



Legislation Details (With Text)

File #: O-34-17 **Version:** 1 **Name:**

Type: Ordinance **Status:** Adopted

File created: 6/29/2017 **In control:** City Council

On agenda: 10/23/2017 **Final action:** 10/23/2017

Title: Approvals of Exterior Changes in the Historic District - For the purpose of clarifying the scope of factors the Historic Preservation Commission may consider in reviewing applications for exterior changes to buildings in the Historic District of Annapolis.

Sponsors: Jared Littmann, Joe Budge

Indexes: Historic Preservation Commission, Planning Commission, Rules and City Government Committee

Code sections:

Attachments: 1. O-34-17 HPC Exterior Changes Approvals Ordinance.pdf, 2. O-34-17 Staff Report.pdf, 3. O-34-17 PZ Staff Report to PC ZTA2017-008.pdf, 4. O-34-17 Fiscal Impact.pdf, 5. O-34-17 PC Findings.pdf, 6. O-34-17 HPC Findings.pdf, 7. O-34-17 51 West St District Ct Decision copy.pdf, 8. O-34-17 Excerpts from Judge McKenna Decision.pdf, 9. O-34-17 SIGNED.pdf

Date	Ver.	Action By	Action	Result
10/23/2017	1	City Council	adopt on second reader	Pass
10/23/2017	1	City Council	adopt on third reader	Pass
10/17/2017	1	Rules & City Government Committee	recommend favorably	Pass
10/9/2017	1	City Council	declare the public hearing closed	
9/25/2017	1	City Council	declare the public hearing left open	
7/31/2017	1	City Council	adopt on first reader	Pass
7/31/2017	1	City Council	refer	
7/31/2017	1	City Council	refer	
7/31/2017	1	City Council	refer	

Approvals of Exterior Changes in the Historic District - For the purpose of clarifying the scope of factors the Historic Preservation Commission may consider in reviewing applications for exterior changes to buildings in the Historic District of Annapolis.

CITY COUNCIL OF THE
City of Annapolis

Ordinance 34-17

Introduced by: Aldermen Littmann and Budge

Referred to
Historic Preservation Commission
Planning Commission
Rules and City Government Committee

AN ORDINANCE concerning

Approvals of Exterior Changes in the Historic District

FOR the purpose of clarifying the scope of factors the Historic Preservation Commission may consider in reviewing applications for exterior changes to buildings in the Historic District of Annapolis.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis,
2016 Edition
21.56.060

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:

TITLE 21 - PLANNING AND ZONING
Division IV - Overlay District Regulations

Chapter 21.56 - HISTORIC DISTRICT
Article I - Approval of Exterior Changes

Section 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 RELEVANT AND PROBATIVE 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 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 construction, reconstruction, or alteration affecting a landmark, site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to the City, State, or Nation, the Commission shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the landmark, site or structure.
2. In the circumstances described above in Subsection (E)(1) of this section, unless the Commission is satisfied that the proposed 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 the application, filing a copy of its rejection with the Department of Public Works.
3. If an application is submitted for 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 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 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.

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