A  
38 preconstruction conference may be conducted, upon request of the Department, on the job site  
39 to review the procedures and control measures to be utilized. Participants shall include the  
40 permittee or the permittee's authorized agent, the design engineer and, the Department.]

1 [B]A. The permittee shall be responsible for maintaining a copy of the approved erosion  
2 and sediment control plans, and other approved site plans on site.

3 [C]B. The Director or designee may make additional inspections as he or she determines to  
4 be appropriate. No work approved in accordance with this chapter shall proceed beyond any  
5 one stage until the Director inspects the site and approves the work previously completed. Upon  
6 notification from the permittee the inspector shall inspect the site and notify the permittee of  
7 approval or rejection within forty-eight hours (exclusive of Saturdays, Sundays and legal  
8 holidays). If the inspector does not make an inspection within the specified time period, work  
9 may proceed. However, it will be without presumption of approval and at the sole risk of the  
10 permittee.

11 [D]C. Every active site having an approved erosion and sediment control plan should be  
12 inspected for compliance with the plan on the average of once every two weeks.

13 [E. Inspectors shall prepare written reports after every inspection. The inspection report shall  
14 describe:]

15 [1. The date and location of the site inspection;]

16 [2. Whether or not the approved plan has been implemented and maintained in a proper  
17 manner;]

18 [3. Any practice deficiencies or erosion and sediment control plan deficiencies;]

19 [4. The type of enforcement action taken to alleviate any existing violations.]

20 **D. A WRITTEN REPORT SHALL BE PREPARED BY THE DEPARTMENT AFTER EVERY**  
21 **INSPECTION. THE REPORT SHALL DESCRIBE:**

22 **1. THE DATE AND LOCATION OF THE SITE INSPECTION;**

23 **2. WHETHER THE APPROVED PLAN HAS BEEN PROPERLY IMPLEMENTED AND**  
24 **MAINTAINED;**

25 **3. PRACTICE DEFICIENCIES OR EROSION AND SEDIMENT CONTROL PLAN**  
26 **DEFICIENCIES;**

27 **4. IF A VIOLATION EXISTS, THE TYPE OF ENFORCEMENT ACTION TAKEN; AND**

28 **5. IF APPLICABLE, A DESCRIPTION OF ANY MODIFICATIONS TO THE PLAN.**

29 [F]E. The Director shall notify the on-site personnel, and the owner/developer in writing,  
30 when violations are observed, describing:

31 1. The nature of the violation;

32 2. The required corrective action; and

33 3. The time period in which to have the violation corrected.

34 [G]F. Department inspection notification is the responsibility of the permittee prior to the  
35 installation of any public improvements or stormwater management facilities.

36 [H]G. It is a condition of each grading permit that the City, its authorized agents have the

1 right of entry to the site in order to inspect periodically for compliance with **THE APPROVED**  
2 **PLAN AND** this title [and to undertake work in accordance with Sections 17.08.092 and  
3 17.08.100].

4 **[I]H.** In the event of a valid complaint concerning erosion and sediment control, an investigative  
5 inspection shall be made by the Department within three days of the complaint. A response to  
6 the complaint shall be made within seven days of the complaint.

7

8 17.08.230 - Supplemental testing and inspections.

9 A. When required by the Director or his or her designee, inspections and testing shall be  
10 performed under the direction of a professional engineer who shall certify all inspection reports  
11 and test results. The reports shall include certification by an engineer of the adequacy of:

- 12 1. Cleared areas and benched or keyed surfaces prepared to receive fills; and
- 13 2. Removal of unsuitable materials; and
- 14 3. Construction of erosion-control or drainage devices, buttress fills, underdrains,  
15 retaining walls, and other grading appurtenances; and
- 16 4. The degree of compaction where tests are performed.

17 B. All certified inspection reports and certified test results shall be submitted periodically to  
18 the Director during the performance of the work.

19

20 17.08.240 - Existing hazards.

21 Whenever the Director or his or her designee determines that any existing grade, excavation,  
22 embankment or fill endangers or adversely affects the safety, use or stability of any public or  
23 private property, or [watercourse] **WATER RESOURCE**, the owner of the property upon which  
24 the condition exists, or other person or agent in control of the property, upon receipt of notice in  
25 writing from the Director or his or her designee, within the period specified in the notice, shall  
26 repair or eliminate the conditions in order to eradicate the hazard.

27

28 17.08.250 - Appeals.

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

36 B. The Building Board of Appeals shall consider the appeal based upon the information  
37 provided to the Department of Neighborhood and Environmental Programs at the time of the  
38 order from which the appeal is taking. If the board finds that the order was in error or contrary to

1 the provisions of this code or other applicable law, the board may reverse or modify the order.  
2 The decision of the board on all appeals shall be in writing and shall contain the factual findings  
3 of the board and the reasons for the decision.

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

11

12 17.08.260 - Enforcement and noncompliance.

13 A. Whenever a violation of this title is found on any site, whether or not a permit has been  
14 issued, the Department, or its authorized agent, shall notify the on-site personnel and the  
15 permittee of the violation, and describe the required corrective action and the time period in  
16 which to have the violation corrected.

17 B. If the violation persists after the date specified by the Department for corrective action,  
18 then the Department shall issue a stop work order to on-site personnel and place a stop work  
19 order on the property.

20 C. Within seven calendar days after the stop work order is issued or placed on site as  
21 described in this section, a copy of the order shall be sent by certified mail to the permittee and  
22 the owner. The Department shall determine the extent to which work is stopped, which may  
23 include all work on the site except that work necessary to correct a violation.

24 D. If, in the judgment of the Department, remedial action has not taken place within the  
25 required time specified in the certified notification described in this section, the permittee and  
26 the owner shall be guilty of a municipal infraction and shall be subject to a fine **AS SET BY**  
27 **RESOLUTION OF THE CITY COUNCIL** [of five hundred dollars for any single, initial violation  
28 and a fine of five hundred dollars for each repeat or continuing violation]. Each day after the  
29 deadline stated in the certified notification shall constitute a separate offense.

30 E. The City shall pursue violations that affect secured work as follows:

31 1. Whenever secured work does not comply with or conform to a permit or approved  
32 plans and specifications and if the City desires to obtain the security posted, a written  
33 notice of noncompliance shall be sent by certified mail to the permittee and the surety.

34 2. The notice shall set forth the nature of the corrections required and the time within  
35 which the corrections shall be made. If the permittee does not act on the notice within the  
36 time set forth, a stop-work notice shall be posted on the site and except as permitted by  
37 the Director, no further work is permitted on the site.

38 3. If the corrections are not commenced and pursued in a diligent manner within the  
39 time specified in the notice, the permittee is considered to be in default of the obligations  
40 imposed by this title, and the City may take immediate action to obtain the security posted.

41 F. The Department may seek an injunction against any person who violates or threatens to

1 violate any provision of this chapter.

2 G. In addition to any other sanction under this chapter, a person who fails to install or to  
3 maintain erosion and sediment controls in accordance with an approved erosion and sediment  
4 control plan is, under Section 4-116 of the Environment Article, Annotated Code of Maryland,  
5 guilty of a misdemeanor, and upon conviction in a court of competent jurisdiction is subject to a  
6 fine not exceeding ten thousand dollars or imprisonment not exceeding one year or both for  
7 each violation with costs imposed in the discretion of the court. Further, the City may bring a  
8 civil action against a person for a violation of this chapter, **IN AN AMOUNT EQUAL TO**  
9 **DOUBLE THE COST OF INSTALLING OR MAINTAINING THE CONTROLS OR OF ANY**  
10 **RESTORATION OF DAMAGE CAUSED TO THE ENVIRONMENT.**

11 H. Any governing authority that recovers damages in accordance with this subsection shall  
12 deposit them in a special fund, to be used solely for:

13 1. [The proper installation of erosion and sedimentation control measures;]  
14 **CORRECTING, TO THE EXTENT POSSIBLE, THE FAILURE TO IMPLEMENT OR**  
15 **MAINTAIN EROSION AND SEDIMENT CONTROLS, AND**

16 2. Administration of the sediment control program.

17 I. Failure to obtain a permit as required in this chapter shall result in a stop work order until  
18 the appropriate permits have been approved. All work, except for the installation of erosion and  
19 sediment control measures necessary to contain and stabilize the site, shall cease in  
20 compliance with the stop work order.

21 J. It shall be the responsibility of the owner, contractor or authorized agent to maintain  
22 erosion and sediment controls at all times during demolition, grading, construction and vacant  
23 land after hours, weekends and holidays.

24 K. Any step in the enforcement process can be taken at anytime, depending on the severity of  
25 the violation.

26 L. A person who fails to comply with any or all of the requirements or provisions of this  
27 chapter or any order or requirement of the Director or any other authorized employee of the City  
28 is guilty of a municipal infraction and is subject to a fine as established by resolution of the City  
29 Council for each repeat or continuing violation. Each day after the expiration of the allowed  
30 remedial work period shall constitute a separate offense. In addition, no other inspections shall  
31 be made by the Department for the project in question until remedial action has been  
32 satisfactorily completed and the subject fine has been paid in full.

33 17.08.270 - Emergencies.

34 A. Whenever, in the judgment of the Director or his or her designee, an emergency exists  
35 which requires immediate action to protect the public health, safety, property or general welfare,  
36 an order may be issued without notice, conference or hearing, directing the owner, occupant,  
37 operator or agent to take that action appropriate or necessary to correct or abate the  
38 emergency. If circumstances warrant, the Director or his or her designee may act to correct or  
39 abate the emergency.

40 B. The owner, occupant, operator or agent shall be granted a conference on the matter upon  
41 his or her request as soon as practicable, but the conference shall not stay the abatement or  
42 correction of the emergency.

1 17.08.280 - Records and as-built drawings.

2 Upon completion of work for which a grading permit was issued, the Department shall require  
3 the following:

4 A. As-built drawings;

5 B. Certification by the owner or the permittee, or, upon request by the Director, by a  
6 registered professional, on the as-built drawings that grading, drainage structures, utilities,  
7 roadways, systems and erosion and sediment control practices, including facilities and  
8 vegetative measures, have been completed in conformance with the approved plans and  
9 specifications; and

10 C. Upon request of the Director or his or her designee, a report summarizing the  
11 inspection reports, field and laboratory tests, and locations of test and field observations.

12 D. Surety will not be released until the as-built drawings have been reviewed and  
13 approved by the City.

14

15 17.08.290 - Severability.

16 If any portion, section, subsection, sentence, clause or phrase of this title is held invalid or  
17 unconstitutional for any reason by any court of competent jurisdiction, that portion shall be  
18 considered to be a separate, distinct and independent provision and the holding shall not affect  
19 the validity of the remaining portion of this title, it being the intent of the City that this title shall  
20 stand, notwithstanding the invalidity of any portion, section, subsection, sentence, clause or  
21 phrase.

22

23 17.08.295 - Grading, erosion, sediment control.

24 Unless noted otherwise, any person who violates any section of this chapter shall be guilty of a  
25 municipal infraction and is subject to a fine as established by resolution of the City Council. All  
26 fines must be paid in full prior to any continuation of work or prior to any further inspections. If a  
27 person or entity is found to have violated this section at one or more discrete sites within the  
28 City two or more times in any two-year period, such violation shall constitute a repeat violation.

29

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

32

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

34

35

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

36

1  
2  
3  
4

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Staff Report**

### **Ordinance O-27-13**

#### **Sediment and Erosion Control**

A statewide sediment control program was mandated in 1970 when the General Assembly passed the Sediment Control Law. Maryland's incentive for having an erosion and sediment control program is to prevent sediment from entering our waterways. Sediment negatively impacts our waterways because it contributes oxygen-depleting nutrients and kills oxygen-producing vegetation by blocking sunlight.

The Maryland Department of the Environment (MDE) has been mandated by the General Assembly to administer this Law. MDE's obligation in meeting this mandate includes adopting regulations that establish criteria and procedures for erosion and sediment control throughout Maryland. Each county and municipality, in turn, is required to adopt an erosion and sediment control ordinance that meets the intent of Maryland's sediment control laws and the regulations.

The proposed changes in this ordinance would bring the City of Annapolis' sediment control Code in line with the Environment Article, Title 4, Subtitle 1 of the Annotated Code of Maryland. The Department of Neighborhood and Environmental Programs has worked with the Maryland Department of the Environment in reviewing and approving the proposed changes in this ordinance.

The revisions include more stringent stabilization requirements and establishing grading unit criteria. Additionally, the Standards and Specifications now describe how an erosion and sediment control plan must be designed in concert with a site's stormwater management plan as required by the Stormwater Management Act of 2007 (Act). The Act requires an integrated review of erosion and sediment control plans and stormwater management plans via a comprehensive plan review process to ensure that environmental site design is implemented to the maximum extent practicable on all sites. The comprehensive review process is a three stage review process that includes concept, site design, and grading permit reviews.

The proposed ordinance would:

- Bring the City into compliance with the updated state law.
- Require more stringent stabilization measures.
- Establish grading unit criteria, where only 20 acres (one grading unit) can be disturbed at a time.
- Closely link the stormwater management Code with the sediment and erosion control Code.
- Implement a three-stage comprehensive plan review process that includes concept review, site design review, and grading permit review.
- Prohibit illicit discharges of pollutants (such as sediment) into our storm drains and creeks.

Prepared by Rob Savidge, Environmental Compliance Inspector, Department of Neighborhood and Environmental Programs; 410-263-9158.

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-32-13

4 Sponsor: Mayor Cohen  
5  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
7/22/13			10/18/3
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	7/22/13		
Finance	7/22/13		

8  
9 A ORDINANCE concerning

10 Plumbing Permit Fees – Capital Facilities

11 FOR the purpose of authorizing applicants for a special exception or other development  
12 proposal, subject to the following group of plumbing permit fees (a connection charge, a  
13 capital facility charge, a capital facility assessment charge, and an installation charge), to  
14 be eligible for the fees levied at the time of such application rather than the fees at the  
15 time the permit may be issued; and making such provisions retroactive to July 1, 2011.

16  
17 BY repealing and re-enacting with amendments the following portions of the Code of the  
18 City of Annapolis, 2012 Edition  
19 Section 17.28.090  
20

21 SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY  
22 COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:  
23

24 CHAPTER 17.28 – PLUMBING CODE

25 17.28.090 - Permit—Fees—Schedule.

26 The charges for issuance of permits are the sum of a connection charge, a capital facility  
27 charge, a capital facility assessment charge and an installation charge. The charges shall be  
28 recommended to the City Council by the Director of Public Works and collected by the Director  
29 of Neighborhood and Environmental Programs. The schedule of fees shall be established by  
30 resolution of the City Council.

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

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

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

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

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

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

24 (b) By agreement.

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

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

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

- 1 metals or other deleterious materials prior to discharge of the waste to the City  
2 sewer system.
- 3 4. Combined commercial, industrial and institutional facilities' EDUs shall be  
4 determined by summing the EDUs for the individual functional areas.
- 5 5. A person who purchases a home in the urban renewal project area and who  
6 previously resided in the home either as an owner or renter continuously for six  
7 months immediately prior to the acquisition of the home by the urban renewal  
8 authority, is exempt from the payment of the capital facilities charge.
- 9 6. Capital facilities and capital facilities assessment charges shall be used exclusively  
10 to pay for either or both the capital improvements and retirement of bonds on the  
11 sewer systems and water systems or facilities and not to supplement user rates.
- 12 7. When the use and occupancy of a structure is changed, the Director of  
13 Neighborhood and Environmental Programs or his or her designee shall determine  
14 if the water consumption or sewage discharge has changed materially from the  
15 previous use. Any significant increase in usage or discharge may require  
16 assessment of capital facilities charges as outlined in this subsection.
- 17 C. Capital Facility Assessment Charge. A capital facility assessment charge will continue  
18 to be applied after December 19, 2011 for accounts with remaining capital facility  
19 assessment charge balances. For active permits prior to December 19, 2011, the  
20 current structure for capital facility assessment charges will continue to be in effect.
- 21 D. Installation Charges.
- 22 1. Reinspection Fee. A fee as established by resolution of the City Council must be  
23 paid before another inspection is made, if, for the original inspection, one or more  
24 of the following occurred:
- 25 a. Requesting party called for inspection, but work was not ready;  
26 b. Requesting party was not on site;  
27 c. Building was locked;  
28 d. Safety features not on site;  
29 e. Approved drawings not on site;  
30 f. Permit card not posted and visible from fronting street.
- 31 E. State Road Opening or Tunneling. For any connection in which a state road must be  
32 opened or tunneled, the charges set out in this section for public sewer and water  
33 supply connections shall be increased by the additional cost of the work as estimated  
34 and approved by the Director of Neighborhood and Environmental Programs or his or  
35 her designee.
- 36 F. Master Plumber and Gasfitter. Master plumbers who currently are registered in the City  
37 and who also are registered master gasfitters in the City shall be charged as  
38 established by resolution of the City Council for the additional gas connection for gas  
39 hot water heaters; otherwise, the gas connection for gas hot water heaters must be  
40 made by a registered master gasfitter at the regular rates.
- 41 G. Sizes Not Shown. Charges for any sizes not shown in this section shall be determined  
42 by the Director of Neighborhood and Environmental Programs or his or her designee.

- 1 H. The City Council may designate by resolution certain areas in the City of Annapolis to
- 2 be revitalization areas. In adopting such a resolution, the City Council shall take into
- 3 consideration the following factors as they apply to the area:
- 4 1. The availability, cost, and condition of business facilities;
- 5 2. The age and number of substandard structures;
- 6 3. The income of residents relative to State or regional median incomes, including the
- 7 number of persons who are welfare recipients or unemployed;
- 8 4. The extent of unemployment and the availability in the area of jobs for residents of
- 9 the area;
- 10 5. The need for small businesses to locate in the area in order to upgrade the social
- 11 and economic conditions of the designated neighborhood; and
- 12 6. Support from community and business organizations.
- 13 I. When a property lies in a designated revitalization area, the capital facility charge shall,
- 14 at the request of the owner, be payable as follows: forty percent prior to the issuance of
- 15 any permit; twenty percent prior to the first anniversary of the earliest permit issuance;
- 16 twenty percent prior to the second anniversary of the earliest permit issuance; final
- 17 twenty percent prior to the third anniversary of the earliest permit issuance.
- 18 J. APPLICANTS SUBJECT TO PERMIT FEES IN SECTION 17.28.090 OF THE CITY
- 19 CODE SHALL BE ELIGIBLE TO PAY THE PLUMBING PERMIT FEES (A
- 20 CONNECTION CHARGE, A CAPITAL FACILITY CHARGE, A CAPITAL FACILITY
- 21 ASSESSMENT CHARGE, AND AN INSTALLATION CHARGE), IN EFFECT AT THE
- 22 TIME OF A SPECIAL EXCEPTION OR OTHER DEVELOPMENT REVIEW
- 23 APPLICATION, RATHER THAN THE FEES THAT MAY BE IN EFFECT AT THE TIME
- 24 THE PERMIT IS ISSUED. THIS PROVISION SHALL RETROACTIVELY APPLY TO
- 25 ALL APPLICANTS FOR A SPECIAL EXCEPTION OR OTHER DEVELOPMENT
- 26 REVIEW APPLICATIONS SUBMITTED ON OR BEFORE JULY 1, 2011.

27

28 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**

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

30

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

32

33

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

34

35

36

**EXPLANATION**

37

**CAPITAL LETTERS** indicate matter added to existing law.

38

[brackets] indicate matter stricken from existing law.

39

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](mailto:JCCowles@annapolis.gov).



Chartered 1708

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

June 27, 2013

To: Alderpersons, City Of Annapolis

From: Mayor Joshua J. Cohen

Re: Recreation Advisory Board

I respectfully submit for your approval the appointment of Ms. Catherine Simmons-Jones to the Recreation Advisory Board. Ms. Jones is a resident of Ward 3, and this appointment fills a vacancy on the board. Her application and resume are attached.

Catherine Simmons-Jones  
45 Belle Ct.  
Annapolis MD 21041  
443-949-7895  
esmmsj@aol.com

Thank You.

JJC/hrr

Reviewed by: Economic Matters

Favorable       Unfavorable

Frank M. Pans      7/15/13  
Committee Chair      Date



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

Mayor@annapolis.gov • 410-263-7997 • Fax 410-216-9284 • www.annapolis.gov  
Deaf, hard of hearing or speech disability - use MD Relay or 711

### Boards and Commissions Application

**Personal information**

Name CATHERINE SIMMONS-JONES  
Address 45 BRIDE CR  
City Annapolis ST md Zip 21401  
Phone Home 443-949-7895 Other \_\_\_\_\_  
E-mail CSimmsj@aol.com

**Statement of interest - Why should you be appointed to this board/commission?**

I FEEL THAT NEW IDEAS ARE NEEDED TO ENSURE THE PEOPLE VOICES OF THE CITY ARE BEING CONSIDERED.

Are you a resident of the City of Annapolis?

Yes  No

Are you an employee of the City of Annapolis?

Yes  No

If yes, please state your job title, department & duties

Do you do business with the City of Annapolis?

Yes  No

If yes, please detail

CITY TAXES, utility Bill, shopping

Are you currently serving on any city boards or commissions?

Yes  No

If yes, please list board(s)

Work experience (titles and duties)

SEE RESUME

Educational background (certificates, diplomas, degrees, seminars, etc)

MASTER OF HUMAN SERVICES 2006  
CERTIFIED PREVENTION PROFESSIONAL

SEE RESUME

Other experience (volunteer experience, memberships etc)

MEMBER Ward Boundary Commission Term Expired  
Volunteer At DSS Family Support ctr. Anna. Md. 2011  
Democratic Central Committee

References

Name KESLIE Stanton Phone 443-926-3311  
 Address 2 Lincoln Hwy Annapolis, Md. 21401  
 Name Lynn Ruck's Phone 410-269-7033  
 Address 930 SPA Rd. Annapolis, Md. 21401  
 Name CLASSIE HOYLE Phone 443-949-7755  
 Address FOREST DR. Annapolis, Md. 21401

Appointees are subject to the provisions of the City of Annapolis Ethics Code, Annapolis City Code Ch. 2.08. Appointees are strongly encouraged to review this Code and contact the City of Annapolis Office of Law and/or City of Annapolis Ethics Commission with all inquiries.

Signature Catherine Summers Jones Date 2-25-13

E-mail electronically completed form to Hilary Roggio Raftovich at hraftovich@annapolis.gov. Paper copies may be faxed to 410-216-8284 or mailed to the Mayor's Office address above, attention Boards and Commissions Coordinator.

Catherine Simmons-Jones, MHS, CPP, CSC-AD  
45 Belle Ct.  
Annapolis, Md. 21401  
443.949.7895/ Cell 443.254.3726

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**Education**

Master of Human Services  
Lincoln University- 2006  
Lincoln University, Pa.

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**Professional Profile**

Facilitate drug/alcohol education; prevention and anger management. Develop strategic program planning and marketing with vendors at treatment programs. Provide consultant services and public speaking for various organizations.

**Glass Health Programs/ IHAS Baltimore, Md. 4.09 to present**

**Behavioral Mental Health Addiction Clinician**

-Assess youths according to the ASAM criteria for substance abuse; group/individual counseling; crisis intervention; coordinating placement for treatment with the probation officer. Teaching Substance abuse classes alcohol and drug education to the DJS staff members. Attend the individual educational plan meetings for the youth; in addition with the teachers, probation officer and parents. Coordinate with vendors at various treatment programs. Coordinate tests for youth on the problem oriented screening instrument for teenagers (POSIT).

**A Helping Hand Health Services Baltimore, Md. 09.08 - 10.09**

**Clinician/Counselor**

-Conduct individual counseling sessions with clients in the methadone maintenance program. Monitor client's treatment and recovery process; develop treatment plans according to the client's specific issues. Providing resources and referrals to the client's other services. A discharge summary is completed for the client; addition, coordinated with vendors linking clients into treatment programs.

**Gaudenzia- Baltimore, Md. 11.05.07 - 06.08**

**Program Director/Supervisor**

-Responsible for a budget of two units women long-term/women with children. Supervise counselors; prevention specialist supervisor and nursery staff members. Provide the safety of clients and children. Recruit outside resources to provide the best quality of services for the clients. Conduct individual and group counseling therapy sessions of didactic lectures on drugs; alcohol education and relapse prevention.

**Partners in Recovery-Baltimore, Md. 10.01 - 04.07**

**Adolescent Addiction Coordinator**

-Coordinate intake and assessments for adolescents and adults that was referred by the courts and Juvenile Justice Administration. Diagnose clients according to the ASAM-PPC-R2 and DSM-IV criteria. Facilitate group/individual therapy sessions and didactic lectures on drug and alcohol education and prevention. Facilitate presentations for various organizations. Coordinate problem oriented screening instrument for teenagers (POSIT).

**ADPM-Annapolis, Md. 02.02 - 08.05**

**Addiction Counselor**

-Coordinated DWI/DUI substance abuse education groups; individual counseling; and anger management sessions for domestic violence clients. Coordinate random urinalysis tests monthly. Complete progress notes; monthly notes; and discharge summaries. Submit reports to the courts, probation officers, and attorneys.

**Dept. of Juvenile Justice-Cheltenham, Md. 08.86 - 07.01**

**Supervisor of Group Living**

-Supervised 10-16 staff members; trained new employees; interviewed new candidates. Programs and procedures developed for adolescent/ staff members; evaluations for staff members. Crisis intervention counseling, individual/group counseling. Team meetings were conducted on updated policies and procedures.

**Motor Vehicle Administration-Glen Burnie, Md. 02.71 - 08.86**

**Cashier/Typist Clerk**

-Daily deposits; intake of cash; checks; issuing driver's license; filing and typing  
- Promotional transfer

**Highlights**

**3-C-Project CEO Prevention/Intervention Services**

Founder of "SAFE" program: Saving adolescents for empowerment

Mentor for African-American Girls at Asbury United Methodist Church

Certified Prevention Professional

Certified Addiction Counselor

Graduate Professional Counseling Certificate

Co-Occurring Disorder Specialty Certificate

Domestic Violence Certificate

Trauma Certificate

Author

References upon request