

Introduced 10/1/18
Public hearing 10/15/18
Council action 10/29/18
Executive action 11/8/18
Effective date 1/18/19

County Council of Howard County, Maryland

2018 Legislative Session

Legislative day # 13

BILL NO. 75 - 2018

Introduced by: Jon Weinstein
Co-sponsored by: Greg Fox and Mary Kay Sigaty

AN ACT amending the Howard County Code to create an approval requirement for the Certificate of Approval process for certain actions involving historic structures and public safety; and generally relating to historic structures.

Introduced and read first time October 1, 2018. Ordered posted and hearing scheduled.

By order Jessica Feldmark
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 October 15, 2018.

By order Jessica Feldmark
Jessica Feldmark, Administrator

This Bill was read the third time on October 29, 2018 and Passed , Passed with amendments , Failed .

By order Jessica Feldmark
Jessica Feldmark, Administrator

Scaled with the County Seal and presented to the County Executive for approval this 1st day of November 2018 at 1⁰⁰ a.m. (p.m.)

By order Jessica Feldmark
Jessica Feldmark, Administrator

Approved Vetoed by the County Executive 11/8, 2018

Allan H. Kittleman
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 6. "Historic Preservation Commission"*

9 *Section 16.607. "Standards for Review." and*

10 *Section 16.608. "Structures of unusual importance."*

11
12 **HOWARD COUNTY CODE**

13
14 **Title 16. PLANNING, ZONING AND SUBDIVISIONS AND LAND DEVELOPMENT**
15 **REGULATIONS**

16
17 **Subtitle 6. Historic Preservation Commission.**

18
19 **Section 16.607. Standards for review.**

20 (a) *Elements for Consideration.* In reviewing an application for a certificate of approval, the
21 Commission shall give consideration to:

22 (1) The historic, architectural, or archeological value or significance of the structure and its
23 relationship to historic value of the surrounding area.

24 (2) The relationship of the exterior architectural features of such structure to the remainder
25 of the structure and to the surrounding area.

26 (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and
27 materials proposed to be used.

28 (4) WHETHER THE REQUESTED ACTION IS NECESSARY TO PROTECT AGAINST THREATS TO
29 PUBLIC SAFETY.

30 (4~~5~~) Any other factors, including aesthetic factors, which the Commission deems to be
31 pertinent.

32 (B) ~~PUBLIC SAFETY. THE COMMISSION SHALL APPROVE AN APPLICATION FOR A CERTIFICATE OF~~
33 ~~APPROVAL IF THE PROPOSED ALTERATION, CONSTRUCTION, MOVING OR DEMOLITION OF THE~~

1 ~~PROPOSED WORK IS NECESSARY TO PROTECT AGAINST THREATS TO PUBLIC SAFETY,~~
2 ~~INCLUDING APPLICATIONS FOR STRUCTURES OF UNUSUAL IMPORTANCE.~~

3 ((b))e) *Exterior Features Only.* The Commission shall pass only on exterior features of a
4 structure and shall not consider interior arrangement; nor shall it disapprove
5 applications except in regard to the considerations set forth above.

6 ((c))d) *Intent of the Subtitle.* It is the intent of this subtitle that the Commission be strict in its
7 judgment of plans for contributing structures. It is also the intent of this subtitle that the
8 Commission shall be lenient in its judgment of plans for structures of little historic value
9 or plans for new construction, except where such plans would seriously impair the
10 historic or architectural value of surrounding structures or the surrounding area. It is not
11 the intent of this subtitle to limit new construction, alteration, or repairs to the
12 architectural style of any one period.

13 ((d))e) *Additional Guidelines.* The Commission shall adopt guidelines for its review of
14 applications based on the standards of this subtitle. The guidelines may include
15 standards for identifying contributing structures.

16 **Sec. 16.608. - Structures of unusual importance.**

17 (a) Structure of Unusual Importance. In the case of an application for alteration affecting
18 the exterior appearance of a structure or for the moving or demolition of a structure the
19 preservation of which the Commission deems of unusual importance to the County, State
20 or nation, the Commission shall endeavor to work out with the owner an economically
21 feasible plan for the preservation of such structure.

22 (b) Deny Application. Unless the Commission is satisfied that proposed construction,
23 alteration, or reconstruction will not materially impair the historic value of the structure,
24 the Commission shall deny the application.

25 (c) Negotiation. If an application is submitted for alteration, moving or demolition of a
26 structure that the Commission deems of unusual importance and no economically feasible
27 plan can be formulated, the Commission shall have 90 days from the time it concludes that
28 no economically feasible plan can be formulated to negotiate with the owner and other
29 parties in an effort to find a means of preserving the building.

1 (d) Special Circumstances. The Commission may approve the proposed alteration,
2 moving or demolition of a structure of unusual importance despite the fact that the changes
3 come within the provisions of subsections (a) through (c) of this section, if:

4 (1) The structure is a deterrent to a major improvement program which will be of
5 substantial benefit to the County;

6 (2) RETENTION OF THE STRUCTURE WOULD BE A THREAT TO PUBLIC SAFETY;

7 (~~[[2]]~~3) Retention of the structure would cause undue financial hardship to the owner;
8

9 or

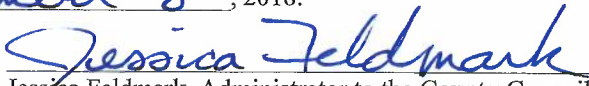
10 (~~[[3]]~~4)Retention of the structure would not be in the interest of a majority of the persons
11 in the community.

12
13 ***Section 2. Be it further enacted by the County Council of Howard County, Maryland, that the Department***
14 ***of Planning and Zoning shall, by the effective date of this Act, update the General Application for***
15 ***Certificate of Approval to reflect the Public Safety provision in this Act.***

16
17 ***Section 3. Be it further enacted by the County Council of Howard County, Maryland, that this Act shall***
18 ***become effective 61 days after its enactment.***

BY THE COUNCIL

This Bill, having been approved by the Executive and returned to the Council, stands enacted on November 8, 2018.


Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been passed by the yeas and nays of two-thirds of the members of the Council notwithstanding the objections of the Executive, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having received neither the approval nor the disapproval of the Executive within ten days of its presentation, stands enacted on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, not having been considered on final reading within the time required by Charter, stands failed for want of consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, having been disapproved by the Executive and having failed on passage upon consideration by the Council stands failed on _____, 2018.

Jessica Feldmark, Administrator to the County Council

BY THE COUNCIL

This Bill, the withdrawal of which received a vote of two-thirds (2/3) of the members of the Council, is withdrawn from further consideration on _____, 2018.

Jessica Feldmark, Administrator to the County Council