

Historic District Zone

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[Added 10-12-1992 by Ord. No. 551; amended 1-27-1997 by Ord. No. 614]

§ 164-51.1 Purpose; construal of provisions.

A.

The preservation of sites, structures and districts of historic, archeological and architectural value, together with their appurtenances and environmental settings, is declared by the Mayor and Common Council to be a public purpose in the City.

B.

The purposes of this article are as follows:

(1)

To safeguard the heritage of the City of Westminster by preserving sites, structures or districts therein which reflect elements of its cultural, social, economic, political, archeological or architectural history.

(2)

To stabilize and improve property values of such sites, structures or districts.

(3)

To foster civic beauty.

(4)

To strengthen the local economy.

(5)

To promote the preservation and appreciation of the sites, structures and districts for the education and welfare of the residents of the City of Westminster.

C.

This article is adopted pursuant to Article XI-E of the Maryland Constitution, Article 66B, § 8.01 et seq. of the Annotated Code of Maryland (1995 Replacement Vol.), Art. 23A of the Annotated Code of Maryland (1994 Replacement Vol.), and § 15 et seq. of the City's Charter.

D.

In this article, "structure" means a combination of material to form a construction that is stable; including, among other things, buildings, stadiums, reviewing stands, platforms, stagings, observation towers, radio towers, water tanks and towers, trestles, piers, paving, bulkheads, wharves, sheds, coal bins, shelters, fences and display signs visible or intended to be visible from a public way. The term also includes natural land formations and appurtenances and environmental settings. The term shall be construed as if followed by the words "or part thereof." "Appurtenances" and "environmental settings" include walkways and driveways (whether paved or not), trees, landscaping, pastures, croplands, waterways and rocks. In this article, "demolition" includes any willful neglect in maintenance and repair of a structure, not including any appurtenances and environmental settings, held or used in a trade or business or for the production of income, that does not result from financial inability to maintain and repair the structure and that threatens to result in any substantial deterioration of the exterior features of the structure.

E.

In this article, "district" means a significant concentration, linkage or continuity of sites, structures or objects united historically or aesthetically by plan or physical development. "Site" means the location of an event of historical significance or a structure, whether standing or ruined, which possesses historical, archeological or cultural significance.

F.

In this article, "routine maintenance" means work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archeological or architectural significance of the historical site or structure.

§ 164-51.2 District designated.

The Westminster Historic District shall include the area as shown on the Zoning Maps adopted by the Mayor and Common Council of Westminster in accordance with the provisions of this chapter.

§ 164-51.3 Creation and composition of Historic District Commission; appointment and term of members; vacancies.

A.

The Historic District Commission is hereby created. It shall consist of five members, who shall be residents of the City, and all of whom are qualified by special interest, knowledge or training in such fields as history, architecture, architectural history, planning, archeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines. The members shall be appointed by the Mayor subject to confirmation by the Common Council. Members shall be appointed for a term of three years; except that the initial appointment of one member shall be for one year, two members for two years and two members for three years. Members shall be eligible for reappointment. Any vacancy on the Historic District Commission shall be filled as set forth herein for the remainder of the unexpired term. The Mayor and Common Council may consult private societies or agencies to request the names of possible members for the Historic District Commission.

B.

The Historic District Commission may designate the Maryland Historic Trust to make an analysis of and recommendation concerning the preservation of sites, structures or districts of historic, archeological, architectural or cultural significance within the area served by the Historic District Commission. Such report may include proposed boundaries of sites, structures and districts as well as make recommendations for the identification and designation of particular sites, structures or districts to be preserved.

C.

The Historic District Commission shall have the right to accept and use gifts for the exercise of its functions as approved by the Mayor and Common Council.

§ 164-51.4 Application procedure; duties of Historic District Commission.

A.

Before the construction, alteration, reconstruction, moving or demolition of any site or structure is made within an historic district, if any exterior changes are involved which affect the historic, archeological or architectural significance of a site or structure within a designated district, any portion of which is visible or intended to be visible from a public way, the person, individual, firm or corporation proposing to make the construction or change shall file with the Zoning Administrator an application for permission to construct, alter, reconstruct, move or demolish the site or structure. Every such application shall be referred to and considered by the Historic District Commission and accepted or rejected by the Commission. An application which is identical to a rejected application shall not be resubmitted within a period of one year after the rejection. No permit for any such change may be granted until the Historic District Commission has acted thereon as hereinafter provided.

B.

In reviewing the plans for any such construction or change, the Historic District Commission shall give consideration to:

(1)

The historic, archeological or architectural value and significance of the site or structure and its relationship to the historic, archeological or architectural significance of the surrounding area.

(2)

The relationship of the exterior architectural features of a structure to the remainder of the structure and to the surrounding area.

(3)

The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used.

(4)

The economic impact of compliance.

(5)

Any other factors, including aesthetic factors, which the Historic District Commission deems to be pertinent.

C.

The Historic District Commission shall consider only exterior features of a structure and shall not consider any interior arrangements. Also, the Historic District Commission shall not disapprove an application except with respect to the several factors specified in Subsection B of this section.

D.

The Historic District Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic, archeological or architectural significance. The Historic District Commission shall be lenient in its judgment of plans for sites or structures of little historic value or for plans involving new construction, unless such plans would seriously impair the historic, archeological or architectural value of the surrounding site or structure. The Historic District Commission is not required to limit construction, reconstruction or alteration to the architectural style of any one period.

E.

If an application is submitted for construction, reconstruction or alterations affecting the site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Historic District Commission deems of unusual importance to the City or the county or of unusual importance to the entire state or nation, the Historic District Commission shall attempt, with the owner of the structure, to formulate an economically feasible plan for the preservation of the site or structure. Unless in these circumstances the Historic District Commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic, archeological or architectural significance of the site or structure, the Historic District Commission shall reject the application for reconstruction or alteration, filing a copy of its rejection with the Zoning Administrator, stating the specific reasons therefor.

F.

If an application is submitted for construction, reconstruction, alteration or for moving or demolition of a site or structure that the Historic District Commission deems of unusual importance and no economically feasible plan can be formulated, the Historic District 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 site or structure.

G.

In the case of a site or structure deemed to be valuable for its historic, archeological or architectural significance, the Historic District Commission may approve the proposed construction, reconstruction, alteration, moving or demolition despite the fact that the changes come within the provisions of Subsection E of this section if:

(1)

The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City or county;

(2)

Retention of the site or structure would cause undue financial hardship to the owner;

(3)

The retention of the site or structure would not be to the best interests of a majority of persons in the community; or

(4)

The structure has been condemned because of a health or fire hazard or a building code violation.

§ 164-51.5 Design guidelines.

The Historic District Commission shall adopt rehabilitation and new construction or design guidelines for designated sites, structures and districts which are consistent with those generally recognized by the Maryland Historic Trust, which may include design characteristics intended to meet the needs of particular types of sites, structures and districts and may identify categories of changes that are so minimal in nature that they do not affect historic, archeological or architectural significance and require no review by the Historic District Commission. These guidelines shall be utilized by the Historic District Commission in its review of applications. These guidelines are subject to review and approval by resolution of the Mayor and Common Council of Westminster.

§ 164-51.6 Meetings of Historic District Commission.

A.

The Historic District Commission shall be organized and its rules shall be adopted in accordance with the provisions of this chapter. Meetings of the Historic District Commission shall be held at the call of the Chairman and at such other times as the Historic District Commission may determine. The Chairman or, in his absence, the Acting Chairman may administer oaths and preside at meetings.

B.

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

§ 164-51.7 Action of Historic District Commission upon applications.

The Historic District Commission shall file with the Zoning Administrator 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 Zoning Administrator and the Director of Planning shall not sign off on the building permit for such change or construction unless and until the Zoning Administrator has received such a certificate of approval. If the Historic District Commission rejects any applications or plans, it shall forthwith notify the applicant, stating its reasons for so doing. The Historic District Commission shall so advise the applicant of any proposed modifications. If the applicant so desires, the applicant may make the suggested modifications, and the Historic District Commission shall thereupon approve them and file a certificate of approval with the Zoning Administrator. The failure of the Historic District Commission to act upon a completed application within 45 days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five-day

period is agreed upon mutually by the applicant and the Historic District Commission or the application has been withdrawn. An application is deemed to be completed when it has been accepted as such by the Historic District Commission at a meeting.

§ 164-51.8 Activities not prohibited in districts.

Nothing in this article shall be taken or construed to prevent routine maintenance, painting, customary farming operations or landscaping which will have no material effect on the historic, archeological or architectural significance of a designated site, structure or district. Nothing in this article affects the right to complete any work covered by a permit or authorization issued prior to January 1, 1997.

§ 164-51.9 Architectural easements.

The Historic District Commission may acquire easements in connection with individual sites or structures or with sites or structures located in or adjacent to a locally designated Historic District subject to approval by the Mayor and Common Council. Such easement shall grant to the City, the Historic District Commission, the residents of the Historic District and the general public the right to ensure that any site or structure and surrounding property upon which it is applied is protected in perpetuity from changes which would affect its historic, archeological or architectural significance.

§ 164-51.10 Appeal from Historic District Commission decision.

Any person aggrieved by any decision of the Historic District Commission on an application or any officer, department or board of the City may appeal the same to the Circuit Court for Carroll County. Any such appeal shall be taken in accordance with the Maryland Rules of Procedure as set forth in Chapter 200 of Title 7.