



Town of St. Michaels

Historic District Commission

14. Rules of Procedure

Objective – The St. Michael’s Historic District was created in 1972 to safeguard the heritage of the Town of St. Michaels (“Town”) by protecting and preserving buildings, structures, sites, objects, public ways, and views located in the town that reflect the Town’s cultural, social, political, and architectural history. It is believed that the preservation of the above elements serves to not only preserve the educational, cultural, and economic values of the Town and its citizens, but also to promote these values to the public.

14.1 Historic District Commission

(a) Purpose – The purpose of creating the Historic District is to safeguard the heritage of St. Michaels by protecting and preserving buildings, structures, and sites which reflect elements of the Town’s cultural, social, political, and architectural history, and to promote the educational, cultural, and economic value to the public by maintaining said area as a landmark of the Town’s history and architecture.

(b) The Commission – There shall be five members appointed by the Commissioners of St. Michaels who will serve for a term of three years, or until their successors are qualified. Members may be removed by the Commissioners of St. Michaels for inefficiency, neglect of duty, malfeasance in office, or other substantial reasons. Members in good standing may be reappointed.

(c) Chair – The Commission shall select among themselves a Chair, elected at the first meeting in January, who shall serve a term of one year, being a voting member of the Commission able to make motions and seconds in the course of business. The Chair may be re-elected.

(d) Consideration – Consideration will be given to projects in five categories: completely new structures of any kind, additions, signs, fences, and minor alterations to an existing structure, including roof work.

14.2 Meeting Schedule

(a) The Commission meets on the first Thursday of the month. Notices of the time, date, and place of the regular meeting of the Commission will be published twice a year. Notices for special meetings will be published in the newspaper or posted in a public place at the Commission’s discretion.

(b) Inadequate application information is grounds for immediate denial. The Commission will describe to the applicant why an application is deemed inadequate. At its discretion, the Commission may table an inadequate application for a period to be determined by the Commission. Minutes shall reflect the meeting date at which time the application will be heard and final action taken.

(c) Applications are due ten days before the Commission meeting and made available to the Commission members a minimum of 7 days prior to the meeting. The Commission clerk will maintain an agenda for the meeting that is up-to-date so far as is practical and will make the agenda available to the public upon request.

(d) Detailed minutes shall include a simple record of the motion, second, and vote count by name for those permits approved. Those permits approved with conditions and those denied should contain the conditions and reasons, respectively, in the minutes and the Certificate of Appropriateness.

14.3 Permit Applications

(a) Applications for permits are submitted to the Zoning Inspector either in person or by mail. The Inspector’s finding that a permit application falls within the jurisdiction of the Commission is satisfactory.

(b) Applications for permits will include the following: a detailed project description, drawings that have been professionally prepared or are commensurate with professionally prepared drawings showing all scaled dimensions, existing and proposed, photographs showing the pertinent existing site condition and existing elevations, and any other information or material that will assist in making the decision. Drawings that may be appropriate to explain the application include: site plans, floor plans, roof plans, elevations, and the location of utilities such as electric boxes and pictures showing the existing site conditions.

(c) Copies of each application shall be provided to members of the Commission.

14.4 Oversight of the Historic District Commission

(a) Generally, the Commission reviews and acts upon any request for a historic review certificate. These areas include properties in the Historic District visible from public ways.

(b) Hierarchy – Areas in the Historic District are separated into those that have high historic value, according to studies performed for historic or architectural value, and those with lower historic value.

(c) Leniency – Properties that are of lower historic value are still under the purview of the Commission. At its discretion the Commission may exercise leniency in its application of the Design Review Guidelines. In applying the leniency envisioned in the Code, the Commission will refer to the visual effect that a proposed change would have on the streetscape.

14.5 Quorum and Voting

(a) A quorum shall consist of no less than three (3) members.

(b) The Commission generally operates under Robert's Rules of Order, (11th ed.), except that the chair may offer or second a motion and will vote on all motions.

(c) Questions put to a vote are decided by a majority of the members present; no decision shall be made in the absence of a quorum.

(d) A tie vote by the Commission shall be interpreted as a defeat of the motion upon which the vote was taken.

(e) When a motion is requested, every member present shall vote either in the affirmative or in the negative. No member shall be excused from voting, except on matters where there exists a conflict of interest.

(f) Conflict of Interest – Members of the Commission shall comply with the St. Michaels Ethics Code. In the event of a possible conflict of interest, it shall be the responsibility of the member to bring the possible or actual conflict to the attention of the chair. In any case, where there is actual conflict of interest, the member shall be recused and shall not participate as a member in consideration of the matter.

(g) When a motion is made to continue the review of an application, the application shall be reviewed by those Board members who were present at the original meeting; unless the absent member has reviewed the record, including all documents associated with the subject application, minutes and recordings of the hearing and announces having done so prior to the start of the continuation.

(h) Members votes and recusals shall be recorded on each motion.

14.6 Certificate of Appropriateness

(a) Following the public meeting, the Commission shall determine whether a Certificate of Appropriateness will be issued.

(b) The Certificate of Appropriateness shall contain a statement of any conditions imposed. The Certificate of Appropriateness and minutes are the authority whereby the Zoning Inspector shall issue the permit. The Inspector shall impose conditions on the permit as prescribed by the minutes and Certificate of appropriateness.

(c) Upon disapproval of any application, the Historic District Commission shall forward a written statement containing the reasons therefore to the applicant.

(d) A Certificate of Approval expires with the expiration of the corresponding building permit with which it is associated. If no permit is required, the Certificate of Appropriateness expires 18 months after its issuance. For good cause shown, a Certificated of Appropriateness may be extended by the Codes Enforcement Officer.

14.7 Consent Calendar

(a) For the purpose of time and efficient conduct of meetings, certain applications may be placed on a consent calendar prepared by the Commission clerk. Applications must have complete information as required in the St. Michaels Historic District Commission Design Review Guidelines. Items may be removed for more detailed discussion by any Commissioner by notice to the Commission clerk not less than 48 hours' notice before commencement of the meeting to which the application will be heard.

(b) The applications will be shown on the Agenda under "Consent Agenda". Chairman will identify each Consent Item and offer an opportunity for public comment or Commission discussion. If there is no objection, the Chairman will accept a single motion for the approval of all the applications "as submitted" (subject to any conditions which are suggested by the staff in written recommendations attached to the application and announced by the Chairman). By a single vote the Commission can approve all the applications on the Consent Agenda at the same time without needing to take time individual discussions and votes.

(c) Applicability – Consent Agenda classifications (with any change) authorized by the Commission are:

- Material-in-kind awning replacement
- Material-in-kind fence replace with changes in ht. design, style, materials or location.
- Material-in-kind porch decking replacement with changes
- Relocation of previously approved sign

(d) Material-In-Kind is defined as a material that matches the existing material, as much as possible, in material type, species, cut and design, grain, and finish.

14.8 Staff Approval

(a) For the purposes of time and efficient conduct of meetings certain applications may be approved by the Commission staff. Applications must have complete information as required in the St. Michaels Historic District Commission Design Review Guidelines and the proposed work on a property is in accordance with the Guidelines adopted by the Commission.

(b) These applications will be shown on the Agenda under "Staff Approvals" for the purpose of informing the public and the commission of the staff action.

(c) Staff Approval classifications authorized by the Commission are:

- In-kind asphalt or fiberglass composition shingle re-roofing
- Material-in-kind roof drainage system replacement
- Sign text only changes
- Material-in-kind fence replacement with no change in location, design, or height
- Material-in-kind membrane re-roofing with no changes
- Replacement of storm windows
- Replacement of storm doors

14.9 Courtesy Reviews

(a) The Commission may encourage courtesy reviews prior to submission of formal applications in cases involving new structures or extensive alterations and/or additions to existing structures. The Commission shall be available at their regular meeting to meet informally with the applicant or agent at an early stage in the design process to advise them concerning the Design Review Guidelines, the nature of the area where the proposed construction is to take place, and other relevant factors.

(b) During the courtesy review, the Commission, collectively shall refrain from any indication of approval or disapproval of the proposal, but shall not be barred from a reasonable discussion of the applicant's proposals. No advice given, or reported as having been given, in such informal meeting shall be in any way official or binding upon the Commission or the applicant.

14.10 Planned Demolition and Relocation

- (a) Prevention – The relocation or demolition of historic properties within the Historic District is discouraged and should be only considered as a last resort.
- (b) Because of the permanent nature of demolition and the potential impact on the Historic District, applications involving the relocation or demolition of a structure could require two separate hearings. The initial application must be received in accordance with the procedures in Section 3, above. The applicant should include all information requested in the Historic District Commission Design Review Guidelines, Section 12.
- (c) Determination – The Commission shall determine whether the structure is one that contributes to the significance of the Historic District.
- (d) If the Commission determines that the structure does not contribute to the Historic District, the Commission may take action on the request for demolition or removal without the document and follow-up. Demolition or removal must still be accompanied by a Certificate.
- (f) If the Commission determines the structure to be of unusual importance to the local jurisdiction, the State, or the nation, or that the proposed action will materially impair the historic, archeological, or architectural significance of the site or structure, a second hearing will be scheduled.
- (g) Unless a later time for the hearing is agreed to by the Commission and the applicant, the second hearing must occur by the second regularly scheduled meeting of the Commission. In this meeting, the Commission will judge the merits of the request, the impact on the integrity of the Historic District, the “substantial detriment to the public welfare,” and allow the Commission, with the owner(s), to attempt to formulate an “economically feasible plan to preserve the site or structure.” The Commission must make a final determination whether to issue a permit at the conclusion of the second meeting.
- (h) If the permit is denied, the Commission shall have 90 days to negotiate with the owner and other parties to find a means of preserving the site.
- (i) A hearing to determine the merits of an undue financial hardship claim, consistent with the requirements of the Historic District Commission Design Review Guidelines, Section 12 “Demolition and Relocation,” will be held separately and immediately after the 90-day period is completed.

14.11 Demolition by Neglect

- (a) In cases of apparent demolition by neglect, 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 to measure the deterioration. The Commission may also invite the property owner and other persons having an interest in the property to meet informally to discuss the condition of the property and any plans for remediation before taking formal action.
- (b) If the Commission and the owner cannot agree on a plan to stabilize the building and correct the identified problems, the Commission may request the Zoning Inspector to provide formal, written notice to the property owner of record, any person having a right, title or interest therein, and the occupant or another 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.
- (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 § 340-200.
- (d) If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request the Zoning Inspector to ensure that the owner takes corrective action to comply with the final notice within thirty (30) days of receipt of the final notice.