Introduced March 5, 2014
Public Hearing March 17, 2014
Council Action April 7, 2014
Executive Action April 9, 2014
Effective Date June 9, 2014

# County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 3

## Bill No. 11 -2014

Introduced by: The Chairperson at the request of the County Executive

AN ACT changing the name of the Historic District Commission to be the Historic Preservation Commission; defining certain terms; allowing for certain single-site historic districts; clarifying certain membership of the Commission; extending certain voting deadlines; clarifying the advisory role of the Commission; clarifying certain powers of the Commission and staff; clarifying certain appeal provisions; and generally relating to the Historic District Commission.

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Introduced and read first time March 5, 2014. Ordered posted and hearing scheduled.

By order Sheila M. Tolliver
Sheila M. Tolliver, 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 March 17, 2014.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

This Bill was read the third time on April 7, 2014 and Passed ___, Passed with amendments ✓, Failed ___.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this 8th day of April, 2014 at 1:00 a.m./p.m.

By order Sheila M. Tolliver
Sheila M. Tolliver, Administrator

Approved by the County Executive April 9, 2014

Ken Ulman, 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.

***Section 1. Be It Enacted*** *by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:*

*1. By amending:*

*Title 6 "County Executive and the Executive Branch"*

*Section 6.324 "Historic District Commission"*

*2. By amending:*

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

*Section 16.600 "Purpose"*

*Section 16.601 "Definitions"*

*SECTION 16.602. "Establishment of historic districts."*

*Section 16.603 "Certificates of approval"*

*Section 16.603A "Review of development plans"*

*Section 16.604 "Historic District Commission"*

*Section 16.605 "Procedures of the Historic District Commission"*

*Section 16.606 "Powers of the Historic District Commission"*

*Section 16.611 "Appeals"*

*3. By amending:*

*Title 20 "Taxes, Charges and Fees"*

*Section 20.112(b)(2) "Historically valuable, architecturally valuable, or architecturally compatible structures".*

*Section 20.113(b)(2) "Restorations and rehabilitations of historic or heritage properties".*

**Title 6. County Executive and the Executive Branch.**

**Subtitle 3. Boards and Commissions.**

**Section 6.324. Historic [[District]] PRESERVATION Commission.**

There is a Historic [[District]] PRESERVATION Commission. Its membership and duties and responsibilities are set forth in subtitle 6, "Historic [[District]] PRESERVATION Commission," of title 16, "Planning, Zoning, Subdivision, etc.," of the Howard County Code

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

**Subtitle 6. Historic [[District]] PRESERVATION Commission.**

**Section 16.600. Purpose.**

The regulations set forth in this subtitle are adopted pursuant to the authority of ~~article 25A, section 5(BB) (Historic and Landmark Zoning and Preservation)~~ LOCAL GOVERNMENT ARTICLE, SECTION 10-325 of the Annotated Code of Maryland ~~1957~~2013, as amended, to regulate construction, alteration, reconstruction, moving and demolition of structures of historic, architectural, and archeological value, together with their appurtenances and environmental settings within respective specified limits. These regulations are designed to safeguard the heritage of the County by preserving districts herein which reflect elements of its cultural, social, economic, political or architectural history; to stabilize and improve the property values in such districts in the County; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of such historic districts in the County for the education, welfare and pleasure of the residents of the County.

These regulations are also intended to promote the preservation of the County's historic resources by establishing the Historic PRESERVATION [[District]] Commission, WHICH SHALL BE THE STEWARD OF THE HISTORIC PRESERVATION PLAN AND SERVE as a resource available to provide advice and counsel to Howard County agencies, Boards, Commissions, and property owners regarding historic sites, either within or outside the boundaries of historic districts.

**Section 16.601. Definitions.**

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

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

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

(C) ***COMMISSION*** MEANS THE HISTORIC PRESERVATION COMMISSION.

([[c]]D) ***Contributing structure*** means a structure located within a historic district and contributing to the historic or architectural value of the district.

([[d]]E) ***Historic district*** means an area in the County which is deemed to be of historic or architectural value, the boundaries of which shall be established in accordance with the [[zoning regulations]] ZONING REGULATIONS of Howard County as amended from time to time. A *MULTIPLE SITE HISTORIC DISTRICT* IS ANY DISTRICT CONSISTING OF MORE THAN ONE PROPERTY. A *SINGLE SITE HISTORIC DISTRICT* CONSISTS OF ONLY ONE PROPERTY.

([[e]]F) ***Historic sites inventory*** means the list of historic sites adopted by RESOLUTION OF THE County Council [[resolution No. 130-2000, or any historic sites inventory subsequently adopted by the Council]].

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

([[g]]H) ***Principal use or structure*** means the main use of a lot or a structure, as opposed to an accessory use or structure.

([[h]]I) ***Routine maintenance*** means work that does not alter the exterior features of a structure and has no material effect on the historic or architectural significance of the structure. ***Routine maintenance*** includes:

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

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

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

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

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

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

**Sec. 16.602. Establishment of historic districts.**

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

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

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

(D) SINGLE SITE HISTORIC DISTRICTS MAY ONLY BE ESTABLISHED UPON THE PETITION OF THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THE PETITION.

**Section 16.603. Certificates of approval.**

(a) *Certificate of Approval Required.* Except as provided otherwise in this section, a certificate of approval from the [[Historic District]] Commission is mandatory before the following may be undertaken within any historic district:

(1) Construction, moving, demolition, repair or alteration of any structure in any manner affecting the exterior appearance of the structure;

(2) Construction or alteration of parking areas; and

(3) Installation or alteration of exterior signs.

(b) *Routine Maintenance.* A certificate of approval is not required for routine maintenance.

(c) *Preparation for New Development.* A certificate of approval is not required for the following work when carried out in accordance with an approved subdivision plan, site development plan, forest conservation plan, or grading plan:

(1) Construction or alteration of public streets and sidewalks, use-in-common driveways, storm drains and drainage swales, stormwater management facilities, and utility lines;

(2) Tree clearing and removal; or

(3) Installation of forest conservation plantings, street trees, and other required landscaping.

(d) *Building Permit.* The Department of Inspections, Licenses and Permits shall not issue a building permit or a grading permit for work requiring a certificate of approval unless the [[Historic District]] Commission has issued a certificate of approval. The permit shall incorporate any requirements or modifications required by the certificate of approval.

(e) *Sign Permit.* The Department of Inspections, Licenses and Permits shall not issue a sign permit for work requiring a certificate of approval unless the [[Historic District]] Commission has issued a certificate of approval. The sign permit shall incorporate any requirements or modifications required by the certificate of approval.

(f) *Posted on Property.* The certificate of approval shall be posted on the property in a location visible from a public street while the work authorized by the certificate is being performed.

(g) *Expiration of Certificate of Approval.* Unless extended by the Commission, a certificate of approval issued by the [[Historic District]] Commission shall expire automatically if:

(1) The work has not been substantially completed within 18 months from the date the certificate of approval was issued for an application for the alteration, repair, moving, or demolition of a structure, or for the construction of a new accessory structure.

(2) The work has not been substantially completed within three years from the date the certificate of approval was issued for an application for the construction of a new principal structure.

(h) *Extension of Certificate of Approval.* An application for extension of a certificate of approval shall be treated and considered as a new application before the Commission.

**Section 16.603A. Review of development plans.**

Prior to the initial submittal of an application for subdivision or site development plan approval on a site located in a historic district established under this [[subtitle]] SUBTITLE, ADJOINING A MULTI-SITE HISTORIC DISTRICT, or that contains a historic structure, the applicant shall request review by the Commission to identify all historic resources on the site and obtain advice from the Commission regarding the design of development.

**Section 16.604. Historic [[District]] PRESERVATION Commission.**

(a) *Establishment.* There is [[an]] A Historic [[District]] PRESERVATION Commission to carry out the purposes of this subtitle.

(b) *Membership and Appointment:*

(1) *General provisions.* General provisions applicable to this Commission are set forth in subtitle 3, "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(2) *Number of members.* The Commission shall have a membership of seven persons.

(3) *Qualifications:*

(i) All members shall be residents of Howard County.

(ii) Members shall be professionals in or have special interest, knowledge, or training in such fields as history, architecture, archeology, anthropology, curation, preservation, urban design or related disciplines and shall have knowledge of and have demonstrated an interest in the preservation of historic and architectural areas of the County.

(iii) The Commission shall include at least one resident or property owner from each MULTIPLE SITE historic district in Howard County. When a new MULTIPLE SITE historic district is created, a resident or property owner from the new district shall be appointed to the Commission within three years of the date the new district is created. Within three months of the creation of the new MULTIPLE SITE historic district, the County Executive shall appoint a resident or property owner from the new district as a temporary additional voting member of the Commission, to serve until the

permanent member of the Commission from that district is appointed and confirmed.

(c) *Quorum.* Three members shall constitute a quorum, and the vote of the majority present shall be necessary for a decision.

**Section 16.605. Procedures of the [[Historic District]] Commission.**

(a) *Rules of Procedure.* The Commission shall adopt rules of procedure necessary for the discharge of its duties.

(b) *Applications:*

(1) Applications for a certificate of approval and any other Commission approval or review required under this subtitle shall be filed with the Department of Planning and Zoning.

(2) The Department shall check the application for completeness and shall forward the application, together with all maps, plans and all other data required by the rules of the [[Historic District]] Commission, to the [[Historic District]] Commission.

(3) Provided that the application was filed with the Department of Planning and Zoning at least 22 calendar days before the Commission's next scheduled meeting, the Department shall place the application on the agenda for the next scheduled Commission meeting. The Commission shall hear only those applications which [[it]] STAFF FROM THE DEPARTMENT OF PLANNING AND ZONING determines are complete. Applications filed less than 22 calendar days before the Commission's next scheduled meeting shall be placed on the agenda for the following meeting.

(4) The Commission may hold an emergency meeting to hear an application for a certificate of approval which requires immediate action due to an immediate safety or health hazard or the need for emergency repairs.

(c) *Standing.* Any person, or the person's duly constituted representative, shall be entitled to appear and be heard on any matter before the Commission reaches a decision.

(d) *Records.* The Commission shall keep a record of its proceedings and action, which shall be on file for public view at the Department of Planning and Zoning.

(e) *Notice.* Notice of Commission meetings shall appear in a newspaper of general circulation in Howard County at least seven days prior to such meeting. Each application to be heard at a

Commission meeting shall be advertised in the manner provided for in the rules of the Commission. Notice of an emergency meeting is not required to be published in a newspaper, provided that the property which is the subject of an application to be heard at an emergency meeting is posted with the time, date, place, and subject matter of the meeting for at least 24 hours immediately prior to the meeting.

(f) *Action of the Commission:*

(1) The Commission shall file with the Department of Planning and Zoning its certificate of approval, modification or denial of all applications and plans submitted to it for review.

(2) No work shall begin until such certificate of approval shall have been filed.

(3) Failure of the Commission to vote on an application within [[60]]90 days from the date a complete application is filed shall constitute approval, unless an extension of the [[60]]90-day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn.

(4) The Commission shall set forth, in writing, its reason for approval or denial of an application submitted to it for review.

(5) If an application is denied, in the absence of a change to the structure arising from casualty, no new application for the same or similar work shall be filed within one year after the conclusion of the hearing on the denied application.

**Section 16.606. Powers of the [[Historic District]] Commission.**

(a) *Review of Applications.* The Commission shall review all applications for certificates of approval. The Commission shall also review applications for alterations to historic structures outside the historic district AND MAKE ANY OTHER DETERMINATION when required by [[the conditional use provisions of]] the zoning regulations. The Commission shall approve, approve with modifications, or deny the applications.

(b) [[*Designation of]] CONSULTATION WITH THE Maryland Historical Trust.* The Commission may [[designate]] CONSULT WITH the Maryland Historical Trust to make an analysis of and recommendation concerning the preservation of structures of historic or architectural value within the County. Such report may propose boundaries of districts as well as identify particular structures recommended to be preserved.

~~(c) *Recommend Designation as Historic District.* The Commission shall have the right to recommend to the Howard County ZONING BOARD that appropriate areas be designated as historic districts. The Commission shall also make recommendations to the Zoning Board on all petitions to create or amend the boundaries of historic districts. THE COMMISSION SHALL ONLY CONSIDER APPLICATIONS FOR SINGLE SITE HISTORIC DISTRICTS THAT ARE SUBMITTED BY THE OWNERS OF THOSE RESPECTIVE SITES. PROCEDURES FOR THE DESIGNATION OF A SINGLE SITE HISTORIC DISTRICT ARE OUTLINED IN SECTION 400 OF THE HISTORIC PRESERVATION COMMISSION'S RULES OF PROCEDURE.~~ (C) *RECOMMEND DESIGNATION AS HISTORIC DISTRICT.* THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE HOWARD COUNTY COUNCIL ON ALL PETITIONS TO CREATE OR MODIFY MULTIPLE SITE HISTORIC DISTRICTS. THE COMMISSION SHALL ALSO MAKE RECOMMENDATIONS TO THE ZONING BOARD ON ALL PETITIONS TO CREATE BOUNDARIES OF SINGLE SITE HISTORIC DISTRICTS OR TO AMEND THE BOUNDARIES OF HISTORIC DISTRICTS ON A PIECEMEAL BASIS.

(d) *Provide Advice on Historical Resources.*

(1) The Commission shall perform the following advisory functions:

[[(1)]](I) Advise and assist in developing plans for the preservation of historic resources within Howard County upon the request of an Agency, Board or Commission of Howard County Government.

[[(2)]](II) Advise and assist the [[department of planning and zoning]] DEPARTMENT OF PLANNING AND ZONING in identifying historic resources on property that requires subdivision or site development plan approval and is located in a historic district established under this subtitle or contains an historic structure. Such advice shall be given prior to the initial plan submittal for either subdivision or site development plans.

[[(3)]](III) Advise an applicant for subdivision or site development plan approval for a site located in a historic district established under this [[subtitle]] SUBTITLE, ADJOINING A MULTI-SITE HISTORIC DISTRICT or that contains a historic structure. Such advice shall be provided prior to the initial submittal for a subdivision or site development plan. After Commission review of a plan under this paragraph, the Director of the Department of

Planning and Zoning may require the applicant to resubmit the plan to the Commission for its review and advice if:

[[(i)]]A. Before the subdivision application or site development plan is approved, the applicant submits a revised plan that the Director of the Department of Planning and Zoning determines is inconsistent with the Commission's comments on the previous plan; or

[[(ii)]]B. The subdivision plan or site development plan expires and the applicant submits a new plan.

[[(4)]](IV) Upon the request of the applicant, provide [[preapplication]] PRE-APPLICATION advice on the design of proposed work to persons seeking a certificate of approval.

(2) THE COMMISSION MAY PERFORM THE FOLLOWING ADVISORY FUNCTIONS:

(I) REVIEW APPLICATIONS FOR ZONING TEXT AMENDMENTS, MAP AMENDMENTS, CONDITIONAL USE, OR VARIANCE APPROVALS AND MAKE RECOMMENDATIONS TO THE ZONING BOARD, PLANNING BOARD, COUNTY COUNCIL, OR HEARING EXAMINER FOR:

(A) AREAS LOCATED WITHIN A HISTORIC DISTRICT OR

(B) A HISTORIC STRUCTURE LISTED ON THE HISTORIC SITES INVENTORY;

(II) REVIEW AND PROVIDE ADVICE TO THE PLANNING BOARD AND COUNTY COUNCIL ON OTHER PROPOSALS AFFECTING HISTORIC PRESERVATION, INCLUDING COUNTY GENERAL PLANS AND AREA MASTER PLANS.

(III) ADVISE IN DEVELOPING PLANS FOR THE PRESERVATION OF HISTORIC RESOURCES WITHIN HOWARD COUNTY UPON THE REQUEST OF THE OWNER OF THE HISTORIC RESOURCE.

(e) *Adopt Rules to Implement Historic Tax Credit Program:*

(1) The Commission shall adopt rules to implement the historic tax credit program under sections20.112 and20.113 of the County Code.

(2) The rules shall include:

(i) Procedures to be followed by a property owner in applying for the tax credit.

(ii) Procedures to be followed by the Commission in considering an application; and

(iii) Guidelines for the performance of eligible work.

(f) *Approve Historic Tax Credits.* As specified in sections 20.112 and 20.113 of the County Code, the Commission may:

(1) Determine whether a structure is eligible for a historic tax credit; and

(2) Approve an application for a historic tax credit.

(G) *MAINTAIN THE INVENTORY.* THE COMMISSION SHALL ADVISE ON UPDATING AND MAINTAINING THE HISTORIC SITES INVENTORY.

**Section 16.611. Appeals.**

Any person or persons jointly or severally, or firm or corporation, aggrieved by a decision of the [[Historic District]] Commission may appeal the decision of the [[Historic District]] Commission to the Circuit Court for Howard County, provided the appeal is made within 30 days of the Commission's [[decision]] VOTE TO APPROVE OR DENY THE APPLICATION, OR THE DATE AN APPLICATION IS APPROVED DUE TO THE FAILURE OF THE COMMISSION TO VOTE.

## Title 20. Taxes, Charges and Fees.

### Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.

**Section 20.112. Historically valuable, architecturally valuable, or architecturally compatible structures.**

(b) *Definitions.* In this section the following terms have the meanings indicated:

(2) *Commission* means the Historic [[District]] PRESERVATION Commission created under sections 6.324 and 16.604 of the County Code.

**Section 20.113. Restorations and rehabilitations of historic or heritage properties.**

(b) *Definitions.* In this section the following terms have the meanings indicated:

(2) *Commission* means the Historic [[District]] PRESERVATION Commission created under section 6.324 of the County Code.

1 ***Section 2. And Be It Further Enacted*** *by the County Council of Howard County, Maryland,*
2 *that this Act shall become effective 61 days after its enactment.*

**Amendment to Council Bill 11-2014**

**BY: Mary Kay Sigaty**

**Legislative Day No: 4**
**Date: April 7, 2014**

**Amendment No. 1**

*(This amendment would move the clarifying provision that the request for a Single Site Historic District designation can only be made by the property owner from Section 16.606 "Powers of the Commission" to Section 16.602 "Establishment of historic districts").*

On page 1, immediately following line 10, insert the following:

"*SECTION 16.602. "Establishment of historic districts.""*.

On page 4, immediately following line 3, insert the following:

**"Sec. 16.602. Establishment of historic districts.**

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

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

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

(D) SINGLE SITE HISTORIC DISTRICTS MAY ONLY BE ESTABLISHED UPON THE PETITION OF THE OWNER OF THE PROPERTY WHICH IS THE SUBJECT OF THE PETITION.".

ADOPTED 4/7/2014
FAILED
SIGNATURE

**Amendment to Council Bill 11-2014**

**BY: Mary Kay Sigaty**

**Legislative Day No: 4**
**Date: April 7, 2014**

**Amendment No. 1**

(*This amendment would correct the State authority reference found in the Purpose section*).

On page 2, in lines 6 and 7, strike "article 25A, section 5(BB) (Historic and Landmark Zoning and Preservation)" and substitute "LOCAL GOVERNMENT ARTICLE, SECTION 10-325". On the same page, in line 8, strike "1957" and substitute "2013".

ADOPTED 4/7/2014
FAILED
SIGNATURE Susie Tallman

**Amendment to Council Bill 11-2014**

**BY: Mary Kay Sigaty**

**Legislative Day No: 4**
**Date: April 7, 2014**

**Amendment No. 3**

*(This amendment would clarify that recommendations made by the Historic Preservation Commission on an entire Historic District designation as a whole are made to the County Council and that recommendations made pertaining to single Historic District properties seeking to be designated as part of a Historic District are to be made to the Zoning Board).*

On page 8, strike lines 12 through 19, in their entirety, and substitute the following:

"(C) *RECOMMEND DESIGNATION AS HISTORIC DISTRICT.* THE COMMISSION SHALL MAKE RECOMMENDATIONS TO THE HOWARD COUNTY COUNCIL ON ALL PETITIONS TO CREATE OR MODIFY MULTIPLE SITE HISTORIC DISTRICTS. THE COMMISSION SHALL ALSO MAKE RECOMMENDATIONS TO THE ZONING BOARD ON ALL PETITIONS TO CREATE BOUNDARIES OF SINGLE SITE HISTORIC DISTRICTS OR TO AMEND THE BOUNDARIES OF HISTORIC DISTRICTS ON A PIECEMEAL BASIS.".

ADOPTED 4/7/2014

FAILED

SIGNATURE Sheila Tillery

Introduced _____
Public Hearing _____
Council Action _____
Executive Action _____
Effective Date _____

# County Council Of Howard County, Maryland

2014 Legislative Session

Legislative Day No. 3

**Bill No. 11 -2014**

Introduced by: The Chairperson at the request of the County Executive

AN ACT changing the name of the Historic District Commission to be the Historic Preservation Commission; defining certain terms; allowing for certain single-site historic districts; clarifying certain membership of the Commission; extending certain voting deadlines; clarifying the advisory role of the Commission; clarifying certain powers of the Commission and staff; clarifying certain appeal provisions; and generally relating to the Historic District Commission.

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Introduced and read first time _____, 2014. Ordered posted and hearing scheduled.

By order _____
Sheila M. Tolliver, 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 _____, 2014.

By order _____
Sheila M. Tolliver, Administrator

This Bill was read the third time on _____, 2014 and Passed ___, Passed with amendments _____, Failed _____.

By order _____
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this ___day of _____, 2014 at ___ a.m./p.m.

By order _____
Sheila M. Tolliver, Administrator

Approved by the County Executive _____, 2014

_____
Ken Ulman, 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.

***Section 1. Be It Enacted*** *by the County Council of Howard County, Maryland, that the Howard County Code is amended as follows:*

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*Section 20.112(b)(2) "Historically valuable, architecturally valuable, or architecturally compatible structures".*

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## Title 6. County Executive and the Executive Branch.

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## Title 16. Planning, Zoning, Subdivisions and Land Development Regulations.

## Subtitle 6. Historic [[District]] PRESERVATION Commission.

**Section 16.600. Purpose.**

The regulations set forth in this subtitle are adopted pursuant to the authority of article 25A, section 5(BB) (Historic and Landmark Zoning and Preservation) of the Annotated Code of Maryland 1957, as amended, to regulate construction, alteration, reconstruction, moving and demolition of structures of historic, architectural, and archeological value, together with their appurtenances and environmental settings within respective specified limits. These regulations are designed to safeguard the heritage of the County by preserving districts herein which reflect elements of its cultural, social, economic, political or architectural history; to stabilize and improve the property values in such districts in the County; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of such historic districts in the County for the education, welfare and pleasure of the residents of the County.

These regulations are also intended to promote the preservation of the County's historic resources by establishing the Historic PRESERVATION [[District]] Commission, WHICH SHALL BE THE STEWARD OF THE HISTORIC PRESERVATION PLAN AND SERVE as a resource available to provide advice and counsel to Howard County agencies, Boards, Commissions, and property owners regarding historic sites, either within or outside the boundaries of historic districts.

**Section 16.601. Definitions.**

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

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

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

(C) ***COMMISSION*** MEANS THE HISTORIC PRESERVATION COMMISSION.

([[c]]D) ***Contributing structure*** means a structure located within a historic district and contributing to the historic or architectural value of the district.

([[d]]E) ***Historic district*** means an area in the County which is deemed to be of historic or architectural value, the boundaries of which shall be established in accordance with the [[zoning regulations]] ZONING REGULATIONS of Howard County as amended from time to time. A *MULTIPLE SITE HISTORIC DISTRICT* IS ANY DISTRICT CONSISTING OF MORE THAN ONE PROPERTY. A *SINGLE SITE HISTORIC DISTRICT* CONSISTS OF ONLY ONE PROPERTY.

([[e]]F) ***Historic sites inventory*** means the list of historic sites adopted by RESOLUTION OF THE County Council [[resolution No. 130-2000, or any historic sites inventory subsequently adopted by the Council]].

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

([[g]]H) ***Principal use or structure*** means the main use of a lot or a structure, as opposed to an accessory use or structure.

([[h]]I) ***Routine maintenance*** means work that does not alter the exterior features of a structure and has no material effect on the historic or architectural significance of the structure. ***Routine maintenance*** includes:

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

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

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

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

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

([[i]]J) ***Structure*** means anything constructed, the use of which requires permanent location on the ground, or attached to something having permanent location on the ground. *Structure* includes buildings, porches, decks, awning, fences, gravestones, communication towers, and streetlights and other exterior lighting fixtures. Street furniture such as benches, newspaper boxes, and trash receptacles are considered structures if permanently

affixed to the ground. The term *structure* shall be construed as if followed by the words "or part thereof" and to include the words "appurtenances and environmental settings."

**Section 16.603. Certificates of approval.**

(a) *Certificate of Approval Required.* Except as provided otherwise in this section, a certificate of approval from the [[Historic District]] Commission is mandatory before the following may be undertaken within any historic district:

(1) Construction, moving, demolition, repair or alteration of any structure in any manner affecting the exterior appearance of the structure;

(2) Construction or alteration of parking areas; and

(3) Installation or alteration of exterior signs.

(b) *Routine Maintenance.* A certificate of approval is not required for routine maintenance.

(c) *Preparation for New Development.* A certificate of approval is not required for the following work when carried out in accordance with an approved subdivision plan, site development plan, forest conservation plan, or grading plan:

(1) Construction or alteration of public streets and sidewalks, use-in-common driveways, storm drains and drainage swales, stormwater management facilities, and utility lines;

(2) Tree clearing and removal; or

(3) Installation of forest conservation plantings, street trees, and other required landscaping.

(d) *Building Permit.* The Department of Inspections, Licenses and Permits shall not issue a building permit or a grading permit for work requiring a certificate of approval unless the [[Historic District]] Commission has issued a certificate of approval. The permit shall incorporate any requirements or modifications required by the certificate of approval.

(e) *Sign Permit.* The Department of Inspections, Licenses and Permits shall not issue a sign permit for work requiring a certificate of approval unless the [[Historic District]] Commission has issued a certificate of approval. The sign permit shall incorporate any requirements or modifications required by the certificate of approval.

(f) *Posted on Property.* The certificate of approval shall be posted on the property in a location visible from a public street while the work authorized by the certificate is being performed.

(g) *Expiration of Certificate of Approval.* Unless extended by the Commission, a certificate of approval issued by the [[Historic District]] Commission shall expire automatically if:

(1) The work has not been substantially completed within 18 months from the date the certificate of approval was issued for an application for the alteration, repair, moving, or demolition of a structure, or for the construction of a new accessory structure.

(2) The work has not been substantially completed within three years from the date the certificate of approval was issued for an application for the construction of a new principal structure.

(h) *Extension of Certificate of Approval.* An application for extension of a certificate of approval shall be treated and considered as a new application before the Commission.

**Section 16.603A. Review of development plans.**

Prior to the initial submittal of an application for subdivision or site development plan approval on a site located in a historic district established under this [[subtitle]] SUBTITLE, ADJOINING A MULTI-SITE HISTORIC DISTRICT, or that contains a historic structure, the applicant shall request review by the Commission to identify all historic resources on the site and obtain advice from the Commission regarding the design of development.

**Section 16.604. Historic [[District]] PRESERVATION Commission.**

(a) *Establishment.* There is [[an]] A Historic [[District]] PRESERVATION Commission to carry out the purposes of this subtitle.

(b) *Membership and Appointment:*

(1) *General provisions.* General provisions applicable to this Commission are set forth in subtitle 3, "Boards and Commissions," of title 6, "County Executive and the Executive Branch," of the Howard County Code.

(2) *Number of members.* The Commission shall have a membership of seven persons.

(3) *Qualifications:*

(i) All members shall be residents of Howard County.

(ii) Members shall be professionals in or have special interest, knowledge, or training in such fields as history, architecture, archeology, anthropology,

curation, preservation, urban design or related disciplines and shall have knowledge of and have demonstrated an interest in the preservation of historic and architectural areas of the County.

(iii) The Commission shall include at least one resident or property owner from each MULTIPLE SITE historic district in Howard County. When a new MULTIPLE SITE historic district is created, a resident or property owner from the new district shall be appointed to the Commission within three years of the date the new district is created. Within three months of the creation of the new MULTIPLE SITE historic district, the County Executive shall appoint a resident or property owner from the new district as a temporary additional voting member of the Commission, to serve until the permanent member of the Commission from that district is appointed and confirmed.

(c) *Quorum.* Three members shall constitute a quorum, and the vote of the majority present shall be necessary for a decision.

**Section 16.605. Procedures of the [[Historic District]] Commission.**

(a) *Rules of Procedure.* The Commission shall adopt rules of procedure necessary for the discharge of its duties.

(b) *Applications:*

(1) Applications for a certificate of approval and any other Commission approval or review required under this subtitle shall be filed with the Department of Planning and Zoning.

(2) The Department shall check the application for completeness and shall forward the application, together with all maps, plans and all other data required by the rules of the [[Historic District]] Commission, to the [[Historic District]] Commission.

(3) Provided that the application was filed with the Department of Planning and Zoning at least 22 calendar days before the Commission's next scheduled meeting, the Department shall place the application on the agenda for the next scheduled Commission meeting. The Commission shall hear only those applications which [[it]] STAFF FROM THE DEPARTMENT OF PLANNING AND ZONING determines are

complete. Applications filed less than 22 calendar days before the Commission's next scheduled meeting shall be placed on the agenda for the following meeting.

(4) The Commission may hold an emergency meeting to hear an application for a certificate of approval which requires immediate action due to an immediate safety or health hazard or the need for emergency repairs.

(c) *Standing.* Any person, or the person's duly constituted representative, shall be entitled to appear and be heard on any matter before the Commission reaches a decision.

(d) *Records.* The Commission shall keep a record of its proceedings and action, which shall be on file for public view at the Department of Planning and Zoning.

(e) *Notice.* Notice of Commission meetings shall appear in a newspaper of general circulation in Howard County at least seven days prior to such meeting. Each application to be heard at a Commission meeting shall be advertised in the manner provided for in the rules of the Commission. Notice of an emergency meeting is not required to be published in a newspaper, provided that the property which is the subject of an application to be heard at an emergency meeting is posted with the time, date, place, and subject matter of the meeting for at least 24 hours immediately prior to the meeting.

(f) *Action of the Commission:*

(1) The Commission shall file with the Department of Planning and Zoning its certificate of approval, modification or denial of all applications and plans submitted to it for review.

(2) No work shall begin until such certificate of approval shall have been filed.

(3) Failure of the Commission to vote on an application within [[60]]90 days from the date a complete application is filed shall constitute approval, unless an extension of the [[60]]90-day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn.

(4) The Commission shall set forth, in writing, its reason for approval or denial of an application submitted to it for review.

(5) If an application is denied, in the absence of a change to the structure arising from casualty, no new application for the same or similar work shall be filed within one year after the conclusion of the hearing on the denied application.

**Section 16.606. Powers of the [[Historic District]] Commission.**

(a) *Review of Applications.* The Commission shall review all applications for certificates of approval. The Commission shall also review applications for alterations to historic structures outside the historic district AND MAKE ANY OTHER DETERMINATION when required by [[the conditional use provisions of]] the zoning regulations. The Commission shall approve, approve with modifications, or deny the applications.

(b) [[*Designation of]] CONSULTATION WITH THE Maryland Historical Trust.* The Commission may [[designate]] CONSULT WITH the Maryland Historical Trust to make an analysis of and recommendation concerning the preservation of structures of historic or architectural value within the County. Such report may propose boundaries of districts as well as identify particular structures recommended to be preserved.

(c) *Recommend Designation as Historic District.* The Commission shall have the right to recommend to the Howard County ZONING BOARD that appropriate areas be designated as historic districts. The Commission shall also make recommendations to the Zoning Board on all petitions to create or amend the boundaries of historic districts. THE COMMISSION SHALL ONLY CONSIDER APPLICATIONS FOR SINGLE SITE HISTORIC DISTRICTS THAT ARE SUBMITTED BY THE OWNERS OF THOSE RESPECTIVE SITES. PROCEDURES FOR THE DESIGNATION OF A SINGLE SITE HISTORIC DISTRICT ARE OUTLINED IN SECTION 400 OF THE HISTORIC PRESERVATION COMMISSION'S RULES OF PROCEDURE.

(d) *Provide Advice on Historical Resources.*

(1) The Commission shall perform the following advisory functions:

[[(1)]](I) Advise and assist in developing plans for the preservation of historic resources within Howard County upon the request of an Agency, Board or Commission of Howard County Government.

[[(2)]](II) Advise and assist the [[department of planning and zoning]] DEPARTMENT OF PLANNING AND ZONING in identifying historic resources on property that requires subdivision or site development plan approval and is located in a historic district established under this subtitle or contains an historic structure. Such advice shall be given prior to the initial plan submittal for either subdivision or site development plans.

[[(3)]](III) Advise an applicant for subdivision or site development plan approval for a site located in a historic district established under this [[subtitle]] SUBTITLE, ADJOINING A MULTI-SITE HISTORIC DISTRICT or that contains a historic structure. Such advice shall be provided prior to the initial submittal for a subdivision or site development plan. After Commission review of a plan under this paragraph, the Director of the Department of Planning and Zoning may require the applicant to resubmit the plan to the Commission for its review and advice if:

[[(i)]]A. Before the subdivision application or site development plan is approved, the applicant submits a revised plan that the Director of the Department of Planning and Zoning determines is inconsistent with the Commission's comments on the previous plan; or

[[(ii)]]B. The subdivision plan or site development plan expires and the applicant submits a new plan.

[[(4)]](IV) Upon the request of the applicant, provide [[preapplication]] PRE-APPLICATION advice on the design of proposed work to persons seeking a certificate of approval.

(2) THE COMMISSION MAY PERFORM THE FOLLOWING ADVISORY FUNCTIONS:

(I) REVIEW APPLICATIONS FOR ZONING TEXT AMENDMENTS, MAP AMENDMENTS, CONDITIONAL USE, OR VARIANCE APPROVALS AND MAKE RECOMMENDATIONS TO THE ZONING BOARD, PLANNING BOARD, COUNTY COUNCIL, OR HEARING EXAMINER FOR:

(A) AREAS LOCATED WITHIN A HISTORIC DISTRICT OR

(B) A HISTORIC STRUCTURE LISTED ON THE HISTORIC SITES INVENTORY;

(II) REVIEW AND PROVIDE ADVICE TO THE PLANNING BOARD AND COUNTY COUNCIL ON OTHER PROPOSALS AFFECTING HISTORIC PRESERVATION, INCLUDING COUNTY GENERAL PLANS AND AREA MASTER PLANS.

(III) ADVISE IN DEVELOPING PLANS FOR THE PRESERVATION OF HISTORIC RESOURCES WITHIN HOWARD COUNTY UPON THE REQUEST OF THE OWNER OF THE HISTORIC RESOURCE.

(e) *Adopt Rules to Implement Historic Tax Credit Program:*

(1) The Commission shall adopt rules to implement the historic tax credit program under sections20.112 and20.113 of the County Code.

(2) The rules shall include:

(i) Procedures to be followed by a property owner in applying for the tax credit.

(ii) Procedures to be followed by the Commission in considering an application; and

(iii) Guidelines for the performance of eligible work.

(f) *Approve Historic Tax Credits.* As specified in sections 20.112 and 20.113 of the County Code, the Commission may:

(1) Determine whether a structure is eligible for a historic tax credit; and

(2) Approve an application for a historic tax credit.

(G) *MAINTAIN THE INVENTORY.* THE COMMISSION SHALL ADVISE ON UPDATING AND MAINTAINING THE HISTORIC SITES INVENTORY.

**Section 16.611. Appeals.**

Any person or persons jointly or severally, or firm or corporation, aggrieved by a decision of the [[Historic District]] Commission may appeal the decision of the [[Historic District]] Commission to the Circuit Court for Howard County, provided the appeal is made within 30 days of the Commission's [[decision]] VOTE TO APPROVE OR DENY THE APPLICATION, OR THE DATE AN APPLICATION IS APPROVED DUE TO THE FAILURE OF THE COMMISSION TO VOTE.

## Title 20. Taxes, Charges and Fees.

### Subtitle 1. Real Property Tax; Administration, Credits, and Enforcement.

**Section 20.112. Historically valuable, architecturally valuable, or architecturally compatible structures.**

(b) *Definitions.* In this section the following terms have the meanings indicated:

(2) *Commission* means the Historic [[District]] PRESERVATION Commission created under sections 6.324 and 16.604 of the County Code.

**Section 20.113. Restorations and rehabilitations of historic or heritage properties.**

(b) *Definitions*. In this section the following terms have the meanings indicated:

(2) *Commission* means the Historic [[District]] PRESERVATION Commission created under section 6.324 of the County Code.

***Section 2. And Be It Further Enacted*** *by the County Council of Howard County, Maryland, that this Act shall 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 April 9, 2014.

Sheila M. Tolliver

Sheila M. Tolliver, 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 _____, 2014.

_____

Sheila M. Tolliver, 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 _____, 2014.

_____

Sheila M. Tolliver, 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 _____, 2014.

_____

Sheila M. Tolliver, 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 _____, 2014.

_____

Sheila M. Tolliver, 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 _____, 2014.

_____

Sheila M. Tolliver, Administrator to the County Council