

Introduced _____
Public hearing _____
Council action _____
Executive action _____
Effective date _____

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 8

BILL NO. 46 – 2018

Introduced by:
Jon Weinstein

AN ACT amending the Howard County Code to modify the process for establishing Single Site Historic Districts; and generally relating to Single Site Historic Districts.

Introduced and read first time _____, 2018. Ordered posted and hearing scheduled.

By order _____
Jessica Feldmark, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on _____, 2018.

By order _____
Jessica Feldmark, Administrator

This Bill was read the third time on _____, 2018 and Passed ____, Passed with amendments _____, Failed _____.

By order _____
Jessica Feldmark, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___ day of _____, 2018 at ___ a.m./p.m.

By order _____
Jessica Feldmark, Administrator

Approved/Vetoed by the County Executive _____, 2018

Allan H. Kittleman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; ~~Strike-out~~ indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Section 1.** *Be it enacted by the County Council of Howard County, Maryland, that the Howard County*
2 *Code is hereby amended as follows:*

3
4 *By Amending:*

5
6 *Title 16. "Planning, Zoning and Subdivisions and Land Development Regulations"*

7
8 *Subtitle 2. "Zoning"*

9 *Section 16.202. "Purpose; establishment of zoning districts and regulations."; and*

10
11 *Subtitle 6. "Historic Preservation Commission"*

12 *Section 16.601. "Definitions."; and*

13 *Section 16.602. "Establishment of historic districts.".*

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17
18 **HOWARD COUNTY CODE**

19
20 **Subtitle 2. Zoning**

21
22 **Section. 16.202. - Purpose; establishment of zoning districts and regulations.**

23 (a) *County Council Authority.* For the purpose of promoting the health, safety, morals and general
24 welfare of Howard County, the County Council is hereby empowered to: [[regulate and restrict the
25 height, number of stories and size of buildings and other structures; the location, construction, alteration
26 and use of buildings and other structures; the percentage of lot area that may be occupied by structures;
27 the size of yards, courts and other open spaces; the density of population; and the location and use of
28 land for trade, industry, government, residence or other purpose.]]

29 (1) REGULATE AND RESTRICT THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER
30 STRUCTURES; THE LOCATION, CONSTRUCTION, ALTERATION AND USE OF BUILDINGS AND OTHER
31 STRUCTURES; THE PERCENTAGE OF LOT AREA THAT MAY BE OCCUPIED BY STRUCTURES; THE SIZE
32 OF YARDS, COURTS AND OTHER OPEN SPACES; THE DENSITY OF POPULATION; AND THE LOCATION
33 AND USE OF LAND FOR TRADE, INDUSTRY, GOVERNMENT, RESIDENCE OR OTHER PURPOSE;

34 (2) REGULATE THE CONSTRUCTION, ALTERATION, RECONSTRUCTION, MOVING AND DEMOLITION OF
35 STRUCTURES OF HISTORIC, ARCHITECTURAL AND ARCHEOLOGICAL VALUE THROUGH THE
36 ESTABLISHMENT OF HISTORIC DISTRICTS.

1 (b) (1) *Establishment of districts and regulations.* For many or all of the purposes of this subtitle,
2 the County Council may divide the County into zoning districts of a number, shape and area as may be
3 deemed best suited to carry out the purposes of this subtitle. IN ADDITION, FOR MANY OF THE PURPOSES
4 OF THIS SUBTITLE AND ALL THE PURPOSES OF TITLE 16, SUBTITLE 6 OF THIS CODE RELATING TO
5 HISTORIC PRESERVATION AND PROTECTION OF HISTORIC STRUCTURES, THE COUNTY MAY ESTABLISH
6 HISTORIC DISTRICTS AS MAY BE DEEMED BEST SUITED TO CARRY OUT THOSE PURPOSES. THE CRITERIA
7 FOR THE COUNTY COUNCIL'S ESTABLISHMENT OF AN HISTORIC DISTRICT IN THE NATURE OF
8 COMPREHENSIVE ZONING, MULTIPLE SITE HISTORIC DISTRICTS, ARE AS PROVIDED IN THE HOWARD
9 COUNTY ZONING REGULATIONS, AND THESE DISTRICTS ARE ESTABLISHED BY THE COUNTY COUNCIL.
10 THE CRITERIA FOR THE ZONING BOARD'S ESTABLISHMENT OF AN HISTORIC DISTRICT ON A PIECEMEAL
11 BASIS, SINGLE-SITE HISTORIC DISTRICTS, ARE AS PROVIDED IN TITLE 16, SUBTITLE 6 OF THE HOWARD
12 COUNTY CODE, AND THESE DISTRICTS ARE ESTABLISHED BY THE ZONING BOARD.

13 (2) *Purpose of districts and regulations.* The zoning district boundaries and regulations shall be
14 made in accordance with a comprehensive zoning plan and shall be designed to:

- 15 (i) Implement the policies and goals of the general plan;
- 16 (ii) Promote health, safety, and the general welfare;
- 17 (iii) Provide for the best use of land and the stewardship of our environmental resources;
- 18 (iv) Lessen congestion in the streets;
- 19 (v) Secure safety from fire and other dangers;
- 20 (vi) Provide adequate light and air;
- 21 (vii) Avoid undue concentration of population; and
- 22 (viii) Facilitate the adequate provision of transportation, water, sewerage, schools, parks and
23 other public requirements.

24 (3) *Suitability and appropriateness.* The zoning district boundaries and zoning regulations shall be
25 made with reasonable consideration to, among other things, the character of the zoning district and its
26 suitability for particular uses and types of development, and with a view to conserving property values
27 and encouraging the most appropriate use and enjoyment of land throughout the County based upon
28 the purposes, policies and goals of the general plan.

29 (4) *Uniformity.* The zoning regulations shall be uniform for each class or kind of building or structure
30 or use throughout each district, but the regulations in one district may differ from those in other districts.

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

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

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

27 ~~(c)~~ *Commission* means the Historic Preservation Commission.

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

1 (ef) *Historic district* means an area in the County which is deemed to be of historic or architectural
2 value, the boundaries of which shall be established in accordance with [[the Zoning Regulations of
3 Howard County as amended from time to time]] HOWARD COUNTY LAW. A multiple site historic
4 district is any district consisting of more than one property. A single site historic district consists of
5 only one property.

6 (fg) *Historic sites inventory* means the list of historic sites adopted by resolution of the County
7 Council.

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

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

- 13 (1) Signs;
- 14 (2) The removal of materials and features that are not in compliance with the guidelines and
15 replacement with materials and features that are in compliance with the guidelines;
- 16 (3) The repair and replacement of deteriorated materials and features with historically
17 appropriate materials and features including, without limitation, siding, gutters and
18 downspouts, roofs, chimneys, porches, railings, windows, doors and paving;
- 19 (4) Painting, including changes of color;
- 20 (5) The removal of exterior light fixtures or the installation of light fixtures;
- 21 (6) Other exterior modifications including, without limitation, sheds, mailboxes, house
22 numbers, the exterior placement of utilities, and minor landscape features; or
- 23 (7) Minor changes to plans already approved by the Commission.

24 (ij) *Principal use or structure* means the main use of a lot or a structure, as opposed to an accessory
25 use or structure.

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

28 *Routine maintenance* includes:

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

- 1 (2) Minor landscaping which will not substantially affect the character of the structure;
- 2 (3) Paving repair using like materials of like design;
- 3 (4) Painting of previously painted surfaces using the same color; and
- 4 (5) Other minor maintenance and repair work which is described as routine maintenance in
- 5 design guidelines approved by the Commission.

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

13
14 **Section 16.602. - Establishment of historic districts.**

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

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

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

23 ~~[[/]]Single Site Historic Districts. [[/]]~~ Single site historic districts may only be established upon
24 the petition of the owner of the property which is the subject of the petition.

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

- 27 a. PETITIONS SHALL BE SUBMITTED TO AND REVIEWED BY THE HISTORIC PRESERVATION
- 28 COMMISSION FOLLOWING THE COMMISSION'S RULES OF PROCEDURE. THE DEPARTMENT
- 29 OF PLANNING AND ZONING SHALL PREPARE AND FORWARD A TECHNICAL STAFF REPORT
- 30 ON THE PETITION AND FORWARD THE REPORT TO THE COMMISSION AND THE ZONING

1 BOARD PRIOR TO THE COMMISSION'S PUBLIC MEETING DATE AND POST THE REPORT ON
2 THE HISTORIC PRESERVATION COMMISSION'S WEBPAGE.

3 b. THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE ZONING BOARD ON ALL
4 PETITIONS TO CREATE BOUNDARIES OF SINGLE SITE HISTORIC DISTRICTS OR TO AMEND THE
5 BOUNDARIES OF HISTORIC DISTRICTS ON A PIECEMEAL BASIS. THE COMMISSION SHALL
6 MAKE RECOMMENDATIONS ON WHETHER TO APPROVE, APPROVE WITH MODIFICATIONS,
7 OR DENY THE APPLICATIONS. THE HISTORIC PRESERVATION COMMISSION SHALL
8 TRANSMIT ITS FINDINGS AND RECOMMENDATIONS CONCERNING THE PETITION TO THE
9 ZONING BOARD PRIOR TO THE ZONING BOARD'S PUBLIC HEARING ON A PETITION.

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

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

18 ii. *RULES OF PROCEDURE; NOTICE.* THE ZONING BOARD PUBLIC HEARINGS ON
19 SINGLE SITE HISTORIC DISTRICTS SHALL BE CONDUCTED IN ACCORDANCE WITH
20 THE RULES OF PROCEDURE ADOPTED BY THE ZONING BOARD EXCEPT FOR THE
21 PROVISIONS RELATING TO PUBLIC NOTICE, WHICH SHALL BE AS PROVIDED IN THIS
22 SECTION. THE PUBLIC NOTICE REQUIRED FOR ZONING BOARD HEARINGS ON
23 SINGLE-SITE HISTORIC DISTRICT APPLICATIONS SHALL BE POSTED AT LEAST ~~40~~ 30
24 DAYS PRIOR TO THE HEARING ON THE COUNTY'S WEBSITE AND SHALL GIVE
25 NOTICE OF THE DATE, TIME AND PLACE OF THE HEARING ON THE APPLICATION.

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

- 29 a. SERVE TO SAFEGUARD THE HERITAGE OF THE COUNTY BY PRESERVING ELEMENTS OF
30 ITS CULTURAL, SOCIAL, ECONOMIC, POLITICAL OR ARCHITECTURAL HISTORY;
- 31 b. PROTECT THE INTEGRITY OF A HISTORIC PROPERTY FROM ADVERSE CHANGES AND/OR
32 DEMOLITION; AND

1 c. IMPLEMENT THE GOALS SET FORTH IN THE HISTORIC PRESERVATION PLAN AND
2 GENERAL PLAN.

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