

1 **..Title**
 2 **Chapter 21.56 Historic District** – For the purpose of updating and amending Chapter
 3 21.56 of the Annapolis City Code to simplify and reorganize that Chapter for ease of use,
 4 to clarify processes, to remove obsolete language, to include substantive changes; and
 5 matters generally relating to Chapter 21.56.

6 **..Body**

7
 8 **CITY COUNCIL OF THE**
 9 **City of Annapolis**

10 **Ordinance 7-16**

11 **Introduced by: Mayor Pantelides and Alderman Budge**

12
 13 **Referred to**
 14 Historic Preservation Commission
 15 Economic Matters Committee
 16 Rules and City Government Committee
 17 Planning Commission

18 **AN ORDINANCE** concerning

19 **Chapter 21.56 Historic District**

20
 21 **FOR** the purpose of updating and amending Chapter 21.56 of the Annapolis City Code
 22 to simplify and reorganize that Chapter for ease of use, to clarify processes, to remove
 23 obsolete language, to include substantive changes; and matters generally relating to
 24 Chapter 21.56.

25
 26 **BY** repealing and re-enacting with amendments the following portions of the Code of
 27 the City of Annapolis, 2015 Edition
 28 21.560.010
 29 21.56.020
 30 21.56.030
 31 21.56.035
 32 21.56.040
 33 21.56.050
 34 21.56.060
 35 21.56.070
 36 21.56.080
 37 21.56.090
 38 21.56.100
 39 21.56.110
 40 21.56.140
 41 21.56.230
 42 21.56.250

1 21.56.260
2 21.56.310
3 21.56.320
4 21.56.330
5 21.62.060
6

7 **BY** deleting the following portions to the Code of the City of Annapolis, 2015 Edition
8 21.56.270
9 21.56.280

10
11 **BY** adding the following portions to the Code of the City of Annapolis, 2015 Edition
12 21.56.031
13 21.56.034
14 21.56.045
15 21.56.091
16 21.56.340
17 21.56.350
18
19

20 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS**
21 **CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as
22 follows:
23

24 **21.56 – HISTORIC DISTRICT**
25

26 **Article I - Approval of Exterior Changes**
27

28 **21.56.010 - Authority and purpose.**

29 A. ~~The Mayor and City Council of the City of Annapolis, Maryland, derives authority~~
30 ~~for this chapter by virtue of its conformance with provisions of~~ FROM the State of
31 Maryland Enabling Act for Historic Area Zoning, the Land Use Article, TITLE 8
32 “HISTORIC PRESERVATION,” Annotated Code of Maryland, as amended.
33

34 B. The preservation of LANDMARKS, sites, structures, and districts of historical,
35 cultural, archaeological, or architectural significance together with their
36 appurtenances and environmental settings is a public purpose. ACCORDINGLY, IT
37 IS THE PURPOSE OF THIS CHAPTER TO ESTABLISH PROCEDURES
38 NECESSARY TO PRESERVE SUCH LANDMARKS, SITES, STRUCTURES
39 AND DISTRICTS IN ORDER TO PRESERVE THE HISTORIC CHARACTER OF
40 THE CITY OF ANNAPOLIS.
41

42 C. It is the further purpose of this article to preserve and enhance the quality of life and
43 to safeguard the historical and cultural heritage of THE CITY OF Annapolis by
44 preserving LANDMARKS, sites, structures, ~~or~~ AND districts ~~which~~ THAT reflect
45 the elements of the City's cultural, social, economic, political, archaeological, or
46 architectural history; to strengthen the local economy; to stabilize and improve

1 property values ~~in and around such historic areas~~ OF THOSE LANDMARKS,
2 SITES, STRUCTURES AND DISTRICTS; to foster civic beauty, and to ~~preserve~~
3 ~~and~~ promote the preservation and appreciation of ~~historic~~ THOSE LANDMARKS,
4 sites, structures and districts for the education and welfare of the ~~citizens~~
5 RESIDENTS of the City.

6
7 **21.56.020 - Definitions.**

8
9 For the purposes of this chapter, the following words and phrases shall have the
10 meanings respectively ascribed to them:

11
12 "Alteration" shall mean any exterior changes that would affect the historic, cultural
13 or architectural significance of a designated site or structure, any portion of which is
14 visible or intended to be visible from a public way including, but not limited to,
15 construction, reconstruction, moving or demolition.

16
17 "Appurtenances and environmental settings" shall mean all that space of grounds and
18 structures thereon which surrounds a designated site or structure and to which it relatedS
19 physically and/or visually. Appurtenances and environmental settings shall include, but
20 not be limited to, walkways and driveways (whether paved or not), trees, ~~landscape~~
21 ~~elements~~ LANDSCAPING, waterways, open space, setbacks, parks, public spaces, and
22 rocks.

23
24 "BUILDING" SHALL MEAN A BUILDING, SUCH AS A HOUSE, BARN,
25 CHURCH, HOTEL OR SIMILAR CONSTRUCTION, IS CREATED PRINCIPALLY
26 TO SHELTER ANY FORM OF HUMAN ACTIVITY. "BUILDING" MAY ALSO BE
27 USED TO REFER TO A HISTORICALLY AND FUNCTIONAL RELATED UNIT,
28 SUCH AS A COURTHOUSE AND JAIL OR A HOUSE AND BARN.

29
30 "Certificate of approval" shall mean a certificate issued by the Historic Preservation
31 Commission indicating its approval of plans for construction, OR THE alteration,
32 reconstruction, rehabilitation, restoration, moving, or demolition of an individually
33 designated landmark, site, or structure or of a site or structure within a designated historic
34 district.

35
36 "Cultural" shall mean that which relates to the artistic, historic, intellectual,
37 educational, archaeological, or architectural aspects of the City of Annapolis.
38 CULTURAL RESOURCES CAN BE DEFINED AS PHYSICAL EVIDENCE OR
39 PLACE OF HUMAN ACTIVITY: SITE, OBJECT, LANDSCAPE OR STRUCTURE;
40 OR A SITE, STRUCTURE, LANDSCAPE, OBJECT OR NATURAL FEATURE OF
41 SIGNIFICANCE TO A GROUP OF PEOPLE TRADITIONALLY ASSOCIATED
42 WITH IT.

43
44 "Demolition" shall mean any act which destroys, in whole or in part, an individually
45 designated landmark, site, or structure, or a site or structure within a designated historic
46 district ~~not~~ including appurtenances and environmental settings.

1
2 "Demolition by neglect" shall mean ~~any willful~~ neglect in the ROUTINE
3 maintenance or repair of an individually designated landmark, site, or structure, or a
4 LANDMARK, site or structure within a designated historic district, ~~not~~ including any
5 appurtenances and environmental settings, ~~that does not result from an owner's financial~~
6 ~~inability to maintain and repair such landmark, site, or structure, and which results in any~~
7 ~~of the following conditions:~~

8
9 ~~1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or~~
10 ~~windows, so as to create or permit a hazardous or unsafe condition to exist; or~~
11

12 ~~2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or~~
13 ~~windows, the lack of adequate waterproofing, or the deterioration of interior~~
14 ~~features, which will or could result in permanent damage, injury, or loss of or~~
15 ~~loss to foundations, exterior walls, roofs, chimneys, doors or windows. WHICH~~
16 ~~CREATES OR PERMITS TO EXIST A HAZARDOUS OR UNSAFE~~
17 ~~CONDITION, OR WHICH COULD IN THE COURSE OF TIME RESULT IN~~
18 ~~SUBSTANTIAL OR PERMANENT DAMAGE, INJURY OR LOSS OF OR~~
19 ~~LOSS TO ANY ITEMS WHOSE ALTERATION IS REGULATED UNDER~~
20 ~~CHAPTER 21.56.~~

21
22 "Exterior features" shall mean the architectural style, design, and general
23 arrangement of the exterior of an historic structure, including the nature and texture of
24 building material, and the type and style of all ROOFS, windows, doors, PORCHES,
25 light fixtures, signs or similar items found on or related to the exterior of an historic
26 structure.

27
28 "Historic district" shall mean a significant concentration, linkage, or continuity of
29 sites or structures OR OBJECTS united historically, architecturally, archaeologically, or
30 culturally, by plan or physical development. An historic district shall include all property
31 within its boundaries as defined and designated by the City Council.

32
33 "Landmark" shall mean any BUILDING, site, ~~or~~ structure OR OBJECT, designated
34 by the City Council, that is of exceptional historic, cultural, archaeological, or
35 architectural significance.

36
37 ~~"Maintenance" shall mean work that does not alter the exterior fabric or features of a~~
38 ~~landmark, site or structure and has no material effect on the historical, archaeological, or~~
39 ~~architectural or cultural significance of the historical landmark, site or structure.~~

40
41 "New construction" shall mean construction which is characterized by the
42 introduction of new elements, sites, buildings, or structures or additions to existing
43 buildings and structures in historic districts, BUT NOT INCLUDING
44 RECONSTRUCTION OF FEATURES REMOVED FROM EXISTING HISTORICAL
45 RESOURCES.

46

1 "OBJECT" IS USED TO DISTINGUISH FROM BUILDINGS AND
2 STRUCTURES THOSE CONSTRUCTIONS THAT ARE PRIMARILY ARTISTIC IN
3 NATURE OR ARE RELATIVELY SMALL IN SCALE AND SIMPLY
4 CONSTRUCTED. ALTHOUGH IT MAY BE, BY NATURE OR DESIGN,
5 MOVABLE, AN OBJECT IS ASSOCIATED WITH A SPECIFIC SETTING OR
6 ENVIRONMENT.

7
8 "Preservation" shall mean actions taken to prevent or keep a structure from decay or
9 degradation.

10
11 "Reconstruction" shall mean the ACT OR process of reproducing, by MEANS OF
12 new construction, the exact form, FEATURES and detailing of a ~~vanished structure~~
13 NONSURVIVING LANDMARK OR LANDSCAPE, FOR THE PURPOSE OF
14 REPLICATING ITS APPEARANCE, or part thereof, as it appeared at a specific period
15 of time AND IN ITS HISTORIC LOCATION.

16
17 "Rehabilitation" shall mean the act or process of returning a property or building to
18 ~~usable condition~~ through repair; OR alteration; ~~and/or preservation of its~~ TO A STATE
19 OF UTILITY WHILE PRESERVING THOSE PORTIONS AND features which are
20 significant to its historical, architectural, and cultural values.

21
22 "Repair" shall mean the process of rehabilitation which warrants additional work
23 beyond simple ROUTINE maintenance; ~~Repair~~. Repair, includes patching, piecing in, splicing,
24 consolidating or otherwise, reinforcing materials according to recognized preservation
25 methods INCLUDING LIMITED REPLACEMENT IN KIND.

26
27 "REPLACEMENT IN KIND" SHALL MEAN REPLICATING THE FORM AND
28 DETAILING OF AN ENTIRE CHARACTER DEFINING FEATURE WITH NEW
29 MATERIAL BECAUSE THE LEVEL OF DETERIORATION OR DAMAGE OF
30 MATERIALS PRECLUDES REPAIR.

31
32 "Restoration" shall mean the ACT OR process of accurately recovering the form and
33 details of a property as it appeared at a specific period of time by means of removal of
34 ~~later work and the replacement of work missing from that period~~ FEATURES FROM
35 OTHER PERIODS IN ITS HISTORY AND NEW CONSTRUCTION OF
36 MECHANICAL, ELECTRICAL AND PLUMBING SYSTEMS AND OTHER CODE
37 REQUIRED WORK TO MAKE THE PROPERTIES FUNCTIONAL.

38
39 "ROUTINE MAINTENANCE" SHALL MEAN WORK THAT DOES NOT
40 ALTER THE EXTERIOR FABRIC OR FEATURES OF A LANDMARK, SITE OR
41 STRUCTURE AND HAS NO MATERIAL EFFECT ON THE HISTORICAL,
42 ARCHAEOLOGICAL, OR ARCHITECTURAL OR CULTURAL SIGNIFICANCE OF
43 THE HISTORICAL LANDMARK, SITE OR STRUCTURE.

44

1 "Site" shall mean the location of an event of historic significance or the location of a
2 structure whether standing or ruined, which possesses historic, architectural,
3 archaeological, or cultural significance.

4
5 "Structure" shall mean a combination of material to form a construction that is stable
6 including, but not limited to, buildings, stadiums, reviewing stands, platforms, stagings,
7 observation towers, radio towers, water tanks and towers, trestles, bridges, piers,
8 DOCKS, BOARDWALKS, DAMS, paving, SEAWALLS, bulkheads, wharves, sheds,
9 coal bins, shelters, fences, and display signs visible or intended to be visible from a
10 public way. The term "structure" shall be construed as if followed by the words, "or part
11 thereof."

12 13 **21.56.030 - Boundaries.**

14
15 A. The boundaries of the Annapolis Historic District are established as follows:

16
17 Beginning for the same at the intersection of the centerline of Southgate Avenue
18 with the tidewaters of Spa Creek; thence leaving the beginning point and running
19 with the tidewaters of Spa Creek westerly one hundred fifty feet, more or less, to
20 intersect a line drawn parallel to and distant southwesterly one hundred fifty feet, as
21 measured at right angles from the centerline of Southgate Avenue; thence leaving the
22 tidewaters of Spa Creek and running northwesterly with the line parallel to Southgate
23 Avenue to intersect the centerline of Franklin Street; thence leaving Franklin Street,
24 continuing parallel to Southgate Avenue one hundred feet, more or less, to intersect a
25 line drawn parallel to and distant northwesterly one hundred feet as measured at right
26 angles from the centerline of Franklin Street; thence leaving the line parallel to
27 Southgate Avenue and running with the line parallel to Franklin Street northeasterly
28 to intersect the centerline of Shaw Street from the point of intersection running
29 northwesterly following the centerline of Shaw Street northwesterly to a point one
30 hundred fifty-five feet distant as measured from the intersection of the centerline of
31 Shaw Street and the centerline of Lafayette Avenue; thence leaving the point of
32 intersection and running in a southwesterly direction for eighty feet following the
33 east property line of Lot 45 as shown on a plat of City Gate, section 1, recorded
34 among the land records of Anne Arundel County in plat book 77, page 26; thence
35 leaving the line and running in a northwesterly direction following the rear property
36 lines of Lots 45a, 44, 43, 42 and 41 as shown on the plat to a point intersecting the
37 centerline of Lafayette Avenue; thence following the centerline of Lafayette Avenue
38 in a northerly direction for a distance of two hundred feet; thence leaving the
39 centerline of Lafayette Avenue and running in an easterly direction following the
40 southerly property line of Parcel 546 as shown on Tax Map 30 of Annapolis, as
41 prepared by the Maryland Department of Assessments and Taxation, to a point
42 intersecting the centerline of Water Street; thence following the centerline of Water
43 Street in a northerly direction to a point intersecting with the centerline of Larkin
44 Street; thence following the centerline of Larkin Street in an easterly direction to a
45 point intersecting the centerline of City Gate Lane; thence following the centerline of
46 City Gate Lane in a northerly direction to a point intersecting the centerline of West

1 Street; thence running with the centerline of West Street easterly one hundred feet to
2 intersect the centerline of Calvert Street; thence running with the centerline of
3 Calvert Street northerly to intersect the centerline of Northwest Street; thence
4 westerly with the centerline of Northwest Street to a point distant one hundred feet
5 from the centerline of the eastbound lane of the Roscoe Rowe Boulevard; thence
6 parallel with the eastbound lane of Roscoe Rowe Boulevard to the shoreline of
7 College Creek; thence leaving the parallel to Roscoe Rowe Boulevard and running
8 with the shoreline in a general northerly and northeasterly direction to intersect the
9 present property line of the United States Naval Academy; thence leaving the
10 shoreline of College Creek and running with the present divisional lines between the
11 United States Naval Academy and the City of Annapolis to the intersection of the
12 northeast side of Prince George Street with the shoreline of Spa Creek; thence
13 leaving the United States Naval Academy property and the present property line and
14 running with the shoreline generally in a westerly direction to the place of beginning.
15 Excepting all that property known as St. Anne's cemetery.

16
17 Saving and excepting all that property known as Southgate Harbor shown on a plat
18 filed among the plat records of Anne Arundel County, Maryland, in plat book 41,
19 folios 3 and 4, which is the same property conveyed by E. Nyce Feldmeyer,
20 unmarried, to C. Edward Hartman, II and Patricia M. Hartman, his wife, by deed
21 dated April 26, 1956, and recorded among the land records of Anne Arundel County
22 in liber G.T.C. 1559, folio 161.

23
24 ~~B. The City Council may designate boundaries for landmarks, sites,~~
25 ~~structures, or districts of historic, cultural, archaeological, or architectural~~
26 ~~significance.~~

27 ~~C. Recommendations for designation of landmarks, sites, structures and~~
28 ~~districts shall be submitted to the City Council for consideration. The Historic~~
29 ~~Preservation Commission may, after making full and proper study, recommend any~~
30 ~~area within the limits of the City for designation as a landmark, site, structure, or~~
31 ~~district of historic, cultural, archaeological, or architectural significance. The~~
32 ~~Commission shall recommend boundaries for the landmarks, sites, structures, and~~
33 ~~districts.~~

34 ~~D. The City Council or the Commission may petition the Maryland Historical Trust~~
35 ~~to make an analysis of and recommendation concerning the preservation of~~
36 ~~landmarks, sites, structures, or districts of historic, archaeological, architectural, or~~
37 ~~cultural significance within the City. Such report may include proposed boundaries~~
38 ~~of sites, structures, or districts, as well as recommendations for the identification and~~
39 ~~designation of particular sites, structures, or districts to be preserved.~~

40
41 **21.56.031 - ESTABLISHMENT AND MODIFICATIONS OF DISTRICTS AND**
42 **DESIGNATION OF LANDMARKS.**

43
44 A. THE CITY COUNCIL MAY BY ORDINANCE, ESTABLISH OR MODIFY THE
45 BOUNDARIES FOR DISTRICTS OF HISTORIC, CULTURAL,

1 ARCHAEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE IN
2 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.

3
4 B. THE CITY COUNCIL MAY, BY RESOLUTION, ESTABLISH OR MODIFY
5 LANDMARKS THAT ARE OF SPECIAL HISTORICAL, CULTURAL,
6 ARCHAEOLOGICAL OR ARCHITECTURAL SIGNIFICANCE IN
7 ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. IN ORDER
8 FOR THE CITY COUNCIL TO APPROVE THE DESIGNATION OF A
9 LANDMARK, THE PROPERTY OWNER MUST CONSENT.

10
11 C. RECOMMENDATIONS FOR ESTABLISHMENT, MODIFICATION OR
12 DESIGNATION OF LANDMARKS, AND DISTRICTS SHALL INCLUDE A
13 REPORT FROM THE HISTORIC PRESERVATION COMMISSION TO
14 INCLUDE AN ASSESSMENT OF AND RECOMMENDATION TO THE
15 COUNCIL ON THE PROPOSED LANDMARK, OR DISTRICT.

16
17 D. THE HISTORIC PRESERVATION COMMISSION MAY, ON ITS OWN
18 INITIATIVE, AFTER MAKING A FULL AND PROPER STUDY IN
19 ACCORDANCE WITH ITS GUIDELINES, RECOMMEND TO THE CITY
20 COUNCIL ANY AREA WITHIN THE LIMITS OF THE CITY FOR
21 DESIGNATION AS A LANDMARK, OR DISTRICT OF HISTORIC,
22 CULTURAL, ARCHAEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE.

23
24 E. THE COMMISSION SHALL RECOMMEND BOUNDARIES AND
25 APPROPRIATE GUIDELINES FOR THE LANDMARKS AND DISTRICTS AND
26 THE GUIDELINES MAY DIFFER FROM DISTRICT TO DISTRICT.

27
28 F. THE CITY COUNCIL OR THE COMMISSION MAY PETITION THE
29 MARYLAND HISTORICAL TRUST TO MAKE AN ANALYSIS OF AND
30 RECOMMENDATION CONCERNING THE PRESERVATION OF
31 LANDMARKS, SITES, STRUCTURES, OR DISTRICTS OF HISTORIC,
32 ARCHAEOLOGICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE
33 WITHIN THE CITY. SUCH REPORT MAY INCLUDE PROPOSED
34 BOUNDARIES OF SITES, STRUCTURES, OR DISTRICTS, AS WELL AS
35 RECOMMENDATIONS FOR THE IDENTIFICATION AND DESIGNATION OF
36 PARTICULAR SITES, STRUCTURES, OR DISTRICTS TO BE PRESERVED.

37
38 G. PROPOSED DISTRICTS AND THEIR BOUNDARIES SHALL COMPLY WITH
39 THE REQUIREMENTS FOR LOCAL GOVERNMENT CERTIFICATION
40 UNDER THE NATIONAL PRESERVATION ACT AND THE SECRETARY OF
41 INTERIOR'S STANDARDS FOR IDENTIFICATION AND REGISTRATION.

42
43 **21.56.034 - GUIDELINES.**

44
45 THE HPC SHALL ADOPT GUIDELINES CONSISTENT WITH THE
46 SECRETARY OF INTERIOR STANDARDS FOR REHABILITATION AND THAT

1 ARE CONSISTENT WITH THOSE GENERALLY RECOGNIZED BY THE
2 MARYLAND HISTORICAL TRUST. THERE MAY BE DIFFERENT GUIDELINES
3 FOR INDIVIDUAL DISTRICTS. THERE MAY BE SEPARATE GUIDELINES TO
4 EVALUATE LANDMARKS OUTSIDE OF DISTRICTS. THE HPC SHALL USE THE
5 GUIDELINES IN THE COMMISSION'S REVIEW OF APPLICATIONS.

6
7 THE GUIDELINES ADOPTED UNDER THIS SECTION SHALL INCLUDE:

- 8
- 9 1. DESIGN CHARACTERISTICS INTENDED TO MEET THE NEEDS OF
10 PARTICULAR TYPES OF LANDMARKS, SITES, STRUCTURES, AND
11 DISTRICTS; AND
 - 12
13 2. IDENTIFICATION OF CATEGORIES OF CHANGES THAT ARE SO MINIMAL
14 IN NATURE THAT THEY DO NOT AFFECT HISTORIC, ARCHEOLOGICAL,
15 OR ARCHITECTURAL SIGNIFICANCE AND REQUIRE NO REVIEW BY THE
16 HISTORIC PRESERVATION COMMISSION.

17
18 **21.56.035 - Sales of historic real property.**

19
20 A contract for the sale of real property located in ~~the~~ AN Historic District OR
21 LANDMARKED as defined by SectionS 21.56.030-21.56.031 shall include a highlighted
22 statement that the subject property is in ~~the~~ AN HISTORIC District OR LANDMARKED
23 and that the buyer should visit the ~~website of the~~ Historic Preservation Commission
24 PAGE OF THE CITY OF ANNAPOLIS WEBSITE to learn about the various
25 requirements that apply to properties located in ~~the~~ AN HISTORIC District OR
26 LANDMARKED. The buyer shall be request to initial this statement indicating that the
27 buyer is aware that the property is in ~~the~~ AN HISTORIC District OR LANDMARKED.
28 If this highlighted statement is not included in the sales contract, then the contract is
29 voidable up until the execution of the deed.

30
31 **21.56.040 - Certificate of approval.**

- 32
- 33 A. When Required. Before a person may undertake the NEW construction, alteration,
34 reconstruction, rehabilitation, restoration, moving, or demolition of a designated
35 landmark, site, or structure, or a site or structure within a designated historic district,
36 if any exterior change is made which would affect the historic, archaeological,
37 architectural, or cultural significance of a site or structure within a designated district
38 or a designated landmark, site, or structure any portion of which is visible or
39 intended to be visible from a public way, the person, individual, firm, or corporation
40 proposing to make the construction or change shall file an application for a
41 certificate of approval with the Commission for permission to construct, alter,
42 rehabilitate, restore, reconstruct, move, or demolish the landmark, site, or structure.
 - 43
44 B. Application. An application for a certificate of approval shall be filed with the clerk
45 to the Historic Preservation Commission. Each application shall include maps, plans
46 and other necessary data and documents required by the rules of the Commission and

1 shall be advertised in the manner provided in the rules. Additionally, the property
2 shall be posted in accordance with the rules ~~and regulations~~ adopted by the
3 Commission. Application fees shall be determined by the Department of Planning
4 and Zoning.
5

- 6 C. Referral to and Consideration by the Commission. Every application shall be
7 referred to and considered by the Commission and accepted, accepted with
8 modifications, or ~~rejected~~DENIED by the Commission. An application which is
9 identical to a ~~rejected~~ AN application THAT HAS BEEN DENIED may not be
10 resubmitted within a period of one year after the ~~rejection~~DENIAL. No certificate of
11 approval shall be granted until the Commission has acted thereon as hereinafter
12 provided.
13

14 **21.56.045 - ADMINISTRATIVE REVIEW OF APPLICATIONS.**

15
16 THE HISTORIC PRESERVATION COMMISSION MAY DELEGATE THE
17 REVIEW AND ISSUANCE OF CERTIFICATES OF APPROVAL TO THE CHIEF OF
18 HISTORIC PRESERVATION IN SPECIFIC CASES WHERE:
19

- 20 A. THE APPLICATION UNDER REVIEW MEETS REVIEW CRITERIA
21 ESTABLISHED AND PUBLISHED BY THE HISTORIC PRESERVATION
22 COMMISSION PRIOR TO THE DATE OF APPLICATION.
23
24 B. THE CHIEF OF HISTORIC PRESERVATION PROVIDES THE HISTORIC
25 PRESERVATION COMMISSION NOTICE CONCERNING HOW THE
26 APPLICATION ADDRESSES EACH REVIEW CRITERIA.
27

28 **21.56.050 - Certificate of approval—Demolition.**

29
30 An application for demolition of a structure shall include plans for a replacement
31 structure. Approval for the demolition of a structure may be conditioned upon
32 APPROVAL OF A COMPLETE APPLICATION WHICH INCLUDES A TIMETABLE
33 FOR the construction of an acceptable replacement structure, or landscape or park plan.
34 FAILURE TO COMPLY WITH THE TIMETABLE APPROVED BY THE
35 COMMISSION SHALL RESULT IN THE AUTOMATIC REVOCATION OF ANY
36 AND ALL APPROVALS. IN THE EVENT THAT AN APPLICANT FAILS TO MEET
37 THE TIMETABLE APPROVED BY THE COMMISSION AND THE APPROVALS
38 ARE AUTOMATICALLY REVOKED, THE APPLICANT SHALL BE REQUIRED
39 TO RE-APPLY TO THE COMMISSION FOR APPROVAL OF A REPLACEMENT
40 STRUCTURE, LANDSCAPING OR PARK PLAN. A bond or other financial guaranty
41 in the amount of the cost of the replacement structure may be required in order to assure
42 the construction of the replacement structure, or park, or landscape plan.
43

44 **21.56.060 - Application review.**

45

- 1 A. In reviewing applications, the Commission shall give consideration to the historic,
2 cultural, archaeological, or architectural significance of the landmark, site, or
3 structure and its relationship to the historic, cultural, archaeological, or architectural
4 significance of the surrounding area; the relationship of the exterior architectural
5 features of a landmark, site, or structure to the remainder of the landmark, site, or
6 structure and to the surrounding area; the general compatibility of proposed exterior
7 design, scale, proportion, arrangement, texture, and materials to the landmark, site,
8 or structure and to the surrounding area; and any other factors including aesthetic
9 factors which the Commission deems to be pertinent.
- 10
11 B. The Commission shall consider only exterior features of a landmark, site, or
12 structure and shall not consider any interior arrangements.
- 13
14 C. The Commission shall not disapprove an application except with respect to the
15 several factors specified in Subsection A of this section.
- 16
17 D. The Commission shall be strict in its judgment of plans for landmarks, sites or
18 structures determined by research to be of historic, cultural, archaeological, or
19 architectural significance. The Commission shall ~~be lenient in its judgment of~~ NOT
20 STRICTLY JUDGE plans for landmarks, sites or structures of little historic, cultural,
21 archaeological, or architectural significance, or of plans involving new construction,
22 unless in the Commission's judgment such plans would seriously impair the historic,
23 cultural, archaeological, or architectural significance of surrounding landmarks, sites
24 or structures. The Commission is not required to limit construction, reconstruction,
25 or alteration to any one period of architectural style.
- 26
27 E. Special Considerations.
- 28
29 1. If an application is submitted for NEW construction, reconstruction, or alteration
30 affecting a landmark, site or the exterior of a structure or for the moving or
31 demolition of a LANDMARK OR structure, the preservation of which the
32 Commission considers to be of unusual importance to the City, State, or Nation,
33 the ~~Commission~~ CHIEF OF HISTORIC PRESERVATION shall attempt to
34 formulate an economically feasible plan with the owner(s) of the LANDMARK,
35 site or structure for the preservation of the landmark, site or structure, WHICH
36 THE CHIEF SHALL PRESENT TO THE COMMISSION FOR ITS REVIEW.
- 37
38 2. In the circumstances described above in Subsection (E)(1) of this section, unless
39 the Commission is satisfied that the proposed NEW construction, alteration, or
40 reconstruction will not materially impair the historic, cultural, archaeological, or
41 architectural significance of the landmark, site or structure, the Commission
42 shall ~~reject~~ DENY the application, ~~filing a copy of its rejection with the~~
43 ~~Department of Public Works.~~
- 44
45 3. If an application is submitted for NEW construction, reconstruction, or
46 alteration, or for the moving or demolition of a landmark, site or structure that

1 the Commission considers to be of unusual importance and no economically
2 feasible plan can be formulated, the Commission shall have ninety days, from
3 the time it concludes that no economically feasible plan can be formulated, to
4 negotiate with the owner(s) and other parties in an effort to find a means of
5 preserving the landmark, site or structure. At the end of such ninety day period,
6 if no means of preserving the landmark, site or structure has been found, the
7 Commission shall either approve, approve with modifications, or ~~reject~~ DENY
8 the application.

- 9
- 10 4. In the case of a landmark, site or structure considered to be valuable for its
11 historic, cultural, archaeological, or architectural significance, the Commission
12 may approve the proposed NEW construction, reconstruction, alteration,
13 moving, or demolition despite the provisions of Subsection (E)(2) of this
14 section, if the Commission finds that:
- 15 a. The landmark, site or structure is a deterrent to a major improvement
16 program which will be of substantial benefit to the City;
 - 17 b. Retention of the landmark, site or structure would cause undue financial
18 hardship to the owner; or
 - 19 c. Retention of the landmark, site or structure would not be in the interests of a
20 majority of persons in the City.
- 21

22 **21.56.070 - Certificate of approval—Commission decision.**

23

- 24 A. The Commission shall file ~~with the Department of Public Works~~ IN THE CITY'S
25 INTERNAL TRACKING SYSTEM, AND THEREBY NOTIFY OTHER
26 DEPARTMENTS, a certificate of approval certifying its approval or modification of
27 each application and plans submitted to it for review. If an application is
28 ~~rejected~~DENIED, the Commission shall ~~notify the Department of Public Works~~
29 FILE THAT DECISION IN THE INTERNAL TRACKING SYSTEM AS WELL.
- 30
- 31 B. Work shall not be commenced on any project until such a certificate of approval has
32 been filed, and ~~the Department of Public Works shall not issue~~ a building permit
33 SHALL NOT BE ISSUED for such change or construction unless ~~it has received~~
34 such a certificate of approval IS ON FILE.
- 35
- 36 C. Failure of the Commission to act upon a completed application within forty-five days
37 from the date the completed application was filed shall be deemed to constitute
38 automatic approval of the proposed changes unless an extension of the forty-five day
39 period is mutually agreed upon by the applicant and the Commission or the
40 application has been withdrawn and except as provided by Section 21.56.060(E)(3)
41 of this section.
- 42

43 **21.56.080 - Certificate of approval—Expiration.**

44

- 45 A. A certificate of approval of the Commission shall expire automatically, unless
46 extended by the Commission, if:

- 1 1. In the case of an application for the demolition, moving or alteration of a
2 structure, the work has not commenced within six months and been completed
3 within one year from the date of issuance of the certificate of approval;
- 4 2. In the case of an application for the construction of a new structure, the work has
5 not commenced within one year from the date of issuance of the certificate of
6 approval and been completed within three years; or
- 7 3. ~~For the purposes of this section, application for extension of approval shall be~~
8 ~~treated and considered as a new application before the Commission. AN~~
9 ~~EXTENSION SHALL BE GRANTED ADMINISTRATIVELY AS~~
10 ~~AUTHORIZED UNDER THE RULES DEVELOPED PURSUANT TO THIS~~
11 ~~CHAPTER.~~
- 12 4. AFTER AN EXTENSION IS GRANTED ADMINISTRATIVELY UNDER
13 SECTION 3 ABOVE, FURTHER EXTENSION REQUESTS SHALL BE
14 HEARD BY THE COMMISSION.

15
16 ~~B. Tolling of certificates of approval. Notwithstanding the provisions of Section~~
17 ~~21.56.080A of this Code, certificates of approval granted by the Historic~~
18 ~~Preservation Commission pursuant to Sections 21.56.040 through 21.56.070 of this~~
19 ~~Code and extensions thereof which are active and valid as of June 30, 2012, shall be~~
20 ~~tolled until June 30, 2014, so that all such certificates of approval and extensions~~
21 ~~shall expire on, or any applicable extension request shall have been requested by,~~
22 ~~June 30, 2014, provided that this shall not apply to a historic property that has been a~~
23 ~~subject of a final determination of demolition by neglect as defined under Section~~
24 ~~21.56.020.~~

25
26 ~~EB. Any changes to plans previously approved under an issued certificate of approval~~
27 ~~that are required in response to Section 17.04.630(B)1 referencing the City of~~
28 ~~Annapolis Code in force at the time construction commences, must be referred to the~~
29 ~~Historic Preservation Commission for re-evaluation if there is a necessary change to~~
30 ~~the exterior as approved UNLESS OTHERWISE DELEGATED TO STAFF FOR~~
31 ~~ADMINISTRATIVE REVIEW UNDER RULES DEVELOPED PURSUANT TO~~
32 ~~THIS CHAPTER.~~

33
34 **21.56.090 – ROUTINE Maintenance, AND repair, and demolition by neglect.**

- 35
- 36 A. Nothing in this article shall be taken or construed to prevent ROUTINE maintenance
37 AND REPAIR that does not alter the exterior fabric or features of a ~~designated~~
38 landmark, site, or structure, or landscape elements, WHETHER INDIVIDUALLY
39 DESIGNATED OR WITHIN AN HISTORIC DISTRICT and which will have no
40 material effect on the historic, cultural, archaeological, or architectural significance
41 of a designated landmark, site, structure, or district WHETHER INDIVIDUALLY
42 DESIGNATED OR WITHIN AN HISTORIC DISTRICT.
 - 43
44 B. ~~In the event of demolition by neglect, the Commission may request that the Mayor's~~
45 ~~office notify, in writing, the property owner(s) of record, any person(s) having a~~
46 ~~right, title, or interest therein, and the occupant(s) or other person(s) responsible for~~

1 the maintenance of the property, of the deterioration. The notice shall specify the
2 minimum items of repair or maintenance necessary to correct the deterioration or
3 prevent further deterioration. IF THE CHIEF OF HISTORIC PRESERVATION
4 (CHP) HAS BEEN MADE AWARE THAT A DESIGNATED LANDMARK OR A
5 LANDMARK, SITE OR STRUCTURE IN THE HISTORIC DISTRICT IS NOT
6 BEING ROUTINELY MAINTAINED OR REPAIRED IN ACCORDANCE WITH
7 THE PROVISIONS OF CITY CODE, CHAPTER 21.56 THEN THE CHIEF OF
8 HISTORIC PRESERVATION SHALL NOTIFY THE OWNER OF THE
9 REQUIRED ACTION OR ABATEMENT TO BRING THE LANDMARK, SITE
10 OR STRUCTURE INTO COMPLIANCE WITH CHAPTER 21.56. THE
11 NOTIFICATION REQUIRED HEREIN SHALL PROVIDE THE OWNER AN
12 OPPORTUNITY TO COMPLY WITH THE CITY CODE AND STATE THE
13 TIME BY WHICH SUCH COMPLIANCE SHALL BE ACHIEVED, AND
14 FURTHER STATE IF THE OWNER FAILS TO COMPLY WITH THE
15 REQUIREMENTS OF THE NOTICE A MUNICIPAL INFRACTION CITATION
16 WILL BE ISSUED AND ALL AVAILABLE RELIEF SHALL BE SOUGHT.

17
18 IN THE EVENT THAT THE OWNER FAILS TO COMPLY WITH THE
19 REQUIREMENTS OF THE NOTICE PROVIDED IN ACCORDANCE WITH
20 PARAGRAPH B ABOVE, THE CHIEF OF HISTORIC PRESERVATION SHALL
21 HAVE THE AUTHORITY TO ISSUE A MUNICIPAL INFRACTION CITATION
22 THEREFORE IN ACCORDANCE WITH CITY CODE CHAPTER 1.20.

23
24 C. ~~Prior to the issuance of a written notice, the Commission may request that the City~~
25 ~~establish a record of demolition by neglect. Such record may include dated materials~~
26 ~~such as photographs and written reports of the condition of the property so as to~~
27 ~~record or measure the deterioration.~~

28 D. ~~The notice shall provide that corrective action shall commence within thirty days of~~
29 ~~the receipt of said notice and be completed within a reasonable time thereafter. The~~
30 ~~notice shall state that the owner(s) of record of the property, or any person(s) of~~
31 ~~record with any right, title, or interest therein, may, within ten days after the receipt~~
32 ~~of the notice, request a hearing on the necessity of the items and conditions contained~~
33 ~~in the notice. In the event a public hearing is requested, it shall be held by the~~
34 ~~Commission upon thirty days' written notice being mailed to all persons of record~~
35 ~~with any right, title, or interest in the property and to all citizens and organizations~~
36 ~~which the Commission determines may have an interest in the proceedings.~~

37 E. ~~If, after the public hearing, the Commission determines that the corrective actions~~
38 ~~remain necessary, the Commission may request that the Mayor issue final notice to~~
39 ~~be mailed to the owner(s) of record and all parties of record with any right, title, or~~
40 ~~interest in the property, advising them of the items of repair and maintenance~~
41 ~~necessary to correct the deterioration or prevent further deterioration. The owner~~
42 ~~shall institute corrective action to comply with the final notice within thirty days of~~
43 ~~receipt of the final notice.~~

44 F. ~~Upon failure, neglect, or refusal of the property owner(s) or other responsible~~
45 ~~person(s), duly notified, to take the corrective action specified in the final notice~~

1 ~~within the time required, the Commission may request that the Mayor's office~~
2 ~~institute any of the remedies and penalties provided by law for such violations.~~

3
4 **21.56.091 DEMOLITION BY NEGLECT.**

5
6 IF THE CHIEF OF HISTORIC PRESERVATION IS MADE AWARE THAT A
7 DESIGNATED LANDMARK, OR A LANDMARK, SITE OR STRUCTURE WITHIN
8 A DESIGNATED HISTORIC DISTRICT, MAY MEET THE DEFINITION OF
9 DEMOLITION BY NEGLECT, THE CHIEF OF HISTORIC PRESERVATION SHALL
10 INVESTIGATE THE HISTORY OF THE LANDMARK, SITE OR STRUCTURE AND
11 DEVELOP A RECORD. THE RECORD SHALL INCLUDE BUT NOT BE LIMITED
12 TO HISTORICAL DOCUMENTATION OF THE LANDMARK, SITE OR
13 STRUCTURE AND CURRENT PHOTOGRAPHS OF THE LANDMARK, SITE AND
14 THE INTERIOR AND EXTERIOR OF THE STRUCTURE. THE CHIEF OF
15 HISTORIC PRESERVATION MAY CONSULT WITH AND RETAIN
16 CONSULTANTS AND EXPERTS IN THE FIELD OF HISTORIC PRESERVATION
17 TO CONSTRUCT THE RECORD AND FOR OTHER PURPOSES RELATED TO
18 THE INVESTIGATION.

19
20 IN CONNECTION WITH THE COURSE OF THE INVESTIGATION AND AS
21 PART OF THE DEVELOPMENT OF THE RECORD, THE CHIEF OF HISTORIC
22 PRESERVATION SHALL GIVE WRITTEN NOTICE TO THE OWNER OR THE
23 OWNER'S AUTHORIZED AGENT THAT THE LANDMARK, SITE OR
24 STRUCTURE IS UNDER INVESTIGATION FOR POSSIBLE DEMOLITION BY
25 NEGLECT AND THE LEGAL AUTHORITY FOR THE INVESTIGATION. THE
26 CHIEF OF HISTORIC PRESERVATION MAY ALSO ADVISE THAT ENTRY ONTO
27 THE PROPERTY AND INTO THE LANDMARK, SITE OR STRUCTURE SHALL BE
28 REQUIRED TO COMPLETE THE INVESTIGATION AND THE DATE OR DATES
29 OF ENTRY AND THE IDENTITY OF THE PERSONS WHO WILL DO SO. IF SUCH
30 DATES ARE NOT KNOWN AT THE TIME OF THE NOTICE, THE CHIEF OF
31 HISTORIC PRESERVATION SHALL SEND A SEPARATE WRITTEN NOTICE
32 INDICATING SUCH DATES. PURSUANT TO SUCH NOTICES, THE CHIEF OF
33 HISTORIC PRESERVATION AND RETAINED CONSULTANTS AND EXPERTS,
34 AND ANY OTHER PERSON WHO THE CHIEF OF HISTORIC PRESERVATION
35 DEEMS NECESSARY FOR INVESTIGATORY PURPOSES, SHALL BE
36 PERMITTED ONTO THE SITE AND INTO THE STRUCTURE OR LANDMARK,
37 FOR SUCH PURPOSES FROM TIME TO TIME AS IS NECESSARY TO COMPLETE
38 THE INVESTIGATION. NEITHER OWNER NOR THE OWNER'S AUTHORIZED
39 AGENT NOR ANY OTHER PERSON SHALL REQUIRE A WAIVER OF LIABILITY
40 OR IMPOSE ANY OTHER CONDITION UPON THOSE PERSONS WHO REQUIRE
41 ACCESS ONTO SITE AND INTO THE LANDMARK, SITE OR STRUCTURE TO
42 PERFORM AND COMPLETE THE INVESTIGATION.

43
44 AFTER COMPLETION OF THE INVESTIGATION, THE CHIEF OF
45 HISTORIC PRESERVATION SHALL PREPARE A WRITTEN REPORT OF THE
46 RESULTS OF THE INVESTIGATION. THE REPORT SHALL, AT A MINIMUM,

1 IDENTIFY ALL MATERIALS USED IN THE INVESTIGATION, ALL
2 CONSULTANTS AND EXPERTS WHO PARTICIPATED IN THE INVESTIGATION,
3 AND CONTAIN THE FOLLOWING:

- 4
- 5 1. A DESCRIPTION OF THE EXISTING CONDITION OF THE INTERIOR AND
6 EXTERIOR OF THE LANDMARK, SITE OR STRUCTURE;
- 7
- 8 2. A DESCRIPTION OF THE LEVEL OF DETERIORATION OF THE INTERIOR
9 AND EXTERIOR OF THE LANDMARK, SITE OR STRUCTURE EXHIBITED
10 BY THE EXISTING CONDITIONS;
- 11
- 12 3. WHETHER THE LEVEL OF DETERIORATION MEETS THE DEFINITION OF
13 DEMOLITION BY NEGLIGENCE AND, IF SO, HOW;
- 14
- 15 4. A LIST OF ALL MAINTENANCE, REPAIRS OR REPLACEMENT IN KIND
16 REQUIRED TO ABATE THE DEMOLITION BY NEGLIGENCE, A
17 PRIORITIZATION OF THOSE ITEMS NECESSARY TO ENSURE
18 STRUCTURAL STABILITY AND PREVENT WATER INFILTRATION AND
19 AN ESTIMATED TIMELINE FOR THE NECESSARY ACTIONS TO ABATE.
- 20

21 THE CHIEF OF HISTORIC PRESERVATION SHALL PROVIDE A COPY OF
22 THE REPORT TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT. THE
23 CHIEF OF HISTORIC PRESERVATION SHALL SCHEDULE A PUBLIC HEARING
24 BEFORE THE HISTORIC PRESERVATION COMMISSION NOT EARLIER THAN
25 45 DAYS AFTER THE SUBMISSION OF THE REPORT TO THE OWNER OR THE
26 OWNER'S AUTHORIZED AGENT. THE CHIEF OF HISTORIC PRESERVATION
27 SHALL GIVE NOTICE OF THE HEARING IN ACCORDANCE WITH SECTION
28 21.10.020 OF THIS TITLE. SUCH NOTICE SHALL BE MADE AT LEAST 15 DAYS
29 BEFORE THE DATE OF THE PUBLIC HEARING.

30

31 IF THE HISTORIC PRESERVATION COMMISSION FINDS THAT THE
32 SUBJECT PROPERTY IS IN A STATE OF DEMOLITION BY NEGLIGENCE THEN THE
33 HPC MAY IMPOSE CORRECTIVE ACTION UPON THE OWNER INCLUDING
34 BUT NOT LIMITED TO ANY ACTION OR ABATEMENT RECOMMENDED BY
35 THE CHP TO ACHIEVE STRUCTURAL STABILITY AND PREVENT WATER
36 INFILTRATION. A BOND OR OTHER FINANCIAL GUARANTY IN THE
37 AMOUNT OF THE COST OF THE CORRECTIVE ACTION MAY BE REQUIRED IN
38 ORDER TO ASSURE THE ABATEMENT OF THE STATE OF DEMOLITION BY
39 NEGLIGENCE.

40

41 **21.56.100 - Undergrounding of utilities.**

- 42
- 43 A. The City may require that utility companies relocate ~~underground~~ existing overhead
44 lines and facilities UNDERGROUND within a defined part of the district or the
45 entire district, and require that the connection thereto be placed underground, if

1 necessary by private owners then receiving service from the overhead lines and
2 facilities. The City shall provide:

- 3
- 4 1. That the estimated cost to property owners, for work to be performed on private
5 property, be determined and made available to affected property owners;
6
 - 7 2. That financing of these costs to private owners be provided including any
8 charges for the amortization of the bonds issued to initially cover such private
9 costs. The City may enter into agreement with individual property owners
10 whereupon it will advance funds to cover the property owner's costs involved in
11 the conversion of the overhead lines and facilities and may appropriate funds,
12 levy taxes or borrow funds to pay and advance the costs of such conversion. The
13 City may also impose a benefit assessment against the property in the district for
14 which the conversion is made in order to recapture such expended costs and
15 make appropriate provisions for the collection thereof; and
16
 - 17 3. For any other provisions reasonably related to the objectives of placing
18 underground overhead lines and facilities, and the administration of such
19 projects.
20

- 21 B. Notwithstanding any other provision in this section, the Public Service Commission
22 shall prescribe the amount of the monthly surcharge required to support the net
23 capital costs and determine which customers of the applicable utility are subject to
24 the surcharge, or the Commission shall include the related net capital costs in the rate
25 base, or shall adopt any other method to appropriately apportion the said costs.
26 However, in no event shall the utility be required to pay more than fifty percent of
27 the net capital costs. The City is authorized to make appropriations for such
28 relocation projects from any appropriate Federal, State and local funds it receives for
29 this purpose.
30

31 **21.56.110 – Appeals AND ENFORCEMENT.**
32

- 33 A. Any person or persons, firm or corporation aggrieved by a decision of the
34 Commission has a right of appeal to the Anne Arundel County Circuit Court and a
35 further appeal to the Court of Special Appeals of Maryland. Appeal requests must be
36 filed within thirty days from the date of the Commission decision.
37
- 38 B. THE ENFORCEMENT OF THIS CHAPTER IS A DUTY OF THE DIRECTOR OF
39 PLANNING AND ZONING AND HIS/HER DESIGNEE IN CONSULTATION
40 WITH THE CHIEF OF HISTORIC PRESERVATION.
41

42 **21.56.140 - Statutory authority.**
43

44 The authoritiesY for this law is the Land Use Article of the Annotated Code of
45 Maryland, DIVISION I. SINGLE-JURISDICTION PLANNING AND ZONING TITLE
46 8 HISTORIC PRESERVATION as may be amended from time to time. Nothing in this

1 law shall be construed to limit the authority of the Historic Preservation Commission of
2 the City to review proposals with respect to height and bulk.

3
4 **Article III - Newsracks on Public Rights-of-Way**

5
6 **21.56.230 - Purpose and criteria.**

7
8 The purpose of this ~~article~~ CHAPTER is to promote the public health, safety and
9 welfare, and safeguard the historical and cultural heritage of Annapolis through the
10 regulation of placement, type, appearance, AND servicing, ~~and insuring~~
11 public rights-of-way in the Historic District so as to:

- 12 A. Provide for pedestrian and driving safety and convenience.
- 13
14 B. ~~Restriet~~ ADDRESS unreasonable interference with the flow of pedestrian ~~or~~
15 AND vehicular traffic including ingress into or egress from ~~any~~ residenceS ~~or~~
16 AND placeS of business, ~~or~~ AND from the street to the sidewalk by persons
17 exiting or entering parked or standing vehicles.
- 18
19 C. Provide for public and property safety during severe weather conditions.
- 20
21 D. Provide reasonable access for the use and maintenance of poles, posts, traffic
22 signs ~~or~~ AND signals, hydrants, AND mailboxes and TO PROVIDE access to
23 locations used for public transportation purposes.
- 24
25 E. Preserve and enhance a THE CITY'S HISTORIC district which reflects the
26 City's archaeological, architectural, cultural, and social history.
- 27
28 ~~EF.~~ Relocate and/or replace newsracks which result in a visual blight and/or
29 excessive space allocation on the public rights-of-way or which unreasonably
30 detract from the aesthetics of store window displays, adjacent landscaping and
31 other improvements, as well as to have ~~abandoned~~ UNUSED newsracks
32 removed.
- 33
34 ~~EG.~~ Maintain and protect the values of surrounding properties.
- 35
36 ~~GH.~~ Reduce unnecessary exposure of the public to personal injury or property
37 damage.
- 38
39 ~~HI.~~ ~~Treat~~ REGULATE all newsracks ~~equally~~ IN A CONSISTENT MANNER
40 regardless of their size, OR THE content, circulation, or frequency of
41 publications PLACED IN NEWSRACKS.
- 42
43 ~~IJ.~~ Maintain and preserve freedom of the press.
- 44
45 ~~JK.~~ Cooperate to the maximum extent possible with NEWSRACK OWNERS AND
46 newspaper PUBLISHERS AND distributors.

1
2 **21.56.250 - Certificate of aApproval required.**
3

- 4 A. No person shall place, affix, erect, construct or maintain a newsrack in the Historic
5 District without first obtaining a ~~one-time-only~~ Certificate of Approval for each A
6 newsrack PLACED IN AN AUTHORIZED LOCATION FROM THE CHIEF OF
7 HISTORIC PRESERVATION in accordance with the provisions of this
8 ~~article~~CHAPTER.
9
- 10 B. THE CHIEF OF HISTORIC PRESERVATION SHALL NOT ISSUE A
11 CERTIFICATE OF APPROVAL FOR ANY NEWSRACK UNLESS IT IS FOR AN
12 AUTHORIZED LOCATION ON A MAP APPROVED BY THE HISTORIC
13 PRESERVATION COMMISSION.
14
- 15 C. THE CHIEF OF HISTORIC PRESERVATION SHALL DEVELOP GUIDELINES
16 TO INCLUDE NEWSRACKS THAT CAN BE ADMINISTRATIVELY
17 APPROVED IN ACCORDANCE WITH STANDARDS GOVERNING THE
18 HISTORIC PRESERVATION COMMISSION.
19

20 **21.56.260 - Application and-issuance-of FOR eCertificate of aApproval.**
21

- 22 A. ~~Issuing APPROVING authority. The issuing authority and coordinator shall be the~~
23 ~~Chief of Historic Preservation. The Chief is responsible for fairly coordinating and~~
24 ~~administering the physical placement of newsracks of the type and location herein~~
25 ~~specified, and upon compliance with provisions of this article, is responsible for~~
26 ~~issuing the certificates of approval.~~ THE CHIEF OF HISTORIC PRESERVATION
27 SHALL BE RESPONSIBLE FOR APPROVING AND OR DENYING AN
28 APPLICATION FOR A CERTIFICATE OF APPROVAL PURSUANT TO THIS
29 CHAPTER.
30
- 31 B. ~~Approving authority. The approving authority shall be the Chief of Historic~~
32 ~~Preservation. The Chief shall provide review and administrative approval; the Chief~~
33 ~~shall circulate the application for consideration and comment by the Public Works~~
34 ~~Administration, the Police Department, and the Planning and Zoning Department.~~
35 INTERAGENCY REVIEW. BEFORE APPROVING OR DENYING AN
36 APPLICATION FOR A CERTIFICATE OF APPROVAL, THE CHIEF OF
37 HISTORIC PRESERVATION SHALL REFER THE APPLICATION FOR
38 CONSIDERATION AND COMMENT TO THE DEPARTMENT OF PUBLIC
39 WORKS.
40
- 41 C. ~~Enforcing authority. The enforcing authority shall be the director of the Department~~
42 ~~of Neighborhood and Environmental Programs~~THE DIRECTOR OF PUBLIC
43 WORKS.
44

1 D. Applications. The applicant shall file with the Chief of Historic Preservation a
2 ~~Historic Preservation Commission Administrative Approval~~ AN Application for an
3 ~~installation~~ A Certificate of Approval that shall contain the following information:

- 4 1. The name, address and telephone number of the applicant ~~who is~~ AND the
5 owner ~~and/or principal in responsible charge of the newsrack~~ OF THE
6 NEWSRACK WHICH IS THE SUBJECT OF THE APPLICATION, AND IF
7 THE OWNER IS AN ENTITY, THE PRINCIPAL OF THE ENTITY.
- 8 2. The name, address and telephone number of a responsible person whom the City
9 may notify or contact at any time concerning the applicant's newsracks.
- 10 3. The ~~number of newsracks and the~~ proposed location of each THE NEWSRACK
11 AS shown on a MAP OR drawing SUFFICIENTLY CLEAR TO THE CHIEF
12 OF HISTORIC PRESERVATION ~~provided by the Public Works Administration~~
13 ~~as in Subsection D. of this section.~~
- 14 4. THE ~~N~~names of newspapers or periodicals to be contained in each the
15 newsrack.
- 16 5. THE Type or brand of THE PROPOSED newsracks, including an illustration
17 and description of the newsrack and mount CONSISTENT WITH A LIST OF
18 AUTHORIZED NEWSRACK UNITS APPROVED BY THE HISTORIC
19 PRESERVATION COMMISSION ~~if other than a single pedestal, TK 80PM, or~~
20 ~~K 80PM SHORACK, or TK 80 or K 80 SHORACK with special pedestal and~~
21 ~~14 inch square base plate (allowed only if demand warrants at the installation~~
22 ~~location) or equivalent, as per Section 21.56.310 of this Code.~~

23
24 E. Procedure. ~~In consultation with the Public Works Department and the Department of~~
25 ~~Neighborhood and Environmental Programs, and with the approval of the Historic~~
26 ~~Preservation Commission, the Chief shall:~~

- 27 1. ~~Develop a map of a large enough scale to show permitted locations of newsracks~~
28 ~~in the Historic District.~~
- 29 2. ~~Request a list of proposed newsrack locations, marked on the above map, from~~
30 ~~each distributor.~~
- 31 3. ~~Prepare a scale drawing or aerial photograph of each newsrack location showing~~
32 ~~the position and name of each newsrack at that location.~~
- 33 4. ~~Review for approval newsrack drawings.~~
- 34 5. ~~Obtain confirmation approvals of the above approved newsrack drawings from~~
35 ~~each distributor.~~
- 36 6. ~~Have the public works survey crew, following Certificate of Approval issuance,~~
37 ~~then mark placement locations with a template so that installation crews will~~
38 ~~have no problem.~~ ISSUANCE OF CERTIFICATE OF APPROVAL. IF THE
39 CHIEF OF HISTORIC PRESERVATION APPROVES AN APPLICATION,
40 THE CHIEF OF HISTORIC PRESERVATION SHALL ISSUE A
41 CERTIFICATE OF APPROVAL FOR PLACEMENT OF THE NEWSRACKS.
42 ONCE A CERTIFICATE OF APPROVAL IS SUBMITTED, THE CHIEF OF
43 HISTORIC PRESERVATION SHALL HAVE FORTY-FIVE (45) DAYS TO
44 REVIEW, APPROVE, OR DENY THE CERTIFICATE OF APPROVAL.
45 ISSUANCE OCCURS WITHIN THIRTY (30) DAYS OF THE APPROVAL
46 OF A COMPLETED APPLICATION.

1
2 F. ~~Issuance of certificate of approval. Upon a finding by the Chief that the applicant is~~
3 ~~in compliance with the provisions of this article, the Chief shall cause to be issued a~~
4 ~~certificate of approval for installation by the newspaper publishing and or~~
5 ~~distribution company. Such issuance shall be made within ten working days of the~~
6 ~~City's receipt of the completed application. IF THE CHIEF OF HISTORIC~~
7 ~~PRESERVATION ISSUES A CERTIFICATE OF APPROVAL, THE CHIEF OF~~
8 ~~HISTORIC PRESERVATION SHALL PROVIDE AN IDENTIFYING LABEL~~
9 ~~THAT MUST BE PLACED AT THE BOTTOM RIGHT CORNER OF THE~~
10 ~~GLASS/PLASTIC FRONT OF THE NEWSRACK.~~

11
12 G. ~~Denial of certificate of approval. If a Certificate of Approval for some newsrack~~
13 ~~location applied for shall be denied, the applicant shall be notified within ten~~
14 ~~working days of the City's receipt of the completed application. The applicant shall~~
15 ~~be advised of the specific cause of such denial by the Chief, who may suggest~~
16 ~~alternative locations. The applicant may reapply for substitute alternative location at~~
17 ~~no additional certificate of approval fee. DENIAL OF CERTIFICATE OF~~
18 ~~APPROVAL. IF THE CHIEF OF HISTORIC PRESERVATION DENIES A~~
19 ~~CERTIFICATE OF APPROVAL, THE CHIEF OF HISTORIC PRESERVATION~~
20 ~~SHALL NOTIFY THE APPLICANT IN WRITING WITHIN TEN (10) DAYS OF~~
21 ~~THE DATE OF DENIAL AND PROVIDE THE REASON FOR THE DENIAL.~~
22 ~~WITHIN THIRTY (30) DAYS OF THE RECEIPT OF A WRITTEN DENIAL, THE~~
23 ~~APPLICANT MAY FILE AN AMENDED APPLICATION FOR FURTHER~~
24 ~~REVIEW BY THE CHIEF OF HISTORIC PRESERVATION AT NO~~
25 ~~ADDITIONAL CERTIFICATE OF APPROVAL FEE.~~

26
27 H. ~~Additional certificate of approval. If at any time initial application for an installation~~
28 ~~certificate of approval a publisher wishes to install additional newsracks, then~~
29 ~~Subsections D and E of this section are to be repeated in accordance with the~~
30 ~~provisions of this article. Additional certificate of approval fees shall be in~~
31 ~~accordance with Section 21.56.270 of this Code. SEPARATE CERTIFICATE OF~~
32 ~~APPROVAL. EACH NEWSRACK CONSIDERED FOR PLACEMENT SHALL~~
33 ~~BE THE SUBJECT OF A SEPARATE APPLICATION AND APPLICATION FEE~~
34 ~~AND SHALL REQUIRE A SEPARATE CERTIFICATE OF APPROVAL.~~

35
36 I. THIS ORDINANCE SHALL APPLY TO ALL NEWSRACKS IN PLACE AT THE
37 TIME OF THE ORDINANCE'S ADOPTION.

38
39 **~~21.56.270 – Fees.~~**

40
41 ~~There shall be a one time only certificate of approval fee in an amount established by~~
42 ~~resolution of the City Council for each newspaper publisher and or distributor. Failed~~
43 ~~inspections are subject to a reinspection fee. All of the above fees will be used to defray~~
44 ~~administrative expenses relating to this article only, and any revenues over expenses~~
45 ~~remaining after the implementation of this article will be returned to the newspaper~~
46 ~~publishers in proportion to their respective contributions.~~

1
2 ~~21.56.280 - Appeals.~~

3
4 ~~Any applicant who has been denied a certificate of approval pursuant to the~~
5 ~~provisions of this article may file an appeal by requesting a review and determination, in~~
6 ~~writing, to the Historic Preservation Commission. A further appeal may be made to the~~
7 ~~Circuit Court for Anne Arundel County, in accordance with Section 21.56.110 of this~~
8 ~~Code.~~

9
10 **21.56.310 - Specific prohibitions.**

11
12 Within the Historic District, no newsrack shall be placed, installed, used or
13 maintained:

- 14 A. Within five feet of any marked crosswalk.
15 B. Within ten feet of any unmarked crosswalk.
16 C. Within ten feet of any fire hydrant, fire callbox, or other emergency facility.
17 D. Within five feet of any driveway.
18 E. Within five feet ahead of, and fifteen feet to the rear of any sign marking a
19 designated bus stop, measured along the edge of pavement.
20 F. Within two feet of any bus bench, or plaza bench.
21 G. At any location ~~whereby~~ THAT CAUSES the clear space for passageway of
22 pedestrians is TO BE reduced to less than six feet.
23 H. Where a ~~vertically protruding member of the~~ ANY PART OF A newsracks is on
24 or within twelve inches of any area improved with lawn or hedges or within
25 three feet of ~~flowers or trees~~ OR LANDSCAPE BED.
26 I. Within three feet of any display window of any building abutting ~~the~~ A sidewalk
27 or parkway or in such a manner as to impede or interfere with the reasonable use
28 of such A window display ~~purpose, or within five feet of a building entrance.~~
29 J. WITHIN FIVE (5) FEET OF A BUILDING ENTRANCE. ~~On or within two~~
30 ~~feet of signs, parking meters, street lights or utility poles.~~
31 K. ~~In areas designated as parks or plazas.~~ WITHIN TWO FEET OF ANY
32 TRAFFIC CONTROL SIGN, PARKING METER, STREET LIGHT OR
33 UTILITY POLE.
34 L. IN AREAS DESIGNATED BY THE CITY AS PARKS OR PLAZAS.

35
36 ~~21.56.320 - Enforcement procedures - Nonconforming newsracks.~~

37
38 A. ~~Within one hundred twenty days of the effective date of the ordinance from which~~
39 ~~this article is derived and at any time thereafter, a~~Any PERSON WHO PLACES A
40 newsrack in violation of any provision of this article shall be subject to remedy and
41 due process under the Department of Neighborhood and Environmental Programs.
42 AT AN AREA PROHIBITED BY SECTION 21.56.310 SHALL CONSTITUTE A
43 MUNICIPAL INFRACTION AND THE OWNER SHALL BE SUBJECT TO A
44 MUNICIPAL INFRACTION FINE IN AN AMOUNT SET BY RESOLUTION OF
45 THE CITY COUNCIL AND THE OFFENDING NEWSRACK SHALL BE
46 SUBJECT TO IMPOUNDMENT AND A REASONABLE STORAGE FEE AT

1 THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
2 WORKS.

3
4 B. THE OWNER OF A NEWSRACK WHO LEAVES THE NEWSRACK EMPTY
5 FOR A CONTINUOUS PERIOD OF THIRTY (30) OR MORE DAYS SHALL
6 CONSTITUTE A MUNICIPAL INFRACTION AND THE OWNER SHALL BE
7 SUBJECT TO A MUNICIPAL INFRACTION FINE IN AN AMOUNT SET BY
8 RESOLUTION OF THE CITY COUNCIL AND THE OFFENDING NEWSRACK
9 SHALL BE SUBJECT TO IMPOUNDMENT AND A REASONABLE STORAGE
10 FEE AT THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF
11 PUBLIC WORKS.

12
13 C. THE DEPARTMENT OF PUBLIC WORKS SHALL PLACE A NOTICE OF THE
14 INTENT TO REMOVE ANY NEWSRACK PLACED IN VIOLATION OF THIS
15 CHAPTER DIRECTLY ON THE OFFENDING NEWSRACK. THE NOTICE
16 SHALL STATE THAT THE NEWSRACK IS IN VIOLATION OF THE
17 CHAPTER, CITE THE SPECIFIC VIOLATIONS, ADVISE THAT THE
18 NEWSRACK MUST BE REMOVED WITHIN SEVEN (7) DAYS OF THE DATE
19 OF THE NOTICE AND THAT FAILURE TO DO SO WILL RESULT IN
20 IMPOUNDMENT AND STORAGE FEES, THE MANNER IN WHICH AN
21 IMPOUNDED NEWSRACK MAY BE RETRIEVED, AND THAT FAILURE TO
22 RETRIEVE THE NEWSRACK WITHIN NINETY (90) DAYS OF
23 IMPOUNDMENT MAY RESULT IN THE CITY'S DISPOSAL OF THE
24 NEWSRACK.

25
26 D. THE DEPARTMENT OF PUBLIC WORKS SHALL STORE ANY IMPOUNDED
27 NEWSRACKS PURSUANT TO THIS CHAPTER FOR NINETY (90) DAYS
28 FROM THE DATE OF IMPOUNDMENT AND, IF NOT RETRIEVED BY THE
29 OWNER WITHIN THAT PERIOD OF TIME, MAY DISPOSE OF IT WITHOUT
30 LIABILITY TO THE OWNER.

31
32 **21.56.330 - ~~Same—Abandoned newsracks.~~ RELINQUISHMENT.**

33
34 ~~A. If any newsrack installed pursuant to this article does not contain the publication~~
35 ~~specified therefor within a period of forty eight hours after release of the current~~
36 ~~issue, the Department of Neighborhood and Environmental Programs may deem the~~
37 ~~newsrack abandoned and take appropriate action for an ordinance violation.~~

38 ~~B. In the event a newspaper publishing company or its distributor desires to voluntarily~~
39 ~~abandon a newsrack location, the distributor shall notify the director, completely~~
40 ~~remove the newsrack and mount, and restore the public right of way to a safe~~
41 ~~condition, leaving no holes or projections in the mounting surface. IN THE EVENT~~
42 ~~THE OWNER OF ANY NEWSRACK PLACED PURSUANT TO THIS CHAPTER~~
43 ~~DESIRES TO RELINQUISH A CERTIFICATE OF APPROVAL, THE OWNER~~
44 ~~SHALL NOTIFY THE DEPARTMENT OF PUBLIC WORKS IN WRITING,~~
45 ~~COMPLETELY REMOVE THE NEWSRACK AND MOUNT WITHIN SEVEN~~
46 ~~(7) DAYS OF NOTIFICATION, AND RESTORE THE MOUNTING SURFACE~~

1 TO A SAFE CONDITION, LEAVING NO HOLES OR PROJECTIONS TO THE
2 MOUNTING SURFACE OR SIDEWALK. FAILURE TO REMOVE THE
3 NEWSRACK AND/OR MOUNT WITHIN SUCH PERIOD SHALL CONSTITUTE
4 A MUNICIPAL INFRACTION AND THE OWNER SHALL BE SUBJECT TO A
5 MUNICIPAL INFRACTION FINE IN AN AMOUNT SET BY RESOLUTION OF
6 THE CITY COUNCIL AND THE OFFENDING NEWSRACK SHALL BE
7 SUBJECT TO IMPOUNDMENT AND A REASONABLE STORAGE FEE AT
8 THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC
9 WORKS.

10
11 **21.56.340 – FEES.**

12
13 THERE SHALL BE A FEE IN AN AMOUNT ESTABLISHED BY RESOLUTION OF
14 THE CITY COUNCIL FOR EACH NEWSRACK APPLICATION SUBMITTED.
15 FEES SHALL BE USED TO DEFRAY ADMINISTRATIVE EXPENSES RELATING
16 TO THE REVIEW OF THE CERTIFICATE OF APPROVAL APPLICATION.

17
18 **21.56.350 – APPEALS.**

19
20 ANY APPLICANT WHO HAS BEEN DENIED A CERTIFICATE OF APPROVAL
21 PURSUANT TO THE PROVISIONS OF THIS CHAPTER MAY APPEAL TO THE
22 HISTORIC PRESERVATION COMMISSION BY FILING A WRITTEN NOTICE OF
23 APPEAL WITH THE CHIEF OF HISTORIC PRESERVATION WITHIN 15 DAYS OF
24 THE DATE OF DENIAL. THE HISTORIC PRESERVATION COMMISSION SHALL
25 HOLD A PUBLIC HEARING TO CONSIDER THE APPEAL. IF THE HISTORIC
26 PRESERVATION COMMISSION DENIES THE APPEAL, THE APPLICANT'S
27 RIGHT OF FURTHER APPEAL SHALL BE GOVERNED BY SECTION 21.56.110
28 OF THIS CODE.

29
30 **21.62.060 - Scenic, historic, archaeological and landmark sites and views.**

31
32 Scenic, historical, archaeological and landmark sites and features that are located on
33 or adjacent to the proposed development shall be preserved and protected to the
34 maximum extent as practicable through site design, building location, and parking layout.
35 Special consideration shall be given to the impact of projects on views of the
36 COLONIAL Annapolis LANDMARK ~~h~~Historic ~~d~~District TO AND from the following
37 points:

- 38 1. ~~From~~ Eastport and the City dock; and
39 2. ~~From~~ Truxtun Park; and
40 3. ~~From~~ the Severn River Scenic Overlook; and
41 4. ~~From~~ Rowe Boulevard.
42 5. CITY WATERS, AS THAT TERM IS DEFINED IN CITY CODE SECTION
43 15.02.030.
44

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

5
6 **EXPLANATION**

7 CAPITAL LETTERS indicate matter added to existing law.

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

9 Underlining indicates amendments
10