

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

September 23, 2013 7:00 p.m.

Call to Order  
Invocation  
Pledge of Allegiance  
Roll Call

Mayor Cohen  
Alderwoman Hoyle  
Mayor Cohen  
City Clerk Watkins-Eldridge

**PETITIONS, REPORTS AND COMMUNICATIONS**

Honoring Dr. Wilford Scott for his years of service to the City of Annapolis  
Approval of Journal Proceeding

Special Meeting July 25, 2013  
(Available September 23, 2013)

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-36-13 An Amendment to Lease of City Property: Boat Shows in Fall 2013** – For the purpose of authorizing an amendment (adding 20 City moorings in St. Mary’s Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease. *Alderwomen Hoyle and Finlayson and Aldermen Littmann, Budge and Paone request to be added as sponsors on 2<sup>nd</sup> Reader.*

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
9/9/13	9/23/13	9/16/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13	N/A	N/A

**O-37-13 Lease of City Property: Boat Shows in Spring 2014** – For the purpose of authorizing a lease of certain municipal property located in the areas of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in April 2014, to conduct boat shows. *Alderwomen Hoyle and Finlayson and Aldermen Littmann, Budge and Paone request to be added as sponsors on 2<sup>nd</sup> Reader.*

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
9/9/13	9/23/13	9/16/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13	N/A	N/A
Environmental Matters	9/9/13	N/A	N/A

**O-23-13 Lease of City Property: Boat Shows in 2018** – For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2018, to conduct boat shows.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/13/13	9/23/13	5/30/13	8/9/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/13/13		
Environmental Matters	5/13/13		

**O-35-13 Issuance of Bonds and Bond Anticipation Notes** – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed \$11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the “Charter”), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes; covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

LEGISLATIVE HISTORY			
<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
9/9/13	9/23/13	9/16/13	12/6/13

Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13	9/16/13	
Finance	9/9/13	9/17/13	
Financial Advisory Commission	9/9/13	10/10/13	

**O-38-13 Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries** – For the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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”), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the “District”) include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to “the Resolution” and “the Original Ordinance” shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

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
9/9/13	9/23/13	9/16/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13	9/16/13	N/A
Finance	9/9/13	9/17/13	N/A

**LEGISLATIVE ACTIONS**

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

**O-36-13 An Amendment to Lease of City Property: Boat Shows in Fall 2013** – For the purpose of authorizing an amendment (adding 20 City moorings in St. Mary’s Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease. *Alderwomen Hoyle and Finlayson and Aldermen Littmann, Budge and Paone request to be added as sponsors on 2<sup>nd</sup> Reader.*

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
9/9/13	9/23/13	Requested	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13	N/A	N/A

**O-38-13 Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries** – For the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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”), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the “District”) include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to “the Resolution” and “the Original Ordinance” shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

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
9/9/13	9/23/13	Requested	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13	9/16/13	N/A
Finance	9/9/13	9/17/13	N/A

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

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council’s adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
12/10/12	7/25/13	1/7/13	6/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Government	12/10/12	9/10/13	N/A
Economic Matters	12/10/12	9/16/13	N/A
Planning Commission	12/10/12	5/16/13	Favorable w/ amd.

Historic Preservation Commission	12/10/12	3/12/13	Comments
----------------------------------	----------	---------	----------

**O-7-13 Establishment of a New Zoning District: Waterfront City Dock, Phase One** – For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone. ***Proposed to be postponed.***

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
5/13/13	7/25/13	5/26/13	11/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/13/13	9/10/13	N/A
Economic Matters	5/13/13	9/16/13	N/A
Planning Commission	5/13/13	6/6/13	Favorable w/ amd.
HPC	5/13/13	6/28/13	Comments

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

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

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

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

Planning Commission	11/14/11	7/21/11	Favorable
---------------------	----------	---------	-----------

**O-25-13 Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District** - For the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
6/10/13	9/9/13	6/21/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13	9/10/13	Favorable
Planning Commission	6/10/13	7/18/13	Favorable w/ amd.

**O-26-13 Pet Grooming Facilities** – For the purpose of separately defining a “pet grooming facility” from a “personal care establishment,” and making a “pet grooming facility” a use subject to standards in all zoning districts that currently allow personal care establishments.

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
6/10/13	9/9/13	6/21/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13	9/10/13	Favorable
Planning Commission	6/10/13	7/18/13	Favorable w/ amd.

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

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

**R-3-13 Advocating for the City of Annapolis to be Named as the Home for a National Continental Congress Center** – For the purpose of expressing the

sense of the City Council that the City of Annapolis be named as the home for a National Continental Congress Center.

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
2/11/13	N/A	2/25/13	5/10/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	2/11/13	2/20/13	Favorable w/ amd.
Heritage Commission	2/11/13	9/4/13	Comments

*Alderman Littmann intends to move for reconsideration of R-37-13 in accordance with §2.16.170 of the Annapolis City Code.*

**R-37-13 Waiving a Contractor Parking Fee for the Hammond-Harwood House –**  
For the purpose of waiving a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13	N/A	9/4/13	12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13	N/A	N/A

**ORDINANCE – 1<sup>st</sup> READER**

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

LEGISLATIVE HISTORY			
<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
9/23/13			12/20/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13		
Environmental Matters	9/9/13		

**BUSINESS AND MISCELLANEOUS**

1. Budget Transfer
2. Appointments and Re-appointments

**UPCOMING CITY COUNCIL EVENTS**

Regular Meeting: Monday, October 14, 2013, 7:00 p.m. City Council Chambers  
Work Session: Thursday, October 17, 2013, 1:30 - 4:30 p.m. City Council Chambers  
Special Meeting: Monday, October 28, 2013, 7:00 p.m. City Council Chambers

Jessica Cowles  
Legislative and Policy Analyst  
City of Annapolis Office of Law

E) JCCowles@annapolis.gov  
P) 410-263-1184  
F) 410-268-3916

---

September 20, 2013

TO: The Capital Legal Notices: legalad@capgaz.com  
FROM: Jessica Cowles, Legislative and Policy Analyst  
RE: Notice of Public Hearing  
PUBLISH: Please publish on: **Sunday, September 22, 2013 and Monday, September 23, 2013**

Please send bill and certificate of publication to the City of Annapolis Office of Law, 160 Duke of Gloucester, Annapolis, MD 21401.

\*\*\*\*\*

**NOTICE OF ANNAPOLIS CITY COUNCIL PUBLIC HEARING**

Notice is hereby given that the Annapolis City Council will hold a public hearing on Monday, September 23, 2013 at 7:00 p.m., in City Council Chambers, 160 Duke of Gloucester Street, Annapolis, for a public hearing on:

- O-36-13      An Amendment to Lease of City Property: Boat Shows in Fall 2013** – For the purpose of authorizing an amendment (adding 20 City moorings in St. Mary’s Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease.
  
- O-37-13      Lease of City Property: Boat Shows in Spring 2014** – For the purpose of authorizing a lease of certain municipal property located in the areas of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in April 2014, to conduct boat shows.
  
- O-23-13      Lease of City Property: Boat Shows in 2018** – For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2018, to conduct boat shows.
  
- O-35-13      Issuance of Bonds and Bond Anticipation Notes** – For the purpose of authorizing and empowering the City of Annapolis (the “City”) to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed \$11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter of the City, as amended (the “Charter”), and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter; prescribing the form and tenor of said bonds and notes; determining the method of sale of said bonds and notes and other matters relating to the issuance and sale thereof; providing for the disbursement of the proceeds of said bonds and notes;

covenanting to levy and collect all taxes necessary to provide for the payment of the principal of and interest on said bonds and notes; and generally providing for and determining various matters relating to the issuance, sale and delivery of all said bonds and notes.

- O-38-13 Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries** – For the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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”), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the “District”) include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to “the Resolution” and “the Original Ordinance” shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

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

1  
2  
3  
4  
5  
6  
7

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-36-13**

**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
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		

8  
9 **A ORDINANCE** concerning

10 **An Amendment to Lease of City Property: Boat Shows in Fall 2013**

11  
12 **FOR** the purpose of authorizing an amendment (adding 20 City moorings in St. Mary's Cove  
13 on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property  
14 to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to  
15 conduct boat shows for a certain period of time, including time in October 2013, subject  
16 to certain terms, provisions and conditions; and all matters relating to the amendment of  
17 the lease.

18  
19  
20 **WHEREAS,** pursuant to Ordinance O-35-08 of the Annapolis City Council, and a lease  
21 agreement dated January 21, 2009, the City of Annapolis has leased to the  
22 United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc.,  
23 certain municipal property to conduct boat shows during the period October 7,  
24 2013 through October 22, 2013, inclusive; and

25  
26 **WHEREAS,** pursuant to O-40-12 Amended, the dates were changed from October 7, 2013  
27 through October 22, 2013 to September 30, 2013 through October 15, 2013,  
28 inclusive; and

29  
30 **WHEREAS,** the Lessee seeks to add 20 City moorings in St. Mary's Cove on Spa Creek to  
31 the leased premises to conduct the Fall Brokerage Boat Show; and

32  
33 **WHEREAS,** except as specifically amended above, all other provisions of the January 21,  
34 2009 lease are to remain in full force and effect; and

35  
36 **WHEREAS,** the Annapolis City Council believes that these proposed boat shows benefit the  
37 City of Annapolis; and

38  
39 **WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the passage  
40 of an ordinance to authorize a lease; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

**WHEREAS,** an amended lease setting forth terms has been prepared and is considered satisfactory.

**NOW THEREFORE:**

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the amended lease, a copy of which is attached hereto, between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., amending the January 21, 2009 lease between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., a copy of which is attached hereto, leasing 20 City moorings in St. Mary’s Cove on Spa Creek, inclusive with all other provisions of the January 21, 2009 lease remaining in full force and effect, is hereby approved and the Mayor is hereby authorized to execute the amended lease on behalf of the City of Annapolis.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that it is expressly found by the Annapolis City Council that the property which is the subject of the amended lease will better serve the public need for which the property was acquired by stimulating local interest in the boating industry, by encouraging visitors and residents of the City to visit the harbor and dock area, by generating tax revenues and rental income to the City of Annapolis, and by otherwise providing economic benefits to the City of Annapolis.

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

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

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Second Amendment to Lease Agreement**

This Second Amendment to Lease Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2013 by and between The City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc. ("Lessee").

Whereas, the parties entered in a Lease Agreement dated January 21, 2009 and an Amendment to Lease Agreement dated February 13, 2013 for the lease of certain City property in connection with the Lessee's boat shows in the City of Annapolis;

Whereas, the parties wish to further amend the Lease Agreement and Amendment to Lease Agreement referenced above;

Now, therefore, and in consideration of the terms stated below and the consideration cited in the Lease Agreement and Amendment to Lease Agreement referenced above, incorporating the recitals above, the sufficiency of which the parties acknowledge, the parties agree as follows:

1. All terms not otherwise defined are used as set forth in the Lease Agreement and the Amendment to the Lease Agreement.
2. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Sunday, September 29, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show.
3. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the additional leased premises identified above the amount of Nine Thousand Dollars (\$9,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.
4. Except as expressly stated above, terms of the Lease Agreement and Amendment to Lease Agreement shall remain unchanged and in full force and effect.

Witness the signatures and seals of the parties.

ATTEST:

City of Annapolis

\_\_\_\_\_  
Regina Watkins-Eldridge  
City Clerk

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

United States Sailboats Shows, Inc.  
United States Powerboat Shows, Inc.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C. E. Hartman (Seal)  
President

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Karen M. Hardwick, City Attorney

Financial Review:

\_\_\_\_\_  
Bruce T. Miller, Director of Finance

City Manager Review:

\_\_\_\_\_  
Michael D. Mallinoff, City Manager

## **Policy Report**

### **Ordinance O-36-13**

#### **An Amendment to Lease of City Property: Boat Shows in Fall 2013**

The proposed ordinance would authorize an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, and to increase rent paid pursuant to the amended lease, subject to certain terms, provisions and conditions.

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 Littmann's Proposed Amendments to O-36-13  
An Amendment to Lease of City Property: Boat Shows in Fall 2013**

**Amendment in the Nature of a Substitute**

**Second Amendment to Lease Agreement**

This Second Amendment to Lease Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2013 by and between The City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc. ("Lessee").

Whereas, the parties entered in a Lease Agreement dated January 21, 2009 and an Amendment to Lease Agreement dated February 13, 2013 for the lease of certain City property in connection with the Lessee's boat shows in the City of Annapolis;

Whereas, the parties wish to further amend the Lease Agreement and Amendment to Lease Agreement referenced above;

Now, therefore, and in consideration of the terms stated below and the consideration cited in the Lease Agreement and Amendment to Lease Agreement referenced above, incorporating the recitals above, the sufficiency of which the parties acknowledge, the parties agree as follows:

1. All terms not otherwise defined are used as set forth in the Lease Agreement and the Amendment to the Lease Agreement.
2. Section 1.1 of the Amendment to Lease Agreement dated February 13, 2013 is hereby amended such that the stated term of "2013 – September 30 – October 15" is hereby deleted and is hereby replaced with "2013 – September 30 – October 16."
3. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Monday, September 30, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show.
4. Section 1.1 of the Lease Agreement, Exhibit A is hereby amended to include non-exclusive use of the City-designated first floor space in the Old City Recreation Center and Parking Lot located at 9 St. Mary's Street.
5. Section 1.3 of the Lease Agreement is hereby amended to add as rent for

the additional St. Mary's Cove, Spa Creek leased premises in the amount of Eight Thousand Dollars (\$8,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.

6. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the Old City Recreation Center space and parking lot the amount of One Thousand Seventeen Hundred Fifty Dollars (\$1,750.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.
7. Section 7.1 is hereby amended to provide that 1) the Lessee shall furnish an adequate and equal number of trash and recycling containers for its use within the boat show grounds during the entire use and occupancy period of the Premises and shall provide for the prompt removal of all such containers as necessary; and 2) the Lessee shall collect the same recycling materials that the Lessor collects in its curbside recycling service.
8. Except as expressly stated above, terms of the Lease Agreement and Amendment to Lease Agreement shall remain unchanged and in full force and effect.

Witness the signatures and seals of the parties.

ATTEST:

City of Annapolis

\_\_\_\_\_  
Regina Watkins-Eldridge  
City Clerk

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

United States Sailboats Shows, Inc.  
United States Powerboat Shows, Inc.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C. E. Hartman (Seal)  
President

Approved as to form and legal sufficiency:

---

Karen M. Hardwick, City Attorney

Financial Review:

---

Bruce T. Miller, Director of Finance

City Manager Review:

---

Michael D. Mallinoff, City Manager

## FISCAL IMPACT NOTE

**Legislation No:** O-36-13

**First Reader Date:** 9-9-13

**Note Date:** 9-16-13

**Legislation Title: An Amendment to Lease of City Property: Boat Shows in Fall 2013**

**Description:** For the purpose of authorizing an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease.

**Analysis of Fiscal Impact:** This legislation produces a positive financial impact to the City, specifically the Dock Fund. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Sunday, September 29, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the additional leased premises identified above the amount of Nine Thousand Dollars (\$9,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.

1 **CITY COUNCIL OF THE**  
2 **City of Annapolis**

3 **ORDINANCE NO. O-37-13**

4 **Introduced by: Mayor Cohen**  
5  
6  
7

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Environmental Matters	9/9/13		

8  
9 **AN ORDINANCE** concerning

10 **Lease of City Property: Boat Shows in Spring 2014**

11 **FOR** the purpose of authorizing a lease of certain municipal property located in the areas of  
12 Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and  
13 Old City Recreation Center and other property and water locations as described in the  
14 lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in  
15 April 2014, to conduct boat shows.  
16  
17

18  
19 **WHEREAS,** CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, desires  
20 to lease certain municipal property for the purpose of conducting boat shows;  
21 and  
22

23 **WHEREAS,** the Annapolis City Council believes that leasing certain municipal property from  
24 April 22, 2014 through April 30, 2014 for these proposed boat shows would inure  
25 to the benefit of the City; and  
26

27 **WHEREAS,** a lease setting forth details of the rental has been prepared and is considered  
28 satisfactory; and  
29

30 **WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the passage  
31 of an ordinance to authorize the lease.  
32

33 **NOW THEREFORE:**

34 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
35 **COUNCIL** that the proposed lease between the City of Annapolis and CRUISERS  
36 UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, for the rental of certain municipal  
37 property in the area of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley  
38

1 Water Space, and Old City Recreation Center and other property and water locations from April  
2 22, 2014 to April 30, 2014 specifically described in the lease, a copy of which is attached hereto  
3 and made a part hereof, more specifically described in the attached lease, is hereby approved  
4 and the Mayor is hereby authorized to execute the lease on behalf of the City of Annapolis.

5  
6 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
7 **ANNAPOLIS CITY COUNCIL** that it is expressly found by the City Council that the property to  
8 be leased will better serve the public need for which the property was acquired by stimulating  
9 local interest in the boating industry, encouraging visitors and residents of the City to visit the  
10 harbor and dock area, by generating tax revenues and rental income to the City and otherwise  
11 providing economic benefits to the City.

12  
13 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
14 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.

15  
16  
17 **ADOPTED** this \_\_\_\_ day of \_\_\_\_\_, 2013.

18  
19 **ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

20  
21  
22 \_\_\_\_\_  
23 Regina C. Watkins-Eldridge, MMC City Clerk

**BY:** \_\_\_\_\_  
Joshua C. 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.

## **LEASE**

Authorized by O-37-13

This Lease is made this \_\_\_\_\_ day of \_\_\_\_\_, 2013, by and between City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and Cruisers University, Inc. trading as Annapolis Spring Sailboat Show ("Lessee").

### **Article I**

**Section 1.1. Premises and Term:** Lessor hereby leases to Lessee, for the purpose of holding a boat show and related educational seminars, those parcels of land and of water (collectively "Premises") described and designated on the plat designated as Exhibit A attached to and made a part of this Lease, for the periods of time indicated, subject to the provisions and terms of this Lease.

- a. Charter Dock Parcels 1 and 2 from Tuesday, April 22, 2014 at 5 PM through Tuesday, April 29, 2014 at 12 PM;
- b. Ego Alley Parcel from Tuesday, April 22, 2014 at 5 PM through Monday, April 28, 2014 at 8 PM;
- c. Susan Campbell Park Parcel and Dock Street Parking Parcels A, B and C from Wednesday, April 23, 2014 at 7 AM through Tuesday, April 29, 2014 at 5 PM;
- d. Donner Parking Lot Parcel from Wednesday, April 23, 2014 at 7 AM through Monday, April 28, 2013 at 5 PM;
- e. Old Rec Center, First Floor at 9 St. Mary's Street, from Monday, April 21, 2014 at 12 PM through Wednesday, April 30, 2013 at 5:00 PM.

The boardwalk around the Ego Alley and Susan Campbell Park Parcels shall remain open to the public at all times, except for brief periods during setup and breakdown of the event when required for public safety.

The Premises shall not be open to the public before 10 AM or after 6:30 PM on days and dates specified for the term of use herein.

**Section 1.2. Revisions to Premises:** Lessor shall have the right on or before March 15, 2014, to alter the area of the Premises in order to reflect any change in ownership or infrastructure, provided written notice is furnished to Lessee on or before March 15, 2014. Lessee shall have the right to delete from the Premises any one or more of Charter Dock Parcel 1 and 2 and Dock Street Parcels C and D, provided written notice is furnished to the Office of the Mayor and to the Harbormaster on or before March 15, 2014. In the event of any change in area by Lessor or deletion of parcels by Lessee, rent shall be adjusted

accordingly.

Section 1.3. Rent: Base Rent shall be: (A) the greater of (i) 50% of Lessee's gross receipts (after deducting admission taxes) from the sale by Lessee of tickets for admission to the shows for that year (hereinafter "Ticket Sales Base Rent") or, (ii) Seventeen Thousand One Hundred Seventy Four Dollars (\$17,174.00) (hereinafter "Minimum Base Rent" as allocated below).

If Minimum Base Rent is paid, Lessee shall pay Lessor the Minimum Base Rent, in full, within thirty (30) days of the close of the show. Rent for the various parcels comprising the Premises shall be in the amount of Seventeen Thousand One Hundred Seventy Four Dollars (\$17,074.00) allocated as follows:

Charter Dock Parcel 1:	\$1,500
Charter Dock Parcel 2:	\$500
Ego Alley Parcel:	\$2,820
Susan Campbell Parcel	\$0
Dock Street Parcel A	\$2,000
Dock Street Parcel B	\$2,000
Dock Street Parcel C	\$2,000
Dock Street Parcel D	\$2,000
Donner Parking Parcel	\$1,254
Annapolis Rec Center Parcel	\$3,000

If Ticket Sales Base Rent is paid, Lessee shall pay Lessor simultaneously with the payment of the State admissions tax. Proof of gross receipts from ticket sales shall be supplied at that time to the City of Annapolis Director of Finance in a form satisfactory to the Director.

Section 1.4. Use of Premises: Lessee is authorized to use existing and normal ingress to and egress from the Premises, existing and normal street and harbor lighting, and existing and normal police and fire protection. Any use of facilities and services beyond what is existing and normal shall be invoiced by the City as specified in Section 1.3 above.

Use of the Old Rec Center shall be for administrative and educational seminar purposes only. Lessee may sell non-alcoholic beverages inside the Old Rec Center during hours of daily operation exclusively to seminar participants and others conducting administrative business inside the Old Rec Center.

Lessee shall not block access for emergency vehicles to the Susan Campbell Park Parcel or to the public walkway/boardwalk along the City Dock.

Lessee is authorized to construct, install, or erect booths, exhibits, chairs, tables, and tents in the Premises in connection with the boat show without permanently affecting the Premises. Lessee shall obtain all required temporary structures permits associated with this boat show.

Lessee, at its own expense, shall install all temporary electrical equipment, lines and devices required to provide power to the Premises in compliance with the National Electric Code and subject to electrical inspection and all required permitting by the City.

Lessee is prohibited from selling food, alcoholic and non-alcoholic beverages on the Premises. Amplified music or other amplified sound is prohibited on the Premises.

Lessee shall submit to the City a diagram of its proposed use of the Premises at least thirty (30) days prior to the boat show and obtain final City approval of the diagram.

Section 1.5. Costs and Expenses: Lessee shall pay all costs and expenses incurred by the City as a result of Lessee's use of the Premises. Expenses may include, but are not limited to: utilities, parking and transportation, facilities and services, police services, fire services and other City services. Full cost shall be determined by the Director of Finance and invoiced post-event and shall be due and payable 30 days from date of invoice.

## Article II

Section 2.1. Pre-Show Meetings and Inspection: Prior to the opening of each boat show, representatives of Lessor's Department of Neighborhood and Environmental Programs, Police Department, Fire Department, Harbormaster, and Department of Public Works shall inspect the Premises and nearby areas with Lessee's representative to determine compliance with City requirements and for determination of the condition of the Premises. Written approval by representatives of these departments is required before Lessee may open either boat show. The opening of the boat show shall not be delayed by any department whose representative is not present for the pre-inspection. Lessor shall not refuse permission to open either boat show or any part of the show under this paragraph unless a threat to health or safety has been identified. Lessor shall make every effort to limit that part of the show not opened in the event of such threat and to allow Lessee to open the closed portion of the show as soon as the threat is abated to Lessor's satisfaction. All other federal, state or county permits which may be required shall be the responsibility of the Lessee.

Section 2.2. Transportation: The Lessee shall prepare and submit a written Transportation Plan with a Parking Element to Lessor's Director of Transportation. The Transportation Plan shall address matters specified by the Director of Transportation and shall be submitted no later than April 1, 2014. Except for public ways within the Premises, the Transportation Plan shall not provide for the closure of any street or restrict parking to those associated with the boat shows. Moreover in publicizing the boat shows, Lessee shall direct all persons attending the event to park their vehicles at satellite lots and ride the shuttle to the site of the boat shows. Upon receipt of the Transportation Plan, the Director of Transportation shall make copies available to relevant Departments, including, but not limited to those listed in Section 2.1, and to interested parties who have requested a copy.

## Article III

Section 3.1. Insurance: Lessee, at its own expense, shall obtain and keep in full force and effect comprehensive commercial general liability insurance of no less than Two Million Dollars (\$2,000,000.00) combined single limit, bodily injury and property damage, and Eight Million Dollars (\$8,000,000.00) umbrella policy, which shall be effective during the entire period of time during which the Lessee shall use or occupy the Premises or any part of the Premises.

The insurance policy or policies shall specifically name the City of Annapolis, and in their capacity as such, the Directors, officers, agents and employees thereof, as additional insureds, and insure against any and all loss, costs, damages, and expenses suffered by any person or to any property, including property owned by Lessor, due to or alleged to be due to an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, directly or indirectly, in connection with the use of the Premises or any part of the Premises by Lessee, its officers, agents, employees, vendors, subtenants or contractors.

Lessee's insurer or insurers shall be authorized to write the required insurance, approved by the Insurance Commissioner of the State of Maryland, and subject to the approval of Lessor's City Attorney. The form and substance of the Lessee's insurance policy or policies shall also be subject to reasonable approval by Lessor's City Attorney, and shall be submitted to the City Attorney for such approval not less than thirty (30) days prior to Lessee's occupancy of the Premises. The policy or policies of insurance shall then be secured by Lessee and filed with the City Attorney not less than fifteen (15) days prior to Lessee's occupancy of the Premises. No approval shall be unreasonably withheld.

The Certificate for each insurance policy shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or otherwise, whether at the request of Lessee or for any other reason, except after thirty (30) calendar days advance written notice mailed by the insurer to Lessor's City Attorney, and that such notice shall be transmitted postage prepaid, return receipt requested.

The obligations of Lessee under this Article are part of but do not limit or satisfy Lessee's obligations under Article IV.

#### Article IV

Section 4.1. Indemnity: Lessee shall forever indemnify, defend and hold harmless Lessor, its officers, agents, and employees, from and against any and all claims, suits, actions, judgments, and liability for loss, injury, damages, attorney's fees, and/or expenses suffered or alleged to have been suffered during the lease term by any person or to any property due to or alleged to be due to an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, directly or indirectly, in connection with the use and occupancy of the Premises or any part of the Premises, by Lessee, its officers, agents, employees, vendors, subtenants or contractors.

Lessee shall reimburse Lessor, within thirty (30) days after demand for such reimbursement, for any damage done to Lessor's buildings, facilities, equipment or property caused by an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, during Lessee's use and occupancy of the Premises or any part of the Premises.

#### Article V

Section 5.1. Security: Lessee shall contract with and pay, as independent contractors, security guards from an agency duly licensed by the State of Maryland, in numbers sufficient to maintain security, peace and order at the boat shows inside the Premises during the lease term.

#### Article VI

Section 6.1. Interior Construction: Lessee shall have the right to construct, install or erect seats, platforms, booths, tanks, scaffolding, rigging, floating piers, pilings, docks, catwalks, tents, exhibits, and any other apparatus or structure which Lessee may deem necessary or desirable for the purpose of presenting the boat shows. Lessee shall have the right to erect and construct a temporary fence so as to enclose the Premises in such a manner as to limit entry onto the Premises through controlled entrances. Such fence shall not contain barbed wire, razor wire or any similar materials.

Section 6.2. Exterior Construction: Lessee shall erect and construct temporary wooden sidewalks, wherever necessary to provide for pedestrian traffic, outside of the Premises where the existing sidewalks are enclosed in the Premises by a temporary fence described in Section 7.1. All temporary sidewalks shall be handicap accessible and illuminated during hours of darkness and maintained by Lessee in a safe and secure condition.

Section 6.3. ADA and Other Permits: Lessee hereby assumes exclusive responsibility for compliance with any and all applicable provisions of the Americans with Disabilities Act of 1990, as amended from time to time, at the Premises, during the entire time Lessee uses or occupies the Premises or any part of the Premises. Subject to the inspection provisions of Section 3.7 of this Lease and to standard public safety and health approvals, any and all permits, licenses or authorizations required to be obtained from the City by Lessee during the term of this Lease for the purpose of constructing or erecting the temporary structures described in Sections 7.1 and 7.2 of this Lease or for operating the boat shows, shall be deemed granted and issued upon the execution of this Lease by Lessor and Lessee. All other federal, state or county permits, which may be required, shall be the responsibility of the Lessee.

## Article VII

Section 7.1. Trash: Lessee, at its own expense, shall provide an adequate and equal number of trash and recycling containers for its use within the boat show grounds during the entire use and occupancy period of the Premises, and shall provide for the prompt removal of all such containers, trash and refuse. The Lessee shall collect the same recycling materials that the Lessor collects in its curbside recycling service. Lessor, at its own expense, shall provide an adequate number of trash dumpsters outside the boat show grounds for the use of Lessee during the use and occupancy period and shall provide for the prompt removal of trash, refuse and recycling materials generated during the boat show.

Section 7.2. Cleanliness: Lessee shall be responsible for keeping the Premises free of debris, trash and refuse, which shall be placed in dumpsters or receptacles.

Section 7.3. Sanitation and Toilets: Lessee shall, at its own expense, provide adequate and sanitary toilet facilities throughout the Premises for use by the general public and others attending or participating in the boat shows, including sufficient ADA compliant sanitary toilet facilities.

## Article VIII

Section. 8.1. Quiet Enjoyment: Lessor covenants with Lessee that at all times during the term of this Lease, Lessee shall peacefully hold and quietly enjoy the use and occupancy of the Premises without any disturbance or hindrance from Lessor or from any other person claiming through Lessor, except that Lessor or others claiming through Lessor may enter onto the Premises to effect necessary repairs to their own facilities as reasonably contemplated by

the terms of this Lease, and to assure compliance with the terms of this Lease. Lessee shall cooperate with the Lessor to effect this access to the Premises.

Section 8.2. Trash and Public Safety Cooperation: The parties shall cooperate with each other and use their best efforts to ensure that there is prompt trash removal, public safety protection and adequate traffic control during the designated period of use and occupancy by Lessee of the Premises.

#### Article IX

Section 9.1. Condition of Premises After Show: Following the lease term, Lessee, at Lessee's sole expense, shall return the Premises to Lessor in the same or superior condition than received, natural wear and tear excepted.

Section 9.2. Lessee's Equipment After Show: Prior to the expiration of the lease term, Lessee shall immediately remove all of its property, fixtures and chattels from the Premises. In the event that Lessee, its officers, agents, employees, vendors, subtenants or contractors, fail to remove any item of property, Lessor reserves the right to remove and store any such property after the expiration or termination of the lease term at Lessee's expense or as an alternative, to leave the property at the Premises. In either case, Lessor shall charge Lessee per diem rental for storage of such property. Lessor shall bear no responsibility or liability for damage to or expense incurred as a result of property left, removed or stored under the provisions of this Section. Lessee shall pay to Lessor any expenses or charges under this Section billed to Lessee by Lessor within thirty (30) days after delivery of any such bill by Lessor to Lessee.

Section 9.3. Post-Show Inspection: Within ten (10) days following the expiration of the lease term, Lessee shall accompany Lessor during a tour of the Premises to determine the condition of the Premises. Items corrected or repaired by Lessor, deemed by Lessor to be the responsibility of Lessee, shall be billed by Lessor and paid by Lessee within thirty (30) days after receipt of such bill.

#### Article X

Section 10.1. Remedies: All duties, liabilities and/or obligations imposed upon or assumed by Lessee and Lessor by or under this Lease shall be taken or construed as cumulative and the mention of any specified duty, liability or obligation imposed upon or assumed by Lessee or Lessor under this Lease shall not be taken or construed as a limitation or restriction upon any or all of the other duties, liabilities, or obligations imposed upon or assumed by Lessee under this Lease. The remedies provided for in this Lease shall be construed to be cumulative and in addition to any other remedies provided in law or equity which Lessor or Lessee would have in any case. Lessor shall have the right to seek and obtain in any court of competent jurisdiction an injunction, without the necessity of posting a bond, to restrain a violation or alleged violation by Lessee of any term of this Lease, anything to the contrary notwithstanding. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation. The remedies provided in this Lease shall not be deemed exclusive of other remedies not specified.

#### Article XI

Section 11.1. Impossibility of Performance: If, for any reason, an unforeseen event not the act of Lessor occurs, including but not limited to fire, casualty, act of God, labor strike or

other unforeseen occurrence which renders impossible the fulfillment of any rental period of this Lease, Lessee shall have no right to claim damages not right to claim against Lessor for damages, but Lessee shall not be liable for the payment of rent for said rental period. However, if such impossibility relates to not more than five percent (5%) of the rental period, Base Rent, if determined under Section 1.3(A)(ii) of this Lease, shall be prorated to account for the number of scheduled hours the Show is not open to the public.

#### Article XII

Section 12.1. Payment: Lessee shall make all payments due under this Lease by check, payable to the City of Annapolis. In addition to all other amounts due pursuant to this Lease, Lessee shall pay Lessor a monthly late fee of 1.5% (18% per annum) of any payment more than sixty (60) days past due, until paid.

#### Article XIII

Section 13.1. Time is of the Essence: Time is of the essence in the performance of this Lease. The times and deadlines specified in this Lease shall not be extended for any reason, except as may be provided in this Lease, relating to the term of the Lease or the installation or removal of equipment, materials or displays from the Premises, without written consent of Lessor.

#### Article XIV

Section 14.1. Assignment: Lessee shall not assign, transfer, or otherwise dispose of this Lease without the prior written consent of Lessor, but such consent shall not be unreasonably or arbitrarily withheld. The foregoing shall not prevent Lessee from subleasing portions of the Premises to boat show exhibitors, provided the portion of the Premises subleased to any exhibitor does not exceed twenty-five percent (25%) of the total area of the Premises.

#### Article XV

Section 15.1. Independent Contractor: Lessee is an independent contractor and not the agent or employee of Lessor. Under no circumstances shall this Lease be considered to create an employee or agency relationship or a partnership or joint venture.

#### Article XVI

Section 16.1. Liens: Lessee hereby consents that Lessor shall have a lien upon all property of Lessee located from time to time upon the Premises for any and all unpaid charges which arise under this Lease. Lessee hereby consents to and Lessor shall have the power to impound and retain possession of such property until all such charges and late fees due under Article XIII have been paid, in full, to the satisfaction of Lessor. In the event such charges remain unpaid ten (10) days after the termination of this Lease, Lessor shall have the power to sell such property at public auction and apply the receipts from such auction to all such unpaid charges.

#### Article XVII

Section 17.1. Compliance with all Laws: Lessee shall comply with all laws, ordinances, and statutes applicable to the Premises or any part of the Premises, and the use and occupancy

thereof, and to pay all taxes or charges imposed by law in connection with Lessee's use and occupancy of the Premises. Lessee shall have a reasonable time to correct any violation.

Article XIII

Section 18.1. Immunities: Nothing in this Lease shall be interpreted or construed to waive, in whole or in part, or to otherwise diminish, Lessor's statutory, common law or other immunities in any action in tort, in contract or in any other form. The parties agree that if any duty assumed by Lessor under the terms of this Lease or any action taken by Lessor pursuant to any such term is construed to waive, in whole or in part, any such immunity, then the immunity shall nevertheless be fully restored, and shall bind and protect the parties as a contractual undertaking.

Article XIX

Section 19.1 Authority: This Lease is authorized by Ordinance O-37-13 adopted by the City Council of the City of Annapolis.

In Witness Whereof, the City of Annapolis, by and through its duly authorized agent, has caused this Lease to be executed on its behalf, and the Lessee, Cruiser University, Inc. trading as Annapolis Spring Sailboat Show and Cruiser University, Inc. trading as Annapolis Spring Sailboat Show, has duly executed this Lease on the date first written above.

Attest:

City of Annapolis

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

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

Cruisers University, Inc. trading as Annapolis Spring Sailboat Show

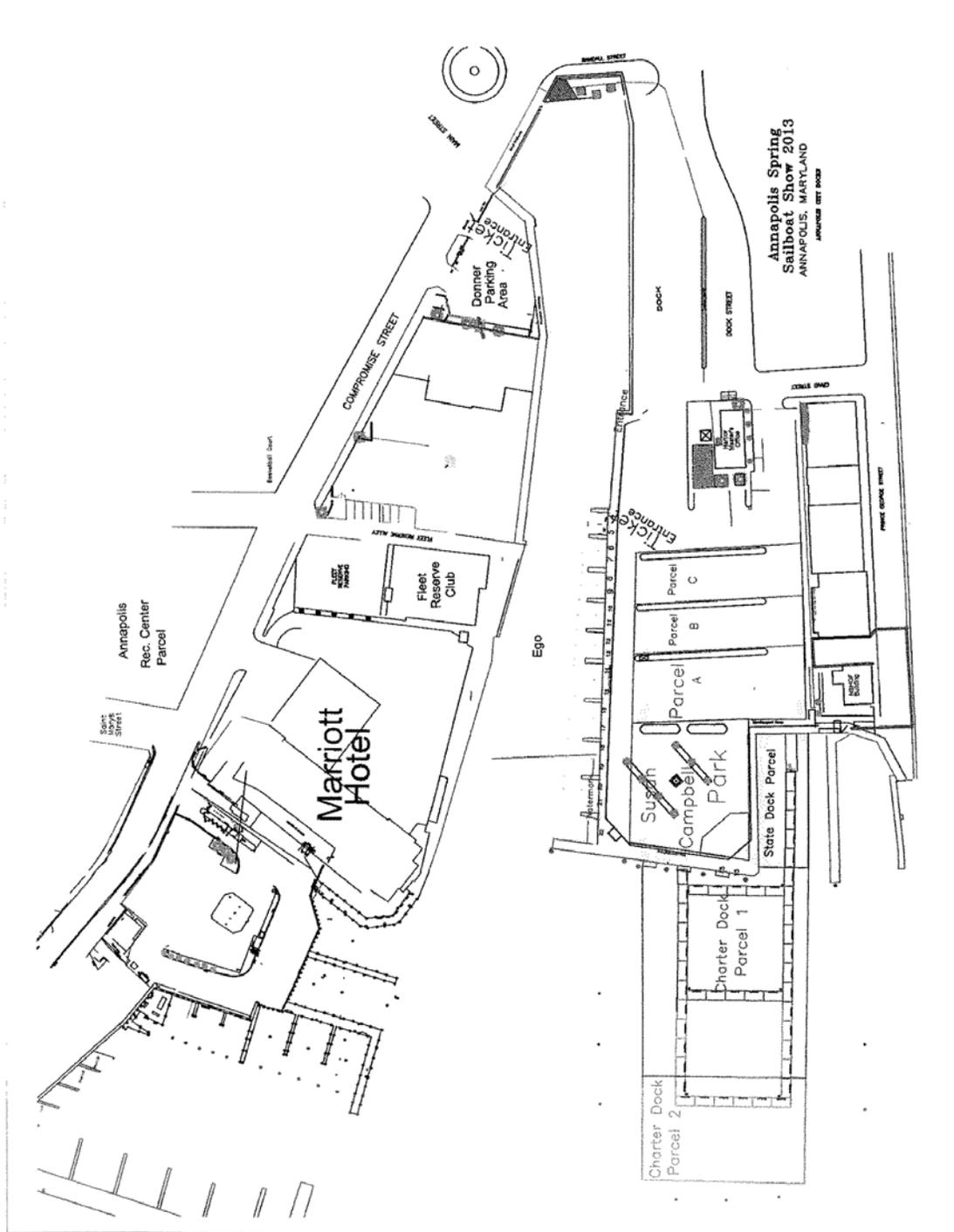
\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C.E. Hartman, President (Seal)

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Karen M. Hardwck, City Attorney

Exhibit A



## Staff Paper

### O-37-13 - Lease of City Property: Boat Shows in Spring 2014

Pursuant to Article II, Section 8 of the Annapolis City Charter, it is necessary for the City Council to enact an ordinance to authorize a lease of City property. Ordinance O-37-13 would authorize a lease of City property for Spring Boat Shows in April 2014.

The lease would be executed between the City of Annapolis and CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show. Under the terms of the lease, the rent for the various parcels would be:

Charter Dock Parcel 1:	\$1,500
Charter Dock Parcel 2:	\$500
Ego Alley Parcel:	\$2,820
Susan Campbell Parcel	\$0
Dock Street Parcel A	\$2,000
Dock Street Parcel B	\$2,000
Dock Street Parcel C	\$2,000
Dock Street Parcel D	\$2,000
Donner Parking Parcel	\$1,254
Annapolis Rec Center Parcel	\$1,000

The Lessee would be required to prepare and submit a transportation plan that includes a parking element to the City of Annapolis Department of Transportation.

Prepared by Jessica Cowles, Legislative and Policy Analyst, City of Annapolis Office of Law, (410) 263-7954 and JCCowles@annapolis.gov.

**Alderman Littmann's Proposed Amendments to O-37-13  
Lease of City Property: Boat Shows in Spring 2014**

**Amendment #1**

Section 1.1 Premises and Term

Insert: f. The City's interest in the State Dock Parcel from Tuesday, April 22, 2014 at 5 PM through Tuesday, April 29, 2014 at 5 PM.

**Amendment #2**

Section 1.3 Rent

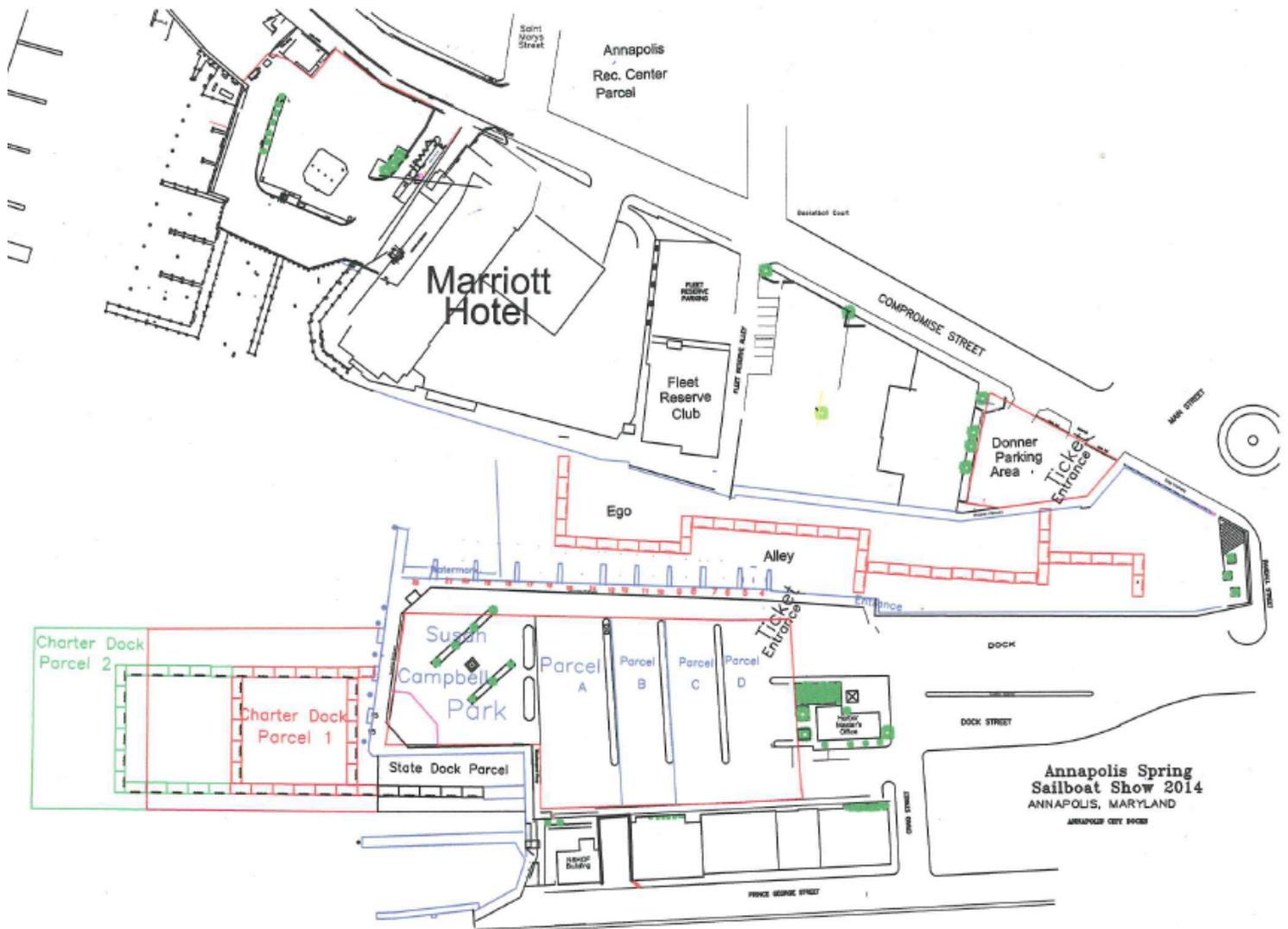
Strike 50% and insert 25% of Lessee's gross receipts (after deducting admission taxes) from the sale by Lessee of tickets for admission to the shows for that year.

Reduce Annapolis Rec Center Parcel, First Floor, from \$3,000.00 to \$1,750.00.

Add City's Interest in State Dock Parcel for a rent of \$100.00.

**Amendment #3**

Strike Exhibit A on Page 11 and replace with new Exhibit A, below.



FISCAL IMPACT NOTE

**Legislation No:** O-37-13

**First Reader Date:** 9-9-13

**Note Date:** 9-16-13

**Legislation Title: Lease of City Property: Boat Shows in Spring 2014**

**Description:** For the purpose of authorizing a lease of certain municipal property located in the areas of Susan Campbell Park, Annapolis City Donner Parking Lot, Ego Alley Water Space, and Old City Recreation Center and other property and water locations as described in the lease to CRUISERS UNIVERSITY, INC., t/a Annapolis Spring Sailboat Show, in April 2014, to conduct boat shows.

**Analysis of Fiscal Impact:** Base Rent shall be: (A) the greater of (i) 50% of Lessee's gross receipts (after deducting admission taxes) from the sale by Lessee of tickets for admission to the shows for that year (hereinafter "Ticket Sales Base Rent") or, (ii) Seventeen Thousand One Hundred Seventy Four Dollars (\$17,174.00) (hereinafter "Minimum Base Rent" as allocated below). If Minimum Base Rent is paid, Lessee shall pay Lessor the Minimum Base Rent, in full, within thirty (30) days of the close of the show. Rent for the various parcels comprising the Premises shall be in the amount of Seventeen Thousand One Hundred Seventy Four Dollars (\$17,174.00) allocated as follows:

Charter Dock Parcel 1:	\$1,500
Charter Dock Parcel 2:	\$500
Ego Alley Parcel:	\$2,820
Susan Campbell Parcel	\$0
Dock Street Parcel A	\$2,000
Dock Street Parcel B	\$2,000
Dock Street Parcel C	\$2,000
Dock Street Parcel D	\$2,000
Donner Parking Parcel	\$1,254
Annapolis Rec Center Parcel	\$3,000

If Ticket Sales Base Rent is paid, Lessee shall pay Lessor simultaneously with the payment of the State admissions tax. Proof of gross receipts from ticket sales shall be supplied at that time to the City of Annapolis Director of Finance in a form satisfactory to the Director. Lessee shall make all payments due under this Lease by

check, payable to the City of Annapolis. In addition to all other amounts due pursuant to this Lease, Lessee shall pay Lessor a monthly late fee of 1.5% (18% per annum) of any payment more than sixty (60) days past due, until paid. Lessee shall pay all costs and expenses incurred by the City as a result of Lessee's use of the Premises. Expenses may include, but are not limited to: utilities, parking and transportation, facilities and services, police services, fire services and other City services. Full cost shall be determined by the Director of Finance and invoiced post-event and shall be due and payable 30 days from date of invoice.

1  
2  
3  
4  
5  
6  
7

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-23-13**

**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
5/13/13			8/9/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	5/13/13		
Environmental Matters	5/13/13		

8  
9

**A ORDINANCE** concerning

**Lease of City Property: Boat Shows in 2018**

10  
11  
12  
13  
14  
15  
16

**FOR** the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2018, to conduct boat shows.

17  
18  
19  
20

**WHEREAS,** United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., desire to lease certain municipal property for the purpose of conducting boat shows; and

21  
22  
23

**WHEREAS,** the Annapolis City Council believes that these proposed boat shows would benefit the City; and

24  
25  
26

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

27  
28  
29

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

30  
31  
32  
33  
34  
35

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the proposed lease between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., for the rental of certain municipal property in the general harbor, Dock Street and Edgewood Road areas, as described in the lease, a copy of which is attached hereto and made a part hereof, for portions of October 2018, more specifically described in the attached lease, and subject to the option to expand or reduce

1 the number of days of the tenancy as provided in the lease, is hereby approved and the Mayor  
2 is hereby authorized to execute the lease on behalf of the City of Annapolis.

3  
4 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
5 **ANNAPOLIS CITY COUNCIL** that it is expressly found by the City Council that the property to  
6 be leased will better serve the public need for which the property was acquired by stimulating  
7 local interest in the boating industry, encouraging visitors and residents of the City to visit the  
8 harbor and dock area, by generating tax revenues and rental income to the City and otherwise  
9 providing economic benefits to the City.

10  
11 **SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
12 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its passage.  
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

## **Policy Report**

### **O-23-13**

#### **Lease of City property: Boat Shows in 2018**

Pursuant to Article II, Section 8 of the Annapolis City Charter, the City Council must authorize the lease of City property by ordinance. Proposed Ordinance O-23-13 authorizes a lease of City property for the Boat Shows in 2018. Areas of the City to be leased include municipal property located in the general harbor, Dock Street, and the Edgewood Road area. As part of the lease agreement, the Lessee would be responsible for the development of a transportation plan that includes a parking element.

Prepared by Jessica Cowles, Legislative and Policy Analyst, Office of Law at [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or (410) 263-1184.

**LEASE AGREEMENT**

Authorized by O-23-13

This Lease is made this \_\_\_\_ day of \_\_\_\_\_, 2013, by and between City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and the United States Sailboat Show, Inc., and the United States Powerboat Show, Inc. (jointly and severally "Lessee").

Article I

Section 1.1. Premises and Term: Lessor hereby leases to Lessee, for the purpose of holding two boat shows, from October 1, 2018 through October 24, 2018, inclusive, that property and water shown and described in Exhibit A of this Lease ("Premises"). The Premises does not include (a) any right or interest of the Lessor in the "Fawcett's Lot" which interest may exist by agreement between Lessor and Chandler, LLC or Chandler, LLC's successor in title to the property, b) the sidewalk on Dock Street between Craig Street and the bulkhead at the State-owned property currently occupied by the National Sailing Hall of Fame, which are to be left open for public access subject to the terms of this Lease, and c) any part of the parking lot known as the Donner Lot, d) any part of Lessor's parking lot that is adjacent to the Fleet Reserve property and located at the intersection of Compromise Street and Newman Street, and (e) any part of Newman Street extended.

Section 1.2. Revisions to Premises: Lessor shall have the right to change the area of the Premises from time to time in order to reflect any change in ownership or infrastructure. If the total area of the Premises (exclusive of the Edgewood Road property referenced below) is reduced pursuant to this paragraph by five percent (5%) or more of the total area, Lessee shall be entitled to a pro rata reduction in the Base Rent. If the total area of the Premises is reduced pursuant to this paragraph by ten percent (10%) or more of the total area, Lessee shall have the right to a pro rata reduction in the Base Rent or to terminate the Lease. If the Base Rent is determined by using Ticket Sales Base Rent, then the reduction shall be calculated by reducing the fifty percent (50%) multiplier referenced in Section 1.3(a) to reflect the area reduction (e.g., if the Premises are reduced ten percent (10%), then the Base Rent shall equal [50% x 90%] x gross ticket receipts. If the Base Rent is determined using Minimum Base Rent, then the reduction shall be determined by using Minimum Base Rent, and the reduction shall be calculated by reducing the Base Rent by the percentage of the reduction of the total area. For purposes of this Section, the Edgewood Road property referenced below shall not be included in Premises area calculations or in rent adjustments.

Section 1.3. Rent: Except as provided in Section 2.3, Base Rent shall be (a) the greater of (i) 50% of Lessee's gross receipts (after deduction of admission taxes) from the sale by Lessee of tickets for admission to the boat shows for the term stated above ("Ticket Sales Base Rent") or, (ii) Three Hundred Seventy-Five Thousand Nine Hundred Fifty Dollars (\$375,950.00) ("Minimum Base Rent"), plus (b) if the Lessee uses the Edgewood Road property, Two Thousand Sixty Dollars (\$2,060.00) each year used ("Edgewood Road Rent"). Lessee shall pay Lessor the Minimum Base Rent, in full, within thirty (30) days of the close of the boat shows. Any further monies over the Minimum Base Rent due to Lessor as a result of ticket sales shall be paid by Lessee to Lessor simultaneously with Lessee's payment of State admissions tax. Proof of gross receipts from ticket sales shall be supplied at that time by Lessee to the City of Annapolis Director of Finance in a form satisfactory to the Director of Finance. In addition to the Base Rent, Lessee shall pay Lessor Additional Rent equal to Twenty-Five Thousand Seven Hundred Fifty Dollars (\$25,750.00) toward the costs incurred by the City in providing electricity, water, inspections and public safety services to the boat shows and in providing increased public services during the boat shows. Lessee shall pay Lessor the Additional Rent and, if applicable, the Edgewood Road rent, in full, at the time Lessee pays the Minimum Base Rent.

## Article II

Section 2.1. Number of Days: Lessor grants to Lessee the right to add one day at the end of either or both of the two boat shows for general public admission. Lessee shall have the right, in its sole discretion, to reduce the number of days of either or both of the boat shows. Lessee shall provide written notice of such intent no later than thirty (30) before the opening of the first boat show governed by this Lease.

Section 2.2. Other Boat Shows: Lessor shall not lease the Premises for the purpose of holding boat shows on the Premises from June 1 through November 30 in the year of 2018. Lessee may, within its sole discretion, provide written authority to waive these restrictions. These restrictions shall be deemed to be waived by Lessee automatically as to either boat show reduced to less than one 10-hour day under Section 2.1.

Section 2.3. Adjustment to Rent: The Minimum Base Rent and Additional Rent shall be increased or reduced proportionately if Lessee exercises its rights to extend or shorten the number of days pursuant to Section 2.1. Notice of any such extension or shortening shall be given by Lessee in writing to Lessor by June 1, 2018. All of the other provisions of the lease shall remain in full force and effect.

## Article III

Section 3.1. Facilities and Services: Lessee shall have the use of the following Lessor existing and normal street and harbor lighting, electricity, water supply, and police and fire protection, all without additional charge.

Section 3.2. Police Services: Lessor shall provide police services related to traffic control outside the Premises, security for the boat show office within the Premise, and liaison with Lessee's security guards inside the Premises without additional charge.

Section 3.3. Fire Services: Lessor shall provide fire protection as required without additional charge. Following the erection of all booths and other boat show structures as described in Section 7.1 of this Agreement, but before the boat shows open, the parties shall meet at the Premises to assure compliance with Fire Department regulations and accessibility of fire lanes and turning radius. No open flame devices or running of watercraft propulsion engines shall be permitted the Premises during the open hours of the boat shows.

Section 3.4. Utilities: Lessor shall provide water and electricity without additional charge. Lessee, at its own expense, shall install all temporary electrical equipment, lines and devices required to provide power to the Premises in compliance with National Electric Code. Lessee shall be responsible for refuse removal as provided under Section 8.1 hereof.

Section 3.5. Parking and Transportation: Lessee shall coordinate with the City of Annapolis Department of Transportation all plans for the provision of any intra-city mode of transportation during the course of the boat shows. Prior to the opening of the boat shows, Lessee shall furnish to Lessor a written transportation plan which includes a parking element.

Section 3.7. Pre-Show Meetings and Inspection: Prior to the opening of each boat show, representatives of Lessor's Department of Neighborhood and Environmental Programs, Police Department, Fire Department, Harbormaster, and Department of Public Works shall inspect the Premises and nearby areas with Lessee's representative to determine compliance with City requirements and for determination of the condition of the Premises. Written approval by representatives of these departments is required before Lessee may open either boat show. The opening of the boat show shall not be delayed by any department whose representative is not present for the pre-inspection. Lessor shall not refuse permission to open either boat show or any part of the show under this paragraph unless a threat to health or safety has been identified. Lessor shall make every effort to limit that part of the show not opened in the event of such threat and to allow Lessee to open the closed portion of the show as soon

as the threat is abated to Lessor's satisfaction. All other federal, state or county permits which may be required shall be the responsibility of the Lessee.

Section 3.8. Transportation: The Lessee shall prepare and submit a written Transportation Plan with a Parking Element to Lessor's Director of Transportation. The Transportation Plan shall address matters specified by the Director and shall be submitted no later than August 15, 2018. Except for public ways within the Premises, the Transportation Plan shall not provide for the closure of any street or restrict parking to those associated with the boat shows. Moreover in publicizing the boat shows, Lessee shall direct all persons attending the event to park their vehicles at satellite lots and ride the shuttle to the site of the boat shows. Upon receipt of the Transportation Plan, the Director shall make copies available to relevant agencies and to interested parties who have requested a copy.

#### Article IV

Section 4.1. Insurance: Lessee, at its own expense, shall obtain and keep in full force and effect comprehensive commercial general liability insurance of no less than Two Million Dollars (\$2,000,000.00) combined single limit, bodily injury and property damage, and Eight Million Dollars (\$8,000,000.00) umbrella policy, which shall be effective during the entire period of time during which the Lessee shall use or occupy the Premises or any part of the Premises.

The insurance policy or policies shall specifically name the City of Annapolis, and in their capacity as such, the officers, agents and employees thereof, as additional insureds, and insure against any and all loss, costs, damages, and expenses suffered by any person or to any property, including property owned by Lessor, due to or alleged to be due to an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, directly or indirectly, in connection with the use of the Premises or any part of the Premises by Lessee, its officers, agents, employees, vendors, subtenants or contractors.

Lessee's insurer or insurers shall be authorized to write the required insurance, approved by the Insurance Commissioner of the State of Maryland, and subject to the approval of Lessor's City Attorney. The form and substance of the Lessee's insurance policy or policies shall also be subject to reasonable approval by Lessor's City Attorney, and shall be submitted to the City Attorney for such approval not less than thirty (30) days prior to Lessee's occupancy of the Premises. The policy or policies of insurance shall then be secured by Lessee and filed with the City Attorney not less than fifteen (15) days prior to Lessee's occupancy of the Premises. No approval shall be unreasonably withheld.

The Certificate for each insurance policy shall contain a statement on its face that the insurer will not cancel the policy or fail to renew the policy, whether for nonpayment of premium, or otherwise, whether at the request of Lessee or for any other reason, except after thirty (30) calendar days advance written notice mailed by the insurer to Lessor's City Attorney, and that such notice shall be transmitted postage prepaid, return receipt requested.

The obligations of Lessee under this Article are part of but do not limit or satisfy Lessee's obligations under Article V.

#### Article V

Section 5.1. Indemnity: Lessee shall forever indemnify, defend and hold harmless Lessor, its officers, agents, and employees, from and against any and all claims, suits, actions, judgments, and liability for loss, injury, damages and/or expenses suffered or alleged to have been suffered during the lease term by any person or to any property due to or alleged to be due to an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, directly or indirectly, in connection with the use and occupancy of the Premises or any part of the Premises, by Lessee, its officers, agents, employees, vendors, subtenants or contractors.

Lessee shall reimburse Lessor, within thirty (30) days after demand for such reimbursement, for any damage done to Lessor's buildings, facilities, equipment or property caused by an act, omission or the negligence of Lessee, its officers, agents, employees, vendors, subtenants or contractors, during Lessee's use and occupancy of the Premises or any part of the Premises.

#### Article VI

Section 6.1. Security: Lessee shall contract with and pay, as independent contractors, security guards from an agency duly licensed by the State of Maryland, in numbers sufficient to maintain security, peace and order at the boat shows inside the Premises during the lease term.

#### Article VII

Section 7.1. Interior Construction: Lessee shall have the right to construct, install or erect seats, platforms, booths, tanks, scaffolding, rigging, floating piers, pilings, docks, catwalks, tents, exhibits, and any other apparatus or structure which Lessee may deem necessary or desirable for the purpose of presenting the boat shows. Lessee shall have the right to erect and construct a temporary fence so as to enclose the Premises in such a manner as to limit entry onto the Premises through controlled entrances. Such fence shall not contain barbed wire, razor wire or any similar materials.

Section 7.2. Exterior Construction: Lessee shall erect and construct temporary wooden sidewalks, wherever necessary to provide for pedestrian traffic, outside of the Premises where the existing sidewalks are enclosed in the Premises by a temporary fence described in Section 7.1. All temporary sidewalks shall be handicap accessible and illuminated during hours of darkness and maintained by Lessee in a safe and secure condition.

Section 7.3. ADA and Other Permits: Lessee hereby assumes exclusive responsibility for compliance with any and all applicable provisions of the Americans with Disabilities Act of 1990, as amended from time to time, at the Premises, during the entire time Lessee uses or occupies the Premises or any part of the Premises. Subject to the inspection provisions of Section 3.7 of this Lease and to standard public safety and health approvals, any and all permits, licenses or authorizations required to be obtained from the City by Lessee during the term of this Lease for the purpose of constructing or erecting the temporary structures described in Sections 7.1 and 7.2 of this Lease or for operating the boat shows, shall be deemed granted and issued upon the execution of this Lease by Lessor and Lessee. All other federal, state or county permits, which may be required, shall be the responsibility of the Lessee.

#### Article VIII

Section 8.1. Trash: Lessee, at its own expense, shall provide an adequate number of trash containers for its use within the boat show grounds during the entire use and occupancy period of the Premises, and shall provide for the prompt removal of all such containers, trash and refuse. Lessor, at its own expense, shall provide an adequate number of trash dumpsters outside the boat show grounds for the use of Lessee during the use and occupancy period and shall provide for the prompt removal of trash and refuse in these dumpsters.

Section 8.2. Cleanliness: Lessee shall be responsible for keeping the Premises free of debris, trash and refuse, which shall be placed in dumpsters or receptacles.

Section 8.3. Sanitation and Toilets: Lessee shall, at its own expense, provide adequate and sanitary toilet facilities throughout the Premises for use by the general public and others attending or participating in the boat shows.

#### Article IX

Section 9.1. Quiet Enjoyment: Lessor covenants with Lessee that at all times during the term of this Lease, Lessee shall peacefully hold and quietly enjoy the use and occupancy of the Premises without any disturbance or hindrance from Lessor or from any other person claiming through Lessor, except that Lessor or others claiming through Lessor may enter onto the Premises to effect necessary repairs to their own facilities as reasonably contemplated by the terms of this Lease, and to assure compliance with the terms of this Lease. Lessee shall cooperate with the Lessor to effect this access to the Premises.

Section 9.2. Trash and Public Safety Cooperation: The parties shall cooperate with each other and use their best efforts to ensure that there is prompt trash removal, public safety protection and adequate traffic control during the designated period of use and occupancy by Lessee of the Premises.

#### Article X

Section 10.1. Condition of Premises After Show: Following the lease term, Lessee, at Lessee's sole expense, shall return the Premises to Lessor in the same or superior condition than received, natural wear and tear excepted.

Section 10.2. Lessee's Equipment After Show: Prior to the expiration of the lease term, Lessee shall immediately remove all of its property, fixtures and chattels from the Premises. In the event that Lessee, its officers, agents, employees, vendors, subtenants or contractors, fail to remove any item of property, Lessor reserves the right to remove and store any such property after the expiration or termination of the lease term at Lessee's expense or as an alternative, to leave the property at the Premises. In either case, Lessor shall charge Lessee per diem rental for storage of such property. Lessor shall bear no responsibility or liability for damage to or expense incurred as a result of property left, removed or stored under the provisions of this Section. Lessee shall pay to Lessor any expenses or charges under this Section billed to Lessee by Lessor within thirty (30) days after delivery of any such bill by Lessor to Lessee.

Section 10.3. Post-Show Inspection: Within ten (10) days following the expiration of the lease term, Lessee shall accompany Lessor during a tour of the Premises to determine the condition of the Premises. Items corrected or repaired by Lessor, deemed by Lessor to be the responsibility of Lessee, shall be billed by Lessor and paid by Lessee within thirty (30) days after receipt of such bill.

#### Article XI

Section 11.1. Remedies: All duties, liabilities and/or obligations imposed upon or assumed by Lessee and Lessor by or under this Lease shall be taken or construed as cumulative and the mention of any specified duty, liability or obligation imposed upon or assumed by Lessee or Lessor under this Lease shall not be taken or construed as a limitation or restriction upon any or all of the other duties, liabilities, or obligations imposed upon or assumed by Lessee under this Lease. The remedies provided for in this Lease shall be construed to be cumulative and in addition to any other remedies provided in law or equity which Lessor or Lessee would have in any case. Lessor shall have the right to seek and obtain in any court of competent jurisdiction an injunction, without the necessity of posting a bond, to restrain a violation or alleged violation by Lessee of any term of this Lease, anything to the contrary notwithstanding. In no case shall a waiver by either party of the right to seek relief under this provision constitute a waiver of any other or further violation. The remedies provided in this Lease shall not be deemed exclusive of other remedies not specified.

#### Article XII

Section 12.1. Impossibility of Performance: If, for any reason, an unforeseen event not the act of Lessor occurs, including but not limited to fire, casualty, act of God, labor strike or other unforeseen occurrence which renders impossible the fulfillment of any rental period of this Lease, Lessee shall have no right to claim damages not right to claim against Lessor for damages, but Lessee shall not be liable for the payment of rent for said rental period. However, if such impossibility relates to not more than five percent (5%) of the rental period, Base Rent, if determined under Section 1.3(A)(ii) of this Lease, shall be prorated to account for the number of scheduled hours the Show is not open to the public.

Article XIII

Section 13.1. Payment: Lessee shall make all payments due under this Lease by check, payable to the City of Annapolis. In addition to all other amounts due pursuant to this Lease, Lessee shall pay Lessor a monthly late fee of 1.5% (18% per annum) of any payment more than sixty (60) days past due, until paid.

Article XIV

Section 14.1. Time is of the Essence: Time is of the essence in the performance of this Lease. The times and deadlines specified in this Lease shall not be extended for any reason, except as may be provided in this Lease, relating to the term of the Lease or the installation or removal of equipment, materials or displays from the Premises, without written consent of Lessor.

Article XV

Section 15.1. Assignment: Lessee shall not assign, transfer, or otherwise dispose of this Lease without the prior written consent of Lessor, but such consent shall not be unreasonably or arbitrarily withheld. The foregoing shall not prevent Lessee from subleasing portions of the Premises to boat show exhibitors, provided the portion of the Premises subleased to any exhibitor does not exceed twenty-five percent (25%) of the total area of the Premises.

Article XVI

Section 16.1. Independent Contractor: Lessee is an independent contractor and not the agent or employee of Lessor. Under no circumstances shall this Lease be considered to create an employee or agency relationship or a partnership or joint venture.

Article XVII

Section 17.1. Liens: Lessee hereby consents that Lessor shall have a lien upon all property of Lessee located from time to time upon the Premises for any and all unpaid charges which arise under this Lease. Lessee hereby consents to and Lessor shall have the power to impound and retain possession of such property until all such charges and late fees due under Article XIII have been paid, in full, to the satisfaction of Lessor. In the event such charges remain unpaid ten (10) days after the termination of this Lease, Lessor shall have the power to sell such property at public auction and apply the receipts from such auction to all such unpaid charges.

Article XVIII

Section 18.1. Compliance with all Laws: Lessee shall comply with all laws, ordinances, and statutes applicable to the Premises or any part of the Premises, and the use and occupancy thereof, and to pay all taxes or charges imposed by law in connection with Lessee's use and occupancy of the Premises. Lessee shall have a reasonable time to correct any violation.

Article XIX

Section 19.1. Other Leases: There are currently in effect leases between Lessor and Lessee for the Premises for boat shows for the years of 2010 through 2017. In the event Lessee should materially default in performance of its obligations in any one of the above years, such default shall constitute a default in the leases for all years subsequent to 2017, including this Lease. If the default continues for more than thirty days (30) after Lessor has given written notice to Lessee of such default, Lessor shall have the right to terminate any of the leases for any one or more of the years remaining in the leases through 2017, and this Lease. Otherwise, execution of this Lease shall have no effect on leases for the years of 2010 through 2017.

Article XX

Section 20.1. Immunities: Nothing in this Lease shall be interpreted or construed to waive, in whole or in part, or to otherwise diminish, Lessor's statutory, common law or other immunities in any action in tort, in contract or in any other form. The parties agree that if any duty assumed by Lessor under the terms of this Lease or any action taken by Lessor pursuant to any such term is construed to waive, in whole or in part, any such immunity, then the immunity shall nevertheless be fully restored, and shall bind and protect the parties as a contractual undertaking.

Article XXI

Section 21.1 Authority: This Lease is authorized by Ordinance O-23-13 adopted by the City Council of the City of Annapolis.

In Witness Whereof, the City of Annapolis, by and through its duly authorized agent, has caused this Lease to be executed on its behalf, and the Lessee, United Sates Sailboat Show, Inc. and United States Powerboat Show, Inc. has duly executed this Lease on the date first written above.

Attest:

City of Annapolis

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

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

United States Sailboat Show, Inc.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C.E. Hartman, President (Seal)

United States Powerboat Show, Inc.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C.E. Hartman, President (Seal)

Approved as to form and legal sufficiency:

---

Karen M. Hardwick, City Attorney

Approved as to financial sufficiency:

---

Bruce T. Miller, Director of Finance

Reviewed by:

---

Michael D. Mallinoff, City Manager

Exhibit A



**Proposed Amendments to O-23-13  
An Amendment to Lease of City Property: Boat Shows in Fall 2018**

**Amendment in the Nature of a Substitute for Only the Specific Sections, Below:**

**Section 1.2. Revisions to Premises:** Lessor shall have the right to change the area of the Premises from time to time in order to reflect any change in ownership or infrastructure. No later than ten (10) calendar days before the commencement of the term of the lease, the Lessor shall provide the Lessee with written notice of any revisions to the Premises.

**Section 1.3.A. Rent:** Base Rent shall be:

(A) The greater of:

- (i) 50% of Lessee's adjusted gross receipts (gross receipts minus the deduction of State admission taxes) from the sale by Lessee of tickets for admission to the Shows ("Ticket Sales Base Rent"); or,
- (ii) Three Hundred Seventy-Five Thousand Nine Hundred Fifty Dollars (\$375,950.00) ("Minimum Base Rent"); plus

(B) Two Thousand Sixty Dollars (\$2,060.00) ("Edgewood Road Rent") if the Edgewood Road property is used for the Shows.

Lessee shall pay Lessor the Minimum Base Rent, in full, within thirty (30) days after the end of the term of this lease. Any further monies over the Minimum Base Rent due to Lessor as a result of ticket sales shall be paid by Lessee to Lessor simultaneously with the payment of the State admissions tax. Proof of gross receipts from ticket sales shall be provided at that time to the City of Annapolis Director of Finance and to the Harbormaster in a form to their satisfaction.

Lessee shall also pay Lessor Additional Rent of Twenty-Five Thousand Seven Hundred Fifty Dollars (\$25,750.00) toward the costs incurred by the City in providing electricity, water, inspections and public safety services to the Lessee and for increased public services during the Shows. Lessee shall pay Lessor the Additional Rent and Edgewood Road rent, if applicable, in full at the time Lessee pays the Minimum Base Rent.

**Section 1.3.B. Rent Escalation:** The Minimum Base Rent as defined in the parties' 2017 Fall Boat Show Lease shall be used to calculate the escalation of Minimum Base Rent, if any. The Minimum Base Rent, the Edgewood Road Rent and the Additional Rent as defined in Section 1.3.A shall be indexed and adjusted in proportion to the United States Bureau of Labor Statistics' Consumer Price Index for Washington-Baltimore, (DC-MD-VA-WV) for July 1, 2017 through June 30, 2018. For any future Boat Show lease between the parties, the Minimum Base Rent, with any Consumer Price Index adjustments, shall become the Minimum Base Rent for the next lease year. Ticket Sales Base Rent shall not be subject to rent escalation.

**Section 1.3.C. Rent Reduction:** In the event of any revision to the Premises under Section 1.2, such reductions to Minimum Base Rent shall be calculated as follows:

- (A) If the total area of the premises (exclusive of the Edgewood Road property) is reduced by five percent (5%) or more, the Lessee shall be entitled to a pro rata reduction in the Minimum Base Rent, or
- (B) If the total area of the premises (exclusive of the Edgewood Road property) is reduced pursuant to this paragraph by ten percent (10%) or more, the Lessee shall have the right to a pro rata reduction in the Minimum Base Rent or to terminate the Lease.
- (C) The reduction to Minimum Base Rent, as defined in Section 1.3 A., shall be calculated by reducing the Minimum Base Rent in accordance with the percentage of the reduced premises to total leased premises.
- (D) Ticket Sales Base Rent shall not be subject to rent reduction in Section 1.3C.

**Section 8.1. Trash:** Lessee, at its own expense, shall provide an adequate and equal number of trash and recycling containers for its use within the boat show grounds during the entire use and occupancy period of the Premises, and shall provide for the prompt removal of all such containers, trash and refuse. The Lessee shall collect the same recycling materials that the Lessor collects in its curbside recycling service. Lessor, at its own expense, shall provide an adequate number of trash dumpsters outside the boat show grounds for the use of Lessee during the use and occupancy period and shall provide for the prompt removal of trash, refuse and recycling materials generated during the boat show.

## FISCAL IMPACT NOTE

**Legislation No:** O-23-13

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

**Note Date:** 5-30-13

### **Legislation Title: Lease of City Property: Boat Shows in 2018**

**Description:** For the purpose of authorizing a lease of certain municipal property located in the general harbor, Dock Street and Edgewood Road areas to United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., for a certain period of time in October 2018, to conduct boat shows.

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

The rent for each of the years shall be the greater of: 50% of Lessee's gross receipts (after deducting admission taxes and any other taxes) from the sale by Lessee of tickets for admission to the shows for that year; or \$375,950 (base rent) **plus** \$2,060 if the Edgewood Road property is used. In addition to the base rent, Lessee shall pay additional rent equal to \$25,750 toward the costs incurred by the City in providing electricity, water, inspections and public safety services to the boat shows and providing increased public services during the boat shows.

**Per the terms of the contract, the minimum revenue the City will receive is \$403,580 if the Edgewood Rd. location is used, \$401,700 if it is not. This minimum amount has not changed since the shows held in October 2006 (FY2007).**

Assuming a 4% annual increase in the costs of Police, Fire and Public Works services (which consist largely of salaries and overtime) over the 2012 costs of \$114,042, the cost to the City can be estimated at \$144,300 for the shows to be held in October 2018. See the chart below for actual and projected City expenses since the shows of October 2006 (FY2007).

Knowing that the CPI has increased since 2006 and that it is likely to increase between now and 2018, the city's revenue margin will continue to decrease until the base rent is adjusted.

Boat Show Expenses

Fiscal Year	Show year	Actual	Estimated
FY2007	2006	98,740	
FY2008	2007	101,710	
FY2009	2008	102,358	
FY2010	2009	108,002	
FY2011	2010	93,748	
FY2012	2011	106,139	
FY2013	2012	114,042	
FY2014	2013		118,604
FY2015	2014		123,348
FY2016	2015		128,282
FY2017	2016		133,413
FY2018	2017		138,750
FY2019	2018		144,300

The estimated lost revenue from parking meters and boat slips for the period of the lease is \$80,698 assuming parking fees increase to the authorized \$2 per hour and there is no change in boat slip fees.

With revenues of at least \$401,700, less estimated costs and lost revenue of \$224,998 for the 2018 shows, the net minimum fiscal benefit produced by this lease can reasonably be expected to be about \$176,702. Based on the shows' history, the average additional revenue from sales and the City portion of admission taxes has been \$123,254 over the last five years, which could provide a total estimated fiscal benefit of \$299,956.

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-35-13**

**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
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

**AN ORDINANCE** concerning

**Issuance of Bonds and Bond Anticipation Notes**

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

**RECITALS**

For convenience of reference, the City of Annapolis, a municipal body corporate and politic of the State of Maryland, is hereinafter sometimes referred to as the "City" or as "Annapolis."

The authority for the powers herein exercised is contained in Article VII, Section 11 of the Charter of the City (the "Charter") and in Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as

1 amended, such authority being hereinafter sometimes referred to collectively as the “Enabling  
2 Act.”

3 The Enabling Act authorizes and empowers the City to borrow money for any proper  
4 public purpose and to evidence such borrowing by the issuance and sale of its general  
5 obligation bonds and notes in accordance with the procedure prescribed by the Enabling Act,  
6 subject to the limitation imposed by the Charter, that no bonds shall be issued by the City if, by  
7 the issuance thereof, the total bonded indebtedness of the City incurred, less the amount of  
8 sinking funds established for the retirement thereof, would then exceed ten per centum (10%) of  
9 the assessed value of all real and personal property in the City taxable for municipal purposes.

10 The Charter further provides that, in computing compliance with such limitation,  
11 outstanding bonds or other indebtedness of the City issued pursuant to the authority of any  
12 public local law enacted by the General Assembly of Maryland prior to January 1, 1955, or  
13 pursuant to the authority of any public general law of the State of Maryland, other than the  
14 Enabling Act, together with tax anticipation notes issued pursuant to the Enabling Act, revenue  
15 bonds payable as to principal and interest solely from the revenues from revenue-producing  
16 projects, and short-term obligations issued pursuant to certain sections of the Charter, shall not  
17 be taken into account.

18 Pursuant to the Charter, the City Council of the City (the “City Council”) may in its  
19 discretion hold a referendum on any such bond issue or may be required to do so as a result of  
20 a proper petition of registered voters filed for such purpose after the giving of notice to the City  
21 as prescribed in the Charter.

22 The Charter contains no limitations upon the rate at which *ad valorem* taxes may be  
23 levied by the City for the payment of the principal of and interest on such bonds and notes.

24 Since the adoption of Article XI-E as an amendment of the Constitution of Maryland, the  
25 General Assembly of Maryland has passed no law proposing a limitation upon the rate at which  
26 taxes may be levied by the City or a limitation upon the amount of bonded indebtedness which  
27 may be incurred by the City different from that set forth in the Charter.

28 NOW, THEREFORE, BE IT ESTABLISHED AND ORDAINED BY THE CITY COUNCIL,  
29 that:

30 SECTION 1. All terms used herein which are defined in the Recitals hereof shall have  
31 the meanings given such terms therein.

32 SECTION 2. It is in the best interest of the City to borrow money and incur indebtedness  
33 and the City is authorized and empowered to issue and sell, upon its full faith and credit, its  
34 general obligation, fully registered bonds in the aggregate principal amount not to exceed

1 \$11,500,000 to be known as “Public Improvements Bonds, 2013 Series” (the “Bonds”) or such  
 2 other designation as deemed appropriate by the Mayor of Annapolis (the “Mayor”) and City  
 3 Manager of Annapolis (the “City Manager”) for the purposes of financing and refinancing the  
 4 costs of the public projects listed below (the “Projects”), including the costs of issuing the Bonds.

<b>PROJECT</b>	<b>FISCAL YEAR</b>	<b>BOND FUNDING</b>
Truxton Swimming Pool	2014	\$150,000
General Sidewalks	2014	\$250,000
City Dock Infrastructure	2014	\$5,150,445
City Dock Infrastructure	2014 Federal Boating Infrastructure Grant	\$1,500,000
Kingsport Park	2014	\$10,931
Wayfinding Signage	2014	\$114,500
Hillman Garage Replacement	2014	\$765,190
Capital Program Land Acquisition	2013	\$2,500,000
City Dock Infrastructure	2013	\$275,000
Wayfinding Signage	2013	\$40,000
<b>Total</b>		<b>\$10,756,066</b>

5  
 6 The costs of the Projects shall include (without limitation) the costs of the planning,  
 7 construction, reconstruction, demolition, improvement, refurbishing, renovation, restoration,  
 8 extension, alteration, installation, repair, acquisition, conversion and modernization of  
 9 structures; the acquisition of structures and sites for structures; the acquisition of rights of way  
 10 for roads; architectural and engineering services, including preparation of plans, drawings and  
 11 specifications; and all customary and necessary furnishings and fixed permanent equipment for  
 12 structures.

13 Any Bonds issued pursuant to this Ordinance may be issued as one or more series of  
 14 Bonds, as deemed appropriate by the Mayor and the City Manager.

15 SECTION 3. The City hereby covenants that any Bonds issued hereunder shall comply  
 16 with all limitations of the Charter and that no Bonds shall be issued by the City if, by the  
 17 issuance thereof, the total bonded indebtedness of the City incurred, less the amount of sinking

1 funds established for the retirement thereof, would then exceed ten per centum (10%) of the  
2 assessed value of all real and personal property in the City taxable for municipal purposes.

3 SECTION 4. The Bonds authorized by this Ordinance shall be dated the date of their  
4 delivery, shall be fully registered bonds without coupons in the denomination of Five Thousand  
5 Dollars (\$5,000) each or any integral multiple thereof and shall bear interest at the interest rate  
6 or rates fixed at the time of the awarding of the Bonds in accordance with an executive order of  
7 the Mayor and the provisions of this Ordinance as hereinafter provided. Interest on the Bonds  
8 shall be payable semi-annually on the dates and in the years as may be determined by the  
9 Mayor in an executive order. The Bonds shall mature, subject to the option of prior redemption,  
10 in annual installments, including any mandatory sinking fund installments, in the years as shall  
11 be determined by the Mayor pursuant to an executive order; provided however, that the final  
12 maturity of the Bonds shall not exceed 30 years from the date of delivery of the Bonds. Each  
13 Bond shall bear interest from the interest payment date next preceding the date on which it is  
14 authenticated, unless authenticated upon an interest payment date, in which event it shall bear  
15 interest from such interest payment date, or unless authenticated prior to the first interest  
16 payment date, in which event it shall bear interest from the date of the Bonds; provided,  
17 however, that if at the time of authentication of any bond interest is in default, such bond shall  
18 bear interest from the date to which interest has been paid.

19 SECTION 5. Certain of the Bonds may be subject to redemption prior to maturity as  
20 may be determined by the Mayor in an executive order. With respect to the Bonds subject to  
21 redemption, if any, the redemption dates and the redemption prices shall be specified in an  
22 executive order by the Mayor.

23 The Bonds shall be redeemed only in integral multiples of \$5,000. If less than all of the  
24 Bonds of any one maturity are called for redemption, the particular bonds to be redeemed from  
25 such maturity shall be selected by lot by the bond registrar for the Bonds (the "Bond Registrar")  
26 in such manner as the Bond Registrar in its sole discretion may determine or under the  
27 procedures for book-entry bonds if the Bonds are under a book-entry system.

28 When less than all of a Bond in a denomination in excess of \$5,000 shall be so  
29 redeemed, then upon the surrender of such Bond, there shall be issued to the registered owner  
30 thereof, without charges, for the unredeemed balance of the principal amount of such Bond, at  
31 the option of such owner, Bonds in any of the authorized denominations, the aggregate face  
32 amount of such Bonds not to exceed the unredeemed balance of the Bond so surrendered, and  
33 to bear the same interest rate and to mature on the same date as said unredeemed balance.

1           If the City elects to redeem all or a portion of the Bonds outstanding, it shall give or  
2 cause to be given a redemption notice by first class mail, postage prepaid, at least 20 days prior  
3 to the date fixed for redemption to each registered owner appearing on the books kept by the  
4 Bond Registrar. Notwithstanding the foregoing, so long as all of the Bonds are registered in the  
5 name of Cede & Co., as nominee for the Depository Trust Company, New York, New York  
6 (“DTC”), such notice shall be given by a secure means (e.g. legible facsimile transmission,  
7 registered or certified mail or overnight express delivery) in a timely manner designed to assure  
8 that such notice is in DTC possession no later than the close of business on such 20th day;  
9 provided, however, that the failure to mail the redemption notice or any defect in the notice so  
10 mailed or in the mailing thereof shall not affect the validity of the redemption proceedings. The  
11 redemption notice shall state (i) whether the Bonds are to be redeemed in whole or in part and,  
12 if in part, the maturities and numbers of the Bonds to be redeemed, (ii) the date fixed for  
13 redemption and the redemption price or prices, (iii) that the Bonds to be redeemed shall be  
14 presented for redemption at the office of the Bond Registrar, (iv) that interest on the Bonds  
15 called for redemption shall cease to accrue on the date fixed for redemption; and (v) other  
16 conditions, if any, for the redemption on the date fixed for redemption, including but not limited  
17 to the availability of funds for such redemption.

18           From and after the date fixed for redemption, if notice has been duly and properly given  
19 and if funds sufficient for the payment of the redemption price of the Bonds called for  
20 redemption plus accrued interest due thereon are available on such date, the Bonds so called  
21 for redemption shall become due and payable at the redemption price or prices provided for  
22 redemption of such Bonds on such date, interest on the Bonds shall cease to accrue and the  
23 registered owners of the Bonds so called for redemption shall have no rights in respect thereof  
24 except to receive payment of the redemption price plus accrued interest to the date fixed for  
25 redemption. Upon presentation and surrender of a Bond called for redemption in compliance  
26 with the redemption notice, the Bond Registrar shall pay the redemption price of such bond plus  
27 accrued interest thereon to the date fixed for redemption. If bonds so called for redemption are  
28 not paid upon presentation and surrender as described above, such bonds shall continue to  
29 bear interest at the rates stated therein until paid.

30           SECTION 6. The Bonds shall be executed in the name of the City and on its behalf by  
31 the Mayor. Such signature of the Mayor shall be imprinted on such Bonds by manual or  
32 facsimile and a facsimile of the corporate seal of Annapolis shall also be imprinted thereon,  
33 attested by the manual or facsimile signature of the City Clerk of Annapolis, all in accordance  
34 with and pursuant to the authority of the Maryland Uniform Facsimile Signature of Public

1 Officials Act, being Sections 2-301 through 2-306 of the State Finance and Procurement Article  
2 of the Annotated Code of Maryland.

3 In the event any official whose signature shall appear on such Bonds shall cease to be  
4 such official prior to the delivery of the Bonds, or in the event any such official whose signature  
5 shall appear on the Bonds shall have become such after the date of issue thereof, the Bonds  
6 shall nevertheless be valid and legally binding obligations of Annapolis in accordance with their  
7 terms.

8 All Bonds shall be issued as fully registered bonds without coupons and shall be  
9 registered in the name or names of the owner or owners thereof, on books kept for such  
10 purpose at the principal office of the Bond Registrar. The Bonds initially will be issued in book-  
11 entry form without any physical distribution of certificates made to the public. DTC will act as  
12 securities depository for the Bonds and the Bonds will be registered in the name of DTC's  
13 partnership nominee, Cede & Co. The City reserves the right to terminate maintenance of the  
14 Bonds in a book-entry only system and to issue fully certificated bonds. The Mayor or his  
15 designee is hereby authorized to appoint a financial institution to act as the Bond Registrar and  
16 as paying agent (the "Paying Agent") for the Bonds, unless the Mayor determines after  
17 consulting with the financial advisor to the City (the "Financial Adviser") that the City shall act as  
18 the Bond Registrar or the Paying Agent or both. Payment of the principal of and interest on the  
19 Bonds shall be made to the person appearing on the registration books maintained by the Bond  
20 Registrar as the registered owner thereof, such principal to be payable at the principal office of  
21 the Paying Agent upon presentation and surrender of such bonds as the same become due and  
22 payable, and such interest to be payable by check mailed by the Paying Agent to the persons in  
23 whose names the bonds are registered on the regular record date which shall be the fifteenth  
24 day of the month immediately preceding each regular interest payment date, or such other day  
25 specified in the bond (the "Regular Record Date"), at the registered owner's address as shown  
26 on the registration books maintained by the Bond Registrar.

27 SECTION 7. Any interest on any Bond which is payable but is not punctually paid or  
28 provision for the payment of which has not been made ("Defaulted Interest") shall forthwith  
29 cease to be payable to the registered owner on the relevant Regular Record Date solely by  
30 virtue of such registered owner having been such registered owner; and such Defaulted Interest  
31 may be paid by the City, at its election in each case, as provided in paragraph (1) or (2) below:

32 (1) The City may elect to make payment of any Defaulted Interest on the Bonds to  
33 the persons in whose names such Bond is registered at the close of business on a record date  
34 for the payment of such Defaulted Interest (the "Special Record Date"), which shall be fixed in

1 the following manner. The City shall notify the Paying Agent in writing of the amount of  
2 Defaulted Interest proposed to be paid on the Bonds and the date of the proposed payment  
3 (which date shall be such as will enable the Paying Agent to comply with the next sentence  
4 hereof), and at the same time the City shall deposit or cause to be deposited with the Paying  
5 Agent an amount of money equal to the aggregate amount proposed to be paid in respect of  
6 such Defaulted Interest or shall make arrangements satisfactory to the Paying Agent for such  
7 deposit prior to the date of the proposed payment, such money when deposited to be held in  
8 trust for the benefit of the persons entitled to such Defaulted Interest as provided in this  
9 paragraph. Thereupon the Paying Agent shall fix a Special Record Date for the payment of  
10 such Defaulted Interest which shall be not more than fifteen (15) nor less than ten (10) days  
11 prior to the date of the proposed payment after the receipt by the Paying Agent of the notice of  
12 the proposed payment. The Paying Agent shall promptly notify the City of such Special Record  
13 Date and, in the name of the City, shall cause notice of the proposed payment of such Defaulted  
14 Interest and the Special Record Date therefore to be mailed, first-class postage prepaid, to each  
15 registered owner at his address as it appears in the registration books maintained by the Bond  
16 Registrar not less than ten (10) days prior to such Special Record Date. The Paying Agent  
17 may, in its discretion, in the name of the City, cause a similar notice to be published at least  
18 once in a newspaper of general circulation in Annapolis, Maryland but such publication shall not  
19 be a condition precedent to the establishment of such Special Record Date. Notice of the  
20 proposed payment of such Defaulted Interest and the Special Record Date therefore having  
21 been mailed as aforesaid, such Defaulted Interest shall be paid to the registered owners of the  
22 Bonds as of the close of business on such Special Record Date.

23 (2) The City may make payment of any Defaulted Interest in any other lawful manner  
24 not inconsistent with the requirements of any securities exchange on which the Bonds may be  
25 listed, and upon such notice as may be required by such exchange, if, after notice given by the  
26 City to the Paying Agent of the proposed payment pursuant to this paragraph, such payment  
27 shall be deemed practicable, and approved in writing, by the Paying Agent.

28 Except as provided hereinafter or in ordinances of the Mayor and Aldermen of the City of  
29 Annapolis adopted prior to the issuance and delivery of the Bonds, all Bonds shall be  
30 substantially in the following form, with appropriate insertions as therein indicated and such  
31 other modifications as shall be approved by the Mayor, which form and all of the covenants  
32 therein contained are hereby adopted by Annapolis as and for the form of obligation to be  
33 incurred by Annapolis, and said covenants and conditions are hereby made binding upon  
34 Annapolis, including the promise to pay therein contained:

No. R-\_\_\_\_\_  
\$\_\_\_\_\_

(Form of Bond)

UNITED STATES OF AMERICA  
STATE OF MARYLAND  
CITY OF ANNAPOLIS, MARYLAND

GENERAL OBLIGATION BOND

PUBLIC IMPROVEMENTS BOND  
2013 SERIES

Interest Rate Per Annum      Maturity Date      Date of Original Issue      CUSIP

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT      DOLLARS

CITY OF ANNAPOLIS (the "City"), a municipal corporation created and existing under the laws of the State of Maryland, hereby acknowledges itself indebted, and, for value received, promises to pay to the Registered Owner shown above or registered assigns or legal representatives on the Maturity Date shown above (unless this bond shall be redeemable, shall have been called for prior redemption and payment of the redemption price made or provided for), the Principal Amount shown above or so much thereof as shall not have been paid upon prior redemption in any coin or currency which, at the time of payment, is legal tender for the payment of public and private debts upon presentation and surrender of this bond on the date such principal is payable or if such date is not a Business Day (hereinafter defined) then on the next succeeding Business Day at the principal office of the Paying Agent, and to pay to the registered owner hereof by check or draft, mailed to such registered owner at his address as it appears on said registration books (the "Bond Register") maintained by the Bond Registrar interest on said principal amount at the Interest Rate shown above until payment of such principal amount, or until the prior redemption hereof, such interest being payable semi-annually on the first days of [\_\_\_\_\_] and [\_\_\_\_\_] in each year, in like coin or currency to the registered owner in whose name this bond is registered on the Bond Register as of the close of business on the regular record date, which shall be the fifteenth day of the month immediately preceding each regular interest payment date (the "Regular Record Date"). Any such interest not so punctually paid or duly provided for shall forthwith cease to be payable to the registered owner on the Regular Record Date, and may be paid to the person in whose name this bond is registered at the close of business on a date fixed by the Paying Agent for such defaulted interest payment (the "Special Record Date"), notice of which is given to the registered owner hereof not less than ten (10) days prior to such Special Record Date, or may be paid at any time in any other lawful manner not inconsistent with the requirement of any securities exchange on which the bonds of this series may be listed and upon such notice as may be required by such exchange.

"Business Day" means a day other than a Saturday, Sunday or day on which banking institutions under the laws of the State governing the Paying Agent are authorized or obligated by law or required by executive order to remain closed.

1  
2 This bond shall not be valid or become obligatory for any purpose, until this bond shall have  
3 been authenticated by an authorized officer of the Bond Registrar.  
4

5 This bond is one of a duly authorized issue of general obligation bonds of the City aggregating  
6 \_\_\_\_\_ Dollars (\$\_\_\_\_\_) in principal amount, which are in  
7 denominations of \$5,000 or any integral multiple thereof, mature serially in installments on the  
8 first day of August in each of the years 20\_ to 20\_, inclusive, and bear interest per annum as  
9 follows:

10	Year of	Principal	Interest	Year of	Principal	Interest
11	<u>Maturity</u>	<u>Amount</u>	<u>Rate</u>	<u>Maturity</u>	<u>Amount</u>	<u>Rate</u>

12  
13  
14  
15  
16  
17  
18  
19 The bonds are numbered from one consecutively upwards prefixed by the letter "R" and are of  
20 like tenor and effect except as to maturity, number, interest rate, denomination and redemption  
21 provisions, and are issued pursuant to and in full conformity with the provisions of Sections 31  
22 to 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume  
23 and 2012 Supplement), as amended, and Article VII, Section 11 of the Annapolis City Charter,  
24 and by virtue of due proceedings had and taken by the Mayor and Aldermen of the City of  
25 Annapolis particularly an Ordinance adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ (approved  
26 \_\_\_\_\_ 20\_\_) (the "Ordinance").  
27

28 The bonds which mature on or before [\_\_\_\_\_] are not subject to redemption prior to their  
29 maturities. The bonds which mature on or after [\_\_\_\_\_] are subject to redemption prior to  
30 their maturities on or after [\_\_\_\_\_] at the option of the City either as a whole or in part at  
31 any time, in any order of maturities, at a redemption price expressed as a percentage of the  
32 principal amount of the bonds to be redeemed, set forth in the table below, together with interest  
33 accrued to the date fixed for redemption:  
34

35	<u>Redemption Period (both dates inclusive)</u>	<u>Redemption Price</u>
----	---	-------------------------

36  
37  
38  
39 If less than all of the bonds of any one maturity of this issue shall be called for redemption, the  
40 bonds to be redeemed shall be selected by lot by the Bond Registrar in such manner as, in its  
41 discretion, it shall determine.  
42

43 When less than all of a bond in a denomination in excess of \$5,000 shall be so redeemed, then,  
44 upon the surrender of such bond, there shall be issued to the registered owner thereof, without  
45 charge, for the unredeemed balance of the principal amount of such bond, at the option of such  
46 owner, bonds in any of the authorized denominations, the aggregate face amount of such bonds  
47 not to exceed the unredeemed balance of the bond so surrendered, and to bear the same  
48 interest rate and to mature on the same date as said unredeemed balance.  
49

50 If the City elects to redeem all or a portion of the bonds outstanding, it shall give a redemption  
51 notice by first class mail, postage prepaid, at least 20 days prior to the date fixed for redemption

1 to each registered owner appearing on the books kept by the Bond Registrar. Notwithstanding  
2 the foregoing, so long as all of the Bonds are registered in the name of Cede & Co., as nominee  
3 for the Depository Trust Company, New York, New York ("DTC"), such notice shall be given by  
4 a secure means (e.g. legible facsimile transmission, registered or certified mail or overnight  
5 express delivery) in a timely manner designed to assure that such notice is in DTC possession  
6 no later than the close of business on such 20th day; provided, however, that the failure to mail  
7 the redemption notice or any defect in the notice so mailed or in the mailing thereof shall not  
8 affect the validity of the redemption proceedings. The redemption notice shall state (i) whether  
9 the bonds are to be redeemed in whole or in part and, if in part, the maturities and numbers of  
10 the bonds to be redeemed, (ii) the date fixed for redemption and the redemption price or prices,  
11 (iii) that the bonds to be redeemed shall be presented for redemption at the office of the Bond  
12 Registrar, (iv) that interest on the bonds called for redemption shall cease to accrue on the date  
13 fixed for redemption, and (v) other conditions, if any, for the redemption on the date fixed for  
14 redemption, including but not limited to the availability of funds for such redemption.  
15

16 From and after the date fixed for redemption, if notice has been duly and properly given and if  
17 funds sufficient for the payment of the redemption price of the bonds called for redemption plus  
18 accrued interest due thereon are available on such date, the bonds so called for redemption  
19 shall become due and payable at the redemption price or prices provided for redemption of such  
20 bonds on such date interest on the bonds shall cease to accrue and the registered owners of  
21 the bonds so called for redemption shall have no rights in respect thereof except to receive  
22 payment of the redemption price plus accrued interest to the date fixed for redemption. Upon  
23 presentation and surrender of a bond called for redemption in compliance with the redemption  
24 notice, the Bond Registrar shall pay the redemption price of such Bond plus accrued interest  
25 thereon to the date fixed for redemption. If bonds so called for redemption are not paid upon  
26 presentation and surrender as described above, such bonds shall continue to bear interest at  
27 the rates stated therein until paid.  
28

29 This bond is transferable only upon the registration books kept at the principal office of the Bond  
30 Registrar, by the registered owner hereof in person, or by his attorney duly authorized in writing,  
31 upon surrender hereof together with a written instrument of transfer in the form attached hereto  
32 and satisfactory to the Bond Registrar duly executed by the registered owner or his duly  
33 authorized attorney, and thereupon, within a reasonable time, the City shall issue in the name of  
34 the transferee a new registered bond or bonds of any authorized denominations in aggregate  
35 principal amount equal to the principal amount of this bond or the unredeemed portion hereof,  
36 and maturing on the same date and bearing interest at the same rate. Said new bond or bonds  
37 shall be delivered to the transferee only after payment of any tax or governmental charge  
38 required to be paid with respect to and any shipping expenses or insurance relating to, such  
39 transfer and only after due authentication thereof by an authorized officer of the Bond Registrar.  
40 The City shall not be required to issue, transfer or exchange any bond during the period  
41 beginning fifteen days before any selection of bonds to be redeemed and ending on the day of  
42 publication and mailing of the notice of redemption or to transfer or exchange any bond called or  
43 being called for redemption in whole or in part. The City may deem and treat the person in  
44 whose name this bond is registered as the absolute owner hereof for the purpose of receiving  
45 payment of or on account of the principal or redemption price hereof and interest due hereon  
46 and for all other purposes.  
47

48 The full faith and credit and unlimited taxing power of the City are hereby irrevocably pledged to  
49 the prompt payment of the principal of and interest on this bond according to its terms, and the  
50 City does hereby covenant and agree to pay the principal of this bond and the interest thereon,

1 at the dates and in the manner mentioned herein, according to the true intent and meaning  
2 hereof.

3  
4 It is hereby certified and recited that all conditions, acts and things required by the Constitution  
5 or statutes of the State of Maryland, the Charter and the Ordinance to exist, to have happened  
6 or to have been performed precedent to or in the issuance of this bond, exist, have happened  
7 and have been performed, and that the issue of bonds of which this is one, together with all  
8 other indebtedness of the City, is within every debt and other limit prescribed by said  
9 Constitution or statutes or Charter, and that due provision has been made for the levy and  
10 collection of an *ad valorem* tax or taxes upon all legally assessable property within the corporate  
11 limits of the City in rate and amount sufficient to provide for the payment, when due, of the  
12 principal of and interest on this bond.

13  
14 IN WITNESS WHEREOF, this bond has been executed by the facsimile signature of the Mayor  
15 of the City, which signature has been imprinted hereon, a facsimile of the corporate seal of the  
16 City has been imprinted hereon, attested by the manual or facsimile signature of the City Clerk  
17 as of the first day of \_\_\_\_\_, \_\_\_\_.

18  
19 ATTEST: CITY OF ANNAPOLIS

20  
21  
22  
23 \_\_\_\_\_ By: \_\_\_\_\_  
24 City Clerk Mayor

25  
26 CERTIFICATION OF AUTHENTICATION

27  
28 The undersigned hereby certifies that this bond is one of the registered bonds of the City of  
29 Annapolis.

30  
31 \_\_\_\_\_  
32 [Authorized Officer of Bond Registrar]

33  
34 (Form of Assignment)

35  
36 FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the  
37 within bond and all rights thereunder, and does hereby constitute and appoint  
38 \_\_\_\_\_ to transfer the within bond on the books kept for the registration thereof,  
39 with full power of substitution in the premises.

40  
41 Dated: \_\_\_\_\_

42  
43 In the presence of:  
44  
45 \_\_\_\_\_

46  
47 Notice: The signature to this assignment must correspond with the name as it appears upon the  
48 face of the within bond in every particular, without alteration or enlargement or any change  
49 whatever.

1           SECTION 7. All of the Bonds authorized by this Ordinance may be sold by solicitation of  
2 competitive sealed proposals at public sale in accordance with the provisions of the following  
3 Notice of Sale at the principal office of the City, on such date as may be selected by the Mayor  
4 pursuant to an executive order for cash at no less than par, to the bidder therefore whose bid is  
5 deemed to be for the best interests of Annapolis. Bids shall be received as provided in the  
6 Notice of Sale. The Bonds authorized by this Ordinance may also be sold, if the Mayor  
7 determines that it would be in the best interest of the City, at private (negotiated) sale without  
8 advertisement, publication, notice of sale, or solicitation of competitive bids. The Mayor shall  
9 award the sale of the Bonds by executive order.

10           Unless a referendum petition shall be filed as provided hereinafter or the Bonds are sold  
11 at private (negotiated) sale, the City Clerk of Annapolis is authorized and directed to publish a  
12 notice of sale at least twice in a daily or weekly newspaper having general circulation in  
13 Annapolis. The publication of such notice of sale shall be made once at least ten days prior to  
14 the date of sale. The City Clerk may give such other notice of the sale of such Bonds, within or  
15 without this State, by publication or otherwise, as the Mayor may deem appropriate.

16           The Director of Finance of Annapolis (the "Finance Director") is hereby authorized and  
17 directed to make all necessary arrangements for the tabulation and comparison of the proposals  
18 received, including the employment of specially qualified personnel, if necessary, so that he will  
19 be able promptly to advise the Mayor as to the proposal which produces the lowest true interest  
20 cost for the Bonds sold.

21           The Mayor, City Manager and Finance Director are hereby authorized to prepare and  
22 distribute a preliminary official statement and final official statement or a disclosure  
23 memorandum in connection with the sale of the Bonds.

24           The Notice of Sale if used for the issue of Bonds authorized by this Ordinance shall be in  
25 substantially the form hereinafter set forth, with the insertions therein indicated. The terms and  
26 conditions stated in such Notice of Sale are hereby adopted and approved as the terms and  
27 conditions under which and the manner in which such Bonds shall be sold, issued and delivered  
28 at public sale, subject to such insertions, alterations, additions or deletions as the Mayor may  
29 deem advisable due to financial or market conditions prevailing at the time based upon the  
30 advice of the Financial Advisor.

1  
2 **NOTICE OF SALE**

3  
4 \$ \_\_\_\_\_  
5 **CITY OF ANNAPOLIS, MARYLAND**  
6 **General Obligation Bonds**  
7 **Public Improvements Bonds, 2013 Series**  
8

9 Electronic bids via the BiDCOMP/Parity Competitive Bidding System ("PARITY") will be  
10 received until \_\_\_\_ a.m., prevailing Eastern time, on \_\_\_\_\_ (unless postponed as  
11 described herein) by City of Annapolis (the "City") for the City's General Obligation Bonds,  
12 Public Improvements Bonds, 2013 Series (the "Bonds").  
13

14 **Terms of the Bonds**

15 The Bonds shall be dated the date of their delivery.

16 Interest on the Bonds is payable on \_\_\_\_\_ and semi-annually thereafter on  
17 [\_\_\_\_\_ and \_\_\_\_\_] until maturity. The Bonds will mature on [\_\_\_\_\_] in the  
18 following respective years and principal amounts:  
19  
20  
21  
22

<u>          </u> * _____	<b>Principal Amount*</b>	<u>          </u> * _____	<b>Principal Amount*</b>
---------------------------------	------------------------------	---------------------------------	------------------------------

23  
24  
25  
26  
27  
28  
29  
30  
31 \_\_\_\_\_  
32 \*Preliminary, subject to change. See "Adjustments of Principal Amounts."  
33

34 The proceeds of the Bonds will be used to finance the costs of certain public projects of  
35 the City and pay the costs of issuing the Bonds. The Bonds will be fully registered bonds without  
36 coupons in the denomination of \$5,000 each or any integral multiple thereof.  
37

38 **Authority**

39 The Bonds are issued pursuant to Sections 31 through 39, inclusive, of Article 23A of the  
40 Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), and Article  
41 VII, Section 11 of the Charter of the City of Annapolis, as amended. The Bonds are authorized  
42 pursuant to Ordinance O-\_\_\_\_-13.  
43  
44

45 The Bonds are general obligations of the City, and will constitute an irrevocable pledge  
46 of its full faith and credit and unlimited taxing power.  
47

1 **Book-Entry System**  
2

3 One bond representing each maturity of the Bonds will be issued to and registered in the  
4 name of Cede & Co., as nominee of The Depository Trust Company, New York, New York  
5 (“DTC”), as registered owner of the Bonds and each such bond shall be held in the custody of  
6 DTC. DTC will act as securities depository for the Bonds. Individual purchases will be made in  
7 book-entry form only, in the principal amount of \$5,000 or any integral multiple thereof.  
8 Purchasers will not receive physical delivery of certificates representing their interest in the  
9 Bonds purchased. The winning bidder, as a condition to delivery of the Bonds, will be required  
10 to deposit the bond certificates representing each maturity with DTC.  
11

12 Interest on the Bonds will be payable when due and the principal or redemption price of  
13 the Bonds will be payable at maturity or upon earlier redemption to DTC or its nominee as  
14 registered owner of the Bonds. Transfer of principal and interest payments to beneficial owners of  
15 the Bonds by participants of DTC (“Participants”) will be the responsibility of Participants and other  
16 nominees of beneficial owners. The City will not be responsible or liable for such transfers of  
17 payments or for maintaining, supervising or reviewing the records maintained by DTC,  
18 Participants or persons acting through Participants.  
19

20 **Optional Redemption**  
21

22 Bonds maturing on or before [\_\_\_\_\_] are not subject to redemption prior to their  
23 stated maturities. Bonds maturing on or after [\_\_\_\_\_] are subject to redemption prior to  
24 their maturities at the option of the City on or after [\_\_\_\_\_] either as a whole or in part at  
25 any time in any order of maturity at the option of the City, at par plus accrued interest thereon to  
26 the date fixed for redemption.  
27

28 **Adjustments of Principal Amounts**  
29

30 The preliminary aggregate principal amount of the Bonds and the preliminary principal  
31 amount of each annual payment on the Bonds as set forth in this Notice of Sale (the  
32 “Preliminary Aggregate Principal Amount” and the “Preliminary Annual Principal Amount”, and  
33 collectively the “Preliminary Amounts”) may be revised before the receipt and opening of the  
34 bids for their purchase. Such revisions may include the addition or deletion of maturities of the  
35 Bonds. **ANY SUCH REVISIONS** made prior to the opening of the bids (the “Revised Aggregate  
36 Principal Amount” and the “Revised Annual Principal Amount”, and collectively the “Revised  
37 Amounts”) **WILL BE PUBLISHED ON THOMPSON MUNICIPAL MARKET MONITOR (“TM3”)**  
38 **([www.tm3.com](http://www.tm3.com)) NOT LATER THAN 9:30 A.M. (LOCAL BALTIMORE, MARYLAND TIME) ON**  
39 **THE ANNOUNCED DATE FOR RECEIPT OF BIDS FOR THE BONDS.**  
40

41 In the event that no such revisions are made, the Preliminary Amounts will constitute the  
42 Revised Amounts. Bidders shall submit bids based on the Revised Amounts and the Revised  
43 Amounts will be used to compare bids and select a winning bidder.  
44

45 Such Revised Amounts, among other things, will be used by the City to calculate the final  
46 aggregate principal amount of the Bonds and the final principal amount of each annual payment  
47 on the Bonds (the “Final Aggregate Principal Amount” and the “Final Principal Amount” of each  
48 annual payment, respectively, and collectively, the “Final Amounts”). In determining the Final  
49 Amounts the City reserves the right to increase or decrease the aggregate amount of the Bonds  
50 by an amount not to exceed twelve percent (12%) and correspondingly adjust the issue size, with  
51 all calculations to be rounded to the nearest \$5,000.

1 In the event of any such adjustment, no rebidding or recalculation of the bid submitted will  
2 be required or permitted. If necessary, the total purchase price of the Bonds will be increased or  
3 decreased in direct proportion to the ratio that the adjustment bears to the aggregate principal  
4 amount of the Bonds specified herein; and the Bonds of each maturity, as adjusted, will bear  
5 interest at the same rate and must have the same initial reoffering yields as specified in the bid of  
6 the successful bidder. However, the award will be made to the bidder whose bid produces the  
7 lowest true interest cost, calculated as specified in the section entitled "Basis of Award" herein.  
8 **THE SUCCESSFUL BIDDER MAY NOT WITHDRAW ITS BID OR CHANGE THE INTEREST**  
9 **RATES BID OR THE INITIAL REOFFERING PRICES AS A RESULT OF ANY CHANGES**  
10 **MADE TO THE PRINCIPAL AMOUNTS WITHIN THESE LIMITS. IN READJUSTING THE**  
11 **PRINCIPAL AMOUNT OF THE BONDS FOLLOWING THE AWARD, [THE CITY WILL HOLD**  
12 **CONSTANT THE BIDDER'S GROSS SPREAD PER \$1,000 BONDS AS INDICATED IN THE**  
13 **ORIGINAL BID.]** In this process, however, the City reserves the right to adjust the actual dollar  
14 amount of Bidder's gross spread resulting from an upward or downward adjustment of the  
15 principal amount of the Bonds.

### **Change of Bid Date and Closing Date**

16 The City reserves the right to postpone, from time to time, the date established for the  
17 receipt of bids and will undertake to notify registered prospective bidders via notification published  
18 on [TM3](#).

19  
20 A postponement of the bid date will be announced via TM3 not later than 4:00 p.m.,  
21 prevailing Eastern Time, on the last business day prior to any announced date for receipt of bids,  
22 and an alternative sale date and time will be announced via TM3 at that time or at a later date.  
23

24 On any such alternative date and time for receipt of bids, the City will accept electronic  
25 bids for the purchase of the Bonds, such bids to conform in all respects to the provisions of this  
26 Notice of Sale, except for the changes in the date and time for receipt of bids and any other  
27 changes announced via TM3.  
28

29 The City reserves the right to change the scheduled delivery date for the Bonds.  
30

### **Bid Parameters**

31  
32  
33 No bid of less than 100% of par or more than [112%] on an "all-or-none" basis, no oral  
34 bid and no bid for less than all of the Bonds described in this Notice of Sale, will be considered.  
35

36 Bidders are requested to name the interest rate or rates in multiples of 1/8 or 1/20 of 1%,  
37 and the highest rate may not exceed the lowest rate by more than 3% and no interest rate may  
38 exceed 5.50%. A zero rate may not be named. No Bond shall bear more than one rate of  
39 interest which rate shall be uniform for the life of the Bond.  
40

### **Basis of Award**

41  
42  
43 The Mayor of the City will not accept and will reject any bid for less than all of the Bonds.  
44 The City will award all of the Bonds to one bidder. The City reserves the right to reject any and  
45 all bids and to waive any irregularities in any of the bids. The judgment of the City shall be final  
46 and binding upon all bidders with respect to the form and adequacy of any proposal received  
47 and as to its conformity with the terms of this Notice of Sale.  
48

1 The Bonds will be awarded to the bidder naming the lowest true interest cost (TIC) for  
2 the Bonds in any legally acceptable proposal and offering to pay not less than par. The lowest  
3 true interest cost with respect to the Bonds will be determined by doubling the semiannual  
4 interest rate, compounded semiannually, necessary to discount the debt service payments from  
5 the payment dates to the date of the Bonds and to the amount bid.  
6

7 Where the proposals of two or more bidders result in the same lowest true interest cost  
8 for any Bonds, such Bonds may be apportioned between such bidders, but if this shall not be  
9 acceptable, the City shall have the right to award all of such Bonds to one bidder. There will be  
10 no auction. The right is reserved to the City to reject any or all proposals and to waive any  
11 irregularity or informality in any proposal. The City's judgment shall be final and binding upon all  
12 bidders with respect to the form and adequacy of any proposal received and as to its conformity  
13 to the terms of this Notice of Sale. Any award of the Bonds may be made as late as 4:00 p.m.,  
14 prevailing Eastern Time, on the sale date. All bids remain firm until an award is made. Upon  
15 notice of such award, the winning bidder shall advise the City of the initial reoffering prices to  
16 the public of each maturity of the Bonds and the names of the members of the underwriting  
17 groups.  
18

## 19 **Procedures for Electronic Bidding**

### 20 ***Bidders to Submit Bids by PARITY***

21 Bids must be submitted electronically via PARITY pursuant to this Notice of Sale until  
22 11:00 a.m., prevailing Eastern time, on the sale date but no bid will be received after the time for  
23 receiving bids specified above. To the extent any instructions or directions set forth in PARITY  
24 conflict with this Notice of Sale, the terms of this Notice of Sale shall control. For further  
25 information about PARITY, potential bidders may contact i-Deal LLC at 1359 Broadway, 2<sup>nd</sup>  
26 Floor, New York, New York 10018, telephone (212) 849-5021.  
27  
28  
29

### 30 ***Disclaimer***

31 Each prospective electronic bidder shall be solely responsible to submit its bid via  
32 PARITY as described above. Each prospective electronic bidder shall be solely responsible to  
33 make necessary arrangements to access PARITY for the purpose of submitting its bid in a  
34 timely manner and in compliance with the requirements of this Notice of Sale. Neither the City  
35 nor PARITY shall have any duty or obligation to provide or assure access to PARITY to any  
36 prospective bidder, and neither the City nor PARITY shall be responsible for proper operation  
37 of, or have any liability for any delays or interruptions of, or any damages caused by PARITY.  
38 The City is using PARITY as a communication mechanism, and not as the City's agent, to  
39 conduct the electronic bidding for the Bonds. The City is not bound by any advice and  
40 determination of PARITY to the effect that any particular bid complies with the terms of this  
41 Notice of Sale and in particular the "Bid Parameters" set forth herein. All costs and expenses  
42 incurred by prospective bidders in connection with their submission of bids via PARITY are the  
43 sole responsibility of the bidders; the City is not responsible, directly or indirectly, for any of such  
44 costs or expenses. If a prospective bidder encounters any difficulty in submitting, modifying, or  
45 withdrawing a bid for the Bonds, such bidder should telephone i-Deal LLC at (212) 849-5021  
46 and notify Davenport & Company LLC by facsimile at (866) 932-6660.  
47  
48

1                   **Electronic Bidding Procedures**  
2

3                   Electronic bids must be submitted for the purchase of the Bonds (all or none) via  
4 PARITY. Bids will be communicated electronically to the City at 11:00 a.m., prevailing Eastern  
5 time, on [\_\_\_\_\_]. Prior to that time, a prospective bidder may (1) submit the proposed  
6 terms of its bid via PARITY, (2) modify the proposed terms of its bid, in which event the  
7 proposed terms as last modified will (unless the bid is withdrawn as described herein) constitute  
8 its bid for the Bonds or (3) withdraw its proposed bid. Once the bids are communicated  
9 electronically via PARITY to the City, each bid will constitute an irrevocable offer to purchase  
10 the Bonds on the terms therein provided. For purposes of the electronic bidding process, the  
11 time as maintained on PARITY shall constitute the official time.  
12

13                   **Good Faith Deposit**  
14

15                   A good faith deposit in the amount of \$\_\_\_\_\_ is required of the winning  
16 bidder for the Bonds. The winning bidder for the Bonds is required to submit such good faith  
17 deposit payable to the order of the City in the form of a wire transfer in federal funds as  
18 instructed by the City's Financial Advisor, Davenport & Company LLC or a financial surety bond.  
19 The winning bidder shall submit the good faith deposit not more than two hours after verbal  
20 award is made. The winning bidder should provide as quickly as it is available, evidence of wire  
21 transfer by providing the City the federal funds reference number. If the winning bidder fails to  
22 comply with the good faith deposit requirement as described herein, that bidder is nonetheless  
23 obligated to pay to the City the sum of \$\_\_\_\_\_ as liquidated damages due to the failure  
24 of the winning bidder to timely deposit the good faith deposit.  
25

26  
27                   ***Submission of a bid to purchase the Bonds serves as acknowledgement and acceptance***  
28                   ***of the terms of the good faith deposit requirement.***  
29

30                   The good faith deposit will be retained by the City until the delivery of the Bonds, at which  
31 time the good faith deposit will be applied against the purchase price of the Bonds or the good  
32 faith deposit will be retained by the City as partial liquidated damages in the event of the failure of  
33 the successful bidder to take up and pay for such Bonds in compliance with the terms of this  
34 Notice of Sale and of its bid. No interest on the good faith deposit will be paid by the City. The  
35 balance of the purchase price must be wired in federal funds to the account detailed in the  
36 closing memorandum, simultaneously with delivery of the Bonds.  
37

38                   **Approving Legal Opinion**  
39

40                   The approving legal opinion of McKennon Shelton & Henn LLP, Baltimore, Maryland,  
41 Bond Counsel, will be furnished to the purchasers without cost. There will also be furnished the  
42 usual closing papers and, in addition, a certificate signed by appropriate officers of the City,  
43 certifying that there is no litigation pending or, to the knowledge of the signers of such  
44 certificate, threatened affecting the validity of the Bonds and that on the date of the Official  
45 Statement mentioned below and at the time of delivery of the Bonds the statements and  
46 information contained in such Official Statement which are made and provided by the City are  
47 and will be true, correct and complete in all material respects and the Official Statement does  
48 not and will not omit any statement or information which is required to be stated therein or  
49 necessary to make the statements and information therein, in the light of the circumstances  
50 under which they were made, not misleading or incomplete in any material respect.  
51

1 **Preliminary Official Statement; Continuing Disclosure**  
2

3 The City has deemed the Preliminary Official Statement with respect to the Bonds dated  
4 \_\_\_\_\_ (the "Preliminary Official Statement") to be final as of its date for purposes of  
5 Rule 15c2-12 of the United States Securities and Exchange Commission (the "SEC"), except for  
6 the omission of certain information permitted to be omitted by said Rule. The City agrees to  
7 deliver to the successful bidder for its receipt no later than seven business days after the date of  
8 sale of the Bonds such quantities of the final official statement as the successful bidder shall  
9 request; provided, that the City shall deliver up to 300 copies of such official statement without  
10 charge to the successful bidder.  
11

12 The City has made certain covenants for the benefit of the holders from time to time of  
13 the Bonds to provide certain continuing disclosure, in order to assist bidders for the Bonds in  
14 complying with Rule 15c2-12(b)(5) of the SEC. Such covenants are described in the  
15 Preliminary Official Statement.  
16

17 **Delivery**  
18

19 The Bonds will be delivered on or about [\_\_\_\_\_] (unless a notice of a change in  
20 the delivery date is provided) through the facilities of DTC in New York, New York, against  
21 payment therefore in federal or other immediately available funds.

22 **Reoffering Price Certificate**

23 **SIMULTANEOUSLY WITH OR BEFORE DELIVERY OF THE BONDS, THE**  
24 **SUCCESSFUL BIDDER SHALL FURNISH TO THE CITY A CERTIFICATE ACCEPTABLE TO**  
25 **BOND COUNSEL TO THE EFFECT THAT (I) THE SUCCESSFUL BIDDER HAS MADE A**  
26 **BONA FIDE PUBLIC OFFERING OF EACH MATURITY OF THE BONDS AT THE INITIAL**  
27 **REOFFERING PRICES, (II) AS OF THE DATE OF THE SALE OF THE BONDS, THE**  
28 **SUCCESSFUL BIDDER REASONABLY EXPECTED TO SELL A SUBSTANTIAL AMOUNT**  
29 **OF EACH MATURITY OF THE BONDS TO THE PUBLIC (EXCLUDING BOND HOUSES,**  
30 **BROKERS AND OTHER INTERMEDIARIES) AT THEIR RESPECTIVE REOFFERING**  
31 **PRICES, AND (III) A SUBSTANTIAL AMOUNT OF EACH MATURITY OF THE BONDS WAS**  
32 **SOLD TO THE PUBLIC (EXCLUDING BOND HOUSES, BROKERS AND OTHER**  
33 **INTERMEDIARIES) AT THEIR RESPECTIVE INITIAL REOFFERING PRICES OR SUCH**  
34 **OTHER FACTS REGARDING THE ACTUAL SALE OF THE BONDS AS BOND COUNSEL**  
35 **SHALL REQUEST, AS DESCRIBED BELOW.** Bond Counsel advises that (i) such certificate  
36 must be made on the best knowledge, information and belief of the successful bidder, (ii) the  
37 sale to the public of 10% or more in par amount of each maturity of the Bonds at the initial  
38 reoffering prices would be sufficient to certify as of the sale of a substantial amount of the bonds  
39 and (iii) reliance on other facts as a basis for such certification would require evaluation by Bond  
40 Counsel to assure compliance with the statutory requirement to avoid the establishment of an  
41 artificial price for the Bonds.  
42

43 **Miscellaneous**  
44

45 It is expected that CUSIP numbers will be printed on the Bonds. However, the validity,  
46 sale, delivery or acceptance of the Bonds will not be affected in any manner by any failure to  
47 print, or any error in printing, the CUSIP numbers on said Bonds, or any of them.  
48



1  
2 SECTION 9. If any Bonds are sold pursuant to the foregoing Notice of Sale, the award  
3 shall be made by order of the Mayor. Such action of the Mayor shall also fix the interest rate or  
4 rates payable on the Bonds in accordance with the accepted proposal. The Mayor shall also be  
5 authorized to make all changes necessary to the form of the Bond to comply with a book-entry  
6 only system. The Bonds shall thereupon be signed as hereinabove provided and delivered to  
7 the successful bidder upon payment of the balance of the purchase price thereof. The proceeds  
8 of the Bonds shall be paid to the Finance Director. The first proceeds of the Bonds in  
9 anticipation of the sale of which Notes (as defined herein) were issued shall be applied to the  
10 payment of the principal of and interest on such Notes. Upon approval of the appropriate  
11 vouchers, in accordance with the established procedure of the City, the Finance Director shall  
12 pay, from the proceeds of the Bonds in his hands, all expenses incurred in the issuance of the  
13 Bonds, including costs of advertising, printing, document reproduction and counsel fees and  
14 expenses. The balance of said proceeds shall be credited by the Finance Director to the  
15 several accounts on his books for the Projects described above and the Finance Director shall  
16 make disbursements for such Projects in accordance with the established procedure of  
17 Annapolis. Prior to expenditure of such proceeds, the same or any part thereof shall be  
18 invested by the Finance Director, with the approval of the Mayor, in any authorized investment  
19 of the City. If the funds derived from the sale of the Bonds shall exceed the amount needed to  
20 finance any of the Projects described in this Ordinance, or if the City Council determines that the  
21 public interest requires a change in the capital improvements program of Annapolis, the funds  
22 so borrowed and not expended for the public improvements provided by this Ordinance shall be  
23 set apart in a separate fund by the Finance Director and applied in payment of the debt service  
24 on the Bonds, unless the City Council shall adopt an ordinance allocating such funds to some  
25 other public capital improvement project or projects of Annapolis.

26 SECTION 10. In order to provide for the payment of the principal of and interest on the  
27 Bonds hereby authorized when due, there shall be appropriated in the next ensuing fiscal year  
28 of Annapolis and in each fiscal year thereafter, so long as any of the Bonds are outstanding and  
29 unpaid, or until sufficient funds have been accumulated and irrevocably set aside for the  
30 purpose, an amount sufficient to meet the debt service on the Bonds coming due in such fiscal  
31 year and there shall be levied *ad valorem* taxes upon all property within the corporate limits of  
32 the City subject to assessment for full City taxes, in rate and amount sufficient in each such year  
33 to fund such appropriations and to provide for the payment when due of the principal of and  
34 interest on all Bonds maturing in each such fiscal year. In the event the proceeds from the

1 taxes so levied in each such fiscal year shall prove inadequate for the above purposes,  
2 additional taxes shall be levied in the subsequent fiscal year to make up any deficiency.  
3 Thereafter, prior to each semi-annual interest payment date, the Finance Director shall deposit  
4 with the Paying Agent, from the tax proceeds above described, the amounts needed to pay the  
5 principal of and interest on the Bonds coming due on each such interest payment date. All  
6 moneys so deposited with the Paying Agent shall be deemed and treated by the Paying Agent  
7 as trust funds for the use and benefit of the holders from time to time of the Bonds hereby  
8 authorized. Any such trust funds so held by the Paying Agent for the payment of particular  
9 Bonds for periods of more than two (2) years from the dates of such Bonds, upon the expiration  
10 of any such two-year period and the failure of the holders of said Bonds to present the same for  
11 payment within such period, shall be returned by the Paying Agent to the City and, therefor, the  
12 holders of any such Bonds shall have claims only against the City for payment of the obligations  
13 held by them and the Paying Agent shall be relieved of the trust hereby imposed.

14 To assure the performance by the City of the provisions of this Section, the full faith and  
15 credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to  
16 maturity of the principal of and interest on the Bonds hereby authorized as and when the same  
17 respectively mature and become payable and to the levy and collection of the taxes  
18 hereinabove described as and when such taxes may become necessary in order to provide  
19 sufficient funds to meet the debt service requirements of the Bonds hereby authorized to be  
20 issued. This pledge is made hereby for the benefit of the holders, from time to time, of the  
21 Bonds hereby authorized.

22 The City hereby solemnly covenants and agrees with each holder of any of the Bonds  
23 hereby authorized to levy and collect the taxes hereinabove described and to take any other  
24 action that may be appropriate from time to time during the period that any of such Bonds  
25 remain outstanding and unpaid to provide the funds necessary to make principal and interest  
26 payments thereon when due.

27 SECTION 11. This Ordinance and the question of the issuance of Bonds hereunder  
28 shall not be submitted to a referendum of the registered voters of Annapolis, as permitted by  
29 law, unless, within ten (10) days after the passage of this Ordinance, there shall be served upon  
30 the Mayor a notice signed by not fewer than two hundred (200) of the registered voters of  
31 Annapolis, advising that a petition for a referendum on the issuance of said bonds is being  
32 circulated by one or more of the persons signing said notice and unless, within twenty (20) days  
33 after the delivery of such notice, there shall also be filed with the Mayor a petition or petitions

1 requesting the holding of such a referendum, properly signed as required by the Charter, by not  
2 fewer than twenty-five per centum (25%) of the registered voters of Annapolis, as shown by the  
3 registered voters books of Annapolis, maintained by the Board of Supervisors of Elections of the  
4 City (the "Board of Supervisors"). In view of the foregoing, no action shall be taken by  
5 Annapolis pursuant to this Ordinance for a period of ten (10) days following its passage. If,  
6 within such ten (10) day period, the notice above described is filed as aforesaid, then no action  
7 shall be taken by Annapolis pursuant to this Ordinance for a period of twenty (20) days following  
8 the filing of such notice. If, within such twenty (20) day period, a petition for referendum, as  
9 above-described, shall be filed as aforesaid, then no action shall be taken by Annapolis under  
10 this Ordinance unless and until the Mayor shall receive written advice from the City Attorney and  
11 the Board of Supervisors that such referendum petition does not meet the requirements of the  
12 Charter or unless and until the referendum requested in such petition shall be duly held in  
13 accordance with law and the Board of Supervisors shall certify to Annapolis that, in the election  
14 at which such referendum is held, a majority of the registered voters of Annapolis voting on the  
15 question referred duly cast their ballots in favor of the issuance of the Bonds hereby authorized.  
16 If this Ordinance shall be ratified or approved on any such referendum, then the Mayor and City  
17 Clerk may proceed with the issuance of the Bonds hereby authorized, without further action by  
18 Annapolis.

19 SECTION 12. That CUSIP numbers may be printed on the Bonds; provided, however,  
20 that the printing of CUSIP numbers on the Bonds (even if incorrect) shall have no legal effect  
21 and shall not in any way affect the enforceability or validity of any Bond. Any expenses in  
22 relation to the printing of CUSIP numbers on the Bonds, including any CUSIP Service Bureau  
23 charge for the assignment of such numbers, in the discretion of the Finance Director, may be  
24 paid for by the City from the proceeds of the Bonds.

25 SECTION 13. In addition to the insertions and variations prescribed by this Ordinance,  
26 the Mayor is hereby authorized to make such further modifications in such forms as will not alter  
27 the substance of such forms. In connection with the issuance of any Bonds pursuant to this  
28 Ordinance, the City is hereby authorized to enter into one or more agreements as the Mayor  
29 shall deem necessary or appropriate for the issuance, sale, delivery or security of such Bonds,  
30 which may include (without limitation) (i) underwriting, purchase or placement agreements for  
31 Bonds sold at private (negotiated) sale in accordance with the provisions of this Ordinance; (ii)  
32 trust agreements with commercial banks or trust companies providing for the issuance and  
33 security of such Bonds; (iii) any dealer, remarketing or similar agreements providing for the  
34 placement or remarketing of such Bonds; (iv) agreements providing for any credit or liquidity

1 facilities supporting any Bonds; (v) agreements with commercial banks or trust companies  
2 providing for the deposit of proceeds of any Bonds; (vi) agreements with fiscal agents providing  
3 for the issuance of Bonds, their authentication, registration, verification of amounts and earnings  
4 set aside to pay the Refunded Bonds or payment or other similar services; and (vii) continuing  
5 disclosure agreements, including any such agreements required to enable the underwriters of  
6 any Bonds to meet the requirements of paragraph (b)(5) of Rule 15c2-12 promulgated by the  
7 United States Securities and Exchange Commission. Each such agreement shall be in such  
8 form as shall be determined by the Mayor by executive order. The execution and delivery of  
9 each such agreement by the Mayor shall be conclusive evidence of the approval of the form of  
10 such agreement on behalf of the City.

11 SECTION 14. In the event that Bonds are issued pursuant to this Ordinance with the  
12 expectation that interest on such Bonds will be excludable from gross income for federal income  
13 tax purposes this Section 14 shall apply.

14 The Mayor and the Finance Director shall be the officers of the City responsible for the  
15 issuance of the Bonds within the meaning of the "Arbitrage Regulations" (defined herein).

16 The Mayor and the Finance Director shall also be the officers of the City responsible for  
17 the execution and delivery (on the date of issuance of the Bonds) of a certificate of the City (the  
18 "Tax and Section 148 Certificate") which complies with the requirements of Section 148 of the  
19 Internal Revenue Code of 1986, as amended ("Section 148"), and the applicable regulations  
20 thereunder (the "Arbitrage Regulations"), and such officials are hereby authorized and directed  
21 to execute the Tax and Section 148 Certificate and to deliver the same to Bond Counsel on the  
22 date of the issuance of the Bonds.

23 The City shall set forth in the Tax and Section 148 Certificate its reasonable  
24 expectations as to relevant facts, estimates and circumstances relating to the use of the  
25 proceeds of the Bonds, or of any moneys, securities or other obligations to the credit of any  
26 account of the City which may be deemed to be proceeds of the Bonds pursuant to Section 148  
27 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The City covenants with each of  
28 the holders of any of the Bonds that the facts, estimates and circumstances set forth in the Tax  
29 and Section 148 Certificate will be based on the City's reasonable expectations on the date of  
30 issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and  
31 correct as of that date.

32 In the event that Bonds are issued pursuant to this Ordinance with the expectation that  
33 interest on such Bonds will be excludable from gross income for federal income tax purposes,  
34 the City covenants with each of the registered owners of any of the Bonds that it will not make,

1 or (to the extent that it exercises control or direction) permit to be made, any use of the Bond  
2 Proceeds which would cause the Bonds to be “arbitrage bonds” within the meaning of Section  
3 148 and the Arbitrage Regulations. The City further solemnly covenants that it will comply with  
4 Section 148 and the regulations thereunder which are applicable to the Bonds on the date of  
5 issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds  
6 as long as the Bonds remain outstanding and unpaid. The Mayor, the City Manager, and the  
7 Finance Director are hereby authorized and directed to prepare or cause to be prepared and to  
8 execute any certification, opinion or other document, including, without limitation, the Tax and  
9 Section 148 Certificate, which may be required to assure that the Bonds will not be deemed to  
10 be “arbitrage bonds” within the meaning of Section 148 and the regulations thereunder.

11 The City further covenants with each of the registered owners of any of the Bonds (i) that  
12 it will not take any action or (to the extent that it exercises control or direction) permit any action  
13 to be taken that would cause the Bonds or a portion of the Bonds to be “federally guaranteed”  
14 within the meaning of Section 149(b) of the Internal Revenue Code of 1986, as amended, and  
15 (ii) that it will not make, or (to the extent that it exercises control or direction) permit to be made,  
16 any use of the proceeds of the Bonds or a portion of such proceeds that would cause the Bonds  
17 or a portion of the Bonds to be “private activity bonds” within the meaning of Section 141 of the  
18 Internal Revenue Code of 1986, as amended.

19 In the event that the Bonds are being issued hereunder with the expectation that interest  
20 on such Bonds will be excludable from gross income for federal income tax purposes, the Mayor  
21 may make such covenants or agreements in connection with the issuance of such Bonds as he  
22 shall deem advisable in order to assure the registered owners of such Bonds that interest  
23 thereon shall be and remain excludable from gross income for federal income tax purposes and  
24 such covenants or agreements shall be binding on the City so long as the observance by the  
25 City of any such covenants or agreements is necessary in connection with the maintenance of  
26 the exclusion of the interest on such Bonds from gross income for federal income tax purposes.  
27 The foregoing covenants or agreements may include such covenants or agreements on behalf  
28 of the City regarding compliance with the provisions of the Internal Revenue Code of 1986, as  
29 amended, as the Mayor shall deem advisable in order to assure the registered owners of the  
30 Bonds that the interest thereon is and shall remain excludable from gross income for federal  
31 income tax purposes, including (without limitation) covenants or agreements relating to the  
32 investment of Bond Proceeds, the payment of certain earnings resulting from such investment  
33 to the United States, limitations on the times within which, and the purposes for which, Bond  
34 Proceeds may be expended, or the use of specified procedures for accounting for and

1 segregating Bond Proceeds. Any covenant or agreement made by the Mayor pursuant to this  
2 paragraph may be set forth in or authorized by the Tax and Section 148 Certificate or an order  
3 executed by the Mayor.

4 SECTION 15. Bonds issued under this Ordinance are hereby specifically exempted  
5 from the provisions of Sections 10 and 11 of Article 31 of the Annotated Code of Maryland  
6 (2010 Replacement Volume and 2012 Supplement).

7 SECTION 16. The City is hereby authorized, pursuant to Section 12 of Article 31 of the  
8 Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended,  
9 and Article VII, Section 11 of the Charter, to issue and sell its bond anticipation notes (the "Notes")  
10 in the maximum aggregate principal amount equal to the maximum aggregate principal amount of  
11 the Bonds to finance or refinance the Projects in anticipation of the issuance of the Bonds  
12 authorized to be issued and sold under this Ordinance, subject to the provisions of this Ordinance.

13 SECTION 17. Except as otherwise expressly provided in this Ordinance, the Notes shall  
14 be issued in the same manner as the Bonds issued pursuant to this Ordinance and shall have  
15 the terms and provisions determined in an executive order of the Mayor, and the Mayor is  
16 hereby authorized to make the determinations with respect to any Notes as if such Notes were  
17 Bonds.

18 All Notes authorized hereby shall mature on or before that date which is 30 years after  
19 the date of the first Note issued pursuant to this Ordinance.

20 The Mayor is hereby authorized to determine the form of any Notes issued hereunder.  
21 The execution and delivery of the Notes as herein provided shall be conclusive evidence of the  
22 approval of the form of such Notes on behalf of the City.

23 SECTION 18. The Notes hereby authorized may be sold for cash at no less than par,  
24 plus accrued interest to the date of delivery. The Notes may bear interest at fixed or variable  
25 rates as determined by executive order of the Mayor. Authority is hereby conferred on the  
26 Mayor to sell the Notes through a public sale or through a private (negotiated) sale, without  
27 solicitation of competitive bids, as the Mayor, upon consultation with the Finance Director and  
28 the City's Financial Advisor, shall determine to be in the best interests of the City. Any sale of  
29 the Notes hereunder by private negotiation is hereby determined to be for the City's best  
30 interest.

1           If the Mayor shall determine in accordance with this Section to sell any Notes at a public  
2 sale through the solicitation of competitive bids, then the Mayor may sell such Notes in  
3 accordance with such procedures as shall be determined by the Mayor.

4           Notes issued under this Ordinance are hereby specifically exempted from the provisions  
5 of Sections 10 and 11 of Article 31 (2010 Replacement Volume and 2012 Supplement).

6           SECTION 19. The City hereby covenants and agrees with the holders of the Notes  
7 issued under this Ordinance to issue the Bonds in anticipation of the sale of which such Notes  
8 are issued when, and as soon as, the reason for deferring the issuance thereof no longer exists,  
9 and to pay the principal of and interest on such Notes from the proceeds of such Bonds. This  
10 covenant shall be binding upon the City notwithstanding any limitation set forth in this  
11 Ordinance, including (without limitation) any limitation with respect to the interest rate or rates  
12 that the Bonds may bear. If the City shall not, for any reason, issue and sell such Bonds as  
13 aforesaid, or if the proceeds from the sale of such Bonds shall be insufficient to pay the principal  
14 of and interest on any Notes, then the tax or other revenue which the City Council shall have  
15 previously determined to apply to the payment of such Bonds and the interest thereon shall be  
16 applied to the payment of the interest on and principal of such Notes. The foregoing provisions  
17 shall not be construed so as to prohibit the City from paying the principal or redemption price of  
18 and interest on any Note issued hereunder from the proceeds of the sale of any other Note  
19 issued hereunder or from any other funds legally available for that purpose.

20           If the City shall not, for any reason, issue and sell any Bonds in anticipation of which any  
21 Notes are issued, or if the proceeds from the sale of such Bonds shall be insufficient to pay the  
22 principal of or interest on such Notes, then the City shall include in the levy in each and every  
23 fiscal year that any of such Notes are outstanding *ad valorem* taxes upon all property within the  
24 corporate limits of the City subject to assessment for full City taxes, in rate and amount sufficient  
25 in each such year to fund such appropriations and to provide for the payment when due of the  
26 principal of and interest on all Notes maturing in each such fiscal year. In the event the  
27 proceeds from the taxes so levied in each such fiscal year shall prove inadequate for the above  
28 purposes, additional taxes shall be levied in the subsequent fiscal year to make up any  
29 deficiency.

30           To assure the performance by the City of the provisions of this Section, the full faith and  
31 credit and unlimited taxing power of the City are hereby irrevocably pledged to the payment to  
32 maturity of the principal of and interest on the Notes hereby authorized as and when the same  
33 respectively mature and become payable and to the levy and collection of the taxes

1 hereinabove described as and when such taxes may become necessary in order to provide  
2 sufficient funds to meet the debt service requirements of the Notes hereby authorized to be  
3 issued. This pledge is made hereby for the benefit of the holders, from time to time, of the  
4 Notes hereby authorized.

5 The City may apply to the payment of the principal of and interest on any such Notes  
6 any funds received by it from the State of Maryland, the United States of America or any agency  
7 or instrumentality thereof, or from any other source, if such funds are granted or otherwise  
8 obtained for the purpose of assisting the City in obtaining public facilities of the class or classes  
9 of public facilities for which such Notes are authorized; and to the extent that any such funds  
10 received or receivable in any fiscal year are applied to such purposes as provided herein, the  
11 taxes hereby required to be levied shall be reduced proportionately.

12 To the extent permitted by law, interest on the Notes hereby authorized may be  
13 capitalized and paid from the proceeds of the sale of such Notes or from the proceeds of the  
14 sale of the Bonds in anticipation of the sale of which such Notes are issued.

15 SECTION 20. The proceeds of Notes issued pursuant to this Ordinance may be used to  
16 pay, at maturity, or at the time of redemption, the principal or redemption price of, or the  
17 principal or redemption price of and interest on, Notes ("Refinanced Notes") previously issued  
18 pursuant to this Ordinance. If, and to the extent that, the proceeds from the issuance and sale  
19 of Notes are used to repay the principal of Refinanced Notes, such Notes shall constitute a  
20 continuance and reissuance of the indebtedness represented by the Refinanced Notes and  
21 authorized by this Ordinance and shall not constitute additional indebtedness hereunder or  
22 under any other authority.

23 SECTION 21. This Ordinance shall take effect from the date of its approval by the  
24 Mayor, on or following the date of its final adoption and, thereafter, within not more than three  
25 calendar days of such approval, notice of the adoption of this Ordinance shall be duly given by  
26 publication of the title hereof at least once in "The Capital," or another newspaper published and  
27 of general circulation in the City.

28  
29  
30  
31  
32  
33

1  
2  
3

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

ATTEST:

THE ANNAPOLIS CITY COUNCIL

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

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

4  
5  
6  
7  
8  
9

**EXPLANATION**

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

**Policy Report**  
**Ordinance O-35-13**

**Issuance of Bonds and Bond Anticipation Notes**

The proposed ordinance would authorize the City of Annapolis to issue and sell, upon its full faith and credit, (i) general obligation bonds in the aggregate principal amount not to exceed \$11,500,000, pursuant to Sections 31 through 39, inclusive, of Article 23A of the Annotated Code of Maryland (2011 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the City Charter, and (ii) general obligation bond anticipation notes in anticipation of the issuance of such bonds in the maximum aggregate principal amount equal to the maximum aggregate principal amount of such bonds pursuant to Section 12 of Article 31 of the Annotated Code of Maryland (2010 Replacement Volume and 2012 Supplement), as amended, and Article VII, Section 11 of the Charter.

The list of projects is as follows:

PROJECT	FISCAL YEAR	BOND FUNDING
Truxton Swimming Pool	2014	\$150,000
General Sidewalks	2014	\$250,000
City Dock Infrastructure	2014	\$5,150,445
City Dock Infrastructure	2014 Federal Boating Infrastructure Grant	\$1,500,000
Kingsport Park	2014	\$10,931
Wayfinding Signage	2014	\$114,500
Hillman Garage Replacement	2014	\$765,190
Capital Program Land Acquisition	2013	\$2,500,000
City Dock Infrastructure	2013	\$275,000
Wayfinding Signage	2013	\$40,000
<b>Total</b>		<b>\$10,756,066</b>

The total amount of \$11,500,000 includes the projects above in addition to issuance costs and underwriter's fees.

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

FISCAL IMPACT NOTE

**Legislation No:** O-35-13

**First Reader Date:** 9-9-13

**Note Date:** 9-16-13

**Legislation Title: Issuance of Bonds and Bond Anticipation Notes**

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

**Analysis of Fiscal Impact:** This legislation would result in the City to borrow money and incur indebtedness and the City is authorized and empowered to issue and sell, upon its full faith and credit, its general obligation, fully registered bonds in the aggregate principal amount not to exceed \$11,500,000 to be known as "Public Improvements Bonds, 2013 Series" (the "Bonds") or such other designation as deemed appropriate by the Mayor of Annapolis (the "Mayor") and City Manager of Annapolis (the "City Manager") for the purposes of financing and refinancing the costs of the public projects listed below (the "Projects"), including the costs of issuing the Bonds.

PROJECT	FISCAL YEAR	BOND FUNDING
Truxton Swimming Pool	2014	\$150,000
General Sidewalks	2014	\$250,000
City Dock Infrastructure	2014	\$5,150,445
City Dock Infrastructure	2014 Federal Boating Infrastructure Grant	\$1,500,000
Kingsport Park	2014	\$10,931

Wayfinding Signage	2014	\$114,500
Hillman Garage Replacement	2014	\$765,190
Capital Program Land Acquisition	2013	\$2,500,000
City Dock Infrastructure	2013	\$275,000
Wayfinding Signage	2013	\$40,000
<b>Total</b>		<b>\$10,756,066</b>

1  
2  
3  
4  
5  
6  
7

CITY COUNCIL OF THE  
**City of Annapolis**

**ORDINANCE NO. O-38-13**

**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
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

8

**AN ORDINANCE** concerning

9  
10  
11  
12  
13  
14

**Amending Ordinance O-30-13, authorizing the Issuance of  
General Obligation Refunding Revenue Bonds, to Conform to Final  
Special Taxing and Tax Increment Financing District Boundaries**

**FOR** the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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"), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the "District") include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RECITALS**

Pursuant to Ordinance No. O-30-13, adopted on July 22, 2013 ("Ordinance No. O-30-13"), the City of Annapolis (the "City") provided for the issuance of up to \$25,000,000 in aggregate principal amount of its general obligation refunding bonds (the "Refunding Bonds") in order to refund the City of Annapolis Special Obligation Bonds (Park Place Project), Series 2005A, in the aggregate principal amount of \$18,560,000 (the "Series 2005A Bonds") and its City of Annapolis Special Obligation Bonds (Park Place Project), Series 2005B (the "Series 2005B Bonds" and collectively, with the Series 2005A Bonds, the "Series 2005 Bonds").

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

The Series 2005 Bonds were issued pursuant to and in accordance with (a) the Tax Increment Financing Act (then Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated Code of Maryland and now recodified as Sections 12-201 to 12-213, inclusive, of the

1 Economic Development Article of the Annotated Code of Maryland) (the “Tax Increment  
2 Financing Act”), (b) Section 44A of Article 23A of the Annotated Code of Maryland (the “Special  
3 Tax District Act”), (c) Resolution No. R-8-01 of the City Council (the “City Council”) of the City,  
4 adopted on May 14, 2001 (the “Original Resolution”), (d) Ordinance No. O-14-01 of the City,  
5 adopted on May 14, 2001 (“Ordinance No. O-14-01”), (e) Resolution No. R-22-04 of the City  
6 Council, adopted on December 13, 2004 (the “Supplemental Resolution” and collectively with  
7 the Original Resolution, the “Resolution”) and (f) the Indenture of Trust dated as of February 1,  
8 2005 (the “Indenture”) between the City and Manufacturers and Traders Trust Company, as  
9 trustee (the “Trustee”).

10  
11 The proceeds of the Series 2005 Bonds were applied as provided in Ordinance No. O-  
12 14-01 and the Indenture (a) to finance the costs of a portion of a mixed-use garage containing  
13 680 parking spaces (“Public Garage Unit”), together with related (i) drive aisles, ramps and  
14 walkways; (ii) garage roof; (iii) general excavation and miscellaneous site work; (iv) paving and  
15 lighting; (v) land; (vi) planning, engineering, architectural, financial consultancy and legal  
16 expenses; and (vii) the relocation and construction of certain public utilities and improvement  
17 related to the Park Place Development; (b) to make a deposit to the Reserve Fund under the  
18 Indenture; (c) to pay a portion of capitalized interest on the Series 2005 Bonds; (d) to pay  
19 administrative costs related to the Series 2005 Bonds and the Park Place Development District  
20 and Special Tax District, as more particularly described in the Ordinance No. O-14-01 (the  
21 “Original District”); and (e) to pay costs of issuing the Series 2005 Bonds.

22  
23 The Original District was created as a “development district” pursuant to the Tax  
24 Increment Financing Act by the Original Resolution, which also established the Original District  
25 as a “special taxing district” pursuant to the Special Tax District Act.

26  
27 On March 14, 2005, the City adopted Ordinance No. O-40-04 (“Ordinance No. O-40-04”)  
28 in order to add to the Original District four additional parcels of land (the “Additional Parcels”)  
29 and to exclude from the Original District (but only for the purpose of the Special Tax District Act)  
30 certain land (the “Excluded Property”), all to the extent described in, and subject to the  
31 provisions of, Ordinance No. O-40-04. The locations of the Original District, the Additional  
32 Parcels and the Excluded Property are indicated in Exhibit A hereto.

33  
34 The Series 2005 Bonds are secured by: (i) the proceeds of tax collections by the City  
35 and by Anne Arundel County, Maryland (the “County”), arising from taxation of the increase, if  
36 any, in the appraised value of real property located in the Original District, as so modified over  
37 an original assessable base exclusive of amounts payable to the State of Maryland (the “Tax  
38 Increment Revenues”); (ii) to the extent the Tax Increment Revenues are insufficient, Garage  
39 Net Operating Income (as defined in the Indenture) deposited into the Garage Net Operating  
40 Income Fund established under the Indenture; and (iii) to the extent that the Tax Increment  
41 Revenues and the Garage Net Operating Income deposited into the Garage Net Operating  
42 Income Fund are insufficient, the special tax (the “Special Tax”) to be levied on the taxable  
43 parcels within the Original District, as so modified. The Special Tax shall be levied in any given  
44 year only if the Tax Increment Revenues and the Garage Net Operating Income, as adjusted,  
45 are insufficient to cover debt service on the Series 2005 Bonds, pay administrative costs related  
46 to the Series 2005 Bonds and the Original District, as so modified, or maintain any funds under  
47 the Indenture.

48  
49 However, Ordinance No. O-30-13 adopted on July 22, 2013 (“Ordinance No. O-30-13”),  
50 which provides for the issuance of the Refunding Bonds, did not refer to Ordinance No. O-40-04  
51 and the modifications to the Original District made by Ordinance No. O-40-04. Such omission

1 needs to be corrected so that the “District” for the Refunding Bonds is the same as the “District”  
2 for the Series 2005 Bonds for all purposes.  
3

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

8 Section 1. (a) The Recitals to this Ordinance (the “Recitals”) are deemed a  
9 substantive part of this Ordinance and are incorporated by reference herein, and capitalized  
10 terms defined in the Recitals and used herein shall have the meaning given to such terms in the  
11 Recitals, unless the context clearly requires a contrary meaning.  
12

13 (b) The words and terms used in this Ordinance that are defined in the Special Tax  
14 District Act, the Tax Increment Financing Act, the Refunding Act, the Original Ordinance, the  
15 Resolution or the Indenture shall have the meanings indicated in the Special Tax District Act,  
16 the Tax Increment Financing Act, the Refunding Act, Ordinance No. O-14-01, Ordinance No. O-  
17 40-04, Ordinance No. O-30-13, the Resolution and the Indenture, as the case may be, unless  
18 the context clearly requires a contrary meaning.  
19

20 Section 2. The Original District shall be modified to (a) include the Additional Parcels  
21 for all purposes and (b) exclude the Excluded Property for purposes of computing the Special  
22 Tax but not for purposes of computing the Tax Increment Revenues; and all references to “the  
23 District” in Ordinance No. O-30-13 shall reflect the Original District as modified hereby, all as  
24 indicated in Exhibit A attached hereto. As a result, the District is approximately 12.26 acres,  
25 more or less, for purposes of computing the Special Tax and approximately 12.93 acres, more  
26 or less, for purposes of computing the Tax Increment Revenues.  
27

28 Section 3. All references in Ordinance No. O-30-13 to “the Original Ordinance” and  
29 “the Resolution” shall include Ordinance No. O-40-04, unless the context clearly indicates a  
30 contrary meaning; and all references in Ordinance No. O-30-13 to “this Ordinance” shall include  
31 this Ordinance.  
32

33 Section 4. The provisions of this Ordinance shall be liberally construed in order to  
34 effectuate and carry out the purposes of and the activities authorized by the Tax Increment  
35 Financing Act, the Special Tax District Act and the Refunding Act and the matters contemplated  
36 by Ordinance No. O-30-13 and by this Ordinance.  
37

38 Section 5. The provisions of this Ordinance are severable, and if any provision,  
39 sentence, clause, paragraph or part hereof is held or determined to be illegal, invalid or  
40 unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or  
41 unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions,  
42 sentences, clauses, paragraphs or parts of this Ordinance or their application to other persons  
43 or circumstances. It is hereby declared to be the legislative intent that this Ordinance would  
44 have been passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence,  
45 clause, paragraph or part had not been included herein, and if the person or circumstances to  
46 which this Ordinance or any part hereof are inapplicable had been specifically exempted  
47 herefrom.  
48

49 Section 6. This Ordinance shall take effect upon this Ordinance being signed by the  
50 Mayor, on or following the date of its passage by the City Council.  
51

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

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

**ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

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

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



## **Policy Report**

### **Ordinance O-38-13**

#### **Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries**

The proposed ordinance would amend Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds of the City of Annapolis for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B, in order to provide that (a) the Park Place Development District and Special Tax District include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

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-38-13

**First Reader Date:** 9-9-13

**Note Date:** 9-16-13

### **Legislation Title: Amending O-30-13, Issuance of General Obligation Refunding Revenue Bonds**

**Description:** For the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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"), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the "District") include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

**Analysis of Fiscal Impact:** This legislation would result in the following financial implications, as stated in the fiscal impact notes for O-30-13:

- 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  
2  
3  
4  
5  
6  
7  
  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-36-13**

**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
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		

**A ORDINANCE** concerning

**An Amendment to Lease of City Property: Boat Shows in Fall 2013**

**FOR** the purpose of authorizing an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease.

**WHEREAS,** pursuant to Ordinance O-35-08 of the Annapolis City Council, and a lease agreement dated January 21, 2009, the City of Annapolis has leased to the United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., certain municipal property to conduct boat shows during the period October 7, 2013 through October 22, 2013, inclusive; and

**WHEREAS,** pursuant to O-40-12 Amended, the dates were changed from October 7, 2013 through October 22, 2013 to September 30, 2013 through October 15, 2013, inclusive; and

**WHEREAS,** the Lessee seeks to add 20 City moorings in St. Mary's Cove on Spa Creek to the leased premises to conduct the Fall Brokerage Boat Show; and

**WHEREAS,** except as specifically amended above, all other provisions of the January 21, 2009 lease are to remain in full force and effect; and

**WHEREAS,** the Annapolis City Council believes that these proposed boat shows benefit the City of Annapolis; and

**WHEREAS,** Article III, Section 8 of the Charter of the City of Annapolis requires the passage of an ordinance to authorize a lease; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36

**WHEREAS,** an amended lease setting forth terms has been prepared and is considered satisfactory.

**NOW THEREFORE:**

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the amended lease, a copy of which is attached hereto, between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., amending the January 21, 2009 lease between the City of Annapolis and United States Sailboat Shows, Inc., and United States Powerboat Shows, Inc., a copy of which is attached hereto, leasing 20 City moorings in St. Mary’s Cove on Spa Creek, inclusive with all other provisions of the January 21, 2009 lease remaining in full force and effect, is hereby approved and the Mayor is hereby authorized to execute the amended lease on behalf of the City of Annapolis.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that it is expressly found by the Annapolis City Council that the property which is the subject of the amended lease will better serve the public need for which the property was acquired by stimulating local interest in the boating industry, by encouraging visitors and residents of the City to visit the harbor and dock area, by generating tax revenues and rental income to the City of Annapolis, and by otherwise providing economic benefits to the City of Annapolis.

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

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

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

**EXPLANATION**

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

## **Second Amendment to Lease Agreement**

This Second Amendment to Lease Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2013 by and between The City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc. ("Lessee").

Whereas, the parties entered in a Lease Agreement dated January 21, 2009 and an Amendment to Lease Agreement dated February 13, 2013 for the lease of certain City property in connection with the Lessee's boat shows in the City of Annapolis;

Whereas, the parties wish to further amend the Lease Agreement and Amendment to Lease Agreement referenced above;

Now, therefore, and in consideration of the terms stated below and the consideration cited in the Lease Agreement and Amendment to Lease Agreement referenced above, incorporating the recitals above, the sufficiency of which the parties acknowledge, the parties agree as follows:

1. All terms not otherwise defined are used as set forth in the Lease Agreement and the Amendment to the Lease Agreement.
2. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Sunday, September 29, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show.
3. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the additional leased premises identified above the amount of Nine Thousand Dollars (\$9,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.
4. Except as expressly stated above, terms of the Lease Agreement and Amendment to Lease Agreement shall remain unchanged and in full force and effect.

Witness the signatures and seals of the parties.

ATTEST:

City of Annapolis

\_\_\_\_\_  
Regina Watkins-Eldridge  
City Clerk

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

United States Sailboats Shows, Inc.  
United States Powerboat Shows, Inc.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C. E. Hartman (Seal)  
President

Approved as to form and legal sufficiency:

\_\_\_\_\_  
Karen M. Hardwick, City Attorney

Financial Review:

\_\_\_\_\_  
Bruce T. Miller, Director of Finance

City Manager Review:

\_\_\_\_\_  
Michael D. Mallinoff, City Manager

## **Policy Report**

### **Ordinance O-36-13**

#### **An Amendment to Lease of City Property: Boat Shows in Fall 2013**

The proposed ordinance would authorize an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, and to increase rent paid pursuant to the amended lease, subject to certain terms, provisions and conditions.

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 Littmann's Proposed Amendments to O-36-13  
An Amendment to Lease of City Property: Boat Shows in Fall 2013**

**Amendment in the Nature of a Substitute**

**Second Amendment to Lease Agreement**

This Second Amendment to Lease Agreement is made this \_\_\_\_\_ day of \_\_\_\_\_ 2013 by and between The City of Annapolis, a municipal corporation of the State of Maryland ("Lessor"), and United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc. ("Lessee").

Whereas, the parties entered in a Lease Agreement dated January 21, 2009 and an Amendment to Lease Agreement dated February 13, 2013 for the lease of certain City property in connection with the Lessee's boat shows in the City of Annapolis;

Whereas, the parties wish to further amend the Lease Agreement and Amendment to Lease Agreement referenced above;

Now, therefore, and in consideration of the terms stated below and the consideration cited in the Lease Agreement and Amendment to Lease Agreement referenced above, incorporating the recitals above, the sufficiency of which the parties acknowledge, the parties agree as follows:

1. All terms not otherwise defined are used as set forth in the Lease Agreement and the Amendment to the Lease Agreement.
2. Section 1.1 of the Amendment to Lease Agreement dated February 13, 2013 is hereby amended such that the stated term of "2013 – September 30 – October 15" is hereby deleted and is hereby replaced with "2013 – September 30 – October 16."
3. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Monday, September 30, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show.
4. Section 1.1 of the Lease Agreement, Exhibit A is hereby amended to include non-exclusive use of the City-designated first floor space in the Old City Recreation Center and Parking Lot located at 9 St. Mary's Street.
5. Section 1.3 of the Lease Agreement is hereby amended to add as rent for

the additional St. Mary's Cove, Spa Creek leased premises in the amount of Eight Thousand Dollars (\$8,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.

6. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the Old City Recreation Center space and parking lot the amount of One Thousand Seventeen Hundred Fifty Dollars (\$1,750.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.
7. Section 7.1 is hereby amended to provide that 1) the Lessee shall furnish an adequate and equal number of trash and recycling containers for its use within the boat show grounds during the entire use and occupancy period of the Premises and shall provide for the prompt removal of all such containers as necessary; and 2) the Lessee shall collect the same recycling materials that the Lessor collects in its curbside recycling service.
8. Except as expressly stated above, terms of the Lease Agreement and Amendment to Lease Agreement shall remain unchanged and in full force and effect.

Witness the signatures and seals of the parties.

ATTEST:

City of Annapolis

\_\_\_\_\_  
Regina Watkins-Eldridge  
City Clerk

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

United States Sailboats Shows, Inc.  
United States Powerboat Shows, Inc.

\_\_\_\_\_  
Witness

By: \_\_\_\_\_  
C. E. Hartman (Seal)  
President

Approved as to form and legal sufficiency:

---

Karen M. Hardwick, City Attorney

Financial Review:

---

Bruce T. Miller, Director of Finance

City Manager Review:

---

Michael D. Mallinoff, City Manager

## FISCAL IMPACT NOTE

**Legislation No:** O-36-13

**First Reader Date:** 9-9-13

**Note Date:** 9-16-13

**Legislation Title: An Amendment to Lease of City Property: Boat Shows in Fall 2013**

**Description:** For the purpose of authorizing an amendment (adding 20 City moorings in St. Mary's Cove on Spa Creek for the Fall Brokerage Boat Show) to a lease of certain municipal property to the United States Sailboat Shows, Inc. and United States Powerboat Shows, Inc., to conduct boat shows for a certain period of time, including time in October 2013, subject to certain terms, provisions and conditions; and all matters relating to the amendment of the lease.

**Analysis of Fiscal Impact:** This legislation produces a positive financial impact to the City, specifically the Dock Fund. Section 1.1 of the Lease Agreement is hereby amended so that the leased premises includes all twenty of the City boat moorings located in St. Mary's Cove, Spa Creek, for the period of Sunday, September 29, 2013, through Monday, October 7, 2013, inclusive, for use in the production of the first annual Annapolis Fall Brokerage Boat Show. Section 1.3 of the Lease Agreement is hereby amended to add as rent for the additional leased premises identified above the amount of Nine Thousand Dollars (\$9,000.00), which the Lessee shall pay to the Lessor on or before September 29, 2013, by check payable to the City of Annapolis. The Lessee shall pay the City a monthly late fee of 1.5% (18% per annum) on any balance unpaid more than thirty days past due.

1  
2  
3  
4  
5  
6  
7

CITY COUNCIL OF THE  
**City of Annapolis**

**ORDINANCE NO. O-38-13**

**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
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Economic Matters	9/9/13		
Finance	9/9/13		

8

**AN ORDINANCE** concerning

9  
10  
11  
12  
13  
14

**Amending Ordinance O-30-13, authorizing the Issuance of  
General Obligation Refunding Revenue Bonds, to Conform to Final  
Special Taxing and Tax Increment Financing District Boundaries**

**FOR** the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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"), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the "District") include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**RECITALS**

Pursuant to Ordinance No. O-30-13, adopted on July 22, 2013 ("Ordinance No. O-30-13"), the City of Annapolis (the "City") provided for the issuance of up to \$25,000,000 in aggregate principal amount of its general obligation refunding bonds (the "Refunding Bonds") in order to refund the City of Annapolis Special Obligation Bonds (Park Place Project), Series 2005A, in the aggregate principal amount of \$18,560,000 (the "Series 2005A Bonds") and its City of Annapolis Special Obligation Bonds (Park Place Project), Series 2005B (the "Series 2005B Bonds" and collectively, with the Series 2005A Bonds, the "Series 2005 Bonds").

29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39

The Series 2005 Bonds were issued pursuant to and in accordance with (a) the Tax Increment Financing Act (then Sections 14-201 to 14-214, inclusive, of Article 41 of the Annotated Code of Maryland and now recodified as Sections 12-201 to 12-213, inclusive, of the

1 Economic Development Article of the Annotated Code of Maryland) (the “Tax Increment  
2 Financing Act”), (b) Section 44A of Article 23A of the Annotated Code of Maryland (the “Special  
3 Tax District Act”), (c) Resolution No. R-8-01 of the City Council (the “City Council”) of the City,  
4 adopted on May 14, 2001 (the “Original Resolution”), (d) Ordinance No. O-14-01 of the City,  
5 adopted on May 14, 2001 (“Ordinance No. O-14-01”), (e) Resolution No. R-22-04 of the City  
6 Council, adopted on December 13, 2004 (the “Supplemental Resolution” and collectively with  
7 the Original Resolution, the “Resolution”) and (f) the Indenture of Trust dated as of February 1,  
8 2005 (the “Indenture”) between the City and Manufacturers and Traders Trust Company, as  
9 trustee (the “Trustee”).

10  
11 The proceeds of the Series 2005 Bonds were applied as provided in Ordinance No. O-  
12 14-01 and the Indenture (a) to finance the costs of a portion of a mixed-use garage containing  
13 680 parking spaces (“Public Garage Unit”), together with related (i) drive aisles, ramps and  
14 walkways; (ii) garage roof; (iii) general excavation and miscellaneous site work; (iv) paving and  
15 lighting; (v) land; (vi) planning, engineering, architectural, financial consultancy and legal  
16 expenses; and (vii) the relocation and construction of certain public utilities and improvement  
17 related to the Park Place Development; (b) to make a deposit to the Reserve Fund under the  
18 Indenture; (c) to pay a portion of capitalized interest on the Series 2005 Bonds; (d) to pay  
19 administrative costs related to the Series 2005 Bonds and the Park Place Development District  
20 and Special Tax District, as more particularly described in the Ordinance No. O-14-01 (the  
21 “Original District”); and (e) to pay costs of issuing the Series 2005 Bonds.

22  
23 The Original District was created as a “development district” pursuant to the Tax  
24 Increment Financing Act by the Original Resolution, which also established the Original District  
25 as a “special taxing district” pursuant to the Special Tax District Act.

26  
27 On March 14, 2005, the City adopted Ordinance No. O-40-04 (“Ordinance No. O-40-04”)  
28 in order to add to the Original District four additional parcels of land (the “Additional Parcels”)  
29 and to exclude from the Original District (but only for the purpose of the Special Tax District Act)  
30 certain land (the “Excluded Property”), all to the extent described in, and subject to the  
31 provisions of, Ordinance No. O-40-04. The locations of the Original District, the Additional  
32 Parcels and the Excluded Property are indicated in Exhibit A hereto.

33  
34 The Series 2005 Bonds are secured by: (i) the proceeds of tax collections by the City  
35 and by Anne Arundel County, Maryland (the “County”), arising from taxation of the increase, if  
36 any, in the appraised value of real property located in the Original District, as so modified over  
37 an original assessable base exclusive of amounts payable to the State of Maryland (the “Tax  
38 Increment Revenues”); (ii) to the extent the Tax Increment Revenues are insufficient, Garage  
39 Net Operating Income (as defined in the Indenture) deposited into the Garage Net Operating  
40 Income Fund established under the Indenture; and (iii) to the extent that the Tax Increment  
41 Revenues and the Garage Net Operating Income deposited into the Garage Net Operating  
42 Income Fund are insufficient, the special tax (the “Special Tax”) to be levied on the taxable  
43 parcels within the Original District, as so modified. The Special Tax shall be levied in any given  
44 year only if the Tax Increment Revenues and the Garage Net Operating Income, as adjusted,  
45 are insufficient to cover debt service on the Series 2005 Bonds, pay administrative costs related  
46 to the Series 2005 Bonds and the Original District, as so modified, or maintain any funds under  
47 the Indenture.

48  
49 However, Ordinance No. O-30-13 adopted on July 22, 2013 (“Ordinance No. O-30-13”),  
50 which provides for the issuance of the Refunding Bonds, did not refer to Ordinance No. O-40-04  
51 and the modifications to the Original District made by Ordinance No. O-40-04. Such omission

1 needs to be corrected so that the "District" for the Refunding Bonds is the same as the "District"  
2 for the Series 2005 Bonds for all purposes.  
3

4 **NOW THEREFORE, IN ACCORDANCE WITH THE TAX INCREMENT FINANCING**  
5 **ACT, THE SPECIAL TAXING DISTRICT ACT AND THE REFUNDING ACT, BE IT ENACTED**  
6 **BY THE ANNAPOLIS CITY COUNCIL (THE "CITY COUNCIL"), THAT:**  
7

8 Section 1. (a) The Recitals to this Ordinance (the "Recitals") are deemed a  
9 substantive part of this Ordinance and are incorporated by reference herein, and capitalized  
10 terms defined in the Recitals and used herein shall have the meaning given to such terms in the  
11 Recitals, unless the context clearly requires a contrary meaning.  
12

13 (b) The words and terms used in this Ordinance that are defined in the Special Tax  
14 District Act, the Tax Increment Financing Act, the Refunding Act, the Original Ordinance, the  
15 Resolution or the Indenture shall have the meanings indicated in the Special Tax District Act,  
16 the Tax Increment Financing Act, the Refunding Act, Ordinance No. O-14-01, Ordinance No. O-  
17 40-04, Ordinance No. O-30-13, the Resolution and the Indenture, as the case may be, unless  
18 the context clearly requires a contrary meaning.  
19

20 Section 2. The Original District shall be modified to (a) include the Additional Parcels  
21 for all purposes and (b) exclude the Excluded Property for purposes of computing the Special  
22 Tax but not for purposes of computing the Tax Increment Revenues; and all references to "the  
23 District" in Ordinance No. O-30-13 shall reflect the Original District as modified hereby, all as  
24 indicated in Exhibit A attached hereto. As a result, the District is approximately 12.26 acres,  
25 more or less, for purposes of computing the Special Tax and approximately 12.93 acres, more  
26 or less, for purposes of computing the Tax Increment Revenues.  
27

28 Section 3. All references in Ordinance No. O-30-13 to "the Original Ordinance" and  
29 "the Resolution" shall include Ordinance No. O-40-04, unless the context clearly indicates a  
30 contrary meaning; and all references in Ordinance No. O-30-13 to "this Ordinance" shall include  
31 this Ordinance.  
32

33 Section 4. The provisions of this Ordinance shall be liberally construed in order to  
34 effectuate and carry out the purposes of and the activities authorized by the Tax Increment  
35 Financing Act, the Special Tax District Act and the Refunding Act and the matters contemplated  
36 by Ordinance No. O-30-13 and by this Ordinance.  
37

38 Section 5. The provisions of this Ordinance are severable, and if any provision,  
39 sentence, clause, paragraph or part hereof is held or determined to be illegal, invalid or  
40 unconstitutional or inapplicable to any person or circumstances, such illegality, invalidity or  
41 unconstitutionality or inapplicability shall not affect or impair any of the remaining provisions,  
42 sentences, clauses, paragraphs or parts of this Ordinance or their application to other persons  
43 or circumstances. It is hereby declared to be the legislative intent that this Ordinance would  
44 have been passed if such illegal, invalid, unconstitutional or inapplicable provision, sentence,  
45 clause, paragraph or part had not been included herein, and if the person or circumstances to  
46 which this Ordinance or any part hereof are inapplicable had been specifically exempted  
47 herefrom.  
48

49 Section 6. This Ordinance shall take effect upon this Ordinance being signed by the  
50 Mayor, on or following the date of its passage by the City Council.  
51

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11

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

**ATTEST:**

**THE ANNAPOLIS CITY COUNCIL**

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

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



## **Policy Report**

### **Ordinance O-38-13**

#### **Amending Ordinance O-30-13, authorizing the Issuance of General Obligation Refunding Revenue Bonds, to Conform to Final Special Taxing and Tax Increment Financing District Boundaries**

The proposed ordinance would amend Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to Twenty-Five Million Dollars (\$25,000,000) aggregate principal amount of general obligation refunding revenue bonds of the City of Annapolis for the purpose of refunding the City's Special Obligation Bonds (Park Place Project), Series 2005A and 2005B, in order to provide that (a) the Park Place Development District and Special Tax District include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

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-38-13

**First Reader Date:** 9-9-13

**Note Date:** 9-16-13

### **Legislation Title: Amending O-30-13, Issuance of General Obligation Refunding Revenue Bonds**

**Description:** For the purpose of amending Ordinance O-30-13, adopted on July 22, 2013, which authorized the issuance of up to 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"), in order to provide that (a) the Park Place Development District and Special Tax District (referred to in Ordinance No. O-30-13 as the "District") include the four additional parcels of land and exclude the land described in Ordinance No. O-40-04, adopted on March 14, 2005, and (b) references in Ordinance No. O-30-13 to "the Resolution" and "the Original Ordinance" shall include Ordinance No. O-40-04, unless the context clearly indicates a different meaning.

**Analysis of Fiscal Impact:** This legislation would result in the following financial implications, as stated in the fiscal impact notes for O-30-13:

- 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  
2  
3  
4  
5  
6  
7

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-49-12**

**Introduced by: Mayor Cohen**

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

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32

**A RESOLUTION** concerning

**2012 City Dock Master Plan**

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

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

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

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

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

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

1 **WHEREAS,** the City Dock Advisory Committee, conducted public forums, solicited input  
2 from stakeholders, held public meetings, and developed a Draft City Dock  
3 Master Plan; presented their phase one report, "Visions and Guiding Principles"  
4 to City Council on July 21, 2011; and made a presentation to the City of  
5 Annapolis City Council on November 26, 2012; and  
6

7 **WHEREAS,** the City Dock Advisory Committee has recommended to the City Council the  
8 adoption of a City Dock Master Plan as an addendum to the 2009 Annapolis  
9 Comprehensive Plan and transmitted the Draft City Dock Master Plan to the  
10 Annapolis City Council on December 10, 2012; and  
11

12 **WHEREAS,** the City Dock Master Plan, if adopted by the City Council by passage of this  
13 Resolution, shall constitute an addendum to the 2009 Annapolis  
14 Comprehensive Plan which sets forth goals and a guide for future  
15 development; and  
16

17 **NOW, THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY** that the Draft City Dock  
18 Master Plan, attached to this Resolution, is also available online at  
19 <http://www.annapolis.gov/Government/Departments/PlanZone/CityDockPlan/masterplan.aspx>,  
20 is hereby adopted; and  
21

22 **BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City Dock Master  
23 Plan be, and the same hereby, made part of the 2009 Annapolis Comprehensive Plan. The Plan  
24 shall be known as the "2012 City Dock Master Plan;" and  
25

26 **BE IT FURTHER RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the adoption of the  
27 City Dock Master Plan shall not be construed as an approval of individual projects that may be  
28 recommended therein, and that the Annapolis City Council reserves the right to consider,  
29 debate, oppose, or support specific actions that may come before the Council and that are  
30 intended to implement specific elements of the Plan.  
31  
32  
33

34 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
35  
36

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

37  
38  
39  
40  
41  
42 **EXPLANATION**

43 CAPITAL LETTERS indicate matter added to existing law.

44 [brackets] indicate matter stricken from existing law.

45 Underlining indicates amendments.  
46

## Staff Report

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

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

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

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

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

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

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

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

# Annapolis City Dock Master Plan

A Framework to Guide Improvements & Redevelopment



December 2012

## *A Letter to the Citizens of Annapolis*

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

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

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

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

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

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

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

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

*Chairman Kurt Schmoke  
Vice-Chairman Gene Godley  
Adriana Apolito-Bevis  
Karen Theimer Brown,  
Joe Budge  
Anthony Clarke  
Dick D'Amato  
Cathy Durkan  
Debbie Gosselin*

*Matt Grubbs  
John Guild  
Kitty Higgins  
Catharine Incaprera  
Ann Jensen  
Gary Jobson  
Pearse O'Doherty  
Rhonda Pindell-Charles  
Orlando Ridout V*

*Joseph Rubino  
Chris Schein  
Gary Schwerzler  
NT Sharps  
Peggy Summers  
Robert Waldman  
Chance Walgran  
Carol Nethen West*

# Acknowledgment Page

# The City Dock Master Plan

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

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

## The Contents of this Report

- I. Annapolis City Dock
- II. Principles Applied
  - A. Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas
  - B. High Quality Walkable Public Open Spaces
  - C. Toward Balance in Transportation on City Dock
  - D. Greening and Sustainability
  - E. Public Art: Nurturing the Uniqueness of Place
- III. Strategies that Support the Plan
- IV. Conclusion



# I. Annapolis City Dock

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

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

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



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

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

## II. Guiding Principles Applied

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

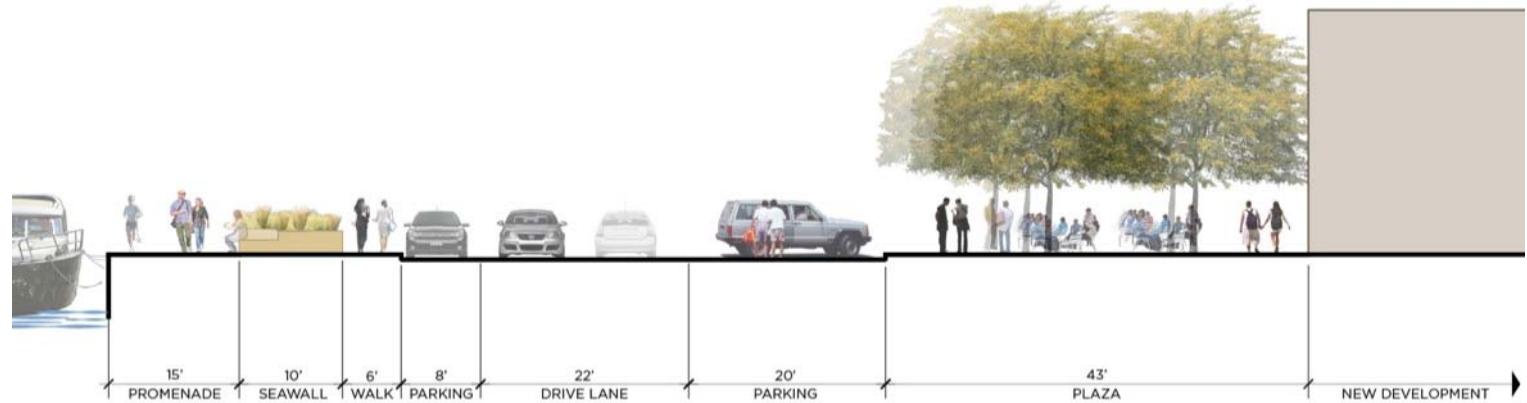
CDAC's guiding principles are the foundation for this Master Plan and the presentation, which follows, is organized around these principles. Each of the next sections leads with a summary statement of a guiding principle: (1) Gradual Improvement with Emphasis on Historic Layout, Scale, Vistas, (2) High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



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

### Gradual Improvements and Emphasis on Context

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



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



## Scale and Vistas

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

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



Also critical is the potential for sweeping views from nearer to the foot of Main Street out over City Dock to the Annapolis Harbor. While the great expanse of this view has not yet been realized because of buildings and other structures, its potential is inherent in the City's historic plan. In fact, when the 1695 Plan was laid out there were no structures (not even land) where the former Fawcett's building

now stands. The Plan therefore restores the viewshed envisioned centuries ago. As illustrated on this page, the Plan provides opportunities for new buildings while securing this view in perpetuity. The Plan calls for removing the old Fawcett's Building from the viewshed; allowing Annapolis to seize the opportunity to realize this potential that is held on City Dock. There are other views, to and from the water, that define the context of City Dock and great care and discernment will need to be brought to bear in the future as development projects are both proposed and reviewed.

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



## Scale and New Buildings

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

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

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



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

### Parks and Open Spaces

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

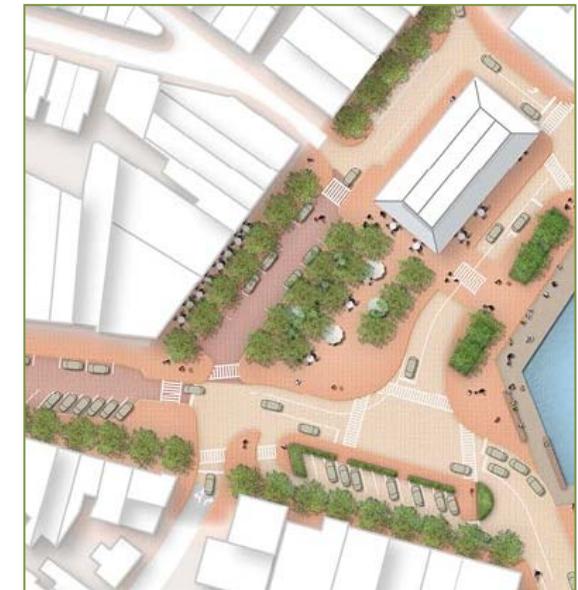
The Plan locates public recreational spaces at locations that seem obvious. The plan calls for an improved Susan Campbell Park where the main pedestrian routes terminate at the furthest reach of the land. It calls for a new public space at the Donner Lot, which lies adjacent to the water and thereby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



## Market Square

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

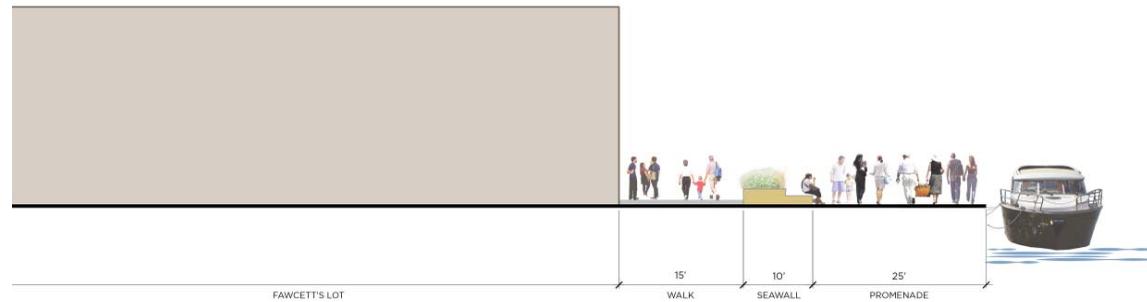
Presently Market House and Hopkins Plaza together comprise 16,000 square feet. As proposed in this Plan, the total space would approximate 22,800 square feet. The square in front of market house could extend 150 feet from the edge of Market House toward Main Street and 100 feet across from Market Place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



## A Promenade

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

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



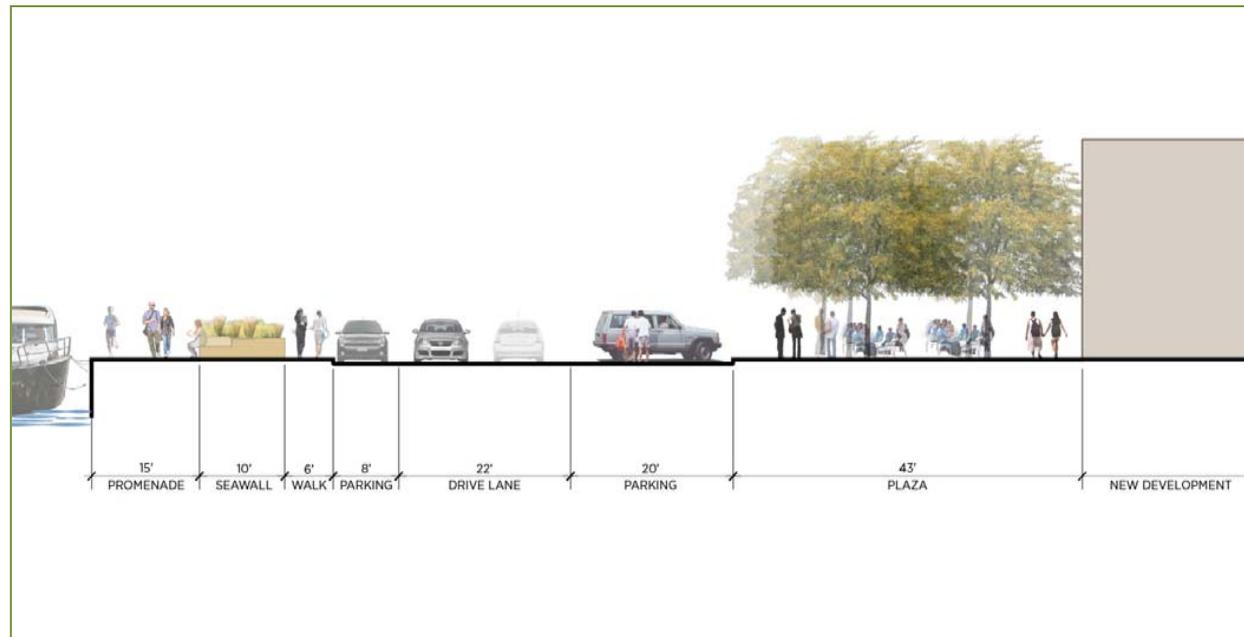
It is the intention of this Plan that in the future the promenade could extend from Newman Street along the bulkhead past the current Fleet Reserve Club and the Marriott Hotel to the Annapolis Yacht Basin before reconnecting to Compromise Street. As described elsewhere in this report, prior to any development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



## C. Toward Balance in Transportation

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

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



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

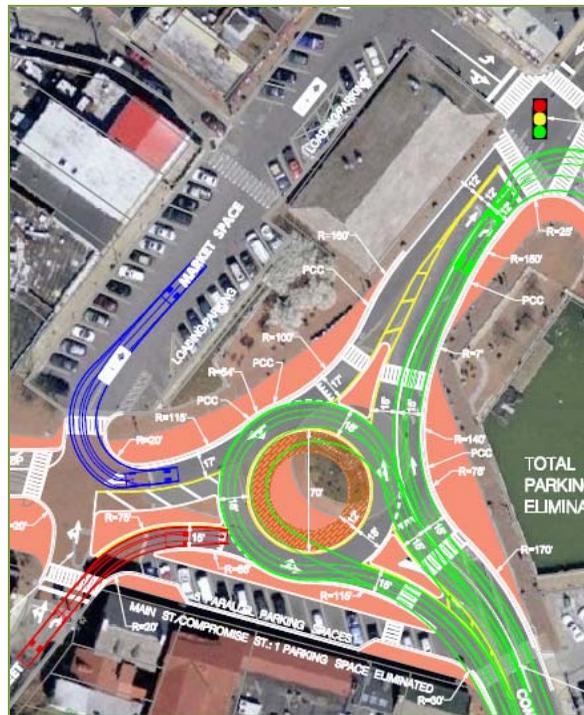
The most prominent example of transition toward balance can be found in the Plan's approach to the intersection of Compromise, Main, and Randall. While the City Dock Advisory Committee could not find consensus on how best to address this intersection, the Plan does recognize that converting Memorial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

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



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

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



Modified Circle

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

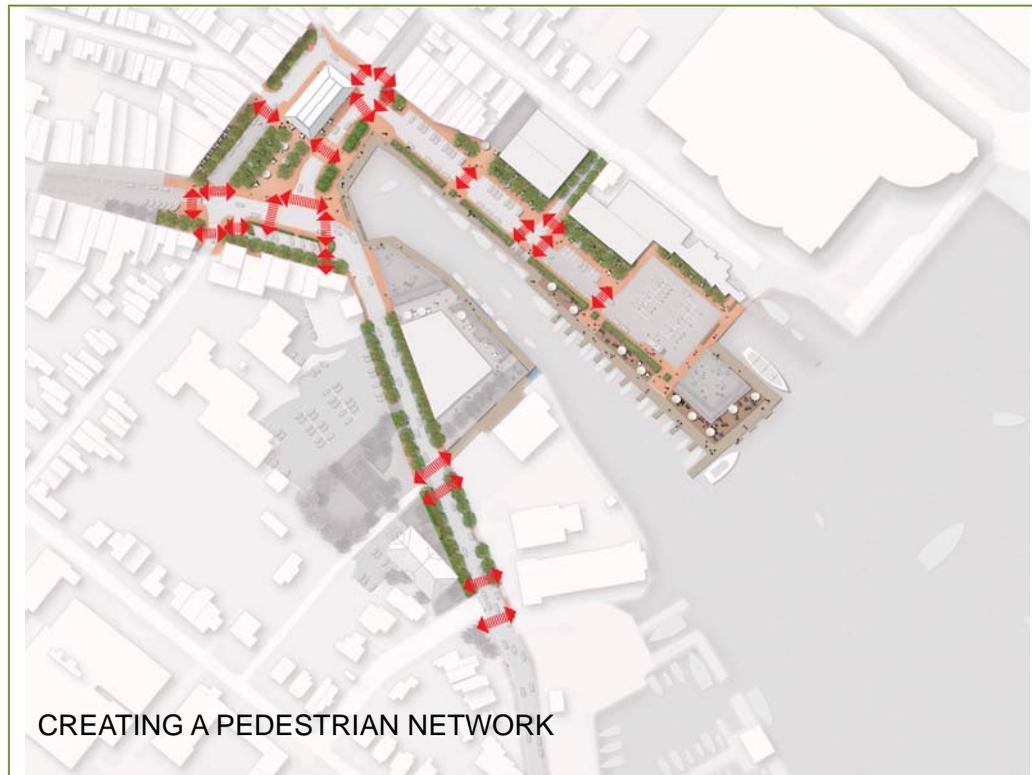


Variations on the options studied for the Compromise/Main/Randall intersection.

## Pedestrian-ization

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

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



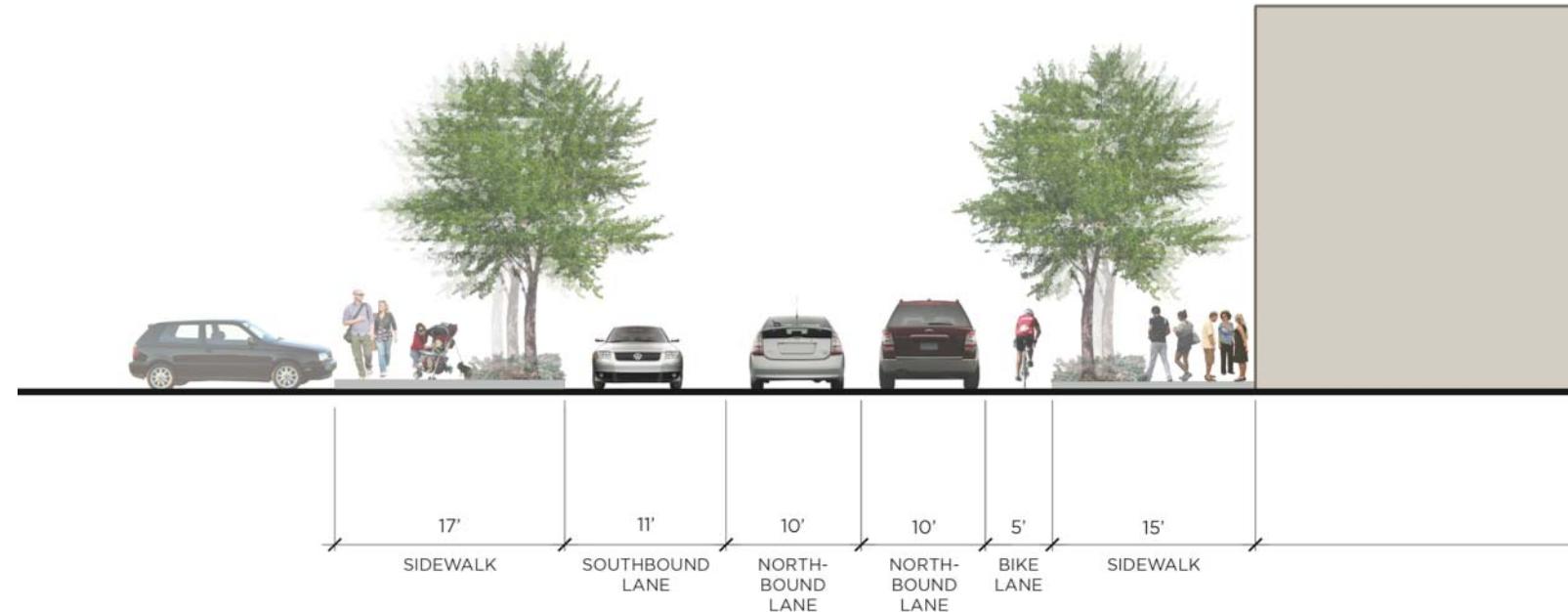
## Compromise Street

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

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

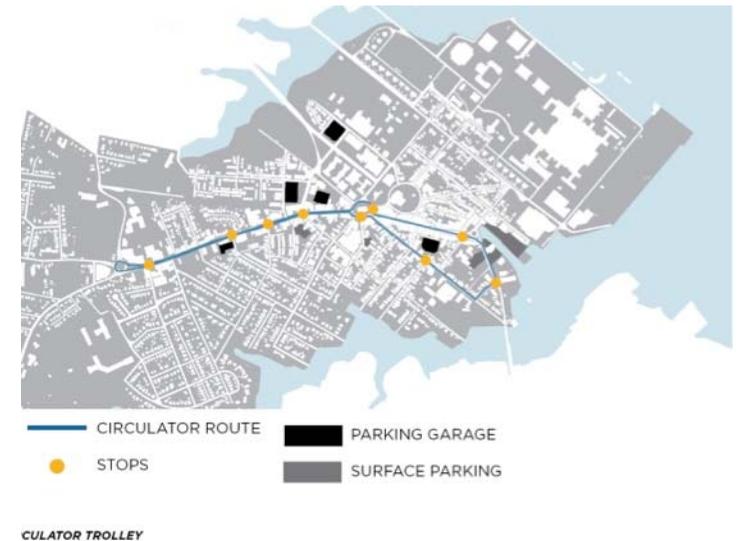
A 15-foot wide sidewalk is proposed along any new building(s) on the former Fawcett's property. On the opposite side of the street, including along the frontage of the Board of Education property, the Plan recommends installing a planting strip and street trees to buffer pedestrians from cars and provide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

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



## Parking

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



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



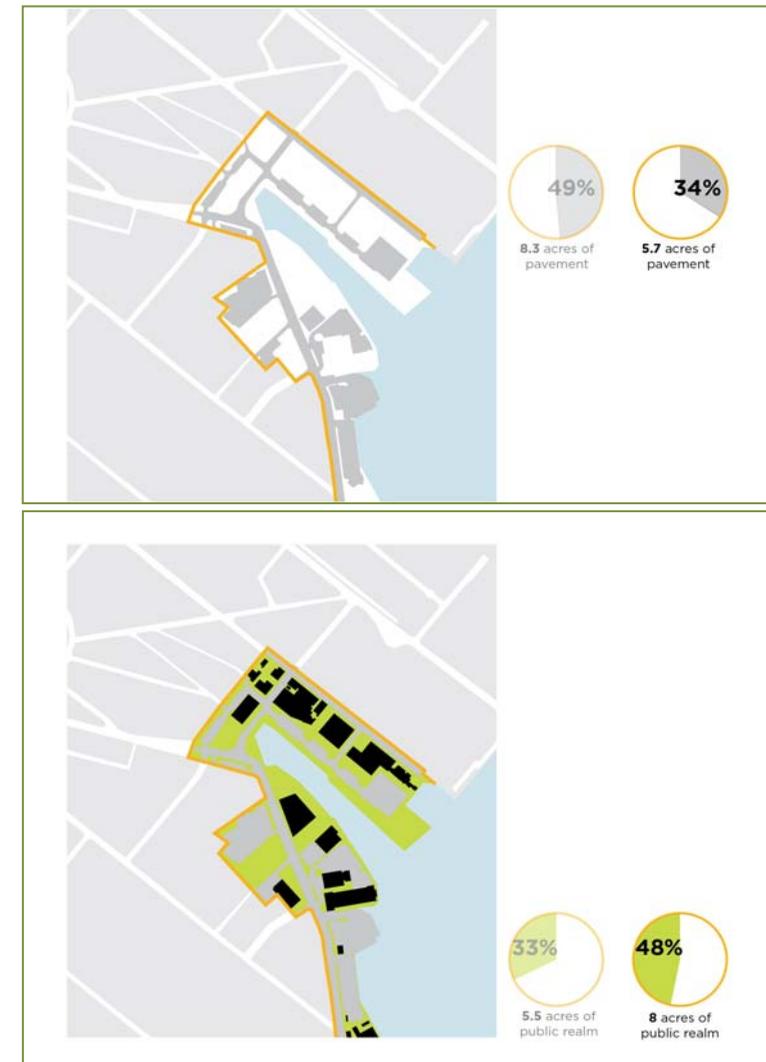
Current



As Proposed

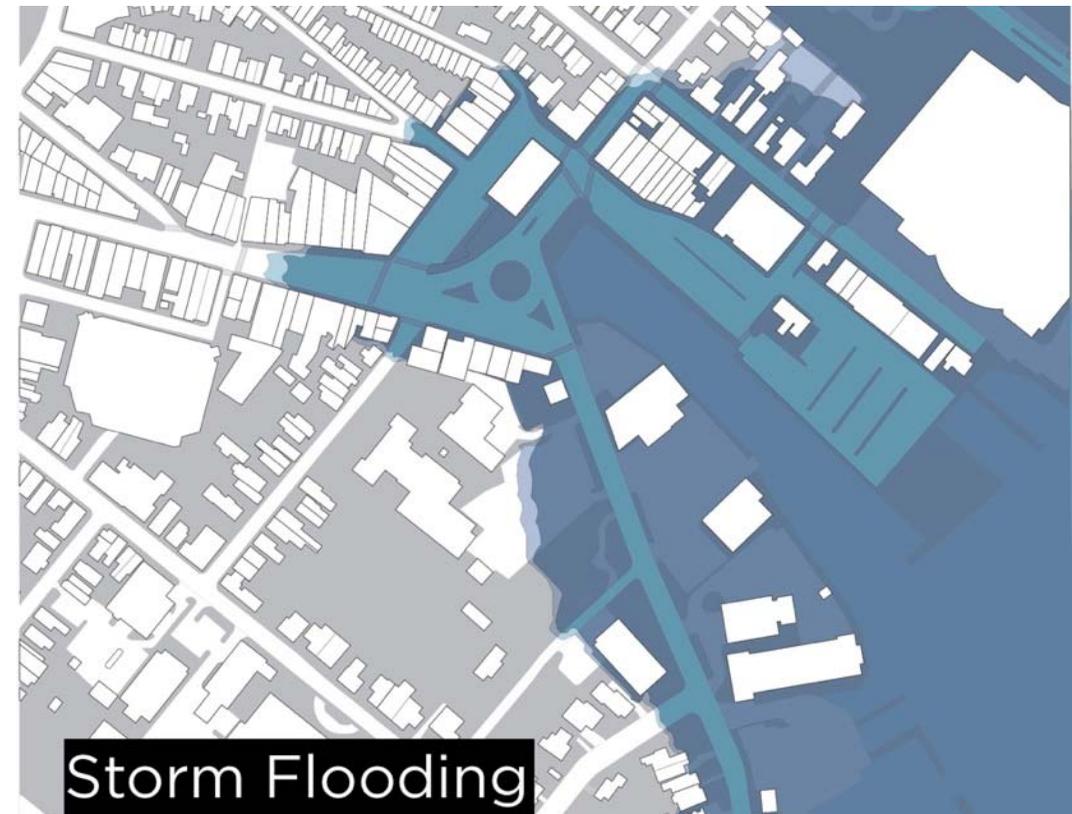
## The Transition Quantified

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



## D. Greening and Sustainability

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



## Building in Resiliency

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

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

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



## Green Spaces and Shade

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

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

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



## E. Public Art – Nurturing the Uniqueness of Place

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

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



### The Space and Infrastructure for Public Art

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

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

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

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

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



## The Community of Artists

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

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

### III. Strategies that Support the Plan

#### A. Management Entity on City Dock

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

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

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

## B. Parking Management

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

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



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

## C. Future Land Use

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

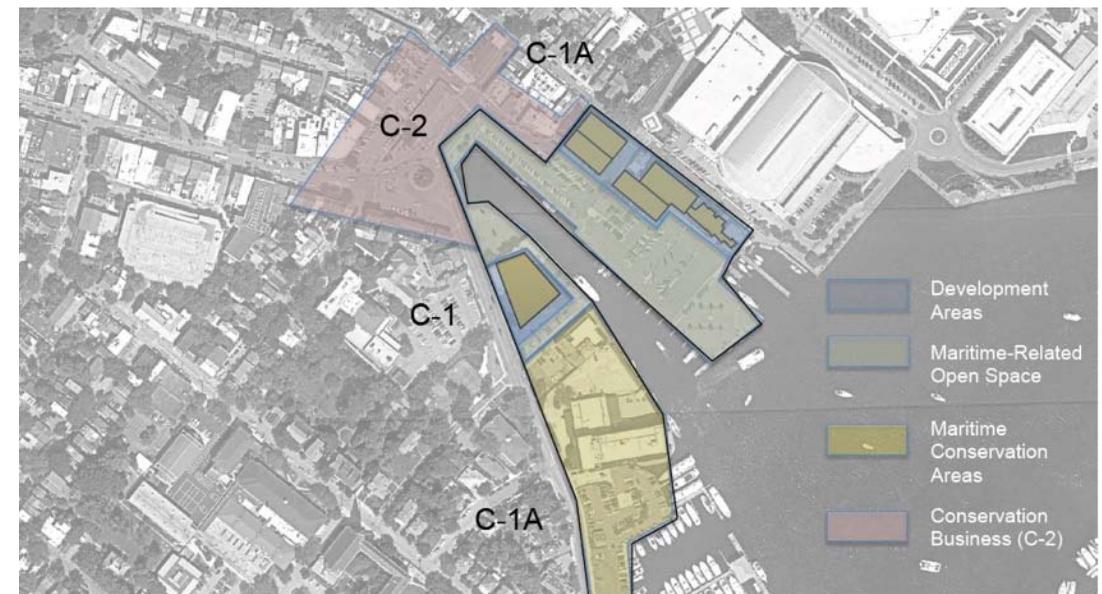
(1) “Development Areas” refers to the redevelopment sites that are supported by this Plan and described previously. The properties along Dock Street are presently zoned C-2 Conservation Commercial. These properties should be rezoned to a more fitting category that promotes high density mixed-use patterns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

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

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

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

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



## D. Redevelopment

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

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

## E. Capital Planning and Phasing

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

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

## F. Traffic Engineering

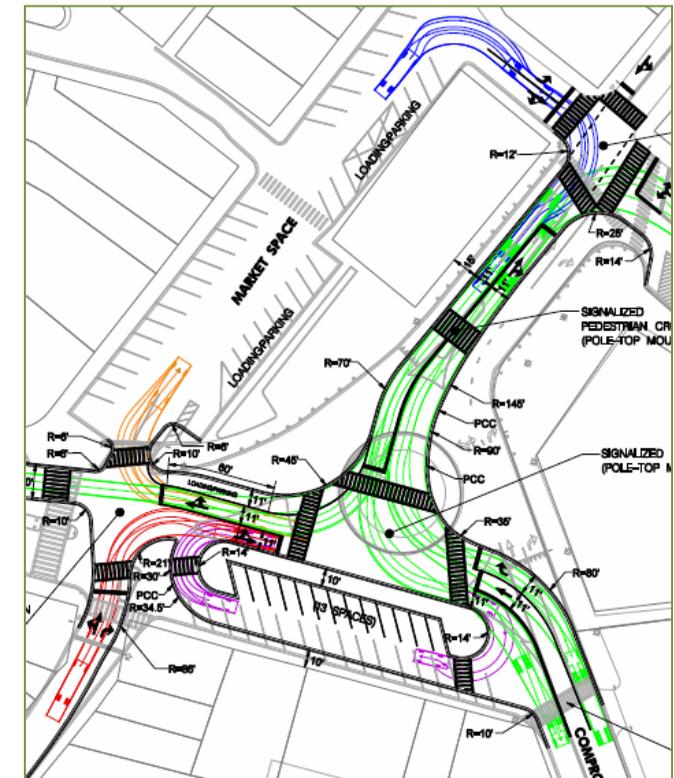
Thoughtful, skilled, and context-sensitive traffic engineering must continue on City Dock as the Plan is moved into various stages of implementation. The City's consulting engineers on this project, Sabra Wang Associates, Inc., evaluated the proposed intersection configurations discussed in this report.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

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

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

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

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



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

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

## 4. Conclusion

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

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

## Appendix

The adopted principles of the City Dock Advisory Committee:

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

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

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

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

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

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



## PLANNING COMMISSION

(410)263-7961

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

May 16, 2013

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

### **CITY DOCK MASTER PLAN RECOMMENDATION**

#### **Summary**

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

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

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

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

The proposed building height restrictions contained within the CDMP should be considered individually by development site. The following should apply:

Compromise Street: 2-3 stories

Upper Dock Street: 3-4 stories

Lower Dock Street (closest to Susan Campbell Park): 3-4.5 stories.

Heights should be consistent with existing building heights of approximately 3 to 4 floors and reflect patterns of existing development within the Historic District and within the City Dock study area. Additionally, revised zoning regulations are needed to change how height is measured. It should be changed to measure from grade or flood protection elevation, whichever is greater to ensure the number of allowed stories is achievable given existing federal and local floodplain regulations.

## **Process**

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

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

## **Findings**

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

proposed sector plan with the Comprehensive Plan, specifically:

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

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

### **I. Consistency with the Comprehensive Plan**

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

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

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

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

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

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

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

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

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

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

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

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

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

### **IV. Densities or Intensities of Resulting Land Uses**

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

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

economic base.

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

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

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

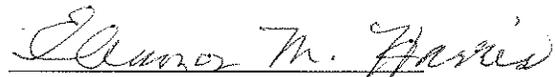
### **Recommendation**

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

**Annapolis City Council**  
**Findings: City Dock Master Plan**  
**May 16, 2013**  
**Page 7**

At a meeting on May 16, 2013, the Planning Commission voted <sup>5</sup>~~6~~-0 to recommend to the City Council that it approve the City Dock Master Plan as amended by the above specific conditions.

Adopted May 16, 2013:

  
Dr. Eleanor Harris, Chair



*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 • TDD 410-263-7943

JON ARASON, AICP  
DIRECTOR

March 11, 2013

**MEMORANDUM**

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

SUMMARY

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

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

BACKGROUND AND ANALYSIS

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

The policy in its entirety reads:

***Policy 6. Enhance the Public Realm of City Dock and its Environs.***

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

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

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

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

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

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

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

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

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

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

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

*Consistency with the Goals of the Comprehensive Plan and Other Studies*

The City Dock Master Plan is clearly consistent with the goals of the Comprehensive Plan and several other City plans.

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

*Public Input*

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

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

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

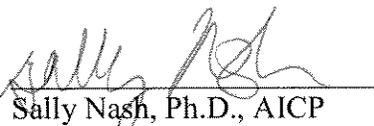
#### *Next Steps*

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

#### RECOMMENDATION

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

Report Prepared by



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

## Memo

To: City Council

From: Historic Preservation Commission

Date: July 13, 2013

Re: Review of O-7-13

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

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

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

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

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

### **Guidance and Recommendations:**

1. *Redefinition of measurement from “at grade” to “at flood protection elevation”:* The HPC believes this redefinition is a requirement for rehabilitation within the affected areas. FEMA rules no longer allow for either major renovations or construction of new buildings within a floodplain. All the property affected by O-7-13 is located with the FEMA map floodplains. Therefore the HPC supports this portion of the ordinance if the following amendment is made: removal of the additional 2 feet of “freeboard” that the City adds on to the FEMA map requirements. The HPC believes that the minimum additional height needed to satisfy FEMA requirements (which allows owners access to insurance, lending etc) is sufficient. The areas affected by the change in measurement are extraordinarily sensitive locations and the difference of adding 2 additional feet to an individual building could have significant and detrimental design impacts. **Therefore the HPC recommends the ordinance reference FEMA base flood elevation as the new measurement standard as opposed to flood protection elevation.**
2. *Revisions to the Height District Maps contained within the City Code:* The HPC finds persuasive the testimony provided as to the benefits and protection that the current height and bulk districts have provided to the National Landmark District since their implementation decades ago. There was no factual or analytical testimony provided to form a basis for changing these limits. Additionally, the HPC

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

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

One hypothetical example to illustrate:

Subject property is located in District 1 and therefore the height limit is 22 feet at the cornice and 32 feet at the ridgeline for a new building

Subject property is at 5 feet above sea level when measured at grade; FEMA flood map shows minimum requirement of 8.5 feet above sea level. Therefore property needs to add 3.5 feet to meet minimum FEMA standards.

Maximum cornice height is then calculated to be 25.5 feet (22 plus 3.5) and the maximum ridgeline height is 35.5 feet.

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

Respectfully Submitted,

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

**Appendix A**  
Memo

To: Planning Commission

From: Historic Preservation Commission

Date: March 12, 2013

Re: Review of City Dock Master Plan

**Executive Summary:**

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

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

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

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

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

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

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

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

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

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

**21.56.010 – Authority and Purpose**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Overall Comments:**

- As of this date, the testimony available to guide the HPC in evaluating the compliance of projects envisioned within CDMP is lacking one absolutely critical element: professional assessment of the impact of CDMP projects on viewsheds. The CDMP states “it will be imperative that viewshed analyses be undertaken during the plan review process for any new development or major redevelopment projects on City Dock.” The HPC is charged with protection of all viewsheds, not simply the one referenced in the CDMP (ie down Main Street to the City Dock). The HPC must also evaluate impacts on views from the water, and from and of significant historic resources (such as the Naval Academy Chapel dome, the State House dome, Ridout House etc). A study to evaluate this issue must be undertaken prior to any formal application to the HPC for approval on a specific project which would impact the various viewsheds. The study must be done under the direction of City Staff and specifically the Chief of Historic Preservation to ensure its relevance to preservation requirements.
- Without the resources necessary to complete a professional assessment of the CDMP regarding preservation issues, the HPC members can only be guided by the Secretary of Interior Standards for Rehabilitation, Article 66B of the State of Maryland which provides enabling authority for the HPC and the adopted Design Guidelines for the City of Annapolis. These documents are the basis on which the component specific comments are based.
- The HPC believes that given the location of the plan area, all components are subject to a standard of strict scrutiny for review as opposed to a lenient standard.

**Component Comments:**

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

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

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

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

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

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

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

## II. Annapolis Design Guidelines

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

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

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

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

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

## B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

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

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

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

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

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

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

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

### **Assessment:**

- The HPC found particularly persuasive the document submitted entitled "Shorelines of Annapolis Market Slip" providing historical documentation that the setbacks along Dock Street have been in existence in their current form since approximately 1878 (Hopkins).
- The HPC can support the concept of a change in measurement definition as it relates to cornice and roof lines as a reasonable and necessary adaptation to a changing environment (in essence similar to

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

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

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

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

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

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

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

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

### **II. Annapolis Design Guidelines.**

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

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

## B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETS CAPES.

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

### Assessment:

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

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

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

#### I. Annapolis Design Guidelines

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

### Assessment:

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

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

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

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

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

**II. Annapolis Design Guidelines**

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

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

**Assessment:**

- The HPC believes a redesign of Hopkins Plaza prior to any decision on Memorial Circle would be compliant and feasible depending on the design specifications submitted. A majority of the Commissioners present at deliberations believe that the demolition of Memorial Circle would not be compliant and feasible based on the testimony in the record. These commissioners found the testimony from Ms McWilliams and Russo most persuasive. However unlike all other items discussed, this was not a unanimous opinion and some commissioners (2) remain undecided based on the record.
  - The HPC takes note however of the following language in Title 21.56.060: “Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;” The HPC points out that the City as the property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.
- 5. Installation of a Seawall:** The HPC does believe that the construction of a seawall could be compliant and feasible given the testimony in the record and depending on design specifications and welcomes an application from the City on that project.

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

- The HPC would encourage the development, even at the conceptual level, of a streetscape materials guidance document. Recommendations for the standardized use of paving, curb, and sidewalk materials for specific areas/uses would provide cohesion to the development since the build out time is a lengthy one. Materials that are both sustainable and appropriate for use in the historic environment should be the focus of this effort. This project could be accomplished efficiently and would result in significant improvement in the streetscape design.
- The HPC heartily endorses the statement to coordinate and prioritize efforts with a review of the Capital Improvements Plan (CIP).
- The HPC has no opinion on the discussion relating to the management entity proposed by CDMP per se but is mindful that regardless of management type, the historic district ordinance vests authority for approval of infrastructure changes with the HPC.

*Other Items:*

- The HPC has requested additional review of CDMP from Maryland Historical Trust. Their letter is attached and made a part of this response.
- The HPC is forwarding and making part of the record all public written testimony as well as minutes (when complete and adopted) from the hearing on February 12, 2013.
- The HPC wishes to remind all parties that in addition to all other requirements as the CDMP moves into actionable projects that archaeological oversight will be a necessary component of the process.

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

Respectfully Submitted by:

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

March 11, 2013

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

Re: City of Annapolis  
*City Dock Master Plan*

Dear Chairman Kennedy:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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

FISCAL IMPACT NOTE

**Legislation No:** R-49-12

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-7-13**

**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	180 Day Rule
5/13/13			11/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/13/13		
Planning Commission	5/13/13		

8  
9

**A ORDINANCE** concerning

10

**Establishment of a New Zoning District: Waterfront City Dock, Phase One**

11  
12

**FOR** the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

13  
14

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

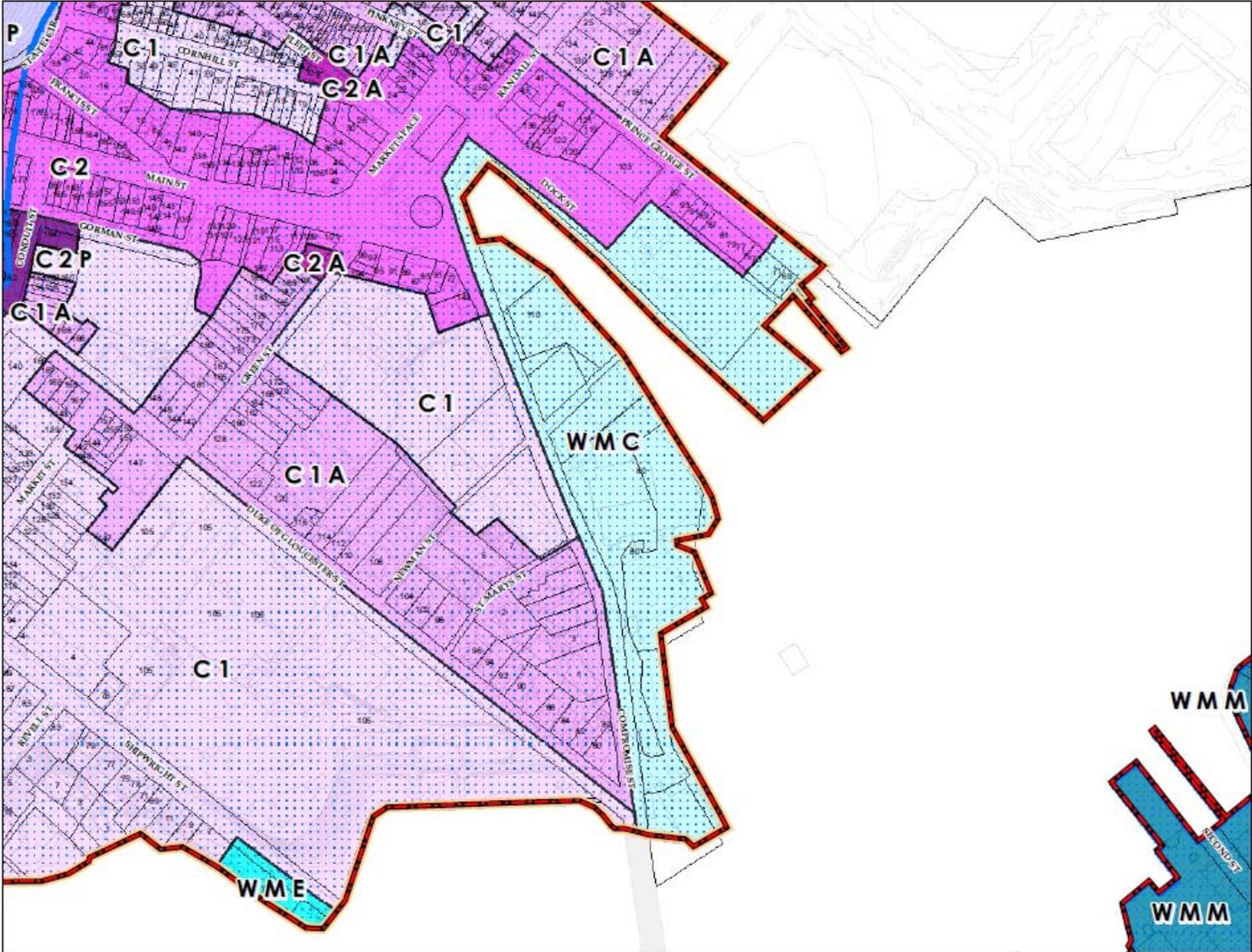
- Section 21.06.010
- Section 21.22.050
- Section 21.24.010
- Section 21.24.020
- Section 21.24.050
- Section 21.24.060
- Section 21.24.090
- Section 21.34.040
- Section 21.48.041
- Section 21.50.280
- Section 21.54.080
- Section 21.56.170
- Section 21.56.180
- Section 21.60.060
- Section 21.64.291
- Section 21.64.371
- Section 21.64.430
- Section 21.64.470
- Section 21.70.100
- Section 21.72.010

36  
37

**BY** adding the following portions to the Code of the City of Annapolis, 2012 Edition  
Section 21.46.060

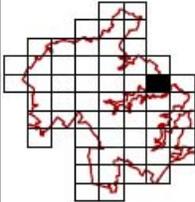
- 1   **WHEREAS,** the City of Annapolis has been a waterfront destination for over 300 years and  
2   the downtown district was prestigiously named a National Historic Landmark in  
3   1965; and  
4
- 5   **WHEREAS,** the importance of water and history to the spirit of Annapolis is paramount and  
6   both influences have long shaped City Dock and its surrounding environment;  
7   and  
8
- 9   **WHEREAS,** while many character-defining features remain, the quantity and quality of  
10   pedestrian space and public access to the waterfront detracts from City Dock's  
11   overall historic character; and  
12
- 13   **WHEREAS,** the 2009 Comprehensive Plan for the City of Annapolis states that "City Dock  
14   and its environs are fundamental to the City's character and identity as a small  
15   seaport town with a rich history." The American Planning Association has  
16   designated Main Street as one of 'Ten Great Streets in America' for its role as a  
17   living museum; a place that makes significant contributions to Annapolis'  
18   downtown economy; and for its physical and visual connection to its history,  
19   maritime culture, and architectural character. The Comprehensive Plan called for  
20   developing a plan that would enhance City Dock and its environs; and  
21
- 22   **WHEREAS,** the City Dock Advisory Committee (CDAC) was established in September 2010  
23   to advise the City on rejuvenating City Dock. The CDAC recommended  
24   rebalancing open areas from automobile-oriented space to pedestrian-oriented  
25   space, advocated for flexible space that can serve a variety of functions,  
26   proposed new ways of managing City Dock and the events that take place there,  
27   and called for the use of public art to serve as a main attraction in the area.  
28   Together, these goals helped shape the creation of the City Dock Master Plan for  
29   revitalizing City Dock; and  
30
- 31   **WHEREAS,** this proposed ordinance would implement Phase One of the recommendations of  
32   the City Dock Master Plan by establishing a new zoning district - the Waterfront  
33   City Dock Zone.  
34  
35

# Existing Zoning



## MAP 24

16	17	
23	24	25
30	31	32



- - - City Boundary
- Historical District
- OCDD District
- Critical Area Boundary

Note: The Critical Area boundary is approximate and included only for reference. Please refer to the Official Critical Area maps.

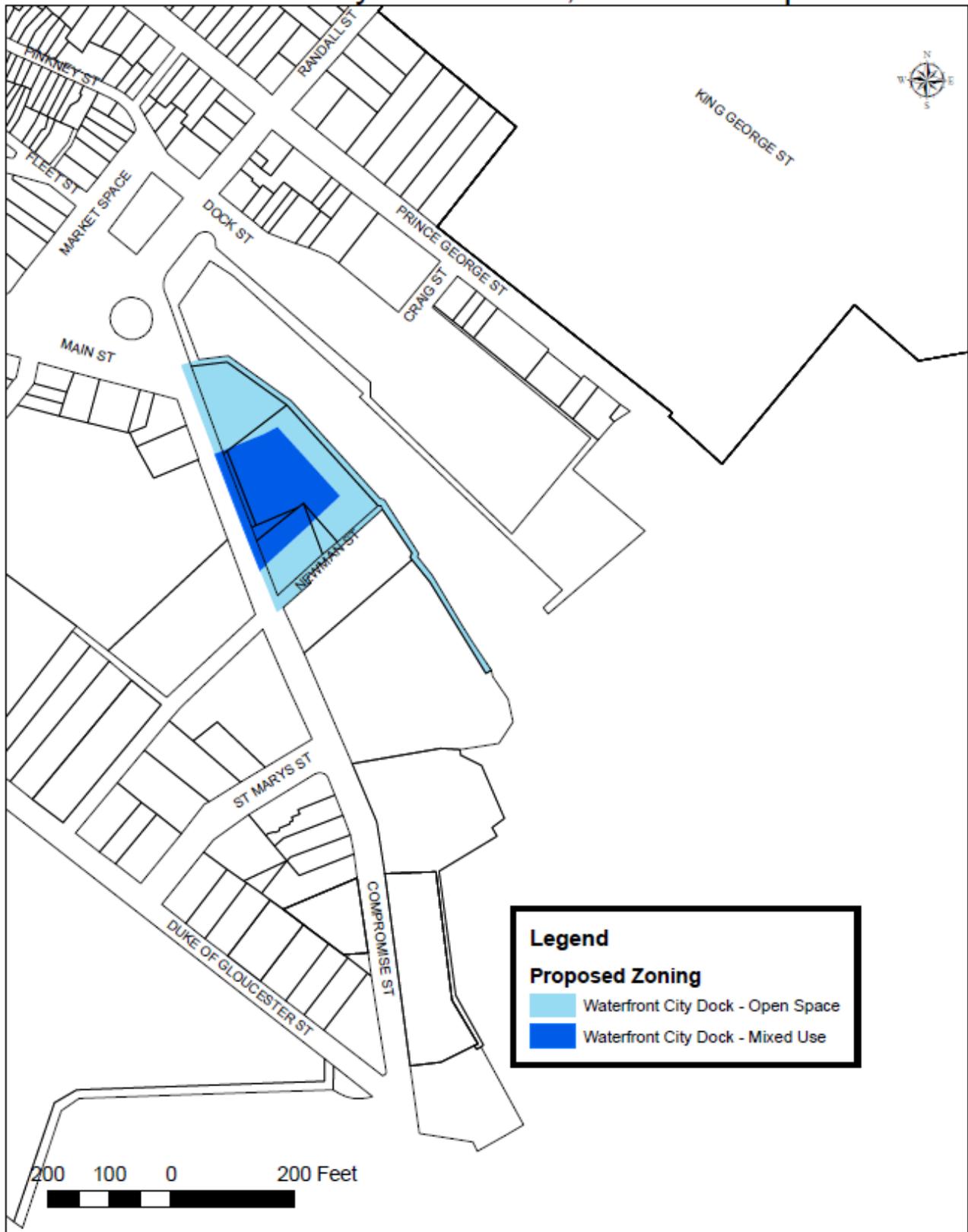


1:2,400

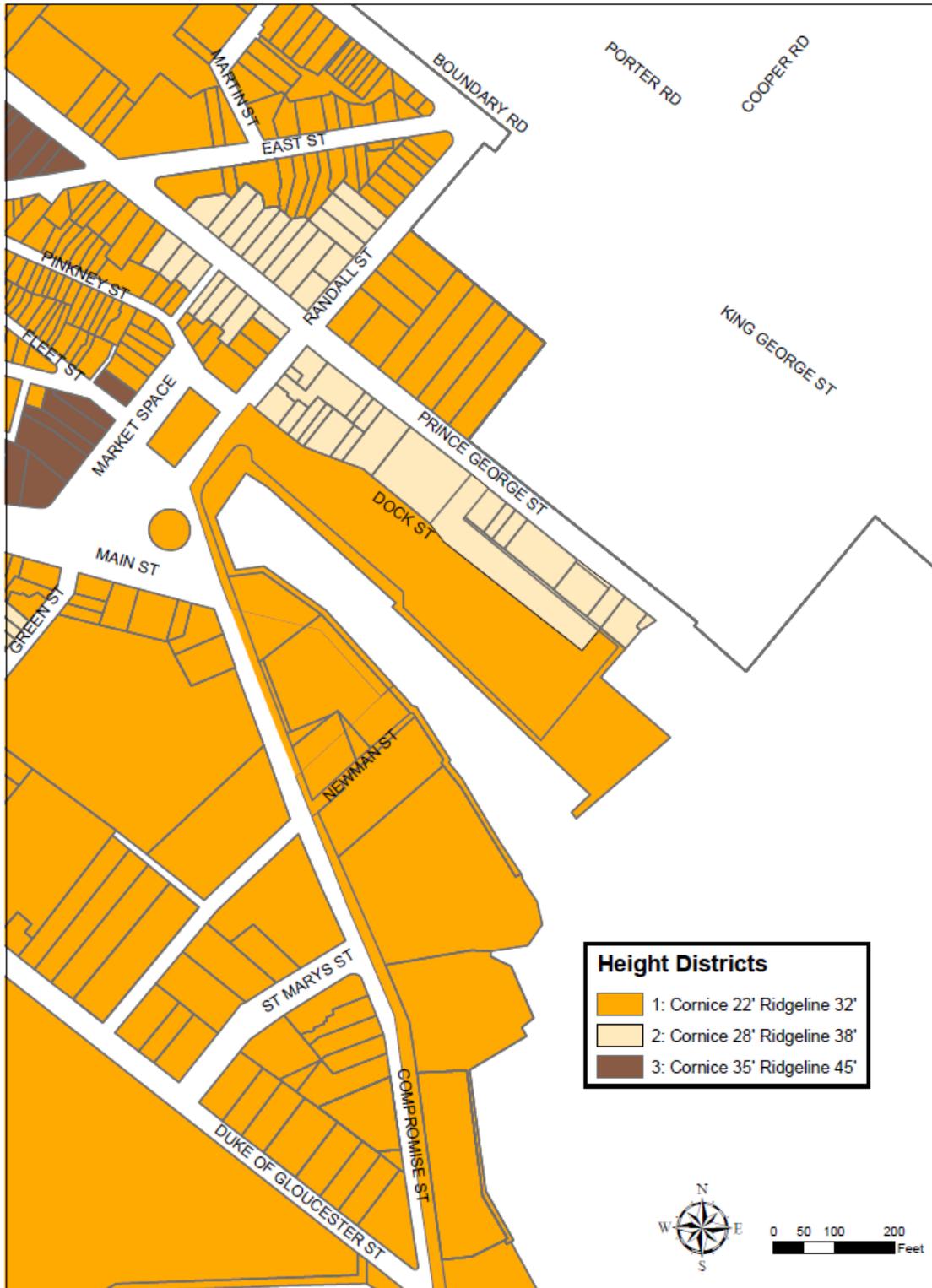
**City of Annapolis, Maryland Comprehensive Zoning**

Created : December 2005  
Adopted :

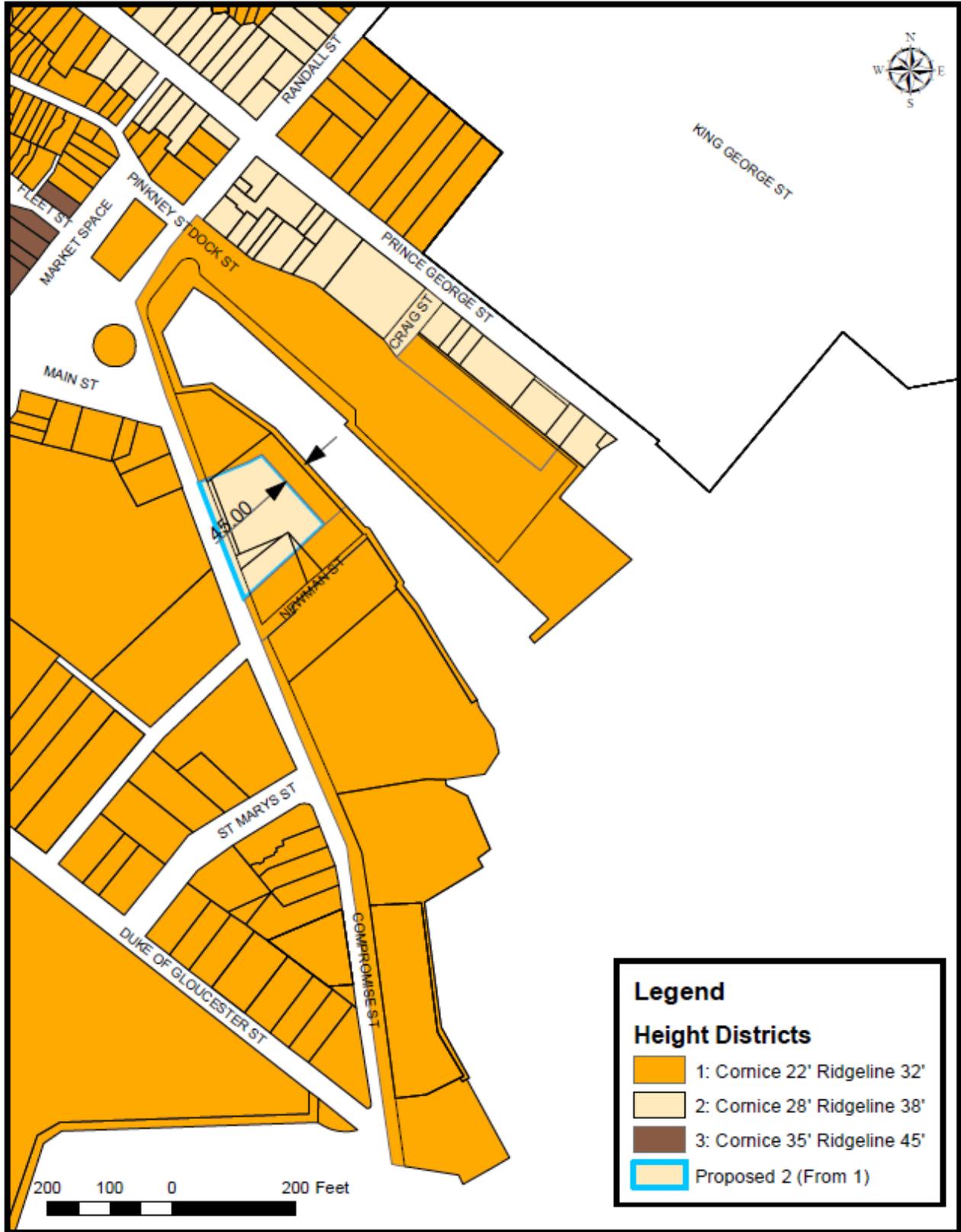
# Waterfront City Dock Zone, Phase I Proposed



# Historic District Special Height Districts at City Dock, Existing



# Historic District Special Height Districts at City Dock, Phase I Proposed



1  
2 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
3 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:  
4

5 **Chapter 21.06 - Zoning Districts and Mapping**

6 **Section 21.06.010 - Establishment of zoning districts.**

7 For the purpose of this Zoning Code the City is organized into the following zoning districts:

8 A. Residence districts:

R1	Single-Family Residence
R1-A	Single-Family Residence
R1-B	Single-Family Residence
R2	Single-Family Residence
R2-NC	Single-Family Residence Neighborhood Conservation
R3	General Residence
R3-NC	General Residence Neighborhood Conservation
R3-NC2	General Residence Neighborhood Conservation 2
R3-R	General Residence Neighborhood Revitalization
R4	General Residence
R4-R	General Residence Neighborhood Revitalization
C1	Conservation Residence
C1A	Special Conservation Residence

9  
10 B. Commercial and industrial districts:

B1	Convenience Shopping
B2	Community Shopping
B3	General Commercial
B3 CD	General Commercial Corridor Design
BCE	Business Corridor Enhancement
BR	Business Revitalization
C2	Conservation Business
C2A	Special Conservation Business
PM2	Professional Mixed Office Park
I1	Light Industrial

11  
12 C. Office and mixed use districts:

P	Professional Office
---	---------------------

MX	Mixed Use
PM	Professional Mixed Office
C2P	Special Conservation Professional

1  
2

D. Waterfront maritime districts:

WMC	Waterfront Maritime Conservation
WMM	Waterfront Mixed Maritime
WMI	Waterfront Maritime Industrial
WME	Waterfront Maritime Eastport
WCD	WATERFRONT CITY DOCK

3  
4

E. Overlay districts:

	Critical Area
	Historic District
	Office and Commercial Design

5

6 **Chapter 21.22 – Site Design Plan Review**

7 **Section 21.22.050 - Waivers.**

- 8 A. Request for Waiver. Upon request by an applicant, and depending upon the size, scope  
9 and potential impacts of a proposed development or activity, the Planning and Zoning  
10 Director may waive the requirement for submission of a preliminary plan or other major site  
11 design plan application submission requirements. If the Planning and Zoning Director  
12 waives the requirement for a preliminary plan, the Director may require that any information  
13 required to be shown on that plan be shown on subsequent plans submitted by the  
14 applicant.
- 15 B. Decision on Waiver. In deciding whether to grant requested waivers, the Planning and  
16 Zoning Director will consider any special conditions peculiar to a site and whether  
17 information required is inappropriate or unnecessary. The Planning and Zoning Director  
18 may waive submission requirements if the Director finds that the waiver will not be  
19 detrimental to the public health, safety, or general welfare or have the effect of nullifying the  
20 intent and purpose of the site design plan submission, the [Comprehensive Plan] PLAN; AS  
21 DEFINED IN SECTION 21.72.010, or this chapter; and that the application materials to be  
22 provided are adequate to make the required findings based on the criteria set forth below in  
23 Section 21.22.080.

24

25 **Chapter 21.24 – Planned Developments**

1 **Section 21.24.010 - Purposes, authority and types.**

2 A. Purposes. The purposes of planned developments are as follows:

- 3 1. To allow greater flexibility in order to encourage more creative design for the  
4 development of land than is generally possible under conventional zoning district  
5 regulations.
- 6 2. To promote orderly and thorough planning and review procedures that will result in  
7 quality design and counteract the negative effects of monotonous design.
- 8 3. To allow the grouping of buildings and a mix of land uses with an integrated design and  
9 a coordinated physical plan.
- 10 4. To promote development in a manner that protects significant natural resources and  
11 integrates natural open spaces into the design of a development project.
- 12 5. To encourage a design that takes into account the natural characteristics of the site in  
13 the placement of structures.
- 14 6. To promote development that is compatible with the goals of the [Comprehensive Plan]  
15 PLAN, AS DEFINED IN SECTION 21.72.010.
- 16 7. TO PROMOTE A DESIGN THAT TAKES INTO ACCOUNT THE HISTORIC AND  
17 CULTURAL CONTEXT ESTABLISHED BY THE SURROUNDING BUILT  
18 ENVIRONMENT.

19

20 B. Types of Planned Developments, Where Permitted.

- 21 1. There are [three] FOUR types of planned developments: residential planned  
22 development, business planned developments, [and] special mixed planned  
23 developments AND WATERFRONT PLANNED DEVELOPMENTS.
- 24 2. Planned developments may be permitted only where listed in the use tables for specific  
25 zoning districts in Chapter 21.48 of this Zoning Code.

26 C. Authority to Approve. The Planning Commission is authorized to decide applications for  
27 planned developments.

28

29 **Section 21.24.020 - Use regulations for planned developments.**

30 A. Residential Planned Development.

- 31 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
32 subject of the application, a residential planned development may consist of the  
33 following uses:
  - 34 a. Uses that are allowed as permitted uses, uses subject to standards or special  
35 exception uses in any residential district, which uses are allowed as permitted  
36 uses if included within and approved as part of a residential planned development.
  - 37 b. Up to ten percent of the ground area or gross floor area of a residential planned  
38 development may consist of uses that are allowed as permitted uses or as uses  
39 subject to standards in the B1 District.

1 2. No more than thirty percent of the ground area or of the gross floor area of the  
2 development may be devoted to planned development uses.

3 B. Business Planned Development.

4 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
5 subject of the application, a business planned development may consist of the  
6 following uses:

7 a. All uses allowed as a permitted use, use subject to standards, or special exception  
8 use in the zoning district in which the business planned development is located,  
9 which uses are allowed as permitted uses if included within and approved as part  
10 of a business planned development.

11 b. For business planned developments located in the B1, B2, B3, BCE, P, and MX  
12 districts, a business planned development may include all uses allowed in any  
13 residential district as a permitted use, use subject to standards, or as a special  
14 exception.

15 2. No more than fifteen percent of the ground area or of the gross floor area of the  
16 development may be devoted to planned development uses.

17 C. Special Mixed Planned Development.

18 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
19 subject of the application, a special mixed planned development may consist of all  
20 uses allowed as a permitted use, use subject to standards, or as a special exception in  
21 any zoning district, which uses are allowed as permitted uses if included within and  
22 approved as part of a special mixed planned development.

23 2. No more than thirty percent of the ground area or of the gross floor area of the  
24 development may be devoted to planned development uses.

25 D. WATERFRONT PLANNED DEVELOPMENT.

26 1. ALL USES SPECIFICALLY ALLOWED AS A PERMITTED USE, USE SUBJECT TO  
27 STANDARDS, OR SPECIAL EXCEPTION USE IN THE ZONING DISTRICT IN  
28 WHICH A WATERFRONT PLANNED DEVELOPMENT IS LOCATED, ARE ALLOWED  
29 AS PERMITTED USES IF INCLUDED AND APPROVED AS PART OF A  
30 WATERFRONT PLANNED DEVELOPMENT.

31 2. RESIDENTIAL AND PROFESSIONAL OR BUSINESS OFFICE (EXCEPT FOR  
32 MARITIME OFFICE USES) SHALL NOT BE PERMITTED ON THE GROUND FLOOR  
33 OF A WATERFRONT PLANNED DEVELOPMENT.

34

35 **Section 21.24.050 - Bulk and density standards.**

36 A. Bulk Standards. The Planning Commission may adjust bulk standards, other than height,  
37 that are otherwise applicable in the zoning district.

38 B. Density Standards. The following density standards shall apply to planned developments:

39 1. In a residential planned development, the maximum number of dwelling units may not  
40 exceed the number of units determined by dividing the gross development area by the  
41 minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is  
42 proposed) required by the district or districts in which the development is located.

1 Gross development area shall be the area of the zoning lot as a whole. The area of  
2 land set aside for common open space or recreational use may be included in  
3 determining the number of dwelling units permitted. If the gross development area of  
4 the property includes property within the Resource Conservation Area of the Critical  
5 Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).

6 2. In a business or special mixed planned development, the maximum number of dwelling  
7 units may not exceed the number of units determined by dividing the gross residential  
8 development area by the minimum lot area per dwelling unit required by the R4 district.

9 3. IN A WATERFRONT PLANNED DEVELOPMENT, THE MAXIMUM NUMBER OF  
10 DWELLING UNITS SHALL BE DETERMINED THROUGH APPLICATION OF THE  
11 FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315  
12 PROVIDED THE MINIMUM DWELLING UNIT SIZES REQUIRED BY CITY CODE  
13 AND OTHER REGULATIONS OF THIS CHAPTER ARE MET.

14  
15 **Section 21.24.060 - Common open space.**

16 Planned developments shall provide for common open space as follows:

17 A. Common open space may include parks, playgrounds, parkways, ALLEYWAYS,  
18 medians, landscape green spaces, WALKWAYS, PROMENADES, PLAZAS, schools,  
19 community centers or other similar areas in public ownership or covered by an open  
20 space easement or controlled by a homeowners association. UP TO 25 PERCENT OF  
21 THE AREA DEDICATED TO ANY PLANTED LANDSCAPED OR BIO-RETENTION  
22 AREA REQUIRED TO SATISFY ANY CRITICAL AREA MITIGATION  
23 REQUIREMENTS MAY BE COUNTED TOWARD MEETING THE OPEN SPACE  
24 REQUIREMENTS SET FORTH IN 21.24.060.

25 B. The area of common open space provided shall be equivalent to twenty percent of the  
26 total ground area in residential planned developments, [and] five percent of the total  
27 ground area in business and special mixed planned developments, AND TEN  
28 PERCENT OF THE GROSS FLOOR AREA OF WATERFRONT PLANNED  
29 DEVELOPMENTS.

30 C. Planned development applications shall include provisions for the ownership,  
31 conservation, and maintenance of the common open space.

32 D. THE COMMON OPEN SPACE REQUIREMENT FOR WATERFRONT PLANNED  
33 DEVELOPMENTS MAY BE MET THROUGH COMPARABLE OFF-SITE  
34 IMPROVEMENT TO THE OPEN SPACE AND RELATED AMENITIES CONTAINED  
35 WITHIN THE BOUNDARIES OF THE ADOPTED PLAN WHEREIN THE PROJECT IS  
36 LOCATED. OFF-SITE IMPROVEMENTS THAT ARE ADJACENT TO OR IN CLOSE  
37 PROXIMITY TO THE SITE SHALL BE ACCORDED PRIORITY IN MEETING THIS  
38 STANDARD.

39 **Section 21.24.090 - Planned development review criteria and findings.**

40 In deciding planned development applications the Planning Commission shall make written  
41 findings based on the following:

- 1 A. The planned development is compatible with the character of the surrounding  
2 neighborhood and the [Comprehensive Plan] PLAN, AS DEFINED IN SECTION  
3 21.72.010, and the purposes of planned developments.
- 4 B. The proposed locations of buildings, structures, open spaces, landscape elements, and  
5 pedestrian and vehicular circulation systems are adequate, safe, and efficient and  
6 designed to minimize any adverse impact upon the surrounding area.
- 7 C. The planned development will promote high quality design and will not result in greater  
8 adverse impacts to the surrounding area compared to the development that may  
9 otherwise be permitted pursuant to the Zoning Code if a planned development were  
10 not approved.
- 11 D. The planned development complies with the planned development use standards and  
12 bulk and density standards.
- 13 E. The planned development complies with the Site Design Plan Review criteria provided  
14 in Section 21.22.080
- 15 F. The planned development plan includes adequate provision of public facilities and the  
16 proposed infrastructure, utilities and all other proposed facilities are adequate to serve  
17 the planned development and adequately interconnect with existing public facilities.

18

## 19 **Chapter 21.34 – Zoning Map Amendments**

### 20 **Section 21.34.040 - Planning Commission review criteria and findings.**

21 The Planning Commission shall not recommend the adoption of a proposed zoning map  
22 amendment unless it finds that the adoption of the amendment is in the public interest and is not  
23 solely for the interest of the applicant. The Planning Commission may recommend the adoption  
24 of an amendment changing the zoning classification of the property to a more restrictive district  
25 than that requested by the applicant. The Planning Commission shall make findings based upon  
26 the evidence presented to it in each specific case with respect to the following matters:

27

- 28 A. Existing uses and zoning classification of properties within the general area of the  
29 property that is the subject of the application.
- 30 B. The suitability of the property in question to the uses permitted under the existing zoning  
31 classification compared to the uses permitted under the proposed zoning classification.
- 32 C. The trend of development in the general area, including any changes in zoning  
33 classification of the subject property or other properties in the area and the  
34 compatibility with existing and proposed development for the area.
- 35 D. Whether there has been a substantial change in the character of the neighborhood  
36 where the property is located or that there was a mistake in the existing zoning  
37 classification.
- 38 E. The availability of public facilities, present and future transportation patterns.
- 39 F. The relationship of the proposed amendment to the City's [Comprehensive Plan] PLAN,  
40 AS DEFINED IN SECTION 21.72.010.

41

## 42 **Chapter 21.46 – Waterfront Maritime Districts**

43

1 **SECTION 21.46.060 - WATERFRONT CITY DOCK DISTRICT**

2 A. PURPOSE

3 1. THE WATERFRONT CITY DOCK (WCD) DISTRICT IS INTENDED TO PROVIDE A  
4 LOCATION FOR REDEVELOPMENT AND LAND USE ACTIVITIES THAT FIT  
5 HARMONIOUSLY WITH PUBLIC OPEN SPACES ALONG THE WATERFRONT,  
6 PROTECT AND SUSTAIN THE HISTORIC CONTEXT OF CITY DOCK, AND  
7 IMPLEMENT THE CITY DOCK MASTER PLAN.

8 2. IT IS FURTHER THE INTENT OF THIS DISTRICT TO DEFINE WHERE  
9 STRUCTURES, BUILDINGS, AND LAND USES ARE PERMITTED AND WHERE  
10 THEY ARE NOT PERMITTED BY TYPE IN ACCORDANCE WITH THE ADOPTED  
11 CITY DOCK MASTER PLAN. IN FURTHERANCE OF THIS PURPOSE, TWO  
12 SUBDISTRICTS ARE HEREBY CREATED WITHIN THE WCD DISTRICT: THE  
13 WATERFRONT CITY DOCK MIXED USE (WCD-MX) SUBDISTRICT AND THE  
14 WATERFRONT CITY DOCK OPEN SPACE (WCD-OS) SUBDISTRICT.

15 i. TO ACHIEVE THE PURPOSES OF THIS ORDINANCE, THE ZONING  
16 SUBDISTRICTS OF THE WCD DISTRICT ARE INTENTIONALLY  
17 DRAWN IN SUCH A WAY AS TO DIVIDE CERTAIN PROPERTIES.

18 ii. THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE  
19 OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE  
20 MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE  
21 BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN  
22 CHAPTER 21.20.

23 3. INTENT OF THE SUBDISTRICTS OF THE WATERFRONT CITY DOCK DISTRICT:

24 i. THE WCD-MX SUBDISTRICT IS INTENDED TO PROMOTE  
25 REDEVELOPMENT ON EXISTING LOTS, PROMOTE, PROTECT, AND  
26 SUSTAIN THE HISTORIC CONTEXT OF THE AREA, BROADEN THE  
27 MIX OF LAND USE ACTIVITIES, AND ENCOURAGE DEVELOPMENT  
28 THAT PROVIDES FORM AND HELPS TO ACTIVATE ADJACENT  
29 EXISTING AND PLANNED OPEN SPACES.

30 ii. THE WCD-OS SUBDISTRICT IS INTENDED TO PROMOTE, PROTECT  
31 AND SUSTAIN THE HISTORIC CONTEXT OF THE AREA AND  
32 PROMOTE THE IMPROVEMENT, ACTIVATION, AND  
33 BEAUTIFICATION OF WATERFRONT OPEN SPACES, TO PROMOTE  
34 PUBLIC ACCESS TO AND ALONG THE WATER, AND TO ENSURE  
35 THE AVAILABILITY OF SPACE FOR THE MANAGEMENT AND  
36 CONTROL OF FLOODWATERS.

37  
38 B. USES. USES THAT MAY BE PERMITTED WITHIN EACH OF THE SUBDISTRICTS OF  
39 THE WCD DISTRICT ARE SET FORTH IN THE TABLE OF USES IN SECTION 21.48.041.

40  
41 C. DEVELOPMENT STANDARDS.

42 1. SECTION 21.50.280 CONTAINS THE BULK REGULATIONS TABLE FOR THE WCD  
43 DISTRICT.

44 2. IN THE WCD DISTRICT, CHAPTER 21.56, HISTORIC DISTRICT, SHALL GOVERN  
45 THE REGULATIONS OF STRUCTURES WITHIN THE HISTORIC DISTRICT  
46 PROVIDED THAT IF THERE ARE ANY INCONSISTENCIES BETWEEN THIS  
47 CHAPTER AND CHAPTER 21.56, THE MORE RESTRICTIVE PROVISION SHALL  
48 PREVAIL.

- 1 3. BUILDING HEIGHTS IN THE WCD DISTRICT SHALL BE LIMITED TO THE MAXIMUM  
2 HEIGHTS ALLOWED BY CHAPTER 21.56.170 PROVIDED THAT A VIEWSHED  
3 ANALYSIS IS COMPLETED AND SUBMITTED AS PART OF A PLANNED  
4 DEVELOPMENT TO THE SPECIFICATIONS ESTABLISHED BY THE DIRECTOR OF  
5 PLANNING AND ZONING.
  - 6 4. ALL PROPOSED NEW BUILDINGS WITH A FAR GREATER THAN TWO (2.0); OR  
7 ANY PROPOSED REHABILITATION OR ALTERATION OF EXISTING BUILDINGS  
8 WITH A FAR GREATER THAN TWO (2.0); OR ANY OTHER PROJECT WITH A FAR  
9 GREATER THAN TWO (2.0) REQUIRE APPROVAL AS A WATERFRONT PLANNED  
10 DEVELOPMENT.
  - 11 5. SITE DESIGN PLAN REVIEW IN ACCORDANCE WITH CHAPTER 21.22 SHALL BE  
12 REQUIRED FOR ALL DEVELOPMENT ACTIVITY NOT OTHERWISE MEETING THE  
13 SIZE OR INTENSITY STANDARDS OF SECTION 21.46.060 C.4.
  - 14 6. PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER  
15 SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE  
16 NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND  
17 USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET  
18 PARKING REQUIREMENTS IN 21.66.130. THIS REQUIREMENT MAY BE MET OFF-  
19 SITE.
  - 20 7. NO SPACE UNDER THE FIRST FLOOR OF A BUILDING THAT IS ELEVATED AT OR  
21 ABOVE THE FLOOD PROTECTION ELEVATION AS DEFINED BY 17.11.179 OF  
22 THE CITY CODE AND CONTAINS PARKING SHALL BE OPEN TO ANY VIEW FROM  
23 A PUBLIC RIGHT-OF-WAY EXCEPT THAT AN OPENING TO PERMIT INGRESS  
24 AND EGRESS OF AUTOMOBILES IS PERMITTED FROM THE SIDE OR REAR OF  
25 THE BUILDING.
- 26
- 27 D. ADDITIONAL STANDARDS. RESERVED.
- 28

1 Chapter 21.48 – Use Tables

**SECTION 21.48.041 – TABLE OF PERMITTED USES – WATERFRONT MARITIME ZONES – WATERFRONT CITY DOCK DISTRICT**

P = PERMITTED USE; S = SPECIAL EXCEPTION USE; -STD = USE SUBJECT TO STANDARDS (CHAPTER 21.64); A = ACCESSORY USE; BLANK = NOT PERMITTED

Uses		Subdistrict WCD-MX	Subdistrict WCD-OS
<b>A. GENERAL USES</b>			
	ACCESSORY BUILDINGS AND USES, INCLUDING SIGNS	A	
	ARTS AND CULTURAL CENTERS	P	
	ANTIQUE STORES	P	
	ARTS AND CRAFTS STUDIOS	P	
	BAKE SHOPS	P-Std	
	BANKS AND FINANCIAL INSTITUTIONS	P	
	BARS AND TAVERNS	P	
	BICYCLE SALES, RENTAL, REPAIR STORES	P	
	BOAT SHOWROOMS	P	
	CAB STANDS, VALET PARKING STANDS (EXCLUDING OFFICES AND RELATED PARKING FACILITIES)	P	P
	CANDY STORES, WHERE ONLY CANDY PREPACKAGED OFF THE PREMISES IS SOLD	P	
	CANDY STORES, INCLUDING CANDY MAKING	P	
	CARPET AND RUG STORES, RETAIL SALES ONLY	P	
	CHRISTMAS TREE AND GREENS SALES	P	P

CLUBS, LODGES, AND MEETING HALLS WITH NO ON-PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
CLUBS, LODGES, AND MEETING HALLS WITH ON-PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
COFFEE SHOPS	P-Std	
DELICATESSEN	P-Std	
DRY CLEANING AND LAUNDRY DROP OFF AND PICK UP STATIONS	P	
DWELLINGS ABOVE THE GROUND FLOOR OF NON-RESIDENTIAL USES	P	
FOOD SERVICE MART	P-Std	
FOOD STORES	P	
FURNITURE STORES	P	
GARDEN SUPPLY, TOOL AND SEED STORES	P	
GOVERNMENT USES		
OFFICES	P	
OTHER GOVERNMENT AND GOVERNMENT-RELATED STRUCTURES, FACILITIES AND USES	P	P
HOTELS	P	
ICE CREAM SHOPS	P	
INNS	P	
LAUNDERETTES, AUTOMATIC, SELF SERVICE	A-Std	
LIGHT MANUFACTURING		
LIQUOR STORE	P	

MARKETS, OPEN AIR, INCLUDING FARMERS' MARKETS AND PRODUCE MARKETS	P-Std	P-Std
ELECTRIC VEHICLE RECHARGING STATIONS		A-Std
MUSEUMS AND ART GALLERIES	P	
NAUTICAL SHOPS, RETAIL TRADE	P	
OFFICE AND BUSINESS SERVICE ESTABLISHMENTS	P	
OFFICES, BUSINESS AND PROFESSIONAL AND NONPROFIT, EDUCATIONAL, CULTURAL, OR CIVIC	P-Std	
OFFICES, MEDICAL	P	
PARKING LOT, OTHER THAN ACCESSORY		P-Std
PHILANTHROPIC AND CHARITABLE INSTITUTIONS, CIVIC, NONPROFIT ORGANIZATIONS, SOCIAL AND FRATERNAL ORGANIZATIONS	P	
PERSONAL CARE ESTABLISHMENTS	P	
PHYSICAL HEALTH FACILITIES, INCLUDING HEALTH CLUBS, GYMNASIUMS, AND WEIGHT CONTROL CENTERS	P	
PLANNED DEVELOPMENTS, WATERFRONT	P-Std	
RESTAURANTS, STANDARD	P	
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	P
RETAIL GOODS STORES	P	
SCHOOLS, PRIVATE, ELEMENTARY, MIDDLE, OR HIGH	P	

SCHOOLS, COMMERCIAL, TRADE, VOCATIONAL, MUSIC, DANCE, ART	P	
SIDEWALK CAFES	P-Std	P-Std
SPECIALTY CONVENIENCE RETAIL GOODS STORES	P	
TELECOMMUNICATIONS FACILITIES	A-Std	
TEMPORARY USES	P-Std	P-Std
THEATERS, INDOOR	P	
OUTDOOR RECREATIONAL USES, SUCH AS ICE SKATING RINKS, SMALL BOAT LAUNCH	P	P
TOBACCO SHOPS	P	
WINE BARS	P	

**B. MARITIME USES**

<b>1. IN WATER BOAT STORAGE:</b>		
A. DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED IN CONJUNCTION WITH OTHER MARITIME USES	P	P
B. YACHT AND SAILING CLUBS, AND MEMBERS SERVICES	P	
MARINE FABRICATION	P	
A. SAIL AND CANVAS ACCESSORY MANUFACTURE	P	
B. SPAR AND RIGGING CONSTRUCTION	P	
C. CONSTRUCTION AND LAYING UP OF MARINE MOLDS	P	
<b>2. MARINE SERVICES: FUNCTIONS NECESSARY TO SERVICE IN WATER AND ON-LAND STORAGE AND WORKING BOATYARDS:</b>		
A. BOAT DEALERS, BROKERS AND MANUFACTURES' REPRESENTATIVES	P	

B. BOAT RENTALS, CHARTS, AND CHARTER SERVICES	P	
C. MARINE PARTS, SUPPLIES, ACCESSORY DISTRIBUTORS	P	
D. MARINE TRANSPORTATION AND WATER TAXIS	P	P
E. MARINE DOCUMENTATION	P	
F. BOATSHOW MANAGEMENT AND PROMOTION	P	P
G. NAUTICAL COMPONENT SERVICING	P	
H. YACHT DESIGNERS	P	
I. MARINE SURVEYORS	P	
<b>3. MARITIME RETAIL</b>	P	
<b>4. GENERAL MARITIME: GENERAL OFFICE AND RESEARCH FUNCTIONS CONTRIBUTING TO MARITIME ACTIVITIES INCLUDING, BUT NOT LIMITED, TO:</b>		
A. MARINE SALVAGE, TESTING, AND ENVIRONMENTAL SERVICES	P	
B. MARINE ASSOCIATIONS	P	
D. OCEANOGRAPHIC LABORATORIES AND EXPERIMENTAL FACILITIES	P	
C. FACILITIES FOR MARINA POLLUTION CONTROL, OIL SPILL CLEANUP, AND SERVING OF SANITATION DEVICES	P	
D. TUGBOAT, VESSEL, TOWING SERVICES, FIREBOAT, PILOT BOATS, HARBORMASTER, AND SIMILAR SERVICES	P	

SPECIALIZED PROFESSIONAL SERVICES TO THE MARITIME INDUSTRY	P	
MARINE TRANSPORT OPERATIONS INCLUDING SHIPPING OFFICES	P	
MARINE PHOTOGRAPHY, PRINTMAKING, CHART-MAKING	P	
YACHT AND SAILING CLUB OFFICES	P	
YACHT FINANCE	P	
MARITIME SERVICE ORGANIZATIONS	P	
<b>5. MARITIME INSTITUTIONS</b>		
A. MARINE EDUCATIONAL FACILITIES	P	
B. MARINE MUSEUMS AND AQUARIUMS	P	

1 Chapter 21.50 – Bulk Regulations Tables

21.50.280 BULK REGULATIONS TABLE, WCD DISTRICT

THE FOLLOWING APPLIES TO ALL LOTS WITHIN THE WCD DISTRICT WITHOUT REGARD TO SUBDISTRICT DESIGNATION.

**IMPORTANT:** THE NOTES AT THE END OF THE TABLE ARE AS MUCH A PART OF THE LAW AS THE TABLE ITSELF.

LOT DIMENSIONS (MINIMUM)			YARDS (MINIMUM)					COVERAGE, HEIGHT, FLOOR AREA RATIO (MAXIMUM)			LOCATION WHERE A STREET RIGHT-OF-WAY TERMINATES AT A WATERWAY <sup>6</sup>
AREA (SQ FT)	WIDTH (FT)	DEPTH (FT.)	FRONT (FT)	FRONT BUILDING LINE SETBACK <sup>2</sup> (FT)	INTERIOR SIDE (FT)	CORNER SIDE (FT)	REAR (FT) <sup>3</sup>	HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)	
5,000	50	100	0 <sup>1</sup>	*	0	0	50	*	5	100	*

**TABLE NOTES:**

<sup>1</sup>EXCEPT THAT ANY LOT WITH FRONTAGE ON COMPROMISE STREET SHALL HAVE A MINIMUM FRONT YARD SETBACK OF 15 FEET MEASURED FROM THE CURB.

<sup>2</sup>THE FRONT BUILDING LINE SETBACK, WHICH SHALL BE MEASURED FROM THE CURB WHERE EXISTING OR WHERE PLANNED, IN ACCORDANCE WITH THE CITY DOCK MASTER PLAN AND UPON APPROVAL OF THE DIRECTOR OF PLANNING AND ZONING, SHALL BE DETERMINED BY THE PLANNING COMMISSION THROUGH THE SITE PLAN REVIEW PROCEDURES OF THIS ORDINANCE OR THE PLANNED DEVELOPMENT PROCEDURES, AS APPLICABLE.

<sup>3</sup>THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES.

<sup>4</sup>THE MAXIMUM HEIGHT SHALL BE AS SET FORTH IN SECTION 21.56.170.

<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

<sup>6</sup>NO BUILDING, BUILDING ENCROACHMENT, OR STRUCTURE IS PERMITTED WITHIN A SETBACK DEMARCATED BY THE PROLONGATION OF A LINE DEFINED BY THE SOUTHWEST SIDE OF THE RIGHT-OF-WAY OF MAIN STREET AND EXTENDING TO THE EDGE OF THE CLOSEST WATERWAY, EXCEPT FOR PUBLIC INFRASTRUCTURE SUCH AS STORMWATER MANAGEMENT FACILITIES.

1

1 **Chapter 21.54 – Critical Overlay**

2 **Section 21.54.080 - Development requirements—Intensely developed areas.**

- 3 A. Stormwater Management. Stormwater management technologies shall be required to  
 4 reduce pollutant loadings by at least ten percent below that of predevelopment levels in  
 5 accordance with Chapter 17.10
- 6 B. Impervious Surfaces. Manmade impervious surfaces shall be limited to the following  
 7 maximum percentages of the development site:

Underlying Zoning District	Percent of Manmade Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P, WCD <sup>1</sup>	90
<sup>1</sup> UPON APPROVAL BY THE PLANNING DIRECTOR, MANMADE IMPERVIOUS SURFACE AREA MAY EXCEED 90 PERCENT OF THE SITE IF PERVIOUS SURFACE AREA IS CREATED WITHIN THE BOUNDARIES OF THE CITY DOCK MASTER PLAN.	

8

9

10 **Chapter 21.56 – Historic District**

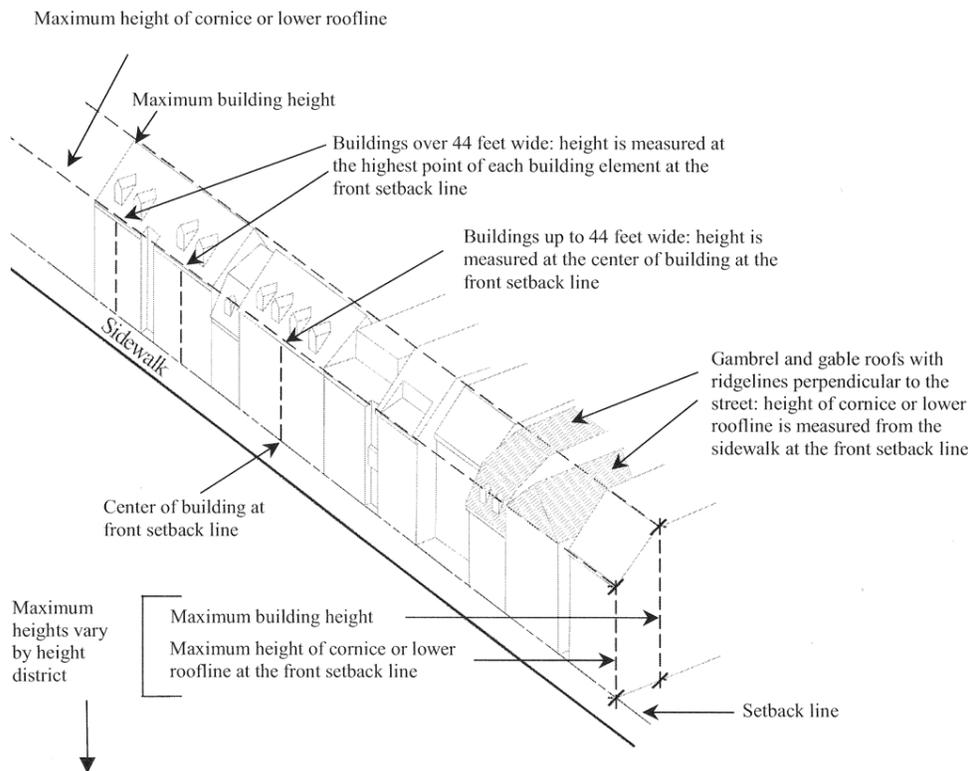
11 **Section 21.56.170 - Height measurement.**

12 The height of buildings shall be determined in the following manner:

- 13 A. All measurements shall be taken from the center of the building at the front setback line  
 14 AT GRADE OR AT THE FLOOD PROTECTION ELEVATION AS DEFINED IN  
 15 SECTION 17.11.179 OF THE CITY CODE, WHICHEVER IS GREATER. [; p]Provided,  
 16 however, that if the building is greater than forty-four feet wide, the massing shall  
 17 conform to Section 21.56.210. In buildings greater than forty-four feet in width, the  
 18 building height measurement shall be taken at the highest point of each building  
 19 element at the front setback line.
- 20 B. Antennas and mechanical equipment up to thirty inches high shall not be counted in  
 21 computing height, and penthouses, other structures and mechanical equipment thirty  
 22 inches in height shall be used in computing height; chimneys are excluded.

- 1 C. For the purpose of achieving a permanent height limit, the height of a building shall not  
 2 be allowed to increase because of an increase in the elevation of the front setback line  
 3 occurring after the effective date of this Zoning Code.
- 4 D. Height Measurement in Special Height Limit Districts.
- 5 1. Two limits are established for each height district:
- 6 a. The height of a building at its highest point.
- 7 b. The height of a cornice or lower roofline of the building at the front setback  
 8 line.
- 9 2. The height of a building behind the front setback line may be increased provided it  
 10 does not exceed a plane projected at an angle of forty-five degrees upward from  
 11 the maximum allowable cornice or lower roofline height at the front setback line.  
 12 The plane may contain roof dormers provided the sum of their widths does not  
 13 exceed fifty percent of the street front linear dimensions of the building.
- 14 3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height  
 15 of a cornice or lower roofline will be measured at the side wall at the front setback  
 16 line, and the height of the building at its highest point will be measured at the ridge  
 17 line.

18 **Illustration for height measurement.**



19

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'

2	28'	38'
3	35'	45'

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

**Section 21.56.180 - Special height limit districts.**

- A. Establishment. Three special height limit districts are established: district 1, district 2 and district 3.
- B. Location and Boundaries. The location and boundaries of the special height limit districts are as set forth on the map entitled "Historic District Special Height and Bulk Limits, Revised, [May, 1983] (DATE OF THIS ORDINANCE)," certified copies of which are be maintained by the Department of Planning and Zoning, which constitutes a part of the "City of Annapolis Zoning District Map," established by Section 21.06.020
- C. Applicability. The special height and bulk limits in these districts shall govern over any other height and bulk limits established in other provisions of this Zoning Code.
- D. Regulations.
  - 1. No building in the special height limit district 1 may exceed a total height of thirty-two feet and a height of twenty-two feet at the cornice or lower roofline measured at the front setback line.
  - 2. No building in the special height limit district 2 may exceed a total height of thirty-eight feet and a height of twenty-eight feet at the cornice or lower roofline measured at the front setback line.
  - 3. No building in the special height limit district 3 may exceed a total height of forty-five feet and height of thirty-five feet at the cornice or lower roofline measured at the front setback line.

**Chapter 21.60 – Supplemental Use and Developmental Standards**

**Section 21.60.060 – Location of Required Open Space**

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group, EXCEPT THAT WITHIN THE WCD DISTRICT, WATERFRONT PLANNED DEVELOPMENTS MAY SATISFY REQUIRED OPEN SPACE STANDARDS THROUGH OFF-SITE IMPROVEMENTS UPON APPROVAL OF THE PLANNING COMMISSION AS PROVIDED FOR IN SECTION 21.24.060 (D) OF THE CITY CODE.

**Chapter 21.64 – Standards for Uses Subject to Standards**

**SECTION 21.64.291 - ELECTRIC VEHICLE RECHARGING STATION.**

IN THE WCD-OS SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO A PUBLIC PARKING LOT AND/OR PLAZA.

1 **SECTION 21.64.371 - LAUDERETTES, AUTOMATIC, SELF-SERVICE.**

2  
3 IN THE WCD-MX SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO AN  
4 APPROVED MULTI-FAMILY DWELLING USE OR AN APPROVED YACHT AND SAILING  
5 CLUB MARITIME USE.  
6

7  
8 **Section 21.64.430 - Office, business and professional and nonprofit, educational, cultural**  
9 **or civic.**

10  
11 A. P District. In the P district, this use is permitted by right on lots of five thousand four hundred  
12 square feet or more. On lots less than five thousand four hundred square feet the use may  
13 be permitted by special exception.

14 B. PM District. In the PM district, when this use is established on lots less than five thousand  
15 four hundred square feet, the following standards apply:

- 16 1. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas  
17 shall be screened in an appropriate manner using a board-on-board enclosure.
- 18 2. Pedestrian traffic through and around the project shall be separated from driveways and  
19 parking lots through the use of sidewalks.
- 20 3. Parking areas shall be provided at the rear of the site and structures shall be located at  
21 the front of site.

22 C. WCD-MX SUBDISTRICT. IN THE WCD-MX SUBDISTRICT, THIS USE IS PERMITTED  
23 PROVIDED IT IS NOT ON THE GROUND FLOOR OR FIRST FLOOR OF A BUILDING.  
24

25 **Section 21.64.470 - Parking lots.**

26 A. MX District.

- 27 1. Temporary surface parking lots not to exceed six months duration are a permitted use.
- 28 2. Surface parking other than permitted in subsection (A)(1) of this section are subject to  
29 the following standards:
  - 30 a. A planting plan is required;
  - 31 b. Cars and parking lots shall be screened from view;
  - 32 c. A ten foot wide buffer strip at all street edges of the zoning lot shall be reserved for  
33 walls or plantings, or a combination thereof in order to screen the zoning lot; and
  - 34 d. Plantings and any constructed edge shall be compatible in material, design and  
35 scale to the prevailing character of the street.

36 B. PM District.

- 37 1. A planting plan is required. In cases where parking lots abut a residential zoning district  
38 additional planting or screening may be required.

1           2. All lots shall be signed in an appropriate manner to guide traffic into, around and out of  
2           the lot.

3 C. WCD-OS SUBDISTRICT.

4           IN THE WCD-OS SUBDISTRICT, THIS USE IS PERMITTED PROVIDED IT IS A  
5           PUBLICLY OWNED FLEXIBLE USE PARKING LOT, MEANING THAT THE USE OF THE  
6           LOT SHALL INCLUDE PUBLIC BENEFIT AND/OR PUBLIC OPEN SPACE ACTIVITIES IN  
7           ADDITION TO, IN COMBINATION WITH, OR AT TIMES TO THE EXCLUSION OF  
8           VEHICULAR PARKING.

9  
10

11 **Chapter 21.70 – Sign Regulations**

12 **21.70.100 - Nonconforming signs.**

13 A. The Director of Neighborhood and Environmental Programs shall order the removal of any  
14 sign erected or maintained in violation of the law as it existed prior to the date of the  
15 adoption of this Zoning Code.

16 B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to  
17 its provisions, but which did conform to previous laws, shall be regarded as nonconforming  
18 signs which may be continued if properly repaired and maintained as provided in this  
19 chapter[.], EXCEPT BILLBOARD SIGNS WHICH SHALL BE ELIMINATED WITHIN SEVEN  
20 YEARS OF THIS DATE OF ADOPTION OF THIS ORDINANCE. UPON APPEAL OF THE  
21 DIRECTOR'S DECISION TO REMOVE THE SIGN, THE BOARD OF APPEALS MAY, BUT  
22 IS NOT REQUIRED, TO EXTEND THIS TIME PERIOD BASED ON A FINDING THAT THE  
23 SEVEN YEARS IS NOT SUFFICIENT TIME FOR THE SIGN OWNER TO FULLY  
24 AMORTIZE THE CAPITAL INVESTMENT IN THE SIGN STRUCTURE. UNDER NO  
25 CIRCUMSTANCES SHALL THE AMORTIZATION PERIOD PERMITTED BY THE BOARD  
26 OF APPEALS EXCEED ONE ADDITIONAL YEAR OR EIGHT YEARS TOTAL. IN  
27 DETERMINING AN APPROPRIATE AMORTIZATION PERIOD, THE BOARD SHALL  
28 CONSIDER THE FOLLOWING:

29           1. THE OWNER'S CAPITAL INVESTMENT IN STRUCTURES, FIXED  
30           EQUIPMENT, AND OTHER ASSETS (EXCLUDING INVENTORY AND OTHER  
31           ASSETS THAT MAY BE FEASIBLY TRANSFERRED TO ANOTHER SITE) ON  
32           THE PROPERTY BEFORE THE TIME THE USE BECAME NONCONFORMING.

33           2. ANY COSTS THAT ARE DIRECTLY ATTRIBUTABLE TO THE  
34           ESTABLISHMENT OF THE COMPLIANCE DATE, INCLUDING DEMOLITION  
35           EXPENSES, RELOCATION EXPENSES, TERMINATION OF LEASES, AND  
36           DISCHARGE OF MORTGAGES.

37           3. ANY RETURN ON INVESTMENT SINCE INCEPTION OF THE USE,  
38           INCLUDING NET INCOME AND DEPRECIATION.

39           4. THE ANTICIPATED ANNUAL RECOVERY OF INVESTMENT, INCLUDING NET  
40           INCOME AND DEPRECIATION.

41

42 C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply  
43 immediately with all provisions of this chapter.

44

1 **Chapter 21.72 – Terms and Definitions**

2 **Section 21.72.010 - Terms**

3 PLAN

4 "PLAN" MEANS THE POLICIES, STATEMENTS, GOALS AND INTERRELATED PLANS FOR  
5 PRIVATE AND PUBLIC LAND USE, TRANSPORTATION AND COMMUNITY FACILITIES  
6 DOCUMENTED IN TEXTS AND MAPS THAT CONSTITUTE THE GUIDE FOR AN AREA'S  
7 FUTURE DEVELOPMENT. "PLAN" INCLUDES A GENERAL PLAN, MASTER PLAN,  
8 COMPREHENSIVE PLAN, FUNCTIONAL PLAN, OR COMMUNITY PLAN ADOPTED IN  
9 ACCORDANCE WITH THE LAND USE ARTICLE OF THE ANNOTATED CODE OF  
10 MARYLAND.  
11

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

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

15  
16  
17 ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

18  
19  
20  
21  
22  
23

**Explanation:**

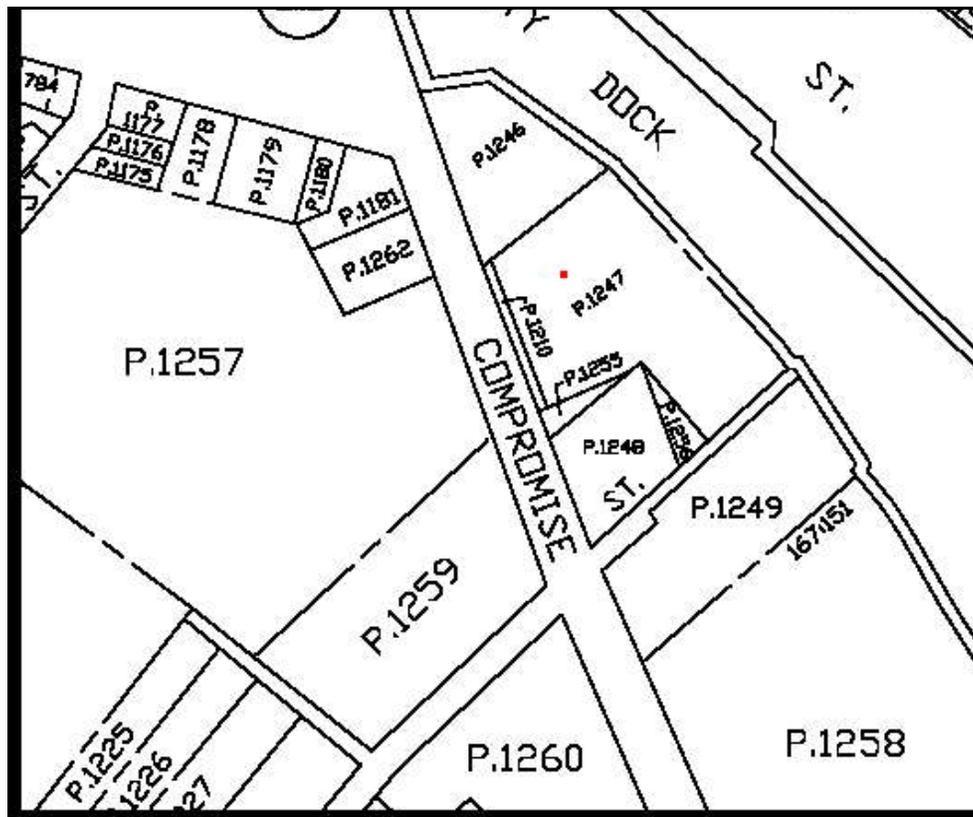
CAPITAL LETTERS indicate matter added to existing law.  
[brackets] indicate matter stricken from existing law.  
Underlining indicates amendments.

## Staff Report

### Ordinance O-7-13

#### Establishment of a New Zoning District: Waterfront City Dock, Phase One

The proposed ordinance would implement the Phase One recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone. This new district would cover much of the current Waterfront Maritime Conservation (WMC) district. However, the following properties would not be covered by the new district and would remain unchanged: the Fleet Reserve Club, the Marriott Hotel, and the Annapolis Yacht Basin. The aforementioned properties are not re-zoned because they were not part of the specific land use and public improvement planning for the City Dock Master Plan. Phase One of this rezoning concerns property parcels 1246, 1247, 1210, 1255, 1248, and 1256. These parcels include the "Donner Parking Lot," 110 Compromise (the former Fawcett's site), and the "Fleet Parking Lot."



#### Permitted Land Uses

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

### **Development Standards**

**Building Height:** Height would be regulated through an amended Historic District special height overlay map. There are currently three special height districts in the Historic District. These would be maintained; however, reclassification of three sites is proposed. It is also proposed that height be measured from flood protection elevation or grade, whichever is greater throughout the historic district. This will help properties in the flood plain have a certain number of stories, regardless of additional elevation required to meet building Code. These standards would only be permissible upon a developer's preparation of a viewshed analysis as part of a Planned Development application.

**Bulk Regulations:** New bulk regulations are proposed for development in the new WCD district. The standards would be subject to modification as part of a Waterfront Planned Development. The standards would generally provide for zero yard setbacks.

**Allowable Residential Density:** Maximum density permitted would be determined in part by a new proposed floor area ratio (FAR) standard and the minimum dwelling unit sizes provided elsewhere in City Code. The actual permitted number of units on any site would be further constrained by proposed building height restrictions and a proposed requirement that the ground floor of all new buildings be used commercially.

**Parking:** No new surface parking areas in the WCD-MX district accommodating more than five parked vehicles would be allowed, unless approved by the Planning Commission as a temporary phase of a more intensive Planned Development.

Developments in the WCD district which are over 10,000 square feet in gross floor area would be required to meet the employee share of parking demand through participation in an off-site parking and shuttle service program, which would include the City's hospitality employee parking program. Otherwise, new uses and development would be exempt from providing vehicular parking. Bicycle parking, equivalent in number to the vehicular parking spaces required by the City Code's table of required off-street parking spaces, would be required; this requirement could be met off-site.

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) 263-1184.



**PLANNING COMMISSION**

(410)263-7961

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

June 6, 2013

**To: Annapolis City Council**

**From: Planning Commission**

**Re: Findings for O-7-13 Establishment of a New Zoning District:  
Waterfront City Dock, Phase One**

**SUMMARY**

Ordinance O-7-13 proposes amendments to Title 21, including the establishment of a new zoning district, in order to implement the recommendations of the City Dock Master Plan.

Text amendments proposed include:

- Establishment of a new Waterfront City Dock (WCD) zoning district with use, bulk regulations, parking, and lot coverage regulations
- Amending the method for measuring height in the Historic District to include a provision related to the flood protection elevation for applicable properties
- Creation of a new class of planned development—the Waterfront Planned Development
- Addition of a new standard for all planned developments that requires them to promote a design that takes into account the historic and cultural context
- Defining the term “Comprehensive Plan” where used throughout the zoning code to be in accordance with the state-mandated definition
- Establishing regulations for the removal of billboard signs

Map amendments proposed include:

- Rezoning of parcels 1246, 1247, 1210, 1255, 1248, and 1256, which are located along Compromise Street, from Waterfront Maritime Conservation (WMC) district to WCD
- Reclassification of the height district for property located in the WCD-MX, Waterfront City Dock Mixed Use zoning subdistrict

The City’s 2009 Comprehensive Plan called for a study of City Dock and consideration of this area as a location for commercial and mixed uses. A detailed sector study, which began in 2010 known as the City Dock Master Plan (CDMP), recommends a rebalancing of this area from automobile-oriented to pedestrian-oriented and additionally makes recommendations about appropriate uses and flood control techniques.

**Annapolis City Council**

**Findings: O-7-13**

**June 6, 2013**

Page 2

Following the work of the City Dock Advisory Committee, the City Dock Master Plan was introduced to City Council in November 2012, and Ordinance O-7-13 was introduced on May 13, 2013. O-7-13 proposes a new zoning district that draws on the recommendations of the master plan. It is a sectional zoning map amendment and a zoning text amendment. The density, uses, bulk regulations, and parking requirements for this new zoning district are a combination of the existing regulations and standards in place for the Conservation Business District (C2) and the Waterfront Maritime Conservation (WMC) district.

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

**STAFF RECOMMENDATION**

At a regularly scheduled meeting on June 6, 2013, the Planning and Zoning staff presented their analysis and recommendations for approval of the legislation.

Staff reviewed the background of the proposed ordinance and then provided an analysis. This information was forwarded to the Planning Commission for review in a report dated May 28, 2013.

**PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code, a public hearing was held and the public was invited to comment on the proposed text amendment. Several members of the public spoke on the legislation.

At the close of the public hearing, the Planning Commission entered into deliberations. The Commission concurred with staff and found the proposed ordinance consistent with the City Dock Master Plan and the Comprehensive Plan.

**PLANNING COMMISSION REQUIRED FINDINGS**

In accordance with Section 21.34.040 of the City Code, the Planning Commission shall find that the adoption of the amendment is in the public interest. The Planning Commission shall make findings on the following points:

A. Existing uses and zoning classification of properties within the general area of the property that is the subject of the application.

*The existing zoning classification is Waterfront Maritime Conservation (WMC) and the current uses of the property are parking lots and a vacant building. There are also nearby commercial properties. The proposed zoning district would be compatible with the uses and zoning in the general vicinity.*

**Annapolis City Council**

**Findings: O-7-13**

**June 6, 2013**

Page 3

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

*See the City Dock Master Plan—the property is suited to the proposed uses. The uses allowed in the proposed district are very similar to those allowed in the neighboring C2 zoning district.*

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

*The proposed zoning is compatible with existing uses and the uses in the adjacent zoning district.*

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

*As discussed in the City Dock Master Plan, there has been a shift that requires a more balanced approach to development in City Dock that permits infill development but encourages more open space amenities for pedestrians and bicyclists.*

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

*Public facilities and transportation patterns can accommodate the proposed zoning changes.*

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

*The City Dock Master Plan has been found to be consistent with the City's Comprehensive Plan.*

**RECOMMENDED AMENDMENTS**

The Planning Commission recommends nine technical amendments that help to clarify new language:

***Amendment 1: Page 11, line 11***

**Change:** "...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315 ..."

**to:**

"...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION ~~21.50.315~~  
21.50.280 ..."

**Explanation: Wrong section number given**

**Annapolis City Council**

**Findings: O-7-13**

**June 6, 2013**

Page 4

***Amendment 2: Page 13, line 22***

**Change:** “THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20.”

**to:**

“THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20 AND SECTION 21.06.040.”

**Explanation:** Additional cross-reference provided to clarify limits of the Board of Appeals ability to alter zoning lines. Section 21.06.040 - *Lots divided by zoning district boundaries* states:

**Where a district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.**

***Amendment 3: Page 14, line 18***

**Change:** “PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130.”

**to:**

“PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130 FOR THAT TYPE OF USE.”

**Explanation:** Additional clarification

**Amendment 4: Pages 15-18**

**Change:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P	
ICE CREAM SHOPS	P	
RESTAURANTS, STANDARD	P	
WINE BARS	P	

**to:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	<u>P-STD</u>	
ICE CREAM SHOPS	<u>P-STD</u>	
RESTAURANTS, STANDARD	<u>P-STD</u> <u>S-STD</u>	
WINE BARS	<u>P-STD</u>	

**Explanation: Candy stores, ice cream shops, standard restaurants, and wine bars are required to meet certain standards in other zoning district. If not part of a planned development, outdoor dining is a special exception for restaurants.**

**Amendment 5: Page 17**

**Change:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	

**to:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	<u>P</u>	<u>P</u>

**Explanation: Outdoor dining is an accessory use for restaurants, with specific standards listed in Section 21.64.540 under "Restaurants, standard" (see Amendment 6, below).**

**Amendment 6: New Text**

21.64.540 - Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

...

E. WCD AND MX District. In the WCD AND MX district:

**Annapolis City Council**

**Findings: O-7-13**

**June 6, 2013**

Page 6

1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

**Explanation: This amendment clarifies that the standards for restaurants in the WCD are the same as those in the MX District.**

***Amendment 7: Page 21***

**Change:**

YARDS (MINIMUM)			
			REAR (FT) <sup>3</sup>
			50

<sup>3</sup>THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

**to:**

YARDS (MINIMUM) <sup>3</sup>			
			REAR (FT) <sup>3</sup>
			50 0

<sup>3</sup>SETBACK ALONG MARKET SLIP. THE MINIMUM SETBACK FOR ALL BUILDINGS, STRUCTURES, AND USES ESTABLISHED ALONG MARKET SLIP SHALL OBSERVE A SETBACK OF NOT LESS THAN 45 ~~LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE~~ BULKHEAD, MEASURED PARALLEL TO THE ~~SHORELINE~~ BULKHEAD, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

**Explanation: The intent of this footnote is to ensure a 45-foot setback from Market Slip to a new building. This setback could pertain to the rear, side, or front of a building. The term “bulkhead” is more appropriate in this situation.**

**Amendment 8: Pages 21- 22**

**Change:**

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)
*	5	100

<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

**to:**

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)
*	5	100
	Bulk regulations shall be determined through the <u>planned development process, pursuant to Chapter 21.24</u>	Bulk regulations shall be determined through the <u>planned development process, pursuant to Chapter 21.24</u>

~~<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.~~

**Explanation: It is not necessary to set a FAR because this is restricted by height and design considerations. Lot coverage is restricted by Critical Area overlay requirements, which are proposed to be 90% for this zoning district. Both FAR and lot coverage can be determined through design review.**

**Amendment 9: New Text**

Section 21.66.130 - Table of off-street parking requirements.

**Table Notes:**

...

4. WCD, C2 or C2A Districts. Off-street parking facilities are not required in the WCD, C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

**Annapolis City Council**

**Findings: O-7-13**

**June 6, 2013**

Page 8

**Explanation: Parking requirements for the WCD District will be the same as those for C2 and C2A.**

**RECOMMENDATION**

Having made the above findings, the Planning Commission, by a vote of 5/6 recommends approval of the proposed ordinance O-7-13 with nine amendments.

Adopted June 6, 2013

  
Dr. Eleanor M. Harris, Chair



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

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

Annapolis 410-263-7961 • FAX 410-263-1129 • TDD 410-263-7943

Chartered 1708

JON ARASON, AICP  
DIRECTOR

May 28, 2013

**MEMORANDUM**

**To: Planning Commission**

**From: Jon Arason, Director of Planning and Zoning**

**Re: O-7-13: Establishment of a New Zoning District: Waterfront City Dock, Phase One**

**Encl: O-7-13; Attachment 1: Technical Analysis of Proposed Height Measurement Methodology;  
Attachment 2: O-7-13 with Track Changes for Amendments**

SUMMARY

Ordinance O-7-13 proposes amendments to Title 21, including the establishment of a new zoning district, in order to implement the recommendations of the City Dock Master Plan.

Text amendments proposed include:

- Establishment of a new Waterfront City Dock (WCD) zoning district with use, bulk regulations, parking, and lot coverage regulations
- Amending the method for measuring height in the Historic District to include a provision related to the flood protection elevation for applicable properties
- Creation of a new class of planned development—the Waterfront Planned Development
- Addition of a new standard for all planned developments that requires them to promote a design that takes into account the historic and cultural context
- Defining the term “Comprehensive Plan” where used throughout the zoning code to be in accordance with the state-mandated definition
- Establishing regulations for the removal of billboard signs

Map amendments proposed include:

- Rezoning of parcels 1246, 1247, 1210, 1255, 1248, and 1256, which are located along Compromise Street, from Waterfront Maritime Conservation (WMC) district to WCD
- Reclassification of the height district for property located in the WCD-MX, Waterfront City Dock Mixed Use zoning subdistrict

BACKGROUND AND ANALYSIS

The City Dock Advisory Committee (CDAC) was established in September 2010 to advise the City on rejuvenating City Dock. The City Dock Master Plan was introduced to City Council in November 2012, and Ordinance O-7-13 was introduced on May 13, 2013. O-7-13 proposes a new zoning district that draws on the recommendations of the master plan. It is a sectional zoning map amendment and a zoning text amendment. The density, uses, bulk regulations, and parking requirements for this new zoning district are a combination of the existing regulations and standards in place for the Conservation

Business District (C2) and the Waterfront Maritime Conservation (WMC) district, with certain changes that are discussed below.

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

New bulk regulations are proposed for development in the new WCD district. The standards would be subject to modification as part of a Waterfront Planned Development. Generally, setbacks would not be required, although a 45-foot setback from Market Slip is required of all new buildings. This setback could pertain to the rear, side, or front of a building.

Maximum density permitted would be determined in part by the plan review process. The actual permitted size of any new building would be further constrained by proposed building height restrictions and a proposed requirement that the ground floor of all new buildings be used commercially.

Developments in the WCD district that are over 10,000 square feet in gross floor area would be required to meet the employee share of parking demand through participation in an off-site parking and shuttle service program, which would include the City's hospitality employee parking program. Otherwise, as in the C2 and C2A Districts, off-street parking facilities are not required except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area. Bicycle parking, equivalent in number to the vehicular parking spaces required by the City Code's table of required off-street parking spaces, would be required; this requirement could be met off-site.

### ***Changes to Height Measurement and Special Height Districts***

On May 16, 2013, the Planning Commission recommended that City Council approve the City Dock Master Plan. The Commission recommended that the height for the development site on Compromise Street be 2-3 stories and that there should be revised zoning regulations to change how height is measured. The Planning Commission findings stated that height "should be changed to measure from grade or flood protection elevation, whichever is greater to ensure the number of allowed stories is achievable given existing federal and local floodplain regulations."

This ordinance proposes both these changes—that the Compromise Street development site be moved from Special Height District One to Special Height District Two and that a new method of measuring height is utilized in the Historic District, where the property is located in the floodplain. There are currently three special height districts in the Historic District and these would be maintained. The height districts are:

- Special Height District One, which allows a maximum height of 22 feet to the building cornice and 32 feet to the ridgeline
- Special Height District Two, which allows a maximum height of 28 feet to the building cornice and 38 feet to the ridgeline

- Special Height District Three, which allows a maximum height of 35 feet to the building cornice and 45 feet to the ridgeline.

The new technique for measuring height would affect properties where grade is lower than the flood protection elevation. “**Flood protection elevation**” is defined in City Code Section 17.11.179 as “the base flood elevation plus two feet of freeboard.” There are several important terms in this definition. First is “**base flood**.” According to FEMA, this is the name for the flood “having a one percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the ‘100-year flood.’ The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all Federal agencies for the purposes of requiring the purchase of flood insurance and regulating new development.” “**Base Flood Elevations**” (BFEs) are typically shown on Flood Insurance Rate Maps (FIRM). This is the computed elevation to which floodwater is anticipated to rise during the base flood.

The BFE is the regulatory requirement for the elevation or floodproofing of structures. The relationship between the BFE and a structure’s elevation determines the flood insurance premium. For a community to participate in the National Flood Insurance Program, it must adopt and enforce floodplain management regulations that meet or exceed the minimum NFIP standards and requirements. The City of Annapolis exceeds the requirements of the NFIP because the City Code additionally requires two feet of freeboard. “**Freeboard**” is “a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed” (Section 17.11.179).

According to the most recent FIRM for Annapolis (Map #24003C0251E, effective October 16, 2012), the base flood elevation is 6.4 feet. Adding two feet of freeboard means that the flood protection elevation around City Dock is 8.4 feet.

The map on the following page shows a section of the FIRM for Annapolis. The light blue line shows base flood elevation. The map on page 5 shows topography at City Dock. The Compromise Street development site ranges in elevation from approximately 2-5 feet. If the grade was a uniform four feet above sea level, the new technique for measuring height would be calculated as follows:

(Flood protection elevation) – (site elevation) = X, where X is additional height above grade

4 Feet at Sea Level

$$(8.4') - (4') = 4.4'$$

If the proposed methodology for measuring height was adopted, but these parcels remained in Special Height District One, the following would apply:

Special Height District One Limits = 22' and 32'

$$22' + 4.4' = 26.4' \text{ from grade to cornice}$$

$$32' + 4.4' = 36.4' \text{ from grade to ridgeline}$$

Note: the first 4.4 feet could not be habitable space.

If the parcels were moved to Special Height District Two and the proposed methodology was adopted,

the following would apply:

Special Height District Two Limits = 28' and 38'

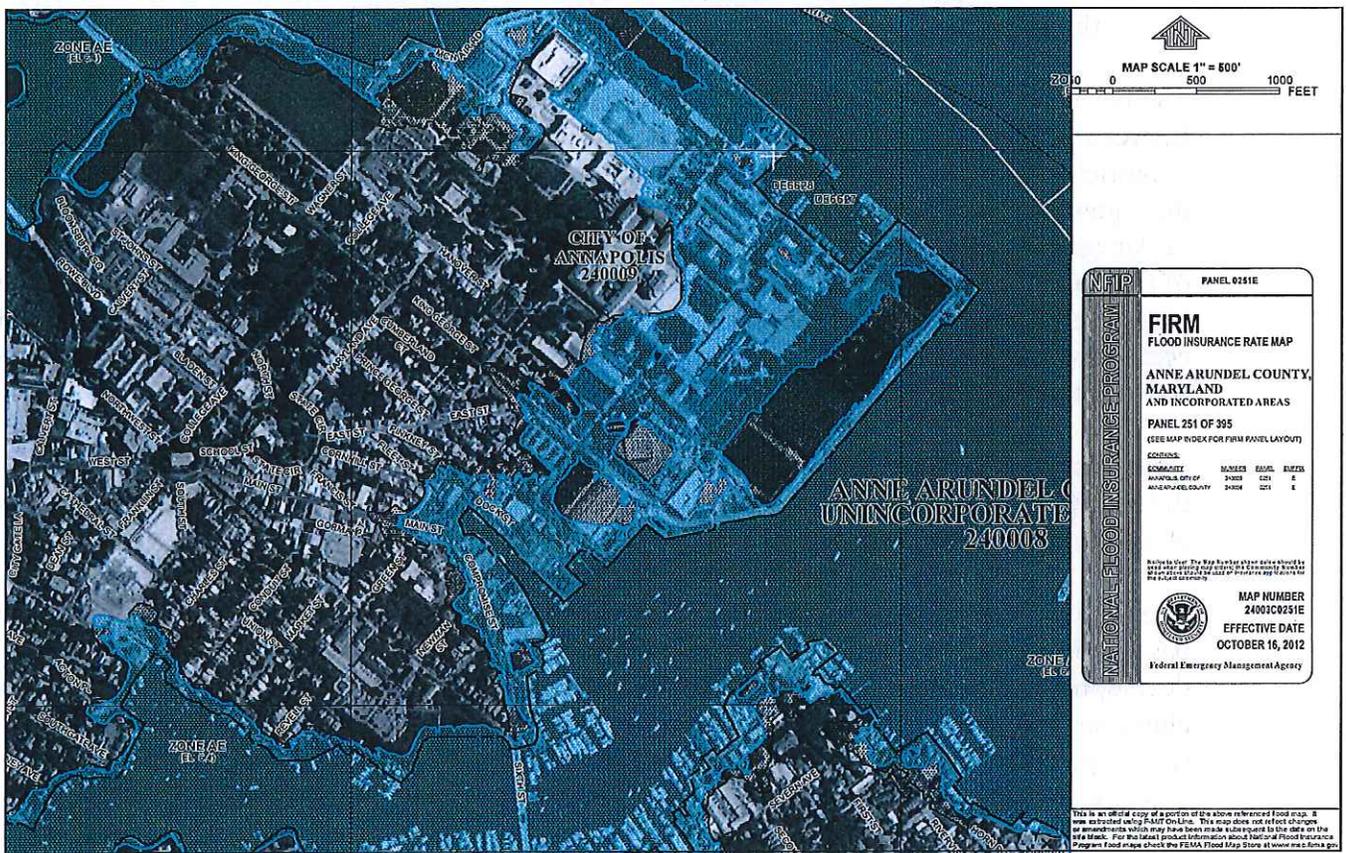
28' + 4.4' = 32.4' from grade to cornice

38' + 4.4' = 42.4' from grade to ridgeline

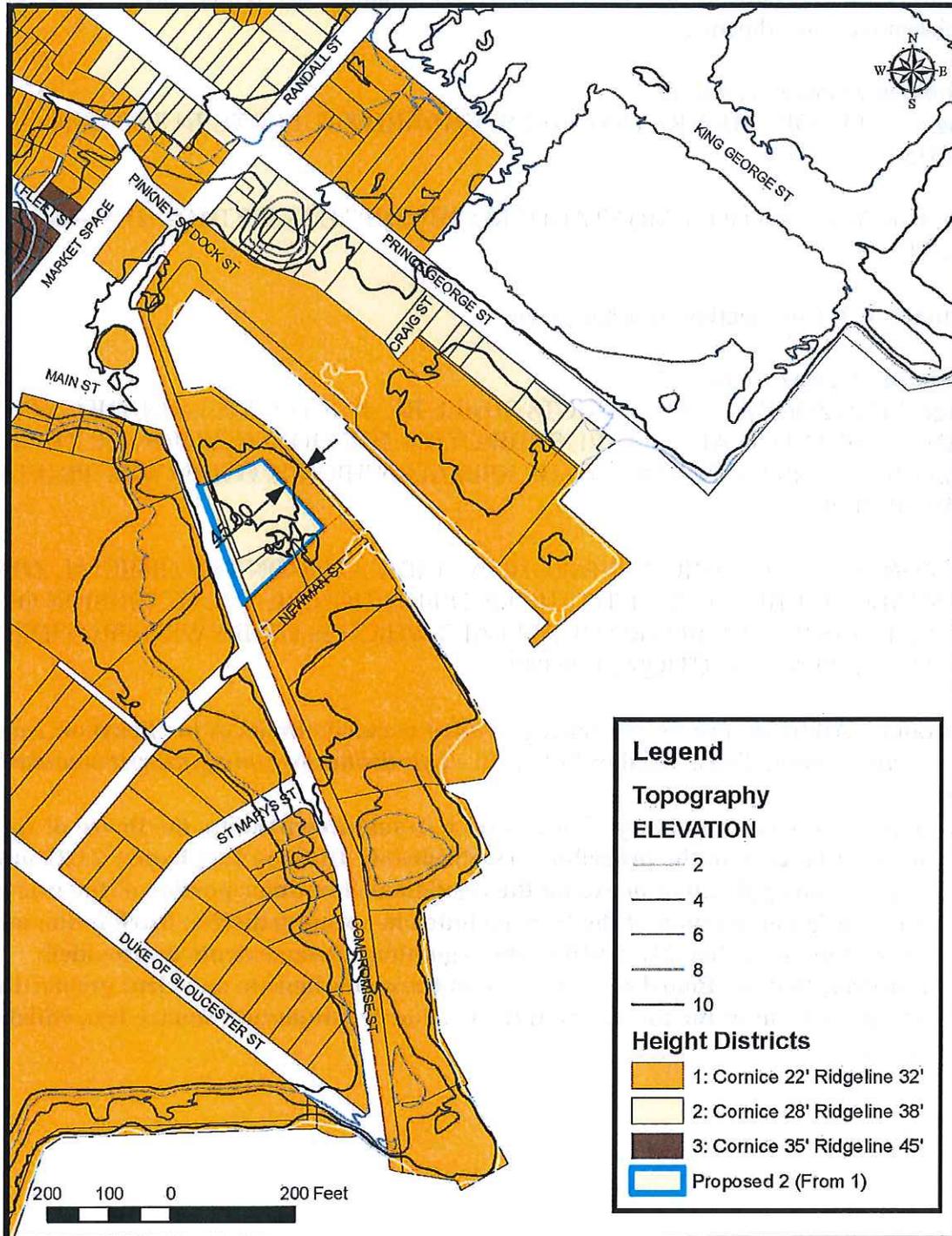
Note: the first 4.4 feet could not be habitable space.

An additional requirement and potential limit to height in this district is that a viewshed analysis would be required as part of a Planned Development application in order to determine the impact of new elevations.

For more discussion regarding height calculations, see Attachment 1.



Historic District Special Height Districts at City Dock, Phase I Proposed



\*Image is not to scale, but can be printed to scale upon request

RECOMMENDED AMENDMENTS

Staff offers nine amendments that help to clarify new language and requirements. These are technical, not substantive, amendments.

***Amendment 1: Page 11, line 11***

**Change:** "...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315 ..."

**to:**

"...FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION ~~21.50.315~~  
21.50.280 ..."

**Explanation: Wrong section number given**

***Amendment 2: Page 13, line 22***

**Change:** "THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20."

**to:**

"THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN CHAPTER 21.20 AND SECTION 21.06.040."

**Explanation: Additional cross-reference provided to clarify limits of the Board of Appeals ability to alter zoning lines. Section 21.06.040 - *Lots divided by zoning district boundaries* states:**

**Where a district boundary divides a tract in single ownership, the Board of Appeals, in accordance with the procedures established in Division II, Chapter 21.20 may approve an application to extend the regulations for either portion of the tract to any contiguous portion of the tract included in a zoning district listed in the same subsection of Section 21.06.010 as the regulations being extended; provided, however, that the Board shall not extend the regulations to an extent greater than twenty percent of the total area of the tract or five thousand square feet, whichever is less.**

**Amendment 3: Page 14, line 18**

**Change:** "PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130."

**to:**

"PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET PARKING REQUIREMENTS IN 21.66.130 FOR THAT TYPE OF USE."

**Explanation: Additional clarification**

**Amendment 4: Pages 15-18**

**Change:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	P	
ICE CREAM SHOPS	P	
RESTAURANTS, STANDARD	P	
WINE BARS	P	

**to:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
CANDY STORES, INCLUDING CANDY MAKING	<u>P-STD</u>	
ICE CREAM SHOPS	<u>P-STD</u>	
RESTAURANTS, STANDARD	<u>P-STD</u> <u>S-STD</u>	
WINE BARS	<u>P-STD</u>	

**Explanation: Candy stores, ice cream shops, standard restaurants, and wine bars are required to meet certain standards in other zoning district. If not part of a planned development, outdoor dining is a special exception for restaurants.**

**Amendment 5: Page 17**

**Change:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	

**to:**

Uses	Subdistrict WCD-MX	Subdistrict WCD-OS
<del>OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL</del>	<del>P</del>	<del>P</del>

**Explanation: Outdoor dining is an accessory use for restaurants, with specific standards listed in Section 21.64.540 under “Restaurants, standard” (see Amendment 6, below).**

**Amendment 6: New Text**

21.64.540 - Restaurants, standard.

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

...

E. WCD AND MX District. In the WCD AND MX district:

1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

**Explanation: This amendment clarifies that the standards for restaurants in the WCD are the same as those in the MX District.**

**Amendment 7: Page 21**

**Change:**

YARDS (MINIMUM)			
			REAR (FT) <sup>3</sup>
			50

<sup>3</sup>THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

to:

YARDS (MINIMUM) <sup>3</sup>			
			REAR (FT) <sup>3</sup>
			50 0

<sup>3</sup>SETBACK ALONG MARKET SLIP. THE MINIMUM SETBACK FOR ALL BUILDINGS, STRUCTURES, AND USES ESTABLISHED ALONG MARKET SLIP SHALL OBSERVE A SETBACK OF NOT LESS THAN 45 ~~LOTS WITH WATERWAY FRONTAGE SHALL BE 50~~ FEET FROM THE ~~SHORELINE BULKHEAD~~, MEASURED PARALLEL TO THE ~~SHORELINE BULKHEAD~~, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES

**Explanation:** The intent of this footnote is to ensure a 45-foot setback from Market Slip to a new building. This setback could pertain to the rear, side, or front of a building. The term “bulkhead” is more appropriate in this situation.

**Amendment 8: Pages 21- 22**

**Change:**

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)
*	5	100

<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY

CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

to:

COVERAGE, HEIGHT, FLOOR ARE RATIO (MAXIMUM)		
HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)
*	5 <small>Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24</small>	400 <small>Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24</small>

~~<sup>5</sup>FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.~~

**Explanation: It is not necessary to set a FAR because this is restricted by height and design considerations. Lot coverage is restricted by Critical Area overlay requirements, which are proposed to be 90% for this zoning district. Both FAR and lot coverage can be determined through design review.**

*Amendment 9: New Text*

Section 21.66.130 - Table of off-street parking requirements.

**Table Notes:**

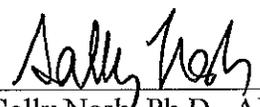
...  
 4. WCD, C2 or C2A Districts. Off-street parking facilities are not required in the WCD, C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.

**Explanation: Parking requirements for the WCD District will be the same as those for C2 and C2A.**

RECOMMENDATION

Staff recommends that the new zoning district and other zoning changes that are proposed in O-7-13 be APPROVED with the recommended amendments.

Report Prepared by

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

1  
2  
3  
4  
5  
6  
7

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-7-13**

**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	180 Day Rule
5/13/13			11/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/13/13		
Planning Commission	5/13/13		

8  
9

**A ORDINANCE** concerning

10

**Establishment of a New Zoning District: Waterfront City Dock, Phase One**

11  
12

**FOR** the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

13  
14

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition

15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35

- Section 21.06.010
- Section 21.22.050
- Section 21.24.010
- Section 21.24.020
- Section 21.24.050
- Section 21.24.060
- Section 21.24.090
- Section 21.34.040
- Section 21.48.041
- Section 21.50.280
- Section 21.54.080
- Section 21.56.170
- Section 21.56.180
- Section 21.60.060
- Section 21.64.291
- Section 21.64.371
- Section 21.64.430
- Section 21.64.470
- Section 21.70.100
- Section 21.72.010

36  
37

**BY** adding the following portions to the Code of the City of Annapolis, 2012 Edition  
Section 21.46.060

1 **WHEREAS,** the City of Annapolis has been a waterfront destination for over 300 years and  
2 the downtown district was prestigiously named a National Historic Landmark in  
3 1965; and  
4

5 **WHEREAS,** the importance of water and history to the spirit of Annapolis is paramount and  
6 both influences have long shaped City Dock and its surrounding environment;  
7 and  
8

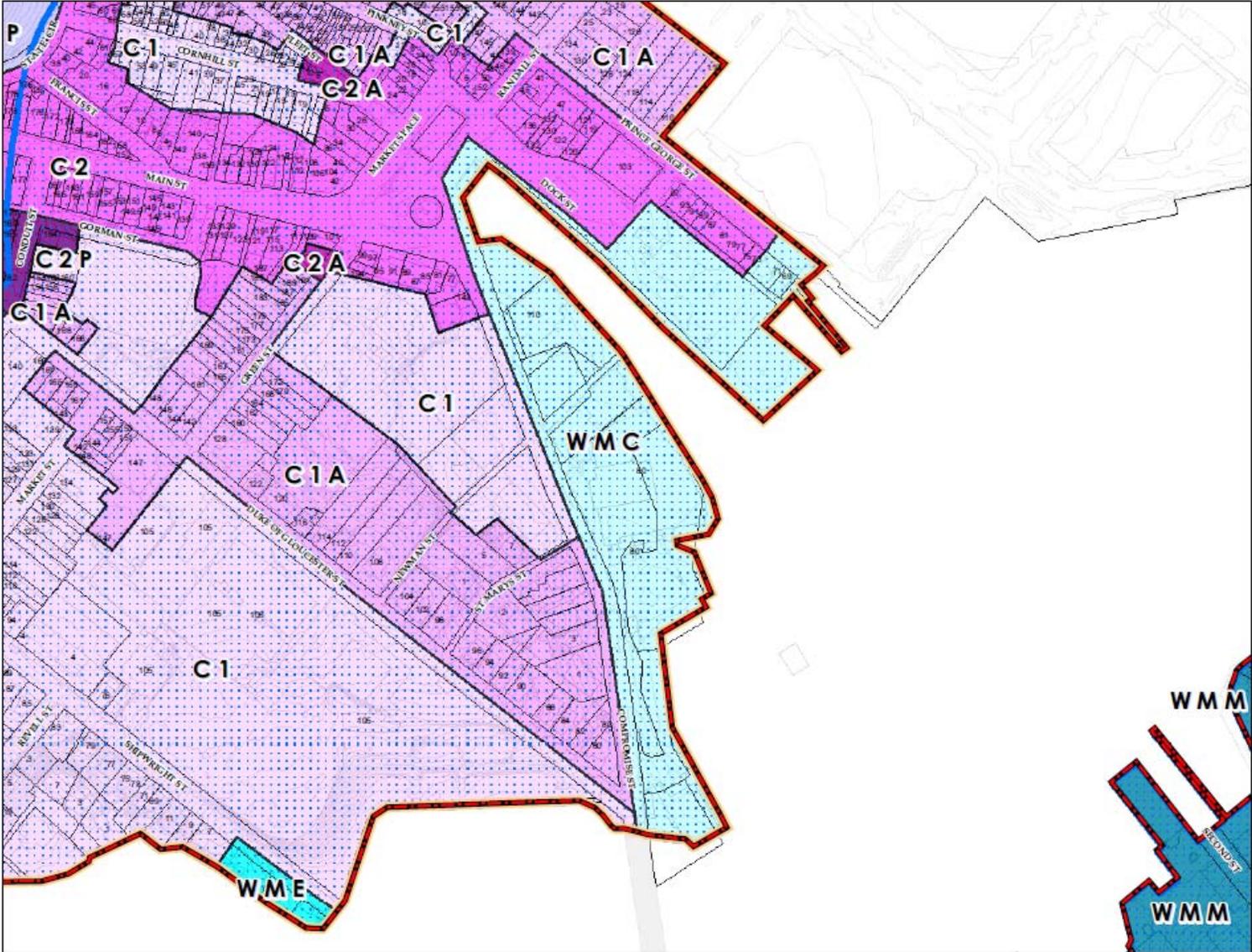
9 **WHEREAS,** while many character-defining features remain, the quantity and quality of  
10 pedestrian space and public access to the waterfront detracts from City Dock's  
11 overall historic character; and  
12

13 **WHEREAS,** the 2009 Comprehensive Plan for the City of Annapolis states that "City Dock  
14 and its environs are fundamental to the City's character and identity as a small  
15 seaport town with a rich history." The American Planning Association has  
16 designated Main Street as one of 'Ten Great Streets in America' for its role as a  
17 living museum; a place that makes significant contributions to Annapolis'  
18 downtown economy; and for its physical and visual connection to its history,  
19 maritime culture, and architectural character. The Comprehensive Plan called for  
20 developing a plan that would enhance City Dock and its environs; and  
21

22 **WHEREAS,** the City Dock Advisory Committee (CDAC) was established in September 2010  
23 to advise the City on rejuvenating City Dock. The CDAC recommended  
24 rebalancing open areas from automobile-oriented space to pedestrian-oriented  
25 space, advocated for flexible space that can serve a variety of functions,  
26 proposed new ways of managing City Dock and the events that take place there,  
27 and called for the use of public art to serve as a main attraction in the area.  
28 Together, these goals helped shape the creation of the City Dock Master Plan for  
29 revitalizing City Dock; and  
30

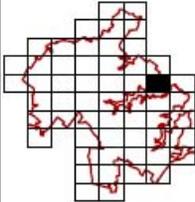
31 **WHEREAS,** this proposed ordinance would implement Phase One of the recommendations of  
32 the City Dock Master Plan by establishing a new zoning district - the Waterfront  
33 City Dock Zone.  
34  
35

# Existing Zoning



## MAP 24

16	17	
23	24	25
30	31	32



- - - City Boundary
- Historical District
- OCDD District
- Critical Area Boundary

Note: The Critical Area boundary is approximate and included only for reference. Please refer to the Official Critical Area maps.

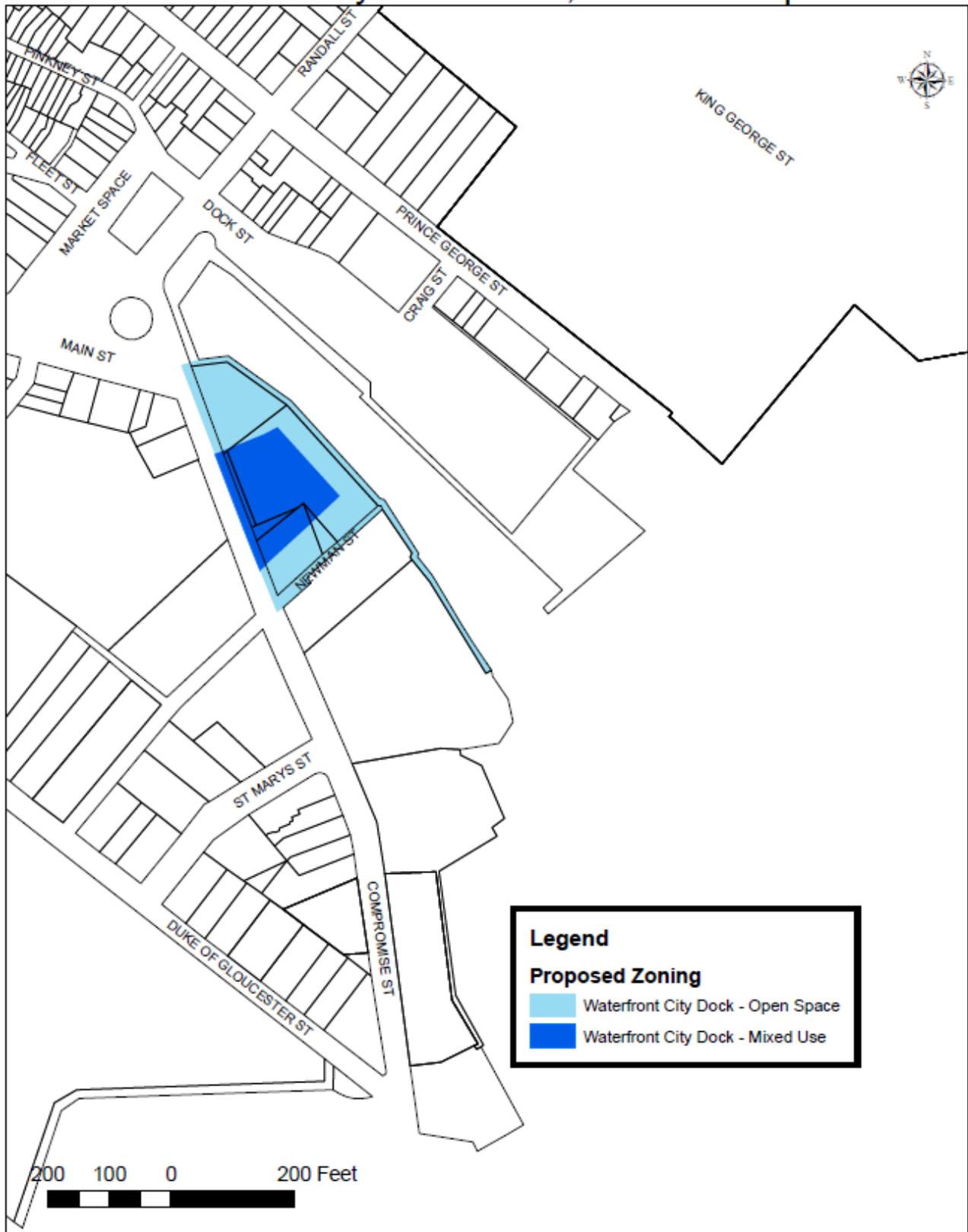


1:2,400

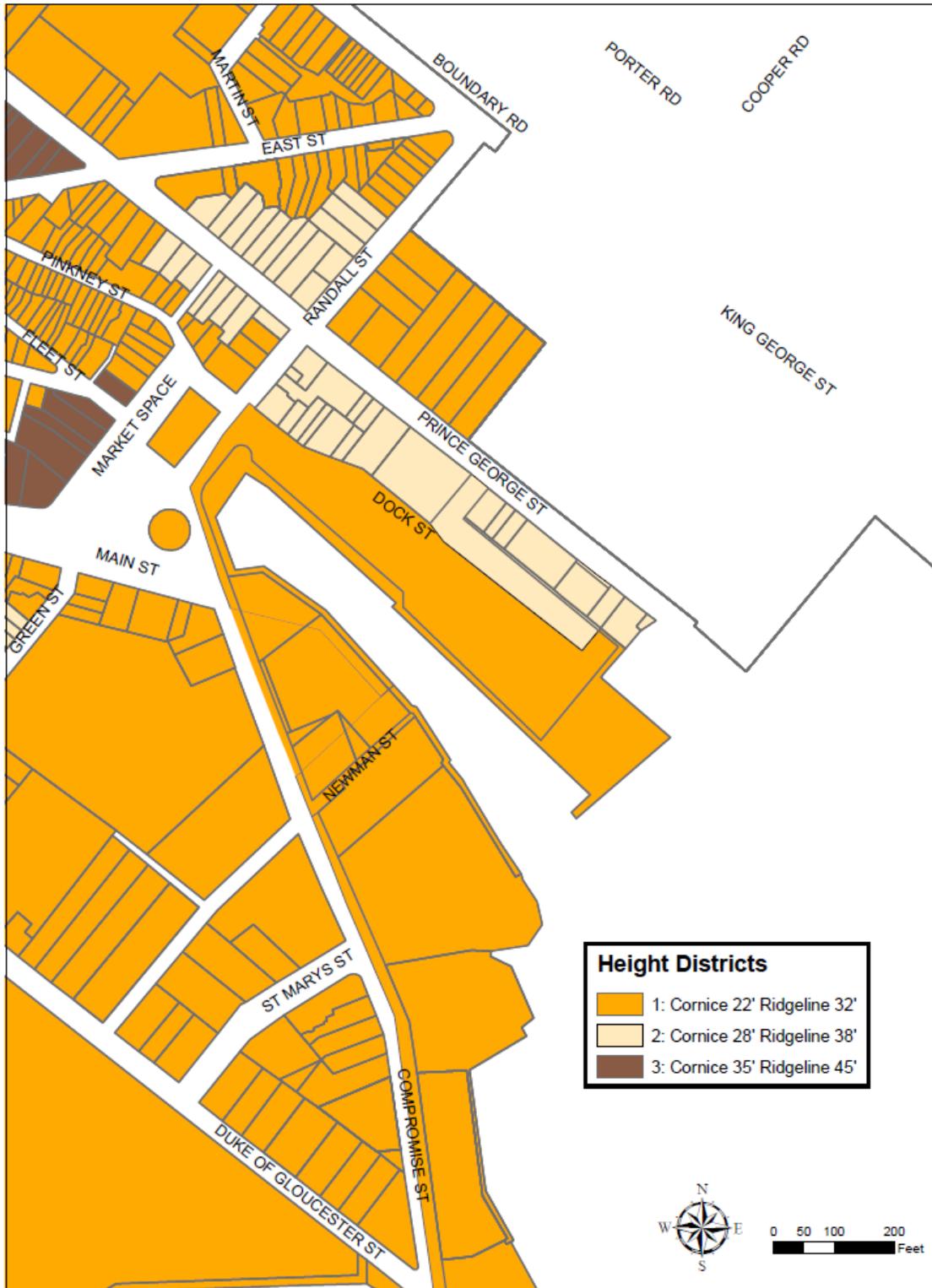
**City of Annapolis, Maryland Comprehensive Zoning**

Created : December 2005  
Adopted :

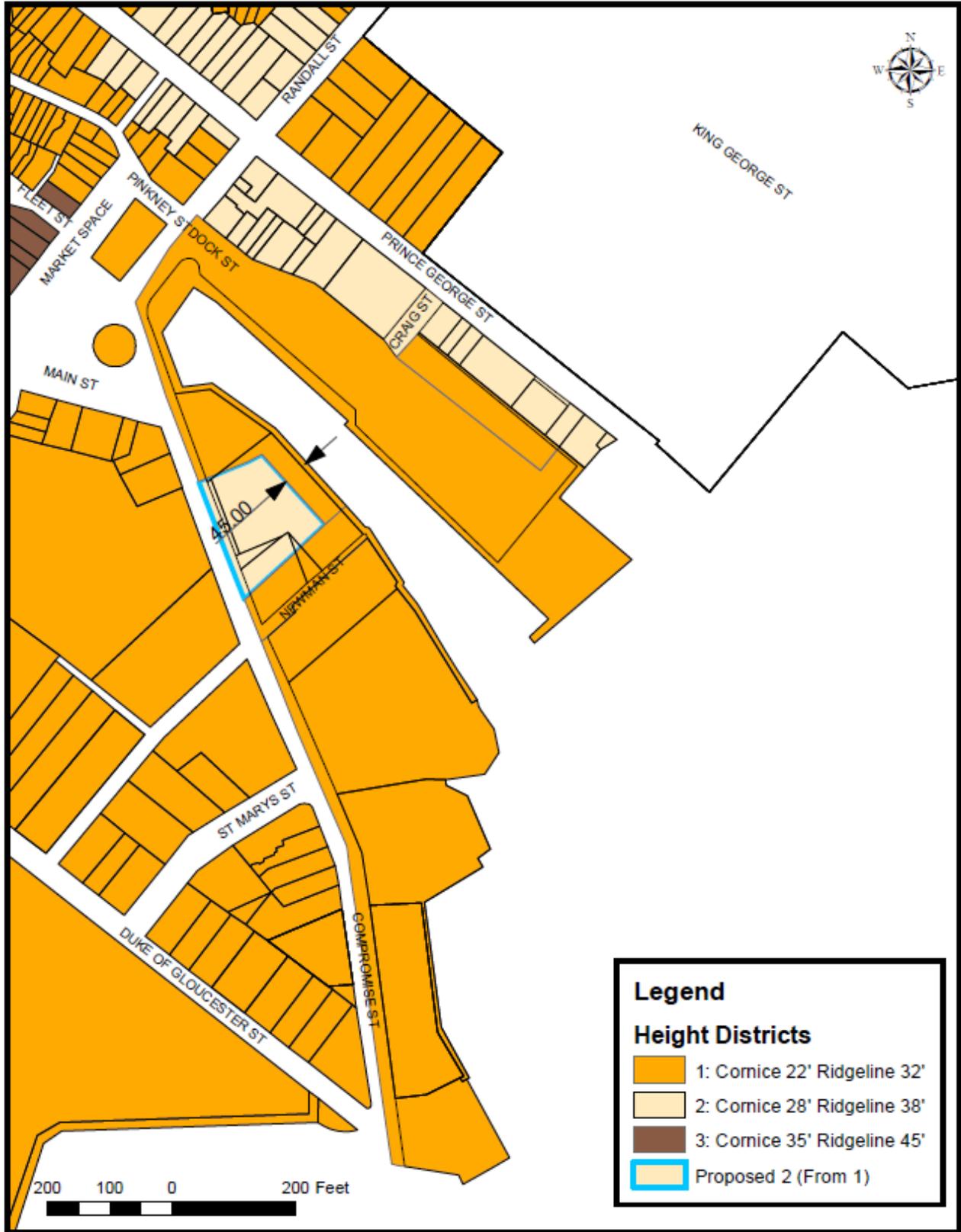
# Waterfront City Dock Zone, Phase I Proposed



# Historic District Special Height Districts at City Dock, Existing



# Historic District Special Height Districts at City Dock, Phase I Proposed



1  
 2           **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
 3 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:  
 4

5   **Chapter 21.06 - Zoning Districts and Mapping**

6   **Section 21.06.010 - Establishment of zoning districts.**

7           For the purpose of this Zoning Code the City is organized into the following zoning districts:

8           A. Residence districts:

R1	Single-Family Residence
R1-A	Single-Family Residence
R1-B	Single-Family Residence
R2	Single-Family Residence
R2-NC	Single-Family Residence Neighborhood Conservation
R3	General Residence
R3-NC	General Residence Neighborhood Conservation
R3-NC2	General Residence Neighborhood Conservation 2
R3-R	General Residence Neighborhood Revitalization
R4	General Residence
R4-R	General Residence Neighborhood Revitalization
C1	Conservation Residence
C1A	Special Conservation Residence

9  
 10           B. Commercial and industrial districts:

B1	Convenience Shopping
B2	Community Shopping
B3	General Commercial
B3 CD	General Commercial Corridor Design
BCE	Business Corridor Enhancement
BR	Business Revitalization
C2	Conservation Business
C2A	Special Conservation Business
PM2	Professional Mixed Office Park
I1	Light Industrial

11  
 12           C. Office and mixed use districts:

P	Professional Office
---	---------------------

MX	Mixed Use
PM	Professional Mixed Office
C2P	Special Conservation Professional

1  
2

D. Waterfront maritime districts:

WMC	Waterfront Maritime Conservation
WMM	Waterfront Mixed Maritime
WMI	Waterfront Maritime Industrial
WME	Waterfront Maritime Eastport
WCD	WATERFRONT CITY DOCK

3  
4

E. Overlay districts:

	Critical Area
	Historic District
	Office and Commercial Design

5

6 **Chapter 21.22 – Site Design Plan Review**

7 **Section 21.22.050 - Waivers.**

- 8 A. Request for Waiver. Upon request by an applicant, and depending upon the size, scope  
9 and potential impacts of a proposed development or activity, the Planning and Zoning  
10 Director may waive the requirement for submission of a preliminary plan or other major site  
11 design plan application submission requirements. If the Planning and Zoning Director  
12 waives the requirement for a preliminary plan, the Director may require that any information  
13 required to be shown on that plan be shown on subsequent plans submitted by the  
14 applicant.
- 15 B. Decision on Waiver. In deciding whether to grant requested waivers, the Planning and  
16 Zoning Director will consider any special conditions peculiar to a site and whether  
17 information required is inappropriate or unnecessary. The Planning and Zoning Director  
18 may waive submission requirements if the Director finds that the waiver will not be  
19 detrimental to the public health, safety, or general welfare or have the effect of nullifying the  
20 intent and purpose of the site design plan submission, the [Comprehensive Plan] PLAN; AS  
21 DEFINED IN SECTION 21.72.010, or this chapter; and that the application materials to be  
22 provided are adequate to make the required findings based on the criteria set forth below in  
23 Section 21.22.080.

24

25 **Chapter 21.24 – Planned Developments**

1 **Section 21.24.010 - Purposes, authority and types.**

2 A. Purposes. The purposes of planned developments are as follows:

- 3 1. To allow greater flexibility in order to encourage more creative design for the  
4 development of land than is generally possible under conventional zoning district  
5 regulations.
- 6 2. To promote orderly and thorough planning and review procedures that will result in  
7 quality design and counteract the negative effects of monotonous design.
- 8 3. To allow the grouping of buildings and a mix of land uses with an integrated design and  
9 a coordinated physical plan.
- 10 4. To promote development in a manner that protects significant natural resources and  
11 integrates natural open spaces into the design of a development project.
- 12 5. To encourage a design that takes into account the natural characteristics of the site in  
13 the placement of structures.
- 14 6. To promote development that is compatible with the goals of the [Comprehensive Plan]  
15 PLAN, AS DEFINED IN SECTION 21.72.010.
- 16 7. TO PROMOTE A DESIGN THAT TAKES INTO ACCOUNT THE HISTORIC AND  
17 CULTURAL CONTEXT ESTABLISHED BY THE SURROUNDING BUILT  
18 ENVIRONMENT.

19

20 B. Types of Planned Developments, Where Permitted.

- 21 1. There are [three] FOUR types of planned developments: residential planned  
22 development, business planned developments, [and] special mixed planned  
23 developments AND WATERFRONT PLANNED DEVELOPMENTS.
- 24 2. Planned developments may be permitted only where listed in the use tables for specific  
25 zoning districts in Chapter 21.48 of this Zoning Code.

26 C. Authority to Approve. The Planning Commission is authorized to decide applications for  
27 planned developments.

28

29 **Section 21.24.020 - Use regulations for planned developments.**

30 A. Residential Planned Development.

- 31 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
32 subject of the application, a residential planned development may consist of the  
33 following uses:
  - 34 a. Uses that are allowed as permitted uses, uses subject to standards or special  
35 exception uses in any residential district, which uses are allowed as permitted  
36 uses if included within and approved as part of a residential planned development.
  - 37 b. Up to ten percent of the ground area or gross floor area of a residential planned  
38 development may consist of uses that are allowed as permitted uses or as uses  
39 subject to standards in the B1 District.

1 2. No more than thirty percent of the ground area or of the gross floor area of the  
2 development may be devoted to planned development uses.

3 B. Business Planned Development.

4 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
5 subject of the application, a business planned development may consist of the  
6 following uses:

7 a. All uses allowed as a permitted use, use subject to standards, or special exception  
8 use in the zoning district in which the business planned development is located,  
9 which uses are allowed as permitted uses if included within and approved as part  
10 of a business planned development.

11 b. For business planned developments located in the B1, B2, B3, BCE, P, and MX  
12 districts, a business planned development may include all uses allowed in any  
13 residential district as a permitted use, use subject to standards, or as a special  
14 exception.

15 2. No more than fifteen percent of the ground area or of the gross floor area of the  
16 development may be devoted to planned development uses.

17 C. Special Mixed Planned Development.

18 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
19 subject of the application, a special mixed planned development may consist of all  
20 uses allowed as a permitted use, use subject to standards, or as a special exception in  
21 any zoning district, which uses are allowed as permitted uses if included within and  
22 approved as part of a special mixed planned development.

23 2. No more than thirty percent of the ground area or of the gross floor area of the  
24 development may be devoted to planned development uses.

25 D. WATERFRONT PLANNED DEVELOPMENT.

26 1. ALL USES SPECIFICALLY ALLOWED AS A PERMITTED USE, USE SUBJECT TO  
27 STANDARDS, OR SPECIAL EXCEPTION USE IN THE ZONING DISTRICT IN  
28 WHICH A WATERFRONT PLANNED DEVELOPMENT IS LOCATED, ARE ALLOWED  
29 AS PERMITTED USES IF INCLUDED AND APPROVED AS PART OF A  
30 WATERFRONT PLANNED DEVELOPMENT.

31 2. RESIDENTIAL AND PROFESSIONAL OR BUSINESS OFFICE (EXCEPT FOR  
32 MARITIME OFFICE USES) SHALL NOT BE PERMITTED ON THE GROUND FLOOR  
33 OF A WATERFRONT PLANNED DEVELOPMENT.

34

35 **Section 21.24.050 - Bulk and density standards.**

36 A. Bulk Standards. The Planning Commission may adjust bulk standards, other than height,  
37 that are otherwise applicable in the zoning district.

38 B. Density Standards. The following density standards shall apply to planned developments:

39 1. In a residential planned development, the maximum number of dwelling units may not  
40 exceed the number of units determined by dividing the gross development area by the  
41 minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is  
42 proposed) required by the district or districts in which the development is located.

1 Gross development area shall be the area of the zoning lot as a whole. The area of  
2 land set aside for common open space or recreational use may be included in  
3 determining the number of dwelling units permitted. If the gross development area of  
4 the property includes property within the Resource Conservation Area of the Critical  
5 Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).

6 2. In a business or special mixed planned development, the maximum number of dwelling  
7 units may not exceed the number of units determined by dividing the gross residential  
8 development area by the minimum lot area per dwelling unit required by the R4 district.

9 3. IN A WATERFRONT PLANNED DEVELOPMENT, THE MAXIMUM NUMBER OF  
10 DWELLING UNITS SHALL BE DETERMINED THROUGH APPLICATION OF THE  
11 FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.315  
12 PROVIDED THE MINIMUM DWELLING UNIT SIZES REQUIRED BY CITY CODE  
13 AND OTHER REGULATIONS OF THIS CHAPTER ARE MET.

14  
15 **Section 21.24.060 - Common open space.**

16 Planned developments shall provide for common open space as follows:

17 A. Common open space may include parks, playgrounds, parkways, ALLEYWAYS,  
18 medians, landscape green spaces, WALKWAYS, PROMENADES, PLAZAS, schools,  
19 community centers or other similar areas in public ownership or covered by an open  
20 space easement or controlled by a homeowners association. UP TO 25 PERCENT OF  
21 THE AREA DEDICATED TO ANY PLANTED LANDSCAPED OR BIO-RETENTION  
22 AREA REQUIRED TO SATISFY ANY CRITICAL AREA MITIGATION  
23 REQUIREMENTS MAY BE COUNTED TOWARD MEETING THE OPEN SPACE  
24 REQUIREMENTS SET FORTH IN 21.24.060.

25 B. The area of common open space provided shall be equivalent to twenty percent of the  
26 total ground area in residential planned developments, [and] five percent of the total  
27 ground area in business and special mixed planned developments, AND TEN  
28 PERCENT OF THE GROSS FLOOR AREA OF WATERFRONT PLANNED  
29 DEVELOPMENTS.

30 C. Planned development applications shall include provisions for the ownership,  
31 conservation, and maintenance of the common open space.

32 D. THE COMMON OPEN SPACE REQUIREMENT FOR WATERFRONT PLANNED  
33 DEVELOPMENTS MAY BE MET THROUGH COMPARABLE OFF-SITE  
34 IMPROVEMENT TO THE OPEN SPACE AND RELATED AMENITIES CONTAINED  
35 WITHIN THE BOUNDARIES OF THE ADOPTED PLAN WHEREIN THE PROJECT IS  
36 LOCATED. OFF-SITE IMPROVEMENTS THAT ARE ADJACENT TO OR IN CLOSE  
37 PROXIMITY TO THE SITE SHALL BE ACCORDED PRIORITY IN MEETING THIS  
38 STANDARD.

39 **Section 21.24.090 - Planned development review criteria and findings.**

40 In deciding planned development applications the Planning Commission shall make written  
41 findings based on the following:

- 1 A. The planned development is compatible with the character of the surrounding  
2 neighborhood and the [Comprehensive Plan] PLAN, AS DEFINED IN SECTION  
3 21.72.010, and the purposes of planned developments.
- 4 B. The proposed locations of buildings, structures, open spaces, landscape elements, and  
5 pedestrian and vehicular circulation systems are adequate, safe, and efficient and  
6 designed to minimize any adverse impact upon the surrounding area.
- 7 C. The planned development will promote high quality design and will not result in greater  
8 adverse impacts to the surrounding area compared to the development that may  
9 otherwise be permitted pursuant to the Zoning Code if a planned development were  
10 not approved.
- 11 D. The planned development complies with the planned development use standards and  
12 bulk and density standards.
- 13 E. The planned development complies with the Site Design Plan Review criteria provided  
14 in Section 21.22.080
- 15 F. The planned development plan includes adequate provision of public facilities and the  
16 proposed infrastructure, utilities and all other proposed facilities are adequate to serve  
17 the planned development and adequately interconnect with existing public facilities.

18

19 **Chapter 21.34 – Zoning Map Amendments**

20 **Section 21.34.040 - Planning Commission review criteria and findings.**

21 The Planning Commission shall not recommend the adoption of a proposed zoning map  
22 amendment unless it finds that the adoption of the amendment is in the public interest and is not  
23 solely for the interest of the applicant. The Planning Commission may recommend the adoption  
24 of an amendment changing the zoning classification of the property to a more restrictive district  
25 than that requested by the applicant. The Planning Commission shall make findings based upon  
26 the evidence presented to it in each specific case with respect to the following matters:

27

- 28 A. Existing uses and zoning classification of properties within the general area of the  
29 property that is the subject of the application.
- 30 B. The suitability of the property in question to the uses permitted under the existing zoning  
31 classification compared to the uses permitted under the proposed zoning classification.
- 32 C. The trend of development in the general area, including any changes in zoning  
33 classification of the subject property or other properties in the area and the  
34 compatibility with existing and proposed development for the area.
- 35 D. Whether there has been a substantial change in the character of the neighborhood  
36 where the property is located or that there was a mistake in the existing zoning  
37 classification.
- 38 E. The availability of public facilities, present and future transportation patterns.
- 39 F. The relationship of the proposed amendment to the City's [Comprehensive Plan] PLAN,  
40 AS DEFINED IN SECTION 21.72.010.

41

42 **Chapter 21.46 – Waterfront Maritime Districts**

43

1 **SECTION 21.46.060 - WATERFRONT CITY DOCK DISTRICT**

2 A. PURPOSE

3 1. THE WATERFRONT CITY DOCK (WCD) DISTRICT IS INTENDED TO PROVIDE A  
4 LOCATION FOR REDEVELOPMENT AND LAND USE ACTIVITIES THAT FIT  
5 HARMONIOUSLY WITH PUBLIC OPEN SPACES ALONG THE WATERFRONT,  
6 PROTECT AND SUSTAIN THE HISTORIC CONTEXT OF CITY DOCK, AND  
7 IMPLEMENT THE CITY DOCK MASTER PLAN.

8 2. IT IS FURTHER THE INTENT OF THIS DISTRICT TO DEFINE WHERE  
9 STRUCTURES, BUILDINGS, AND LAND USES ARE PERMITTED AND WHERE  
10 THEY ARE NOT PERMITTED BY TYPE IN ACCORDANCE WITH THE ADOPTED  
11 CITY DOCK MASTER PLAN. IN FURTHERANCE OF THIS PURPOSE, TWO  
12 SUBDISTRICTS ARE HEREBY CREATED WITHIN THE WCD DISTRICT: THE  
13 WATERFRONT CITY DOCK MIXED USE (WCD-MX) SUBDISTRICT AND THE  
14 WATERFRONT CITY DOCK OPEN SPACE (WCD-OS) SUBDISTRICT.

15 i. TO ACHIEVE THE PURPOSES OF THIS ORDINANCE, THE ZONING  
16 SUBDISTRICTS OF THE WCD DISTRICT ARE INTENTIONALLY  
17 DRAWN IN SUCH A WAY AS TO DIVIDE CERTAIN PROPERTIES.

18 ii. THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE  
19 OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE  
20 MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE  
21 BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN  
22 CHAPTER 21.20.

23 3. INTENT OF THE SUBDISTRICTS OF THE WATERFRONT CITY DOCK DISTRICT:

24 i. THE WCD-MX SUBDISTRICT IS INTENDED TO PROMOTE  
25 REDEVELOPMENT ON EXISTING LOTS, PROMOTE, PROTECT, AND  
26 SUSTAIN THE HISTORIC CONTEXT OF THE AREA, BROADEN THE  
27 MIX OF LAND USE ACTIVITIES, AND ENCOURAGE DEVELOPMENT  
28 THAT PROVIDES FORM AND HELPS TO ACTIVATE ADJACENT  
29 EXISTING AND PLANNED OPEN SPACES.

30 ii. THE WCD-OS SUBDISTRICT IS INTENDED TO PROMOTE, PROTECT  
31 AND SUSTAIN THE HISTORIC CONTEXT OF THE AREA AND  
32 PROMOTE THE IMPROVEMENT, ACTIVATION, AND  
33 BEAUTIFICATION OF WATERFRONT OPEN SPACES, TO PROMOTE  
34 PUBLIC ACCESS TO AND ALONG THE WATER, AND TO ENSURE  
35 THE AVAILABILITY OF SPACE FOR THE MANAGEMENT AND  
36 CONTROL OF FLOODWATERS.

37  
38 B. USES. USES THAT MAY BE PERMITTED WITHIN EACH OF THE SUBDISTRICTS OF  
39 THE WCD DISTRICT ARE SET FORTH IN THE TABLE OF USES IN SECTION 21.48.041.

40  
41 C. DEVELOPMENT STANDARDS.

42 1. SECTION 21.50.280 CONTAINS THE BULK REGULATIONS TABLE FOR THE WCD  
43 DISTRICT.

44 2. IN THE WCD DISTRICT, CHAPTER 21.56, HISTORIC DISTRICT, SHALL GOVERN  
45 THE REGULATIONS OF STRUCTURES WITHIN THE HISTORIC DISTRICT  
46 PROVIDED THAT IF THERE ARE ANY INCONSISTENCIES BETWEEN THIS  
47 CHAPTER AND CHAPTER 21.56, THE MORE RESTRICTIVE PROVISION SHALL  
48 PREVAIL.

- 1 3. BUILDING HEIGHTS IN THE WCD DISTRICT SHALL BE LIMITED TO THE MAXIMUM  
2 HEIGHTS ALLOWED BY CHAPTER 21.56.170 PROVIDED THAT A VIEWSHED  
3 ANALYSIS IS COMPLETED AND SUBMITTED AS PART OF A PLANNED  
4 DEVELOPMENT TO THE SPECIFICATIONS ESTABLISHED BY THE DIRECTOR OF  
5 PLANNING AND ZONING.
- 6 4. ALL PROPOSED NEW BUILDINGS WITH A FAR GREATER THAN TWO (2.0); OR  
7 ANY PROPOSED REHABILITATION OR ALTERATION OF EXISTING BUILDINGS  
8 WITH A FAR GREATER THAN TWO (2.0); OR ANY OTHER PROJECT WITH A FAR  
9 GREATER THAN TWO (2.0) REQUIRE APPROVAL AS A WATERFRONT PLANNED  
10 DEVELOPMENT.
- 11 5. SITE DESIGN PLAN REVIEW IN ACCORDANCE WITH CHAPTER 21.22 SHALL BE  
12 REQUIRED FOR ALL DEVELOPMENT ACTIVITY NOT OTHERWISE MEETING THE  
13 SIZE OR INTENSITY STANDARDS OF SECTION 21.46.060 C.4.
- 14 6. PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER  
15 SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE  
16 NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND  
17 USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET  
18 PARKING REQUIREMENTS IN 21.66.130. THIS REQUIREMENT MAY BE MET OFF-  
19 SITE.
- 20 7. NO SPACE UNDER THE FIRST FLOOR OF A BUILDING THAT IS ELEVATED AT OR  
21 ABOVE THE FLOOD PROTECTION ELEVATION AS DEFINED BY 17.11.179 OF  
22 THE CITY CODE AND CONTAINS PARKING SHALL BE OPEN TO ANY VIEW FROM  
23 A PUBLIC RIGHT-OF-WAY EXCEPT THAT AN OPENING TO PERMIT INGRESS  
24 AND EGRESS OF AUTOMOBILES IS PERMITTED FROM THE SIDE OR REAR OF  
25 THE BUILDING.

26

27 D. ADDITIONAL STANDARDS. RESERVED.

28

1 Chapter 21.48 – Use Tables

**SECTION 21.48.041 – TABLE OF PERMITTED USES – WATERFRONT MARITIME ZONES – WATERFRONT CITY DOCK DISTRICT**

P = PERMITTED USE; S = SPECIAL EXCEPTION USE; -STD = USE SUBJECT TO STANDARDS (CHAPTER 21.64); A = ACCESSORY USE; BLANK = NOT PERMITTED

Uses		Subdistrict WCD-MX	Subdistrict WCD-OS
<b>A. GENERAL USES</b>			
	ACCESSORY BUILDINGS AND USES, INCLUDING SIGNS	A	
	ARTS AND CULTURAL CENTERS	P	
	ANTIQUE STORES	P	
	ARTS AND CRAFTS STUDIOS	P	
	BAKE SHOPS	P-Std	
	BANKS AND FINANCIAL INSTITUTIONS	P	
	BARS AND TAVERNS	P	
	BICYCLE SALES, RENTAL, REPAIR STORES	P	
	BOAT SHOWROOMS	P	
	CAB STANDS, VALET PARKING STANDS (EXCLUDING OFFICES AND RELATED PARKING FACILITIES)	P	P
	CANDY STORES, WHERE ONLY CANDY PREPACKAGED OFF THE PREMISES IS SOLD	P	
	CANDY STORES, INCLUDING CANDY MAKING	P	
	CARPET AND RUG STORES, RETAIL SALES ONLY	P	
	CHRISTMAS TREE AND GREENS SALES	P	P

CLUBS, LODGES, AND MEETING HALLS WITH NO ON-PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
CLUBS, LODGES, AND MEETING HALLS WITH ON-PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
COFFEE SHOPS	P-Std	
DELICATESSEN	P-Std	
DRY CLEANING AND LAUNDRY DROP OFF AND PICK UP STATIONS	P	
DWELLINGS ABOVE THE GROUND FLOOR OF NON-RESIDENTIAL USES	P	
FOOD SERVICE MART	P-Std	
FOOD STORES	P	
FURNITURE STORES	P	
GARDEN SUPPLY, TOOL AND SEED STORES	P	
GOVERNMENT USES		
OFFICES	P	
OTHER GOVERNMENT AND GOVERNMENT-RELATED STRUCTURES, FACILITIES AND USES	P	P
HOTELS	P	
ICE CREAM SHOPS	P	
INNS	P	
LAUNDERETTES, AUTOMATIC, SELF SERVICE	A-Std	
LIGHT MANUFACTURING		
LIQUOR STORE	P	

MARKETS, OPEN AIR, INCLUDING FARMERS' MARKETS AND PRODUCE MARKETS	P-Std	P-Std
ELECTRIC VEHICLE RECHARGING STATIONS		A-Std
MUSEUMS AND ART GALLERIES	P	
NAUTICAL SHOPS, RETAIL TRADE	P	
OFFICE AND BUSINESS SERVICE ESTABLISHMENTS	P	
OFFICES, BUSINESS AND PROFESSIONAL AND NONPROFIT, EDUCATIONAL, CULTURAL, OR CIVIC	P-Std	
OFFICES, MEDICAL	P	
PARKING LOT, OTHER THAN ACCESSORY		P-Std
PHILANTHROPIC AND CHARITABLE INSTITUTIONS, CIVIC, NONPROFIT ORGANIZATIONS, SOCIAL AND FRATERNAL ORGANIZATIONS	P	
PERSONAL CARE ESTABLISHMENTS	P	
PHYSICAL HEALTH FACILITIES, INCLUDING HEALTH CLUBS, GYMNASIUMS, AND WEIGHT CONTROL CENTERS	P	
PLANNED DEVELOPMENTS, WATERFRONT	P-Std	
RESTAURANTS, STANDARD	P	
OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL	P	P
RETAIL GOODS STORES	P	
SCHOOLS, PRIVATE, ELEMENTARY, MIDDLE, OR HIGH	P	

SCHOOLS, COMMERCIAL, TRADE, VOCATIONAL, MUSIC, DANCE, ART	P	
SIDEWALK CAFES	P-Std	P-Std
SPECIALTY CONVENIENCE RETAIL GOODS STORES	P	
TELECOMMUNICATIONS FACILITIES	A-Std	
TEMPORARY USES	P-Std	P-Std
THEATERS, INDOOR	P	
OUTDOOR RECREATIONAL USES, SUCH AS ICE SKATING RINKS, SMALL BOAT LAUNCH	P	P
TOBACCO SHOPS	P	
WINE BARS	P	

**B. MARITIME USES**

<b>1. IN WATER BOAT STORAGE:</b>		
A. DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED IN CONJUNCTION WITH OTHER MARITIME USES	P	P
B. YACHT AND SAILING CLUBS, AND MEMBERS SERVICES	P	
MARINE FABRICATION	P	
A. SAIL AND CANVAS ACCESSORY MANUFACTURE	P	
B. SPAR AND RIGGING CONSTRUCTION	P	
C. CONSTRUCTION AND LAYING UP OF MARINE MOLDS	P	
<b>2. MARINE SERVICES: FUNCTIONS NECESSARY TO SERVICE IN WATER AND ON-LAND STORAGE AND WORKING BOATYARDS:</b>		
A. BOAT DEALERS, BROKERS AND MANUFACTURES' REPRESENTATIVES	P	

B. BOAT RENTALS, CHARTS, AND CHARTER SERVICES	P	
C. MARINE PARTS, SUPPLIES, ACCESSORY DISTRIBUTORS	P	
D. MARINE TRANSPORTATION AND WATER TAXIS	P	P
E. MARINE DOCUMENTATION	P	
F. BOATSHOW MANAGEMENT AND PROMOTION	P	P
G. NAUTICAL COMPONENT SERVICING	P	
H. YACHT DESIGNERS	P	
I. MARINE SURVEYORS	P	
<b>3. MARITIME RETAIL</b>	P	
<b>4. GENERAL MARITIME: GENERAL OFFICE AND RESEARCH FUNCTIONS CONTRIBUTING TO MARITIME ACTIVITIES INCLUDING, BUT NOT LIMITED, TO:</b>		
A. MARINE SALVAGE, TESTING, AND ENVIRONMENTAL SERVICES	P	
B. MARINE ASSOCIATIONS	P	
D. OCEANOGRAPHIC LABORATORIES AND EXPERIMENTAL FACILITIES	P	
C. FACILITIES FOR MARINA POLLUTION CONTROL, OIL SPILL CLEANUP, AND SERVING OF SANITATION DEVICES	P	
D. TUGBOAT, VESSEL, TOWING SERVICES, FIREBOAT, PILOT BOATS, HARBORMASTER, AND SIMILAR SERVICES	P	

SPECIALIZED PROFESSIONAL SERVICES TO THE MARITIME INDUSTRY	P	
MARINE TRANSPORT OPERATIONS INCLUDING SHIPPING OFFICES	P	
MARINE PHOTOGRAPHY, PRINTMAKING, CHART-MAKING	P	
YACHT AND SAILING CLUB OFFICES	P	
YACHT FINANCE	P	
MARITIME SERVICE ORGANIZATIONS	P	
<b>5. MARITIME INSTITUTIONS</b>		
A. MARINE EDUCATIONAL FACILITIES	P	
B. MARINE MUSEUMS AND AQUARIUMS	P	

1 Chapter 21.50 – Bulk Regulations Tables

21.50.280 BULK REGULATIONS TABLE, WCD DISTRICT

THE FOLLOWING APPLIES TO ALL LOTS WITHIN THE WCD DISTRICT WITHOUT REGARD TO SUBDISTRICT DESIGNATION.

**IMPORTANT:** THE NOTES AT THE END OF THE TABLE ARE AS MUCH A PART OF THE LAW AS THE TABLE ITSELF.

LOT DIMENSIONS (MINIMUM)			YARDS (MINIMUM)					COVERAGE, HEIGHT, FLOOR AREA RATIO (MAXIMUM)			LOCATION WHERE A STREET RIGHT-OF-WAY TERMINATES AT A WATERWAY <sup>6</sup>
AREA (SQ FT)	WIDTH (FT)	DEPTH (FT.)	FRONT (FT)	FRONT BUILDING LINE SETBACK <sup>2</sup> (FT)	INTERIOR SIDE (FT)	CORNER SIDE (FT)	REAR (FT) <sup>3</sup>	HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO <sup>5</sup>	LOT COVERAGE (%)	
5,000	50	100	0 <sup>1</sup>	*	0	0	50	*	5	100	*

**TABLE NOTES:**

<sup>1</sup>EXCEPT THAT ANY LOT WITH FRONTAGE ON COMPROMISE STREET SHALL HAVE A MINIMUM FRONT YARD SETBACK OF 15 FEET MEASURED FROM THE CURB.

<sup>2</sup>THE FRONT BUILDING LINE SETBACK, WHICH SHALL BE MEASURED FROM THE CURB WHERE EXISTING OR WHERE PLANNED, IN ACCORDANCE WITH THE CITY DOCK MASTER PLAN AND UPON APPROVAL OF THE DIRECTOR OF PLANNING AND ZONING, SHALL BE DETERMINED BY THE PLANNING COMMISSION THROUGH THE SITE PLAN REVIEW PROCEDURES OF THIS ORDINANCE OR THE PLANNED DEVELOPMENT PROCEDURES, AS APPLICABLE.

<sup>3</sup>THE MINIMUM SETBACK FOR LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE, MEASURED PARALLEL TO THE SHORELINE, EXCEPT AS MAY BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES ARE PERMITTED IN THIS YARD, EXCEPT STRUCTURES ASSOCIATED WITH PUBLIC PEDESTRIAN WALKWAYS, FLOOD CONTROL AND RELATED INFRASTRUCTURE, TEMPORARY PUBLIC ART INSTALLATIONS AND OTHER APPROVED TEMPORARY STRUCTURES.

<sup>4</sup>THE MAXIMUM HEIGHT SHALL BE AS SET FORTH IN SECTION 21.56.170.

<sup>5</sup> FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

<sup>6</sup>NO BUILDING, BUILDING ENCROACHMENT, OR STRUCTURE IS PERMITTED WITHIN A SETBACK DEMARCATED BY THE PROLONGATION OF A LINE DEFINED BY THE SOUTHWEST SIDE OF THE RIGHT-OF-WAY OF MAIN STREET AND EXTENDING TO THE EDGE OF THE CLOSEST WATERWAY, EXCEPT FOR PUBLIC INFRASTRUCTURE SUCH AS STORMWATER MANAGEMENT FACILITIES.

1

1 **Chapter 21.54 – Critical Overlay**

2 **Section 21.54.080 - Development requirements—Intensely developed areas.**

- 3 A. Stormwater Management. Stormwater management technologies shall be required to  
 4 reduce pollutant loadings by at least ten percent below that of predevelopment levels in  
 5 accordance with Chapter 17.10
- 6 B. Impervious Surfaces. Manmade impervious surfaces shall be limited to the following  
 7 maximum percentages of the development site:

Underlying Zoning District	Percent of Manmade Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P, WCD <sup>1</sup>	90
<sup>1</sup> UPON APPROVAL BY THE PLANNING DIRECTOR, MANMADE IMPERVIOUS SURFACE AREA MAY EXCEED 90 PERCENT OF THE SITE IF PERVIOUS SURFACE AREA IS CREATED WITHIN THE BOUNDARIES OF THE CITY DOCK MASTER PLAN.	

8

9

10 **Chapter 21.56 – Historic District**

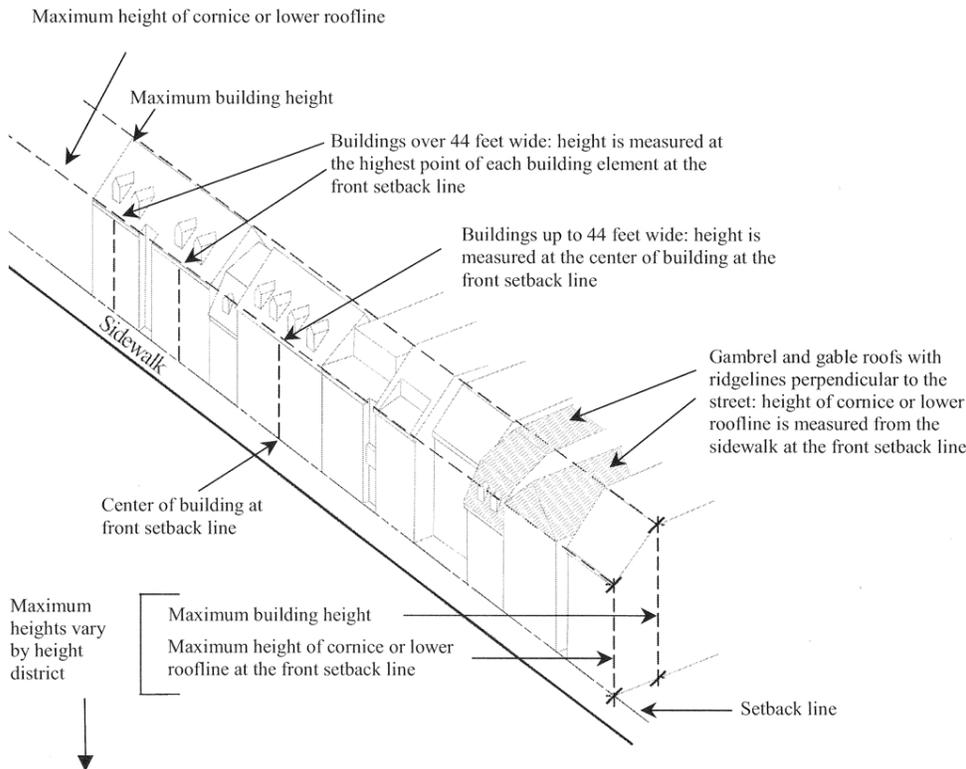
11 **Section 21.56.170 - Height measurement.**

12 The height of buildings shall be determined in the following manner:

- 13 A. All measurements shall be taken from the center of the building at the front setback line  
 14 AT GRADE OR AT THE FLOOD PROTECTION ELEVATION AS DEFINED IN  
 15 SECTION 17.11.179 OF THE CITY CODE, WHICHEVER IS GREATER. [; p]Provided,  
 16 however, that if the building is greater than forty-four feet wide, the massing shall  
 17 conform to Section 21.56.210. In buildings greater than forty-four feet in width, the  
 18 building height measurement shall be taken at the highest point of each building  
 19 element at the front setback line.
- 20 B. Antennas and mechanical equipment up to thirty inches high shall not be counted in  
 21 computing height, and penthouses, other structures and mechanical equipment thirty  
 22 inches in height shall be used in computing height; chimneys are excluded.

- 1 C. For the purpose of achieving a permanent height limit, the height of a building shall not  
 2 be allowed to increase because of an increase in the elevation of the front setback line  
 3 occurring after the effective date of this Zoning Code.
- 4 D. Height Measurement in Special Height Limit Districts.
- 5 1. Two limits are established for each height district:
- 6 a. The height of a building at its highest point.
- 7 b. The height of a cornice or lower roofline of the building at the front setback  
 8 line.
- 9 2. The height of a building behind the front setback line may be increased provided it  
 10 does not exceed a plane projected at an angle of forty-five degrees upward from  
 11 the maximum allowable cornice or lower roofline height at the front setback line.  
 12 The plane may contain roof dormers provided the sum of their widths does not  
 13 exceed fifty percent of the street front linear dimensions of the building.
- 14 3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height  
 15 of a cornice or lower roofline will be measured at the side wall at the front setback  
 16 line, and the height of the building at its highest point will be measured at the ridge  
 17 line.

18 **Illustration for height measurement.**



19

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'

2	28'	38'
3	35'	45'

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40

**Section 21.56.180 - Special height limit districts.**

- A. Establishment. Three special height limit districts are established: district 1, district 2 and district 3.
- B. Location and Boundaries. The location and boundaries of the special height limit districts are as set forth on the map entitled "Historic District Special Height and Bulk Limits, Revised, [May, 1983] (DATE OF THIS ORDINANCE)," certified copies of which are be maintained by the Department of Planning and Zoning, which constitutes a part of the "City of Annapolis Zoning District Map," established by Section 21.06.020
- C. Applicability. The special height and bulk limits in these districts shall govern over any other height and bulk limits established in other provisions of this Zoning Code.
- D. Regulations.
  - 1. No building in the special height limit district 1 may exceed a total height of thirty-two feet and a height of twenty-two feet at the cornice or lower roofline measured at the front setback line.
  - 2. No building in the special height limit district 2 may exceed a total height of thirty-eight feet and a height of twenty-eight feet at the cornice or lower roofline measured at the front setback line.
  - 3. No building in the special height limit district 3 may exceed a total height of forty-five feet and height of thirty-five feet at the cornice or lower roofline measured at the front setback line.

**Chapter 21.60 – Supplemental Use and Developmental Standards**

**Section 21.60.060 – Location of Required Open Space**

All yards and other open spaces allocated to a building or dwelling group shall be located on the same zoning lot as the building or dwelling group, EXCEPT THAT WITHIN THE WCD DISTRICT, WATERFRONT PLANNED DEVELOPMENTS MAY SATISFY REQUIRED OPEN SPACE STANDARDS THROUGH OFF-SITE IMPROVEMENTS UPON APPROVAL OF THE PLANNING COMMISSION AS PROVIDED FOR IN SECTION 21.24.060 (D) OF THE CITY CODE.

**Chapter 21.64 – Standards for Uses Subject to Standards**

**SECTION 21.64.291 - ELECTRIC VEHICLE RECHARGING STATION.**

IN THE WCD-OS SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO A PUBLIC PARKING LOT AND/OR PLAZA.

1 **SECTION 21.64.371 - LAUDERETTES, AUTOMATIC, SELF-SERVICE.**

2  
3 IN THE WCD-MX SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO AN  
4 APPROVED MULTI-FAMILY DWELLING USE OR AN APPROVED YACHT AND SAILING  
5 CLUB MARITIME USE.  
6

7  
8 **Section 21.64.430 - Office, business and professional and nonprofit, educational, cultural**  
9 **or civic.**

- 10  
11 A. P District. In the P district, this use is permitted by right on lots of five thousand four hundred  
12 square feet or more. On lots less than five thousand four hundred square feet the use may  
13 be permitted by special exception.  
14 B. PM District. In the PM district, when this use is established on lots less than five thousand  
15 four hundred square feet, the following standards apply:  
16 1. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas  
17 shall be screened in an appropriate manner using a board-on-board enclosure.  
18 2. Pedestrian traffic through and around the project shall be separated from driveways and  
19 parking lots through the use of sidewalks.  
20 3. Parking areas shall be provided at the rear of the site and structures shall be located at  
21 the front of site.  
22 C. WCD-MX SUBDISTRICT. IN THE WCD-MX SUBDISTRICT, THIS USE IS PERMITTED  
23 PROVIDED IT IS NOT ON THE GROUND FLOOR OR FIRST FLOOR OF A BUILDING.  
24

25 **Section 21.64.470 - Parking lots.**

- 26 A. MX District.  
27 1. Temporary surface parking lots not to exceed six months duration are a permitted use.  
28 2. Surface parking other than permitted in subsection (A)(1) of this section are subject to  
29 the following standards:  
30 a. A planting plan is required;  
31 b. Cars and parking lots shall be screened from view;  
32 c. A ten foot wide buffer strip at all street edges of the zoning lot shall be reserved for  
33 walls or plantings, or a combination thereof in order to screen the zoning lot; and  
34 d. Plantings and any constructed edge shall be compatible in material, design and  
35 scale to the prevailing character of the street.  
36 B. PM District.  
37 1. A planting plan is required. In cases where parking lots abut a residential zoning district  
38 additional planting or screening may be required.

1 2. All lots shall be signed in an appropriate manner to guide traffic into, around and out of  
2 the lot.

3 C. WCD-OS SUBDISTRICT.

4 IN THE WCD-OS SUBDISTRICT, THIS USE IS PERMITTED PROVIDED IT IS A  
5 PUBLICLY OWNED FLEXIBLE USE PARKING LOT, MEANING THAT THE USE OF THE  
6 LOT SHALL INCLUDE PUBLIC BENEFIT AND/OR PUBLIC OPEN SPACE ACTIVITIES IN  
7 ADDITION TO, IN COMBINATION WITH, OR AT TIMES TO THE EXCLUSION OF  
8 VEHICULAR PARKING.

9  
10

11 **Chapter 21.70 – Sign Regulations**

12 **21.70.100 - Nonconforming signs.**

13 A. The Director of Neighborhood and Environmental Programs shall order the removal of any  
14 sign erected or maintained in violation of the law as it existed prior to the date of the  
15 adoption of this Zoning Code.

16 B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to  
17 its provisions, but which did conform to previous laws, shall be regarded as nonconforming  
18 signs which may be continued if properly repaired and maintained as provided in this  
19 chapter[.], EXCEPT BILLBOARD SIGNS WHICH SHALL BE ELIMINATED WITHIN SEVEN  
20 YEARS OF THIS DATE OF ADOPTION OF THIS ORDINANCE. UPON APPEAL OF THE  
21 DIRECTOR'S DECISION TO REMOVE THE SIGN, THE BOARD OF APPEALS MAY, BUT  
22 IS NOT REQUIRED, TO EXTEND THIS TIME PERIOD BASED ON A FINDING THAT THE  
23 SEVEN YEARS IS NOT SUFFICIENT TIME FOR THE SIGN OWNER TO FULLY  
24 AMORTIZE THE CAPITAL INVESTMENT IN THE SIGN STRUCTURE. UNDER NO  
25 CIRCUMSTANCES SHALL THE AMORTIZATION PERIOD PERMITTED BY THE BOARD  
26 OF APPEALS EXCEED ONE ADDITIONAL YEAR OR EIGHT YEARS TOTAL. IN  
27 DETERMINING AN APPROPRIATE AMORTIZATION PERIOD, THE BOARD SHALL  
28 CONSIDER THE FOLLOWING:

- 29 1. THE OWNER'S CAPITAL INVESTMENT IN STRUCTURES, FIXED  
30 EQUIPMENT, AND OTHER ASSETS (EXCLUDING INVENTORY AND OTHER  
31 ASSETS THAT MAY BE FEASIBLY TRANSFERRED TO ANOTHER SITE) ON  
32 THE PROPERTY BEFORE THE TIME THE USE BECAME NONCONFORMING.
- 33 2. ANY COSTS THAT ARE DIRECTLY ATTRIBUTABLE TO THE  
34 ESTABLISHMENT OF THE COMPLIANCE DATE, INCLUDING DEMOLITION  
35 EXPENSES, RELOCATION EXPENSES, TERMINATION OF LEASES, AND  
36 DISCHARGE OF MORTGAGES.
- 37 3. ANY RETURN ON INVESTMENT SINCE INCEPTION OF THE USE,  
38 INCLUDING NET INCOME AND DEPRECIATION.
- 39 4. THE ANTICIPATED ANNUAL RECOVERY OF INVESTMENT, INCLUDING NET  
40 INCOME AND DEPRECIATION.

41

42 C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply  
43 immediately with all provisions of this chapter.

44

1 **Chapter 21.72 – Terms and Definitions**

2 **Section 21.72.010 - Terms**

3 PLAN

4 "PLAN" MEANS THE POLICIES, STATEMENTS, GOALS AND INTERRELATED PLANS FOR  
5 PRIVATE AND PUBLIC LAND USE, TRANSPORTATION AND COMMUNITY FACILITIES  
6 DOCUMENTED IN TEXTS AND MAPS THAT CONSTITUTE THE GUIDE FOR AN AREA'S  
7 FUTURE DEVELOPMENT. "PLAN" INCLUDES A GENERAL PLAN, MASTER PLAN,  
8 COMPREHENSIVE PLAN, FUNCTIONAL PLAN, OR COMMUNITY PLAN ADOPTED IN  
9 ACCORDANCE WITH THE LAND USE ARTICLE OF THE ANNOTATED CODE OF  
10 MARYLAND.  
11

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

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

15  
16  
17 ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

18  
19  
20  
21  
22  
23

**Explanation:**

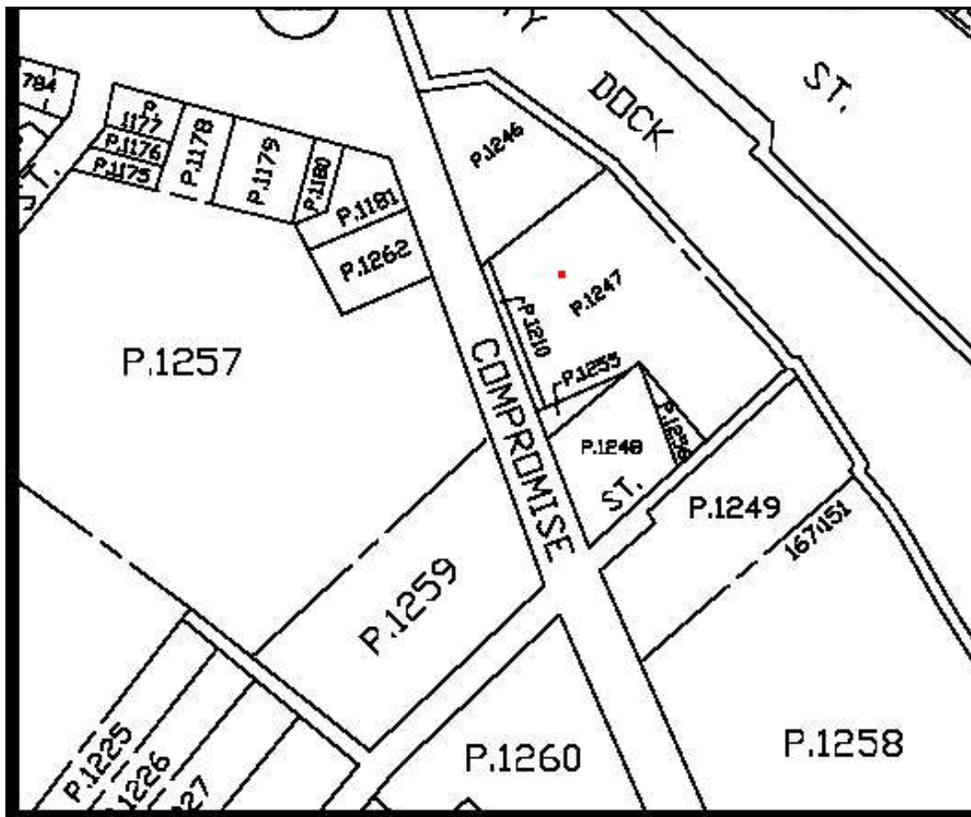
CAPITAL LETTERS indicate matter added to existing law.  
[brackets] indicate matter stricken from existing law.  
Underlining indicates amendments.

## Staff Report

### Ordinance O-7-13

#### Establishment of a New Zoning District: Waterfront City Dock, Phase One

The proposed ordinance would implement the Phase One recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone. This new district would cover much of the current Waterfront Maritime Conservation (WMC) district. However, the following properties would not be covered by the new district and would remain unchanged: the Fleet Reserve Club, the Marriott Hotel, and the Annapolis Yacht Basin. The aforementioned properties are not re-zoned because they were not part of the specific land use and public improvement planning for the City Dock Master Plan. Phase One of this rezoning concerns property parcels 1246, 1247, 1210, 1255, 1248, and 1256. These parcels include the "Donner Parking Lot," 110 Compromise (the former Fawcett's site), and the "Fleet Parking Lot."



#### Permitted Land Uses

The new Waterfront City Dock district is divided into two subdistricts: Waterfront City Dock Open Space (WCD-OS) and Waterfront City Dock Mixed Use (WCD-MX). The uses allowed in the WCD-OS zone would largely be limited to open space activities. These could include accessory sidewalk cafés, outdoor market activities, and temporary uses and structures in addition to public open spaces and parks/plazas. The WCD-MX zone would allow a broad array of land uses, including multiple family residential, hotel, retail, restaurants, and many maritime uses.

### **Development Standards**

**Building Height:** Height would be regulated through an amended Historic District special height overlay map. There are currently three special height districts in the Historic District. These would be maintained; however, reclassification of three sites is proposed. It is also proposed that height be measured from flood protection elevation or grade, whichever is greater throughout the historic district. This will help properties in the flood plain have a certain number of stories, regardless of additional elevation required to meet building Code. These standards would only be permissible upon a developer's preparation of a viewshed analysis as part of a Planned Development application.

**Bulk Regulations:** New bulk regulations are proposed for development in the new WCD district. The standards would be subject to modification as part of a Waterfront Planned Development. The standards would generally provide for zero yard setbacks.

**Allowable Residential Density:** Maximum density permitted would be determined in part by a new proposed floor area ratio (FAR) standard and the minimum dwelling unit sizes provided elsewhere in City Code. The actual permitted number of units on any site would be further constrained by proposed building height restrictions and a proposed requirement that the ground floor of all new buildings be used commercially.

**Parking:** No new surface parking areas in the WCD-MX district accommodating more than five parked vehicles would be allowed, unless approved by the Planning Commission as a temporary phase of a more intensive Planned Development.

Developments in the WCD district which are over 10,000 square feet in gross floor area would be required to meet the employee share of parking demand through participation in an off-site parking and shuttle service program, which would include the City's hospitality employee parking program. Otherwise, new uses and development would be exempt from providing vehicular parking. Bicycle parking, equivalent in number to the vehicular parking spaces required by the City Code's table of required off-street parking spaces, would be required; this requirement could be met off-site.

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) 263-1184.

Attachment 1: Technical Analysis of Proposed Height Measurement Methodology

If the development site were lower in elevation, more height would be added on to the calculation for the building to meet floodplain building code requirements. If the development site were higher in elevation, less height would be added to the calculation. Using the following formula:

$$\text{(Flood protection elevation)} - \text{(site elevation)} = X,$$

where X is additional height above grade

would give you the following:

2 Feet at Sea Level

$$(8.4') - (2') = 6.4'$$

Special Height District Two Limits = 28' and 38'

$$28' + 6.4' = 34.4' \text{ from grade to cornice}$$

$$38' + 6.4' = 44.4' \text{ from grade to ridgeline}$$

6 Feet at Sea Level

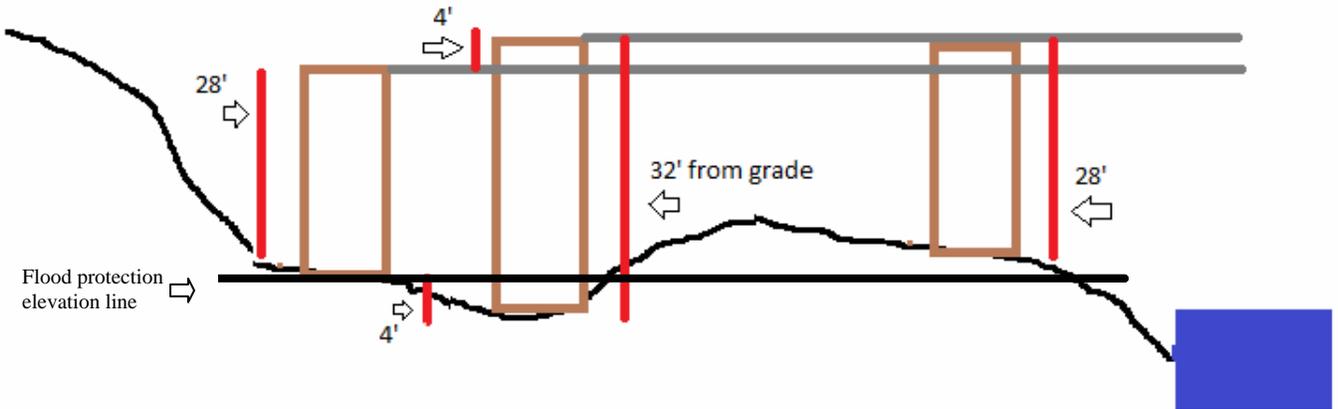
$$(8.4') - (6') = 2.4'$$

Special Height District Two Limits = 28' and 38'

$$28' + 2.4' = 30.4' \text{ from grade to cornice}$$

$$38' + 2.4' = 40.4' \text{ from grade to ridgeline}$$

From a sea level perspective, these buildings would appear equally high.



The above image illustrates how a 32' building that is 4' below flood protection elevation (but 32' from grade) is as tall in the skyline as a building that is 28' tall at grade.

**Attachment 2: Track Changes**

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-7-13**

**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	180 Day Rule
5/13/13			11/8/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/13/13		
Planning Commission	5/13/13		

**A ORDINANCE** concerning

**Establishment of a New Zoning District: Waterfront City Dock, Phase One**

**FOR** the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district - the Waterfront City Dock Zone.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition

- Section 21.06.010
- Section 21.22.050
- Section 21.24.010
- Section 21.24.020
- Section 21.24.050
- Section 21.24.060
- Section 21.24.090
- Section 21.34.040
- Section 21.48.041
- Section 21.50.280
- Section 21.54.080
- Section 21.56.170
- Section 21.56.180
- Section 21.60.060
- Section 21.64.291
- Section 21.64.371
- Section 21.64.430
- Section 21.64.470
- Section 21.70.100
- Section 21.72.010

1 **BY** adding the following portions to the Code of the City of Annapolis, 2012 Edition  
2 Section 21.46.060

3 **WHEREAS,** the City of Annapolis has been a waterfront destination for over 300 years and  
4 the downtown district was prestigiously named a National Historic Landmark in  
5 1965; and  
6

7 **WHEREAS,** the importance of water and history to the spirit of Annapolis is paramount and  
8 both influences have long shaped City Dock and its surrounding environment;  
9 and  
10

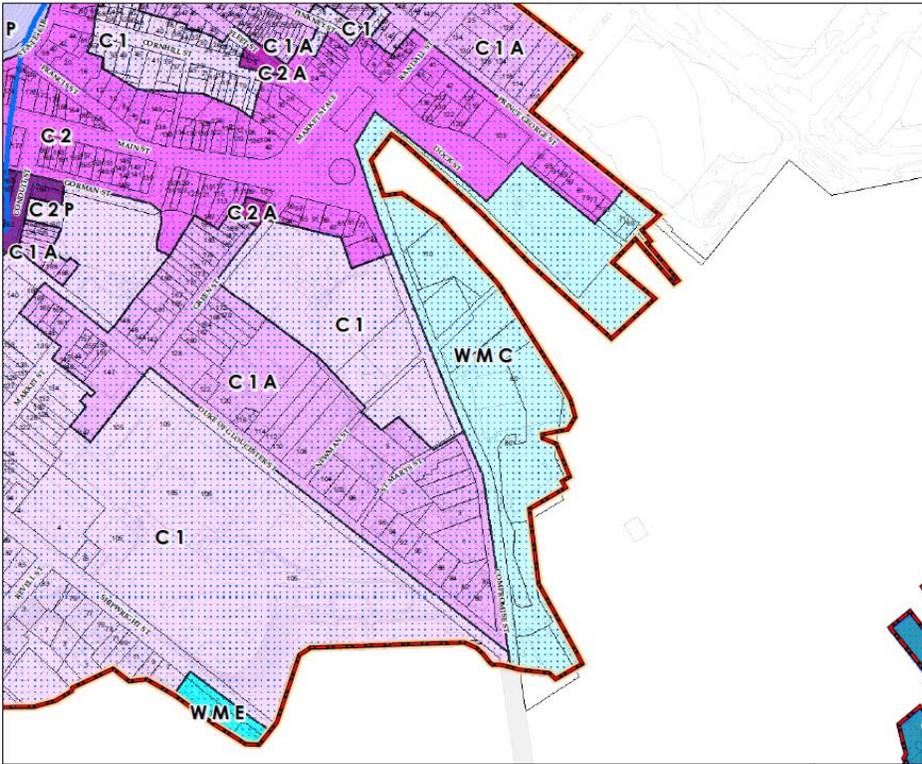
11 **WHEREAS,** while many character-defining features remain, the quantity and quality of  
12 pedestrian space and public access to the waterfront detracts from City Dock's  
13 overall historic character; and  
14

15 **WHEREAS,** the 2009 Comprehensive Plan for the City of Annapolis states that "City Dock  
16 and its environs are fundamental to the City's character and identity as a small  
17 seaport town with a rich history." The American Planning Association has  
18 designated Main Street as one of 'Ten Great Streets in America' for its role as a  
19 living museum; a place that makes significant contributions to Annapolis'  
20 downtown economy; and for its physical and visual connection to its history,  
21 maritime culture, and architectural character. The Comprehensive Plan called for  
22 developing a plan that would enhance City Dock and its environs; and  
23

24 **WHEREAS,** the City Dock Advisory Committee (CDAC) was established in September 2010  
25 to advise the City on rejuvenating City Dock. The CDAC recommended  
26 rebalancing open areas from automobile-oriented space to pedestrian-oriented  
27 space, advocated for flexible space that can serve a variety of functions,  
28 proposed new ways of managing City Dock and the events that take place there,  
29 and called for the use of public art to serve as a main attraction in the area.  
30 Together, these goals helped shape the creation of the City Dock Master Plan for  
31 revitalizing City Dock; and  
32

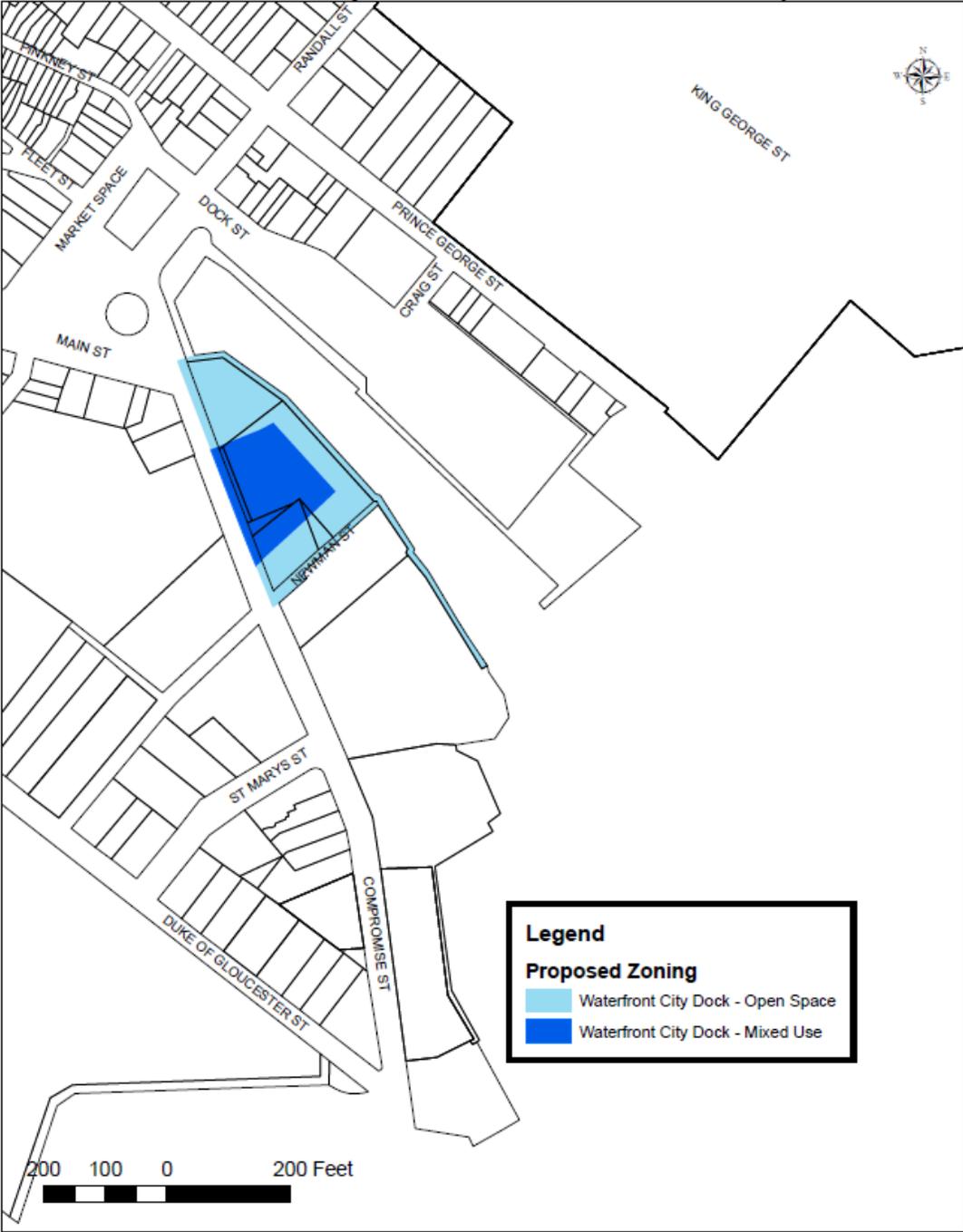
33 **WHEREAS,** this proposed ordinance would implement Phase One of the recommendations of  
34 the City Dock Master Plan by establishing a new zoning district - the Waterfront  
35 City Dock Zone.  
36  
37

# Existing Zoning

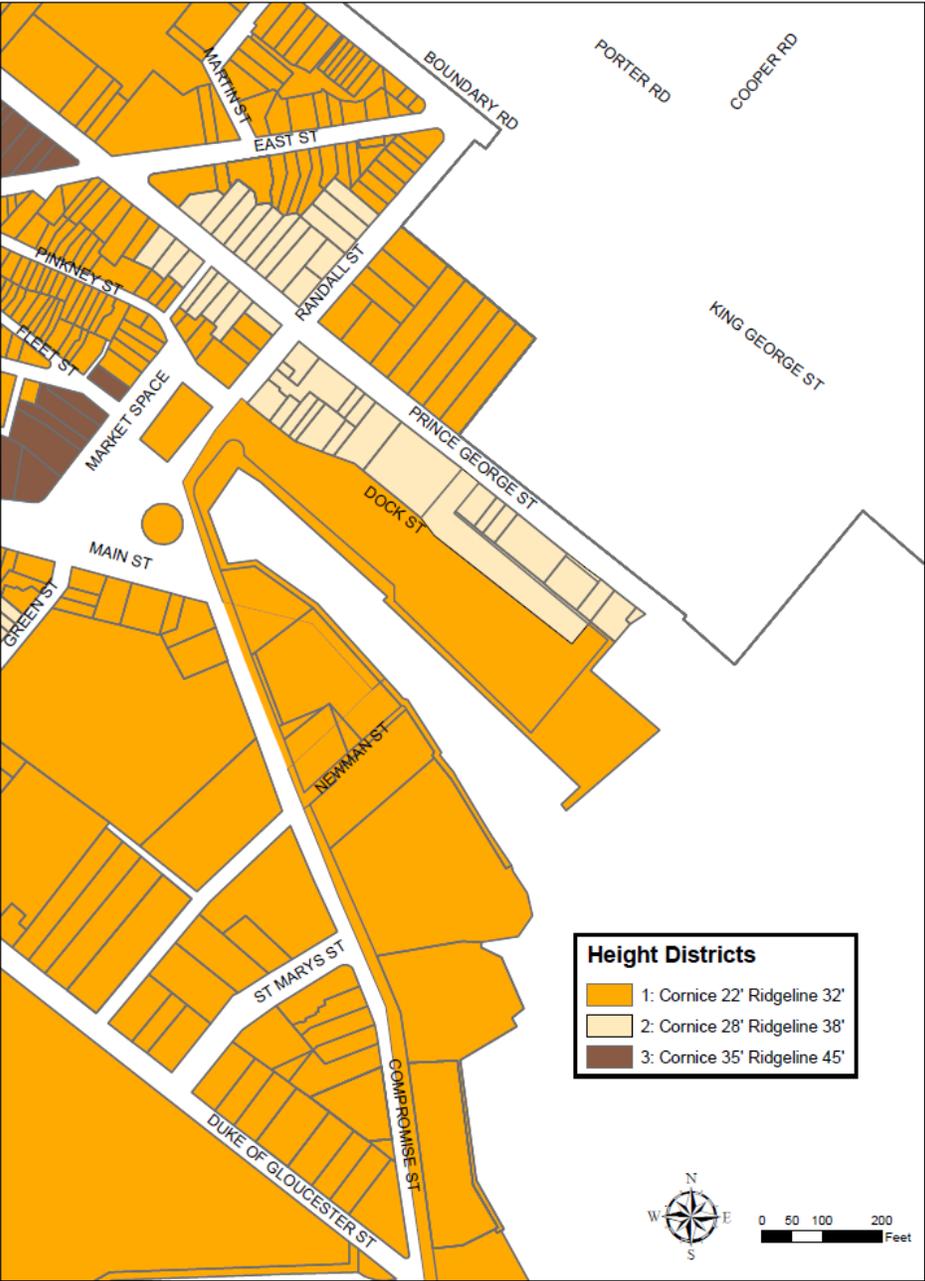


City of Annapolis, Maryland Comprehensive Zoning

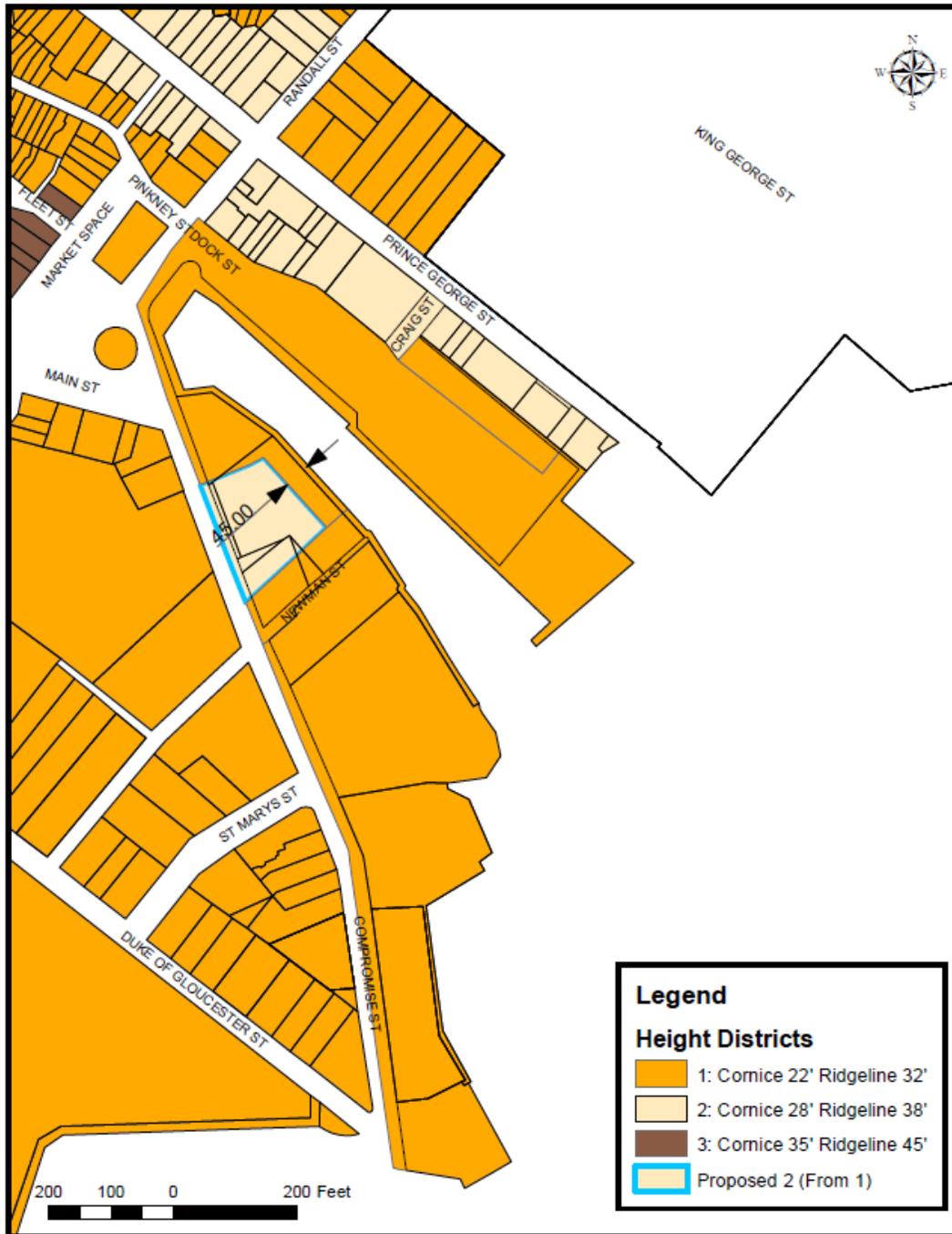
# Waterfront City Dock Zone, Phase I Proposed



# Historic District Special Height Districts at City Dock, Existing



### Historic District Special Height Districts at City Dock, Phase I Proposed



1  
2 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**  
3 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:  
4

5 **Chapter 21.06 - Zoning Districts and Mapping**

6 **Section 21.06.010 - Establishment of zoning districts.**

7 For the purpose of this Zoning Code the City is organized into the following zoning districts:

8 A. Residence districts:

R1	Single-Family Residence
R1-A	Single-Family Residence
R1-B	Single-Family Residence
R2	Single-Family Residence
R2-NC	Single-Family Residence Neighborhood Conservation
R3	General Residence
R3-NC	General Residence Neighborhood Conservation
R3-NC2	General Residence Neighborhood Conservation 2
R3-R	General Residence Neighborhood Revitalization
R4	General Residence
R4-R	General Residence Neighborhood Revitalization
C1	Conservation Residence
C1A	Special Conservation Residence

9  
10 B. Commercial and industrial districts:

B1	Convenience Shopping
B2	Community Shopping
B3	General Commercial
B3 CD	General Commercial Corridor Design
BCE	Business Corridor Enhancement
BR	Business Revitalization
C2	Conservation Business
C2A	Special Conservation Business
PM2	Professional Mixed Office Park
I1	Light Industrial

11  
12 C. Office and mixed use districts:

P	Professional Office
---	---------------------

MX	Mixed Use
PM	Professional Mixed Office
C2P	Special Conservation Professional

1  
2

D. Waterfront maritime districts:

WMC	Waterfront Maritime Conservation
WMM	Waterfront Mixed Maritime
WMI	Waterfront Maritime Industrial
WME	Waterfront Maritime Eastport
WCD	WATERFRONT CITY DOCK

3  
4

E. Overlay districts:

	Critical Area
	Historic District
	Office and Commercial Design

5

6 **Chapter 21.22 – Site Design Plan Review**

7 **Section 21.22.050 - Waivers.**

- 8 A. Request for Waiver. Upon request by an applicant, and depending upon the size, scope  
9 and potential impacts of a proposed development or activity, the Planning and Zoning  
10 Director may waive the requirement for submission of a preliminary plan or other major site  
11 design plan application submission requirements. If the Planning and Zoning Director  
12 waives the requirement for a preliminary plan, the Director may require that any information  
13 required to be shown on that plan be shown on subsequent plans submitted by the  
14 applicant.
- 15 B. Decision on Waiver. In deciding whether to grant requested waivers, the Planning and  
16 Zoning Director will consider any special conditions peculiar to a site and whether  
17 information required is inappropriate or unnecessary. The Planning and Zoning Director  
18 may waive submission requirements if the Director finds that the waiver will not be  
19 detrimental to the public health, safety, or general welfare or have the effect of nullifying the  
20 intent and purpose of the site design plan submission, the [Comprehensive Plan] PLAN; AS  
21 DEFINED IN SECTION 21.72.010, or this chapter; and that the application materials to be  
22 provided are adequate to make the required findings based on the criteria set forth below in  
23 Section 21.22.080.

24

25 **Chapter 21.24 – Planned Developments**

1 **Section 21.24.010 - Purposes, authority and types.**

- 2 A. Purposes. The purposes of planned developments are as follows:
- 3 1. To allow greater flexibility in order to encourage more creative design for the  
4 development of land than is generally possible under conventional zoning district  
5 regulations.
- 6 2. To promote orderly and thorough planning and review procedures that will result in  
7 quality design and counteract the negative effects of monotonous design.
- 8 3. To allow the grouping of buildings and a mix of land uses with an integrated design and  
9 a coordinated physical plan.
- 10 4. To promote development in a manner that protects significant natural resources and  
11 integrates natural open spaces into the design of a development project.
- 12 5. To encourage a design that takes into account the natural characteristics of the site in  
13 the placement of structures.
- 14 6. To promote development that is compatible with the goals of the [Comprehensive Plan]  
15 PLAN, AS DEFINED IN SECTION 21.72.010.
- 16 7. TO PROMOTE A DESIGN THAT TAKES INTO ACCOUNT THE HISTORIC AND  
17 CULTURAL CONTEXT ESTABLISHED BY THE SURROUNDING BUILT  
18 ENVIRONMENT.
- 19
- 20 B. Types of Planned Developments, Where Permitted.
- 21 1. There are [three] FOUR types of planned developments: residential planned  
22 development, business planned developments, [and] special mixed planned  
23 developments AND WATERFRONT PLANNED DEVELOPMENTS.
- 24 2. Planned developments may be permitted only where listed in the use tables for specific  
25 zoning districts in Chapter 21.48 of this Zoning Code.
- 26 C. Authority to Approve. The Planning Commission is authorized to decide applications for  
27 planned developments.

28

29 **Section 21.24.020 - Use regulations for planned developments.**

- 30 A. Residential Planned Development.
- 31 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
32 subject of the application, a residential planned development may consist of the  
33 following uses:
- 34 a. Uses that are allowed as permitted uses, uses subject to standards or special  
35 exception uses in any residential district, which uses are allowed as permitted  
36 uses if included within and approved as part of a residential planned development.
- 37 b. Up to ten percent of the ground area or gross floor area of a residential planned  
38 development may consist of uses that are allowed as permitted uses or as uses  
39 subject to standards in the B1 District.

1 2. No more than thirty percent of the ground area or of the gross floor area of the  
2 development may be devoted to planned development uses.

3 B. Business Planned Development.

4 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
5 subject of the application, a business planned development may consist of the  
6 following uses:

7 a. All uses allowed as a permitted use, use subject to standards, or special exception  
8 use in the zoning district in which the business planned development is located,  
9 which uses are allowed as permitted uses if included within and approved as part  
10 of a business planned development.

11 b. For business planned developments located in the B1, B2, B3, BCE, P, and MX  
12 districts, a business planned development may include all uses allowed in any  
13 residential district as a permitted use, use subject to standards, or as a special  
14 exception.

15 2. No more than fifteen percent of the ground area or of the gross floor area of the  
16 development may be devoted to planned development uses.

17 C. Special Mixed Planned Development.

18 1. Except for uses specifically prohibited by the Zoning Code in the district that is the  
19 subject of the application, a special mixed planned development may consist of all  
20 uses allowed as a permitted use, use subject to standards, or as a special exception in  
21 any zoning district, which uses are allowed as permitted uses if included within and  
22 approved as part of a special mixed planned development.

23 2. No more than thirty percent of the ground area or of the gross floor area of the  
24 development may be devoted to planned development uses.

25 D. WATERFRONT PLANNED DEVELOPMENT.

26 1. ALL USES SPECIFICALLY ALLOWED AS A PERMITTED USE, USE SUBJECT TO  
27 STANDARDS, OR SPECIAL EXCEPTION USE IN THE ZONING DISTRICT IN  
28 WHICH A WATERFRONT PLANNED DEVELOPMENT IS LOCATED, ARE ALLOWED  
29 AS PERMITTED USES IF INCLUDED AND APPROVED AS PART OF A  
30 WATERFRONT PLANNED DEVELOPMENT.

31 2. RESIDENTIAL AND PROFESSIONAL OR BUSINESS OFFICE (EXCEPT FOR  
32 MARITIME OFFICE USES) SHALL NOT BE PERMITTED ON THE GROUND FLOOR  
33 OF A WATERFRONT PLANNED DEVELOPMENT.

34

35 **Section 21.24.050 - Bulk and density standards.**

36 A. Bulk Standards. The Planning Commission may adjust bulk standards, other than height,  
37 that are otherwise applicable in the zoning district.

38 B. Density Standards. The following density standards shall apply to planned developments:

39 1. In a residential planned development, the maximum number of dwelling units may not  
40 exceed the number of units determined by dividing the gross development area by the  
41 minimum lot area per dwelling unit (or per dwelling unit type if a mix of units is  
42 proposed) required by the district or districts in which the development is located.

1 Gross development area shall be the area of the zoning lot as a whole. The area of  
2 land set aside for common open space or recreational use may be included in  
3 determining the number of dwelling units permitted. If the gross development area of  
4 the property includes property within the Resource Conservation Area of the Critical  
5 Area Overlay, density shall be determined, as per Section 20.24.130(G) and (H).

6 2. In a business or special mixed planned development, the maximum number of dwelling  
7 units may not exceed the number of units determined by dividing the gross residential  
8 development area by the minimum lot area per dwelling unit required by the R4 district.

9 3. IN A WATERFRONT PLANNED DEVELOPMENT, THE MAXIMUM NUMBER OF  
10 DWELLING UNITS SHALL BE DETERMINED THROUGH APPLICATION OF THE  
11 FLOOR AREA RATIO (FAR) STANDARD SET FORTH IN SECTION 21.50.280  
12 PROVIDED THE MINIMUM DWELLING UNIT SIZES REQUIRED BY CITY CODE  
13 AND OTHER REGULATIONS OF THIS CHAPTER ARE MET.

Deleted: 21.50.315

Comment: Wrong section number given

14  
15 **Section 21.24.060 - Common open space.**

16 Planned developments shall provide for common open space as follows:

17 A. Common open space may include parks, playgrounds, parkways, ALLEYWAYS,  
18 medians, landscape green spaces, WALKWAYS, PROMENADES, PLAZAS, schools,  
19 community centers or other similar areas in public ownership or covered by an open  
20 space easement or controlled by a homeowners association. UP TO 25 PERCENT OF  
21 THE AREA DEDICATED TO ANY PLANTED LANDSCAPED OR BIO-RETENTION  
22 AREA REQUIRED TO SATISFY ANY CRITICAL AREA MITIGATION  
23 REQUIREMENTS MAY BE COUNTED TOWARD MEETING THE OPEN SPACE  
24 REQUIREMENTS SET FORTH IN 21.24.060.

25 B. The area of common open space provided shall be equivalent to twenty percent of the  
26 total ground area in residential planned developments, [and] five percent of the total  
27 ground area in business and special mixed planned developments, AND TEN  
28 PERCENT OF THE GROSS FLOOR AREA OF WATERFRONT PLANNED  
29 DEVELOPMENTS.

30 C. Planned development applications shall include provisions for the ownership,  
31 conservation, and maintenance of the common open space.

32 D. THE COMMON OPEN SPACE REQUIREMENT FOR WATERFRONT PLANNED  
33 DEVELOPMENTS MAY BE MET THROUGH COMPARABLE OFF-SITE  
34 IMPROVEMENT TO THE OPEN SPACE AND RELATED AMENITIES CONTAINED  
35 WITHIN THE BOUNDARIES OF THE ADOPTED PLAN WHEREIN THE PROJECT IS  
36 LOCATED. OFF-SITE IMPROVEMENTS THAT ARE ADJACENT TO OR IN CLOSE  
37 PROXIMITY TO THE SITE SHALL BE ACCORDED PRIORITY IN MEETING THIS  
38 STANDARD.

39 **Section 21.24.090 - Planned development review criteria and findings.**

40 In deciding planned development applications the Planning Commission shall make written  
41 findings based on the following:

- 1 A. The planned development is compatible with the character of the surrounding  
2 neighborhood and the [Comprehensive Plan] PLAN, AS DEFINED IN SECTION  
3 21.72.010, and the purposes of planned developments.
- 4 B. The proposed locations of buildings, structures, open spaces, landscape elements, and  
5 pedestrian and vehicular circulation systems are adequate, safe, and efficient and  
6 designed to minimize any adverse impact upon the surrounding area.
- 7 C. The planned development will promote high quality design and will not result in greater  
8 adverse impacts to the surrounding area compared to the development that may  
9 otherwise be permitted pursuant to the Zoning Code if a planned development were  
10 not approved.
- 11 D. The planned development complies with the planned development use standards and  
12 bulk and density standards.
- 13 E. The planned development complies with the Site Design Plan Review criteria provided  
14 in Section 21.22.080
- 15 F. The planned development plan includes adequate provision of public facilities and the  
16 proposed infrastructure, utilities and all other proposed facilities are adequate to serve  
17 the planned development and adequately interconnect with existing public facilities.

18

19 **Chapter 21.34 – Zoning Map Amendments**

20 **Section 21.34.040 - Planning Commission review criteria and findings.**

21 The Planning Commission shall not recommend the adoption of a proposed zoning map  
22 amendment unless it finds that the adoption of the amendment is in the public interest and is not  
23 solely for the interest of the applicant. The Planning Commission may recommend the adoption  
24 of an amendment changing the zoning classification of the property to a more restrictive district  
25 than that requested by the applicant. The Planning Commission shall make findings based upon  
26 the evidence presented to it in each specific case with respect to the following matters:

27

- 28 A. Existing uses and zoning classification of properties within the general area of the  
29 property that is the subject of the application.
- 30 B. The suitability of the property in question to the uses permitted under the existing zoning  
31 classification compared to the uses permitted under the proposed zoning classification.
- 32 C. The trend of development in the general area, including any changes in zoning  
33 classification of the subject property or other properties in the area and the  
34 compatibility with existing and proposed development for the area.
- 35 D. Whether there has been a substantial change in the character of the neighborhood  
36 where the property is located or that there was a mistake in the existing zoning  
37 classification.
- 38 E. The availability of public facilities, present and future transportation patterns.
- 39 F. The relationship of the proposed amendment to the City's [Comprehensive Plan] PLAN,  
40 AS DEFINED IN SECTION 21.72.010.

41

42 **Chapter 21.46 – Waterfront Maritime Districts**

43

1 **SECTION 21.46.060 - WATERFRONT CITY DOCK DISTRICT**

2 A. PURPOSE

3 1. THE WATERFRONT CITY DOCK (WCD) DISTRICT IS INTENDED TO PROVIDE A  
4 LOCATION FOR REDEVELOPMENT AND LAND USE ACTIVITIES THAT FIT  
5 HARMONIOUSLY WITH PUBLIC OPEN SPACES ALONG THE WATERFRONT,  
6 PROTECT AND SUSTAIN THE HISTORIC CONTEXT OF CITY DOCK, AND  
7 IMPLEMENT THE CITY DOCK MASTER PLAN.

8 2. IT IS FURTHER THE INTENT OF THIS DISTRICT TO DEFINE WHERE  
9 STRUCTURES, BUILDINGS, AND LAND USES ARE PERMITTED AND WHERE  
10 THEY ARE NOT PERMITTED BY TYPE IN ACCORDANCE WITH THE ADOPTED  
11 CITY DOCK MASTER PLAN. IN FURTHERANCE OF THIS PURPOSE, TWO  
12 SUBDISTRICTS ARE HEREBY CREATED WITHIN THE WCD DISTRICT: THE  
13 WATERFRONT CITY DOCK MIXED USE (WCD-MX) SUBDISTRICT AND THE  
14 WATERFRONT CITY DOCK OPEN SPACE (WCD-OS) SUBDISTRICT.

15 i. TO ACHIEVE THE PURPOSES OF THIS ORDINANCE, THE ZONING  
16 SUBDISTRICTS OF THE WCD DISTRICT ARE INTENTIONALLY  
17 DRAWN IN SUCH A WAY AS TO DIVIDE CERTAIN PROPERTIES.

18 ii. THE ZONING SUBDISTRICTS SHALL BE AS INDICATED ON THE  
19 OFFICIAL ZONING MAP AND SHALL NOT BE SUBJECT TO THE  
20 MODIFICATION OR THE EXTENSION OF REGULATIONS BY THE  
21 BOARD OF APPEALS WHICH IS OTHERWISE PROVIDED FOR IN  
22 CHAPTER 21.20 AND SECTION 21.06.040.

23 3. INTENT OF THE SUBDISTRICTS OF THE WATERFRONT CITY DOCK DISTRICT:

24 i. THE WCD-MX SUBDISTRICT IS INTENDED TO PROMOTE  
25 REDEVELOPMENT ON EXISTING LOTS, PROMOTE, PROTECT, AND  
26 SUSTAIN THE HISTORIC CONTEXT OF THE AREA, BROADEN THE  
27 MIX OF LAND USE ACTIVITIES, AND ENCOURAGE DEVELOPMENT  
28 THAT PROVIDES FORM AND HELPS TO ACTIVATE ADJACENT  
29 EXISTING AND PLANNED OPEN SPACES.

30 ii. THE WCD-OS SUBDISTRICT IS INTENDED TO PROMOTE, PROTECT  
31 AND SUSTAIN THE HISTORIC CONTEXT OF THE AREA AND  
32 PROMOTE THE IMPROVEMENT, ACTIVATION, AND  
33 BEAUTIFICATION OF WATERFRONT OPEN SPACES, TO PROMOTE  
34 PUBLIC ACCESS TO AND ALONG THE WATER, AND TO ENSURE  
35 THE AVAILABILITY OF SPACE FOR THE MANAGEMENT AND  
36 CONTROL OF FLOODWATERS.

37  
38 B. USES. USES THAT MAY BE PERMITTED WITHIN EACH OF THE SUBDISTRICTS OF  
39 THE WCD DISTRICT ARE SET FORTH IN THE TABLE OF USES IN SECTION 21.48.041.

40  
41 C. DEVELOPMENT STANDARDS.

42 1. SECTION 21.50.280 CONTAINS THE BULK REGULATIONS TABLE FOR THE WCD  
43 DISTRICT.

44 2. IN THE WCD DISTRICT, CHAPTER 21.56, HISTORIC DISTRICT, SHALL GOVERN  
45 THE REGULATIONS OF STRUCTURES WITHIN THE HISTORIC DISTRICT  
46 PROVIDED THAT IF THERE ARE ANY INCONSISTENCIES BETWEEN THIS  
47 CHAPTER AND CHAPTER 21.56, THE MORE RESTRICTIVE PROVISION SHALL  
48 PREVAIL.

**Comment:** Additional cross-reference provided to clarify limits of the Board of Appeals ability to alter zoning lines.

- 1 3. BUILDING HEIGHTS IN THE WCD DISTRICT SHALL BE LIMITED TO THE MAXIMUM  
2 HEIGHTS ALLOWED BY CHAPTER 21.56.170 PROVIDED THAT A VIEWSHED  
3 ANALYSIS IS COMPLETED AND SUBMITTED AS PART OF A PLANNED  
4 DEVELOPMENT TO THE SPECIFICATIONS ESTABLISHED BY THE DIRECTOR OF  
5 PLANNING AND ZONING.
- 6 4. ALL PROPOSED NEW BUILDINGS WITH A FAR GREATER THAN TWO (2.0); OR  
7 ANY PROPOSED REHABILITATION OR ALTERATION OF EXISTING BUILDINGS  
8 WITH A FAR GREATER THAN TWO (2.0); OR ANY OTHER PROJECT WITH A FAR  
9 GREATER THAN TWO (2.0) REQUIRE APPROVAL AS A WATERFRONT PLANNED  
10 DEVELOPMENT.
- 11 5. SITE DESIGN PLAN REVIEW IN ACCORDANCE WITH CHAPTER 21.22 SHALL BE  
12 REQUIRED FOR ALL DEVELOPMENT ACTIVITY NOT OTHERWISE MEETING THE  
13 SIZE OR INTENSITY STANDARDS OF SECTION 21.46.060 C.4.
- 14 6. PARKING. FOR ANY WATERFRONT PLANNED DEVELOPMENT, THE DEVELOPER  
15 SHALL PROVIDE BICYCLE PARKING AT A MINIMUM LEVEL EQUIVALENT TO THE  
16 NUMBER OF VEHICLE PARKING SPACES (ON A ONE-TO ONE BASIS) BY LAND  
17 USE THAT WOULD OTHERWISE BE REQUIRED BY THE TABLE OF OFF-STREET  
18 PARKING REQUIREMENTS IN 21.66.130 FOR THAT TYPE OF USE. THIS  
19 REQUIREMENT MAY BE MET OFF-SITE.
- 20 7. NO SPACE UNDER THE FIRST FLOOR OF A BUILDING THAT IS ELEVATED AT OR  
21 ABOVE THE FLOOD PROTECTION ELEVATION AS DEFINED BY 17.11.179 OF  
22 THE CITY CODE AND CONTAINS PARKING SHALL BE OPEN TO ANY VIEW FROM  
23 A PUBLIC RIGHT-OF-WAY EXCEPT THAT AN OPENING TO PERMIT INGRESS  
24 AND EGRESS OF AUTOMOBILES IS PERMITTED FROM THE SIDE OR REAR OF  
25 THE BUILDING.
- 26
- 27 D. ADDITIONAL STANDARDS. RESERVED.
- 28

Comment: Additional clarification

1 Chapter 21.48 – Use Tables

**SECTION 21.48.041 – TABLE OF PERMITTED USES – WATERFRONT MARITIME ZONES – WATERFRONT CITY DOCK DISTRICT**

P = PERMITTED USE; S = SPECIAL EXCEPTION USE; -STD = USE SUBJECT TO STANDARDS (CHAPTER 21.64);  
BLANK = NOT PERMITTED

Uses	Subdistrict WCD-M	
------	-------------------	--

A. GENERAL USES		
ACCESSORY BUILDINGS AND USES, INCLUDING SIGNS	A	
ARTS AND CULTURAL CENTERS	P	
ANTIQUÉ STORES	P	
ARTS AND CRAFTS STUDIOS	P	
BAKE SHOPS	P-Std	
BANKS AND FINANCIAL INSTITUTIONS	P	
BARS AND TAVERNS	P	
BICYCLE SALES, RENTAL, REPAIR STORES	P	
BOAT SHOWROOMS	P	
CAB STANDS, VALET PARKING STANDS (EXCLUDING OFFICES AND RELATED PARKING FACILITIES)	P	
CANDY STORES, WHERE ONLY CANDY PREPACKAGED OFF THE PREMISES IS SOLD	P	
CANDY STORES, INCLUDING CANDY MAKING	P- <del>STD</del>	
CARPET AND RUG STORES, RETAIL SALES ONLY	P	
CHRISTMAS TREE AND GREENS SALES	P	

CLUBS, LODGES, AND MEETING HALLS WITH NO ON- PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
CLUBS, LODGES, AND MEETING HALLS WITH ON- PREMISES FOOD OR BEVERAGE PREPARATION FACILITIES	P	
COFFEE SHOPS	P-Std	
DELICATESSEN	P-Std	
DRY CLEANING AND LAUNDRY DROP OFF AND PICK UP STATIONS	P	
DWELLINGS ABOVE THE GROUND FLOOR OF NON- RESIDENTIAL USES	P	
FOOD SERVICE MART	P-Std	
FOOD STORES	P	
FURNITURE STORES	P	
GARDEN SUPPLY, TOOL AND SEED STORES	P	
GOVERNMENT USES		
OFFICES	P	
OTHER GOVERNMENT AND GOVERNMENT- RELATED STRUCTURES, FACILITIES AND USES	P	
HOTELS	P	
ICE CREAM SHOPS	P- <del>STD</del>	
INNS	P	
LAUNDERETTES, AUTOMATIC, SELF SERVICE	A-Std	
LIGHT MANUFACTURING		
LIQUOR STORE	P	

MARKETS, OPEN AIR, INCLUDING FARMERS' MARKETS AND PRODUCE MARKETS	P-Std	
ELECTRIC VEHICLE RECHARGING STATIONS		
MUSEUMS AND ART GALLERIES	P	
NAUTICAL SHOPS, RETAIL TRADE	P	
OFFICE AND BUSINESS SERVICE ESTABLISHMENTS	P	
OFFICES, BUSINESS AND PROFESSIONAL AND NONPROFIT, EDUCATIONAL, CULTURAL, OR CIVIC	P-Std	
OFFICES, MEDICAL	P	
PARKING LOT, OTHER THAN ACCESSORY		
PHILANTHROPIC AND CHARITABLE INSTITUTIONS, CIVIC, NONPROFIT ORGANIZATIONS, SOCIAL AND FRATERNAL ORGANIZATIONS	P	
PERSONAL CARE ESTABLISHMENTS	P	
PHYSICAL HEALTH FACILITIES, INCLUDING HEALTH CLUBS, GYMNASIUMS, AND WEIGHT CONTROL CENTERS	P	
PLANNED DEVELOPMENTS, WATERFRONT	P-Std	
RESTAURANTS, STANDARD	<del>P-STD</del> <del>S-STD</del>	
↓	↓	↓
RETAIL GOODS STORES	P	

Comment: Outdoor dining is an accessory use for restaurants, with specific standards listed in Section 21.64.540 under "Restaurants, standard."

Deleted: OUTDOOR DINING ACCESSORY TO A RESTAURANT USE INCLUDING SERVICE OF ALCOHOL

Deleted: P

Deleted: P

SCHOOLS, PRIVATE, ELEMENTARY, MIDDLE, OR HIGH	P	
SCHOOLS, COMMERCIAL, TRADE, VOCATIONAL, MUSIC, DANCE, ART	P	
SIDEWALK CAFES	P-Std	
SPECIALTY CONVENIENCE RETAIL GOODS STORES	P	
TELECOMMUNICATIONS FACILITIES	A-Std	
TEMPORARY USES	P-Std	
THEATERS, INDOOR	P	
OUTDOOR RECREATIONAL USES, SUCH AS ICE SKATING RINKS, SMALL BOAT LAUNCH	P	
TOBACCO SHOPS	P	
WINE BARS	P- <del>STD</del>	

Comment: Candy stores, ice cream shops, standard restaurants, and wine bars are required to meet certain standards in other zoning district. If not part of a planned development, outdoor dining is a special exception for restaurants.

**B. MARITIME USES**

<b>1. IN WATER BOAT STORAGE:</b>		
A. DOCKS, SLIPS, PIERS AND OTHER FACILITIES AT WHICH BOATS ARE BERTHED IN CONJUNCTION WITH OTHER MARITIME USES	P	
B. YACHT AND SAILING CLUBS, AND MEMBERS SERVICES	P	
MARINE FABRICATION	P	
A. SAIL AND CANVAS ACCESSORY MANUFACTURE	P	
B. SPAR AND RIGGING CONSTRUCTION	P	
C. CONSTRUCTION AND LAYING UP OF MARINE MOLDS	P	
<b>2. MARINE SERVICES: FUNCTIONS NECESSARY TO SERVICE IN WATER AND ON-LAND STORAGE AND WORKING BOATYARDS:</b>		

A. BOAT DEALERS, BROKERS AND MANUFACTURES' REPRESENTATIVES	P	
B. BOAT RENTALS, CHARTS, AND CHARTER SERVICES	P	
C. MARINE PARTS, SUPPLIES, ACCESSORY DISTRIBUTORS	P	
D. MARINE TRANSPORTATION AND WATER TAXIS	P	
E. MARINE DOCUMENTATION	P	
F. BOATSHOW MANAGEMENT AND PROMOTION	P	
G. NAUTICAL COMPONENT SERVICING	P	
H. YACHT DESIGNERS	P	
I. MARINE SURVEYORS	P	
<b>3. MARITIME RETAIL</b>	P	
<b>4. GENERAL MARITIME: GENERAL OFFICE AND RESEARCH FUNCTIONS CONTRIBUTING TO MARITIME ACTIVITIES INCLUDING, BUT NOT LIMITED, TO:</b>		
A. MARINE SALVAGE, TESTING, AND ENVIRONMENTAL SERVICES	P	
B. MARINE ASSOCIATIONS	P	
D. OCEANOGRAPHIC LABORATORIES AND EXPERIMENTAL FACILITIES	P	
C. FACILITIES FOR MARINA POLLUTION CONTROL, OIL SPILL CLEANUP, AND SERVING OF SANITATION DEVICES	P	

D.TUGBOAT, VESSEL, TOWING SERVICES, FIREBOAT, PILOT BOATS, HARBORMASTER, AND SIMILAR SERVICES	P	
SPECIALIZED PROFESSIONAL SERVICES TO THE MARITIME INDUSTRY	P	
MARINE TRANSPORT OPERATIONS INCLUDING SHIPPING OFFICES	P	
MARINE PHOTOGRAPHY, PRINTMAKING, CHART-MAKING	P	
YACHT AND SAILING CLUB OFFICES	P	
YACHT FINANCE	P	
MARITIME SERVICE ORGANIZATIONS	P	
<b>5. MARITIME INSTITUTIONS</b>		
A. MARINE EDUCATIONAL FACILITIES	P	
B. MARINE MUSEUMS AND AQUARIUMS	P	

1 Chapter 21.50 – Bulk Regulations Tables

21.50.280 BULK REGULATIONS TABLE, WCD DISTRICT

THE FOLLOWING APPLIES TO ALL LOTS WITHIN THE WCD DISTRICT WITHOUT REGARD TO SUBDISTRICT DESIGNATION.

**IMPORTANT: THE NOTES AT THE END OF THE TABLE ARE AS MUCH A PART OF THE LAW AS THE TABLE ITSELF.**

LOT DIMENSIONS (MINIMUM)			YARDS (MINIMUM) <sup>3</sup>					COVERAGE, HEIGHT, F RATIO (MAXIMUM)		
AREA (SQ FT)	WIDTH (FT)	DEPTH (FT.)	FRONT (FT)	FRONT BUILDING LINE SETBACK <sup>2</sup> (FT)	INTERIOR SIDE (FT)	CORNER SIDE (FT)	REAR (FT)	HEIGHT (FT) <sup>4</sup>	FLOOR AREA RATIO	
5,000	50	100	0 <sup>1</sup>	*	0	0	0	*	Bulk regulations shall be determined through the planned development process, pursuant to Chapter 21.24.	

**TABLE NOTES:**

<sup>1</sup>EXCEPT THAT ANY LOT WITH FRONTAGE ON COMPROMISE STREET SHALL HAVE A MINIMUM FRONT YARD SETBACK FROM THE CURB.

<sup>2</sup>THE FRONT BUILDING LINE SETBACK, WHICH SHALL BE MEASURED FROM THE CURB WHERE EXISTING OR WHERE ACCORDANCE WITH THE CITY DOCK MASTER PLAN AND UPON APPROVAL OF THE DIRECTOR OF PLANNING AND ZONING DETERMINED BY THE PLANNING COMMISSION THROUGH THE SITE PLAN REVIEW PROCEDURES OF THIS ORDINANCE DEVELOPMENT PROCEDURES, AS APPLICABLE.

Deleted: 3

Deleted: 5

Deleted: 50

Comment: It is not necessary to set a FAR because this is restricted by height and design considerations. Lot coverage is restricted by Critical Area overlay requirements, which are proposed to be 90% for this zoning district. Both FAR and lot coverage can be determined through design review.

Deleted: 5

Deleted: 100

~~<sup>3</sup>SETBACK ALONG MARKET SLIP. THE MINIMUM SETBACK FOR ALL BUILDINGS, STRUCTURES, AND USES ESTABLISHED SHALL OBSERVE A SETBACK OF NOT LESS THAN 45 FEET FROM THE BULKHEAD, MEASURED PARALLEL TO THE BULKHEAD. THIS SETBACK SHALL BE MODIFIED UNDER THE PLANNED DEVELOPMENT PROVISION OF CHAPTER 21.24. NO BUILDINGS OR STRUCTURES SHALL BE PERMITTED WITHIN A SETBACK DEMARCATED BY THIS LINE DEFINED BY THE SOUTHWEST SIDE OF THE RIGHT-OF-WAY OF MAIN STREET AND EXTENDING TO THE EDGE OF THE WATERWAY, EXCEPT FOR PUBLIC INFRASTRUCTURE SUCH AS STORMWATER MANAGEMENT FACILITIES.~~

**Deleted:** LOTS WITH WATERWAY FRONTAGE SHALL BE 50 FEET FROM THE SHORELINE.  
**Deleted:** SHORELINE

<sup>4</sup>THE MAXIMUM HEIGHT SHALL BE AS SET FORTH IN SECTION 21.56.170.

~~<sup>5</sup>FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.~~

**Deleted:** <sup>5</sup>FLOOR AREA RATIO (FAR) SHALL HAVE THE MEANING SET FORTH IN SECTION 21.38.030 EXCEPT THAT ANY ENCLOSED OR UNENCLOSED SPACE BELOW THE FLOOD PROTECTION ELEVATION, AS DEFINED BY SECTION 17.11.179 OF THE CITY CODE, SHALL NOT BE COUNTED AS FLOOR AREA FOR THE PURPOSE OF CALCULATING FAR.

1

1 **Chapter 21.54 – Critical Overlay**

2 **Section 21.54.080 - Development requirements—Intensely developed areas.**

- 3 A. Stormwater Management. Stormwater management technologies shall be required to  
 4 reduce pollutant loadings by at least ten percent below that of predevelopment levels in  
 5 accordance with Chapter 17.10
- 6 B. Impervious Surfaces. Manmade impervious surfaces shall be limited to the following  
 7 maximum percentages of the development site:

Underlying Zoning District	Percent of Manmade Impervious Surface (maximum)
Residential	50
P, PM, B1, B2, B3	60
C1, C1A,	75
Maritime	80
C2, C2A, C2P, WCD <sup>1</sup>	90
<sup>1</sup> UPON APPROVAL BY THE PLANNING DIRECTOR, MANMADE IMPERVIOUS SURFACE AREA MAY EXCEED 90 PERCENT OF THE SITE IF PERVIOUS SURFACE AREA IS CREATED WITHIN THE BOUNDARIES OF THE CITY DOCK MASTER PLAN.	

8  
9

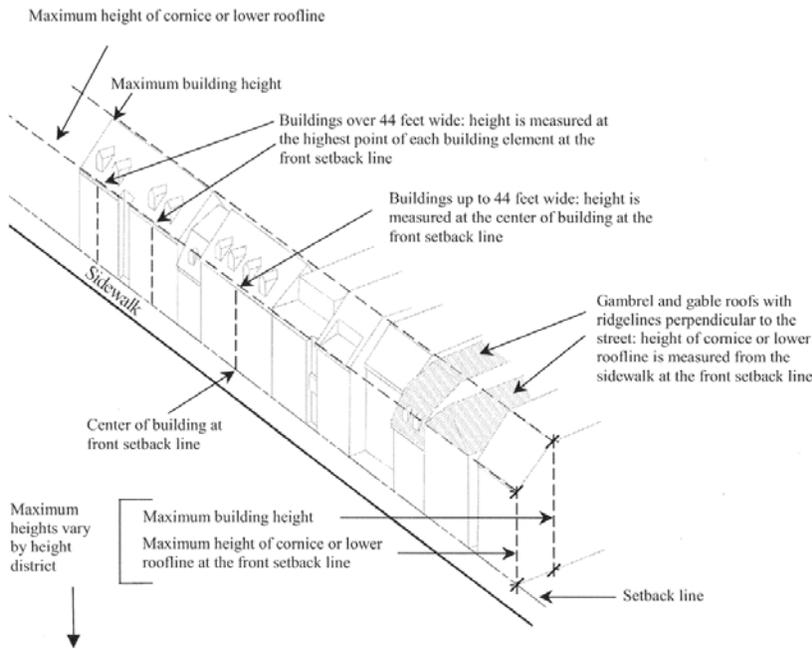
10 **Chapter 21.56 – Historic District**

11 **Section 21.56.170 - Height measurement.**

- 12 The height of buildings shall be determined in the following manner:
- 13 A. All measurements shall be taken from the center of the building at the front setback line  
 14 AT GRADE OR AT THE FLOOD PROTECTION ELEVATION AS DEFINED IN  
 15 SECTION 17.11.179 OF THE CITY CODE, WHICHEVER IS GREATER. [; p]Provided,  
 16 however, that if the building is greater than forty-four feet wide, the massing shall  
 17 conform to Section 21.56.210. In buildings greater than forty-four feet in width, the  
 18 building height measurement shall be taken at the highest point of each building  
 19 element at the front setback line.
- 20 B. Antennas and mechanical equipment up to thirty inches high shall not be counted in  
 21 computing height, and penthouses, other structures and mechanical equipment thirty  
 22 inches in height shall be used in computing height; chimneys are excluded.

- 1 C. For the purpose of achieving a permanent height limit, the height of a building shall not  
 2 be allowed to increase because of an increase in the elevation of the front setback line  
 3 occurring after the effective date of this Zoning Code.
- 4 D. Height Measurement in Special Height Limit Districts.
- 5 1. Two limits are established for each height district:
- 6 a. The height of a building at its highest point.
- 7 b. The height of a cornice or lower roofline of the building at the front setback  
 8 line.
- 9 2. The height of a building behind the front setback line may be increased provided it  
 10 does not exceed a plane projected at an angle of forty-five degrees upward from  
 11 the maximum allowable cornice or lower roofline height at the front setback line.  
 12 The plane may contain roof dormers provided the sum of their widths does not  
 13 exceed fifty percent of the street front linear dimensions of the building.
- 14 3. For gambrel and gable roofs with ridge lines perpendicular to the street, the height  
 15 of a cornice or lower roofline will be measured at the side wall at the front setback  
 16 line, and the height of the building at its highest point will be measured at the ridge  
 17 line.

18 **Illustration for height measurement.**



19

Height District per 21.56.180	Height of Cornice or Lower Roofline at Front Setback	Maximum Building Height
1	22'	32'

2	28'	38'
3	35'	45'

1

2 **Section 21.56.180 - Special height limit districts.**

3 A. Establishment. Three special height limit districts are established: district 1, district 2 and  
4 district 3.

5 B. Location and Boundaries. The location and boundaries of the special height limit districts  
6 are as set forth on the map entitled "Historic District Special Height and Bulk Limits,  
7 Revised, [May, 1983] (DATE OF THIS ORDINANCE)," certified copies of which are be  
8 maintained by the Department of Planning and Zoning, which constitutes a part of the "City  
9 of Annapolis Zoning District Map," established by Section 21.06.020

10 C. Applicability. The special height and bulk limits in these districts shall govern over any other  
11 height and bulk limits established in other provisions of this Zoning Code.

12 D. Regulations.

13 1. No building in the special height limit district 1 may exceed a total height of thirty-two  
14 feet and a height of twenty-two feet at the cornice or lower roofline measured at the  
15 front setback line.

16 2. No building in the special height limit district 2 may exceed a total height of thirty-eight  
17 feet and a height of twenty-eight feet at the cornice or lower roofline measured at the  
18 front setback line.

19 3. No building in the special height limit district 3 may exceed a total height of forty-five  
20 feet and height of thirty-five feet at the cornice or lower roofline measured at the front  
21 setback line.

22

23 **Chapter 21.60 – Supplemental Use and Developmental Standards**

24 **Section 21.60.060 – Location of Required Open Space**

25

26 All yards and other open spaces allocated to a building or dwelling group shall be located on the  
27 same zoning lot as the building or dwelling group, EXCEPT THAT WITHIN THE WCD  
28 DISTRICT, WATERFRONT PLANNED DEVELOPMENTS MAY SATISFY REQUIRED OPEN  
29 SPACE STANDARDS THROUGH OFF-SITE IMPROVEMENTS UPON APPROVAL OF THE  
30 PLANNING COMMISSION AS PROVIDED FOR IN SECTION 21.24.060 (D) OF THE CITY  
31 CODE.

32

33

34 **Chapter 21.64 – Standards for Uses Subject to Standards**

35

36 **SECTION 21.64.291 - ELECTRIC VEHICLE RECHARGING STATION.**

37

38 IN THE WCD-OS SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO A  
39 PUBLIC PARKING LOT AND/OR PLAZA.

40

1 **SECTION 21.64.371 - LAUDERETTES, AUTOMATIC, SELF-SERVICE.**

2  
3 IN THE WCD-MX SUBDISTRICT THIS USE IS PERMITTED AS AN ACCESSORY USE TO AN  
4 APPROVED MULTI-FAMILY DWELLING USE OR AN APPROVED YACHT AND SAILING  
5 CLUB MARITIME USE.  
6

7  
8 **Section 21.64.430 - Office, business and professional and nonprofit, educational, cultural**  
9 **or civic.**  
10

- 11 A. P District. In the P district, this use is permitted by right on lots of five thousand four hundred  
12 square feet or more. On lots less than five thousand four hundred square feet the use may  
13 be permitted by special exception.
- 14 B. PM District. In the PM district, when this use is established on lots less than five thousand  
15 four hundred square feet, the following standards apply:
- 16 1. All trash and refuse shall be stored in self-enclosed trash storage areas. Trash areas  
17 shall be screened in an appropriate manner using a board-on-board enclosure.
  - 18 2. Pedestrian traffic through and around the project shall be separated from driveways and  
19 parking lots through the use of sidewalks.
  - 20 3. Parking areas shall be provided at the rear of the site and structures shall be located at  
21 the front of site.
- 22 C. WCD-MX SUBDISTRICT. IN THE WCD-MX SUBDISTRICT, THIS USE IS PERMITTED  
23 PROVIDED IT IS NOT ON THE GROUND FLOOR OR FIRST FLOOR OF A BUILDING.

24  
25 **Section 21.64.470 - Parking lots.**

- 26 A. MX District.
- 27 1. Temporary surface parking lots not to exceed six months duration are a permitted use.
  - 28 2. Surface parking other than permitted in subsection (A)(1) of this section are subject to  
29 the following standards:
    - 30 a. A planting plan is required;
    - 31 b. Cars and parking lots shall be screened from view;
    - 32 c. A ten foot wide buffer strip at all street edges of the zoning lot shall be reserved for  
33 walls or plantings, or a combination thereof in order to screen the zoning lot; and
    - 34 d. Plantings and any constructed edge shall be compatible in material, design and  
35 scale to the prevailing character of the street.
- 36 B. PM District.
- 37 1. A planting plan is required. In cases where parking lots abut a residential zoning district  
38 additional planting or screening may be required.

1           2. All lots shall be signed in an appropriate manner to guide traffic into, around and out of  
2           the lot.

3 C. WCD-OS SUBDISTRICT.

4           IN THE WCD-OS SUBDISTRICT, THIS USE IS PERMITTED PROVIDED IT IS A  
5           PUBLICLY OWNED FLEXIBLE USE PARKING LOT, MEANING THAT THE USE OF THE  
6           LOT SHALL INCLUDE PUBLIC BENEFIT AND/OR PUBLIC OPEN SPACE ACTIVITIES IN  
7           ADDITION TO, IN COMBINATION WITH, OR AT TIMES TO THE EXCLUSION OF  
8           VEHICULAR PARKING.

9  
10

11 **Chapter 21.70 – Sign Regulations**

12 **21.70.100 - Nonconforming signs.**

13 A. The Director of Neighborhood and Environmental Programs shall order the removal of any  
14 sign erected or maintained in violation of the law as it existed prior to the date of the  
15 adoption of this Zoning Code.

16 B. Other signs existing at the time of the adoption of this Zoning Code and not conforming to  
17 its provisions, but which did conform to previous laws, shall be regarded as nonconforming  
18 signs which may be continued if properly repaired and maintained as provided in this  
19 chapter[.], EXCEPT BILLBOARD SIGNS WHICH SHALL BE ELIMINATED WITHIN SEVEN  
20 YEARS OF THIS DATE OF ADOPTION OF THIS ORDINANCE. UPON APPEAL OF THE  
21 DIRECTOR'S DECISION TO REMOVE THE SIGN, THE BOARD OF APPEALS MAY, BUT  
22 IS NOT REQUIRED, TO EXTEND THIS TIME PERIOD BASED ON A FINDING THAT THE  
23 SEVEN YEARS IS NOT SUFFICIENT TIME FOR THE SIGN OWNER TO FULLY  
24 AMORTIZE THE CAPITAL INVESTMENT IN THE SIGN STRUCTURE. UNDER NO  
25 CIRCUMSTANCES SHALL THE AMORTIZATION PERIOD PERMITTED BY THE BOARD  
26 OF APPEALS EXCEED ONE ADDITIONAL YEAR OR EIGHT YEARS TOTAL. IN  
27 DETERMINING AN APPROPRIATE AMORTIZATION PERIOD, THE BOARD SHALL  
28 CONSIDER THE FOLLOWING:

- 29           1. THE OWNER'S CAPITAL INVESTMENT IN STRUCTURES, FIXED  
30           EQUIPMENT, AND OTHER ASSETS (EXCLUDING INVENTORY AND OTHER  
31           ASSETS THAT MAY BE FEASIBLY TRANSFERRED TO ANOTHER SITE) ON  
32           THE PROPERTY BEFORE THE TIME THE USE BECAME NONCONFORMING.
- 33           2. ANY COSTS THAT ARE DIRECTLY ATTRIBUTABLE TO THE  
34           ESTABLISHMENT OF THE COMPLIANCE DATE, INCLUDING DEMOLITION  
35           EXPENSES, RELOCATION EXPENSES, TERMINATION OF LEASES, AND  
36           DISCHARGE OF MORTGAGES.
- 37           3. ANY RETURN ON INVESTMENT SINCE INCEPTION OF THE USE,  
38           INCLUDING NET INCOME AND DEPRECIATION.
- 39           4. THE ANTICIPATED ANNUAL RECOVERY OF INVESTMENT, INCLUDING NET  
40           INCOME AND DEPRECIATION.

41  
42 C. Nonconforming signs which are structurally altered, relocated, or replaced shall comply  
43 immediately with all provisions of this chapter.

44

1 **Chapter 21.72 – Terms and Definitions**

2 **Section 21.72.010 - Terms**

3 PLAN

4 "PLAN" MEANS THE POLICIES, STATEMENTS, GOALS AND INTERRELATED PLANS FOR  
5 PRIVATE AND PUBLIC LAND USE, TRANSPORTATION AND COMMUNITY FACILITIES  
6 DOCUMENTED IN TEXTS AND MAPS THAT CONSTITUTE THE GUIDE FOR AN AREA'S  
7 FUTURE DEVELOPMENT. "PLAN" INCLUDES A GENERAL PLAN, MASTER PLAN,  
8 COMPREHENSIVE PLAN, FUNCTIONAL PLAN, OR COMMUNITY PLAN ADOPTED IN  
9 ACCORDANCE WITH THE LAND USE ARTICLE OF THE ANNOTATED CODE OF  
10 MARYLAND.

11

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

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

21

22

23

**Explanation:**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Chapter 21.64 - STANDARDS FOR USES SUBJECT TO STANDARDS**

### **21.64.540 - Restaurants, standard.**

Standard restaurants are subject to the general standards for food and beverage-related uses. The following additional standards apply:

- A. Drive-through service is not permitted.
- B. Catering or delivery service may be permitted as an accessory use.
- C. B1, B2, B3, B3-CD, and PM Districts. In the B1, B2, B3, B3-CD, and PM districts the following standards apply:
  1. Where the use is permitted subject to standards:
    - a. No more than fifty seats are permitted,
    - b. Alcohol is permitted with the service of food,
    - c. Hours of operation are limited to midnight seven days a week,
    - d. Outdoor dining with the exception of rooftop dining may be permitted subject to the following:
      1. Alcoholic beverages shall be served only in conjunction with the service of food.
      2. Hours of operation shall be limited to 10 p.m., seven days a week.
      3. No speakers or public address system shall be allowed.
    - e. No bar, dancing, or live entertainment is permitted, except in the PM district where indoor, live, non-amplified acoustical musical entertainment may be permitted.
    - f. Recorded music shall be limited to background variety only indoors.
  2. In the B1 district, more than fifty seats may be permitted by special exception.
  3. In the B2, B3, B3-CD, and PM districts, the following may be permitted by special exception:
    - a. More than fifty seats; and
    - b. Bar, dancing, and live entertainment indoors;
    - c. Hours of operation extending past midnight;
    - d. Rooftop dining, subject to the following:
      1. Alcoholic beverages shall be served only in conjunction with the service of food.
      2. Hours of operation shall be limited to 10 p.m., seven days a week.
      3. No bar, dancing or live entertainment and no speakers or public address system shall be allowed.
      4. No portion of a rooftop dining area may be located any closer than 75 feet from a residential structure, measured horizontally at grade.
      5. The rooftop dining area may not exceed 25 percent of the floor area of the indoor restaurant area and may not have more than 25 percent of the number of seats in the indoor restaurant area.
      6. Access to the rooftop dining area shall be through the interior of the restaurant. An exterior access shall be allowed only as an emergency access for fire and life safety purposes.
      7. Lighting shall be directed away from adjoining properties and streets and designed to minimize glare. All lighting shall be at or below railing level.

8. The design of the rooftop dining area shall include noise mitigation measures that will minimize adverse impacts on adjoining properties.

D. BCE and BR Districts. In the BCE and BR districts the following may be permitted:

1. More than fifty seats,
2. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
3. Bar, dancing, and live entertainment,
4. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.540 C.3.d.

E. **WCD AND** MX District. In the MX district:

1. The following are permitted by right:
  - a. Any number of seats,
  - b. Alcohol with the service of food,
  - c. Outdoor dining with the exception of rooftop dining, subject to the standards enumerated in Section 21.64.540 C.1.d.,
  - d. Accessory bars.
2. Dancing and live entertainment may be permitted by special exception.
3. Rooftop dining may be permitted by special exception subject to the standards enumerated in Section 21.64.C.3.d.

**Comment: This amendment clarifies that the standards for restaurants in the WCD are the same as those in the MX District.**

**Chapter 21.66 - PARKING AND LOADING REGULATIONS**  
**Section 21.66.130 - Table of off-street parking requirements.**

**Table Notes:**

1. Calculation Rules.
  - A. Unless stated otherwise in the table, when the standard is given in square feet the standard means the number of parking spaces per square footage of gross floor area. See definition of floor area in Division VI for areas to be included in the calculation.
  - B. When the number of off-street parking spaces required by the table results in a fraction, any fraction of one-half or less may be disregarded, while a fraction over one-half is counted as one parking space.
  - C. Parking spaces required on an employee basis shall be based on the maximum number of employees on duty or residing, or both, on the premises at any one time.
2. Drive-In Businesses. Stacking spaces, equal in number to five times the maximum capacity of a drive-in business, for automobiles awaiting entrance into the drive-in business, shall be provided.
3. Use Not Included in the Table. Alternative parking and loading standards may be proposed for uses not included in the table, pursuant to Section 21.66.040
4. ~~WCD, C2 or C2A~~ Districts. Off-street parking facilities are not required in the C2 or C2A districts except that uses containing 20,000 square feet or more of floor area must provide 20 parking spaces, plus one space for each additional 500 square feet of floor area.
5. MX District. Unless alternative parking standards are approved by the Department of Planning and Zoning pursuant to Section 21.66.040, commercial uses not specifically enumerated in the Table of Off-Street Parking Requirements shall provide one parking space for each 300 square feet of gross floor area.

Comment: Parking requirements for the WCD District will be the same as those for C2 and C2A.

## Memo

To: City Council

From: Historic Preservation Commission

Date: July 13, 2013

Re: Review of O-7-13

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

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

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

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

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

### **Guidance and Recommendations:**

1. *Redefinition of measurement from “at grade” to “at flood protection elevation”:* The HPC believes this redefinition is a requirement for rehabilitation within the affected areas. FEMA rules no longer allow for either major renovations or construction of new buildings within a floodplain. All the property affected by O-7-13 is located with the FEMA map floodplains. Therefore the HPC supports this portion of the ordinance if the following amendment is made: removal of the additional 2 feet of “freeboard” that the City adds on to the FEMA map requirements. The HPC believes that the minimum additional height needed to satisfy FEMA requirements (which allows owners access to insurance, lending etc) is sufficient. The areas affected by the change in measurement are extraordinarily sensitive locations and the difference of adding 2 additional feet to an individual building could have significant and detrimental design impacts. **Therefore the HPC recommends the ordinance reference FEMA base flood elevation as the new measurement standard as opposed to flood protection elevation.**
2. *Revisions to the Height District Maps contained within the City Code:* The HPC finds persuasive the testimony provided as to the benefits and protection that the current height and bulk districts have provided to the National Landmark District since their implementation decades ago. There was no factual or analytical testimony provided to form a basis for changing these limits. Additionally, the HPC

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

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

One hypothetical example to illustrate:

Subject property is located in District 1 and therefore the height limit is 22 feet at the cornice and 32 feet at the ridgeline for a new building

Subject property is at 5 feet above sea level when measured at grade; FEMA flood map shows minimum requirement of 8.5 feet above sea level. Therefore property needs to add 3.5 feet to meet minimum FEMA standards.

Maximum cornice height is then calculated to be 25.5 feet (22 plus 3.5) and the maximum ridgeline height is 35.5 feet.

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

Respectfully Submitted,

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

**Appendix A**  
Memo

To: Planning Commission

From: Historic Preservation Commission

Date: March 12, 2013

Re: Review of City Dock Master Plan

**Executive Summary:**

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

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

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

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

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

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

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

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

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

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

**21.56.010 – Authority and Purpose**

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

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

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

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

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

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

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

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

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

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

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

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

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

**Overall Comments:**

- As of this date, the testimony available to guide the HPC in evaluating the compliance of projects envisioned within CDMP is lacking one absolutely critical element: professional assessment of the impact of CDMP projects on viewsheds. The CDMP states “it will be imperative that viewshed analyses be undertaken during the plan review process for any new development or major redevelopment projects on City Dock.” The HPC is charged with protection of all viewsheds, not simply the one referenced in the CDMP (ie down Main Street to the City Dock). The HPC must also evaluate impacts on views from the water, and from and of significant historic resources (such as the Naval Academy Chapel dome, the State House dome, Ridout House etc). A study to evaluate this issue must be undertaken prior to any formal application to the HPC for approval on a specific project which would impact the various viewsheds. The study must be done under the direction of City Staff and specifically the Chief of Historic Preservation to ensure its relevance to preservation requirements.
- Without the resources necessary to complete a professional assessment of the CDMP regarding preservation issues, the HPC members can only be guided by the Secretary of Interior Standards for Rehabilitation, Article 66B of the State of Maryland which provides enabling authority for the HPC and the adopted Design Guidelines for the City of Annapolis. These documents are the basis on which the component specific comments are based.
- The HPC believes that given the location of the plan area, all components are subject to a standard of strict scrutiny for review as opposed to a lenient standard.

**Component Comments:**

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

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

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

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

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

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

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

## II. Annapolis Design Guidelines

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

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

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

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

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

## B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETSCAPES.

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

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

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

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

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

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

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

### **Assessment:**

- The HPC found particularly persuasive the document submitted entitled "Shorelines of Annapolis Market Slip" providing historical documentation that the setbacks along Dock Street have been in existence in their current form since approximately 1878 (Hopkins).
- The HPC can support the concept of a change in measurement definition as it relates to cornice and roof lines as a reasonable and necessary adaptation to a changing environment (in essence similar to

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

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

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

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

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

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

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

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

### **II. Annapolis Design Guidelines.**

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

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

#### B. GUIDELINES TO PRESERVE AND ENHANCE INDIVIDUAL HISTORIC STREETS CAPES.

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

#### Assessment:

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

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

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

#### I. Annapolis Design Guidelines

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

#### Assessment:

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

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

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

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

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

**II. Annapolis Design Guidelines**

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

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

**Assessment:**

- The HPC believes a redesign of Hopkins Plaza prior to any decision on Memorial Circle would be compliant and feasible depending on the design specifications submitted. A majority of the Commissioners present at deliberations believe that the demolition of Memorial Circle would not be compliant and feasible based on the testimony in the record. These commissioners found the testimony from Ms McWilliams and Russo most persuasive. However unlike all other items discussed, this was not a unanimous opinion and some commissioners (2) remain undecided based on the record.
  - The HPC takes note however of the following language in Title 21.56.060: “Special Considerations: the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of subsection (E)(2) of this section, if the Commission finds that: a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;” The HPC points out that the City as the property owner could present evidence to invoke this portion of the code and argue the case for substantial benefit. The HPC would further note that such testimony would need to be demonstrable fact as opposed to assertions and would be subject to public scrutiny and rebuttal. The HPC would have to vote on the matter prior to moving forward with an application under this provision.
- 5. Installation of a Seawall:** The HPC does believe that the construction of a seawall could be compliant and feasible given the testimony in the record and depending on design specifications and welcomes an application from the City on that project.

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

- The HPC would encourage the development, even at the conceptual level, of a streetscape materials guidance document. Recommendations for the standardized use of paving, curb, and sidewalk materials for specific areas/uses would provide cohesion to the development since the build out time is a lengthy one. Materials that are both sustainable and appropriate for use in the historic environment should be the focus of this effort. This project could be accomplished efficiently and would result in significant improvement in the streetscape design.
- The HPC heartily endorses the statement to coordinate and prioritize efforts with a review of the Capital Improvements Plan (CIP).
- The HPC has no opinion on the discussion relating to the management entity proposed by CDMP per se but is mindful that regardless of management type, the historic district ordinance vests authority for approval of infrastructure changes with the HPC.

*Other Items:*

- The HPC has requested additional review of CDMP from Maryland Historical Trust. Their letter is attached and made a part of this response.
- The HPC is forwarding and making part of the record all public written testimony as well as minutes (when complete and adopted) from the hearing on February 12, 2013.
- The HPC wishes to remind all parties that in addition to all other requirements as the CDMP moves into actionable projects that archaeological oversight will be a necessary component of the process.

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

Respectfully Submitted by:

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

March 11, 2013

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

Re: City of Annapolis  
*City Dock Master Plan*

Dear Chairman Kennedy:

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

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

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

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

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

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

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

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

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

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

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

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

Sincerely,

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

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



City of Annapolis City Council  
Committee & Commission Referral Action Report

---

Date: August 30, 2013

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

The Maritime Advisory Board has reviewed O-7-13, Establishment of a New Zoning District: Waterfront City Dock, Phase One and has taken the following action:

Favorable

Favorable with amendments

Unfavorable (10-0)

No Action

Other

Comments:

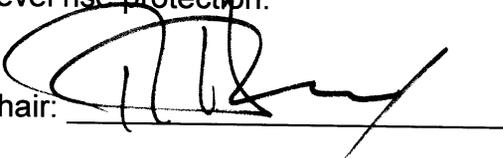
The MAB has twice previously reviewed proposed legislation affecting the Chandler, LLC (former Fawcett's) properties. The MAB recommended against O-36-10 (text amendment changing uses in WMC) by a vote of 7-2 and against O-52-11 (rezoning of Chandler, LLC properties) by a vote of 7-3 for the reasons set forth therein. A copy of those Referral Action Reports are attached.

The MAB also reviewed the proposed City Dock Master Plan (R-49-12) and made comments and recommendations. A copy of those comments and recommendations are attached.

At its July, 2013, regular meeting the MAB reviewed O-7-13 (proposed new zoning district WCD) and unanimously recommended against the

legislation at this time. The MAB noted the following formal comments in addition to its comments to O-36-10, O-52-11 and R-49-12:

- The City Dock Master Plan does not contemplate a Phase I, or piecemeal, rezoning of the City Dock and the WMC zoning district.
- The proposed rezoning is limited to the Chandler, LLC properties and the adjoining City parking lots.
- The uses proposed in the WCD zoning district are far more extensive than maritime uses and a restaurant. They include as permitted uses hotels, furniture stores, gyms, private schools, planned developments (subject to standards) and residential units.
- The provision for a Waterfront Planned Development is not specifically limited to the WCD zoning district nor is the provision placed in Section 21.46.060 (Waterfront City Dock District), and implies serious ramifications for extensive non-maritime development in the WMM, WME and WMI zoning districts, including residential waterfront uses in those zoning districts.
- The adjoining Fleet Reserve Club and Marriot hotel would remain under WMC zoning, despite being developed with two restaurant facilities and a multi-story hotel.
- Concerns remain about the extent of public waterside access.
- Concerns remain about the effect on Federal and/or State funding and the construction work for bulkhead improvements and sea level rise protection.

Meeting Date: July 30, 2013 Signature of Chair: 

cc: Members, Maritime Advisory Board

Legislative Referral - O-7-13 (City Dock Zoning)



MARITIME ADVISORY BOARD  
THE CITY OF ANNAPOLIS

MUNICIPAL BUILDING  
ANNAPOLIS, MARYLAND 21401  
(410) 263-7940

March 8, 2013

Sally Nash, PhD, AICP, Senior Planner  
Comprehensive Planning Division  
Department of Planning & Zoning ...  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401

Re: City Dock Master Plan  
Comments and Recommendations

Dear Sally:

Attached are the comments and recommendations of the  
Maritime Advisory Board to the proposed City Dock Master Plan.

Very truly yours

Tarrant H. Lomax, Chair

Enclosure

cc: Members  
Members

**COMMENTS AND RECOMMENDATIONS  
OF THE CITY OF ANNAPOLIS MARITIME ADVISORY BOARD**

**Board Members:**

Tarrant H. Lomax, Esq., Chair  
Chris Buchheister, Vice Chair  
Scott H. Allan  
Andrew Fegley  
Richard Franke  
Debbie Gosselin  
Duncan Hood  
Russell Outtrim  
Richard Pettingill  
William H. Woodward, Jr., DDS  
Karen Jennings (Annapolis Conservancy Board)

**Abbreviations:**

CDAC: City Dock Advisory Committee  
MP or Plan: City Dock Master Plan  
V&GP: Visions and Guiding Principles of the CDAC

**General Observations:**

The City Dock area is an historic, working maritime part of the City of Annapolis, a political and sailing Capital. It is not a National Park, Disneyworld or even Williamsburg. It includes visiting yachtsmen, businesses serving local residents and visitors alike, and a waterfront ambience. It should not become a tourist pedestrian centric location, but rather should equally serve the visitors as well as the community and businesses that coexist on a daily basis.

The recommendations for significant reduction of downtown parking will have an adverse affect on local residents who visit downtown for lunch, dinner or a quick shop. Day long visitors will tolerate peripheral parking but the 1-2 hour visitor will opt for more convenient and less time-consuming alternatives. In addition, the increased time for vehicular traffic to clear the intersection adds to both pollution and backups into the Eastport community. The existing circle works just fine.

The view from the water is Annapolis' "million dollar postcard". We should not detract from that view with 2-5 story office buildings, and a forest of traffic lights virtually at the water's edge.

The implementation of a "T" intersection instead of the existing circle was unanimously rejected. Traffic control appears to be the mask; the real driving force behind the T intersection is the creation of a 4<sup>th</sup> park (not counting the proposed pedestrian

promenades) at Market Square. Without that enlarged “park” there is no need to move the existing circle. And Annapolis does not need 4 parks virtually on top of each other.

### **Specific Comments:**

#### **What the Master Plan got right:**

1. **Concept of Gradual Improvement:** *“Improvements ... should be made gradually in time so that the City can assess how they are working before making the next improvement”*: This acknowledges the risk of change, and supports CDAC’s V&GP. Further, that parking should be converted *“to public spaces as the parking strategies bear fruit. This requires that the change in use and demand of parking be monitored so that information is available to make informed decisions. The new smart meter technologies that the City will implement in 2013 will allow this.”* (MP p 31)
2. **Enhanced aesthetics** such as outdoor dining, nicer pedestrian walkways, are a welcome recommendation, but only as long as any loss of parking is mitigated by **sufficient, convenient, cost-competitive parking**.
3. **Flood protection:** Get it right and get it done. This is the first thing which should happen. The solutions (the wall) found in the plan may not be the best or most cost-effective. Best practices and proven yet high quality technology should be used, particularly for sound dampening if a “major pumping station” (MP p 23) is to be installed, and cost/benefit analyses must be done.
4. **Shade:** More shade is needed. It gets hot in the summer which coincides with the time of highest use, but view cones from Main Street and the water should not be negatively impacted.
5. **Public Art:** Enhancing the beauty of the existing space should be supported. The emphasis should be on integrating design into and onto functional improvements at every opportunity. It should not be more heritage story-telling, since Annapolis has numerous vehicles for that: Alex Haley statue and the Leonard Blackshear walk; Historic Annapolis Foundation including its Paca House and Gardens; Hammond Harwood House; the State House; Annapolis Maritime Museum; private tour companies; Banneker Douglas Museum, to name a few.
6. **Parking Management Concepts:** The strategies offered are a good starting place. The use of the free Circulator is a positive initiative. Complaints from users indicate the operation of the Circulator needs improvement. New technology monitoring availability, pricing, and location of open spaces which can be transmitted to users in real time is beneficial. The goal must be: **sufficient, convenient, and cost-competitive parking**. Also important is the MP’s statement: *“A gradual removal of parking spaces guided by the Plan is recommended in coordination with downtown businesses to address business concerns about the reduction in the number of*

spaces.” (MP p 29) Further supported is the recommendation to expand the number of parking spaces at Hillman Garage through its reconstruction to the extent practicable. (MP p29)

7. **Management Entity**: CDAC’s concept of an entity that would efficiently manage the operations around City Dock is a good one. However if not managed with businesses in mind, and in conjunction with the Harbormaster, it should not be attempted. Examples of roles of the entity are: managing parking; managing events such that they are beneficial to and not at the expense of residents and downtown businesses and maritime interests; keeping the City Dock clean; managing landscaping, seasonal flowers and decorations, and maintaining the historic seaport brand. But City Dock is also working maritime waterfront, and not just tourist attraction. Attention must be given to the integrated management of all aspects of a downtown working city facility.
8. **Zoning Change** and getting rid of “conditional special exception use” is also positive. (MP p30). However, **any change to the WMC zoning should only occur in conjunction with a comprehensive (not expensive) review of all of the maritime zones as require in past Comprehensive Plans. This will ensure that the maritime zoning remains effective and is not eliminated piece by piece.**
9. **Undergrounding utility lines** as opportunities allow. (MP p 31). But the inclusion of a forest of traffic lights in place of the circle is counterproductive to the beautification sought but undergrounding utilities.

**What the Master Plan got wrong:**

1. **T Intersection Replacing the existing circle.** Replacing the historical and functional existing circle with the traffic-signalized T intersecton. *“Beginning at the approaches from all directions, the intersection would become a slow moving environment...to calm traffic.”* (MP p 13) In the name of “improving the pedestrian experience”, the functionality, aesthetics, and historical context of the existing traffic circle are discarded for a three-way intersection which will require a minimum of three traffic lights – a sight that has been successfully and intentionally avoided in the area for decades. And, the Master Plan recognizes the key problem with the T concept – “a slow moving environment”. Further, the CDAC voted 7 to 6, with 1 abstention, against the T intersection concept.

This proposal and the point discussed in Paragraph 2 immediately below both contribute to what will be a source of gridlock and inability to “get to and through” town – a named goal of CDAC’s Vision and Guiding Principles. Access will be severely reduced, all for the alleged goal of a better environment for pedestrians and a 4<sup>th</sup> park at the Market House Square. This flies in the face of the reality that hundreds of thousands of pedestrians maneuver through the City Dock area safely every year in what has been rated one of the most walkable towns in America. This plan also does not account for the 10,000 vehicles per day (data from Annapolis DPW staff) which

traverse through downtown. Contrary to the MP statement that the Circle cannot account for “*the conflicting movements of pedestrians and vehicles and the variety of offsetting intersection approaches*” (p 17), the existing Circle and pattern do so very well, and safely, per data provided by Sabra Wang and daily observation.

Any back-up caused by pedestrians can be ameliorated by improved crosswalks and using crossing guards during peak times (a few hours during nice summer weekends). The risk of slowing down traffic consequent to traffic signals and narrow roadways is to force some number of those who now drive through town, and are an important source of those “locals” who use it, to go around, exacerbating traffic on Forest Drive and Spa Road, and negatively impacting our businesses.

The MP’s concept to build the signaled T-intersection is a very expensive and risky way to “improve the pedestrian environment” by refereeing “*the flow of pedestrians and vehicles,*” which is a problem less than 2 % of the time. Crossing guards can be and have been effectively used to provide “green time” to pedestrians during this minor amount of time. Lastly, the concept of refereeing the flow of pedestrians and vehicles ignores the simple fact that Compromise to Main or Randall Streets is a major means of egress from the Eastport peninsula and even beyond.

2. **Traffic rerouting.** The proposed lights and narrowed roadways with new signaled turns reduce flexibility; reduce use of businesses; impact trash pick-up, deliveries, and access in general. The MP suggests that yet another traffic signal may be needed at Compromise and St. Mary’s Streets. Yet, the need for traffic control at St. Mary’s Street is the morning drop off and afternoon pickup at St. Mary’s School. Those vehicles coming down St. Mary’s Street in the morning and afternoon are using Compromise and Main or Randall Streets as a means of egress – they are not visiting downtown Annapolis. Again, functional and aesthetically designed crosswalks and/or a crossing guard during the few times necessary are a much better solution. The statement that “*currently Compromise can be a rather high speedway into City Dock*” (MP p19) is just biased opinion without any empirical data.
3. **Environmental insensitivity.** MP p 32 admits that the new traffic routing will add an average of 30 seconds to the trip of the driver going between USNA and Eastport. Multiplied by 10,000 cars per day, that adds **83 hours PER DAY** to the time people spend idling their vehicles at the T intersection. On page 16, the Master Plan states that the T will reduce traffic delays during peak traffic periods “*primarily due to the regulated control of auto and pedestrian flows*”. (MP p32). As previously stated, the less-than-2% of the time when such delays may occur, auto and pedestrian flows may be easily accomplished via crossing guards. This is a cheaper, more effective, environmentally-sound method which also employs people.
4. **Pedestrian-friendly:** No need has been demonstrated and this ignores the fact that Compromise to Main and Randall are also a major means of egress. This is the **commercial and maritime downtown** for the City of Annapolis and Anne Arundel

County. CDAC (just as St Clair Wright did) called for it to be an authentic city, not a theme park. This requires accommodation for modern life, which includes access to and through the City Dock area by vehicles. Further, there is simply practical no way to get to Annapolis other than by car. There is no access by public transport.

5. **Parking:** During Phase 1, CDAC came to informal consensus that some parking could be removed **if there was mitigation**. The City Dock businesses have continually expressed the need for more parking. The amenity of more green or pedestrian space closer to Susan Campbell Park, provided emergency vehicle and bus drop-off access is maintained, is acceptable - provided **sufficient, convenient and competitively-priced parking** is provided as part of the Plan. When the MP was first shown to CDAC, no parking strategy had been considered. Although the MP introduced the concept of “smart parking” strategies, there is no parking plan specifically developed for City Dock. Before any parking is removed, this must be done.
  
6. **Re-development of Dock Street:** View Cone and Scale: 2-3 story buildings along Compromise Street and 4-5 story buildings along the North side of Susan Campbell Park impacting the view cones from both Main Street and the water are unacceptable and unneeded. Even the Master Plan cautions that it is “*imperative that viewshed analyses be undertaken... for any new development...*” (MP p 11). And those viewsheds should include views both to and from the water.

### **Conclusion**

City Dock is the commercial and maritime center of a small city, a city which also functions as the county seat and the State capital and the home of two colleges; a city known already for its waterfront, beauty and walk-ability; a successful city whose downtown attracts millions annually by land and sea. It does not belong to city residents only; it does not belong to visitors only. Rather its success depends upon its draw upon a larger population of “locals”, maritime visitors, and land visitors. It must continue to function as an authentic working downtown waterfront, economically viable and sustainable - not a pedestrian centric theme park at the expense of local community use, the loss of maritime visitors, restricted access and restricted egress from the adjoining communities.

FISCAL IMPACT NOTE

**Legislation No:** O-7-13

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

**Note Date:** 5-26-13

**Legislation Title:** **Establishment of a New Zoning District: Waterfront City Dock, Phase One**

**Description:** For the purpose of implementing Phase One of the recommendations of the City Dock Master Plan by establishing a new zoning district – the Waterfront City Dock Zone.

**Analysis of Fiscal Impact:** This legislation establishes a new zoning district and has no direct fiscal impact.

**CITY COUNCIL OF THE  
City of Annapolis**

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

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

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

**A ORDINANCE** concerning

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

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

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

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

**Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

**21.42.080 - C2 Conservation Business district.**

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

D. Additional Standards.

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

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

**21.48 – USE TABLES**

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

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

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

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

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

<p><u>AND RELATED ACTIVITIES INCLUDING VENDOR BOOTHS AND DISPLAY AREAS</u></p> <p><u>DOCKS, SLIPS, PIERS AND OTHER FACILITIES FOR IN-WATER STORAGE OF BOATS AND WATERCRAFT</u></p>							P			
--	--	--	--	--	--	--	---	--	--	--

Notes:

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

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

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

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

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

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

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

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

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

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

---

Regina C. Watkins-Eldridge, MMC, City Clerk

---

Joshua J. Cohen, Mayor

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Policy Report**

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

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

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

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

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



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

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

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

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair NO

Ald. Hoyle YES

Ald. Arnett NO

Meeting Date 5/31/12

Signature of Chair Richard E. Israel



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

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

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

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

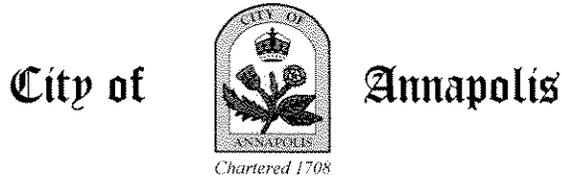
Roll Call Vote:

Ald. Paone, Chair YES

Ald. Finlayson Yes

Ald. Pfeiffer YES

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



## PLANNING COMMISSION

(410)263-7961

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

March 1, 2012

### MEMORANDUM

**To:** Annapolis City Council

**From:** Planning Commission

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

#### Summary of Ordinance

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

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

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

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

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

**Public Hearing**

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

**Recommendation**

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

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

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

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

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



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

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

JON ARASON, AICP  
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

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

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

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

**Summary of Ordinance**

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

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

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

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

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

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

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

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

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

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

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



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

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

JON ARASON, AICP  
DIRECTOR

March 1, 2012

**MEMORANDUM**

**To:** Planning Commission

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

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

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

**Summary of Ordinance**

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

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

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

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

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

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

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

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

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

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

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

1  
2  
3  
4  
5  
6  
7  
8

**CITY COUNCIL OF THE  
City of Annapolis**

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

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

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

9  
10 **A ORDINANCE** concerning

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

12  
13 **FOR** the purpose of adding certain provisions governing use and redevelopment of property  
14 located in a C2 Zoning District.

15 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
16 City of Annapolis, 2011 Edition  
17 Section 21.42.080  
18

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

21 **Chapter 21.42 – COMMERCIAL AND INDUSTRIAL DISTRICTS**

22 **21.42.080 - C2 Conservation Business district.**

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

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

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

30 D. Additional Standards.

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

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





*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

October 19, 2011

**MEMORANDUM**

**TO:** City Council of Annapolis  
**FROM:** Planning & Zoning Commission  
**RE:** Zoning map amendment of 110 Compromise from WMC, Waterfront Maritime Conservation to C2, Conservation Business District. ZMA2011-001

**SUMMARY**

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

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

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

**STAFF RECOMMENDATION**

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

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

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

**REQUIRED FINDINGS**

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

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

that is the subject of the application.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other Considerations**

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

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

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

New Subsection 21.42.080 D.4.:

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

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

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

New Subsection 21.42.080 D.5.:

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

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

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

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

**PUBLIC HEARING AND DELIBERATION**

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

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

**RECOMMENDATION**

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

Chair: 

David DiQuinzio

## FISCAL IMPACT NOTE

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

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

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

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

### **Description:**

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

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

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

1 CITY COUNCIL OF THE  
2 City of Annapolis

3 Ordinance No. O-52-11 Amended

4 Introduced by: Alderwoman Finlayson, Alderwoman Hoyle and Alderman Kirby  
5  
6  
7

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

8  
9 A ORDINANCE concerning

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

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

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

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

21 Chapter 21.06 – ZONING DISTRICTS AND MAPPING

22 21.06.020 - Zoning District Map.

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



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

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

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

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

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

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

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

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

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

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

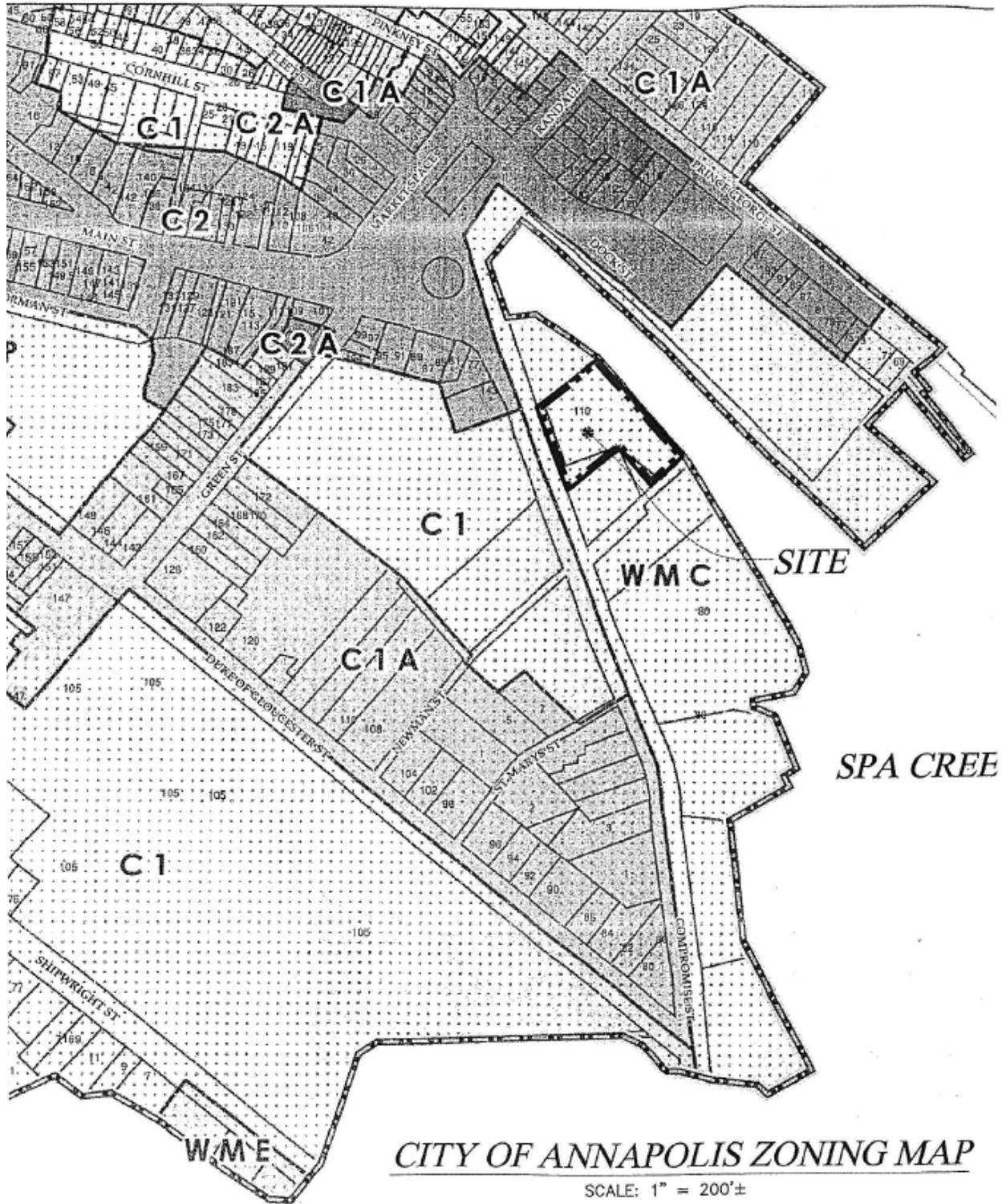
50  
51



# Exhibit A

EXHIBIT A (Revised)

O-52-11  
Page 5



## **Policy Report**

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

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

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

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

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

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

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



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

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

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

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair NO

Ald. Finlayson Yes

Ald. Pfeiffer Yes

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



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 5/31/12

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

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

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Israel, Chair Yes

Ald. Hoyle NO

Ald. Arnett Yes

Meeting Date 5/31/12

Signature of Chair Alderman Israel for th



Chartered 1708

## *City of Annapolis*

### DEPARTMENT OF PLANNING AND ZONING

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

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

JON ARASON, AICP  
DIRECTOR

October 19, 2011

#### **MEMORANDUM**

**TO:** City Council of Annapolis

**FROM:** Planning & Zoning Commission

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

#### **SUMMARY**

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

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

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

#### **STAFF RECOMMENDATION**

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

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

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

#### **REQUIRED FINDINGS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**Other Considerations**

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

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

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

New Subsection 21.42.080 D.4.:

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

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

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

New Subsection 21.42.080 D.5.:

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

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

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

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

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

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

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

#### **RECOMMENDATION**

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

Chair:



David DiQuinzio



City of Annapolis City Council  
Committee & Commission Referral Action Report

---

Date: January 5, 2012

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

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

Favorable

Favorable with amendments

Unfavorable (7-3)

No Action

Other

Comments:

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

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

---

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

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

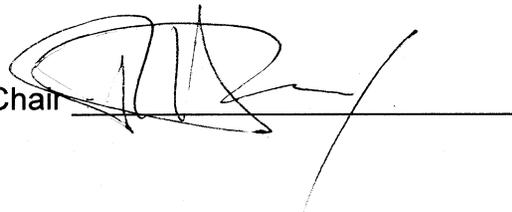
The Board also notes that Policy 6 of the 2009 Comprehensive Plan notes that a plan for the future of City Dock "must be developed with broad participation by the entire community". The City Dock Advisory Committee has not completed its recommendations and there is an on-going study of the Compromise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

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

cc: Members, Maritime Advisory Board

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

Meeting Date: December 20, 2011      Signature of Chair

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

## FISCAL IMPACT NOTE

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

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

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

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

### **Description:**

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

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

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

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37

**CITY COUNCIL OF THE**  
**City of Annapolis**  
**Ordinance No. O-25-13**  
**Sponsor: Alderman Budge**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	180 Day Rule
6/10/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13		
Planning Commission	6/10/13		

**A ORDINANCE** concerning  
**Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District**

**FOR** the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition  
Section 21.48.010  
Section 21.64.440

**WHEREAS,** an objective of the 2009 Annapolis Comprehensive Plan is to channel residential and commercial redevelopment into appropriate Opportunity Areas to “relieve pressure for inappropriate use of buildings in the Historic District”; and

**WHEREAS,** the C1 Conservation Residence District is the only Residential District in Annapolis which allows the use of a residence as an office or studio of a professional person by Special Exception instead of use as a Residence; and

**WHEREAS,** the Special Exception granted to 49 Cornhill Street in 1971 is the only Special Exception for use of a residence as an office or studio of a professional person that has ever been granted in the C1 Conservation Residence District; and

**WHEREAS,** the Planning Commission and Board of Appeals of the City of Annapolis denied the application for a Special Exception for use of a residence as an office or studio of a professional person at 58 Cornhill Street, a decision which was upheld by the Circuit Court for Anne Arundel County in 2012; and

1 **WHEREAS,** home offices are allowed in all Residential Districts in Annapolis subject to the  
2 Home Occupation standards, including the C1 Conservation Residence District.

3

4

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

7

8 **CHAPTER 21.48 – Use Tables**

9

1 **21.48.010 - Table of Uses—Residential Zoning Districts.**

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

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

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
Accessory buildings and uses, including signs	A	A	A-Std	A	A	A	A	A	A	A	A	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Apartment hotels										P-Std	P-Std		
Bed and breakfast homes					P-Std		P-Std	P-Std				P-Std	P-Std
Bed and breakfast home in a structure constructed or erected after December 14, 1998 on a vacant lot of record					S-Std								
Cemeteries	P	P	P	P	P								
Colleges, private	S	S	S	S	S	S	S	S	S	S	S	P	
Day care, family	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std		
Day care centers, group, in conjunction with public school facilities			A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std		
Day care centers, group, including day care centers accessory to a principal religious institution	S	S	S	S	S	S	S	S	S	S	S	S	
Driveways, walkways, parking or access for uses located in an adjacent nonresidential	S	S	S	S	S	S	S	S	S	S	S		

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
district													
Dwellings, multi-family						S	S	S	S	S	S	S-Std	
Dwellings, multi-family containing six or fewer dwelling units							P-Std						
Dwellings, single-family attached						S	S	S	S	S	S	S-Std	
Dwellings, single-family detached	P	P	P	P	P	P	P	P	P	P	P	P	P
Dwellings, two-family				<sup>1</sup>		P	P	P	P	P	P	S-Std	S <sup>2</sup>
Garages and carports	A	A	A	A	A	A	A	A	A	A	A	A	A
Golf courses			P										
Governmental uses													
Public schools and colleges	P	P	P	P	P	P	P	P	P	P	P	P	P
Other government and government-related structures, facilities and uses	S	S	S	S	S	S	S	S	S	S	S	S	S
Greenhouses and conservatories, private (noncommercial)	A	A	A	A	A	A	A	A	A	A	A	A	A
Group homes												S	
Home occupations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Hospitals and sanitariums	S	S	S	S	S	S	S	S	S	S	S	S	
Inns			S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S	
Institutions for the care or treatment of alcoholics, drug addicts and the mentally ill	S	S	S	S	S	S	S	S	S	S	S		

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
Institutions for the care of the aged	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	
Mooring slip or dock, private	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A
Museums and art galleries, including historic buildings and shrines for patriotic, cultural and educational purposes	S	S	P	P	P	P	P	P	P	P	P	P	P
[Office or studio of a professional person]												[S-Std]	
Philanthropic and charitable institutions, civic nonprofit organizations, and social and fraternal organizations	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	S-Std	
Planned developments, residential and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		
Recreational and social clubs, noncommercial	S	S	S	S	S	S	S	S	S	S	S		
Religious institutions, including churches, chapels, mosques, temples, and synagogues	S	S	P	P	P	P	P	P	P	P	P	P	P
Rest homes and nursing homes	S	S	S	S	S	S	S	S	S	S	S	S	
Schools, private, elementary, middle, or high	S	S	S	S	S	S	S	S	S	S	S		
Schools, vocational	S	S	S	S	S	S	S	S	S	S	S		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Tool houses, sheds and other similar buildings for the	A	A	A	A	A	A	A	A	A	A	A	A	A

Uses	District R1A	District R1B	District R1	District R2	District R2-NC	District R3	District R3-NC	District R3-NC2	District R3-R	District R4	District R4-R	District C1	District C1A
storage of domestic supplies and equipment													

1

2 Duplex units existing on August 10, 1970, may be altered or enlarged provided that the alteration or enlargements otherwise meet the provisions  
3 of the R2 zoning district, except that the shared lot line between each half of the duplex unit must meet the provisions of the R3, General  
4 Residence District, and subject to minor site design plan review.

5 Attached units existing on August 10, 1970, may be altered or enlarged provided that the alteration or enlargement otherwise meets the  
6 provisions of the C1A zoning district except that the shared lot line between attached units will have no setback requirement, and subject to minor  
7 site design plan approval and review by the Historic Preservation Commission under Section 21.56 of this Code.

8

9 **CHAPTER 21.64 – STANDARDS FOR USES SUBJECT TO STANDARDS**

10 **[21.64.440 - Office or studio of a professional person.]**

11 [A. The use shall be conducted in a building suited to residential use or conforming in appearance to a building suited to residential  
12 use.]

13 [B. Sales, storage, or display of goods or advertising material are not permitted.]

14

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

17

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

19

20

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

1  
2  
3  
4  
5  
6

**EXPLANATION**

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

## **Policy Report**

### **Ordinance O-25-13**

#### **Office or Studio of a Professional Person in the C1 (Conservation Residence) Zoning District**

The proposed ordinance would eliminate the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning 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).



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 9/10/13

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

The Rules and City Government Committee has reviewed 0-25-13 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Arnett, Chair yes

Ald. Hoyle yes

Ald. Budge yes

Meeting Date 10 sept 13

Signature of Chair Ross H. Arnett



## PLANNING COMMISSION

(410)263-7961

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

July 18, 2013

**To: Annapolis City Council**

**From: Planning Commission**

**Re: Findings - O-25-13 Office or Studio of a Professional Person in the C1 Conservation Residence Zoning District**

### SUMMARY

Currently, under the Use Regulation Table, the C1 zoning district permits "Office or Studio of a Professional Person" as a special exception subject to standards. Ordinance O-25-13 proposes the elimination of this use category in the C1 district.

Because none of the other twelve residential zoning districts permit an office or studio of a professional person, the use category will be eliminated from the Table entirely.

### STAFF RECOMMENDATION

At a regularly scheduled meeting on July 18, 2013, the Planning and Zoning staff presented their recommendation on the legislation. The intent of the legislation is to eliminate the detrimental effect(s) of the commercial use upon a residential neighborhood, thus channeling such uses to appropriate Opportunity Areas.

### PUBLIC HEARING AND DELIBERATION

In accordance with the Annapolis City Code, a public hearing was held on July 18, 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 sections 21.48.010 and 21.64.440, office or studio of a professional person shall be repealed, thus eliminating the use from the C1, Conservation Residence zoning district and the standards from Standards for Uses Subject to Standards.

*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.*

**Annapolis City Council**

**Findings: O-25-13**

**July 18, 2013**

Page 2

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 <sup>2013</sup>6 to 0 recommends adoption of the ordinance.

Adopted this 18th day of July, 2013



Dr. Eleanor Harris, Chair

FISCAL IMPACT NOTE

**Legislation No:** O-25-13

**First Reader Date:** 6-10-13

**Note Date:** 6-21-13

**Legislation Title: Office or Studio of a Professional Person in the C1  
(Conservation Residence) Zoning District**

**Description:** For the purpose of eliminating the office or studio of a professional person as a special exception subject to standards in the C1 – Conservation Residence zoning district.

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

1  
2  
3  
4  
5  
6  
7  
  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-26-13**

**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
6/10/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	6/10/13		
Planning Commission	6/10/13		

**A ORDINANCE** concerning

**Pet Grooming Facilities**

**FOR** the purpose of separately defining a “pet grooming facility” from a “personal care establishment,” and making a “pet grooming facility” a use subject to standards in all zoning districts that currently allow personal care establishments.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition  
Section 21.48.020  
Section 21.48.030  
Section 21.64.420  
Section 21.72.010

**BY** adding the following portions to the Code of the City of Annapolis, 2012 Edition  
Section 21.64.495

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

**CHAPTER 21.48 – Use Tables**

1 **21.48.020 - Table of Uses—Commercial and Industrial Zoning Districts.**

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

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

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

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Accessory buildings and uses, including signs	A	A	A	A	A	A	A	A	A	A
Adult book stores			S-Std	S-Std	S-Std					
Amusement establishments, indoor			P	P	P					
Animal hospitals, including veterinarian offices			S	S	P					
Antenna towers										P-Std, S-Std
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Antique stores	P	P	P	P	P	P	P	P	P <sup>1</sup>	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P	P	P	P	P	P	P	P <sup>1</sup>	
Arts and crafts stores	P	P	P	P	P	P	P	P	P <sup>1,2</sup>	
Arts or cultural centers					P					
Arts and crafts studios	P	P	P	P	P					
Auction rooms			P	P	P					
Bake shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std <sup>1</sup>	
Bakeries										P
Banks and financial institutions	S-Std	P	P	P	P	P	P	P	P <sup>1,2</sup>	
Bars and taverns		S	S	S	S		S			

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Bicycle sales, rental and repair stores	P	P	P	P	P	P	P	P		
Boat showrooms			P	P	P					
Building materials sales and storage			S	S	P					P
Cab stands including dispatch offices and related parking facilities					S					
Candy stores, where only candy prepackaged off the premises is sold	P	P	P	P	P	P	P-Std			
Candy stores including candy making	S-Std	S-Std	S-Std	S-Std		P-Std	P-Std		P-Std <sup>1</sup>	
Carpet and rug stores, retail sales only		P	P	P	P	P	P	P	P <sup>1</sup>	
Catering establishments, where no food, beverages and/or desserts are sold on the premises	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std			P-Std
Christmas tree and greens sales		P-Std	P-Std	P-Std	P-Std					P-Std
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities		P	P	P	P	P	P	P		
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		S-Std	S-Std	S-Std		P-Std				
Coffee shops	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	
Contractors', architects' and engineers' offices, shops and yards			S	S						P
Convenience stores	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std			P-Std <sup>1</sup>	
Day care centers, group					P				P-Std	
Day care centers, group, in conjunction with a principal religious institution		S-Std								
Delicatessen	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std <sup>1,2</sup>	

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Department stores		P	P	P	P		P			
Drive-through facilities and walkups associated with permitted or special exception uses	P-Std <sup>3</sup>	P-Std S-Std <sup>3</sup>	<sup>4</sup>	<sup>4</sup>	P-Std	P-Std S-Std <sup>3</sup>				
Dry cleaning and laundry drop off and pick up stations	P	P	P	P	P		P	P		
Dry cleaning and laundry establishments		P	P	P	P				P <sup>1,2</sup>	P
Dwellings, multi-family					P-Std	P	S		S	
Dwellings, single-family attached							S		S	
Dwellings, single-family detached	P						S		P	
Dwellings, two-family							S		P	
Dwellings above the ground floor of nonresidential uses	P	P			P		P	P		
Dwellings for watchmen and their families, located on the premises where they are employed in that capacity			P	P						P
Electronic and scientific precision instruments manufacturing										P
Exterminating shops										P
Food manufacture, packaging and processing										P
Food service mart	P-Std	P-Std	P-Std	P-Std	S-Std	P-Std	S-Std		P-Std <sup>2</sup>	
Food stores	P	P	P	P	P		P		P-Std <sup>1</sup>	
Furniture stores		P	P	P	P		P	P	P <sup>1</sup>	
Garden supply, tool and seed stores	P-Std	P	P	P	P	P	P	P	P <sup>1</sup>	
Governmental uses										
Offices	P	P	P	P	P	P	P	P	P	P
Other government and government-related	S	S	S	S	S	S	S	S	S	S

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
structures, facilities and uses										
Public schools and colleges	P	P	P	P	P	P	P	P	P	P
Greenhouses and nurseries			P	P	P					P
Group homes	S	S	S	S			S			
Home improvement stores		P			P				P <sup>1</sup>	
Hotels		S	S	S	S		S			
Ice cream stores	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std <sup>1</sup>	
Inns		S	S	S	S		S			
Institutions for the care of the aged					P-Std					
Kennels			S	S						
Laboratories, including medical, dental, research and testing			P	P	P	P			P <sup>1</sup>	P
Launderettes, automatic, self-service	P	P	P	P	P	P	P	P	P <sup>1</sup>	
Light manufacturing										P
Liquor store		P	P	P	S		P	P		
Mailing service establishments				P						P
Markets, open air, including farmers' markets and produce markets					P-Std	P-Std	P-Std	P-Std		
Massage parlors			S	S						
Motels		S	S	S	S		S			
Motor vehicle and automobile uses										
Automobile parts and accessory stores					P		P	P		
Car wash		S	S	S	S					
Motor vehicle storage, repair and service facilities		S	P	P	P					P
Motor vehicle sales			P	P	P					

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Motor vehicle rental					P					
Service stations, including fuel sales		S	S	S	S					
Museums and art galleries		P	P	P	P	P	P	P	P	
Nautical shops, retail trade					P	P	P	P	P <sup>1</sup>	
Office and business service establishments		P	P	P	P	P	P	P	P <sup>1,2</sup>	
Offices, business and professional, and nonprofit, educational, cultural, or civic	P	P	P	P	P	P	P	P	P	
Offices, medical		P	P	P	P				P <sup>1,2</sup>	P
Parking lots, other than accessory	S	S	S	S	S		S			P
Parking garages							S			
Personal care establishments	P	P	P	P	P	P	P	P	P <sup>Std</sup> <sup>1,2</sup>	
<b>PET GROOMING FACILITY</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b>	<b>P-STD</b> <sup>1,2</sup>
Photocopying and reproduction services, including blueprinting						P				
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P	P	P	P	P			P <sup>1,2</sup>	
Planned developments, business and special mixed	P-Std	P-Std	P-Std	P-Std	P-Std					P-Std
Printing and publishing establishments										P
Religious institutions, including churches, chapels, mosques, temples, and synagogues		S	S	S	P	P			P	
Research and development businesses						S				
Restaurant, fast food		S-Std	S-Std	S-Std	S-Std					
Restaurant, standard	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std, S-Std	P-Std	P-Std	S-Std		P-Std <sup>1,2</sup>	
Retail goods stores		P	P	P	P	P	P	P	P-Std <sup>1</sup>	

Uses	District B1	District B2	District B3	District B3-CD	District BCE	District BR	District C2	District C2A	District PM2	District I1
Schools, private, elementary, middle, or high					P					
Schools, commercial, trade, vocational, music, dance, or art		P	P	P	P	P	P	P		P
Sidewalk cafés	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std		P-Std	P-Std
Specialty convenience retail goods stores	P	P	P	P	P	P	P	P	P-Std <sup>1,2</sup>	
Storage other than accessory to permitted uses			S	S						
Supermarkets	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std	P-Std S-Std				P-Std <sup>1</sup>	
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P	P		P				P	P
Temporary uses	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		S	S	S	P		S	S		
Theaters, indoor, located in shopping centers		P-Std	P-Std	P-Std	P					
Tobacco shops		P	P	P	P	P	P	P	P <sup>1</sup>	
Undertaking establishments and funeral parlors		P	P	P	P					
Veterinarian offices					P					
Warehousing, storage and distribution facilities, including moving and storage establishments			S	S	P					P

1

2

3 Notes:

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

5 1 This use is permitted as a principal use only in districts that do not adjoin (along non-street frontage) property zoned R1, R1A, R1B or R2.

6 2 This use is permitted as an incidental use in a structure that contains business, professional or governmental offices provided that gross floor  
7 area of all incidental uses does not exceed the amount of space devoted to the first floor of a multistory structure; except, that in no case shall it

1 exceed 33 percent of the total gross floor area. This use is considered a neighborhood convenience use and is subject to standards given in  
2 21.64.420

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

5 4 ATMs are permitted as walkups subject to all other applicable regulations. In the C2 and C2A districts, drive-through facilities are not permitted.

6

7 **21.48.030 - Table of Uses—Office and Mixed Use Zoning Districts.**

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

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

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

Uses	District P	District MX	District PM	District C2P
Accessory structures and uses	A	A <sup>6</sup>	A	A
Antennas and amateur radio stations	A-Std	A-Std	A-Std	A-Std
Antique stores		P	P-Std	
Appliance stores including electrical and household appliances, and radio and television sales and repair		P		
Arts and crafts studios		P	P-Std	
Arts and crafts stores		P	P-Std	
Banks and financial institutions		P		
Bake shops		P-Std		
Cab stands including dispatch offices and related parking facilities		S		
Candy stores, where only candy prepackaged off the premises is sold		P		
Candy stores including candy making		P-Std		
Carpet and rug stores, retail sales only		P		

Uses	District P	District MX	District PM	District C2P
Catering establishments		P-Std		
Clubs, lodges and meeting halls, with no on-premises food or beverage preparation facilities	S	P	S	S
Clubs, lodges and meeting halls, with on-premises food or beverage preparation facilities		P-Std		
Coffee shops		P-Std		
Conference facilities		S		
Convenience stores		P-Std		
Day care centers, group	S		S	S
Delicatessens		P-Std	P-Std	
Department stores		P		
Drive-through facilities associated with permitted or special exception uses			S-Std <sup>5</sup>	
Dry cleaning and laundry drop off and pick up stations			P	
Dry cleaning and laundry establishments		P		
Dwellings, multi-family	S	P-Std	S	S
Dwellings, multi-family, containing 12 or fewer units			P-Std	
Dwellings, single-family attached	P	P-Std	P	
Dwellings, single-family detached	P	P	P	P
Dwellings, two-family	P	P	P	P
Dwellings above the ground floor of nonresidential uses		P		
Food service marts		P-Std	P-Std	
Furniture stores		P		
Garden supply, tool and seed stores		P		
Governmental uses				
Offices	P	P	P	P

Uses	District P	District MX	District PM	District C2P
Other government and government-related structures, facilities and uses	S	S	S	S
Public schools and colleges	P		P	
Group homes	S		S	S
Hotels with up to forty rooms, including restaurants and conference room facilities.		P-Std		
Hotels with more than forty rooms		S		
Ice cream stores		P-Std		
Inns	S			S
Institutions for the care of the aged	S			S
Laboratories, including medical, dental, research and testing		P		
Launderettes, automatic, self service		P		
Liquor stores		S		
Markets, open air, including farmers' markets and produce markets		P-Std		
Medical appliance stores			P-Std	
Motor vehicle service stations, including fuel sales		S		
Museums and art galleries	P	P	P	
Nautical shops, retail trade		P		
Office and business service establishments		P		
Offices, business and professional, and nonprofit, educational, cultural, or civic	P-Std or S-Std, depending on lot size	P	P-Std	P
Offices, medical	P	P	P	P
Parking garages	S	P-Std, S-Std	S	
Parking lots, other than accessory	S	P-Std	P-Std	
Personal care establishments	S	P	P-Std	
<b>PET GROOMING FACILITY</b>	<b>S-STD</b>	<b>P-STD</b>	<b>P-STD</b>	

Uses	District P	District MX	District PM	District C2P
Photocopying and reproduction services, including blueprinting		P		
Physical health facilities, including health clubs, gymnasiums, and weight control centers		P		
Planned developments, business and special mixed	P-Std	P-Std		
Religious institutions, including churches, chapels, mosques, temples and synagogues	P	P	P	
Research and development businesses, provided that there is no significant assemblage of goods or products		P		
Rest homes and nursing homes	S			S
Restaurant, fast food		S-Std		
Restaurant, standard		P-Std <sup>4</sup> S-Std <sup>4</sup>	P-Std, S-Std	
Retail goods stores		P		
Schools, commercial, trade, vocational, music, dance, or art		P		
Schools, private, elementary, middle, or high	P			
Sidewalk cafés	P-Std	P-Std	P-Std	
Specialty convenience retail store		P	P-Std	
Supermarkets		P-Std		
Telecommunications facilities	A-Std	A-Std	A-Std	A-Std
Telephone transmission equipment buildings		P		
Temporary uses	P-Std	P-Std	P-Std	P-Std
Theaters, indoor		P-Std		
Tobacco shops		P		
Undertaking establishments and funeral parlors	S			
Wine bars		P-Std		

- 1  
2 Notes:  
3 The following regulations apply to all uses in the MX District:
- 4 1. Buildings in excess of forty-six feet, but less than fifty-five feet in height are subject to the following:
    - 5 a. Either 25 percent of the gross floor area shall be designed for retail uses, or residential uses, or a combination of retail and residential uses,  
6 alternatively, the entire ground level front façade shall be designed for retail uses, exclusive of: (i) not more than one driveway, which shall not be  
7 greater than thirty-three feet wide, required for access to parking; (ii) space required for a lobby and space required for access to upper floor uses.  
8 Retail use along the front façade shall have a minimum height of twelve feet and a minimum depth of twenty-five feet;
    - 9 b. If surface parking is located on the zoning lot, it shall be located at the rear of the zoning lot and new structures shall be located at the front  
10 of the zoning lot. If surface parking is located adjacent to single-family residential use, dense plantings shall be installed and maintained on the  
11 zoning lot to provide an effective screen; and
    - 12 c. Any adverse impacts on critical lane levels of service at adjoining intersections shall be mitigated by the applicant.
  - 13 2. Buildings in excess of 46 feet, but less than 65 feet in height require special exception approval except as provided in note No. 1 above.
  - 14 3. Uses and combinations of uses located on zoning lots of 40,000 square feet or more require special exception approval, unless such uses are  
15 approved as part of a planned development.
  - 16 4. Two a.m. alcoholic beverage licenses shall not be permitted for properties within the MX-2 or MX-3 height districts, but such licenses shall be  
17 allowed for properties within the MX-1 Height District.
  - 18 5. If the principal use with which the drive-thru facility is associated is a special exception use, then the drive-thru facility requires special  
19 exception approval.
  - 20 6. The following apply only to the uses specified: In the MX-1 area only, in planned developments with a minimum lot size of five acres,  
21 "Accessory Structures" such as clock towers attached to office and/or retail structures and "Theaters, Indoor" shall not exceed one hundred feet in  
22 height. See the Bulk Regulations Table in Section 21.50.260
- 23

1 **Chapter 21.64 – Standards for Uses Subject to Standards**

2 **21.64.420 - Neighborhood convenience shopping uses in the PM2 district.**

3 A. Applicability. The standards in this section apply to the following uses:

- 4 1. Food stores,
- 5 2. Personal care establishments,
- 6 3. PET GROOMING FACILITY
- 7 [3] 4. Retail goods stores, and
- 8 [4] 5. Specialty convenience retail goods stores.

9 B. A site design plan for the use is required.

10 C. Appropriate sound suppression techniques shall be employed to ensure that the level of  
11 noise emanating from within any establishment will not disturb the quiet and enjoyment of  
12 property in any nearby residential zoning districts.

13 D. Loitering is not permitted around the exterior of any use.

14 E. Kitchens shall be designed, maintained and operated in a manner to minimize noise and  
15 odors, as per Title 17

16 F. Within an establishment live entertainment is not allowed and any recorded music shall be  
17 limited to background variety only.

18 G. Hours of deliveries shall be limited, to the extent feasible, based upon proximity of the  
19 development to residential land uses and if commercial vehicles require the use of primarily  
20 residential roadways to access the commercial development.

21 H. Drive-through windows are only permitted upon the preparation and approval of a traffic-  
22 impact study and the mitigation of identified impacts.

23 I. Trash.

24 1. All trash and refuse shall be stored in self-enclosed trash storage areas. These trash  
25 storage areas shall be located either within the establishment or within the structure on  
26 which the establishment is located, or shall consist of a properly screened and  
27 maintained dumpster on the property on which the establishment is located.

28 2. Except where trash is placed in accordance with subsection (I)(1) of this section, trash  
29 receptacles shall not be placed outside for pick-up until one-half hour prior to the  
30 scheduled pick-up time and shall be removed within one-half hour after trash pick-up.

31 3. The cleanliness of all trash storage areas and all sidewalks adjoining the establishment  
32 shall be maintained.

33

34 **21.64.495 – PET GROOMING FACILITY.**

35 A. ANIMALS MAY REMAIN WITHIN THE FACILITY DURING DAYTIME BUSINESS  
36 HOURS IN CONJUNCTION WITH GROOMING SERVICES RENDERED. UNDER NO  
37 CIRCUMSTANCES SHALL DAILY OR OVERNIGHT BOARDING OF ANIMALS BE  
38 PERMITTED.

39 B. THE OPERATOR OF A PET GROOMING FACILITY SHALL BE REQUIRED TO  
40 MAINTAIN A GROOMING PARLOR LICENSE ISSUED BY THE ANNE ARUNDEL

COUNTY ANIMAL CONTROL AGENCY IN ACCORDANCE WITH ANNE ARUNDEL COUNTY CODE – ARTICLE 12, SECTION 4-707 AS MAY BE AMENDED FROM TIME TO TIME.

C. PM2 AND PM DISTRICTS. IN THE PM2 AND PM DISTRICTS, THE FOLLOWING STANDARDS APPLY:

1. THIS USE MAY BE PROVIDED ONLY ON A GROUND FLOOR.
2. NEW CONSTRUCTION, EXPANSION OR SUBSTANTIAL REHABILITATION SHALL NOT PROVIDE COMMERCIAL OR RETAIL USES GREATER THAN FIFTY PERCENT OF A STRUCTURE'S GROSS FLOOR AREA.
3. WHERE THIS USE IS ESTABLISHED ON LOTS LESS THAN FIVE THOUSAND FOUR HUNDRED SQUARE FEET IN SIZE, ALL TRASH AND REFUSE SHALL BE STORED IN SELF-ENCLOSED TRASH STORAGE AREAS. TRASH STORAGE AREAS SHALL BE SCREENED IN AN APPROPRIATE MANNER USING A BOARD-ON-BOARD ENCLOSURE.

**Chapter 21.72 – Terms and Definitions.**

**21.72.010 – Terms.**

“PET GROOMING FACILITY” MEANS A BUSINESS ESTABLISHMENT, OTHER THAN A KENNEL OR ANIMAL HOSPITAL, THAT PROVIDES BASIC GROOMING FOR DOMESTIC ANIMALS, BUT DOES NOT ROUTINELY BOARD ANIMALS FOR A FEE. FOR THE PURPOSES OF THIS TITLE, A VETERINARY CLINIC THAT PROVIDES BASIC GROOMING IS NOT A PET GROOMING FACILITY.

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

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

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Policy Report**

### **Ordinance O-26-13**

#### **Pet Grooming Facilities**

The proposed ordinance would separately define a “pet grooming facility” from a “personal care establishment,” and make a “pet grooming facility” a use subject to standards in all zoning districts that currently allow personal care establishments.

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: 9/10/13

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

The Rules and City Government Committee has reviewed 0-26-13 and  
has taken the following action:

Favorable

Favorable with amendments

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

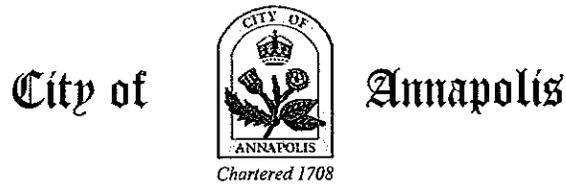
Ald. Arnett, Chair YES

Ald. Hoyle YES

Ald. Budge YES

Meeting Date 10 sep 13

Signature of Chair Ross H. Arnett, Esq



## PLANNING COMMISSION

(410)263-7961

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

July 18, 2013

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings - O-26-13 Pet Grooming Facilities**

### **SUMMARY**

Ordinance O-26-13 proposes a text amendment to Title 21 in order to separately define a "pet grooming facility" from a "personal care establishment," and make pet grooming facilities a use subject to standards in all zoning districts that currently allow personal care establishments.

The current Annapolis Zoning Code does not define 'pet grooming' nor does it specify any zoning districts in which it may occur. Consequently, the Planning Department has expanded the 'personal care establishment' use to include pet grooming. Pet grooming is currently minimally regulated. There are no standards for its establishment. Ordinance O-26-13 provides standards and clarifies that no boarding of animals is to occur and required licensing through the Anne Arundel County Animal Control Agency.

### **STAFF RECOMMENDATION**

At a regularly scheduled meeting on July 18, 2013, the Planning and Zoning staff presented their recommendation on the legislation. Passage of this ordinance will improve on the regulation of pet grooming businesses. The staff recommends approval of Ordinance O-26-13.

### **PUBLIC HEARING AND DELIBERATION**

In accordance with the Annapolis City Code, a public hearing was held on July 18, 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 4 to 0 recommends adoption of the ordinance, with the elimination of the word "routinely" from the definition of pet grooming facility.

Adopted this 18th day of July, 2013



Dr. Eleanor Harris, Chair

FISCAL IMPACT NOTE

**Legislation No:** O-26-13

**First Reader Date:** 6-10-13

**Note Date:** 6-21-13

**Legislation Title:** **Pet Grooming Facilities**

**Description:** For the purpose of separately defining a 'pet grooming facility' from a 'personal care establishment,' and making a 'pet grooming facility' a use subject to standards in all zoning districts that currently allow personal care establishments.

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

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.

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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

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

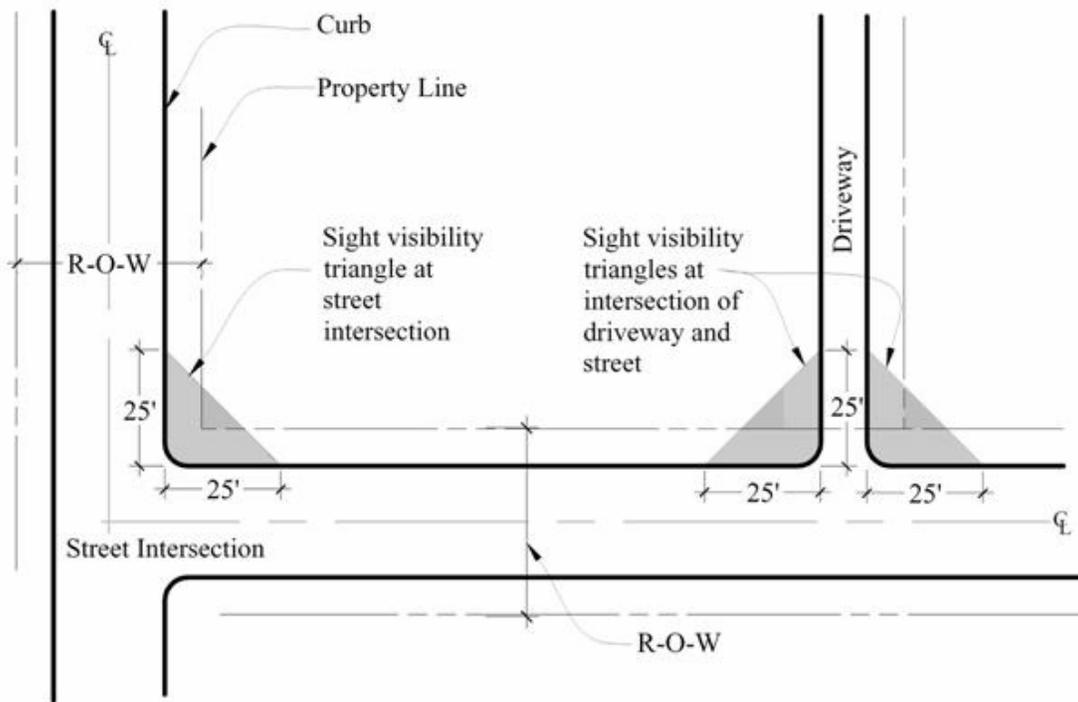
8  
9       “Fences and walls height” means the vertical distance, measured to the  
10 nearest integral foot, from the elevation at grade directly below the structure to  
11 the top of the structure, not including supporting posts. If the fence or wall has  
12 been elevated through the use of a retaining 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.

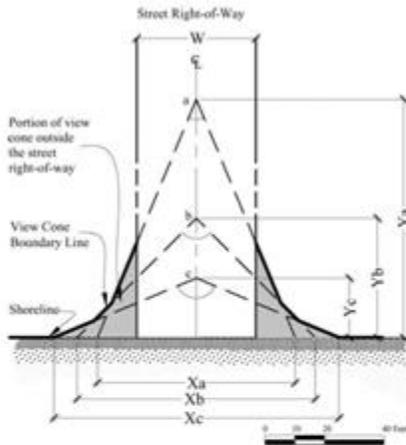


- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8

"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

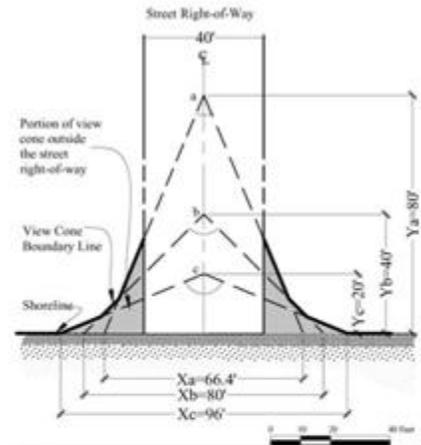


Example Calculations for a 40-foot street right-of-way

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~~

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

**21.60.090 - Objects in required yards.**

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

A. All Yards.

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

B. Front Yards.

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

C. Rear Yards.

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

D. Side Yards.

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

- 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.

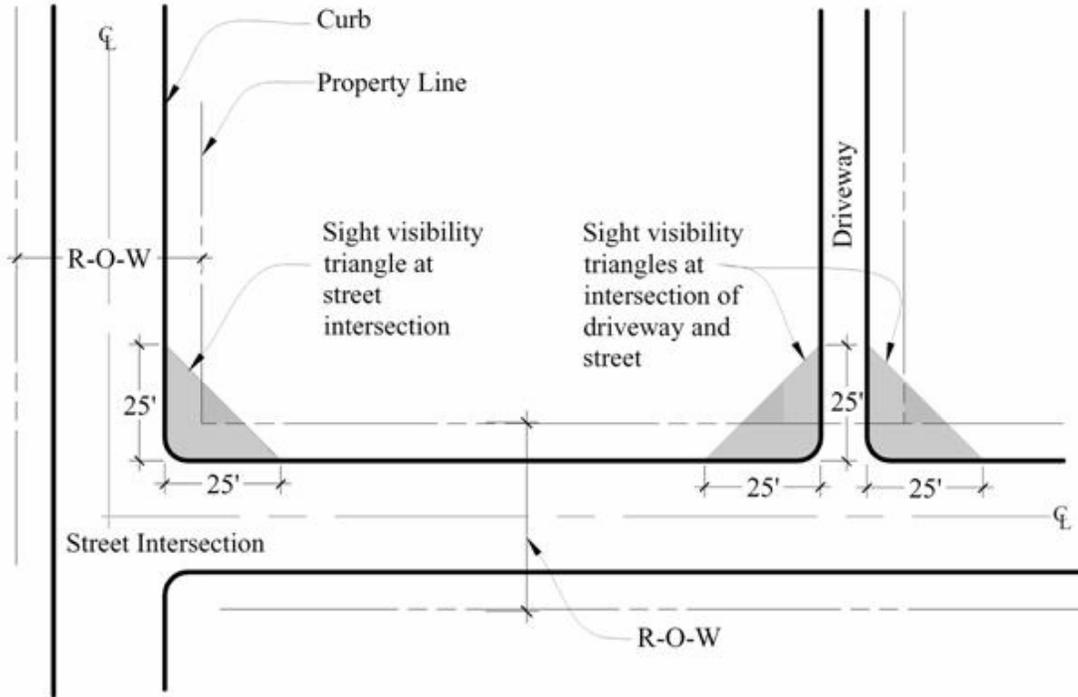
33           b. For fences and walls, see fences and walls height.

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.

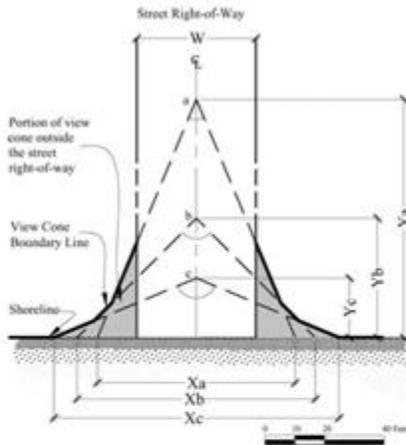


7  
8  
9  
10  
11  
12  
13  
14

"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

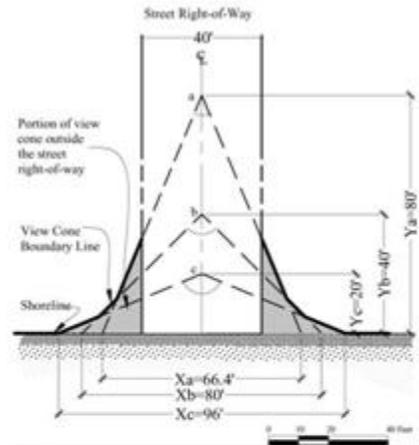


Example Calculations for a 40-foot street right-of-way

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

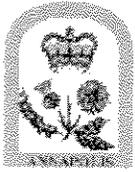
Meeting Date \_\_\_\_\_

Signature of Chair *Jess H. Arnett*

**Economic Matters Amendment  
O-47-11 Fence Permits**

**Amendment #1**

Where it appears in the ordinance, strike the four-foot height restriction and insert a six-foot height restriction.



City of Annapolis  
Committee Referral Action

**Date:** March 8, 2013

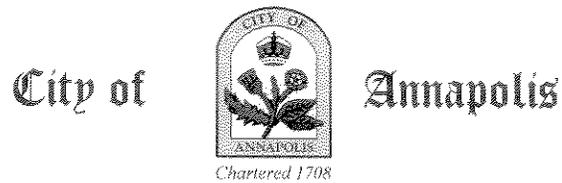
**To:** Jessica Cowles  
Legislative & Policy Analyst

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



---

Kevin Scott, ASLA  
Senior Land Use & Development Planner

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

Prepared By:  
Department of Planning and Zoning

Ordinance No. O-47-11 REVISED

Introduced by: Alderman Arnett

AN ORDINANCE concerning

Fence Permits

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

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition:

17.34.010

17.34.020

21.18.030

21.60.070

21.60.080

21.60.090

21.72.010

BY adding the following new code sections:

21.60.065

21.60.075

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

Chapter 17.34 – FENCE CODE PERMITS

17.34.010 - ~~Fences, hedges or walls~~ **Fences and walls.**

A. Permit Required.

1. ~~1. No new fence, wall or hedge shall be erected, placed, maintained or grown and no existing fence, wall, or hedge shall be altered or replaced~~ **No new fence or wall shall be erected, placed, or maintained and no existing fence or wall shall be altered or replaced until a permit is obtained from the City Department of Neighborhood and Environmental Programs. The nonrefundable application fee and permit fee shall be in accordance**

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.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46

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  
30  
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  
39  
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  
43  
44           **"Height."**

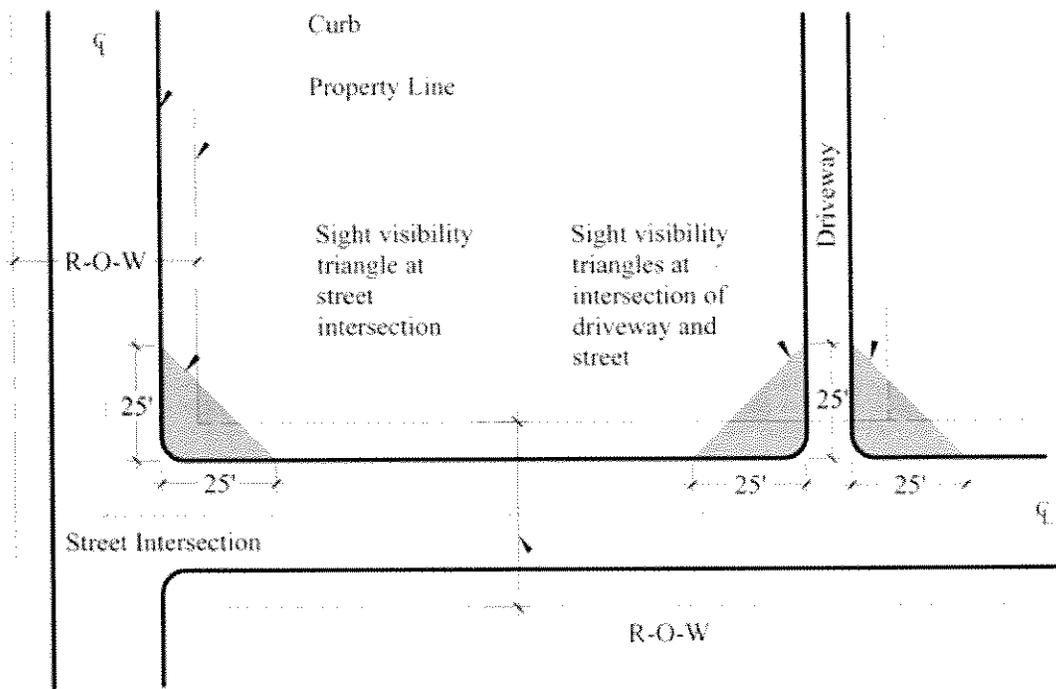
45           a. For buildings, see building height.

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

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

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

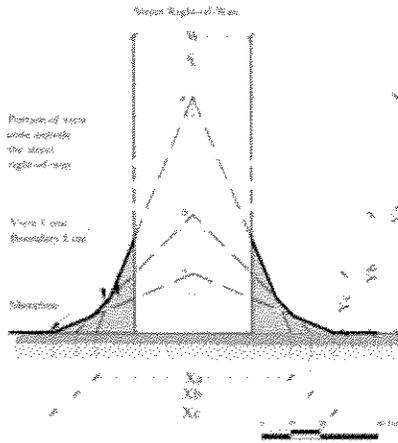
Sight Visibility Triangle. See illustration. "Sight visibility triangle" means a triangular area intended to remain free of visual obstructions to prevent potential traffic hazards across all property corners formed by two intersecting streets or the intersection of an alley and a street or the intersection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



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

1 See illustration for calculation of view cone:

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



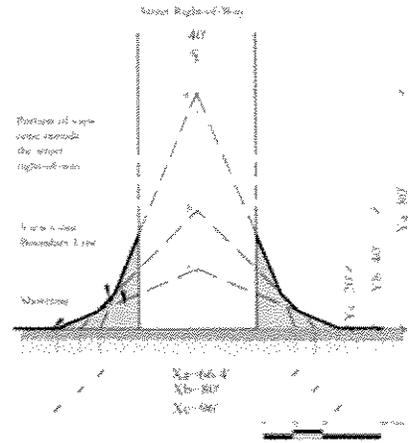
Width of view cone at shoulder	Formula
$Xa$	$1.66 \text{ Street CW}$
$Xb$	$1 \text{ Street CW}$
$Xc$	$2.4 \text{ Street CW}$
Distance from shoulder to apex of view cone	
$Ya$	$1 \text{ Street CW}$
$Yb$	$1.50$
$Yc$	$0.5 \text{ Street CW}$

**Definitions**

- W = Width of street right-of-way
- $Xa, Xb, Xc$  = Width of view cone
- $Ya, Yb, Yc$  = Distance from shoulder to apex of view cone



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



Width of view cone at shoulder	Formula	If Right of Way = 40'
$Xa$	$1.66 \text{ Street CW}$	$1.66 \text{ Street } 40'$
$Xb$	$1 \text{ Street CW}$	$1 \text{ Street } 40'$
$Xc$	$2.4 \text{ Street CW}$	$2.4 \text{ Street } 40'$
Distance from shoulder to apex of view cone		
$Ya$	$1 \text{ Street CW}$	$1 \text{ Street } 40'$
$Yb$	$1.50$	$1.50 \text{ Street } 40'$
$Yc$	$0.5 \text{ Street CW}$	$0.5 \text{ Street } 40'$

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 edge (as the observer's view widens). The depths and widths of view cones 'a', 'b', and 'c' are calculated relative to the width of the adjacent street right-of-way.

**Steps**

1. Determine width of street right-of-way (W)
2. Using graph paper, draw to scale the street right-of-way, marking the shoulderline and the street centerline (CL).
3. Calculate the width (Xa) of view cone 'a' at the shoulderline 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 shoulderline.
4. Calculate the depth (Ya) of view cone 'a' from the shoulderline 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(1)(b).

2  
3

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.

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.

## **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).

**Historic Preservation Commission Amendment  
O-47-11  
Fence Permits**

Page 6, Line 3:

Insert: "The Historic Preservation Commission has the authority to grant a waiver or exemption from Section 21.060.070 subsections B.2., C.2., C.3., C.4., and D.1. if necessary in order to comply with the Historic Preservation Commission Design Guidelines and the Secretary of the Interior's Standards for Rehabilitation."

## 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  
2  
3  
4  
5  
6  
7

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-3-13**

**Introduced by: Alderman Pfeiffer**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
Referred to	Referral Date	Meeting Date	Action Taken
2/11/13			5/10/13
Economic Matters	2/11/13		
Historic Markers	2/11/13		

8  
9 **A RESOLUTION** concerning

10 **Advocating for the City of Annapolis to be Named as the Home for a National Continental**  
11 **Congress Center**

12 **FOR** the purpose of expressing the sense of the City Council that the City of Annapolis be  
13 named as the home for a National Continental Congress Center.

14  
15 **WHEREAS,** events important to the founding of our Nation occurred in Annapolis, Maryland in  
16 the years between 1774-1789; and

17  
18 **WHEREAS,** Annapolis was the capital of the United States from November 26, 1783 to  
19 August 13, 1784, the first peacetime capital; and

20  
21 **WHEREAS,** the resignation of George Washington from the powerful position of General of  
22 the Continental Army that established civilian government took place in  
23 Annapolis on December 23, 1783; and

24  
25 **WHEREAS,** President Thomas Mifflin signed the Treaty of Paris Proclamation, ending the war  
26 for independence by ratifying the Treaty of Paris, in Annapolis on January 14,  
27 1784; and

28  
29 **WHEREAS,** President Thomas Mifflin appointed Thomas Jefferson as Minister to France on  
30 May 7, 1784 during the time Congress met in Annapolis; and

31  
32 **WHEREAS,** Annapolis sent Samuel Chase to represent the State of Maryland at the Mount  
33 Vernon Conference in March of 1785; and

34  
35 **WHEREAS,** the Annapolis Convention at Mann's Tavern from September 11-14, 1786  
36 initiated the national meetings that would continue in Philadelphia in 1787 to write  
37 the Constitution; and

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30

**WHEREAS,** a committee of citizens known as the National Continental Congress Center Founders' Association, a project of the Annapolis Continental Congress Society, is dedicated to bringing all of the stories of the Nation's formative years (1774-1789) and the documents and conventions such as the Articles of Confederation, the Treaty of Paris and its Proclamation, and the 1786 Convention, that took place before the Constitution but were critical to the founding of this republic; and

**WHEREAS,** a National Continental Congress Center with exhibits, public forums and interactive, interpretive, historical experiences will educate the public about this time in our history and provide an historical bridge between the National Constitution Center in Philadelphia, Pennsylvania and the new George Washington Presidential Library at Mount Vernon, Virginia; and

**WHEREAS,** a National Continental Congress Center in Annapolis will invigorate an understanding of this Nation's beginnings and the important role Annapolis has played in its history.

**NOW THEREFORE BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the Council applauds and supports the efforts of the Annapolis Continental Congress Society to establish a National Continental Congress Center in Maryland's Capital City and so direct that this resolution be forwarded to Governor Martin O'Malley, President of the Senate Mike Miller and Speaker of the House Michael Busch to be shared with Maryland State Legislators and to Maryland's Congressional Delegation.

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

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

31  
32  
33  
34  
35  
36  
37  
38  
39  
40

**EXPLANATION**

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

## **Policy Report**

**R-3-13**

### **Advocating for the City of Annapolis to be Named as the Home for a National Continental Congress Center**

The proposed resolution would express the sense of the City Council that the City of Annapolis be named as the home for a National Continental Congress Center.

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



City of Annapolis City Council  
Standing Committee Referral Action Report

Date: 2/20/13

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

The Economic Matters Committee has reviewed R-3-13 and has taken the following action:

Favorable

Favorable with amendments (*attached*)

Unfavorable

No Action

Other

Comments:

Roll Call Vote:

Ald. Paone, Chair YES

Ald. Finlayson YES

Ald. Israel YES

Meeting Date 2/20/13 Signature of Chair *Robert M. Paone*

**Economic Matters Amendment to R-3-13 Advocating for the City of Annapolis to be Named as the Home for a National Continental Congress Center**

Add the Eighth Whereas clause that reads:

"Whereas, the shortcomings of the congresses that met under the articles of confederation are well known. However the successes are inadequately acknowledged. One success, as has already been noted, was that the congress that met in Annapolis established the principal of the military being subordinate to a civilian government; another was the enactment of the Northwest Ordinance of 1785. This enactment had two substantial and lasting benefits. The Northwest ordinance provided for the division of the Northwest lands into townships and included a provision to set aside land for the support of public education. The Northwest Ordinance also prohibited the practice of slavery in the Northwest Territories thus the states of Ohio, Indiana, Illinois, Michigan, and Wisconsin which were formed out of the Northwest Territories developed as free states, this greatly aided the union cause in the Civil War."



City of Annapolis  
Heritage Commission  
Referral Action Report

---

Date: 9/12/2013

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

The Heritage Commission has reviewed R-13-13 and has taken the following action:

Favorable

Favorable with amendments

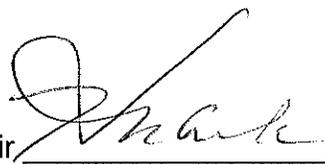
Unfavorable

No Action

Other

Comments: See Attached.

Meeting Date 9-14-13

Signature of Chair 

The following comments reflect the sense of the Annapolis Heritage Commission regarding R-3-13 as expressed during the Commission's meeting on September 4, 2013.

1. Resolution R-3-13 does not define what the National Continental Congress Center (NCCC) will be. Before making any recommendation for this center to be established in Annapolis, the city council should require a description of the NCCC, its purpose, governing body, financial basis, proposed location, and management plan.

2. City endorsement of the establishment of the NCCC in Annapolis, particularly if that center were placed on city property, suggests that this period of history is central to the city's place in our nation's history. This is not the case. Annapolis's role in history covers the entire 360 plus years of its existence. The city is invaluable to the interpretation of a myriad of eras and topics: colonial, 19th century, Civil War, naval, preservation, and so forth. To limit focus to one period would be a disservice to the city, to its residents and businesses, to the individuals and agencies that care for the city's historic properties and documents, and to those organizations that promote the city to visitors. Annapolis must be understood by everyone as having much greater historic significance than what might accrue to it from recognition of just this brief period.

3. Historic Annapolis and the Maryland State Archives hold the bulk of the knowledge base of the city's history. To ignore their role in the maintenance and dissemination of this history in favor of city endorsement of another group with a limited focus on the Confederation era would be a mistake.

4. Original documents, such as those proposed to be exhibited by the Annapolis Continental Congress Society at their September event, should be permanently housed in an accredited archival repository and exhibited only for short periods of time so as to maintain their integrity. If the NCCC plans to exhibit these or similar documents, the building that houses the center should conform to accepted archival standards. The city should recognize the importance of proper storage and display of historic documents.

FISCAL IMPACT NOTE

**Legislation No:** R-3-13

**First Reader Date:** 2/11/13

**Note Date:** 2/25/13

**Legislation Title: Advocating for the City of Annapolis to be Named as the Home for a National Continental Congress Center**

**Description:** For the purpose of expressing the sense of the City Council that the City of Annapolis be named as the home for a National Continental Congress Center.

**Analysis of Fiscal Impact:** This legislation supports the efforts of the Annapolis Continental Congress Society to establish a National Continental Congress Center in the City of Annapolis and directs that the resolution be forwarded to Governor Martin O'Malley, President of the Senate Mike Miller, and Speaker of the House Michael Busch to be shared with Maryland State Legislators and Maryland's Congressional Delegation. This expression of support produces no direct fiscal impact.

**CITY COUNCIL OF THE  
City of Annapolis**

**Resolution No. R-37-13**

**Introduced by: Alderman Budge**

LEGISLATIVE HISTORY			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
9/9/13			12/6/13
Referred to	Referral Date	Meeting Date	Action Taken
Finance	9/9/13		
		Suspension of the Rules Requested for 3 <sup>rd</sup> Reader Vote on 9/9/13	

**A RESOLUTION** concerning

**Waiving a Contractor Parking Fee for the Hammond-Harwood House**

**FOR** the purpose of waiving a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

**WHEREAS,** the Hammond-Harwood House is funding the roof work with private funds and a matching federal grant; and

**WHEREAS,** the Hammond-Harwood House has received no funding from the City of Annapolis; and

**WHEREAS,** Section 6.04.210 A. 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).”

**WHEREAS,** Section 6.04.210 D.4. states that the Annapolis City Council may waive fees by resolution.

1 **NOW THEREFORE, BE IT RESOLVED BY THE ANNAPOLIS CITY COUNCIL** that the City  
2 Council hereby waives a contractor parking fee for the Hammond-Harwood House during roof  
3 work on the northeast wing of the historic museum.  
4

5  
6 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.  
7

8

ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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

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

9  
10  
11  
12  
13  
14  
15

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Staff Report**

### **R-37-13**

#### **Waiving a Contractor Parking Fee for the Hammond-Harwood House**

The proposed resolution would waive a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

Prepared by Jessica Cowles, Legislative and Policy Analyst, with the Office of Law; [JCCowles@annapolis.gov](mailto:JCCowles@annapolis.gov) or 410-263-7954.

## FISCAL IMPACT NOTE

**Legislation No:** R-37-13

**First Reader Date:**

9-9-13

**Note Date:**

9-4-13

**Legislation Title:** **Waiving a Contractor Parking Fee for the Hammond-Harwood House**

**Description:** For the purpose of waiving a contractor parking fee for the Hammond-Harwood House, a 501c(3) non-profit organization located at Maryland Avenue and King George Street, during roof work on the northeast wing of the historic museum.

**Analysis of Fiscal Impact:** This legislation will have a negative fiscal impact if the City Council waives parking fees. Currently the daily fee per space for transport and contractors is \$35.

1  
2  
3  
4  
5  
6

**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-33-13**

**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
Referred to	Referral Date	Meeting Date	Action Taken
9/23/13			12/20/13
Finance	9/23/13		
Environmental Matters	9/23/13		

7  
8 **A ORDINANCE** concerning

9 **Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal**  
10 **Government**

11 **FOR** the purpose of approving a new 10-year wastewater conveyance and treatment (sewer  
12 service) contract (Contract) with the Federal Government to adjust the rate as provided;  
13 and all matters related to said wastewater conveyance and treatment.

14  
15 **WHEREAS,** the current wastewater conveyance and treatment contract between the City of  
16 Annapolis and the Federal Government governing services rendered by the  
17 City of Annapolis to the United States Naval Academy (USNA) authorizes a  
18 rate renegotiation following a general rate increase; and  
19

20 **WHEREAS,** the City of Annapolis recently commissioned a comprehensive water and sewer  
21 rate study. The City formed a Citizen's Advisory Committee (CAC) to garner  
22 input from key stakeholders during the course of the study. The CAC was  
23 comprised of individuals representing various key stakeholder groups including  
24 business owners, City Council members, and representatives from the USNA;  
25 and  
26

27 **WHEREAS,** since the USNA is the City's only wholesale sewer customer, a meeting was  
28 held with the NAVFAC (Naval Facilities Engineering Command) contract and  
29 rates groups to review the study findings; and  
30

31 **WHEREAS,** on June 20, 2011, the Annapolis City Council approved a water and sewer rate  
32 increase for all customers, excluding the USNA; and  
33

34 **WHEREAS,** as a result of the rate study findings, representatives from the Federal  
35 Government and the City have agreed to adjust the rates paid by the Federal  
36 Government for wastewater conveyance and treatment pursuant to the  
37 Contract.

1 **SECTION I: NOW THEREFORE BE IT ESTABLISHED AND ORDAINED BY THE**  
2 **ANNAPOLIS CITY COUNCIL** that the charge for wastewater conveyance and treatment  
3 services rendered pursuant to the Contract shall be adjusted to \$4.21 per 1,000 gallons; this  
4 rate shall be applicable to all wastewater conveyance and treatment services under the terms of  
5 the Contract; this rate shall become effective retroactively to July 1, 2011 and shall remain in  
6 effect until a new rate is adjusted in accordance with the Contract terms.

7  
8 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**  
9 **CITY COUNCIL** that the Mayor is hereby authorized to execute the Contract attached hereto.

10  
11  
12 **ADOPTED** this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

13  
14  
15  
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.

<b>AWARD/CONTRACT</b>		1. THIS CONTRACT IS A RATED ORDER UNDER DPAS (15 CFR 700)			RATING	PAGE OF PAGES 1   26	
2. CONTRACT (Proc. Inst. Ident.) NO. N40080-12-C-0492		3. EFFECTIVE DATE 20 Jun 2012		4. REQUISITION/PURCHASE REQUEST/PROJECT NO.			
5. ISSUED BY NAVAL FACILITIES ENG COMMAND 1314 HARWOOD ST WASHINGTON DC 20374		CODE N40080	6. ADMINISTERED BY (If other than Item 5)			CODE	
		<b>See Item 5</b>					
7. NAME AND ADDRESS OF CONTRACTOR (No., street, city, county, state and zip code) CITY OF ANNAPOLIS 160 DUKE OF GLOUCESTER ST ANNAPOLIS MD 21401-2517				8. DELIVERY [ ] FOB ORIGIN [ X ] OTHER (See below)		9. DISCOUNT FOR PROMPT PAYMENT	
				10. SUBMIT INVOICES (4 copies unless otherwise specified) TO THE ADDRESS SHOWN IN:		ITEM	
CODE 0H082		FACILITY CODE					
11. SHIP TO/MARK FOR  <b>See Schedule</b>		CODE	12. PAYMENT WILL BE MADE BY			CODE	
13. AUTHORITY FOR USING OTHER THAN FULL AND OPEN COMPETITION: [ ] 10 U.S.C. 2304(c) [ ] 41 U.S.C. 253(c)				14. ACCOUNTING AND APPROPRIATION DATA			
15A. ITEM NO.	15B. SUPPLIES/ SERVICES		15C. QUANTITY	15D. UNIT	15E. UNIT PRICE	15F. AMOUNT	
<b>SEE SCHEDULE</b>							
<b>15G. TOTAL AMOUNT OF CONTRACT</b>						<b>\$0.00</b>	
16. TABLE OF CONTENTS							
(X)	SEC.	DESCRIPTION	PAGE(S)	(X)	SEC.	DESCRIPTION	PAGE(S)
<b>PART I - THE SCHEDULE</b>				<b>PART II - CONTRACT CLAUSES</b>			
X	A	SOLICITATION/ CONTRACT FORM	1	X	I	CONTRACT CLAUSES	13 - 25
X	B	SUPPLIES OR SERVICES AND PRICES/ COSTS	2	<b>PART III - LIST OF DOCUMENTS, EXHIBITS AND OTHER ATTACHMENTS</b>			
X	C	DESCRIPTION/ SPECS./ WORK STATEMENT	3 - 5	X	J	LIST OF ATTACHMENTS	26
	D	PACKAGING AND MARKING		<b>PART IV - REPRESENTATIONS AND INSTRUCTIONS</b>			
X	E	INSPECTION AND ACCEPTANCE	6		K	REPRESENTATIONS, CERTIFICATIONS AND OTHER STATEMENTS OF OFFERORS	
X	F	DELIVERIES OR PERFORMANCE	7		L	INSTRS., CONDS., AND NOTICES TO OFFERORS	
X	G	CONTRACT ADMINISTRATION DATA	8		M	EVALUATION FACTORS FOR AWARD	
X	H	SPECIAL CONTRACT REQUIREMENTS	9 - 12				
<b>CONTRACTING OFFICER WILL COMPLETE ITEM 17 OR 18 AS APPLICABLE</b>							
17. [ ] CONTRACTOR'S NEGOTIATED AGREEMENT (Contractor is required to sign this document and return copies to issuing office.) Contractor agrees to furnish and deliver all items or perform all the services set forth or otherwise identified above and on any continuation sheets for the consideration stated herein. The rights and obligations of the parties to this contract shall be subject to and governed by the following documents: (a) this award/contract, (b) the solicitation, if any, and (c) such provisions, representations, certifications, and specifications, as are attached or incorporated by reference herein. (Attachments are listed herein.)				18. [ ] AWARD (Contractor is not required to sign this document.) Your offer on Solicitation Number _____ including the additions or changes made by you which additions or changes are set forth in full above, is hereby accepted as to the items listed above and on any continuation sheets. This award consummates the contract which consists of the following documents: (a) the Government's solicitation and your offer, and (b) this award/contract. No further contractual document is necessary.			
19A. NAME AND TITLE OF SIGNER (Type or print)				20A. NAME OF CONTRACTING OFFICER			
				TEL: _____ EMAIL: _____			
19B. NAME OF CONTRACTOR		19C. DATE SIGNED		20B. UNITED STATES OF AMERICA		20C. DATE SIGNED	
BY _____ (Signature of person authorized to sign)				BY _____ (Signature of Contracting Officer)			

Section B - Supplies or Services and Prices

ITEM NO	SUPPLIES/SERVICES	QUANTITY	UNIT	UNIT PRICE	AMOUNT
0001	Clin 0001 FFP Waste Water Treatment Conveyance and Treatment Services from 1 July 2011 to 30 June 2021 for the US Naval Academy. FOB: Destination				\$0.00
NET AMT					\$0.00

CLIN 0001 CONT.

**WASTEWATER RATE SCHEDULE**

**United States Naval Academy  
Sewer (Wastewater) Rates  
City of Annapolis Fiscal Year (FY) 2012 through 2021**

Fiscal Year (July 1 through June 30)		Wastewater Rate (per 1,000 gallons)
2012	(07/01/2011- 06/30/2012)	\$4.21
2013	07/01/2012-6/30/2013	\$4.21

Note: Rates, charges and changes in rates are subject to the terms of subsection H5.2 Rates And Charges and H5.3 Change of Rates.

## Section C - Descriptions and Specifications

SPECIFICATIONS

1. **CONTRACTOR:** The term “Contractor” as used in this Contract and associated Clauses means the City of Annapolis, Maryland. However, it is understood that the City of Annapolis’s role under this contract is as a utility providing wastewater conveyance and treatment service through its’ existing sewer mains, pumping stations and co-owned treatment facility.
2. **WASTEWATER TREATMENT:** The City of Annapolis and Anne Arundel County, Maryland (“County.”) jointly-own the wastewater treatment facility known as the Annapolis Water Reclamation Facility (AWRF), The County is solely responsible for the Operation and Maintenance of the AWRF. The City and County have a joint use agreement that defines the City Capacity, which includes capacity for the Premises as defined below.
3. **CITY ON-BASE FACILITIES:** The City is responsible for the following on-base facilities:
  - City-owned sewers and sewer manholes
  - Flow meters and vaults at Points of Delivery listed below
4. **CONTRACTOR’S EFFECTIVE RATE:** \$4.21 per 1,000 gallons subject to the terms of **Subsection H5.2 Rates and Charges and H5.3 Changes of Rates.**

SPECIFICATIONS

1. **PREMISES TO BE SERVED:** U.S. Naval Academy  
Annapolis, MD 21401
2. **PREMISES ARE:** Government-Owned
3. **ESTIMATED SERVICE:**  
ESTIMATED FLOW: 360,000,000 gallons/year (1 Million gallons/day, MGD)  
AVERAGE WINTER FLOW: 0.94 MGD  
AVERAGE SUMMER FLOW: 1.1 MGD  
ESTIMATED MAXIMUM DAILY FLOW: 2.2 MGD  
(This estimate is based on historical usage. The Government shall not be restricted to minimum or maximum flow except as covered by the terms of subsection H5.5 and H5.6).  
TYPE OF SERVICE: Wastewater Conveyance and Treatment
4. **SERVICE TO BE RENDERED.** The Contractor shall provide wastewater services to convey and treat wastewater from the Premises. The Contractor shall operate the wastewater conveyance facilities in conformity with applicable laws, rules, and regulations promulgated by Federal, State, and local authorities.
5. **RESERVED CAPACITY.** The Contractor shall reserve a capacity of 1 MGD for the wastewater from the Premises in:
  - a. the City wastewater collection system, and
  - b. the “City Capacity” at the AWRF.
6. **POINTS OF DELIVERY.** The sewage shall be delivered to the Contractor by the Government at the following four locations. ( See Appendix A for more information).
  - (1) Gate #1: King George Street, South of Dorsey Creek  
Size of Sewer: 24 Inch Diameter
  - (2) Perry Center (Building #571): Tulip Street, North of Dorsey Creek

- Size of Sewer: 12 Inch Diameter
- (3) Water Treatment Plant: City of Annapolis Manhole No. 185 (SR 450 near Taylor Road)  
Size of Sewer: 12 Inch Diameter
- (4) Navy Family Housing (Buildings #500-520): Badger Road and Monroe Road  
Size of Sewer: 8 Inch Diameter
7. **METERING AND BILLING.** Billing will be determined by metered wastewater usage at Points of Delivery locations (1) and (2) listed above, and estimated at Points of Delivery locations (3) and (4) until meters are installed. (The Contractor, at the Government's expense, will install meters at the other two points in the future as directed by Contract Modification).
8. **NEW METERS AND CONNECTION POINTS.** All New Meters and Connections will be added by Contract Modification after a price has been determined/negotiated. The Contractor will be reimbursed for the cost of new connections and meters.

Section E - Inspection and Acceptance

Not Applicable

Section F - Deliveries or Performance

Not Applicable

Section G - Contract Administration Data

Not Applicable

Section H - Special Contract Requirements

SPECIAL CONTRACT REQUIREMENTS

**H1. Scope:** Subject to the terms and conditions hereinafter set forth, the Contractor shall furnish and the Government shall purchase the wastewater collection services for the premises so noted in the Specifications, included in Section C of the specifications and pursuant to the Contractor's Effective Rates as approved to the extent required by the appropriate regulatory body (Mayor, Aldermen and Alderwomen of the City of Annapolis.)

**H2 Term:** This Contract shall be for a term of 10 years from the effective date and thereafter, unless terminated at the option of the Government or the Contractor, *provided a suitable alternative exists for the Naval Academy*, by giving written notice to the other party not less than 360 days in advance of the effective date of the termination.

**H3 Superseded Contract(s):** The Contractor and the Government mutually agree, upon execution of this Contract, that Contract(s) # N62477-76-M-3603 and # N62477-76-C-3317 as amended, which has provided the Government with these services are hereby superseded and terminated at no cost to either party. The Contractor shall retain, for the purpose of providing dedicated services to the Government, those facilities previously described in the superseded contract, and paid for by the Government by means of a connection charge. At all times during the life of this Contract or any renewals thereof, said facilities shall be owned, operated and maintained by the Contractor at its expense.

**H4 Technical Provisions****H4.1 Measurement of Service**

- (a) All services furnished by the Contractor shall be measured by metering equipment of standard manufacture, furnished, installed, maintained, calibrated and read by the Contractor at its expense. In the absence of metering equipment, the sewage flow shall be estimated as agreed upon by both parties to the Contract. In the event a meter fails to register or registers incorrectly, the quantity of service delivered during the period of malfunction shall be determined and an equitable adjustment based thereon shall be made in the Government service invoices.
- (b) The Contractor shall read all meters at periodic intervals.
- (c) The Contractor, at its expense, shall periodically inspect and test its meters as installed, in accordance with the Contractor's standard practice. At the written request of the Contracting Officer, the Contractor, in the presence of a Government representative, shall make additional tests of any and all meters. The cost of these tests shall be borne by the Government unless the test reveals a percentage error greater than the meter manufacturer's standard.

**H4.2 Sewer Services**

- (a) The Contractor shall provide wastewater service that shall meet Specification 3, in Section C of this Contract.
- (b) The Contractor's wastewater conveyance and treatment facilities shall conform to all applicable Federal, State and local laws and ordinances, permits and regulations promulgated by any and all authorities having jurisdiction.

**H5 General Provisions****H5.1 Payments**

- (a) The Government shall pay the Contractor, upon the submission of proper invoices, at the rates or rate schedule specified within this contract for services delivered and accepted less any deductions or discounts provided for.
- (b) Payments shall be contingent upon the availability of appropriations and
- (c) shall not be made in advance.
- (d) Invoices for service rendered shall contain statements of the meter readings at the beginning and at the end of the billing period, consumption during the billing period, estimates per subsection H4.1 where meters have not been installed and other pertinent data as shall be required to fully understand the Invoice.
- (e) All invoices shall be submitted to:

Utility Invoice Processing Center  
 (Insert respective Government Account Number)  
 Box 159  
 9226 Third Avenue  
 Norfolk VA 23511-2313

At a frequency no more than monthly.

**H5.2 Rates And Charges****(a) Rates**

The Contractor hereby declares that the Government's specified rate or rate schedule is based on the June 2011 City of Annapolis Comprehensive Water and Sewer Rate Study, Cost of Service Analysis *and is the lowest rate for any non residential customer.*

**(b) Charges**

The parties agree to notify the other party upon discovery of deviations in flow that might indicate faulty operation of the Contractor's system. The Government and the Contractor shall mutually determine whether such deviations are causing the inaccurate recording of the Government's flow.

**H5.3 Change of Rates**

- (a)** No increase in rates shall be made to the Contract rate unless (i) the Contractor has placed into effect a general rate percentage increase to all other customers or (ii) based upon an updated Cost of Service Analysis. If the Contractor has placed into effect a general rate percentage decrease to all other customers, a corresponding decrease in the Contract rate shall be made.

**H5.4 Contractors Facilities**

- (a)** The Contractor, at its expense, unless otherwise provided for in this Contract, shall furnish, install, operate, and maintain all facilities required to furnish service hereunder, and measure, or to the extent permitted by this Contract, estimate such service at the points of delivery specified in the Specifications in Section C. Title to all such facilities shall remain with the Contractor and the Contractor shall be responsible for loss or damage to such facilities, except that the Government shall be responsible to the extent that loss or damage has been caused by the Government's negligent acts or omissions or otherwise wrongful acts.
- (b)** Notwithstanding any terms expressed in this clause, the Contractor shall obtain approval from the Contracting Officer prior to any equipment installation, construction, or removal for facilities required to furnish service hereunder. The Government hereby grants to the Contractor, free of any rental or similar charge, but subject to the limitations specified in this Contract, a revocable permit or license to enter the service location for any proper purpose under this Contract. This permit or license includes use of the site or sites agreed upon by the parties hereto for the installation, operation, maintenance, and repair of the facilities of the Contractor required to be located upon Government premises. All applicable taxes and other charges in connection therewith, together with all liability of the Contractor in construction, operation, maintenance and repair of such facilities, shall be the obligation of the Contractor.
- (c)** Authorized representatives of the Contractor will be allowed access to the facilities on Government premises at reasonable times to perform the obligations of the Contractor regarding such facilities. It is expressly understood that the Government may limit or restrict the right of access herein granted in any manner considered necessary (e.g., national security, public safety).
- (d)** Unless otherwise specified in this Contract, the Contractor shall, at its expense, remove such facilities and restore Government premises to their original condition as near as practicable within a reasonable time after the Government terminates this contract. In the event such termination of this Contract is due to the fault of the Contractor, such facilities may be retained in place at the option of the Government and at the Government's expense for a reasonable time while the Government attempts to obtain service elsewhere comparable to that provided for hereunder.
- (e)** Contractor Access – Contractor shall be provided with annual passes for designated City of Annapolis's, Officers, Employees, Agents, and equipment (list to be provided by the City) to access CITY ON-BASE FACILITIES as defined in the Description section of the Contract at no cost to the City.

**H5.5 Change in Volume or Character of Service**

- (a) The Contracting Officer or Contracting Officer's Representative shall give reasonable notice to the Contractor should any anticipated material changes in the volume or characteristics of the Utility Service be required at each location.
- (b) The Contractor shall give reasonable notice to the Government should any limitations to the Utility Service allowable maximum flow be required at each and/or all of the locations.
- (c) The Contractor and the Government shall operate their respective wastewater conveyance facilities in conformity with applicable laws, rules, and regulations promulgated by Federal, State, and local authorities, including, but not limited to, the applicable USNA Wastewater Discharge Permit.

**H5.6 Continuity of Service And Consumption**

- (a) The Contractor shall use reasonable diligence to provide a regular and uninterrupted service to the Government in accordance with the terms and conditions of this contract and the specification(s).
- (b) The Contractor shall use due diligence to cure or correct any cause or condition which so effects the continuity of utility service. The Contractor shall promptly commence and use due diligence to repair or replace any operational facilities and infrastructure rendered inoperable.
- (c) Upon notification of limitations to the Utility Service by the Contractor (as in the case of a 100 year storm or similar weather event), the Government shall use due diligence to cure or correct any cause or condition which so effects the limitation.

**H5.7 Multiple Service Location**

- (a) At any time by request, the Contracting Officer may designate any location within the service area of the Contractor at which utility service is needed or to be discontinued. Any changes to the Specifications in Section C shall be made a part of the Contract by the issuance of a contract modification to include the name and location of the service, specifying any different rate, the point of delivery, different specifications, and any other terms and conditions.
- (b) The applicable rate specified in this contract shall be equitably prorated from the period in which commencement or discontinuance of service at any service location designated under the Specifications shall become effective.

**H5.8 Conflicts**

To the extent of any inconsistency between the provisions of this Contract and the provisions of any schedule, rider, or exhibit incorporated in this Contract by reference or otherwise, the provisions of the Contract shall control.

**H.6. LOCATION**

The service shall be provided to various Naval activities in the **Annapolis, MD** area.

**H.7. PERIOD OF PERFORMANCE**

The contract term is from 1 July 2011 to 30 June 2021

**H.8 Contracting Officer's Representative**

\_\_\_\_\_The Contract will be administered by an authorized representative of the Contracting Officer. In no event, however, will any understanding or agreement, modification, change order, or other matter deviating from the terms of the Contract between the Contractor and any person other than the Contracting Officer be effective or binding upon the Government, unless formalized by proper contractual documents executed by the Contracting Officer prior to completion of this Contract. The authorized representative as indicated hereinafter:

\_\_\_\_\_The Contracting Officer's Representative (COR) will be designated by the Contracting Officer as the authorized representative of the Contracting Officer. The COR is responsible for monitoring performance and the technical management of the effort required hereunder, and should be contacted regarding questions or problems of a technical nature.

\_\_\_\_\_The designated Contract Specialist will be the Administrative Contracting Officer's representative on all other contract administrative matters. The Contract Specialist should be contacted regarding all matters pertaining to the contract or task/delivery orders.

## Section I - Contract Clauses

## CLAUSES INCORPORATED BY FULL TEXT

## 52.202-1 DEFINITIONS (JUL 2004)

(a) When a solicitation provision or contract clause uses a word or term that is defined in the Federal Acquisition Regulation (FAR), the word or term has the same meaning as the definition in FAR 2.101 in effect at the time the solicitation was issued, unless--

- (1) The solicitation, or amended solicitation, provides a different definition;
- (2) The contracting parties agree to a different definition;
- (3) The part, subpart, or section of the FAR where the provision or clause is prescribed provides a different meaning; or
- (4) The word or term is defined in FAR Part 31, for use in the cost principles and procedures.

(b) The FAR Index is a guide to words and terms the FAR defines and shows where each definition is located. The FAR Index is available via the Internet at <http://www.acqnet.gov> at the end of the FAR, after the FAR Appendix.

(End of clause)

## 52.204-7 CENTRAL CONTRACTOR REGISTRATION (APR 2008)

(a) Definitions. As used in this clause--

Central Contractor Registration (CCR) database means the primary Government repository for Contractor information required for the conduct of business with the Government.

Data Universal Numbering System (DUNS) number means the 9-digit number assigned by Dun and Bradstreet, Inc. (D&B) to identify unique business entities.

Data Universal Numbering System +4 (DUNS+4) number means the DUNS number assigned by D&B plus a 4-character suffix that may be assigned by a business concern. (D&B has no affiliation with this 4-character suffix.) This 4-character suffix may be assigned at the discretion of the business concern to establish additional CCR records for identifying alternative Electronic Funds Transfer (EFT) accounts (see the FAR at Subpart 32.11) for the same parent concern.

Registered in the CCR database means that--

- (1) The Contractor has entered all mandatory information, including the DUNS number or the DUNS+4 number, into the CCR database; and
- (2) The Government has validated all mandatory data fields, to include validation of the Taxpayer Identification Number (TIN) with the Internal Revenue Service (IRS), and has marked the record "Active". The Contractor will be required to provide consent for TIN validation to the Government as a part of the CCR registration process.

(b)(1) By submission of an offer, the offeror acknowledges the requirement that a prospective awardee shall be registered in the CCR database prior to award, during performance, and through final payment of any contract, basic agreement, basic ordering agreement, or blanket purchasing agreement resulting from this solicitation.

(2) The offeror shall enter, in the block with its name and address on the cover page of its offer, the annotation "DUNS" or "DUNS +4" followed by the DUNS or DUNS +4 number that identifies the offeror's name and address exactly as stated in the offer. The DUNS number will be used by the Contracting Officer to verify that the offeror is registered in the CCR database.

(c) If the offeror does not have a DUNS number, it should contact Dun and Bradstreet directly to obtain one.

(1) An offeror may obtain a DUNS number--

(i) Via the Internet at <http://fedgov.dnb.com/webform> or if the offeror does not have internet access, it may call Dun and Bradstreet at 1-866-705-5711 if located within the United States; or

(ii) If located outside the United States, by contacting the local Dun and Bradstreet office. The offeror should indicate that it is an offeror for a U.S. Government contract when contacting the local Dun and Bradstreet office.

(2) The offeror should be prepared to provide the following information:

(i) Company legal business.

(ii) Tradestyle, doing business, or other name by which your entity is commonly recognized.

(iii) Company Physical Street Address, City, State, and Zip Code.

(iv) Company Mailing Address, City, State and Zip Code (if separate from physical).

(v) Company Telephone Number.

(vi) Date the company was started.

(vii) Number of employees at your location.

(viii) Chief executive officer/key manager.

(ix) Line of business (industry).

(x) Company Headquarters name and address (reporting relationship within your entity).

(d) If the Offeror does not become registered in the CCR database in the time prescribed by the Contracting Officer, the Contracting Officer will proceed to award to the next otherwise successful registered Offeror.

(e) Processing time, which normally takes 48 hours, should be taken into consideration when registering. Offerors who are not registered should consider applying for registration immediately upon receipt of this solicitation.

(f) The Contractor is responsible for the accuracy and completeness of the data within the CCR database, and for any liability resulting from the Government's reliance on inaccurate or incomplete data. To remain registered in the CCR database after the initial registration, the Contractor is required to review and update on an annual basis from the date of initial registration or subsequent updates its information in the CCR database to ensure it is current, accurate and complete. Updating information in the CCR does not alter the terms and conditions of this contract and is not a substitute for a properly executed contractual document.

(g)(1)(i) If a Contractor has legally changed its business name, “doing business as” name, or division name (whichever is shown on the contract), or has transferred the assets used in performing the contract, but has not completed the necessary requirements regarding novation and change-of-name agreements in Subpart 42.12, the Contractor shall provide the responsible Contracting Officer a minimum of one business day's written notification of its intention to (A) change the name in the CCR database; (B) comply with the requirements of Subpart 42.12 of the FAR; and (C) agree in writing to the timeline and procedures specified by the responsible Contracting Officer. The Contractor must provide with the notification sufficient documentation to support the legally changed name.

(ii) If the Contractor fails to comply with the requirements of paragraph (g)(1)(i) of this clause, or fails to perform the agreement at paragraph (g)(1)(i)(C) of this clause, and, in the absence of a properly executed novation or change-of-name agreement, the CCR information that shows the Contractor to be other than the Contractor indicated in the contract will be considered to be incorrect information within the meaning of the “Suspension of Payment” paragraph of the electronic funds transfer (EFT) clause of this contract.

(2) The Contractor shall not change the name or address for EFT payments or manual payments, as appropriate, in the CCR record to reflect an assignee for the purpose of assignment of claims (see FAR Subpart 32.8, Assignment of Claims). Assignees shall be separately registered in the CCR database. Information provided to the Contractor's CCR record that indicates payments, including those made by EFT, to an ultimate recipient other than that Contractor will be considered to be incorrect information within the meaning of the “Suspension of payment” paragraph of the EFT clause of this contract.

(h) Offerors and Contractors may obtain information on registration and annual confirmation requirements via the internet at <http://www.ccr.gov> or by calling 1-888-227-2423, or 269-961-5757.

(End of clause)

#### 52.213-2 INVOICES (APR 1984)

The Contractor's invoices must be submitted before payment can be made. The Contractor will be paid on the basis of the invoice, which must state (a) the starting and ending dates of the subscription delivery, and (b) either that orders have been placed in effect for the addressees required, or that the orders will be placed in effect upon receipt of payment.

(End of clause)

#### 52.232-1 PAYMENTS (APR 1984)

The Government shall pay the Contractor, upon the submission of proper invoices or vouchers, the prices stipulated in this contract for supplies delivered and accepted or services rendered and accepted, less any deductions provided in this contract. Unless otherwise specified in this contract, payment shall be made on partial deliveries accepted by the Government if--

(a) The amount due on the deliveries warrants it; or

(b) The Contractor requests it and the amount due on the deliveries is at least \$1,000 or 50 percent of the total contract price.

(End of clause)

## 52.232-23 ASSIGNMENT OF CLAIMS (JAN 1986)

(a) The Contractor, under the Assignment of Claims Act, as amended, 31 U.S.C. 3727, 41 U.S.C. 15 (hereafter referred to as "the Act"), may assign its rights to be paid amounts due or to become due as a result of the performance of this contract to a bank, trust company, or other financing institution, including any Federal lending agency. The assignee under such an assignment may thereafter further assign or reassign its right under the original assignment to any type of financing institution described in the preceding sentence.

(b) Any assignment or reassignment authorized under the Act and this clause shall cover all unpaid amounts payable under this contract, and shall not be made to more than one party, except that an assignment or reassignment may be made to one party as agent or trustee for two or more parties participating in the financing of this contract.

(c) The Contractor shall not furnish or disclose to any assignee under this contract any classified document (including this contract) or information related to work under this contract until the Contracting Officer authorizes such action in writing.

(End of clause)

## 52.232-25 PROMPT PAYMENT (OCT 2008)

Notwithstanding any other payment clause in this contract, the Government will make invoice payments under the terms and conditions specified in this clause. The Government considers payment as being made on the day a check is dated or the date of an electronic funds transfer (EFT). Definitions of pertinent terms are set forth in sections 2.101, 32.001, and 32.902 of the Federal Acquisition Regulation. All days referred to in this clause are calendar days, unless otherwise specified. (However, see paragraph (a)(4) of this clause concerning payments due on Saturdays, Sundays, and legal holidays.)

(a) Invoice payments--(1) Due date. (i) Except as indicated in paragraphs (a)(2) and (c) of this clause, the due date for making invoice payments by the designated payment office is the later of the following two events:

(A) The 30th day after the designated billing office receives a proper invoice from the Contractor (except as provided in paragraph (a)(1)(ii) of this clause).

(B) The 30th day after Government acceptance of supplies delivered or services performed. For a final invoice, when the payment amount is subject to contract settlement actions, acceptance is deemed to occur on the effective date of the contract settlement.

(ii) If the designated billing office fails to annotate the invoice with the actual date of receipt at the time of receipt, the invoice payment due date is the 30th day after the date of the Contractor's invoice, provided the designated billing office receives a proper invoice and there is no disagreement over quantity, quality, or Contractor compliance with contract requirements.

(2) Certain food products and other payments. (i) Due dates on Contractor invoices for meat, meat food products, or fish; perishable agricultural commodities; and dairy products, edible fats or oils, and food products prepared from edible fats or oils are--

(A) For meat or meat food products, as defined in section 2(a)(3) of the Packers and Stockyard Act of 1921 (7 U.S.C. 182(3)), and as further defined in Pub. L. 98-181, including any edible fresh or frozen poultry meat, any perishable poultry meat food product, fresh eggs, and any perishable egg product, as close as possible to, but not later than, the 7th day after product delivery.

(B) For fresh or frozen fish, as defined in section 204(3) of the Fish and Seafood Promotion Act of 1986 (16 U.S.C. 4003(3)), as close as possible to, but not later than, the 7th day after product delivery.

(C) For perishable agricultural commodities, as defined in section 1(4) of the Perishable Agricultural Commodities Act of 1930 (7 U.S.C. 499a(4)), as close as possible to, but not later than, the 10th day after product delivery, unless another date is specified in the contract.

(D) For dairy products, as defined in section 111(e) of the Dairy Production Stabilization Act of 1983 (7 U.S.C. 4502(e)), edible fats or oils, and food products prepared from edible fats or oils, as close as possible to, but not later than, the 10th day after the date on which a proper invoice has been received. Liquid milk, cheese, certain processed cheese products, butter, yogurt, ice cream, mayonnaise, salad dressings, and other similar products, fall within this classification. Nothing in the Act limits this classification to refrigerated products. When questions arise regarding the proper classification of a specific product, prevailing industry practices will be followed in specifying a contract payment due date. The burden of proof that a classification of a specific product is, in fact, prevailing industry practice is upon the Contractor making the representation.

(ii) If the contract does not require submission of an invoice for payment (e.g., periodic lease payments), the due date will be as specified in the contract.

(3) Contractor's invoice. The Contractor shall prepare and submit invoices to the designated billing office specified in the contract. A proper invoice must include the items listed in paragraphs (a)(3)(i) through (a)(3)(x) of this clause. If the invoice does not comply with these requirements, the designated billing office will return it within 7 days after receipt (3 days for meat, meat food products, or fish; 5 days for perishable agricultural commodities, dairy products, edible fats or oils, and food products prepared from edible fats or oils), with the reasons why it is not a proper invoice. The Government will take into account untimely notification when computing any interest penalty owed the Contractor.

(i) Name and address of the Contractor.

(ii) Invoice date and invoice number. (The Contractor should date invoices as close as possible to the date of the mailing or transmission.)

(iii) Contract number or other authorization for supplies delivered or services performed (including order number and contract line item number).

(iv) Description, quantity, unit of measure, unit price, and extended price of supplies delivered or services performed.

(v) Shipping and payment terms (e.g., shipment number and date of shipment, discount for prompt payment terms). Bill of lading number and weight of shipment will be shown for shipments on Government bills of lading.

(vi) Name and address of Contractor official to whom payment is to be sent (must be the same as that in the contract or in a proper notice of assignment).

(vii) Name (where practicable), title, phone number, and mailing address of person to notify in the event of a defective invoice.

(viii) Taxpayer Identification Number (TIN). The Contractor shall include its TIN on the invoice only if required elsewhere in this contract.

(ix) Electronic funds transfer (EFT) banking information.

(A) The Contractor shall include EFT banking information on the invoice only if required elsewhere in this contract.

(B) If EFT banking information is not required to be on the invoice, in order for the invoice to be a proper invoice, the Contractor shall have submitted correct EFT banking information in accordance with the applicable solicitation provision (e.g., 52.232-38, Submission of Electronic Funds Transfer Information with Offer), contract clause (e.g., 52.232-33, Payment by Electronic Funds Transfer--Central Contractor Registration, or 52.232-34, Payment by Electronic Funds Transfer--Other Than Central Contractor Registration), or applicable agency procedures.

(C) EFT banking information is not required if the Government waived the requirement to pay by EFT.

(x) Any other information or documentation required by the contract (e.g., evidence of shipment).

(4) Interest penalty. The designated payment office will pay an interest penalty automatically, without request from the Contractor, if payment is not made by the due date and the conditions listed in paragraphs (a)(4)(i) through (a)(4)(iii) of this clause are met, if applicable. However, when the due date falls on a Saturday, Sunday, or legal holiday, the designated payment office may make payment on the following working day without incurring a late payment interest penalty.

(i) The designated billing office received a proper invoice.

(ii) The Government processed a receiving report or other Government documentation authorizing payment, and there was no disagreement over quantity, quality, or Contractor compliance with any contract term or condition.

(iii) In the case of a final invoice for any balance of funds due the Contractor for supplies delivered or services performed, the amount was not subject to further contract settlement actions between the Government and the Contractor.

(5) Computing penalty amount. The Government will compute the interest penalty in accordance with the Office of Management and Budget prompt payment regulations at 5 CFR part 1315.

(i) For the sole purpose of computing an interest penalty that might be due the Contractor, Government acceptance is deemed to occur constructively on the 7th day (unless otherwise specified in this contract) after the Contractor delivers the supplies or performs the services in accordance with the terms and conditions of the contract, unless there is a disagreement over quantity, quality, or Contractor compliance with a contract provision. If actual acceptance occurs within the constructive acceptance period, the Government will base the determination of an interest penalty on the actual date of acceptance. The constructive acceptance requirement does not, however, compel Government officials to accept supplies or services, perform contract administration functions, or make payment prior to fulfilling their responsibilities.

(ii) The prompt payment regulations at 5 CFR 1315.10(c) do not require the Government to pay interest penalties if payment delays are due to disagreement between the Government and the Contractor over the payment amount or other issues involving contract compliance, or on amounts temporarily withheld or retained in accordance with the terms of the contract. The Government and the Contractor shall resolve claims involving disputes and any interest that may be payable in accordance with the clause at FAR 52.233-1, Disputes.

(6) Discounts for prompt payment. The designated payment office will pay an interest penalty automatically, without request from the Contractor, if the Government takes a discount for prompt payment improperly. The Government will calculate the interest penalty in accordance with the prompt payment regulations at 5 CFR part 1315.

(7) Additional interest penalty. (i) The designated payment office will pay a penalty amount, calculated in accordance with the prompt payment regulations at 5 CFR part 1315 in addition to the interest penalty amount only if--

(A) The Government owes an interest penalty of \$1 or more;

(B) The designated payment office does not pay the interest penalty within 10 days after the date the invoice amount is paid; and

(C) The Contractor makes a written demand to the designated payment office for additional penalty payment, in accordance with paragraph (a)(7)(ii) of this clause, postmarked not later than 40 days after the invoice amount is paid.

(ii)(A) The Contractor shall support written demands for additional penalty payments with the following data. The Government will not request any additional data. The Contractor shall--

(1) Specifically assert that late payment interest is due under a specific invoice, and request payment of all overdue late payment interest penalty and such additional penalty as may be required;

(2) Attach a copy of the invoice on which the unpaid late payment interest is due; and

(3) State that payment of the principal has been received, including the date of receipt.

(B) If there is no postmark or the postmark is illegible--

(1) The designated payment office that receives the demand will annotate it with the date of receipt, provided the demand is received on or before the 40th day after payment was made; or

(2) If the designated payment office fails to make the required annotation, the Government will determine the demand's validity based on the date the Contractor has placed on the demand, provided such date is no later than the 40th day after payment was made.

(iii) The additional penalty does not apply to payments regulated by other Government regulations (e.g., payments under utility contracts subject to tariffs and regulation).

(b) Contract financing payment. If this contract provides for contract financing, the Government will make contract financing payments in accordance with the applicable contract financing clause.

(c) Fast payment procedure due dates. If this contract contains the clause at 52.213-1, Fast Payment Procedure, payments will be made within 15 days after the date of receipt of the invoice.

(d) Overpayments. If the Contractor becomes aware of a duplicate contract financing or invoice payment or that the Government has otherwise overpaid on a contract financing or invoice payment, the Contractor shall--

(1) Remit the overpayment amount to the payment office cited in the contract along with a description of the overpayment including the--

(i) Circumstances of the overpayment (e.g., duplicate payment, erroneous payment, liquidation errors, date(s) of overpayment);

(ii) Affected contract number and delivery order number if applicable;

(iii) Affected contract line item or subline item, if applicable; and

(iv) Contractor point of contact.

(2) Provide a copy of the remittance and supporting documentation to the Contracting Officer.

(End of clause)

## 52.233-1 DISPUTES. (JUL 2002)

- (a) This contract is subject to the Contract Disputes Act of 1978, as amended (41 U.S.C. 601-613).
- (b) Except as provided in the Act, all disputes arising under or relating to this contract shall be resolved under this clause.
- (c) Claim, as used in this clause, means a written demand or written assertion by one of the contracting parties seeking, as a matter of right, the payment of money in a sum certain, the adjustment or interpretation of contract terms, or other relief arising under or relating to this contract. However, a written demand or written assertion by the Contractor seeking the payment of money exceeding \$100,000 is not a claim under the Act until certified. A voucher, invoice, or other routine request for payment that is not in dispute when submitted is not a claim under the Act. The submission may be converted to a claim under the Act, by complying with the submission and certification requirements of this clause, if it is disputed either as to liability or amount or is not acted upon in a reasonable time.
- (d)(1) A claim by the Contractor shall be made in writing and, unless otherwise stated in this contract, submitted within 6 years after accrual of the claim to the Contracting Officer for a written decision. A claim by the Government against the Contractor shall be subject to a written decision by the Contracting Officer.
- (2)(i) The contractors shall provide the certification specified in subparagraph (d)(2)(iii) of this clause when submitting any claim exceeding \$100,000.
- (ii) The certification requirement does not apply to issues in controversy that have not been submitted as all or part of a claim.
- (iii) The certification shall state as follows: "I certify that the claim is made in good faith; that the supporting data are accurate and complete to the best of my knowledge and belief; that the amount requested accurately reflects the contract adjustment for which the Contractor believes the Government is liable; and that I am duly authorized to certify the claim on behalf of the Contractor.
- (3) The certification may be executed by any person duly authorized to bind the Contractor with respect to the claim.
- (e) For Contractor claims of \$100,000 or less, the Contracting Officer must, if requested in writing by the Contractor, render a decision within 60 days of the request. For Contractor-certified claims over \$100,000, the Contracting Officer must, within 60 days, decide the claim or notify the Contractor of the date by which the decision will be made.
- (f) The Contracting Officer's decision shall be final unless the Contractor appeals or files a suit as provided in the Act.
- (g) If the claim by the Contractor is submitted to the Contracting Officer or a claim by the Government is presented to the Contractor, the parties, by mutual consent, may agree to use alternative dispute resolution (ADR). If the Contractor refuses an offer for ADR, the Contractor shall inform the Contracting Officer, in writing, of the Contractor's specific reasons for rejecting the request.
- (h) The Government shall pay interest on the amount found due and unpaid from (1) the date the Contracting Officer receives the claim (certified, if required); or (2) the date that payment otherwise would be due, if that date is later, until the date of payment. With regard to claims having defective certifications, as defined in (FAR) 48 CFR 33.201, interest shall be paid from the date that the Contracting Officer initially receives the claim. Simple interest

on claims shall be paid at the rate, fixed by the Secretary of the Treasury as provided in the Act, which is applicable to the period during which the Contracting Officer receives the claim and then at the rate applicable for each 6-month period as fixed by the Treasury Secretary during the pendency of the claim.

(i) The Contractor shall proceed diligently with performance of this contract, pending final resolution of any request for relief, claim, appeal, or action arising under the contract, and comply with any decision of the Contracting Officer.

(End of clause)

#### 52.233-4 APPLICABLE LAW FOR BREACH OF CONTRACT CLAIM (OCT 2004)

United States law will apply to resolve any claim of breach of this contract.

(End of clause)

#### 52.241-2 ORDER OF PRECEDENCE-UTILITIES (FEB 1995)

In the event of any inconsistency between the terms of this contract (including the specifications) and any rate schedule, rider, or exhibit incorporated in this contract by reference or otherwise, or any of the Contractor's rules and regulations, the terms of this contract shall control.

(End of clause)

#### 52.241-3 SCOPE AND DURATION OF CONTRACT (FEB 1995)

(a) For the period 1 July 2011 to 30 June 2021 the Contractor agrees to furnish and the Government agrees to purchase waste water conveyance and treatment service in accordance with the applicable tariff(s), rules, and regulations as approved by the applicable governing regulatory body and as set forth in the contract. The contractor shall furnish this service until 30 Jun 2021 or until substantial and lengthy non payment.

(b) It is expressly understood that neither the Contractor nor the Government is under any obligation to continue any service under the terms and conditions of this contract beyond the expiration date.

(c) The Contractor shall provide the Government with one complete set of rates, terms, and conditions of service which are in effect as of the date of this contract and any subsequently approved rates.

(d) The Contractor shall be paid at the applicable rate(s) under the tariff and the Government shall be liable for the minimum monthly charge, if any, specified in this contract commencing with the period in which service is initially furnished and continuing for the term of this contract. Any minimum monthly charge specified in this contract shall be equitably prorated for the periods in which commencement and termination of this contract become effective.

(End of clause)

#### 52.241-7 CHANGE IN RATES OR TERMS AND CONDITIONS OF SERVICE FOR REGULATED

## SERVICES (FEB 1995)

(a) This clause applies to the extent services furnished under this contract are subject to regulation by a regulatory body. The Contractor agrees to give 30 day written notice of (1) the filing of an application for change in rates or terms and conditions of service concurrently with the filing of the application and

(2) any changes pending with the regulatory body as of the date of contract award. Such notice shall fully describe the proposed change. If, during the term of this contract, the regulatory body having jurisdiction approves any changes, the Contractor shall forward to the Contracting Officer a copy of such changes within 15 days after the effective date thereof. The Contractor agrees to continue furnishing service under this contract in accordance with the amended tariff, and the Government agrees to pay for such service at the higher or lower rates as of the date when such rates are made effective.

(b) The Contractor agrees that throughout the life of this contract the applicable published and unpublished rate schedule(s) shall not be in excess of the lowest cost published and unpublished rate schedule(s) available to any other customers of the same class under similar conditions of use and service.

(c) In the event that the regulatory body promulgates any regulation concerning matters other than rates which affects this contract, the Contractor shall immediately provide a copy to the Contracting Officer. The Government shall not be bound to accept any new regulation inconsistent with Federal laws or regulations.

(d) Any changes to rates or terms and conditions of service shall be made a part of this contract by the issuance of a contract modification unless otherwise specified in the contract. The effective date of the change shall be the effective date by the regulatory body. Any factors not governed by the regulatory body will have an effective date as agreed to by the parties.

(End of clause)

## 52.243-5 CHANGES AND CHANGED CONDITIONS (APR 1984)

(a) The Contracting Officer may, in writing, order changes in the drawings and specifications within the general scope of the contract.

(b) The Contractor shall promptly notify the Contracting Officer, in writing, of subsurface or latent physical conditions differing materially from those indicated in this contract or unknown unusual physical conditions at the site before proceeding with the work.

(c) If changes under paragraph (a) or conditions under paragraph (b) increase or decrease the cost of, or time required for performing the work, the Contracting Officer shall make an equitable adjustment (see paragraph (d)) upon submittal of a "proposal for adjustment" (hereafter referred to as proposal) by the Contractor before final payment under the contract.

(d) The Contracting Officer shall not make an equitable adjustment under paragraph (b) unless--

(1) The Contractor has submitted and the Contracting Officer has received the required written notice; or

(2) The Contracting Officer waives the requirement for the written notice.

(e) Failure to agree to any adjustment shall be a dispute under the Disputes clause.

(End of clause)

52.249-4 TERMINATION FOR CONVENIENCE OF THE GOVERNMENT (SERVICES) (SHORT FORM)  
(APR 1984)

The Contracting Officer, by written notice, may terminate this contract, in whole or in part, when it is in the Government's interest. If this contract is terminated, the Government shall be liable only for payment under the payment provisions of this contract for services rendered before the effective date of termination.

(End of clause)

52.249-8 DEFAULT (FIXED-PRICE SUPPLY AND SERVICE) (APR 1984)

(a)(1) The Government may, subject to paragraphs (c) and (d) of this clause, by written notice of default to the Contractor, terminate this contract in whole or in part if the Contractor fails to--

- (i) Deliver the supplies or to perform the services within the time specified in this contract or any extension;
- (ii) Make progress, so as to endanger performance of this contract (but see subparagraph (a)(2) of this clause); or
- (iii) Perform any of the other provisions of this contract (but see subparagraph (a)(2) below).

(2) The Government's right to terminate this contract under subdivisions (a)(1)(ii) and (1)(iii) of this clause, may be exercised if the Contractor does not cure such failure within 10 days (or more if authorized in writing by the Contracting Officer) after receipt of the notice from the Contracting Officer specifying the failure.

(b) If the Government terminates this contract in whole or in part, it may acquire, under the terms and in the manner the Contracting Officer considers appropriate, supplies or services similar to those terminated, and the Contractor will be liable to the Government for any excess costs for those supplies or services. However, the Contractor shall continue the work not terminated.

(c) Except for defaults of subcontractors at any tier, the Contractor shall not be liable for any excess costs if the failure to perform the contract arises from causes beyond the control and without the fault or negligence of the Contractor. Examples of such causes include (1) acts of God or of the public enemy, (2) acts of the Government in either its sovereign or contractual capacity, (3) fires, (4) floods, (5) epidemics, (6) quarantine restrictions, (7) strikes, (8) freight embargoes, and (9) unusually severe weather. In each instance the failure to perform must be beyond the control and without the fault or negligence of the Contractor.

(d) If the failure to perform is caused by the default of a subcontractor at any tier, and if the cause of the default is beyond the control of both the Contractor and subcontractor, and without the fault or negligence of either, the Contractor shall not be liable for any excess costs for failure to perform, unless the subcontracted supplies or services were obtainable from other sources in sufficient time for the Contractor to meet the required delivery schedule.

(e) If this contract is terminated for default, the Government may require the Contractor to transfer title and deliver to the Government, as directed by the Contracting Officer, any (1) completed supplies, and (2) partially completed supplies and materials, parts, tools, dies, jigs, fixtures, plans, drawings, information, and contract rights (collectively referred to as "manufacturing materials" in this clause) that the Contractor has specifically produced or acquired for the terminated portion of this contract. Upon direction of the Contracting Officer, the Contractor shall also protect and preserve property in its possession in which the Government has an interest.

(f) The Government shall pay contract price for completed supplies delivered and accepted. The Contractor and Contracting Officer shall agree on the amount of payment for manufacturing materials delivered and accepted and for the protection and preservation of the property. Failure to agree will be a dispute under the Disputes clause. The Government may withhold from these amounts any sum the Contracting Officer determines to be necessary to protect the Government against loss because of outstanding liens or claims of former lien holders.

(g) If, after termination, it is determined that the Contractor was not in default, or that the default was excusable, the rights and obligations of the parties shall be the same as if the termination had been issued for the convenience of the Government.

(h) The rights and remedies of the Government in this clause are in addition to any other rights and remedies provided by law or under this contract.

(End of clause)

#### 52.252-2 CLAUSES INCORPORATED BY REFERENCE (FEB 1998)

This contract incorporates one or more clauses by reference, with the same force and effect as if they were given in full text. Upon request, the Contracting Officer will make their full text available. Also, the full text of a clause may be accessed electronically at this/these address(es):

<http://farsite/hill.af.mil>

(End of clause)

#### 252.229-7000 INVOICES EXCLUSIVE OF TAXES OR DUTIES (JUNE 1997)

Invoices submitted in accordance with the terms and conditions of this contract shall be exclusive of all taxes or duties for which relief is available.

(End of clause)

#### 252.241-7001 GOVERNMENT ACCESS. (DEC 1991)

Authorized representatives of the Government may have access to the Contractor's on-base facilities upon reasonable notice or in case of emergency.

#### (h) **Inspection By Regulatory Agencies (JUN 1994)**

- (h) Work performed under this contract is subject by State and Federal Government Regulatory agencies including those described below.
- (i) Permission has been granted by the Navy permitting Federal and State occupational health and safety officials to enter Navy shore installations, without delay and at reasonable times, to conduct routine safety and health investigations. Permission also extends to safety and health investigations based on reports of unsafe conditions. Occupational Health and Safety Administration (OSHA) officials may

also investigate accidents or illnesses involving the Contractor's employees. Inspections may also be carried out by the Department of Labor to inspect for compliance with labor laws.

- (j) The Contractor shall cooperate with regulatory agencies and shall provide personnel to accompany the agency inspection or review teams. Contractor personnel shall be knowledgeable concerning the work being inspected, and participate in responding to all requests for information, inspection or review findings by regulatory agencies.

(END OF CLAUSE)

Section J - List of Documents, Exhibits and Other Attachments

Exhibit/Attachment Table of Contents

DOCUMENT TYPE	DESCRIPTION	PAGES	DATE
Attachment 1	Appendix A Diagram	1	

## **Staff Report**

### **Ordinance O-33-13**

#### **Wastewater Conveyance and Treatment (Sewer Service) Contract with the Federal Government**

The proposed ordinance would approve a new 10-year wastewater conveyance and treatment (sewer service) contract with the Federal Government to adjust the rate to \$4.21 per 1,000 gallons and become effective retroactively to July 1, 2011. The first page of the attached contract on introduction incorrectly states the effective date of June 20, 2012 due to an error in the Navy's contracting software; the effective date of July 1, 2011 is correctly used elsewhere in the contract.

The current wastewater conveyance and treatment contract between the City of Annapolis and the Federal Government governing services rendered by the City of Annapolis to the United States Naval Academy authorizes a rate renegotiation following a general rate increase. On June 20, 2011, the Annapolis City Council approved a water and sewer rate increase for all customers, excluding the Naval Academy.

Prepared by Thora Burkhardt, Civil Engineer in the Department of Public Works at 410-263-7949 and Jessica Cowles, Legislative and Policy Analyst in the Office of Law at 410-263-7954.

## City of Annapolis Budget Revision Request

Control number GT-01-14

Department  
Recreation

Date 26-Aug-2013

Increase                      Decrease

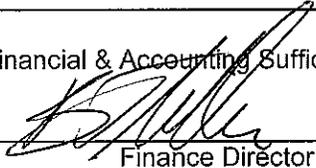
	Increase	Decrease
Revenue		
Stanton Center Donations	8,363.00	
Expenditures		
Supplies	8,363.00	

To appropriate budget for donations received for programs at Stanton Center

Revolving fund

(7/14)

Approved for Financial & Accounting Sufficiency:

  
Finance Director

  
Department Director

Approved by:  
Mayor  
Finance Committee  
City Council

  
\_\_\_\_\_

THE CITY OF  
**ANNAPOLIS**  
 MARYLAND

07/24/2013 11:24  
 LMK

CITY OF ANNAPOLIS  
 YEAR-TO-DATE BUDGET REPORT

PG 1  
 glytddbu

FOR 2013 12

	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	MTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
2600 GIFTS AND DONATIONS							
83005 STANTON CENTER							
26065 483010 83005 STANTON CENTER	-7,330	-17,330.00	-26,316.16	-1,316.54	.00	8,986.16	151.9%
26110 530800 83005 CONTRACT SERVICE	10,000	10,000.00	8,802.00	1,290.00	160.00	1,038.00	89.6%
26110 542010 83005 SUPPLIES	7,330	7,330.00	6,969.91	.00	.00	360.09	95.1%
TOTAL STANTON CENTER	10,000	.00	-10,544.25	-26.54	160.00	10,384.25	100.0%
TOTAL GIFTS AND DONATIONS	10,000	.00	-10,544.25	-26.54	160.00	10,384.25	100.0%
TOTAL REVENUES	-7,330	-17,330.00	-26,316.16	-1,316.54	.00	8,986.16	
TOTAL EXPENSES	17,330	17,330.00	15,771.91	1,290.00	160.00	1,398.09	
GRAND TOTAL	10,000	.00	-10,544.25	-26.54	160.00	10,384.25	100.0%

\*\* END OF REPORT - Generated by LINDA M. KLINE \*\*

**Linda Kline - Re: Stanton Center Donation Account**

---

**From:** Brian Woodward  
**To:** Linda Kline  
**Date:** 8/22/2013 11:04 AM  
**Subject:** Re: Stanton Center Donation Account

---

Hi Linda,

Sorry it took so long for me to get back to you.

Please use account 26110-542010-83005, and budget the amount of \$8,363.00. Please let me know when this is done.

Thanks,

Brian..

>>> Linda Kline 7/24/2013 11:28 AM >>>  
tHERE IS \$8,986.16 AVAILALBE TO be budgeted. What accounts do you want to use???

>>> Brian Woodward 7/23/2013 10:06 AM >>>  
Hi Linda,

The Stanton Center deposits donations and grants to account 26110-542010-83005. At Fiscal Year end, any remaining balance "rolls over" to the new Fiscal Year. Now that we are in a new FY, I need to appropriate that money so that it can be spent.

Can yo help me with that for FY 14?

Thanks,

Brian..

Brian J. Woodward, Director  
Annapolis Recreation and Parks  
(410) 263-7958  
[bjwoodward@annapolis.gov](mailto:bjwoodward@annapolis.gov)



**City of Annapolis  
Boards and Commissions**

Monday, September 23, 2013

**Appointments**

**Financial Advisory Commission    Faye B. Currie**

**Board of Appeals                      Derek Meyers**

**Historic Preservation Commission Sara G. Phillips**

**Reappointments**

**Recreation Advisory Board        Michael Hughes  
    Craig Harrison  
    C. Taney Hamill**

**Planning Commission                Eleanor Harris**

**Heritage Commission                David Haight  
    Jane McWilliams  
    Robert Worden  
    Linnell Bowen**

**Art in Public Places Commission   Michael Matthews  
    Terry Averill  
    David Arthur**



## **Faye B. Currie**

204 Victor Parkway Unit #C  
Annapolis, MD 21403  
Phone: 410-570-4612 (cell)  
Email: [faecur@verizon.net](mailto:faecur@verizon.net)

### **Professional Summary**

*Faye has over 25 years of senior level financial industry experience including new market development, strategic planning and branch operations. Throughout her career, Faye has demonstrated exceptional knowledge of business management practices, marketing plan implementation, effective sales generation efforts, and risk performance analysis. She possesses strong analytical and people skills and is excellent at fostering teamwork and empowering employees to the level of their accountability. Faye is very creative, gregarious, high energy, and detail oriented.*

### **Work Experience**

**7/2007 to Present**

#### **CFG Community Bank**

##### **Vice Pres. /Branch Mgr.**

- Established the bank's footprint in the Annapolis community
- Grew deposits from \$0 to \$53 million in 48 months
- Actively promote and represent the bank
- Exercise strong sales skills and created a successful sales culture

**5/2004-7/2007**

#### **Suburban Federal Savings Bank**

##### **Corporate Headquarters Branch Manager**

- Actively promoted new bank deposits through various sales strategies
- Created a strong customer service oriented environment
- Grew deposits and fostered a successful branch environment

**4/2002-5/2004**

#### **Burns Associates, Inc.**

##### **Comptroller/Office Manager**

- Managed Accounts Payable and Receivable
- Supervised the inside sales team
- Managed daily operations
- Balanced monthly statements and prepared accounting reports

**8/1995-4/2002**

#### **Farmers Bank of Maryland/ First Virginia Bank**

##### **Branch Manager/Loan Officer/Home Equity Dept. Supervisor**

- Reviewed, evaluated and approved secured and unsecured loans
- Designed and implemented marketing plans to increase deposit and loan growth
- Developed and executed outside business development plan soliciting perspective customers
- Trained employees in customer service skills and product knowledge



Derek Meyers  
187 Prince George Street  
Annapolis, MD 21401  
(301) 302-3322  
derekmeyers@gmail.com

1 April 2013

Hilary Roggio Ratfovich  
Boards and Commissions Coordinator  
160 Duke of Gloucester Street  
Annapolis, MD 21401  
[hrraftovich@annapolis.gov](mailto:hrraftovich@annapolis.gov)

VIA ELECTRONIC MAIL

Subj: Volunteer Opportunity - Board of Appeals Vacancy dated 1 March 2013

Dear Ms. Ratfovich,

Please consider this letter as my interest in volunteering to be on the Board of Appeals for the City of Annapolis. I have more than 7 years of experience in urban planning, including zoning administration duties such as:

- Reception and examination of applications for zoning permits
- Issuance of zoning permits in compliance with applicable ordinances
- Presentation of zoning variances, special exceptions and interpretations to the Board of Appeals
- Writing of the Board's decision and findings of fact as documented by the Board
- Issue administrative adjustments in accordance with Sec.4.05(D) of Article 66B

During my career, I have held various positions with increasingly responsibility across Maryland, leading to my present role as a community planner with at the U.S. Naval Academy. A summary of my qualifications, experience and education is as follows:

- Community planner, U.S. Department of the Navy, Annapolis, MD (2010-Present)
- American Institute of Certified Planners (AICP)
- LEED Accredited Professional
- Urban planner, ERM, Annapolis, MD (2008-2010) [consultant firm developed current Zoning Ord.]
- County planner, Carroll County, MD (2007-2008)
- Town planner, Town of Boonsboro, MD (2006-2007)
- Master of Real Estate Development, University of Maryland School of Architecture (2008)
- B.A., Geography, West Virginia University (2006)

As a former urban planner and consultant to local government, I know it is crucial to have a knowledgeable volunteer to represent the City's interest and continuously make decisions that will not be contrary to the public interest; will result in practical difficulty or unnecessary hardship if not granted; and are consistent with the spirit, purpose and intent of the City's Master Plan.

I would be honored to serve the City of Annapolis as a member of the Board of Appeals.

Sincerely yours,

Derek Meyers



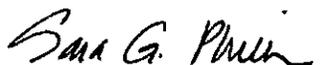
July 29, 2013

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

Dear Mayor Cohen:

Thank you for your consideration in my selection as a potential board member for the Historic Preservation Commission in Annapolis. It would be my great pleasure and honor to join the Commission and to play a small part in supporting the historic integrity of Annapolis.

Sincerely,

A handwritten signature in black ink that reads "Sara G. Phillips". The signature is written in a cursive style with a small flourish at the end.

Sara G. Phillips  
Registered Architect

## **Sara G. Phillips, RA, AIA**

Architect of the Naval Academy

U.S. Naval Academy

Sara Phillips graduated with design honors from the architectural department at the Rhode Island School of Design in 1992. At this time, she earned a Bachelor of Fine Arts and a Bachelor of Interior Architecture.

During college and immediately following graduation, she interned at the Rhode Island Historic Preservation Commission which awakened her devotion to historic architecture. Shortly thereafter, she joined a small design firm in Providence where she worked on high end corporate design projects and residential projects in a variety of historic communities.

In 1994, Sara joined the newly established office of Durkee & Brown Architects in Providence, Rhode Island as a project manager. At that time, Sara focused her attention on low income housing in the underprivileged neighborhoods surrounding Providence. Most of the developments were based in historic wood-framed mill housing that had been abandoned and mistreated for many years. Along with these projects, Sara provided design expertise on several high end summer homes along the Rhode Island coast.

In 1997, Sara moved to Maryland to join the international design firm of RTKL Associates as a project manager. At RTKL, Sara became involved in many Federal Government projects including the National Ground Intelligence Center in Charlottesville, Virginia and the New Dominion Technology Park in Herndon, Virginia. Some of her most formative projects included her work at a Classified Government Agency in Washington, DC. These are the projects where she developed her project management skills and her expertise in Federal Government work. However, while at RTKL, her highest honor was the management of the renovation of the Center Section of Bancroft Hall at the US Naval Academy which utilized all of her skills as a historically sensitive architect and project manager. This project included the historic restoration of Memorial Hall, the Rotunda and Smoke Hall.

In 2002, Sara joined Whiting-Turner Contracting Co. as a construction project manager. Her first construction management project was the Robert Crown Sailing Center at the US Naval Academy. She also managed the construction of the Levy Center and Mitscher Hall Renovation at the Naval Academy. The Levy Center is home to the Jewish Chapel on the Yard. These projects gave her in-depth knowledge of building technology issues and construction processes.

In 2006, Sara accepted a position with the Federal Government as Architect of the Naval Academy in Annapolis, Maryland.

In 2010, Sara earned a Masters in Business Administration from the Naval Postgraduate School Graduate School of Business and Public Policy.

Sara demonstrates a thorough understanding of building technology and project management skills with an ability to align the processes of both. She balances this with her passion for historic architecture and landscapes in a way that has allowed her to develop her career to encompass all of these interests.

Sara is a licensed Architect and a certified Interior Designer in the State of Maryland.

## **Sara G. Phillips, Registered Architect, AIA**

123 Charles St, Annapolis Maryland 21401

443-569-2182

### **PROFESSIONAL EXPERIENCE**

May 2006 -  
Present

#### **Architect of the Naval Academy**

US Naval Academy, Annapolis, Maryland

- Responsible for the formulation, evaluation and promotion of all facilities projects and planning efforts undertaken at the United States Naval Academy, Naval Support Activity Annapolis and at the Naval Academy Preparatory School.
- Plan, evaluate, prioritize, advise on and implement the short and long-range facilities programs which directly impact the mission effectiveness of the Naval Academy Command on behalf of the Superintendent.
- Review academic, athletic and mission-related policies established by Navy leadership and determine impact on facilities program requirements and long-range planning.
- Independently formulate and communicate short and long-range facilities execution plans.
- Define objectives of facilities programs and determine most effective funding, procurement and work execution methods for achieving those objectives.
- Review design documents, specifications, and perform reviews of critical material submittals during construction on all facilities projects.
- Perform independent reviews of all active construction projects at USNA and NAPS and provide feedback / direction to Public Works Officer on behalf of Superintendent.
- Approve design and procurement strategies for all USNA and NAPS collateral equipment packages related to facilities projects.
- Represent the Superintendent and entire Naval Academy Command on all facilities issues, including contacts with the State Historic Preservation Office, the Maryland Department of the Environment, the Naval Facilities Command, Navy Leadership, and other outside organizations who are stakeholders in facilities programs at the Naval Academy.
- Act as principal USNA liaison and advocate with Public Works Officers (Annapolis & Newport), NAVFAC & MIDLANT Regional Engineers, CEO, CFO & Executive Director of Naval Academy Foundation, Alumni Class Presidents, and major gift donors on all facilities and gift funded projects.
- Approve all procurement strategies, Requests for Proposals (RFPs), and contract decisions for facilities and gift funded projects on behalf of Superintendent.
- Coordinate and build consensus among potentially conflicting entities and organizations during execution of facilities projects. Make determination of final resolution on behalf of Superintendent.
- Represent the Superintendent in NAVFAC and MIDLANT Regional Integrated Master Planning and other regional efforts.
- Manage the conceptualization, prioritization, development, procurement, execution and gift acceptance of all gift funded projects from the Naval Academy Foundation and other private donors. Act as the sole staff member responsible for entire gift life cycle including development of the project scope, development of phasing strategies, liaison with donors, development of project schedule and timing/determination of funding requirements.
- Review and approve all proposed Gift Agreements and Gift Memorandum of Understandings from the Naval Academy Foundation.
- Act as the primary customer approval authority and/or Contracting Officer Representative for all projects procured through FISC.
- Represent the Superintendent on all Memorials Committees that review proposed memorials for installation at the Naval Academy, Naval Station Annapolis and NAPS.

Feb 1997-  
Dec 1997

**Project Manager and Designer**

GHK Associates Inc., Washington, DC

Primary responsibilities were the design and management of corporate interior renovations. These duties included staff, budget and schedule management along with a thorough understanding and implementation of the design process.

Projects:

- American Red Cross National Headquarters, Washington, DC
- The World Bank Group, Washington, DC
- Nextel Communications, Bethesda, Maryland
- The Bankfund Staff Federal Credit Union, Washington, DC

Aug 1994 -  
Feb 1997

**Project Manager and Designer** Durkee & Brown Architects, Providence, Rhode Island

Primary responsibilities included the design and management of private residences and large-scale Federally funded housing projects.

Projects:

- Pelican House, Little Compton, Rhode Island
- Boss House and Barn, Narragansett, Rhode Island
- West Elmwood Housing Development, Providence, Rhode Island
- Providence-Tanner Block Revitalization, Providence, Rhode Island
- The Constitution Hill Housing Development, Woonsocket, Rhode Island
- FACTS, Providence, Rhode Island

Aug 1992 -  
Aug 1994

**Designer**

Benefit Street Design, Providence, Rhode Island

Primary responsibilities were the design of several large scale corporate offices.

Projects:

- Adler Pollack & Sheehan, Providence, Rhode Island
- Titleist Footjoy Worldwide Headquarters, Fairhaven, Massachusetts

Jan 1990-  
Aug 1992

**Intern**

RI Historic Preservation Commission, Providence, Rhode Island

**EDUCATION**

**The Naval Postgraduate School**

Masters in Business Administration, 2010  
Graduated with Distinction

**Monterey, California**

**The Rhode Island School of Design**

Bachelor of Interior Architecture, 1992.  
Bachelor of Fine Arts, 1991.

**Providence, Rhode Island**

**Brown University**

Studies in advanced French conversation courses.

**Providence, Rhode Island**

**Baldwin Whitehall Senior High School**

Diploma with Academic Honors, June 1987

**Pittsburgh, Pennsylvania**

**PROFESSIONAL REGISTRATION**

Registered Architect, Maryland  
NCIDQ Certified



Chartered 1708

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

August 29, 2013

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Recreation Advisory Board Reappointment

Pending your approval, I would like to reappoint Mr. Michael Hughes to the Recreation Advisory Board. Mr. Hughes has served on this board since 2010.

Michael Hughes  
819 Chester Avenue  
Annapolis, MD 21403  
301-906-1067  
michael.hughes@wnnr.com

Mr. Hughes' term will expire on 6/30/16. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Economic Matters Committee</u>	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
_____	_____
Committee Chair	Date

## MICHAEL HUGHES

819 Chester Ave.

Annapolis, MD 21403

301-906-1067

michael.hughes@wrrn.com

Michael Hughes is currently Vice-President of WRNR radio in Annapolis and President of MH Media Strategies, a full-service media consulting company.

Michael is a 28 year broadcast veteran having started out as an overnight disk-jockey in Ohio, progressing into Programming positions, as a Director of Programming in various markets, and more recently, programming oversight for AMFM Inc. radio stations in such markets as New York, Washington D.C., Dallas, & Denver. He also served as General Manager of WZGC in Atlanta for CBS Radio before transferring with CBS to Washington D.C. in early 2003, overseeing the company's five radio stations there.

Community service has been a personal and professional priority for Michael since he started in radio. He has served as a spokesperson for Mothers Against Drunk Driving, served on advisory boards for Gleaner's Food Bank, The Atlanta Community Food Bank, March of Dimes, Capital Area Food Bank, and volunteered with Habitat for Humanity & Project Open Hand. Michael is currently an Executive Board Member of the Clean Energy Partnership, a D.C. based consortium dedicated to promoting environmentally responsible practices to our area's business community. He is also a board member of the Washington Redskins Charitable Foundation, the Washington, D.C. Archdiocese Latin Education Center, The Washington Area Broadcaster's Association, the Executive Advisory Board of the American Heart Association's START: Walking Program and the Maryland Theater for the Performing Arts. He also works closely with The Latin American Youth Center, March of Dimes, and The Washington Advertising Club. He is a recipient of the MAPAVI Award as Humanitarian of the Year for the Hispanic Community of Washington, D.C., twice a finalist as General Manager of the Year for the Medalles de Cortez Award in Hispanic Media, and the 2009 winner of the Fairfax Ambassador Award for Business and Economic Development.

Michael attended Bowling Green State University in Ohio. His wife Mary Beth, and four daughters live in Eastport/Annapolis, MD.



Chartered 1708

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

August 29, 2013

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Recreation Advisory Board Reappointment

Pending your approval, I would like to reappoint Mr. Craig Harrison to the Recreation Advisory Board. Mr. Harrison has served on this board since 2010.

Craig Harrison  
264 King George Street  
Annapolis, MD 21401  
410-991-7339  
[csharrison2@verizon.net](mailto:csharrison2@verizon.net)

Mr. Harrison's term will expire on 6/30/16. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: Economic Matters Committee

Favorable       Unfavorable

\_\_\_\_\_  
Committee Chair

\_\_\_\_\_  
Date

Henry,  
For Rec Board.  
JSH

**Craig S. Harrison**

264 King George Street • Annapolis, Maryland 21401 • 410.991.7339 • csharrison2@verizon.net

**Sales and Business Development**

Senior business development, and relationship management professional in the information technology, systems integration and communications arenas, with experience and expertise in identifying and qualifying opportunities and positioning for successful and profitable projects.

**Professional Experience**

**Computer Sciences Corporation (CSC) November 2006 to July 2008**

Hanover, Maryland

Director, Strategic Accounts responsible for the identification, qualification, positioning and business development of opportunities for the State and Local Solutions business unit. Key results focused on developing a solid and positive relationship with customers, collaborate with other business units within CSC and leveraging prior experience and projects to develop additional work and projects.

**Harrison & Associates, Inc. 2002 to 2006**

Annapolis, Maryland

Head of a consulting and business development company that generated business, sales and market alliances for a number of firms seeking to expand their presence in the federal and state government markets.

**Science Applications International Corporation (SAIC) 1998 to 2002**

McLean, Virginia

Vice President Business Development responsible for the identification, qualification and business solution architecture of major information technology and communications infrastructure projects. Focus was primarily on major government programs in the civilian sector to include the Department of State, Social Security Administration, Postal Service, Treasury, the US Mint as well as state and local governments. Identified and closed a five-year project management contract as a team member with Bechtel to act as the owner's agent for the air traffic control systems for the UK government. Other contracts included high level feasibility work for an ATM network in Jordan and capture manager for an ongoing \$130 million network-based automatic call distribution project where SAIC is the prime contractor with Lucent and Qwest as major subcontractors. Facilitated the corporate working relationship between SAIC and Alcatel in the converged voice and data solution offering.

**Bechtel Corporation February 1996 to June 1998**

Frederick, Maryland

Business Development Manager responsible for sales, marketing and coordination activities for Bechtel telecommunications infrastructure projects. Focused on large projects that demanded critical time to market considerations and significant project management expertise, was responsible for all phases of business development to include capture strategy, teaming partner identification, subcontractor negotiations and proposal

coordination and development. Effectively identified and recruited telecommunications project managers, senior executives and key technical contributors to the business unit while maintaining ongoing working relationships with other industry units.

**Fluor Daniel Telecommunications** January 1989 to November 1994

Irvine, California

Director, National Accounts responsible for the sales and business development of telecommunications infrastructure projects in the federal government arena. Positioned the company on large government procurements to provide project management, logistical support, procurement and engineering. Key customers included the City of Chicago, Departments of State, Defense and Energy, and the US Postal Service. Focused on projects ranging from the worldwide installation of videoconferencing rooms, to remote bar coding for the Postal Service, to the reconstruction of the telecommunications facilities in Kuwait following the Gulf War. Managed the ongoing working relationships with other major government contractors to include AT&T, Boeing Computer Services, CSC, Nortel and Bell Atlantic.

**Education**

**United States Military Academy**

West Point, New York

**University of Maryland**

College Park, Maryland

**Shipley Associates**

“Strategy to Win” while at Fluor,

“Strategic Selling” while at SAIC

“Winning Business” while at CSC

“Capture Planning for Strategic Wins” while at CSC

**Personal**

Able and used to extensive international and domestic travel

Interests include marathon running, golf and physical fitness

President of the Annapolis Striders

Race Director of the Annapolis Ten Mile Run

- President of the Annapolis Striders 2007, 2008 and 2009 with 1,300 members
- Co-Race Director for the Annapolis Ten Mile Run (A10) , which has been named one of the Top Six Ten Milers to run by *Runner's World*, with a field of 5,500 runners (has been the RRCA National and State Championship 10 Mile Race, and will again be the State Championship this year) for the last five years
- Upon taking over as race directors, we increased the profitability from the A10 from \$18,000 in 2005 (before donations) to \$120,000 in 2009
- Directed the B&A Trail Marathon and Half Marathon, with 1,000 registrants at Severna Park High School and the B&A Trail
- Personally asked by the Annapolis Chief of Police to manage a new race to benefit Special Olympics Maryland and helped to raise over \$11,000
- Road Runners Club of America Certified Coach for training individuals to go from stationary to running races
- Have attended several RRCA National Conventions, and will be attending the 2010 convention next week in Lakeland, FL, and know the coordinators of the 2011 convention which will be held in Fredericksburg, VA (the Annapolis Striders will be a contributor to this event)
- Attended the 2009 Road Race Management Conference in Hollywood, FL and plan on attending the 2010 Conference
- Have developed relationships with multiple vendors, manufacturers and race management throughout the industry
- Currently in my sixth year on the Executive Committee of the Board of Directors of the Annapolis Striders, a 1,300 member 501(c) 3 volunteer organization.
- Have directed, timed and supported numerous smaller races, for the Annapolis Striders and community organizations
- Supported, timed and set course for the Joggin Joe 5K to support the City of Annapolis



Chartered 1708

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

August 29, 2013

To: Alderpersons, City of Annapolis  
From: Mayor Joshua J. Cohen   
Re: Recreation Advisory Board Reappointment

Pending your approval, I would like to reappoint Ms. C. Taney Hamill to the Recreation Advisory Board. Ms. Hamill has served on this board since 1995 and currently serves as chair.

C. Taney Hamill  
111 Wardour Drive  
Annapolis, MD 21401  
410-263-8256  
[taney\\_hamill@comcast.net](mailto:taney_hamill@comcast.net)

Ms. Hamill's term will expire on 6/30/16. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Economic Matters Committee</u>	
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
_____	_____
Committee Chair	Date



Chartered 1708

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

August 29, 2013

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Planning Commission reappointment

Pending your approval, I would like to reappoint Ms. Eleanor M. Harris to the Planning Commission. Ms. Harris has served on this commission since 1998 and currently serves as chair.

Ms. Harris' term will expire on 6/30/2018. A copy of her resume is attached.

Thank You.

JJC/hr

Eleanor M. Harris  
1999 Forest Drive  
Annapolis, MD 21401  
410-266-8921  
[emharr99@comcast.net](mailto:emharr99@comcast.net)

Reviewed by: Economic Matters

Favorable       Unfavorable

\_\_\_\_\_  
Committee Chair

\_\_\_\_\_  
Date

**Eleanor M. Harris, Ed.D.**  
**1999 Forest Drive**  
**Annapolis, MD 21403**  
**(410) 266-8921**

---

## **PROFESSIONAL EXPERIENCE**

### **Interim Executive Director**

- Provided office support for a private, non-profit international organization.
- Developed and managed office security and safety procedures.
- Designed and implemented a benefits package for the staff, including a health plan, pension plan, professional development plan and life insurance plan.
- Coordinated monthly mailings to 274 member chapters that included 12,000 members in 41 states.
- Implemented an early childhood program in 12 different school districts in Michigan, Florida, California, Texas, Virginia, Mississippi, Kentucky, and The District of Columbia.
- Developed partnerships with corporations, academia, and other non-profit groups.
- Traveled extensively representing the organization.
- Coordinated meetings and conventions for up to 5,000 people in San Francisco, Chicago, and Washington, D.C.
- Designed publications for membership distribution.

### **Administrative Assistant to the Superintendent of Schools**

- Advised Superintendent on issues and situations relevant to the areas of responsibility.
- Heard appeals to Superintendent's office.
- Took action on complaints.
- Provided telephone support.
- Attended selected meetings on behalf of the Superintendent.
- Prepared legal briefs as required by attorneys.
- Served on lay and staff committees.
- Maintain liaison with variety of committees.
  1. Office for Civil Rights
  2. State Department Office of Equal Opportunity
  3. University of Maryland MSPP Committee.
- Chaired task force on Principal Performance Appraisal.
- Coordinated recognition projects for selection of awards to teachers, schools, employee / educators, and other staff.
- Negotiated with bargaining groups.
- Coordinated all business/school partnership projects throughout county.
- Trained prospective administrators as required.
- Set budget priorities with Superintendent's Cabinet.
- Ensured community involvement on issues effecting schools and communities.
- Prepared and distributed information packages created and designed to represent the Anne Arundel County Schools (the materials served as a recruitment tool).
- Served as team leader for development of curriculum for science writing and implementation, career development program integration, summer staff development classes, and staff demonstrations K-10.
- Served as official spokesperson to the Office of Civil Rights for the school system.
- Developed countywide Human Relations program where none had previously existed (now serves as a statewide prototype).
- Assisted in the development and implementation of a 10-year plan for Educational Excellence.
- Developed an appraisal process to evaluate principals and administrators.
- Directed a research study designed to analyze practices of school districts in Maryland county government, and selected school districts nationwide.

### Coordinator of Human Relations

- Program planning.
- Designed programs to train trainers.
- Involved staff, community and parents in planning process.
- Taught communication skills classes to teachers.
- Implemented programs countywide.
- Handled difficult negative people and conditions.

### Principal

- Developed strategic plans with staff and parents.
- Worked with the PTA and citizens advisory groups.
- Worked with staff on alternatives for disruptive students.
- Planned and conducted workshops on policies and procedures for:
  1. Curriculum development,
  2. Discipline,
  3. Staff development,
  4. Parent and community involvement,
  5. Reading (Whole Language Concept)
  6. MSPAP strategies for teaching in content areas.
- Advocated for community school partnerships.
- Worked with politicians for acquisition of school needs.
- Prepared and implemented school budgets.
- Liaison with community.
- Classroom observations.
- Acquisition of materials of instruction.
- Cluster Chairman.
- Planned and implemented mini conferences for teachers, principals and parents.

### Assistant Principal

- Monitored curriculum implementation.
- Designed class schedules.
- Prepared agendas for meetings.
- Grade group planning.
- Acquired and monitored substitutes.
- Developed a substitute guide approved by HR office.
- Worked with PTAs and other citizen and parent groups.
- Developed a "How To" manual for parent/teacher conferencing.

### Administrative Trainee

- Received administrative training in the following areas:
  1. Negotiations
  2. Special education
  3. Strategic planning
  4. Counseling/Guidance
  5. Elementary principal leadership
  6. Secondary principal leadership
  7. Community involvement
  8. Working with parent groups

**Curriculum Specialist**

- Designed, developed and implemented science programs for:
  1. Grades K – 10
  2. Multi-text approach
  3. Unified science
  4. Implemented in 30 schools as pilot
  5. Taught workshop activities to teachers
  6. Demonstrated for other school systems across the country  
(Florida, Wisconsin, Montana, Pennsylvania, Illinois, California, and Georgia).

**Classroom Teacher**

- Grades PreK – 10
- Taught science in grades 7 – 10
- Trained other teachers in math (under NSF grant funding)
- Lead teacher grades 3, 4, 5 and 6
- Demonstration teacher for grade 4
- Team leader for individualized instructor

**College/University Profession**

- Taught child development and mathematics
- Served on review panel for undergraduate student achievement.
- Reviewed curriculum drafts for implementation
- Coordinator for practice teachers.



Chartered 1708

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

August 22, 2013

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Heritage Commission reappointment

Pending your approval, I would like to reappoint Mr. David Haight to the Heritage Commission. Mr. Haight has served on this board since 2012.

David Haight  
111 Granada Ave  
Annapolis, MD 21401  
[bdhaight1@comcast.net](mailto:bdhaight1@comcast.net)  
410-263-0068

Mr. Haight's term will expire on 6/30/2016. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: _____	<u>Economic Matters</u>
<input checked="" type="checkbox"/> Favorable	<input type="checkbox"/> Unfavorable
_____	_____
Committee Chair	Date

David Haight

111 Granada Avenue  
Annapolis, Md. 21401  
410-263-0068  
[bdhaight1@comcast.net](mailto:bdhaight1@comcast.net)

After teaching high school history for thirty-two years at the Derryfield School, a private day school in Manchester, New Hampshire, I moved to Annapolis in 2005. Shortly after my arrival, I became a member of the Annapolis History Consortium. I also served on the Annapolis Lincoln Bicentennial Commission. My major contribution to both organizations has been research on the history of Annapolis. While my research concerning Annapolis has gone in many directions, the focus for both groups has been on the Civil War, most notably in helping to find the location of the third Camp Parole and the location of the West Street Railroad Depot in 1865. I have also done research for Jane McWilliams for her recent book, for Richard Israel in his role as Alderman, for Karen Engelke for possible historical markers for Inner West Street when she worked for Mayor Moyer, and for Wayne Wilcox, a writer for a Maine newspaper called The Quoddy Tides. If you need further information, please do not hesitate to contact me.



Jane Wilson McWilliams  
P. O. Box 3158, Annapolis, MD 21403  
jmcwill2@verizon.net  
410-268-2579

With the June release of her latest book, *Annapolis, City on the Severn, A History*, Jane Wilson McWilliams completed a project she began in 1999 at the behest of the Annapolis History Consortium. Published by The Johns Hopkins University Press and The Maryland Historical Society Press, the book is the first comprehensive history of the city in almost 125 years and the only one fully cited. Designed to be both popularly appealing and academically respectable, *City on the Severn* should become the standard history of Maryland's capital city.

Ms. McWilliams is an Annapolis native, a graduate of Annapolis High School and Washington College in Chestertown, with post-graduate courses in education from the University of Maryland. Following college, she taught high school English in Baltimore City and, for one year, at her alma mater. In 1965, a part-time job indexing the colonial *Maryland Gazette* for Historic Annapolis, Inc., led her into local history.

Ms. McWilliams's research for Historic Annapolis expanded over time and included participation in a multi-year study of post-revolutionary Annapolis directed by Edward C. Papenfuse, then a doctoral student at Johns Hopkins University and now archivist of the State of Maryland. She worked primarily on the part of this project that produced "Appendix F: Lot Histories and Maps," co-authored with Dr. Papenfuse, which is a careful study of city land use in 1783, the year the new nation's congress came to town. Title research on each city lot, usually for the period 1718 to about 1800, combined with biographical information on the owners, resulted in a picture of the city's eighteenth-century development that is still used today.

From 1969 to 1977, Ms. McWilliams wrote a weekly column, "From the *Maryland Gazette*" for the Capital-Gazette newspapers. Focused on an event or person mentioned in the *Maryland Gazette* for a corresponding week in the eighteenth or early nineteenth century, the column brought city history to *Evening Capital* readers, many of whom were newcomers to Annapolis.

A member of the research staff of the Maryland State Archives from 1973 to 1990, Ms. McWilliams served as senior research associate for the Legislative History Project, the long-term prosopographical study of the Maryland legislature from 1635 to 1990 that produced *A Biographical Dictionary of the Maryland Legislature, 1635-1789*, a two-volume

work published by The Johns Hopkins University Press in 1979 and 1984. In addition to duties in the public search room as part of the Archives' reference staff, she was associate editor of *An Historical List of Public Officials of Maryland*, volume one of the *Archives of Maryland*, new series (1990).

In the late 1980s, Ms. McWilliams's work at the archives focused on her position as director of Research and Special Projects for the Maryland Office of the Bicentennial of the U.S. Constitution. She spent two years as operations manager and director of both public relations and education for the replica ship *Maryland Federalist*. The original fifteen-foot parade ship was constructed by Baltimore city craftsmen in 1788 to celebrate Maryland's ratification of the Constitution. The full-sized replica, built in 1987 by the Maryland Federalist Foundation, was campaigned as an educational feature of the constitutional bicentennial, visiting schools and communities in Maryland and neighboring states. Today the *Maryland Federalist* is exhibited at BWI-Thurgood Marshall airport and the State House.

During the 1970s and 1980s Ms. McWilliams also did biographical and land-use research for private clients and taught courses on Anne Arundel County history and Chesapeake Bay steamboats for the Anne Arundel Community College's continuing education department. She wrote a history of the city's colonial theater (1976), chapters for *Anne Arundel County* (1977) and *Chesapeake Bay in the America Revolution* (1981), and co-authored *Bay Ridge on the Chesapeake, An Illustrated History*, with Carol Patterson (1986).

Leaving the state archives in 1990, Ms. McWilliams continued her research for private clients and public agencies. In 1992, she was asked to research and write the history of Anne Arundel Medical Center. This book, *The First Ninety Years* (1992), was later incorporated into *A Century of Caring* (2002). In 1997, she made a detailed investigation into the early histories of six notable Annapolis houses for the City of Annapolis.

She also edited several publications by Mame Warren, including *Then Again, Annapolis, 1900-1965* (1990) and illustrated histories of both Washington and Lee University and Johns Hopkins University (1998 and 2000 respectively), and was co-editor with Ann Jensen of the *Studies in Local History*, a five-volume series of monographs on early Annapolis and county history published by the Maryland State Archives and the Maryland Historical Trust (1995 to 2002). In 2009, Ms. McWilliams served as editor for *Lincoln in Annapolis*, an account of the President's visit to the city in 1865.

Ms. McWilliams's lectures over the past thirty years or so include presentations to the Maryland Historical Society, Historic Annapolis Foundation, the Maryland

Genealogical Society, Maryland State Archives, Elderhostel program in Annapolis, Anne Arundel Community College, and the Maryland History Lecture series sponsored by the Anne Arundel County Trust for Historic Preservation and the Friends of St. John's college. Her most recent lectures include " 'Few die and none resign': The Charter Crisis of 1819" for the Annapolis Charter 300 Symposium, Looking Closer: 300 Years of Annapolis History (June 2008); "The Older the Better: What Exaggerations Tell Us about Annapolis History," for the Four Rivers Heritage Area Mythbusters Workshop (November 2008); and "Maryland Day" for the Caritas Society (March 2011). Publication of her new history of Annapolis led to talks on the book before the Anne Arundel County Historical Society (April 2011) and the Maryland History Lecture Series at St. John's College (May 2011), interviews on WNAV and WYRE, and a number of scheduled appearances in the fall and winter of 2011.

In conjunction with her research for the city's history, Ms. McWilliams prepared the Annapolis History Bibliography, an annotated bibliography of available sources for city history (electronic publication, 2000), and the Annapolis History Chronology (unpublished electronic file), both of which, along with her research files, will be placed in the Maryland State Archives.

Ms. McWilliams's volunteer activities include the Annapolis History Consortium, of which she is a charter member; the Bay Land Trust, formerly the Bay Ridge Trust, for which she served as board member (13 years) and president (3 years); the Bay Ridge Civic Association, for which she has served on a number of committees, most recently the Forest Management Committee; Annapolis Maritime Museum, for which she served on committees for programs and exhibits; Friends of the Annapolis Symphony Orchestra; 21st Century Club; Annapolis Christ Child Society, and various ad hoc committees on local history. She is particularly proud of receiving the Marjorie Murray Bridgeman Award from the Anne Arundel County Trust for Preservation (1995) for her contributions to county history. In October, the Trust will honor her with its Special Achievement Award.

Ms. McWilliams has two children and two grandchildren. She lives today just a block from her childhood home in Bay Ridge.

September 2011



Chartered 1708

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

August 22, 2013

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Heritage Commission reappointment

Pending your approval, I would like to reappoint Mr. Robert Worden to the Heritage Commission. Mr. Worden has served on this board since 2012.

Robert Worden  
30 Murray Avenue  
Annapolis, MD 21401  
[wordenannapolis@aol.com](mailto:wordenannapolis@aol.com)  
410-263-0744

Mr. Worden's term will expire on 6/30/2016. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: _____ <u>Economic Matters</u> _____
<input checked="" type="checkbox"/> Favorable      ___ Unfavorable
_____ Committee Chair
_____ Date

## Résumé

ROBERT L. WORDEN

30 MURRAY AVENUE • ANNAPOLIS, MARYLAND 21401-2843

Home (410-263-0744) • Office (202-707-8675) • E-mail: wordenannapolis@aol.com

### PROFESSIONAL EXPERIENCE (CURRENT):

Consultant, Federal Research Division, Library of Congress (September 2007–present); part-time.

### PROFESSIONAL EXPERIENCE (PAST):

Chief, Federal Research Division, Library of Congress (July 1998–September 2007); retired.

Member of Library of Congress staff (May 1973–September 2007); retired.

Acting Chief Operating Officer, John J. Kluge Center, Office of Scholarly Programs, Library of Congress (February 2006–August 2007).

Acting Special Assistant to Director for Collections and Services, Library of Congress (August 2004–February 2006).

Acting Chief, Asian Division, Library of Congress (October 2002–February 2003).

Acting Chief, Federal Research Division, Library of Congress (August 1988, and periodically, November 1994–July 1998); Acting Assistant Chief (August–September 1988, May–November 1994).

Section Head, Federal Research Division, Library of Congress (September 1985–July 1998).

Adjunct Professor, Department of History, Georgetown University (September 1976–May 1977, September 1983–May 1984).

### EDUCATION:

*Ph.D.* in Asian History, Georgetown University, Washington, D.C. (May 21, 1972).

*M.A.* in Asian History, Georgetown University, Washington, D.C. (February 14, 1969).

*B.A.* in History, *cum laude*, St. Bonaventure University, St. Bonaventure, New York (June 4, 1967).

### COMMUNITY ACTIVITIES (CURRENT):

*City of Annapolis, French Monument Committee* — Member (July 2010–present); Mayor-appointed committee to plan a celebration for the centennial of French soldiers and sailors monument at St. John's College.

*Annapolis History Consortium* — Member and co-founder (November 1992–present); meeting coordinator, since June 2002); informal association of local historians to share resources with each other and support community needs with accurate historical interpretations.

*St. Mary's Roman Catholic Church* — Archivist and Parish Historian (July 1981–present); Sunday School Teacher, Grades 8 through 12 (October 1973–May 1984); and Coordinator, Senior High Sunday School (September 1983–May 1986).

*Murray Hill Residents Association* — Member of Executive Board (October 2009–present, and October 1995–January 2005, March 1981–October 1983, January 1985–October 1986; cofounder and first president (March 1981–October 1983). Chair, Traffic and Pedestrian Safety Committee (October 2010–present). Layout editor (1982–86) and editor (1997–present), *Murray Hill Monitor*. Representative to Annapolis and Anne Arundel County Library Board (January 2005–June 2006). Member, Murray Hill Centennial Committee (January 1989–October 1990), helped coordinate centenary of residential neighborhood.

*City of Annapolis, Police Department* — Neighborhood Watch Block Captain (March 1983–present).

### COMMUNITY ACTIVITIES (PAST):

*City of Annapolis, Lincoln Bicentennial Commission* — Member (February 2008–February 2009); City-appointed commission to commemorate the two brief visits to Annapolis by President Abraham Lincoln in February 1865.

*Annapolis Public Library Enthusiasts (ApPLE)* — Member of Advisory Committee (June 2006–February 2009) promoting the continuance of the public library on West Street.

*Southgate Fountain Restoration Committee* — Member (April 2007–May 2008); community-based effort to raise funds to renovate the Southgate Memorial Fountain in Church Circle.

*Annapolis Preservation Trust, Inc.* — Member of Board of Directors (July 1987–October 2006; Secretary-Treasurer, July 1987–June 1995; Secretary, December 2000–October 2006; President, June 1995–September 1997; First Vice President, September 1997–September 1999); city-wide historic preservation advisory organization.

*Friends of Maureen Lamb for Mayor of Annapolis* — Volunteer campaign worker (February–November 2001).

*American Heart Association* — Neighborhood keyworker (January 1999 and January 2001).

*American Cancer Society* — Neighborhood keyworker (March 2000).

*Friends of Dean Johnson for Mayor of Annapolis* — Volunteer campaign worker (September–November 1997).



Chartered 1708

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

August 22, 2013

To: Alderpersons, City of Annapolis  
From: Mayor Joshua J. Cohen   
Re: Heritage Commission reappointment

Pending your approval, I would like to reappoint Ms. Linnell Bowen to the Heritage Commission. Ms. Bowen has served on this board since 2012.

Linnell Bowen  
801 Chase Street  
Annapolis, MD 21401  
[lbowen@mdhallarts.org](mailto:lbowen@mdhallarts.org)  
410-263-5544

Ms. Bowen's term will expire on 6/30/2016. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: _____	<u>Economic Matters</u>
___ Favorable	___ Unfavorable
_____	_____
Committee Chair	Date

Linnell R. Bowen  
President/CEO  
Maryland Hall for the Creative Arts

**Since 1996 Linnell Bowen has been the leader of Maryland Hall for the Creative Arts. Maryland Hall**, founded 1979, is a non-profit 501 c 3 organization. It is home to: the Annapolis Symphony Orchestra, Annapolis Chorale, Ballet Theatre of Maryland, Annapolis Opera, several galleries with exhibitions, and arts education that serves over 5,000 students of all ages yearly. The 850 seat theater hosts over 100,000 patrons a year.

“Over the years, my professional work and my volunteer service have always been devoted to promoting the value of culture, arts and education for all citizens of Annapolis and Anne Arundel County, thus encouraging economic growth and enhancing the quality of life for our community.”

Current Community Service: West Street Business Association –Vice President, Annapolis Arts & Entertainment District; Annapolis Arts and Humanities Task Force; Mitchell Gallery; Four Rivers Heritage Area Board; Greater Baltimore Cultural Alliance and Rotary Club of Annapolis.

Past Boards: Annapolis and Anne Arundel County Chamber of Commerce and Conference and Visitors Bureau; Scholarship for Scholars; Cultural Arts Council of Anne Arundel County (President), and the Annapolis Arts Alliance.

Linnell is a proud graduate of Annapolis High School (now Maryland Hall) and then she returned to teach history after attending the University of Maryland. She also served as an adjunct teacher at Anne Arundel Community College and Goucher College Continuing Education Programs.

In addition, her prior experience includes: Historic Annapolis Foundation and Executive Director of Annapolis 300 – A Capital Celebration, a committee inaugurated by Governor William Donald Schaeffer to commemorate the selection of Annapolis in 1695 as Maryland’s capital city. She was twice selected as one of Maryland’s Top 100 Women.

When Leadership Anne Arundel was founded, she chaired the Cultural and Arts Programs and received a Community Trustee Award. She was inducted into the Annapolis and Anne Arundel County Business Hall of Fame; the YWCA’s Tribute to Women and Industry and a recipient of the Lifetime Achievement Award from the Arts Council of Anne Arundel County.



Chartered 1708

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

August 21, 2013

To: Alderpersons, City of Annapolis  
From: Mayor Joshua J. Cohen   
Re: Art in Public Places Commission reappointment

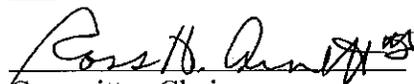
Pending your approval, I would like to reappoint Ms. Michael Matthews to the Art in Public Places Commission. Ms. Matthews has served on this board since 2010.

Michael Matthews  
524 Third Street  
Annapolis, MD 21403  
410.991.3266  
[matthewsopus@aol.com](mailto:matthewsopus@aol.com)

Ms. Matthews' term will expire on 6/30/16. A copy of her resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u></u> <u>9/10/13</u>
Committee Chair      Date

# MICHAEL J. MATTHEWS

▼ 524 Third Street  
▼ Annapolis, MD 21403  
▼ matthewsopus@aol.com

June 1, 2010

**The Honorable Mayor Josh Cohen**  
160 Duke of Gloucester Street  
Room 105  
Annapolis, MD 21401

Dear Mayor Cohen,

Weeks ago I had a conversation with McShane Glover about the Art and Public Places Commission. It is my understanding that there is an At Large Open seat on the commission. I would like to be considered for that position.

I'm one of the founding members of Art Between the Creeks and a lifelong resident of the city. I believe that there is much I could contribute to both the city and the commission. Thanking you in advance for your consideration.

Sincerely,

Michael J. Matthew

# **Michael J. Matthews**

524 Third Street  
Annapolis, MD 21403  
(410) 263-5944 Home  
(410) 991-3266 Cell  
[matthewsopus@aol.com](mailto:matthewsopus@aol.com)

## **Summary**

Dedicated media professional capable of handling multiple tasks in a fast paced, high-pressured environment. Strong leadership and production skills. Innovative, resourceful and effective.

## **Professional Experience**

### **National Geographic Television and Film**

#### **Art and Animation Coordinator ( September 2005 - September 2006)**

Created the administrative support system for newly created department. Served as point person between producers and animators. Worked with animation houses both domestically and internationally. Coordinated interdepartmental billing contracted outside vendors.

### **Ethnicity Designs**

#### **Owner/Manager (November 1995 – July 2005)**

Designed, produced and sold creative wrappings and cards.

### **Fox Television Station/WTTG Channel 5, Washington, DC**

#### **Production Assistant/Feeds (May 1993 – October 1995)**

Booked satellite and fiber optic time for new department. Supervised recording of daily news feeds. Coordinated live shots for various news broadcasts. Monitored and logged White house pool and congressional floor proceedings. Served as control room assistant director for weekend broadcasts.

#### **Production Assistant/Assistant Director Ten O Clock News (April 1992 – May 1993)**

Control Room Assistant Director for one hour nightly news broadcast. Coordinated eight editors, scheduling meals, breaks and assigned editing.

#### **Production Assistant/ Fox Morning News (December 1990 – March 1992)**

Tape Assistant Director for daily two and half-hour news broadcast. Coordinated the assignment of news scripts with editors. Served as backup to Production Coordinator, maintaining contact with live field crews.

#### **Master Control Assistant Director, Georgetown Basketball ( January 1991 – March 1991)**

Coordinated commercial breaks for master control in conference calls with Big East Productions. Verified commercial logs and backup programming .

#### **Air Operations Screener (May 1998 – December 1990)**

Screened videotape programming prior to air, ensuring correct segment times and technical quality. Maintained air shelf, programming, files and formats.

## **Michael J. Matthews**

### **Volunteer Experience**

**Annapolis Democratic Central Committee, Ward Eight Representative (November 2004 – November 2006)**

Helped create winning strategies and provided support for candidates in local elections.

**Eastport Civic Association, Vice President (2003 – 2004)**

Targeted issues concerning the community and worked to keep residents informed. Worked closely with city representatives to communicate community concerns. Testified before city council and various boards representing community interest. Targeted charitable needs for community involvement and coordinated Greenscape volunteers for sixteen neighborhood parks.

**Eastport Civic Association, Board Member (2003 – 2004)**

Designed, edited, wrote and distributed newsletter to over 400 association members. Targeted charitable programs within the community for association participation.

### **Education**

Bowie State College (Bowie, MD)  
Bachelor of Science in Advertising, May 1998

University of Maryland (College Park, MD)  
Advertising Applied Design

Anne Arundel Community Collage (Arnold MD)  
Communication Arts Technology

Personal and Professional References Available Upon Request



Chartered 1708

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

August 21, 2013

To: Alderpersons, City of Annapolis  
From: Mayor Joshua J. Cohen   
Re: Art in Public Places Commission reappointment

Pending your approval, I would like to reappoint Mr. Terry Averill to the Art in Public Places Commission. Mr. Averill has served on this board since 2006.

Terry Averill  
219 Chesapeake Ave  
Annapolis, MD 21403  
410-268-0179  
[arch.plan@verizon.net](mailto:arch.plan@verizon.net)

Mr. Averill's term will expire on 6/30/16. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
 Committee Chair
<u>9/10/13</u> Date

# Terrence T. Averill- architect

Work Phone (410) 268-0179 Home Phone or fax (410) 268-2844  
e-mail arch.plan@verizen.net

219 Chesapeake Avenue  
Annapolis, MD 21403

**Education**  
MA architectural history- University of Virginia(1991)  
MFA liberal studies- Hollins College(1990)  
BA architecture Virginia Tech(1983)  
Continuing education MA American Studies- Univ of MD (1998)

## ARCHITECTURE Experience (Va license #6655; MD license # 10831)

- Self-employed architect-** Annapolis- 1995-present  
-Residential and commercial construction, renovation and restoration throughout Annapolis, surrounding counties, and Virginia
- Architecture Instructor-** Architectural History and Design  
Maryland Institute of Design- Baltimore, MD (1997)  
Anne Arundel Community College- MD. (1996-7)  
Radford University- Radford, VA (1993-4)  
Mary Baldwin College Continuing Education Program-Roanoke, VA (1992-3)
- Project architect/manager** Martin and Co. Architect- Radford, VA (1992-4)  
Religious, educational and commercial design
- Project architect** Marsh Witt and Martin – Roanoke, VA (1987-90)  
Religious and Institutional design; construction management
- Project architect** Sherertz Franklin Crawford & Shaffner (SFCS)- Roanoke, VA (1984-87)  
Educational and Institutional design

## PRESERVATION Experience

- Historic Preservation Officer-** Roanoke, VA (1991-4)  
Review of Roanoke City Historic renovation/construction projects for compliance with Secretary of Interior Standards
- Annapolis Historic Preservation Commission- Vice Chairman** (1998-2001); member since 1997  
Review commercial, institutional and residential construction throughout historic district

## Recent Projects

### COMMERCIAL/INSTITUTIONAL

167-175 "West Street Village" (\$1.8 mil mixed use residential/commercial complex-Annapolis 2005)  
St. Lukes Church (\$400K sanctuary addition Annapolis  
Tributary Grill (\$900K Annapolis Restaurant- pending construction since 2003)  
APS- MARITIME Office Building (Eastport \$500K-completed 2003)  
130 Severn Avenue- Maritime Office Building (\$1.5K designed 2003;not constructed)  
Lawson Maritime Holdings -Boat fabrication facility and residence (\$500K completed 2004)  
Bonney B&B- 100 Chesapeake Ave (Eastport-completed2002)  
Tsunami Restaurant (completed 2002)

### RESIDENTIAL

213 Chester Ave Residence(\$500K completed 2003)  
Boucher Ave Residence-addition (\$260 K completed 2003)  
123 Conduit St. Addition (\$300K completed-2003)  
Van Buren St Residence-addition (\$160K completed 2003)  
314 Riverview Residence (\$600K completed 2002)  
6<sup>th</sup> St Residence-addition (\$300K completed 2002)  
316 Washington St Residence-addition(\$500K addition/renovation being permitted 2003)  
76 Conduit St Renovation (\$200K completed 2002)  
4<sup>th</sup> St Residence(\$350K- completed1999)  
Stephen Pt Rd Residence( \$400K completed1999)  
Arthur Residence Addition (\$400K restoration AA Co completed 1998; New outbuilding completed1999)

## Other projects

### RELIGIOUS

S. Jude Catholic Church (Radford VA- completed 1994)  
United Methodist Church (Roanoke, VA completed 1990)  
Penn Forest Christian Church ( Roanoke, VA designed. Not constructed)

### EDUCATIONAL

Radford H.S. Bandroom Addition (Radford, VA 1993)  
Radford University Conservancy Studies Bldg (Radford, VA 1995)  
Bedford Elementary School (built 1986-7)  
Stanton River Science Lab

## Community Activities/Honors

President Eastport Civic Association (1999-2002); Board Member since 1997.



Chartered 1708

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

August 21, 2013

To: Alderpersons, City of Annapolis

From: Mayor Joshua J. Cohen

Re: Art in Public Places Commission reappointment

Pending your approval, I would like to reappoint Mr. David Arthur to the Art in Public Places Commission. Mr. Arthur has served on this board since 2010.

David Arthur  
1136 Tyler Road  
Annapolis, MD 21403  
443-994-7039  
dca63@verizon.net

Mr. Arthur's term will expire on 6/30/16. A copy of his resume is attached.

Thank You.

JJC/hr

Reviewed by: <u>Rules and City Government</u>
<input checked="" type="checkbox"/> Favorable <input type="checkbox"/> Unfavorable
<u>Robert H. Annett</u> Committee Chair
<u>10 sept 13</u> Date

**David Arthur**  
1136 Tyler Avenue  
Annapolis, Maryland 21403  
Phone: (410) 280-0166 or Mobile #: (443)994-7039  
Email: dca63@verizon.net

**SUMMARY OF SKILLS:**

Over 12 years of professional experience as a Digital artist that includes print, photography, web design and web development; Special Events; Production Coordinator; Communication; Graphic Specialist; Public Affairs; Marketing; Public Relations; Systems Analyst; Leadership; Supervision; Customer Service; Personnel Security Clearance Level: Secret

**WORK EXPERIENCE:**

08/04 – Present; Web Manager/Designer/Photographer/Special Events Planner; JHT; Contractual support for DOD, Washington Headquarters Services (WHS), Crystal City, VA

- Serves as the Web manager for the WHS public, intranet and extranet web sites. Develops and creates web publication style guide and graphic designs. Coordinates with content stakeholders in scheduling up dates of new and revised content, images, and information. Prepares manuals and training program for Adobe Contribute users. Coordinates and conducts special events and ceremonies on the Pentagon Reservation in support of WHS and WHS stakeholders. This includes but is not limited to logistics, site layout, filing permits and applications. Coordinated 9-11 5 year observance light show and demonstration for DoD. Conducts meetings and maintaining contact lists. Planning involves coordination with but is not limited to the Office of Protocol for the Secretary of Defense, Office of the Assistant Secretary of Defense (Public Affairs), the Pentagon Force Protection Agency (PFPA), local, state, and Federal agencies and non-profit and private corporations. Provides video and photographic support for Pentagon sponsored events.

1995 – Present; President, Board of Directors, Kunta Kinte Celebrations (KKC), Incorporated, Annapolis, MD

Coordinated all aspects of the KKC festival. Reviewed and evaluated grant applications for Maryland based musical organizations by providing Council Grants Committee with expert, discipline specific evaluation of applicants through in depth site visits and interviews. Coordinated contracting and scheduling of entertainment. Directed fundraising efforts and membership drive to underwrite 2-day heritage festival and scholarship award.

11/03 - 08/04; Freelance Digital Artist, Annapolis, MD

Provided photography, graphic and web site design for local area clients and businesses.

04/03 - 08/03; Web Consultant; United States Postal Service's (USPS), Washington, DC

Managed the content for the Information Technology (IT) intranet portal, Enterprise Data Warehouse, eLearning, and Corporate Alliance Business Initiatives web sites. Coordinated with content stakeholders in scheduling updates of new and revised content, images, and information and for the intranet portal. Consulted with USPS IT team regarding structure, content, navigation, and functionality of the Information Technology intranet portal.

08/02 – 02/03; Senior Graphic/Web Designer, Triad Management Systems (Ruesch International), Washington, DC

Managed and maintained the corporate web and intranet sites servicing various offices throughout the US and Europe. Ensured brand consistency for corporate designs, website graphics, brochures, advertisements, and various internal marketing materials. Oversaw editorial processes by facilitating press checks, conducting blue line reviews for all corporate printed materials, and placing print orders.

05/00 – 07/02; Callahan and Associates, Web Designer/Developer, E-Commerce, Washington, DC

Managed 5 corporate Credit Union websites throughout the United States using flash, HTML, ASP, and Java Script. Consulted with credit union marketing departments on development, design, and strategy for corporate websites and marketing materials. Provided customer support for hosting clients experiencing technical problems (i.e., slow connections, download times, and server malfunctions.). Created layouts and graphical art for monthly publication covers, brochures, and in-house advertisements. Prepared and delivered web strategy presentations to 30 clients at Credit Union Online Organizational Link (COOL) seminars.

#### **David Arthur**

12/98 - 05/00; Graphic/Web Designer, OAO Corporation, Air Force Surgeon General, and the State of Maryland's Fleet Administration Unit, Greenbelt, MD

Designed web-based Graphic User Interfaces (GUI). Developed web sites and graphics for the Environmental Council of States and the Environmental Protection Agency (EPA). Designed and developed corporate Intranet Knowledge Management System for 8,000 OAO employees. Established graphical templates and produced multimedia presentations, including musical arrangements, for top-level marketing and management meetings. Prepared manuals and designed a web based application training program for over 120 end users. Served as Systems Analyst, identifying requirements for web-enabled software system solutions for the State of Maryland's Fleet Administration Unit. Conducted technical software product evaluations and made recommendations as a part of client business process re-engineering. Prepared manuals and delivered formal end user and administrator training for web-based system.

08/96 - 12/98; Graphic Artist, S.S. Papadopoulos and Associates, Incorporated, Bethesda, MD

Created environmental geological maps for use in reports and presentations to various environmental groups and clients. Designed in-house newsletters, brochures and marketing pamphlets.

1994 - 1996; Maryland State Arts Council (MSAC), Annapolis, MD

Reviewed and evaluated grant applications for Maryland based musical organizations by providing Council Grants Committee with expert, discipline-specific evaluation of applicants through in-depth site visits and interviews. The MSAC awards grants to not-for-profit, tax-exempt organizations for ongoing arts programming and arts projects. The individual artists and provides technical and advisory assistance to individuals and groups. The council also carries out programs of its own to enhance the cultural life of the residents of Maryland. The MSAC receives its funds in an annual appropriation from the State of Maryland and from grants from the National Endowment for the Arts, a federal agency. The council may also receive contributions from private and non-governmental sources.

#### **EDUCATION:**

12/85, Bachelor of Fine Arts; Sculpture/Graphic Design; Frostburg State University of Maryland. Minor: Visual Communications; Photography, History of Film and Art Therapy

#### **SPECIALIZED TRAINING:**

2002, Introduction to Portrait Photography, Anne Arundel Community College; 2001, Advanced Black & White Photography, Maryland Hall for Creative Arts; 2001, Introductory Black & White Photography, Maryland Hall for Creative Arts; 2000, Dreamweaver, Techead Mid-Atlantic, McLean, VA; 2000, Flash, Techead Mid-Atlantic, McLean, VA; 2000, Seven Habits of Highly Effective People, Franklin Covey Learning Center; 1999, Basic HTML, Washington Computer Center, Washington, DC

# City of Annapolis Budget Revision Request

Control number \_\_\_\_\_

Department  
Recreation

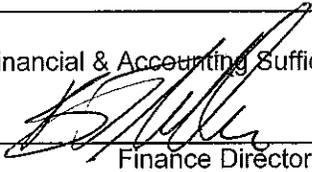
Date 26-Aug-2013

	Increase	Decrease
Revenue		
Stanton Center Donations	8,363.00	
Expenditures		
Supplies	8,363.00	

To appropriate budget for donations received for programs at Stanton Center

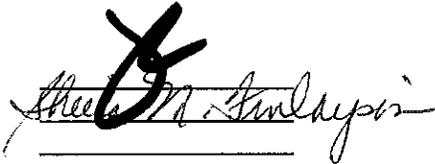
Revolving fund

Approved for Financial & Accounting Sufficiency:

  
Finance Director

  
Department Director

Approved by:  
Mayor  
Finance Committee  
City Council

  
\_\_\_\_\_

718



CITY OF ANNAPOLIS  
YEAR-TO-DATE BUDGET REPORT

07/24/2013 11:24  
LMK

FOR 2013 12

	ORIGINAL APPROP	REVISED BUDGET	YTD ACTUAL	MTD ACTUAL	ENCUMBRANCES	AVAILABLE BUDGET	PCT USED
<b>2600 GIFTS AND DONATIONS</b>							
<b>83005 STANTON CENTER</b>							
26065 483010 83005 STANTON CENTER	-7,330	-17,330.00	-26,316.16	-1,316.54	.00	8,986.16	151.9%
26110 530800 83005 CONTRACT SERVICE	10,000	10,000.00	8,802.00	1,290.00	160.00	1,038.00	89.6%
26110 542010 83005 SUPPLIES	7,330	7,330.00	6,969.91	.00	.00	360.09	95.1%
TOTAL STANTON CENTER	10,000	.00	-10,544.25	-26.54	160.00	10,384.25	100.0%
TOTAL GIFTS AND DONATIONS	10,000	.00	-10,544.25	-26.54	160.00	10,384.25	100.0%
TOTAL REVENUES	-7,330	-17,330.00	-26,316.16	-1,316.54	.00	8,986.16	
TOTAL EXPENSES	17,330	17,330.00	15,771.91	1,290.00	160.00	1,398.09	
GRAND TOTAL	10,000	.00	-10,544.25	-26.54	160.00	10,384.25	100.0%

\*\* END OF REPORT - Generated by LINDA M. KLINE \*\*

**Linda Kline - Re: Stanton Center Donation Account**

**From:** Brian Woodward  
**To:** Linda Kline  
**Date:** 8/22/2013 11:04 AM  
**Subject:** Re: Stanton Center Donation Account

Hi Linda,

Sorry it took so long for me to get back to you.

Please use account 26110-542010-83005, and budget the amount of \$8,363.00. Please let me know when this is done.

Thanks,

Brian..

>>> Linda Kline 7/24/2013 11:28 AM >>>

tHERE IS \$8,986.16 AVAILALBE TO be budgeted. What accounts do you want to use???

>>> Brian Woodward 7/23/2013 10:06 AM >>>

Hi Linda,

The Stanton Center deposits donations and grants to account 26110-542010-83005. At Fiscal Year end, any remaining balance "rolls over" to the new Fiscal Year. Now that we are in a new FY, I need to appropriate that money so that it can be spent.

Can yo help me with that for FY 14?

Thanks,

Brian..

Brian J. Woodward, Director  
 Annapolis Recreation and Parks  
 (410) 263-7958  
[bjwoodward@annapolis.gov](mailto:bjwoodward@annapolis.gov)



# PATRICIA L. ZENO

57 Cornhill Street · Annapolis, MD 21401 · (410)573-1071 / Fax (410)573-1934

**OBJECTIVE:** Independent Sales Representative

**BACKGROUND SUMMARY:**

Extensive and diversified experience in the home furnishings industry, including sales management, wholesale sales, and retail merchandising. A determined and creative problem solver with a proven record of success. Proficient in planning, developing, and implementing marketing plans to achieve business goals. A self-starter who thrives on working with and motivating people.

**WORK ACCOMPLISHMENTS:**

**MANUFACTURER'S REPRESENTATIVE** July 1995- Present

Represent Sam Moore and Bradington Young (since April 2007) in the Northern Virginia, DC, Maryland, and southern Delaware territory. Represent Charleston Forge and Furniture Classics in the above along with all of Virginia. Represented Leda Casegoods from 2000-2002.

\* Targeted, opened, and sell key retailers Belfort, Gallahan's, Danker's, Hamilton's Sofa Factory, Johnny Janosik's, Haynes, Willis Wayside, Shofers, Gladhill's, Gardiner's, Classic Interiors, and Casual Design amongst others. In addition, sell to major design firms such as Martha Child Interiors, Model Home Interiors, and Builder's Design.

**REGIONAL MERCHANDISE MANAGER** October 1994-July 1995  
HOME DIVISION  
WOODWARD & LOTHROP

- \* Developed individual store merchandise assortments
- \* Planned and implemented in-store presentations
- \* Trained area managers in merchandising and selling techniques

**STORE MANAGER** July 1994-October 1994  
BETHESDA HOME STORE  
WOODWARD & LOTHROP

\* Managed the Bethesda Home Store, Woodward & Lothrop's free-standing furniture store/interior design studio/oriental rug gallery

page 2 of 3

**MANUFACTURER'S REPRESENTATIVE:**

- \* CAPEL, INC. (Floor Coverings) 1989-1994
- \* Represented company in Southern California, Arizona, New Mexico, and Southern Nevada.
- \* Increased sales in territory 93%

HIGHLAND HOUSE FURNITURE 1991-1994  
 \* Increased sales 25%

PREVIEW FURNITURE 1990-1992  
 \* Increased sales by 18%

**BUYER** 1986-1988

J.W. ROBINSON COMPANY

- \* Merchandised and bought medium to upper-end upholstery, imports, occasional furniture for Southern California Department Store chain
- \* Increased sales 38% over 2 1/2 year period
- \* Awarded "Buyer of the Year" for sales and gross margin increase - 1987 and 1988

**BUYER** 1982-1986

JOSKE'S

- \* Merchandised and bought casegoods, upholstery, and occasional furniture
- \* Awarded "Buyer of the Year" for sales and gross margin increase - 1983 and 1984

**ASSOCIATE BUYER** 1977-1982  
 FURNITURE DIVISION  
 HIGBEE COMPANY

**INTERIOR DESIGNER** 1975-1977  
 J.WARNER LTD.

- \* Assisted president of residential design firm
- \* Developed own customer base

**EDUCATION:**

BA, University of Akron, Akron, OH 1975

References Upon Request