

Article V. Historic Overlay District.

§ 340-31. Review certificate required.

- A. The Historic District of St. Michaels consists of an area as outlined on the Official St. Michaels Zoning Map.
- B. Prior to the issuance of a building permit or certificate of zoning compliance for any property located in the Historic District, a historic review certificate shall be obtained. This requirement applies to any building, structure, premises, sign, or site being erected, constructed, built, created, reconstructed, moved, altered, added to, converted, or demolished within the Historic District.

§ 340-32. Definitions.

In addition to the definitions set forth in § 340-* [Article II] of this chapter, the following additional terms or words shall be interpreted as follows when applied to the Historic District:

ADAPTIVE REUSE - The process of reusing a historic site or building for a purpose other than which it was built or designed for.

NOTE: If the Planning Commission wants to add adaptive reuse provisions to the code. Need to discuss.

APPURTENANCES AND ENVIRONMENTAL SETTINGS - Includes paved or unpaved walkways and driveways, trees, landscaping, pastures, croplands, waterways and rocks.

DEMOLITION - To tear down or to raze. It also includes any willful neglect in the maintenance and repair of a structure, other than the structure's appurtenances and environmental settings, that does not result from a financial inability to maintain and repair the structure; and threatens to result in a substantial deterioration of the exterior features of the structure.

DEMOLITION BY NEGLIGENCE - Any willful neglect in the maintenance and repair of an individually designated landmark, or site or structure within the Historic District, not including any appurtenances and environmental settings, that does not result from an owner's financial inability to maintain and repair such landmark, site, or structure, and which results in any of the following conditions:

- (1) The deterioration of the foundations, exterior walls, chimneys, roofs, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or**
- (2) The deterioration of the foundations, exterior walls, chimneys, roofs, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features**

which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, chimneys, roofs, doors, or windows.

NOTE: If the Historic District Commission and Planning Commission want to add adaptive reuse provisions to the code. Need to discuss.

DISTRICT - A significant concentration, linkage, or continuity of sites, structures, or objects united historically or aesthetically by plan or physical development.

PUBLIC WAYS - For the purpose of Historic District Commission review, this term is defined as public streets as so labeled on the official street map of the Town of St. Michaels as adopted by the Commissioners of the Town of St. Michaels.

ROUTINE MAINTENANCE - Work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archaeological, or architectural significance of the site or structure.

SITE - The location of an event of historic significance or a standing or ruined structure that possesses historic, archaeological, or cultural significance.

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, radio towers, water tanks and towers, trestles, piers, bulkheads, wharves, sheds, coal bins, shelters, fences, and display signs visible or intended to be visible from a public way, a natural land formation and an appurtenance and environmental setting. Structure includes a part of a structure.

§ 340-33. Powers and duties of Commission.

A. It shall be the function of the Historic District Commission to review and act upon any request for a historic review certificate as required by this article. The Commission may require plans, elevations, architectural drawings, and other relevant information to aid in rendering a decision. A copy of any application for a building permit or certificate of zoning compliance which necessitates the issuance of a historic review certificate shall be made available to the Commission by the appropriate administrative official.

(1) In reviewing the plans for any such construction or change, the Commission shall give consideration to such factors as:

- (a) The historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area
- (b) The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area; and

- (c) The general compatibility of exterior design, arrangement, texture, and materials to be used.
 - (2) The salient factor to be considered in granting a certificate is that the result will be compatible with the historic aspect of the Historic District.
- B. The Commission shall act upon all applications for permission to build, alter, or perform other construction in accordance with the provisions of this article. Before the construction, alteration, reconstruction, moving or demolition of any structure is carried out within the geographic limits of the Historic District, if any changes are contemplated which would affect the exterior appearance of a structure visible or intended to be visible from a public way in the area, the property owner proposing to undertake such construction or change shall file with the Commission an application for permission for the proposed work.
 - (1) Failure to supply the Commission with a complete and specific description of the intended action including architectural renderings, elevations, site plans, material lists, and other reasonable requirements of the Commission may be grounds for denial of the application.
 - (2) No permit for any such change shall be issued until the Commission has acted.
 - (3) A permit shall not be required for the planting or removal of occasional trees, shrubs, flowers and/or grass in a natural environmental setting on an existing improved lot. This does not include formal gardens or landscaped areas which change the natural lot formation.
- C. The Commission may not purchase architectural easements in connection with structures located in or adjacent to the Historic District except with the approval of The Commissioners of St. Michaels. Any such easement shall grant to the Commission, the residents of the Historic District, and the general public the perpetual right to have the exterior appearance of any structure upon which it is applied retained in substantially the same character as when the easement took effect.
- D. The Commission shall consider only exterior features of a structure and shall not consider any interior arrangements.
- E. The Commission shall be strict in its judgment of plans for those structures deemed to be valuable according to studies performed for districts of historic or architectural value. The Commission shall not strictly judge plans for structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic, archaeological or architectural integrity of the surrounding site or structure. The Commission shall document in writing the reasons for determining that the plans would impair the significance of the surrounding sites or structures. Except under those documented

circumstances, the Commission shall not strictly judge plans that do not affect the exterior appearance of a structure visible or intended to be visible from public ways as defined in this Code.

- F. If an application is submitted for 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 municipal corporation or unusual importance to the entire state or nation, the Commission shall attempt to formulate with the owner of the structure 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.
- F. If an application is submitted for 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 municipal corporation or unusual importance to the entire state or nation, the Commission shall attempt to formulate with the owner of the structure 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.
- G. In the 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 demolition, reconstruction or alteration despite the fact the changes come within the provisions of Subsections E and F above if 1) the structure is an impediment to a major improvement program which will be of substantial benefit to the Town; 2) retention of the structure would cause undue financial hardship to the owner; or 3) the retention of the structure would not be to the best interests of a majority of persons in the community, as determined by The Commissioners of St. Michaels and with their written concurrence. 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 ninety (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.
- H. The Commission shall not disapprove an application except with respect to the several factors specified in Subsections A and B above.
- I. Members of the Commission shall disqualify themselves from voting on any matter in which a conflict of interest is evident or implied.

- J. An application for substantially the same reconstruction, alteration or demolition, if rejected, shall not be renewed within a period of **one (1)** year after the rejection.
- K. This section may not be interpreted to prevent routine maintenance or landscaping which does not have a material effect on the historic, archeological, or architectural significance of a designated site, structure, or district.

NOTE: New section.

[§ 340-34. Demolition by neglect.

- A. In the event of demolition by neglect, the Commission may request the Zoning Inspector to notify, in writing, the property owner of record, any person having a right, title or interest therein, and the occupant or other person responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the problem.**
- B. Prior to the issuance of a written notice, the Commission may request the Zoning Inspector to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and written reports of the condition of the property so as to measure the deterioration.**
- C. The notice shall state that corrective action shall commence within thirty (30) days of the receipt of said notice and be completed within a reasonable amount of time. The notice shall state that the owner of record of the property or any person of record with any right, title, or interest therein, may, within ten (10) days after receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event that a public hearing is requested, it shall be held by the Commission upon thirty (30) days' written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings. Notice of public hearings shall be as provided on § 340-*.**
- D. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request the Zoning Inspector ensure that the owner take corrective action to comply with the final notice within thirty (30) days of receipt of the final notice.**
- E. Upon failure, neglect, or refusal of the property owner or other responsible person, duly notified, to take corrective action specified in the final notice with the time required, the Commission may request that the Zoning Inspector institute any of the remedies and penalties provided by law for such violations.]**

§ 340-35. Approval by Commission.

Upon approval of an application, the Historic District Commission shall transmit a report to the administrative official stating the conditions upon which approval was granted and shall cause an historic review certificate to be issued. Final action shall be taken within forty-five (45) days after filing of the request; if not, the application shall be deemed approved, except when mutual agreement between the Commission and the applicant has been made for an extension of the time limit or in those circumstances when an application is being reviewed under the provisions of § 340-**F and G of this Code.

§ 340-36. Disapproval by Commission.

- A. Upon disapproval of any application, the Historic District Commission shall forward a written statement containing the reasons therefor to the applicant.
- B. Notice of such disapproval and a copy of the written statement shall be transmitted to the appropriate administrative official. Recommendations of changes necessary to make approval possible are to be forwarded to the applicant if indeed such changes are possible. Upon evidence presented to the Commission that such changes have been made, the application will be considered approved.

§ 340-37. Appeal from decisions of Commission.

Any person with standing to do so may appeal a decision or determination by the Historic District Commission to the Board of Zoning Appeals of St. Michaels pursuant to Article ** of this chapter.

§ 340-38. Enforcement.

Enforcement and penalties under this Article ~~VI~~ shall be as specified in Article ** and § 340-** of this chapter.