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

**Sponsors:** Michael J. Pantelides, Joe Budge

**Indexes:** Art in Public Places Commission, Economic Matters Committee, Historic Preservation Commission, Rules and City Government Committee

**Code sections:**

**Attachments:** 1. O-7-16 HPC Code Revisions Ordinance.pdf, 2. O-7-16 Staff Report.pdf, 3. O-7-16 Fiscal Impact.pdf

Date	Ver.	Action By	Action	Result
4/11/2016	1	City Council	withdrawn without objection	Fail
2/9/2016	1	City Council	refer	
2/9/2016	1	City Council	refer	
1/11/2016	1	City Council	adopt on first reader	Pass
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council		
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	

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

CITY COUNCIL OF THE  
City of Annapolis

Ordinance 7-16

Introduced by: Mayor Pantelides and Alderman Budge

**Referred to**  
Historic Preservation Commission  
Economic Matters Committee  
Rules and City Government Committee

Planning Commission

**AN ORDINANCE** concerning

**Chapter 21.56 Historic District**

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

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

2015 Edition

21.560.010

21.56.020

21.56.030

21.56.035

21.56.040

21.56.050

21.56.060

21.56.070

21.56.080

21.56.090

21.56.100

21.56.110

21.56.140

21.56.230

21.56.250

21.56.260

21.56.310

21.56.320

21.56.330

21.62.060

**BY** deleting the following portions to the Code of the City of Annapolis, 2015 Edition

21.56.270

21.56.280

**BY** adding the following portions to the Code of the City of Annapolis, 2015 Edition

21.56.031

21.56.034

21.56.045

21.56.091

21.56.340

21.56.350

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

## 21.56 - HISTORIC DISTRICT

### Article I - Approval of Exterior Changes

#### 21.56.010 - Authority and purpose.

- A. The Mayor and City Council of the City of Annapolis, Maryland, derives authority for this chapter by virtue of its conformance with provisions of FROM the State of Maryland Enabling Act for Historic Area Zoning, the Land Use Article, TITLE 8 "HISTORIC PRESERVATION," Annotated Code of Maryland, as amended.
- B. The preservation of LANDMARKS, sites, structures, and districts of historical, cultural, archaeological, or architectural significance together with their appurtenances and environmental settings is a public purpose. ACCORDINGLY, IT IS THE PURPOSE OF THIS CHAPTER TO ESTABLISH PROCEDURES NECESSARY TO PRESERVE SUCH LANDMARKS, SITES, STRUCTURES AND DISTRICTS IN ORDER TO PRESERVE THE HISTORIC CHARACTER OF THE CITY OF ANNAPOLIS.
- C. It is the further purpose of this article to preserve and enhance the quality of life and to safeguard the historical and cultural heritage of THE CITY OF Annapolis by preserving LANDMARKS, sites, structures, or AND districts which THAT reflect the elements of the City's cultural, social, economic, political, archaeological, or architectural history; to strengthen the local economy; to stabilize and improve property values in and around such historic areas OF THOSE LANDMARKS, SITES, STRUCTURES AND DISTRICTS; to foster civic beauty, and to preserve and promote the preservation and appreciation of historic THOSE LANDMARKS, sites, structures and districts for the education and welfare of the citizens RESIDENTS of the City.

#### 21.56.020 - Definitions.

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

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

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

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

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

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

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

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

- ~~1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or~~
- ~~2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features, which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors or windows. WHICH CREATES OR PERMITS TO EXIST A HAZARDOUS OR UNSAFE CONDITION, OR WHICH COULD IN THE COURSE OF TIME RESULT IN SUBSTANTIAL OR PERMANENT DAMAGE, INJURY OR LOSS OF OR LOSS TO ANY ITEMS WHOSE ALTERATION IS REGULATED UNDER CHAPTER 21.56.~~

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

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

"Landmark" shall mean any BUILDING, site, ~~or~~ structure OR OBJECT, designated by the City Council,

that is of exceptional historic, cultural, archaeological, or architectural significance.

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

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

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

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

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

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

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

“REPLACEMENT IN KIND” SHALL MEAN REPLICATING THE FORM AND DETAILING OF AN ENTIRE CHARACTER DEFINING FEATURE WITH NEW MATERIAL BECAUSE THE LEVEL OF DETERIORATION OR DAMAGE OF MATERIALS PRECLUDES REPAIR.

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

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

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

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

**21.56.030 - Boundaries.**

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

Beginning for the same at the intersection of the centerline of Southgate Avenue with the tidewaters of Spa Creek; thence leaving the beginning point and running with the tidewaters of Spa Creek westerly one hundred fifty feet, more or less, to intersect a line drawn parallel to and distant southwesterly one hundred fifty feet, as measured at right angles from the centerline of Southgate Avenue; thence leaving the tidewaters of Spa Creek and running northwesterly with the line parallel to Southgate Avenue to intersect the centerline of Franklin Street; thence leaving Franklin Street, continuing parallel to Southgate Avenue one hundred feet, more or less, to intersect a line drawn parallel to and distant northwesterly one hundred feet as measured at right angles from the centerline of Franklin Street; thence leaving the line parallel to Southgate Avenue and running with the line parallel to Franklin Street northeasterly to intersect the centerline of Shaw Street from the point of intersection running northwesterly following the centerline of Shaw Street northwesterly to a point one hundred fifty-five feet distant as measured from the intersection of the centerline of Shaw Street and the centerline of Lafayette Avenue; thence leaving the point of intersection and running in a southwesterly direction for eighty feet following the east property line of Lot 45 as shown on a plat of City Gate, section 1, recorded among the land records of Anne Arundel County in plat book 77, page 26; thence leaving the line and running in a northwesterly direction following the rear property lines of Lots 45a, 44, 43, 42 and 41 as shown on the plat to a point intersecting the centerline of Lafayette Avenue; thence following the centerline of Lafayette Avenue in a northerly direction for a distance of two hundred feet; thence leaving the centerline of Lafayette Avenue and running in an easterly direction following the southerly property line of Parcel 546 as shown on Tax Map 30 of Annapolis, as prepared by the Maryland Department of Assessments and Taxation, to a point intersecting the centerline of Water Street; thence following the centerline of Water Street in a northerly direction to a point intersecting with the centerline of Larkin Street; thence following the centerline of Larkin Street in an easterly direction to a point intersecting the centerline of City Gate Lane; thence following the centerline of City Gate Lane in a northerly direction to a point intersecting the centerline of West Street; thence running with the centerline of West Street easterly one hundred feet to intersect the centerline of Calvert Street; thence running with the centerline of Calvert Street northerly to intersect the centerline of Northwest Street; thence westerly with the centerline of Northwest Street to a point distant one hundred feet from the centerline of the eastbound lane of the Roscoe Rowe Boulevard; thence parallel with the eastbound lane of

Roscoe Rowe Boulevard to the shoreline of College Creek; thence leaving the parallel to Roscoe Rowe Boulevard and running with the shoreline in a general northerly and northeasterly direction to intersect the present property line of the United States Naval Academy; thence leaving the shoreline of College Creek and running with the present divisional lines between the United States Naval Academy and the City of Annapolis to the intersection of the northeast side of Prince George Street with the shoreline of Spa Creek; thence leaving the United States Naval Academy property and the present property line and running with the shoreline generally in a westerly direction to the place of beginning. Excepting all that property known as St. Anne's cemetery.

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

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

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

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

#### **21.56.031 - ESTABLISHMENT AND MODIFICATIONS OF DISTRICTS AND DESIGNATION OF LANDMARKS.**

- A. THE CITY COUNCIL MAY BY ORDINANCE, ESTABLISH OR MODIFY THE BOUNDARIES FOR DISTRICTS OF HISTORIC, CULTURAL, ARCHAEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER.
- B. THE CITY COUNCIL MAY, BY RESOLUTION, ESTABLISH OR MODIFY LANDMARKS THAT ARE OF SPECIAL HISTORICAL, CULTURAL, ARCHAEOLOGICAL OR ARCHITECTURAL SIGNIFICANCE IN ACCORDANCE WITH THE PROVISIONS OF THIS CHAPTER. IN ORDER FOR THE CITY COUNCIL TO APPROVE THE DESIGNATION OF A LANDMARK, THE PROPERTY OWNER MUST CONSENT.
- C. RECOMMENDATIONS FOR ESTABLISHMENT, MODIFICATION OR DESIGNATION OF LANDMARKS, AND DISTRICTS SHALL INCLUDE A REPORT FROM THE HISTORIC PRESERVATION COMMISSION TO INCLUDE AN ASSESSMENT OF AND RECOMMENDATION TO THE COUNCIL ON THE PROPOSED LANDMARK, OR DISTRICT.

- D. THE HISTORIC PRESERVATION COMMISSION MAY, ON ITS OWN INITIATIVE, AFTER MAKING A FULL AND PROPER STUDY IN ACCORDANCE WITH ITS GUIDELINES, RECOMMEND TO THE CITY COUNCIL ANY AREA WITHIN THE LIMITS OF THE CITY FOR DESIGNATION AS A LANDMARK, OR DISTRICT OF HISTORIC, CULTURAL, ARCHAEOLOGICAL, OR ARCHITECTURAL SIGNIFICANCE.
- E. THE COMMISSION SHALL RECOMMEND BOUNDARIES AND APPROPRIATE GUIDELINES FOR THE LANDMARKS AND DISTRICTS AND THE GUIDELINES MAY DIFFER FROM DISTRICT TO DISTRICT.
- F. THE CITY COUNCIL OR THE COMMISSION MAY PETITION THE MARYLAND HISTORICAL TRUST TO MAKE AN ANALYSIS OF AND RECOMMENDATION CONCERNING THE PRESERVATION OF LANDMARKS, SITES, STRUCTURES, OR DISTRICTS OF HISTORIC, ARCHAEOLOGICAL, ARCHITECTURAL, OR CULTURAL SIGNIFICANCE WITHIN THE CITY. SUCH REPORT MAY INCLUDE PROPOSED BOUNDARIES OF SITES, STRUCTURES, OR DISTRICTS, AS WELL AS RECOMMENDATIONS FOR THE IDENTIFICATION AND DESIGNATION OF PARTICULAR SITES, STRUCTURES, OR DISTRICTS TO BE PRESERVED.
- G. PROPOSED DISTRICTS AND THEIR BOUNDARIES SHALL COMPLY WITH THE REQUIREMENTS FOR LOCAL GOVERNMENT CERTIFICATION UNDER THE NATIONAL PRESERVATION ACT AND THE SECRETARY OF INTERIOR'S STANDARDS FOR IDENTIFICATION AND REGISTRATION.

**21.56.034 - GUIDELINES.**

THE HPC SHALL ADOPT GUIDELINES CONSISTENT WITH THE SECRETARY OF INTERIOR STANDARDS FOR REHABILITATION AND THAT ARE CONSISTENT WITH THOSE GENERALLY RECOGNIZED BY THE MARYLAND HISTORICAL TRUST. THERE MAY BE DIFFERENT GUIDELINES FOR INDIVIDUAL DISTRICTS. THERE MAY BE SEPARATE GUIDELINES TO EVALUATE LANDMARKS OUTSIDE OF DISTRICTS. THE HPC SHALL USE THE GUIDELINES IN THE COMMISSION'S REVIEW OF APPLICATIONS.

THE GUIDELINES ADOPTED UNDER THIS SECTION SHALL INCLUDE:

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

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

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

**21.56.040 - Certificate of approval.**

- A. When Required. Before a person may undertake the NEW construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of a designated landmark, site, or structure, or a site or structure within a designated historic district, if any exterior change is made which would affect the historic, archaeological, architectural, or cultural significance of a site or structure within a designated district or a designated landmark, site, or structure any portion of which is visible or intended to be visible from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a certificate of approval with the Commission for permission to construct, alter, rehabilitate, restore, reconstruct, move, or demolish the landmark, site, or structure.
  
- B. Application. An application for a certificate of approval shall be filed with the clerk to the Historic Preservation Commission. Each application shall include maps, plans and other necessary data and documents required by the rules of the Commission and shall be advertised in the manner provided in the rules. Additionally, the property shall be posted in accordance with the rules ~~and regulations~~ adopted by the Commission. Application fees shall be determined by the Department of Planning and Zoning.
  
- C. Referral to and Consideration by the Commission. Every application shall be referred to and considered by the Commission and accepted, accepted with modifications, or ~~rejected~~ DENIED by the Commission. An application which is identical to a ~~rejected~~ AN application THAT HAS BEEN DENIED may not be resubmitted within a period of one year after the ~~rejection~~ DENIAL. No certificate of approval shall be granted until the Commission has acted thereon as hereinafter provided.

**21.56.045 - ADMINISTRATIVE REVIEW OF APPLICATIONS.**

THE HISTORIC PRESERVATION COMMISSION MAY DELEGATE THE REVIEW AND ISSUANCE OF CERTIFICATES OF APPROVAL TO THE CHIEF OF HISTORIC PRESERVATION IN SPECIFIC CASES WHERE:

- A. THE APPLICATION UNDER REVIEW MEETS REVIEW CRITERIA ESTABLISHED AND PUBLISHED BY THE HISTORIC PRESERVATION COMMISSION PRIOR TO THE DATE OF APPLICATION.
  
- B. THE CHIEF OF HISTORIC PRESERVATION PROVIDES THE HISTORIC PRESERVATION COMMISSION NOTICE CONCERNING HOW THE APPLICATION ADDRESSES EACH REVIEW

CRITERIA.

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

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

**21.56.060 - Application review.**

- A. In reviewing applications, the Commission shall give consideration to the historic, cultural, archaeological, or architectural significance of the landmark, site, or structure and its relationship to the historic, cultural, archaeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a landmark, site, or structure to the remainder of the landmark, site, or structure and to the surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the landmark, site, or structure and to the surrounding area; and any other factors including aesthetic factors which the Commission deems to be pertinent.
  
- B. The Commission shall consider only exterior features of a landmark, site, or structure and shall not consider any interior arrangements.
  
- C. The Commission shall not disapprove an application except with respect to the several factors specified in Subsection A of this section.
  
- D. The Commission shall be strict in its judgment of plans for landmarks, sites or structures determined by research to be of historic, cultural, archaeological, or architectural significance. The Commission shall ~~be lenient in its judgment of~~ NOT STRICTLY JUDGE plans for landmarks, sites or structures of little historic, cultural, archaeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic, cultural, archaeological, or architectural significance of surrounding landmarks, sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to any one period of architectural style.
  
- E. Special Considerations.
  - 1. If an application is submitted for NEW construction, reconstruction, or alteration affecting a landmark, site or the exterior of a structure or for the moving or demolition of a LANDMARK OR structure, the preservation of which the Commission considers to be of unusual importance to the City, State, or

Nation, the ~~Commission~~ CHIEF OF HISTORIC PRESERVATION shall attempt to formulate an economically feasible plan with the owner(s) of the LANDMARK, site or structure for the preservation of the landmark, site or structure, WHICH THE CHIEF SHALL PRESENT TO THE COMMISSION FOR ITS REVIEW.

2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed NEW construction, alteration, or reconstruction will not materially impair the historic, cultural, archaeological, or architectural significance of the landmark, site or structure, the Commission shall ~~reject~~ DENY the application, ~~filing a copy of its rejection with the Department of Public Works.~~
3. If an application is submitted for NEW construction, reconstruction, or alteration, or for the moving or demolition of a landmark, site or structure that the Commission considers to be of unusual importance and no economically feasible plan can be formulated, the Commission shall have ninety days, from the time it concludes that no economically feasible plan can be formulated, to negotiate with the owner(s) and other parties in an effort to find a means of preserving the landmark, site or structure. At the end of such ninety day period, if no means of preserving the landmark, site or structure has been found, the Commission shall either approve, approve with modifications, or ~~reject~~ DENY the application.
4. In the case of a landmark, site or structure considered to be valuable for its historic, cultural, archaeological, or architectural significance, the Commission may approve the proposed NEW construction, reconstruction, alteration, moving, or demolition despite the provisions of Subsection (E) (2) of this section, if the Commission finds that:
  - a. The landmark, site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;
  - b. Retention of the landmark, site or structure would cause undue financial hardship to the owner;  
or
  - c. Retention of the landmark, site or structure would not be in the interests of a majority of persons in the City.

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

- A. The Commission shall file ~~with the Department of Public Works~~ IN THE CITY'S INTERNAL TRACKING SYSTEM, AND THEREBY NOTIFY OTHER DEPARTMENTS, a certificate of approval certifying its approval or modification of each application and plans submitted to it for review. If an application is ~~rejected~~DENIED, the Commission shall ~~notify the Department of Public Works~~ FILE THAT DECISION IN THE INTERNAL TRACKING SYSTEM AS WELL.
- B. Work shall not be commenced on any project until such a certificate of approval has been filed, and ~~the Department of Public Works shall not issue~~ a building permit SHALL NOT BE ISSUED for such change or construction unless ~~it has received~~ such a certificate of approval IS ON FILE.
- C. Failure of the Commission to act upon a completed application within forty-five days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes

unless an extension of the forty-five day period is mutually agreed upon by the applicant and the Commission or the application has been withdrawn and except as provided by Section 21.56.060(E)(3) of this section.

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

- A. A certificate of approval of the Commission shall expire automatically, unless extended by the Commission, if:
1. In the case of an application for the demolition, moving or alteration of a structure, the work has not commenced within six months and been completed within one year from the date of issuance of the certificate of approval;
  2. In the case of an application for the construction of a new structure, the work has not commenced within one year from the date of issuance of the certificate of approval and been completed within three years; or
  3. For the purposes of this section, application for extension of approval shall be treated and considered as a new application before the Commission. AN EXTENSION SHALL BE GRANTED ADMINISTRATIVELY AS AUTHORIZED UNDER THE RULES DEVELOPED PURSUANT TO THIS CHAPTER.
  4. AFTER AN EXTENSION IS GRANTED ADMINISTRATIVELY UNDER SECTION 3 ABOVE, FURTHER EXTENSION REQUESTS SHALL BE HEARD BY THE COMMISSION.
- B. Tolling of certificates of approval. Notwithstanding the provisions of Section 21.56.080A of this Code, certificates of approval granted by the Historic Preservation Commission pursuant to Sections 21.56.040 through 21.56.070 of this Code and extensions thereof which are active and valid as of June 30, 2012, shall be tolled until June 30, 2014, so that all such certificates of approval and extensions shall expire on, or any applicable extension request shall have been requested by, June 30, 2014, provided that this shall not apply to a historic property that has been a subject of a final determination of demolition by neglect as defined under Section 21.56.020.
- CB. Any changes to plans previously approved under an issued certificate of approval that are required in response to Section 17.04.630(B)1 referencing the City of Annapolis Code in force at the time construction commences, must be referred to the Historic Preservation Commission for re-evaluation if there is a necessary change to the exterior as approved UNLESS OTHERWISE DELEGATED TO STAFF FOR ADMINISTRATIVE REVIEW UNDER RULES DEVELOPED PURSUANT TO THIS CHAPTER.

**21.56.090 - ROUTINE Maintenance, AND repair, and demolition by neglect.**

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

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

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

- C. ~~Prior to the issuance of a written notice, the Commission may request that the City establish a record of demolition by neglect. Such record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.~~
- D. The notice shall provide that corrective action shall commence within thirty days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner(s) of record of the property, or any person(s) of record with any right, title, or interest therein, may, within ten days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon thirty days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.
- E. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request that the Mayor issue final notice to be mailed to the owner(s) of record and all parties of record with any right, title, or interest in the property, advising them of the items of repair and maintenance necessary to correct the deterioration or prevent further deterioration. The owner shall institute corrective action to comply with the final notice within thirty days of receipt of the final notice.
- F. Upon failure, neglect, or refusal of the property owner(s) or other responsible person(s), duly notified, to take the corrective action specified in the final notice within the time required, the Commission may request that the Mayor's office institute any of the remedies and penalties provided by law for such violations.

#### **21.56.091 DEMOLITION BY NEGLECT.**

IF THE CHIEF OF HISTORIC PRESERVATION IS MADE AWARE THAT A DESIGNATED LANDMARK, OR A LANDMARK, SITE OR STRUCTURE WITHIN A DESIGNATED HISTORIC DISTRICT, MAY MEET THE DEFINITION OF DEMOLITION BY NEGLECT, THE CHIEF OF HISTORIC

PRESERVATION SHALL INVESTIGATE THE HISTORY OF THE LANDMARK, SITE OR STRUCTURE AND DEVELOP A RECORD. THE RECORD SHALL INCLUDE BUT NOT BE LIMITED TO HISTORICAL DOCUMENTATION OF THE LANDMARK, SITE OR STRUCTURE AND CURRENT PHOTOGRAPHS OF THE LANDMARK, SITE AND THE INTERIOR AND EXTERIOR OF THE STRUCTURE. THE CHIEF OF HISTORIC PRESERVATION MAY CONSULT WITH AND RETAIN CONSULTANTS AND EXPERTS IN THE FIELD OF HISTORIC PRESERVATION TO CONSTRUCT THE RECORD AND FOR OTHER PURPOSES RELATED TO THE INVESTIGATION.

IN CONNECTION WITH THE COURSE OF THE INVESTIGATION AND AS PART OF THE DEVELOPMENT OF THE RECORD, THE CHIEF OF HISTORIC PRESERVATION SHALL GIVE WRITTEN NOTICE TO THE OWNER OR THE OWNER'S AUTHORIZED AGENT THAT THE LANDMARK, SITE OR STRUCTURE IS UNDER INVESTIGATION FOR POSSIBLE DEMOLITION BY NEGLIGENCE AND THE LEGAL AUTHORITY FOR THE INVESTIGATION. THE CHIEF OF HISTORIC PRESERVATION MAY ALSO ADVISE THAT ENTRY ONTO THE PROPERTY AND INTO THE LANDMARK, SITE OR STRUCTURE SHALL BE REQUIRED TO COMPLETE THE INVESTIGATION AND THE DATE OR DATES OF ENTRY AND THE IDENTITY OF THE PERSONS WHO WILL DO SO. IF SUCH DATES ARE NOT KNOWN AT THE TIME OF THE NOTICE, THE CHIEF OF HISTORIC PRESERVATION SHALL SEND A SEPARATE WRITTEN NOTICE INDICATING SUCH DATES. PURSUANT TO SUCH NOTICES, THE CHIEF OF HISTORIC PRESERVATION AND RETAINED CONSULTANTS AND EXPERTS, AND ANY OTHER PERSON WHO THE CHIEF OF HISTORIC PRESERVATION DEEMS NECESSARY FOR INVESTIGATORY PURPOSES, SHALL BE PERMITTED ONTO THE SITE AND INTO THE STRUCTURE OR LANDMARK, FOR SUCH PURPOSES FROM TIME TO TIME AS IS NECESSARY TO COMPLETE THE INVESTIGATION. NEITHER OWNER NOR THE OWNER'S AUTHORIZED AGENT NOR ANY OTHER PERSON SHALL REQUIRE A WAIVER OF LIABILITY OR IMPOSE ANY OTHER CONDITION UPON THOSE PERSONS WHO REQUIRE ACCESS ONTO SITE AND INTO THE LANDMARK, SITE OR STRUCTURE TO PERFORM AND COMPLETE THE INVESTIGATION.

AFTER COMPLETION OF THE INVESTIGATION, THE CHIEF OF HISTORIC PRESERVATION SHALL PREPARE A WRITTEN REPORT OF THE RESULTS OF THE INVESTIGATION. THE REPORT SHALL, AT A MINIMUM, IDENTIFY ALL MATERIALS USED IN THE INVESTIGATION, ALL CONSULTANTS AND EXPERTS WHO PARTICIPATED IN THE INVESTIGATION, AND CONTAIN THE FOLLOWING:

1. A DESCRIPTION OF THE EXISTING CONDITION OF THE INTERIOR AND EXTERIOR OF THE LANDMARK, SITE OR STRUCTURE;
2. A DESCRIPTION OF THE LEVEL OF DETERIORATION OF THE INTERIOR AND EXTERIOR OF THE LANDMARK, SITE OR STRUCTURE EXHIBITED BY THE EXISTING CONDITIONS;
3. WHETHER THE LEVEL OF DETERIORATION MEETS THE DEFINITION OF DEMOLITION BY NEGLIGENCE AND, IF SO, HOW;
4. A LIST OF ALL MAINTENANCE, REPAIRS OR REPLACEMENT IN KIND REQUIRED TO

ABATE THE DEMOLITION BY NEGLECT, A PRIORITIZATION OF THOSE ITEMS NECESSARY TO ENSURE STRUCTURAL STABILITY AND PREVENT WATER INFILTRATION AND AN ESTIMATED TIMELINE FOR THE NECESSARY ACTIONS TO ABATE.

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

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

**21.56.100 - Undergrounding of utilities.**

A. The City may require that utility companies relocate ~~underground~~ existing overhead lines and facilities UNDERGROUND within a defined part of the district or the entire district, and require that the connection thereto be placed underground, if necessary by private owners then receiving service from the overhead lines and facilities. The City shall provide:

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

B. Notwithstanding any other provision in this section, the Public Service Commission shall prescribe the amount of the monthly surcharge required to support the net capital costs and determine which customers of the applicable utility are subject to the surcharge, or the Commission shall include the related net capital costs in the rate base, or shall adopt any other method to appropriately apportion the said costs. However,

in no event shall the utility be required to pay more than fifty percent of the net capital costs. The City is authorized to make appropriations for such relocation projects from any appropriate Federal, State and local funds it receives for this purpose.

#### **21.56.110 - Appeals AND ENFORCEMENT.**

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

#### **21.56.140 - Statutory authority.**

The authorities for this law is the Land Use Article of the Annotated Code of Maryland, DIVISION I. SINGLE-JURISDICTION PLANNING AND ZONING TITLE 8 HISTORIC PRESERVATION as may be amended from time to time. Nothing in this law shall be construed to limit the authority of the Historic Preservation Commission of the City to review proposals with respect to height and bulk.

### **Article III - Newsracks on Public Rights-of-Way**

#### **21.56.230 - Purpose and criteria.**

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

- A. Provide for pedestrian and driving safety and convenience.
  
- B. ~~Restriet~~ ADDRESS unreasonable interference with the flow of pedestrian ~~or~~ AND vehicular traffic including ingress into or egress from ~~any~~ residenceS ~~or~~ AND placeS of business, ~~or~~ AND from the street to the sidewalk by persons exiting or entering parked or standing vehicles.
  
- C. Provide for public and property safety during severe weather conditions.
  
- D. Provide reasonable access for the use and maintenance of poles, posts, traffic signs ~~or~~ AND signals, hydrants, AND mailboxes and TO PROVIDE access to locations used for public transportation purposes.
  
- E. Preserve and enhance a THE CITY'S HISTORIC district which reflects the City's archaeological, architectural, cultural, and social history.

EF. Relocate and/or replace newsracks which result in a visual blight and/or excessive space allocation on the public rights-of-way or which unreasonably detract from the aesthetics of store window displays, adjacent landscaping and other improvements, as well as to have ~~abandoned~~ UNUSED newsracks removed.

FG. Maintain and protect the values of surrounding properties.

GH. Reduce unnecessary exposure of the public to personal injury or property damage.

HI. ~~Treat~~ REGULATE all newsracks ~~equally~~ IN A CONSISTENT MANNER regardless of their size; OR THE content, circulation, or frequency of publications PLACED IN NEWSRACKS.

IJ. Maintain and preserve freedom of the press.

JK. Cooperate to the maximum extent possible with NEWSRACK OWNERS AND newspaper PUBLISHERS AND distributors.

#### **21.56.250 - Certificate of ~~a~~Approval required.**

A. No person shall place, affix, erect, construct or maintain a newsrack in the Historic District without first obtaining a ~~one-time only~~ Certificate of Approval for ~~each~~ A newsrack PLACED IN AN AUTHORIZED LOCATION FROM THE CHIEF OF HISTORIC PRESERVATION in accordance with the provisions of this ~~article~~CHAPTER.

B. THE CHIEF OF HISTORIC PRESERVATION SHALL NOT ISSUE A CERTIFICATE OF APPROVAL FOR ANY NEWSRACK UNLESS IT IS FOR AN AUTHORIZED LOCATION ON A MAP APPROVED BY THE HISTORIC PRESERVATION COMMISSION.

C. THE CHIEF OF HISTORIC PRESERVATION SHALL DEVELOP GUIDELINES TO INCLUDE NEWSRACKS THAT CAN BE ADMINISTRATIVELY APPROVED IN ACCORDANCE WITH STANDARDS GOVERNING THE HISTORIC PRESERVATION COMMISSION.

#### **21.56.260 - Application ~~and issuance of~~ FOR ~~e~~Certificate of ~~a~~Approval.**

A. ~~Issuing~~ APPROVING authority. ~~The issuing authority and coordinator shall be the Chief of Historic Preservation. The Chief is responsible for fairly coordinating and administering the physical placement of newsracks of the type and location herein specified, and upon compliance with provisions of this article, is responsible for issuing the certificates of approval.~~ THE CHIEF OF HISTORIC PRESERVATION SHALL BE RESPONSIBLE FOR APPROVING AND OR DENYING AN APPLICATION FOR A CERTIFICATE OF APPROVAL PURSUANT TO THIS CHAPTER.

B. ~~Approving~~ authority. ~~The approving authority shall be the Chief of Historic Preservation. The Chief~~

~~shall provide review and administrative approval; the Chief shall circulate the application for consideration and comment by the Public Works Administration, the Police Department, and the Planning and Zoning Department.~~ INTERAGENCY REVIEW. BEFORE APPROVING OR DENYING AN APPLICATION FOR A CERTIFICATE OF APPROVAL, THE CHIEF OF HISTORIC PRESERVATION SHALL REFER THE APPLICATION FOR CONSIDERATION AND COMMENT TO THE DEPARTMENT OF PUBLIC WORKS.

- C. Enforcing authority. The enforcing authority shall be the ~~director of the Department of Neighborhood and Environmental Programs~~ THE DIRECTOR OF PUBLIC WORKS.
- D. Applications. The applicant shall file with the Chief of Historic Preservation a ~~Historic Preservation Commission Administrative Approval~~ AN Application for an ~~installation~~ A Certificate of Approval that shall contain the following information:
1. The name, address and telephone number of the applicant ~~who is~~ AND the owner ~~and/or principal in responsible charge of the newsrack~~ OF THE NEWSRACK WHICH IS THE SUBJECT OF THE APPLICATION, AND IF THE OWNER IS AN ENTITY, THE PRINCIPAL OF THE ENTITY.
  2. The name, address and telephone number of a responsible person whom the City may notify or contact at any time concerning the applicant's newsracks.
  3. The ~~number of newsracks and the proposed location of each~~ THE NEWSRACK AS shown on a MAP OR drawing SUFFICIENTLY CLEAR TO THE CHIEF OF HISTORIC PRESERVATION ~~provided by the Public Works Administration as in Subsection D. of this section.~~
  4. THE ~~N~~names of newspapers or periodicals to be contained in ~~each~~ the newsrack.
  5. THE Type or brand of THE PROPOSED newsracks, including an illustration and description of the newsrack and mount CONSISTENT WITH A LIST OF AUTHORIZED NEWSRACK UNITS APPROVED BY THE HISTORIC PRESERVATION COMMISSION ~~if other than a single pedestal, TK-80PM, or K-80PM SHORACK, or TK-80 or K-80 SHORACK with special pedestal and 14-inch square base plate (allowed only if demand warrants at the installation location) or equivalent, as per Section 21.56.310 of this Code.~~
- E. Procedure. In consultation with the Public Works Department and the Department of Neighborhood and Environmental Programs, ~~and with the approval of the Historic Preservation Commission, the Chief shall:~~
1. Develop a map of a large enough scale to show permitted locations of newsracks in the Historic District.
  2. Request a list of proposed newsrack locations, marked on the above map, from each distributor.
  3. Prepare a scale drawing or aerial photograph of each newsrack location showing the position and name of each newsrack at that location.
  4. Review for approval newsrack drawings.
  5. Obtain confirmation approvals of the above approved newsrack drawings from each distributor.
  6. Have the public works survey crew, following Certificate of Approval issuance, then mark placement locations with a template so that installation crews will have no problem. ISSUANCE OF CERTIFICATE OF APPROVAL. IF THE CHIEF OF HISTORIC PRESERVATION APPROVES AN APPLICATION, THE CHIEF OF HISTORIC PRESERVATION SHALL ISSUE A CERTIFICATE OF APPROVAL FOR PLACEMENT OF THE NEWSRACKS. ONCE A CERTIFICATE OF APPROVAL IS SUBMITTED, THE CHIEF OF HISTORIC PRESERVATION SHALL HAVE FORTY-FIVE (45)

DAYS TO REVIEW, APPROVE, OR DENY THE CERTIFICATE OF APPROVAL. ISSUANCE OCCURS WITHIN THIRTY (30) DAYS OF THE APPROVAL OF A COMPLETED APPLICATION.

- F. Issuance of certificate of approval. Upon a finding by the Chief that the applicant is in compliance with the provisions of this article, the Chief shall cause to be issued a certificate of approval for installation by the newspaper publishing and or distribution company. Such issuance shall be made within ten working days of the City's receipt of the completed application. IF THE CHIEF OF HISTORIC PRESERVATION ISSUES A CERTIFICATE OF APPROVAL, THE CHIEF OF HISTORIC PRESERVATION SHALL PROVIDE AN IDENTIFYING LABEL THAT MUST BE PLACED AT THE BOTTOM RIGHT CORNER OF THE GLASS/PLASTIC FRONT OF THE NEWSRACK.
- G. Denial of certificate of approval. If a Certificate of Approval for some newsrack location applied for shall be denied, the applicant shall be notified within ten working days of the City's receipt of the completed application. The applicant shall be advised of the specific cause of such denial by the Chief, who may suggest alternative locations. The applicant may reapply for substitute alternative location at no additional certificate of approval fee. DENIAL OF CERTIFICATE OF APPROVAL. IF THE CHIEF OF HISTORIC PRESERVATION DENIES A CERTIFICATE OF APPROVAL, THE CHIEF OF HISTORIC PRESERVATION SHALL NOTIFY THE APPLICANT IN WRITING WITHIN TEN (10) DAYS OF THE DATE OF DENIAL AND PROVIDE THE REASON FOR THE DENIAL. WITHIN THIRTY (30) DAYS OF THE RECEIPT OF A WRITTEN DENIAL, THE APPLICANT MAY FILE AN AMENDED APPLICATION FOR FURTHER REVIEW BY THE CHIEF OF HISTORIC PRESERVATION AT NO ADDITIONAL CERTIFICATE OF APPROVAL FEE.
- H. Additional certificate of approval. If at any time initial application for an installation certificate of approval a publisher wishes to install additional newsracks, then Subsections D and E of this section are to be repeated in accordance with the provisions of this article. Additional certificate of approval fees shall be in accordance with Section 21.56.270 of this Code. SEPARATE CERTIFICATE OF APPROVAL. EACH NEWSRACK CONSIDERED FOR PLACEMENT SHALL BE THE SUBJECT OF A SEPARATE APPLICATION AND APPLICATION FEE AND SHALL REQUIRE A SEPARATE CERTIFICATE OF APPROVAL.
- I. THIS ORDINANCE SHALL APPLY TO ALL NEWSRACKS IN PLACE AT THE TIME OF THE ORDINANCE'S ADOPTION.

#### **21.56.270 – Fees.**

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

#### **21.56.280 – Appeals.**

Any applicant who has been denied a certificate of approval pursuant to the provisions of this article may

file an appeal by requesting a review and determination, in writing, to the Historic Preservation Commission. A further appeal may be made to the Circuit Court for Anne Arundel County, in accordance with Section 21.56.110 of this Code.

### 21.56.310 - Specific prohibitions.

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

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

### 21.56.320 - ~~Enforcement procedures-Nonconforming newsracks.~~

- A. ~~Within one hundred twenty days of the effective date of the ordinance from which this article is derived and at any time thereafter,~~ aAny PERSON WHO PLACES A newsrack in violation of any provision of this article shall be subject to remedy and due process under the Department of Neighborhood and Environmental Programs. AT AN AREA PROHIBITED BY SECTION 21.56.310 SHALL CONSTITUTE A MUNICIPAL INFRACTION AND THE OWNER SHALL BE SUBJECT TO A MUNICIPAL INFRACTION FINE IN AN AMOUNT SET BY RESOLUTION OF THE CITY COUNCIL AND THE OFFENDING NEWSRACK SHALL BE SUBJECT TO IMPOUNDMENT AND A REASONABLE STORAGE FEE AT THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.
- B. THE OWNER OF A NEWSRACK WHO LEAVES THE NEWSRACK EMPTY FOR A CONTINUOUS PERIOD OF THIRTY (30) OR MORE DAYS SHALL CONSTITUTE A MUNICIPAL INFRACTION AND THE OWNER SHALL BE SUBJECT TO A MUNICIPAL INFRACTION FINE IN AN AMOUNT SET BY RESOLUTION OF THE CITY COUNCIL AND THE OFFENDING NEWSRACK SHALL BE

SUBJECT TO IMPOUNDMENT AND A REASONABLE STORAGE FEE AT THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.

- C. THE DEPARTMENT OF PUBLIC WORKS SHALL PLACE A NOTICE OF THE INTENT TO REMOVE ANY NEWSRACK PLACED IN VIOLATION OF THIS CHAPTER DIRECTLY ON THE OFFENDING NEWSRACK. THE NOTICE SHALL STATE THAT THE NEWSRACK IS IN VIOLATION OF THE CHAPTER, CITE THE SPECIFIC VIOLATIONS, ADVISE THAT THE NEWSRACK MUST BE REMOVED WITHIN SEVEN (7) DAYS OF THE DATE OF THE NOTICE AND THAT FAILURE TO DO SO WILL RESULT IN IMPOUNDMENT AND STORAGE FEES, THE MANNER IN WHICH AN IMPOUNDED NEWSRACK MAY BE RETRIEVED, AND THAT FAILURE TO RETRIEVE THE NEWSRACK WITHIN NINETY (90) DAYS OF IMPOUNDMENT MAY RESULT IN THE CITY'S DISPOSAL OF THE NEWSRACK.
- D. THE DEPARTMENT OF PUBLIC WORKS SHALL STORE ANY IMPOUNDED NEWSRACKS PURSUANT TO THIS CHAPTER FOR NINETY (90) DAYS FROM THE DATE OF IMPOUNDMENT AND, IF NOT RETRIEVED BY THE OWNER WITHIN THAT PERIOD OF TIME, MAY DISPOSE OF IT WITHOUT LIABILITY TO THE OWNER.

**21.56.330 - ~~Same-Abandoned newsracks.~~ RELINQUISHMENT.**

- A. ~~If any newsrack installed pursuant to this article does not contain the publication specified therefor within a period of forty-eight hours after release of the current issue, the Department of Neighborhood and Environmental Programs may deem the newsrack abandoned and take appropriate action for an ordinance violation.~~
- B. ~~In the event a newspaper publishing company or its distributor desires to voluntarily abandon a newsrack location, the distributor shall notify the director, completely remove the newsrack and mount, and restore the public right-of-way to a safe condition, leaving no holes or projections in the mounting surface.~~ IN THE EVENT THE OWNER OF ANY NEWSRACK PLACED PURSUANT TO THIS CHAPTER DESIRES TO RELINQUISH A CERTIFICATE OF APPROVAL, THE OWNER SHALL NOTIFY THE DEPARTMENT OF PUBLIC WORKS IN WRITING, COMPLETELY REMOVE THE NEWSRACK AND MOUNT WITHIN SEVEN (7) DAYS OF NOTIFICATION, AND RESTORE THE MOUNTING SURFACE TO A SAFE CONDITION, LEAVING NO HOLES OR PROJECTIONS TO THE MOUNTING SURFACE OR SIDEWALK. FAILURE TO REMOVE THE NEWSRACK AND/OR MOUNT WITHIN SUCH PERIOD SHALL CONSTITUTE A MUNICIPAL INFRACTION AND THE OWNER SHALL BE SUBJECT TO A MUNICIPAL INFRACTION FINE IN AN AMOUNT SET BY RESOLUTION OF THE CITY COUNCIL AND THE OFFENDING NEWSRACK SHALL BE SUBJECT TO IMPOUNDMENT AND A REASONABLE STORAGE FEE AT THE DISCRETION OF THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.

**21.56.340 - FEES.**

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

**21.56.350 - APPEALS.**

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

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

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

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

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

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

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

Underlining indicates amendments