

ARTICLE XIII General Provisions For Historic Landmarks

§267-101. Purpose.

A. The purpose of this Article is to provide Harford County with the standards necessary to allow the preservation of historic structures and sites in the County.

B. It is hereby declared by Harford County, Maryland, that it is the public policy that the protection, enhancement, perpetuation and use of structures and sites of special character or historical interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The further purpose of this Article is to:

(1) Effect and accomplish the protection, enhancement and perpetuation of such improvements that represent or reflect elements of the County's cultural, social, economic, political and architectural history.

(2) Safeguard the County's historic and cultural heritage as embodied and reflected in such landmarks.

(3) Stabilize and improve property value.

(4) Foster civic pride in the beauty and noble accomplishments of the past.

(5) Protect and enhance the County's attractions to residents, tourists and visitors and serve as a support and stimulus to business and industry.

(6) Strengthen the economy of the County.

(7) Promote the use of historic landmarks for the education, pleasure and welfare of the people of the County.

Omitted: Historic Preservation Commission, Creation, Membership, Compensation, Meetings Quorum, Annual Report and Budget, Powers And Duties, Surveys.

§267-102. Applicability

This Article may not be construed to:

A. Prevent any ordinary maintenance or repair of an exterior architectural feature which involves no change in design, material, or outward appearance of a structure proposed or designated as a County Historic Landmark;

B. Prevent the construction, reconstruction, alteration, or demolition of any exterior architectural feature which the Department of Inspections, License and Permits determines is required for the public safety because of an unsafe or dangerous condition; or

C. Prevent or prohibit the owner or occupant, if any, of a structure on the list of County Historic Landmarks from using that structure in any lawful manner, so long as the use does not involve the demolition of the structure or the alteration of its exterior architectural features in a manner that impacts the historic character of the structure.

NEW §267-103. Maintenance of Lists.

The list of County Historic Landmarks shall be maintained and made available for public inspection at the Department of Planning and Zoning .

§267-104. Method of Nomination.

A. County Historic Landmark nominations shall be made to the Historic Preservation Commission and may be submitted by a member of the Commission, owner of record of the nominated property or structure or any other person or organization.

NEW B. The Preservation Commission shall make recommendations to the County Council regarding nominations for designation of County Historic Landmarks using the criteria set forth in Section 267-102.

§267-105. Criteria for Consideration of Nomination.

A. The Commission shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure or area meets 1 or more of the following criteria:

(1) Its character, interest or value as part of the development, heritage or cultural characteristics of the community, County, State or Country.

(2) Its location as a site of a significant local, County, State or national event.

(3) Its identification with a person or persons who significantly contributed to the development of the community, County, State or Country.

(4) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials.

(5) Its identification as the work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, County, State or country.

(6) Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant.

(7) Its embodiment of design elements that make it structurally or architecturally innovative.

(8) Its unique location or singular physical characteristics that make it an established or familiar visual feature.

(9) Its character as a particularly fine or unique example of a utilitarian structure, with a high level of integrity or architectural significance.

(10) Its suitability for preservation or restoration.

(11) Its significance as an archaeological site.

B. Any structure, property or area that meets 1 or more of the above criteria shall also have sufficient integrity of location, design, materials and workmanship to make it worthy of preservation or restoration.

§267-106. Nomination Report and Recommendation of Preservation Commission.

The Preservation Commission shall, within 45 calendar days from receipt of a completed nomination in proper form, determine that the nominated landmark does or does not meet the criteria for designation.

A. The determination shall be made based on a report to the Director of the Department of Planning and Zoning containing the following information: **Changed from: The determination shall be accompanied by a report to the Director"**

(1) An explanation of the significance or lack of significance of the nominated landmark as it relates to the criteria for designation.

(2) An explanation of the integrity or lack of integrity of the nominated landmark.

(3) In the case of a nominated landmark found to meet the criteria for designation:

(a) The significant exterior architectural features of the nominated landmark that should be protected.

(b) The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness.

(4) Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark.

(5) The relationship of the nominated landmark to the ongoing effort of the Commission to identify and nominate all potential areas and structures that meet the criteria for designation.

(6) All landmarks, appurtenances and environmental settings appropriate to ensure preservation of character and historical integrity.

(7) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations and parking regulations necessary or appropriate to the preservation of the nominated landmark.

(8) A map showing the location of the nominated landmark. OMITTED: and the boundaries of the nominated historic district.”

B. The recommendations and report of the Commission shall be sent to the Department of Planning and Zoning within 7 calendar days following the vote on the resolution and shall be available to the public. Omitted, “. . . shall be available to the public IN THE OFFICES OF THE COMMISSION.

§267-107. Establishments of Landmarks.

NEW A. Notice and hearing.

NEW (1) The Department of Planning and Zoning, in conjunction with the Preservation Commission, shall conduct public meetings to consider structures to be included on the landmarks list.

NEW (2) For each structure or group of structures, a sign shall be conspicuously posted giving notice of the public meeting on whether a structure should be included on the landmarks list.

NEW (3) The public meeting shall be held no sooner than 45 calendar days, nor later than 60 calendar days after the sign is posted.

NEW (4) The Department of Planning and Zoning shall submit the nominated landmark to the County Council for adoption.

B. Notices.

(1) Immediately upon completion of the nomination of a landmark, the Department of Planning and Zoning shall inform the owner of the property, Changed from: “. . . the Commission shall inform the owner of the property . . . by registered mail, of the nomination. The notice shall include copies of the proposed nomination, legislation and a form requesting the owner's and/or owner's agreement to the nomination. If the owner does not agree to the nomination and/or designation, all action pertaining to the site shall cease.

NEW (2) Upon designation, the landmark shall be incorporated into the Zoning Code and identified by name and Historic Inventory number.

Note: Paragraph B. omitted in current Code: Sets out procedure for the Commission's report to be sent to P&Z within 20 days; Law Dept. prepare appropriate legislation; notice to owner of record and the nominators; notice in newspaper; need to include address and legal description of property in the notice.

C. Interim Control.

No building permit shall be issued by the Department of Inspections, Licenses and Permits for alteration, construction, demolition or removal of a nominated landmark from the date of meeting of the Commission at which a nomination form is first presented until the final disposition of the nomination by the County Council, unless such alteration, removal or demolition is authorized by formal resolution of the County Council as necessary for public health, welfare or safety. In no event shall the delay be for more than 90 calendar days. Omitted. Upon designation, the Commission must classify the landmark as a District H Historic District, etc.

§267-108. Amending and Rescinding Designations.

A designation may be amended or rescinded upon petition to the County Council and compliance with the same procedure and according to the same criteria set forth herein for designation. Changed responsibility for amendment or rescinding from the Commission to the County Council.

§267-109. Historic Landmarks.

The Department of Planning and Zoning shall maintain a list of County Historic Landmarks consisting of public and private sites and structures in the County that the Commission considers to be of significant historical, architectural, archeological, or cultural value.

NEW The following sites are designated as County Historic Landmarks in accordance with this Part. The boundaries of the County Historic Landmarks are shown on the official historic districts and landmarks maps, on file with the Department of Planning and Zoning, which are attached hereto and incorporated herein by reference.

Historic Inventory Number	Property Name
937	Christopher's Camp
441	Churchville Presbyterian Church and Cemetery
225	Hays House
609	Little Falls Meeting House Burial Ground
610	Fallston Friends Schoolhouse
855	Nelson-Reardon-Kennard House
4	Riqbie House
312	St. Francis de Sales Church
5	Sophia's Dairy
168	St. Mary's Church
561	Stansbury Mansion
49	Thomas Run Church
165	Deer Creek Harmony Presbyterian Church
12	Deer Creek Friends Meeting House and Cemetery
6	Bon Air
307	McComas Institute
249	Spesutia Church Vestry House and Cemetery
867	Bush Hotel
1315	Joppa Historic District
443	D. H. Springhouse
469	King and Queen Seats
1117	Whitaker Mill and Miller's House
103	Tabernacle Church
66	Old Brick Baptist Church
1590	St. James African Methodist Episcopal Church Cemetery
693	Woodside
240	Swansbury
1279	Greenwood
1435	Historical Society Headquarters/ Old Bel Air Post Office
356	Joshua's Meadows
1244	Hopkins House
1393	29 West Courtland Street
1394	31 West Courtland Street
1780	Old Aberdeen High School
1395	33 W. Courtland Street
1463	18 Office Street
	Darlington Library
218	Harford County Courthouse
1456	Survey stones for Bel Air at 220 South Main St.
1396	Survey stones for Bel Air at 33 West Courtland St.

Historic Inventory Number	Property Name
1311	Bel Air M.E. Church (Main Street)
1413	Bel Air Black School
PARK PROPERTY:	
	Francis Silver Park (Darlington)
370	Scott House (Equestrian Center)
230	Liriodendron
562	Eden Mill Park
1081	Stone House and Spring House (Edgeley Grove Farm)
BRIDGES:	
439	Franklinville Road
1119	Old Carrs Mill Road
336	Nobles Mill Road
799	Cherry Hill Road
	Forge Hill Road
1038	Ring Factory Road
	Whitaker Mill Road
	Green Road
BOARD OF EDUCATION:	
699	Harford Glen
1704	35 East Gordon Street (demolished)
1410	50 East Gordon Street (demolished)
	Darlington Elementary School
258	54 East Gordon Street
1409	Old Bel Air Academy
HARFORD COMMUNITY COLLEGE:	
152	Hays-Heighe House

§267-110. Certificate of Appropriateness Required.

A certificate of appropriateness shall be required from the Department of Planning and Zoning, in conjunction with the Historic Preservation Commission, (, changed the “Historic Preservation Commission” to “the Department of Planning and Zoning in conjunction with the Historic Preservation Commission . . .”) before the issuance of a permit (Changed from: . before the following actions affecting the exterior architectural appearance of any landmark or property within a historic district may be undertaken.”) that authorizes the following actions affecting the exterior architectural appearance of any landmark may be undertaken:

A. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature, requiring a permit from the Department of Inspections, Licenses and Permits or as specified in the law designating the landmark. Any construction, alteration or removal requiring a building permit from the Department of Inspections, Licenses & Permits

NEW B. Notwithstanding the above, if the Director of the Department of Inspections, Licenses, and Permits, the Director of the Department of Public Works, and the County Health Officer determine, after consultation with the Department of Planning and Zoning, that a historic property constitutes an immediate danger to the health, welfare, and safety of the public, the Director may approve the demolition or alteration of the property.

NEW C. An alteration permitted under Subsection B shall be only to the extent necessary to remove the immediate danger constituted by the property.

NEW D. County Historic Landmarks that are the property of the State, shall be subject to the requirements of this Subsection in so far as possible.

NEW E. The Director of a County department that is responsible for the maintenance of a historic property shall submit an annual report stating the condition of the property to the Historic Preservation Commission.

F. Minor changes for County-owned buildings, to resolve safety or State law requirements, may be approved by the Department of Planning and Zoning, upon consultation with the Department of Inspections, Licenses and Permits

§267-111. Applications.

Every application for a demolition permit **or other exterior(ADDED)** building permit **as required in this Subsection(ADDED)**, including the accompanying plans and specifications, affecting the exterior architectural appearance of a designated landmark **Omitted: or of a property within a designated historic district** shall be forwarded to the Historic Preservation Commission **Changed from: . shall be forwarded by the Department of Inspections, Licenses & Permits to the Commission** within 7 calendar days following receipt of the application. The Department of Inspections, Licenses and Permits shall not issue the building or demolition permit until a certificate of appropriateness has been issued by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission **Changed from: from the Commission.** Applications for a Certificate of Appropriateness shall be made on a form prepared by the Department of Planning and Zoning in conjunction with the Historic Preservation Commission. **Changed from: "Application for review of construction, alteration, demolition or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the Commission and available at the office of the Commission. The Commission shall consider the application at its next regular or special meeting. A certificate of appropriateness may be issued upon the signature of six of the members of the Commission."** The application can be obtained from the Department of Planning and Zoning. Applicants may request a meeting with the Historic Preservation Commission prior to submittal of an application or during the review process. **Omitted: Any applicant may request a meeting with the Commission before the application is sent by DILP to the Commission or during the review of the application**

§267-112. Standards for Review.

A. Design guidelines for applying the criteria for review of certificates of appropriateness shall adhere to the United States Secretary of the Interior's standards for historic preservation projects. **Changed from: Changed, "In considering an application for a building or demolition permit or for a certificate of appropriateness, the Commission shall be guided by the United States Secretary of the Interior's standards for historic preservation projects."**

B. In considering an application for a building or demolition permit or for a certificate of appropriateness, the Historic Preservation Commission shall be guided by the United States Secretary of the Interior's standards for historic preservation projects.

C. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.

D. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural feature should be avoided when possible.

E. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and that seek to create an earlier appearance shall be discouraged.

F. Changes that may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

G. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure or site shall be treated with sensitivity.

H. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event that replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, physical or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

I. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

J. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

§267-113. Determination by Commission.

The Historic Preservation Commission shall review the application for a certificate of appropriateness and recommend to the Department of Planning and Zoning, approval or denial of the certificate of appropriateness within 30 calendar days of receipt of the application. **Omitted: . for a building or demolition permit** Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant, **(ADDED) the Department of Planning and Zoning** and the Department of Inspections, Licenses and Permits within 7 calendar days following the determination. **OMITTED: . and shall be accompanied by a certificate of appropriateness in the case of an approval."**

§267-114. Denial.

A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Preservation Commission shall make recommendations to the Department of Planning and Zoning **CHANGED from: the Commission shall make recommendations to the applicant concerning changes concerning changes**, if any, that could resolve the issues. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Historic Preservation Commission. **OMITTED: . in the proposed action that would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve, as quickly as possible, the differences between the owner and the Commission.**

§267-115. Buffer Requirements.

Except when the Landmark is County-owned or operated, the following requirements must be met:

A. If a proposed use will be on a property that is adjacent to a designated County Historic Landmark, and if the proposed use is within 500 feet of the landmark, the proposed use shall have a buffer and landscaping in accordance with this Section.

B. The Director of Planning and Zoning **WITH ACKNOWLEDGEMENT AND APPROVAL FROM HISTORIC PRESERVATION COMMISSION** shall determine the required width and landscaping of the buffer.

(1) The width shall be at least 10 feet and not more than 100 feet.

(2) Landscaping shall be provided consistent with the criteria put forth in §267-29 (Landscaping)

C. Before determining the required width and landscaping alternative, the Director of Planning and Zoning shall obtain a recommendation from the Historic Preservation Commission. In making its recommendation, the Historic Preservation Commission shall consider the following:

(1) The nature and extent of the proposed use, the degree of compatibility between the proposed use and the County Historic Landmark.

(2) The extent to which the bufferyard will help to preserve the character of the County Historic Landmark.

(3) The size of the property on which the proposed use will be located.

(4) The distance of the proposed use from the County Historic Landmark; and

(5) The size of the property on which the County Historic Landmark is located.

§267-116. Fees.

Fees, if any, shall be as established in Chapter 157 of the Harford County Code.

§267-117. Civil Penalties.

The County may proceed with appropriate civil penalties to enforce this Part 2, including injunctive relief and actions for damage.