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**CITY COUNCIL OF THE  
City of Annapolis**

**Ordinance No. O-24-13**

**Sponsor: Alderman Arnett**

LEGISLATIVE HISTORY			
<i>Legislative referrals are subject to City Council action at the time of introduction and are reflected in the City Council's adopted minutes</i>			
First Reading	Public Hearing	Fiscal Impact Note	90 Day Rule
5/20/13			11/15/13
Referred to	Referral Date	Meeting Date	Action Taken
Rules and City Gov't	5/20/13		
Planning Commission	5/20/13		

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**A ORDINANCE** concerning

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**Demolition Permits in the Neighborhood Conservation Districts**

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**FOR** the purpose of removing financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

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**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2012 Edition  
Section 21.14.040

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

**Chapter 21.14 – Demolition Permits**

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**21.14.010 - Purpose and authority.**

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A. Buildings and Structures Located Outside the Historic Overlay District. Pursuant to the requirements of this chapter, the Planning and Zoning Director shall review and decide applications for demolition of all buildings and structures within the following zoning districts:

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1. R2-NC Single-Family Residence Neighborhood Conservation District;
2. R3-NC Single-Family Residence Neighborhood Conservation District;
3. R3-NC2 Single-Family Residence Neighborhood Conservation District 2;
4. R3-R General Residence Neighborhood Revitalization District;
5. R4-R General Residence Neighborhood Revitalization District;
6. MX Mixed Use District;
7. Office and Commercial Design Overlay District.

- 1 B. Buildings and Structures Located in the Historic Overlay District. Any application for  
2 demolition of a building or structure located in the historic overlay district is subject to  
3 review by the Historic Preservation Commission pursuant to the provisions of Chapter  
4 21.56

5 **21.14.020 - Procedures.**

- 6 A. Application Procedures. Applications for a demolition permit shall be submitted in  
7 accordance with the procedures set forth in Chapter 17.12 of the Annapolis City Code.
- 8 B. Posting of Property. Notice must be posted on the property that is the subject of the  
9 application in accordance with the requirements in Section 21.10.020(A).
- 10 C. Review of Application. In the review of demolition applications, submitted for review  
11 pursuant to the requirements of this chapter, the following procedures shall apply:
- 12 1. Staff Review. The Planning and Zoning Director, after having determined that the  
13 submission is complete, may distribute copies of the application to appropriate City  
14 departments for review.
- 15 2. Staff Report. Any City department reviewing the application will prepare a staff report  
16 on the application and transmit the staff report to the Planning and Zoning Director.
- 17 3. Optional Public Hearing. The Planning and Zoning Director may hold a public hearing  
18 within thirty days of submission of a demolition application, if the Director finds the  
19 structure proposed for demolition to be significant with respect to the purposes of the  
20 zoning district in which the structure is located. Notice of the public hearing must be  
21 given by the applicant in accordance with the notice requirements set forth in Section  
22 21.10.020(B) and 21.10.020(C) related uses.

23 **21.14.030 - Application requirements.**

24 Plans. Applications for demolition pursuant to this chapter shall be accompanied by plans,  
25 as required by the Planning and Zoning Director. Applications shall at a minimum show the  
26 existing ground area, height and bulk of the building or structure, the building lines in relation to  
27 lot lines, plans for any proposed replacement structure and its proposed use, and any other  
28 information required by the Director.

29 **21.14.040 - Review criteria.**

30 In deciding demolition applications, the Planning and Zoning Director shall make written  
31 findings based on the following:

- 32 A. Significance of Structure. The extent of the historic, cultural, archaeological, or  
33 architectural significance of the structure proposed for demolition and the value of the  
34 structure for its historic, cultural, archaeological, or architectural significance.
- 35 B. Effect on Significant Historic Resources. The extent to which the demolition of the  
36 structure will have an adverse effect on resources within a National Register District, if  
37 applicable, or other surrounding historic, cultural, archaeological, or architectural  
38 resources of significance.
- 39 C. Significance to the Purposes of the Zoning District. The extent to which the loss of the  
40 structure would be adverse to the purposes of the zoning district in which the structure

1 is located and would adversely affect the character of the neighborhood and the zoning  
2 district.

3 D. Relationship to Other Structures. The relationship of the exterior architectural features  
4 of the structure proposed for demolition to other structures located in the National  
5 Register District, if applicable, or other structures listed on the Maryland Inventory of  
6 Historic Places and the extent to which demolition of the structure would impair the  
7 relationship with other significant historic, cultural, archaeological, or architectural  
8 resources.

9 E. Compatibility of Proposed Structure. The general compatibility of any proposed  
10 structure, in terms of exterior design, scale, proportion, arrangement, texture, and  
11 materials, to the National Register District, if applicable, or to other historic resources in  
12 the surrounding area.

13 F. Public Benefits. The extent to which the structure is a deterrent to a major improvement  
14 program which will be of substantial benefit to the City.

15 G. Financial Hardship. EXCEPT IN THE NEIGHBORHOOD CONSERVATION ZONING  
16 DISTRICTS, [T]he extent to which the retention of the structure would cause financial  
17 hardship to the owner.

18 **21.14.050 - Appeal.**

19 Any appeals of a decision of the Planning and Zoning Director pursuant to this chapter must  
20 be made to the Board of Appeals in conformance with the provisions of Zoning Code Chapter  
21 21.30.

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

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

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ATTEST:

THE ANNAPOLIS CITY COUNCIL

BY

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Regina C. Watkins-Eldridge, MMC, City Clerk

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Joshua J. Cohen, Mayor

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**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.

[brackets] indicate matter stricken from existing law.

Underlining indicates amendments.

## **Policy Report**

### **Ordinance O-24-13**

#### **Demolition Permits in the Neighborhood Conservation Districts**

The proposed ordinance would remove financial hardship from the review criteria for permit applications for demolition in the neighborhood conservation zoning districts.

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