

Chapter 57
HISTORIC DISTRICTS

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[HISTORY: Adopted by the Board of County Commissioner of Calvert County 1-24-1984 by Res. No. 4-84. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction - See Ch. 18.
Floodplain management — See Ch. 46.

Zoning — See Ch. 155.

ARTICLE I
General Provisions

§ 57-1. Purpose.

The purpose of this chapter shall be to:

- A. Safeguard the heritage of the county by preserving areas and structures which reflect elements of its cultural, social, economic, political or architectural history;
- B. Stabilize and improve property values in the area of historic districts and strengthen the local economy;
- C. Foster civic beauty;
- D. Promote the use and preservation of historic districts for the education, welfare and pleasure of the residents of the county;
- E. Develop an awareness among property owners of the value of preserving, protecting and restoring areas of historical significance; and
- F. Enable the county government to identify and officially designate structures and sites of historical and cultural importance to the county, in order to make such structures and sites eligible for specific benefits conferred by this chapter and other county ordinances and policies which may be adopted.

§ 57-2. Authority; applicability; when effective; territorial limits.

- A. Under the authority of Article 66B of the Annotated Code of Maryland and subsequent amendments, the following chapter governs the designation and regulation of Historic Districts.
- B. This chapter shall take effect immediately upon adoption and shall be applicable to the territorial limits of Calvert County with the exception of the territory of any incorporated town or municipality in Calvert County.
- C. The provisions of this chapter may apply to those incorporated towns and municipalities of the county by resolution of said incorporated town or municipality.

§ 57-3. Definitions.

The following definitions shall be construed to include the future, the singular to include the plural, and the plural the singular.

COMMISSION — The Calvert County Historic District Commission.

HISTORIC DISTRICT — An area, designated by the Calvert County Board of Commissioners as provided herein, containing significant features, woodlands, vegetation, structures, sites, monuments, landmarks, farmland and archaeological sites. The area shall be accurately described by a metes and bounds description or a boundary survey and posted on the County Zoning Map. The area shall include such property as is essential for

historical or environmental protection. Additional area may be included or added if determined by the Commission to be of benefit or to enhance the historic districted site.

HISTORIC RESOURCE — A term used to identify an historic site or any item interpreted as a structure, as defined in this section.

MINIMUM MAINTENANCE — A required protective maintenance of historic districted structures and sites. Minimum maintenance shall be interpreted to be the minimum Building Codes currently enforced by Calvert County.¹

ORDINARY MAINTENANCE — That which does not alter the exterior features of a historic site or historic resource within an Historic District. Exterior features include the architectural style, design and general arrangement of the exterior; the color, nature and texture of building materials; and the type and style of all windows, doors, light fixtures, signs and similar items found on or related to the exterior of a historic site or historic resource within an Historic District. Basically, ordinary maintenance is that which will have no material effect on the historical, architectural, cultural or archaeological value of the historic site or historic resource within an Historical District. This definition of ordinary maintenance applies, whenever appropriate, to the appurtenances and environmental setting of the property, as well as the building, structure or object itself. Specific items to be considered as ordinary maintenance:

- A. Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights and other appurtenant fixtures with like materials of like design.
- B. Landscaping, except the removal of significant healthy trees.
- C. Paving repair using like materials of like design.
- D. Repainting of surfaces using the same or substantially the same color.

STRUCTURE — A combination of material to form a construction that is stable, including but not limited to buildings, stadiums, reviewing stands, platforms, stagings, observation towers, trestles, bulkheads, piers, wharves, sheds, coal bins, shelters, fences and display signs. The term “structure” shall be interpreted as if followed by the words “or part thereof.” The term “structure” shall include natural and manmade land formations and appurtenances and environmental settings. “Appurtenances” is intended to include contributing buildings, outbuildings, walkways and driveways (whether paved or not). “Environmental settings” is intended to include trees, landscaping, open space and farmland.

ARTICLE II Historic District Commission

§ 57-4. Organization.

The Calvert County Board of Commissioners shall create an Historic District Commission. The Historic District Commission shall have a membership of seven members, all of whom are

¹ Editor's Note: See Ch. 18, Building Construction.

qualified by special interest, knowledge or training in such fields, but not limited to, history, architecture, preservation or urban design, and agree to serve on the Commission and all of whom are residents of the county. The members shall be appointed for terms of three years each, except that in making the initial appointments some appointments shall be established for less than three years in order that, as these initial terms expire, all appointments shall be for **three** years and shall not expire at the same time. Members of the Commission are eligible for reappointment. Any vacancy on the Commission shall be filled by the County Board of Commissioners for the unexpired term of the particular position. The County Board of Commissioners may consult private societies or agencies to request the names of possible members for the Commission.

§ 57-5. Rules and regulations.

The Commission shall adopt its own rules and regulations for organization and conduct of meetings.

ARTICLE III
Designation of Historic Districts

§ 57-6. Designation by Board of County Commissioners.

Historic Districts shall be designated by the Calvert County Board of Commissioners in accordance with the procedures established by this chapter.

§ 57-7. Petition for designation or removal of designation.

Petition for designation of an Historic District or removal of designation may be initiated by the owner of the site or his agent, by the Historic District Commission or by any interested person.

§ 57-S. Criteria for designation.

- A. In considering unclassified historic resources for designation as a Calvert County Historic District, the following criteria are to be considered:
- (1) Historic and cultural significance. The historic resource:
 - (a) Has significant character, interest or value as part of the development, heritage or cultural characteristics of the county, state or nation;
 - (b) Is the site of an historic event;
 - (c) Is identified with a person or a group of persons who influenced society; or
 - (d) Exemplifies the cultural, economic, social, political or historic heritage of the county and its communities.
 - (2) Architectural and design significance. The historic resource:

- (a) Embodies the distinctive characteristics of a type, period, style or method of construction;
 - (b) Represents the work of a master craftsman, architect or builder;
 - (c) Possesses high artistic values;
 - (d) Represents a significant and distinguishable entity whose components may lack individual distinction; or
 - (e) Represents an established and familiar visual feature of the county, due to its singular physical characteristics or landscape.
- B. Should a historic resource meet any of the criteria noted above, it may be eligible to be classified as an Historic District.
- C. Should an Historic District no longer meet the above criteria and the specific criteria for which it was originally designated, the Historic District designation may be removed by legislative action of the County Board of Commissioners after receipt of a recommendation from the Historic District Commission.
- D. Should an Historic District have received county authorized or administered preservation grants, loans or special property tax incentives, the Board of County Commissioners may require that those funds received through grants, loans or tax incentives be reimbursed in full to the county prior to the site being removed from the Historic District Designation.

§ 57-9. Procedures for petition for designation or removal.

- A. Petitions for Historic District designation or removal of an Historic District designation shall be filed with the Historic District Commission or its designated representative. The petitions concerning Historic District designation shall include a completed Historic District application form and additional information as required by the Commission or its designated representative to enable the Commission to make a well informed decision.
- B. For petitions initiated by other than the owner, the applicant must abide by the following criteria:
- (1) Notify the owner of the property at least 15 days prior to the Historic District Commission's scheduled meeting to discuss the application;
 - (2) Clearly identify the significance of the site with regard to the county;
 - (3) State the need for the site to be designated an Historic District;
 - (4) Demonstrate how the public interest will be served by having the site designated an Historic District;
 - (5) Demonstrate that the designation will not create an undue burden or hardship;
 - (6) Consider the property owner's comments and desires; and
 - (7) A unanimous vote of the Board of County Commissioners will be required to designate the site as a County Historic District.

- C. The Historic District Commission may obtain comments from appropriate county, state and federal agencies and shall forward its recommendation to the County Board of Commissioners for action.
- D. The Maryland Historical Trust may be designated by the Commission to make an analysis of and recommendation concerning the preservation of structures of historic and architectural value within the area served by the Commission. Such report may include proposed boundaries of districts and the use recommended to be permitted in the districts as well as identify and designate particular structures recommended to be preserved.
- E. The Calvert County Board of Commissioners, upon receipt of recommendations from the Historic District Commission, shall:
 - (1) Schedule a public hearing with relation to the case by publishing a notice of the time and place of such hearing in a newspaper of general circulation in the county at least 15 days in advance.
 - (2) Hold a public hearing at which parties in interest and citizens shall have an opportunity to be heard.
 - (3) Prepare a finding of facts based upon the cultural, social, economic, historical and architectural significance of the proposed district, upon the comments of owners of property within the proposed district, and the criteria identified in § 57-8 of this chapter.
- F. Upon finding that a proposed site meets the criteria of § 57-8 of this chapter, and that such designation is in the general interest of the citizens of Calvert County, the County Board of Commissioners may designate or remove the site as a County Historic District and cause the site to be posted on or removed from the Official County Zoning Map.
- G. It shall be the policy of the county government to carefully consider the impact of any proposed zoning, special exception use, permitted uses, such as but not limited to public utility buildings and structures, including radio and television broadcasting stations, and utility distribution lines; public buildings and structures, and public (state and county) roads and right-of-ways; or development upon officially designated Historic Districts, and to the greatest degree practical avoid or minimize any adverse effect.

ARTICLE IV Functions of Commission

§ 57-10. Architectural easements.

The Commission may purchase or otherwise legally acquire architectural easements in connection with structures located in or adjacent to a designated Historic District. Easements so acquired shall provide that the exterior appearance of any structure upon which it is applied will be maintained in substantially the same character as when the easement took effect.

§ 57-11. Acceptance of gifts.

The Commission shall have the right to accept and use gifts for the exercise of its functions.

§ 57-12. Alterations to designated Historic Districts.

- A. Before the construction, alteration, reconstruction, repair, moving or demolition of any structure is made within a designated Historic District, any proposed changes that would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way, the person, individual, firm or corporation proposing to make the construction or change shall file with the Commission an historic area work permit application for permission to build, alter, repair, reconstruct, move, demolish or make an addition for proposed construction or change requiring a building permit, a completed building permit shall accompany the application and be filed with the Commission.
- B. Every such application shall be referred to and considered by the Commission and accepted or rejected by the Commission. No permit for any such change may be granted until the Commission has acted thereon as hereinafter provided.
- C. Application to the Commission is not required for ordinary maintenance as defined in § 57-3 of this chapter.

§ 57-13. Items requiring historic area work permits.

Specific items requiring historic area work permits (whether or not a Calvert County Building Permit is required) shall be as follows:

- A. Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights and other appurtenant fixtures, with different materials of different design.
- B. Removal of a building, structure or object, or a visible portion thereof, including outbuildings.
- C. New construction or any enlargement, modification or alteration of the exterior of an existing building, structure or object which requires a Calvert County building permit.
- D. Removal, replacement or enclosure of porches.
- E. Basic alteration of materials, including installation of siding, shingles or masonry facing.
- F. Removal of significant healthy trees.
- G. Installation or removal of fencing or fence-walls.
- H. Permanent installation or removal of shutters.
- I. New paving or modification of paving materials in front of building line.
- J. Removal, modification or alteration of exterior architectural features.
- K. First time painting, removal of paint or substantially changing the color of paint.
- L. Exterior sandblasting.
- M. Any other act which does not constitute ordinary maintenance but which modifies, alters or otherwise affects the exterior features of a historic site or historic resource within an Historic District.

§ 57-14. Criteria for review of applications and permits.

In reviewing applications and permits filed under the provisions of § 57-12 of this chapter, the Commission shall give consideration to:

- A. The historic, archaeological or architectural value and significance of the structures and its relationship to the historic, archaeological or architectural value of the surrounding area; **[Amended 5-28-2002 by Ord. No. 21-02]**
- B. The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;
- C. The general compatibility of exterior design, arrangement, texture and materials proposed to be used; and
- D. Any other factors, including aesthetic and environmental factors, which the Commission deems pertinent.

§ 57-15. Limitation of considerations.

The Commission normally shall consider only exterior features of a structure, but in cases where the owner voluntarily subjects the interior arrangements and materials to Historic District Commission review, those interior features shall also be considered. The Commission shall not disapprove an application except with respect to the several factors specified in § 57-14 above.

§ 57-16. Strictness and leniency in judgment of plans. [Amended 5-28-2002 by Ord. No. 21-02]

The Commission shall be strict in its judgment of plans affecting those structures designated as having significant historic, archaeological or architectural value. The Commission may be lenient in its judgment of plans of structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic, archaeological or architectural value of the surrounding area. The Commission is not required to limit new construction, alteration or repairs to the architectural style of any one period.

§ 57-17. Action on applications for permits, alterations, moving or demolition.

- A. If an application is submitted for new construction, reconstruction or alterations affecting the exterior appearance of a structure or for the moving or demolition of a structure, the preservation of which the Commission deems of unusual importance to the county or unusual importance to the entire state or nation, the Commission shall attempt with the owner of the structure to formulate an economically feasible plan for the preservation of the structure. Unless in these circumstances the Commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic value of the structure, the Commission shall reject the application for reconstruction or alteration, filing a copy of its rejection with the Building Inspector. An application for any such

reconstruction or alteration, if rejected, shall not be renewed within a period of one year after the rejection.

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

§ 57-18. Approval under certain circumstances. [Amended 5-28-2002 by Ord. No. 21-02]

In case of a structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the Commission may approve the proposed reconstruction or alteration despite the fact that changes come within the provisions of § 57-17 of this chapter if:

- A. The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the county;
- B. Retention of the site or structure would cause undue financial hardship to the owner; or
- C. The retention of the site or structure would not be to the best interest of a majority of persons in the community.

§ 57-19. Certificate of approval.

The Commission shall file with the Division Chief of the Division of Inspections and Permits a certificate of its approval, modification or rejection of all applications and plans submitted to it for review. Work shall not be commenced on any such project until such a certificate of approval has been filed, and the Building Inspector shall not issue a building permit for such change or construction unless and until he has received such a certificate of approval. The failure of the Commission to act upon an application within 45 days from the date the application was filed with the Commission shall be deemed to constitute automatic approval of the proposed changes unless an extension of the forty-five-day period is mutually agreed upon by the applicant and the Commission.

§ 57-20. Ordinary maintenance not affected.

Nothing in this chapter shall be construed to prevent work or repairs on any structure coming under the heading of ordinary maintenance as defined in § 57-3 of this chapter.

§ 57-21. Minimum maintenance.

Protective maintenance of historic buildings, historic districted structures and sites shall be maintained to meet the requirements of the minimum Building Codes currently enforced by Calvert County.

ARTICLE V
Commission Meetings

§ 57-22. Open public meeting; record of actions.

All meetings of the Commission shall be open to the public. Any interested person or his representative is entitled to appear and be heard by the Commission before it reaches a decision on any matter. The Commission shall keep an open record of its resolutions, proceedings and actions which shall be kept available for public inspection during reasonable business hours.

§ 57-23. Frequency of meetings.

The Commission shall hold a regular meeting once a month, and such special meetings as are found necessary for the conduct of its business.

ARTICLE VI
Administration

§ 57-24. Violations and penalties.

- A. Any person, firm or corporation, or agent of such, who violates a provision of this chapter by willfully performing or allowing to be performed any construction, alteration, moving, demolition (including demolition by neglect) or repair of any structure within an Historic District without first obtaining an historic area work permit (as required), failing to comply with any conditions of such permit, failing to comply with any final notice issued pursuant to this chapter or disobeying or disregarding a decision of the Historic District Commission, may be liable for a civil monetary fine not to exceed \$100, and each day's violation of the provision hereof shall constitute a separate offense.
- B. In addition to other remedies and penalties, where there is any violation of this chapter, the Building Inspector, the Historic District Commission or the Zoning Board of Appeals, through the County Attorney, shall institute appropriate action to prevent, enjoin, abate or remove such violations.

§ 57-25. Appeals.

- A. The rejection by the Historic District Commission of an application for a building permit under provisions of § 57-17 of this chapter may be appealed by the applicant, within 30 days of the filing of the rejection by the Historic District Commission, to the Calvert County Circuit Court. Such appeal shall be taken according to Maryland Rules as set forth in Chapter 1100, Subtitle B.

- B. Any person or persons, jointly or separately aggrieved by a decision or action of the Historic District Commission, excepting those provisions of § 57-24A, or by an action of the County Board of Commissioners related thereto, may appeal the same to the Calvert County Circuit Court. Such appeal shall be taken according to the Maryland Rules as set forth in Chapter 1100, Subtitle B.

§ 57-26. Changes and amendments.

- A. This chapter may from time to time be amended, supplemented, changed, modified or repealed by the County Board of Commissioners. Any person or officer, department, board, Commission or bureau of the county may petition for such change or amendment; however, no such change or amendment shall become effective until after a public hearing in relation thereto, at which parties in interest and citizens shall have an opportunity to be heard. At least 15 days' notice of the time and place of such hearing shall be published in a newspaper of general circulation in the county.
- B. The County Board of Commissioners shall, prior to any public hearing, refer all proposed changes and amendments to this chapter to the Calvert County Historic District Commission for report and recommendations.