



*City of Annapolis*

**DEPARTMENT OF PLANNING AND ZONING**

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

Chartered 1708

Annapolis 410-260-2200 • FAX 410-263-1129 • TDD 410-263-7943

December 17, 2019

**MEMORANDUM**

**To: Planning Commission**  
**From: Sally Nash, Ph.D., AICP, Acting Director of Planning and Zoning**  
**Re: Ordinance O-11-19: R2-NC District – Demolitions**  
**Encl: Amendments**

On June 6, 2019, the Planning Commission held a public hearing on O-11-19 and subsequently moved to recommend that the City Council adopt the ordinance. The Planning Commission recommended amendments in their findings. At the last City Council meeting, the sponsoring alderman asked that the Planning Commission review proposed amendments and revise their findings accordingly. The amendments clarify when a structural analysis of a building or structure in the R2-NC District is required and the implications of that analysis for whether demolition is allowed.

*O-11-19 Amendments*

3. Demolitions.

a. The Planning and Zoning Director shall review and decide all applications for demolition of ~~buildings or structures~~ OR BUILDINGS, pursuant to Chapter 21.14, Demolition Permits.

B. BEFORE THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE A REQUEST FOR A PROPOSED DEMOLITION, THE DIRECTOR SHALL DETERMINE ELIGIBILITY FOR DEMOLITION. ELIGIBILITY CRITERIA INCLUDES:

I. THE STRUCTURE IS NOT OLDER THAN 50 YEARS OLD AND ALL CRITERIA IN SECTION 21.14.040 AND SUBSECTION (D) HAVE BEEN MET

II. IF THE STRUCTURE IS OLDER THAN 50 YEARS OLD, AN ARCHITECTURAL HISTORIAN HAS FOUND THE EXISTING STRUCTURE TO HAVE BEEN MATERIALLY COMPROMISED THROUGH ALTERATION AND IS NO LONGER A CONTRIBUTING STRUCTURE OR THE PROPOSED ALTERATION IS LIMITED TO A ROOF REPLACEMENT

III. THE STRUCTURE IS UNSOUND AND IS A THREAT TO PUBLIC HEALTH AND SAFETY.

IF A PROPERTY IS ELIGIBLE FOR DEMOLITION BASED ON SUBSECTION (B.III) ABOVE, THE DIRECTOR SHALL REQUIRE A STRUCTURAL ANALYSIS OF THE STRUCTURE OR BUILDING, BY A STRUCTURAL ENGINEER, IN ACCORDANCE WITH SUBPARAGRAPH (C) HEREIN, TO EVALUATE THE SUFFICIENCY OF THE LOAD PATH FOR A PROPOSED ALTERATION OR DEMOLITION PLAN

D. C. PROCEDURES FOR THE PREPARATION OF A STRUCTURAL ANALYSIS.

- i. THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE A SCOPE OF SERVICES FOR A STRUCTURAL ANALYSIS AND SOLICIT A COST ESTIMATE FROM ~~AT LEAST TWO~~ STRUCTURAL ENGINEERS FOR THE PREPARATION OF THE ANALYSIS.
- ii. THE APPLICANT SHALL REMIT TO THE DEPARTMENT OF PLANNING AND ZONING, UPON NOTICE FROM THE DIRECTOR, FUNDS FOR THE COMPLETION OF THE STRUCTURAL ANALYSIS IN AN AMOUNT DETERMINED BY THE DIRECTOR TO BE SUFFICIENT TO PAY FOR THE STRUCTURAL ANALYSIS.
- iii. IF THE COST OF THE STRUCTURAL ANALYSIS EXCEEDS THE FUNDS THAT THE APPLICANT HAS REMITTED TO THE DEPARTMENT OF PLANNING AND ZONING, THE DIRECTOR MAY WITHHOLD RELEASE OF THE STRUCTURAL ANALYSIS OR APPROVAL OF AN APPLICATION UNTIL FULL PAYMENT IS REMITTED.
- iv. THE DEPARTMENT OF PLANNING AND ZONING SHALL FACILITATE THE NEGOTIATION AND COMPLETION OF CONTRACT BETWEEN THE CITY AND THE STRUCTURAL ENGINEER.
- v. THE APPLICANT SHALL COOPERATE WITH THE STRUCTURAL ENGINEER CONTRACTED BY THE CITY, INCLUDING PROVIDING ACCESS TO THE STRUCTURE OR BUILDING AS NEEDED TO COMPLETE THE STRUCTURAL ANALYSIS. FAILURE TO COOPERATE OR PROVIDE ACCESS SHALL BE A BASIS FOR DENIAL OF THE APPLICATION.
- v. THE DEPARTMENT OF PLANNING AND ZONING SHALL OVERSEE ALL FACETS OF A STRUCTURAL ANALYSIS.

Cb. D. In addition to MAKING WRITTEN FINDINGS ADDRESSING the Review Criteria in Section 21.14.040, the Director of Planning and Zoning shall make additional written findings based on the following:

- i. Loss of the structure or building would not be adverse to the R2-NC district or the public interest by virtue of the ~~structure's~~ uniqueness or contribution OF THE STRUCTURE OR BUILDING to the significance of the R2-NC district;
- ii. The proposed demolition would not have an adverse effect on the design and historic character of the structure OR BUILDING and surrounding environment of the R2-NC district;
- iii. Demolition is not for the purposes of assembling properties for the construction of a large-scale structure OR BUILDING, if such assemblage is determined to be incompatible with the purposes and intent of the R2-NC district;
- iv. The replacement structure or BUILDING OR parts of the structure OR BUILDING ~~is~~ARE designed and sited in a fashion that reflects the compatibility objectives of this chapter;
- v. A ~~The~~ proposed ~~partial~~ demolition ~~WOULD~~ will not impact the stability or structural integrity of the remaining portions of the structure and appropriate measures are proposed to stabilize the building during demolition and construction. ~~In the case of total demolition, a structural analysis and evaluation has been conducted and determined the building to be unsound and is a threat to the public health and safety. The department of planning and zoning may require that such an evaluation be prepared by a certified structural engineer at the applicant's cost;~~

~~vi. In order to approve any demolition request, the Director of Planning and Zoning may require a structural analysis of a structure or building, by a registered structural engineer, to determine if it is sound and not a threat to public health and safety before a demolition is authorized.~~

eD. E. For the purposes of this Chapter 21.40, demolition is defined as involving the entire removal of more than one exterior wall or the entire removal of the roof structure. These standards do not apply to demolition limited to the interior of a structure.



**City of Annapolis**  
Planning Commission  
Department of Planning & Zoning  
145 Gorman Street, 3<sup>rd</sup> Floor  
Annapolis, MD 21401-2535

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June 17, 2019

**To: Annapolis City Council**  
**From: Planning Commission**  
**Re: Findings for Ordinance O-11-19: R2-NC District – Demolitions**

**SUMMARY**

The purpose of Ordinance O-11-19 is to modify the process for requiring a structural analysis prior to demolition of a residential structure or building in the R2-NC, Single-Family Residential Neighborhood Conservation District. The new process would require City staff to hire a structural engineer to complete a structural analysis, rather than relying on the applicant to hire such an expert. The applicant would still be responsible for paying the cost of the structural analysis. This legislation hopes to aid in preserving structures of historic relevance or important architectural character in R2-NC by preventing unnecessary demolition resulting from biased or improperly directed efforts.

**ANALYSIS**

In the R2-NC District, there are additional development and demolition standards that apply, above what is required in other residential districts such as the R1 and R2 Zoning Districts. The purpose of these additional standards is to preserve patterns of design and development and “to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhoods” ((Section 21.40.060(A)).

In the R2-NC District, demolition is defined as “involving the entire removal of more than one exterior wall or the entire removal of the roof structure” (Section 21.40.060(C)(3)(c)). Currently, if demolition is proposed or if approval of an application is dependent upon preserving all or part of an existing structure, and its structural integrity is in question, the Director of Planning and Zoning may require a structural analysis of a building, by a registered structural engineer or an architect, to determine if it is sound and not a threat to public health and safety.

This requirement is in addition to other findings that must be met before a demolition can be approved, including:

- *Loss of the structure or building would not be averse to the R2-NC district or the public interest by the structure's uniqueness or contribution to the significance of the district;*
- *The proposed demolition would not have an adverse effect on the design and historic character of the structure and surrounding environment of the R2-NC district;*
- *Demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the R2-NC district;*
- *The replacement structure or parts of the structure is designed and sited in a fashion that reflects the compatibility objectives of this chapter*

Section 21.40.060(C)(3)(b)).

The proposed legislation would require the report from a structural engineer by changing the code language from “the Director of Planning and Zoning may require a structural analysis” to “the Director of Planning and Zoning shall require a structural analysis.” It also clarifies that, in the case of partial demolition or an addition, the engineer must confirm that there is sufficiency of the load path for the proposed alteration.

The proposed ordinance also requires a new process—the Department of Planning and Zoning shall prepare a scope of services for a structural analysis and solicit a cost estimate from at least two structural engineers for the preparation of the analysis. The selection of which shall occur from a list of qualified engineers that will be compiled by the Planning and Zoning Department and rotated through on a fair and equitable basis. It will then be the responsibility of the Director to negotiate and complete a contract between the City and the structural engineer. The applicant would bear the full cost of the structural analysis and would remit sufficient funds in advance of a finalized contract to pay the full cost of the structural analysis. The Planning and Zoning Director would monitor all facets of the structural analysis.

**RECOMMENDATION**

On June 6, 2019, the Planning Commission held a public hearing on O-11-19. The legislation was viewed favorably during deliberations but with some major concerns that should be addressed prior to final ordinance adoption. The issue of “demolition by neglect” was found to not be in alignment in this ordinance with that of the historic district definition and adaptation to code. This needs to be analyzed in order to ensure a similar parallel approach to mitigating this type of demolition exists in the historic, as well as the districts in question here. Also, the definition of “structurally unsound” can be too vague of an engineering term. There are different building codes / standards and they have changed through time. Analysis of a building against current code/standards versus those of a time period of architecture can yield quite different results and recommendations.

It was of concern to the commission that structural analysis based on current code/standard with no historical district type of relief to the code/standard could be detrimental to the efforts of saving our architecture. In addition, if “structurally unsound” was a determination after analysis, there does not seem to be anything in this new legislation that would emphasize/force the possibility of repair to make the structure sound, thereby allowing preservation of the structure. This brought forth another concern of what scope of repair is reasonable before allowing demolition. It was remarked that the legislation should be adjusted to accommodate the aforementioned prior to adoption, though no specific amendments were stated along with this vote. In closing, the Planning Commission moved to recommend that the City Council adopt the ordinance. The recommendation was approved with a vote of 5 to 1.

Adopted this 1<sup>st</sup> day of August 2019

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Robert Waldman, Chair



City of Annapolis

DEPARTMENT OF PLANNING AND ZONING

145 Gorman Street, 3<sup>rd</sup> Floor, Annapolis, Maryland 21401  
Chartered 1708 Annapolis 410-260-2200 • FAX 410-263-1129 • TDD 410-263-7943

May 22, 2019

MEMORANDUM

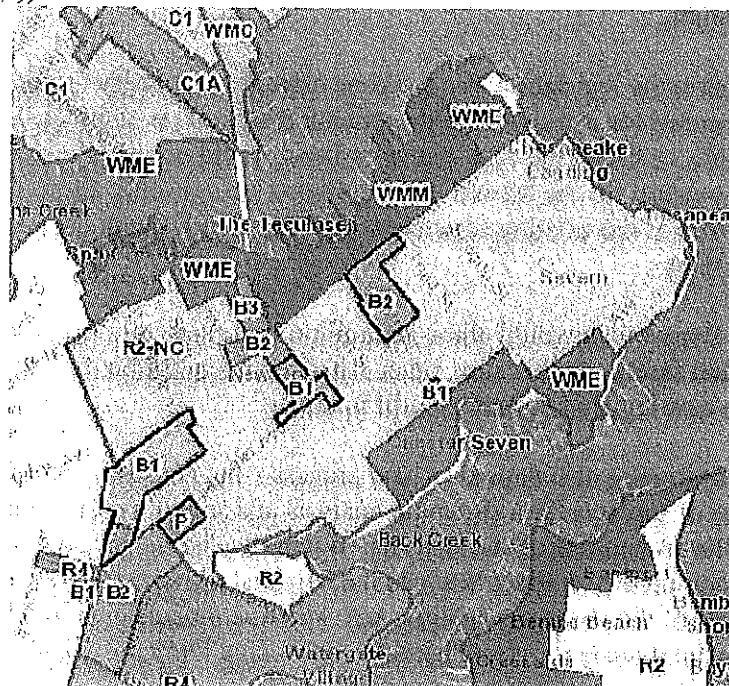
To: Planning Commission *ARW*  
From: Sally Nash, Ph.D., AICP, Acting Director of Planning and Zoning  
Re: Ordinance O-11-19: R2-NC District – Demolitions  
Encl: O-11-19

Purpose

The purpose of Ordinance O-11-19 is to modify the process for requiring a structural analysis prior to demolition of a residential structure or building in the R2-NC, Single-Family Residential Neighborhood Conservation District. The new process would require City staff to hire a structural engineer to complete a structural analysis, rather than relying on the applicant to hire such an expert. The applicant would still be responsible for paying the cost of the structural analysis.

Analysis

In the R2-NC District, there are additional development and demolition standards that apply, above what is required in other residential districts such as the R1 and R2 Zoning Districts. The purpose of these additional standards is to preserve patterns of design and development and “to ensure the preservation of a diversity of land uses, together with the protection of buildings, structures or areas the destruction or alteration of which would disrupt the existing scale and architectural character of the neighborhoods” ((Section 21.40.060(A)).



R2-NC, Shown in orange

In the R2-NC District, demolition is defined as “involving the entire removal of more than one exterior wall or the entire removal of the roof structure” (Section 21.40.060(C)(3)(c)). Currently, if demolition is proposed or if approval of an application is dependent upon preserving all or part of an existing structure, and its structural integrity is in question, the Director of Planning and Zoning may require a structural analysis of a building, by a registered structural engineer or an architect, to determine if it is sound and not a threat to public health and safety.

This requirement is in addition to other findings that must be met before a demolition can be approved, including:

- Loss of the structure or building would not be adverse to the R2-NC district or the public interest by virtue of the structure's uniqueness or contribution to the significance of the district;
- The proposed demolition would not have an adverse effect on the design and historic character of the structure and surrounding environment of the R2-NC district;
- Demolition is not for the purposes of assembling properties for the construction of a large-scale structure, if such assemblage is determined to be incompatible with the purposes and intent of the R2-NC district;
- The replacement structure or parts of the structure is designed and sited in a fashion that reflects the compatibility objectives of this chapter Section 21.40.060(C)(3)(b)).

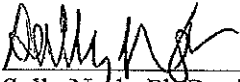
The proposed legislation would require the report from a structural engineer by changing the code language from “the Director of Planning and Zoning may require a structural analysis” to “the Director of Planning and Zoning shall require a structural analysis.” It also clarifies that, in the case of partial demolition or an addition, the engineer must confirm that there is sufficiency of the load path for the proposed alteration.

One amendment to the legislation that could be offered is to clarify the situation where a building or structure is proposed for demolition and a structural analysis is completed. If the analysis shows that the structure is stable, is it then the case that demolition would not be allowed under any circumstances? This is a new standard for the R2-NC as demolitions are currently allowed regardless of the structural analysis if the loss of the existing structure would not conflict with the criteria listed above, from Section 21.40.060(C)(3)(b).

Currently, the Department would allow demolition if the structure is not sound and therefore a threat to public health and safety. In this case, other criteria for demolition does not apply. This should also be clarified in the new legislation if this is still in effect.

The proposed ordinance also requires a new process—the Department of Planning and Zoning shall prepare a scope of services for a structural analysis and solicit a cost estimate from at least two structural engineers for the preparation of the analysis. It will then be the responsibility of the Director to negotiate and complete a contract between the City and the structural engineer. The applicant would bear the full cost of the structural analysis and would remit sufficient funds in advance to pay the full cost of the structural analysis. The Planning and Zoning Director would monitor all facets of the structural analysis.

Report Prepared by



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



1 **..Title**

2 **R2-NC District – Demolitions** – For the purpose of requiring a structural analysis prior to  
3 demolition of a residential structure or building in the R2-NC, Single-Family Residential  
4 Neighborhood Conservation District; requiring execution of a contract between the city and a  
5 structural engineer prior to demolition; and generally relating to the demolition of a residential  
6 structure or building in the R2-NC District.

7 **..Body**

8  
9  
10 **CITY COUNCIL OF THE**  
11 **CITY OF ANNAPOLIS**

12  
13 **Ordinance 11-19**

14  
15 **Introduced by: Alderman Arnett**

16  
17 **Referred to**  
18 **Planning Commission**  
19 **Rules and City Government Committee**

20  
21 **AN ORDINANCE** concerning

22  
23 **R2-NC District – Demolitions**

24  
25 **FOR** the purpose of requiring a structural analysis prior to demolition of a residential structure  
26 or building in the R2-NC, Single-Family Residential Neighborhood Conservation District;  
27 requiring execution of a contract between the city and a structural engineer prior to  
28 demolition; and generally relating to the demolition of a residential structure or building in  
29 the R2-NC District.

30  
31 **BY** repealing and re-enacting with amendments the following portions of the Code of the  
32 City of Annapolis, 2019 Edition  
33 21.40.060

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

38  
39 **TITLE 21 – PLANNING AND ZONING**  
40 **Division III – Base District Regulations**  
41 **Chapter 21.40 – Residential Districts**

42  
43 **21.40.060 - R2-NC Single-Family Residence Neighborhood Conservation district.**

44  
45 **A.** Purpose. The purpose of the R2-NC Single-Family Residence Neighborhood Conservation  
46 district is to preserve patterns of design and development in residential neighborhoods

1 characterized by a diversity of styles and to ensure the preservation of a diversity of land uses,  
 2 together with the protection of buildings, structures or areas the destruction or alteration of  
 3 which would disrupt the existing scale and architectural character of the neighborhoods. The  
 4 general purpose includes PURPOSES INCLUDE:

- 5
- 6 1. Protection of the architectural massing, composition and styles as well as neighborhood
- 7 scale and character;
- 8 2. Compatibility of new construction and structural alterations with the existing scale and
- 9 character of surrounding properties;
- 10 3. Encouragement of existing types of land uses that reflect the mixture and diversity of uses
- 11 that have historically existed in the community; and
- 12 4. Preservation of streetscapes.

13

14 B. Uses. Uses that may be permitted in the R2-NC Single-Family Residence Neighborhood  
 15 Conservation district are set forth in the table of uses for residential districts in Chapter 21.48.

16

17 C. Development Standards.

- 18
- 19 1. Chapter 21.50 contains the bulk regulations table for the R2-NC Single-Family Residence
- 20 Neighborhood Conservation district.
- 21 2. Site Design Plan Review.

22

23 a. Except as provided in Subsection (C)(2)(b) of this section, new construction

24 including new buildings, enlargements to building size or bulk, or structural

25 alterations to existing structures which have an impact upon any exterior façade of a

26 structure or building are subject to review and approval, with emphasis placed on

27 façades visible from the public view, by the Department of Planning and Zoning in

28 accordance with the provisions of Chapter 21.22, Site Design Plan Review.

29 b. ~~Any new structure~~NEW STRUCTURES, ~~enlargements~~ENLARGEMENT TO A

30 STRUCTURE, ~~or~~AND structural alterations to building size or bulk of existing

31 structures which results in the structure or building being in excess of three thousand

32 two hundred fifty square feet of floor area is ARE subject to public hearing, review

33 and approval by the Planning Commission. The three thousand two hundred fifty

34 square foot figure does not include square footage in basements that are fifty percent

35 or more under ground, uninhabitable attic space or accessory structures. Those

36 structures or buildings that are already in excess of three thousand two hundred fifty

37 square feet or have site design review approval as of November 14, 2005, may be

38 rebuilt to the same square footage as long as the design is reviewed and approved by

39 the Planning Commission.

40 c. The following guidelines shall be applied at the time of site design plan review, shall

41 control in the event of conflict with the provisions of Chapter 21.22, and shall be

42 applied to all uses in the R2-NC district. No design plans shall be approved by the

43 Department of Planning and Zoning until findings consistent with THE

44 FOLLOWING these guidelines have been made:

- 45
- 46 i. ~~Where~~IF new buildings, structures, structural alterations or structural
- 47 rehabilitations, enlargements or reductions are proposed, their design shall be

1 compatible with the historic character and design of the area and shall promote  
2 the existing spatial and visual qualities in the R2-NC area, including height and  
3 scale of buildings, orientation, spacing, site coverage, and exterior features such  
4 as porches, roof pitch and direction and landscaping.

- 5 ii. All STRUCTURES AND buildings shall observe the established, historic front  
6 setbacks and building heights pursuant to Section 21.50.050, if any, for the block  
7 on which they are proposed.
- 8 iii. All new structures ~~or~~ AND buildings, enlargement of existing structures or  
9 buildings and all substantial rehabilitation, reduction ~~and/or~~ alteration of  
10 existing structures or buildings shall have bulk, massing and scale similar to the  
11 structures OR BUILDINGS on the block face.
- 12 iv. The proposed alterations or new construction shall preserve and enhance the  
13 vernacular streetscape of the neighborhood.
- 14 v. Exterior structural alterations to historic and contributing structures OR  
15 BUILDINGS along the street frontage shall be kept to a minimum.
- 16 vi. Design for new construction and enlargements to all existing STRUCTURES  
17 OR buildings ~~or structures~~ in the R2-NC DISTRICT area shall conform to the  
18 guidelines for the relation of proposed structures to adjacent developments  
19 established in Section 21.62.020 and shall be compatible with the distinguishing,  
20 contributing characteristics of the majority of surrounding properties on the  
21 block face.
- 22 vii. In cases where approval of an application is dependent upon preserving all or  
23 part of an existing structure OR BUILDING, and its structural integrity is in  
24 question, the Director of Planning and Zoning may SHALL require a structural  
25 analysis of a THE STRUCTURE OR building, by a registered structural  
26 engineer, to EVALUATE THE SUFFICIENCY OF THE LOAD PATH FOR A  
27 PROPOSED ALTERATION OR DEMOLITION PLAN. ~~determine if it is~~  
28 ~~sound and not a threat to public health and safety before site design approval is~~  
29 ~~granted.~~

30  
31 3. Demolitions.

- 32  
33 a. The Planning and Zoning Director shall review and decide all applications for  
34 demolition of ~~buildings or structures~~ OR BUILDINGS, pursuant to Chapter 21.14,  
35 Demolition Permits.
- 36  
37 B. BEFORE THE DIRECTOR OF PLANNING AND ZONING MAY APPROVE A  
38 REQUEST FOR A PROPOSED DEMOLITION, THE DIRECTOR SHALL  
39 REQUIRE A STRUCTURAL ANALYSIS OF THE STRUCTURE OR  
40 BUILDING, BY A STRUCTURAL ENGINEER, IN ACCORDANCE WITH  
41 SUBPARAGRAPH (C) HEREIN, TO EVALUATE THE SUFFICIENCY OF THE  
42 LOAD PATH FOR A PROPOSED ALTERATION OR DEMOLITION PLAN.
- 43  
44 Cb. In addition to MAKING WRITTEN FINDINGS ADDRESSING the Review Criteria  
45 in Section 21.14.040, the Director of Planning and Zoning shall make additional  
46 written findings based on the following:  
47

- 1           i.     Loss of the structure or building would not be adverse to the R2-NC district  
 2                 or the public interest by virtue of the structure's uniqueness or contribution  
 3                 OF THE STRUCTURE OR BUILDING to the significance of the R2-NC  
 4                 district;  
 5           ii.    The proposed demolition would not have an adverse effect on the design and  
 6                 historic character of the structure OR BUILDING and surrounding  
 7                 environment of the R2-NC district;  
 8           iii.   Demolition is not for the purposes of assembling properties for the  
 9                 construction of a large-scale structure OR BUILDING, if such assemblage is  
 10                determined to be incompatible with the purposes and intent of the R2-NC  
 11                district;  
 12           iv.    The replacement structure or BUILDING OR parts of the structure OR  
 13                 BUILDING isARE designed and sited in a fashion that reflects the  
 14                 compatibility objectives of this chapter;  
 15           v.     A The proposed partial demolition WOULD will not impact the stability or  
 16                 structural integrity of the remaining portions of the structure and appropriate  
 17                 measures are proposed to stabilize the building during demolition and  
 18                 construction. In the case of total demolition, a structural analysis and  
 19                 evaluation has been conducted and determined the building to be unsound  
 20                 and is a threat to the public health and safety. The department of planning  
 21                 and zoning may require that such an evaluation be prepared by a certified  
 22                 structural engineer at the applicant's cost;  
 23           ~~vi.    In order to approve any demolition request, the Director of Planning and~~  
 24           ~~Zoning may require a structural analysis of a structure or building, by a~~  
 25           ~~registered structural engineer, to determine if it is sound and not a threat to~~  
 26           ~~public health and safety before a demolition is authorized.~~

27  
 28           D.     PROCEDURES FOR THE PREPARATION OF A STRUCTURAL  
 29                 ANALYSIS.

- 30  
 31           i.     THE DEPARTMENT OF PLANNING AND ZONING SHALL PREPARE  
 32                 A SCOPE OF SERVICES FOR A STRUCTURAL ANALYSIS AND  
 33                 SOLICIT A COST ESTIMATE FROM AT LEAST TWO STRUCTURAL  
 34                 ENGINEERS FOR THE PREPARATION OF THE ANALYSIS.  
 35           ii.    THE APPLICANT SHALL REMIT TO THE DEPARTMENT OF  
 36                 PLANNING AND ZONING, UPON NOTICE FROM THE DIRECTOR,  
 37                 FUNDS FOR THE COMPLETION OF THE STRUCTURAL ANALYSIS  
 38                 IN AN AMOUNT DETERMINED BY THE DIRECTOR TO BE  
 39                 SUFFICIENT TO PAY FOR THE STRUCTURAL ANALYSIS.  
 40           iii.   IF THE COST OF THE STRUCTURAL ANALYSIS EXCEEDS THE  
 41                 FUNDS THAT THE APPLICANT HAS REMITTED TO THE  
 42                 DEPARTMENT OF PLANNING AND ZONING, THE DIRECTOR MAY  
 43                 WITHHOLD RELEASE OF THE STRUCTURAL ANALYSIS OR  
 44                 APPROVAL OF AN APPLICATION UNTIL FULL PAYMENT IS  
 45                 REMITTED.  
 46           iv.    THE DEPARTMENT OF PLANNING AND ZONING SHALL  
 47                 FACILITATE THE NEGOTIATION AND COMPLETION OF A

1 CONTRACT BETWEEN THE CITY AND THE STRUCTURAL  
2 ENGINEER.

3 v. THE APPLICANT SHALL COOPERATE WITH THE STRUCTURAL  
4 ENGINEER CONTRACTED BY THE CITY, INCLUDING PROVIDING  
5 ACCESS TO THE STRUCTURE OR BUILDING AS NEEDED TO  
6 COMPLETE THE STRUCTURAL ANALYSIS. FAILURE TO  
7 COOPERATE OR PROVIDE ACCESS SHALL BE A BASIS FOR  
8 DENIAL OF THE APPLICATION.

9 v. THE DEPARTMENT OF PLANNING AND ZONING SHALL OVERSEE  
10 ALL FACETS OF A STRUCTURAL ANALYSIS.

11  
12 eD. For the purposes of this Chapter 21.40, demolition is defined as involving the entire  
13 removal of more than one exterior wall or the entire removal of the roof structure.  
14 These standards do not apply to demolition limited to the interior of a structure.  
15

16 D. Additional standards. Administrative adjustment to residential off-street parking. The  
17 Planning and Zoning Director may waive the residential off-street parking requirement,  
18 pursuant to the administrative adjustment procedures set forth in Chapter 21.18, if the  
19 provision of this parking will jeopardize the purpose of the district.  
20

21 E. Uses Deemed Conforming.

22  
23 1. The following uses are deemed to be conforming, pursuant to Section 21.68.030 of this  
24 Zoning Code, provided they were legally existing on November 19, 1990:  
25

- 26 a. Single-family attached and detached dwellings,  
27 b. Two-family dwellings,  
28 c. Nonresidential uses, except for uses listed in Subsection (E)(2) of this section, and  
29 d. Multi-family dwellings of five or fewer units.  
30

31 2. Warehouse, storage and/or distribution uses and automotive service uses legally existing  
32 on November 19, 1990 are not deemed to be conforming. However, these uses may apply  
33 for a special exception, pursuant to Chapter 21.26, to become conforming, provided that  
34 such application is made while the use retains its nonconforming rights under Chapter  
35 21.68 of this Zoning Code.

36 3. Single-family attached and detached dwellings and two-family dwellings deemed  
37 conforming may be expanded for residential use if they otherwise meet the requirements  
38 of this district, including the setback and height limitations in accordance with single-  
39 family detached dwellings. In the case of any alteration, expansion, or modification to a  
40 two-family dwelling, the front setback and elements of the front façade, including any  
41 single plane, with respect to each dwelling unit shall be retained or match those of the  
42 other unit.

43 4. Any increase in the building bulk of nonresidential uses that become conforming under  
44 this subsection requires special exception approval pursuant to Chapter 21.26 of this  
45 Zoning Code.  
46  
47

1 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**  
2 **ANNAPOLIS CITY COUNCIL** that this Ordinance shall take effect from the date of its  
3 passage.  
4

5 **EXPLANATION**

6 UPPERCASE indicates matter added to existing law.

7 ~~Strikethrough~~ indicates matter stricken from existing law.

8 Underlining indicates amendments.  
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