

Amendment 1 to Council Bill 46-2018

BY: Jon Weinstein

Legislative Day No: 10
Date: 7/2/18

Amendment No. 1

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(This amendment would add a new definition for "adverse changes" to the bill.)

On page 3, immediately following line 19, insert the following:

"(A) ADVERSE CHANGES MEANS CHANGES BY INTENT OR NEGLIGENCE THAT MODIFY OR DESTROY THE HISTORIC CHARACTER OF THE BUILDING OR BUILDINGS."

Renumber the remainder of the section accordingly.

ADOPTED 7/2/18
FAILED _____
SIGNATURE Jessica Feldman

Amendment 2 to Council Bill 46-2018

BY: Jon Weinstein

Legislative Day No: 10
Date: 7/2/18

Amendment No. 2

1 (This amendment would change the notice requirement for Zoning Board Hearings for Single
2 Site Historic Districts from 10 days to 30 days.)
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5 On page 5, in line 18, after the first "on" insert "the".
6

7 On page 6, in line 19, strike "10" and substitute "30".
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ADOPTED 7/2/18

CALLED _____

SIGNATURE Jessica Feldman

1 **Subtitle 6. Historic Preservation Commission**

2 **Section 16.600. Purpose.**

3 The regulations set forth in this subtitle are adopted pursuant to the authority of The Local Government
4 Article, section 10-325 of the Annotated Code of Maryland to regulate construction, alteration,
5 reconstruction, moving and demolition of structures of historic, architectural, and archeological value,
6 together with their appurtenances and environmental settings within respective specified limits. These
7 regulations are designed to safeguard the heritage of the County by preserving districts herein which
8 reflect elements of its cultural, social, economic, political or architectural history; to stabilize and
9 improve the property values in such districts in the County; to foster civic beauty; to strengthen the
10 local economy; and to promote the use and preservation of such historic districts in the County for the
11 education, welfare and pleasure of the residents of the County.

12 These regulations are also intended to promote the preservation of the County's historic resources by
13 establishing the Historic Preservation Commission, which shall be the steward of the historic
14 preservation plan and serve as a resource available to provide advice and counsel to Howard County
15 agencies, Boards, Commissions, and property owners regarding historic sites, either within or outside
16 the boundaries of historic districts.

17
18 **Section 16.601. - Definitions.**

19 Words and phrases used in this subtitle have their usual meanings except as defined below:

20 (a) *Appurtenances and environmental settings* mean walkways and driveways (whether paved or
21 not), trees, waterways and rocks, and landscaping that form part of the setting for a historic structure or
22 use on the same lot.

23 (b) *Certificate of approval* means an order issued by the Commission authorizing new construction
24 or alterations to properties within a historic district as provided in this subtitle.

25 (c) *Commission* means the Historic Preservation Commission.

26 (d) *Contributing structure* means a structure located within a historic district and contributing to the
27 historic or architectural value of the district.

28 (e) *Historic district* means an area in the County which is deemed to be of historic or architectural
29 value, the boundaries of which shall be established in accordance with [[the Zoning Regulations of
30 Howard County as amended from time to time]] HOWARD COUNTY LAW. A multiple site historic

1 district is any district consisting of more than one property. A single site historic district consists of
2 only one property.

3 (f) *Historic sites inventory* means the list of historic sites adopted by resolution of the County
4 Council.

5 (g) *Historic structure* means a structure situated within the County which, together with its
6 appurtenances and environmental setting, has significant historic or architectural value. *Historic*
7 *structure* includes a structure listed on the historic sites inventory.

8 (h) *Minor alterations* means the following exterior alterations, provided the alterations comply with
9 the guidelines adopted by the Commission pursuant to section 16.607(d) of this subtitle:

10 (1) Signs;

11 (2) The removal of materials and features that are not in compliance with the guidelines and
12 replacement with materials and features that are in compliance with the guidelines;

13 (3) The repair and replacement of deteriorated materials and features with historically
14 appropriate materials and features including, without limitation, siding, gutters and
15 downspouts, roofs, chimneys, porches, railings, windows, doors and paving;

16 (4) Painting, including changes of color;

17 (5) The removal of exterior light fixtures or the installation of light fixtures;

18 (6) Other exterior modifications including, without limitation, sheds, mailboxes, house
19 numbers, the exterior placement of utilities, and minor landscape features; or

20 (7) Minor changes to plans already approved by the Commission.

21 (i) *Principal use or structure* means the main use of a lot or a structure, as opposed to an accessory
22 use or structure.

23 (j) *Routine maintenance* means work that does not alter the exterior features of a structure and has
24 no material effect on the historic or architectural significance of the structure.

25 *Routine maintenance* includes:

26 (1) Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights,
27 and other appurtenant fixtures using the same materials and design;

28 (2) Minor landscaping which will not substantially affect the character of the structure;

29 (3) Paving repair using like materials of like design;

1 (4) Painting of previously painted surfaces using the same color; and

2 (5) Other minor maintenance and repair work which is described as routine maintenance in
3 design guidelines approved by the Commission.

4 (k) *Structure* means anything constructed, the use of which requires permanent location on the
5 ground, or attached to something having permanent location on the ground. *Structure* includes
6 buildings, porches, decks, awning, fences, gravestones, communication towers, and streetlights and
7 other exterior lighting fixtures. Street furniture such as benches, newspaper boxes, and trash
8 receptacles are considered structures if permanently affixed to the ground. The term *structure* shall
9 be construed as if followed by the words "or part thereof" and to include the words "appurtenances
10 and environmental settings."

11
12 **Section 16.602. - Establishment of historic districts.**

13 (a) *Boundaries Established.* The boundaries of historic districts shall be established in accordance
14 with title 16, subtitle 2 of the Howard County Code (the Zoning Enabling Act).

15 (b) *Zoning Regulations Remain in Effect.* The Zoning Regulations of Howard County, as amended,
16 shall remain in full force and effect within any historic district hereafter established, except as may
17 herein be modified.

18 (c) *Zoning Districts as Designated on Zoning Map.* The zoning districts as designated on the Zoning
19 Map of Howard County, as amended, shall remain in full force and effect within any historic district.

20 (d) ~~[[/]]Single Site Historic Districts.~~[[/]] Single site historic districts may only be established upon
21 the petition of the owner of the property which is the subject of the petition.

22 (1) PROCEDURE FOR ESTABLISHING SINGLE SITE HISTORIC DISTRICTS. ALL PETITIONS FOR SINGLE
23 SITE HISTORIC DISTRICTS SHALL ADHERE TO THE FOLLOWING PROCEDURES:

24 a. PETITIONS SHALL BE SUBMITTED TO AND REVIEWED BY THE HISTORIC PRESERVATION
25 COMMISSION FOLLOWING THE COMMISSION'S RULES OF PROCEDURE. THE DEPARTMENT
26 OF PLANNING AND ZONING SHALL PREPARE AND FORWARD A TECHNICAL STAFF REPORT
27 ON THE PETITION AND FORWARD THE REPORT TO THE COMMISSION AND THE ZONING
28 BOARD PRIOR TO THE COMMISSION'S PUBLIC MEETING DATE AND POST THE REPORT ON
29 THE HISTORIC PRESERVATION COMMISSION'S WEBPAGE.

30 b. THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE ZONING BOARD ON ALL
31 PETITIONS TO CREATE BOUNDARIES OF SINGLE SITE HISTORIC DISTRICTS OR TO AMEND THE

1 BOUNDARIES OF HISTORIC DISTRICTS ON A PIECEMEAL BASIS. THE COMMISSION SHALL
2 MAKE RECOMMENDATIONS ON WHETHER TO APPROVE, APPROVE WITH MODIFICATIONS,
3 OR DENY THE APPLICATIONS. THE HISTORIC PRESERVATION COMMISSION SHALL
4 TRANSMIT ITS FINDINGS AND RECOMMENDATIONS CONCERNING THE PETITION TO THE
5 ZONING BOARD PRIOR TO THE ZONING BOARD'S PUBLIC HEARING ON A PETITION.

6 c. THE ZONING BOARD SHALL CONSIDER PETITIONS FOR SINGLE SITE HISTORIC DISTRICTS
7 USING THE FOLLOWING PROCEDURES:

8 i. *PUBLIC HEARING REQUIRED.* THE ZONING BOARD SHALL HOLD A PUBLIC HEARING
9 ON SINGLE SITE HISTORIC DISTRICTS AT WHICH PARTIES OF INTEREST AND
10 CITIZENS SHALL HAVE AN OPPORTUNITY TO BE HEARD. THE ZONING BOARD
11 SHALL BE PROHIBITED FROM HOLDING MEETINGS WHICH INCLUDE AN
12 OPPORTUNITY FOR PUBLIC TESTIMONY ON ANY DAY ON WHICH ROSH HASHANAH,
13 YOM KIPPUR, EID UL FITR OR EID UL ADHA IS OBSERVED.

14 ii. *RULES OF PROCEDURE; NOTICE.* THE ZONING BOARD PUBLIC HEARINGS ON
15 SINGLE SITE HISTORIC DISTRICTS SHALL BE CONDUCTED IN ACCORDANCE WITH
16 THE RULES OF PROCEDURE ADOPTED BY THE ZONING BOARD EXCEPT FOR THE
17 PROVISIONS RELATING TO PUBLIC NOTICE, WHICH SHALL BE AS PROVIDED IN THIS
18 SECTION. THE PUBLIC NOTICE REQUIRED FOR ZONING BOARD HEARINGS ON
19 SINGLE-SITE HISTORIC DISTRICT APPLICATIONS SHALL BE POSTED AT LEAST 10
20 DAYS PRIOR TO THE HEARING ON THE COUNTY'S WEBSITE AND SHALL GIVE
21 NOTICE OF THE DATE, TIME AND PLACE OF THE HEARING ON THE APPLICATION.

22 (2) *CRITERIA FOR ESTABLISHING SINGLE SITE HISTORIC DISTRICTS.* A PETITION FOR A SINGLE SITE
23 HISTORIC DISTRICT MAY BE GRANTED IF THE ZONING BOARD FINDS AFFIRMATIVELY THAT THE
24 ESTABLISHMENT OF A SINGLE SITE HISTORIC DISTRICT WILL:

- 25 a. SERVE TO SAFEGUARD THE HERITAGE OF THE COUNTY BY PRESERVING ELEMENTS OF
26 ITS CULTURAL, SOCIAL, ECONOMIC, POLITICAL OR ARCHITECTURAL HISTORY;
- 27 b. PROTECT THE INTEGRITY OF A HISTORIC PROPERTY FROM ADVERSE CHANGES AND/OR
28 DEMOLITION; AND
- 29 c. IMPLEMENT THE GOALS SET FORTH IN THE HISTORIC PRESERVATION PLAN AND
30 GENERAL PLAN.

31 *Section 2. Be it further enacted by the County Council of Howard County, Maryland, that this Act*
32 *shall become effective 61 days after its enactment.*

