

County

Code

# Baltimore County Code & Related Legislation

Legislation

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## Baltimore County Code

### Article 3. Administration,

#### Title 3. Boards, Commissions, Committees, Panels, and Foundations

##### Subtitle 12. Landmarks Preservation Commission

#### § 3-3-1201. ESTABLISHED.

There is a Landmarks Preservation Commission.

(1988 Code, § 26-533) (Bill No. 31-99, § 3, 7-1-2004)

#### § 3-3-1202. MEMBERSHIP.

(a) *Composition; appointment of members.*

(1) The Landmarks Preservation Commission consists of 15 members.

(2) Each member of the County Council shall appoint one member who shall be a resident of the Council member's district.

(3) Eight members shall be appointed by the County Executive including:

(i) 1 representative of organizations active in historical preservation in the county;

(ii) 1 registered architect whose principal office is in the county;

(iii) 1 representative primarily engaged in agriculture in the county;

(iv) 1 individual who is a member of the Planning Board;

(v) 1 representative of the home builders industry; and

(vi) 3 citizens actively interested in civic improvements as at-large representatives of the residents of the county.

(4) Interested individuals and groups, including organizations active in historical preservation, colleges, the Board of Library Trustees, architects, lawyers, realtors, history teachers, archaeologists, and landowners, including farmers, may submit lists of suggested members of the Commission.

(b) *Qualifications.* Each member of the Commission must:

(1) Possess a demonstrated interest, knowledge, or training in historic preservation, history, architecture, conservation or related discipline; and

(2) Be a resident of the county.

(c) *Tenure.*

(1) The term of a member of the Commission is 4 years.

(2) A member may not serve more than three consecutive terms.

(3) The terms of members are staggered as required by the terms in effect for members of the Commission as provided in County Council Resolution 124-02.

(1988 Code, §§ 26-533, 26-534) (Bill No. 18, 1990, § 2; Bill No. 31-99, § 3, 7-1-2004; Bill No. 38-02, § 1, 12-2-2002; Bill No. 70-03, § 35, 7-1-2004)

#### § 3-3-1203. OFFICERS.

At a meeting to be held in January of each year and as required by vacancy, the Landmarks Preservation Commission shall elect a member to serve as chairman and a member to serve as vice chairman during that year. (1988 Code, § 26-536) (Bill No. 18, 1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

**§ 3-3-1204. QUORUM; COMPENSATION; STAFF.**

(a) *Quorum.*

(1) (i) Eight members of the Landmarks Preservation Commission is a quorum for the transaction of business.

(ii) An affirmative vote of at least seven Commission members is required for an official action of the Commission.

(2) A vacancy in the membership of the Commission may not impair the right of a quorum to exercise all the powers and perform all the duties of the Commission.

(b) *Compensation.* A member of the Commission:

(1) May not receive compensation as a member of the Commission; but

(2) Is entitled to reimbursement for expenses necessarily incurred, if approved by the Commission and provided for in the county operating budget.

(c) *Staff.*

(1) (i) The Commission shall appoint an individual who is not a member of the Commission as secretary to the Commission, to perform duties required:

1. In Article 32, Title 7 of the Code; and

2. By the Commission.

(ii) The secretary shall serve at the pleasure of the Commission.

(2) The County Council may provide funding for other supporting staff for the Commission in the annual budget and the county appropriation ordinance.

(1988 Code, §§ 26-536, 26-537, 26-538) (Bill No. 18, 1990, § 2; Bill No. 31-99, § 3, 7-1-2004)

**§ 3-3-1205. MISCELLANEOUS POWERS AND DUTIES.**

(a) *Powers.*

(1) The Landmarks Preservation Commission may:

(i) Adopt rules of procedure for the conduct of its business;

(ii) On behalf of the county and after receiving the approval of the County Executive, seek grants or financial aid of any character from federal, state, or private sources; and

(iii) Subject to the approval of the County Administrative Officer, request the assistance of another department or bureau.

(2) Acceptance and disposition of a grant or financial aid under paragraph (1)(ii) of this subsection is subject to the provisions of the Charter.

(b) *Duties.*

(1) The Commission shall keep records of:

(i) Its proceedings showing:

1. The vote of each member on each question; or

2. Information indicating that a member was absent or failed to vote; and

(ii) All resolutions, transactions, findings, determinations, and decisions.

(2) All records of the Commission shall be kept in the office of the Commission and are public records. (1988 Code, §§ 26-537, 26-538, 26-556) (Bill No. 31-99, § 3, 7-1-2004)

Article 32. Planning , Zoning, and Subdivision Control  
Title 4. Development

**§ 32-4-416. PRESERVATION OF NATURAL OR HISTORIC FEATURES.**

- (a) *Preservation of features.* Each Development Plan shall preserve:
- (1) Natural features, including watercourses, waterfalls, beaches, and significant vegetation;
- and
- (2) Historic structures or sites identified on any of the lists referred to in § 32-4-223(8) of this title.
- (b) *Duty to protect habitats.* The county shall require adequate protection of any known habitat of an endangered species. (1988 Code, § 26-278) (Bill No. 29-95, § 1, 5-21-1995; Bill No. 79-01, § 2, 7-1-2004; Bill No. 75-03, § 27, 7-1-2004)

Title 7. Historical and Architectural Preservation  
Subtitle 1. In General

**§ 32-7-101. DEFINITIONS.**

- (a) *In general.* In this title the following words have the meanings indicated.
- (b) *Commission.* “Commission” means the Landmarks Preservation Commission.
- (c) *Damage due to weathering.* “Damage due to weathering” means that condition of any building material of a structure which if unprotected and exposed to the natural elements, including wind, rain, snow, and ice, would fail to meet a minimum durability test.
- (d) *Demolition.* “Demolition” includes demolition by neglect.
- (e) *Demolition by neglect.* “Demolition by neglect” means willful neglect in the maintenance, repair, or both maintenance and repair of a building or structure resulting in any of the following conditions:
- (1) The deterioration of any exterior architectural feature so as to create or allow the creation of a hazardous or unsafe condition;
  - (2) The deterioration of exterior walls or other vertical supports;
  - (3) The deterioration of roofs or other horizontal members;
  - (4) The deterioration of exterior chimneys;
  - (5) The deterioration or crumbling of exterior plaster, mortar, or masonry;
  - (6) The ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows and doors; or
  - (7) Deterioration resulting from damage due to weathering.

(f) *Exterior architectural features.* “Exterior architectural features” means the architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building materials and the type and style of all windows, doors, light fixtures, signs, and other similar exterior features.

(g) *Historic district.* “Historic district” means an area in the county in which there are located structures that have historical, cultural, educational, or architectural value, the preservation of which is deemed to be for the educational, cultural, economic, and general welfare of the inhabitants of the county.

(h) *Minimum durability test.* “Minimum durability test” means to show visible deterioration so that the structure cannot perform the function for which it is intended.

(i) *Owner.* “Owner” means those persons who appear as the owners of record in the assessment records of the State Department of Assessments and Taxation.

(j) *Structure.*

(1) “Structure” means any man-made or natural combinations of materials to form stable constructions and includes the property or lot or portion thereof which constitutes the historic environmental setting of the structure.

(2) “Structure” includes buildings, bridges, towers, walls, trees, archeological sites, and rock formations.

(k) *Historic environmental setting.* “Historic environmental setting” means the property or lot or portion thereof, as delineated by the Commission, which is historically, architecturally, archeologically, or culturally connected to the historic significance of a landmark structure.

(1988 Code, §§ 26-531, 26-539, 26-543) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, §2, 7-1-2004; Bill No. 93-05, §§ 1, 2, 10-16-2005)

## § 32-7-102. PURPOSES.

In providing for the protection, enhancement, and perpetuation of those structures and districts of historical, architectural, archeological, or cultural merit, the following objectives are sought:

(1) To safeguard the heritage of the county as embodied and reflected in the structures and districts;

(2) To stabilize and improve property values in the districts and in the county generally;

(3) To foster civic pride in the beauty and noble accomplishments of the past;

(4) To strengthen the economy of the county; and

(5) To promote the use of historic districts and landmarks for the education, pleasure, and welfare of the residents of the county. (1988 Code, § 26-532) (Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-103. APPLICABILITY OF TITLE.**

This title may not be construed to:

- (1) Prevent any ordinary maintenance or repair of an exterior architectural feature which involves no change in design, material, or outward appearance of a structure:
    - (i) In any proposed or designated historic district;
    - (ii) On the preliminary landmarks list; or
    - (iii) On the final landmarks list;
  - (2) Prevent the construction, reconstruction, alteration, or demolition of any exterior architectural feature which the Building Engineer certifies is required for the public safety because of an unsafe or dangerous condition; or
  - (3) Prevent or prohibit the owner or occupant, if any, of a structure on the landmarks list or in an historic district 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.
- (1988 Code, § 26-552) (Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-104. PURCHASE AND RESALE OF PROPERTY.**

(a) *Scope.* The provisions of this section are subject to the budgetary provisions of the Charter, code provisions, and executive orders as may be in effect at the time.

(b) *Properties maintained by commission funds.* All properties acquired shall be deeded to the county and shall be maintained and kept in good repair solely and entirely from Commission funds.

(c) *Resale.*

(1) The resale of historical properties to the extent permitted by law shall be on cash basis terms, and the cash proceeds from the sale may be retained by the county in a trust account for the Commission's use in the acquisition and restoration of additional properties.

(2) Sums received from the resale of properties, to the extent permitted by law, may be retained by the Commission for the acquisition and restoration of additional properties.

(1988 Code, § 26-556) (Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-105. REGULATIONS.**

To implement the standards and requirements set forth in this title, the Commission and the Office of Planning shall jointly prepare a manual of historic preservation guidelines and regulations in accordance with the Article 3, Title 7 of the Code.

(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-106. MAINTENANCE OF LISTS.**

The preliminary and final landmarks lists and the list of historic districts shall be maintained by the Commission and shall be made available for public inspection at all public libraries in the county and at the Office of Planning as provided for in § 32-7-303 of this title.

(1988 Code, § 26-559) (Bill No. 18, 1990, § 2; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, §§ 36, 37, 7-1-2004)

**§ 32-7-107. CONTRACTS OF SALE.**

The seller of any real property that appears on the preliminary landmarks list, the final landmarks list, or is located within any proposed or designated historic district shall disclose in writing to the buyer before the execution of a contract of sale that the property is on either of the landmark lists, is located within an historic district, or is both on a list and located in an historic district.

(1988 Code, § 26-558) (Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 36, 7-1-2004)

## Subtitle 2. Historic Districts

**§ 32-7-201. CREATION OF HISTORIC DISTRICTS.**

(a) *Authorized.* On the petition of owners of 75% of the property included in the proposed historic district, the Commission may, after study and public hearing, delineate any area within the county as a proposed historic district by delineating the boundary of the historic district.

(b) *Structures subject to certain requirements.* During the time period between the delineation by the Commission of the boundary of the proposed historic district and the enactment of a law creating a historic district, the construction of any structure within the boundary of the proposed historic district, and the renovation, reconstruction, alteration, or demolition of the exterior of any existing structure in the proposed historic district is subject to the requirements of Subtitle 4 of this title.

(1988 Code, § 26-539) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-202. NOTICE TO OWNERS; COUNTY EXECUTIVE ACTION.**

(a) *Notice to owners.* After the Commission has delineated the proposed historic district, the Commission shall:

(1) Notify the owner of each property lying wholly or partially within the proposed historic district, by first-class mail, of the delineation of the boundaries; and

(2) Submit the proposed historic district to the County Executive for review.

(b) *County Executive action.* The County Executive shall act within 60 days.

(1988 Code, § 26-539) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 33, 7-1-2004)

**§ 32-7-203. COUNTY COUNCIL ACTION.**

(a) *Hearing.*

(1) (i) The County Council shall conduct a hearing on a proposed historic district.

(ii) The County Council shall give at least 20 days advance notice of a hearing on a proposed historic district, including publication in a newspaper of general circulation.

(2) (i) At least 45 days before the hearing, the Commission shall notify the owner of each property wholly or partially lying within the proposed historic district of the time and place of the hearing.

(ii) The notice to the property owner shall be sent by certified mail, return receipt requested, to the owner.

(iii) If service of the notice is unsuccessful, notice subsequently may be sent by regular mail, postage prepaid.

(3) During the period of notice, information about the proposed historic district shall be available in the Office of Planning or at another public place as the County Council may designate for public inspection.

(b) *Legislative action.*

(1) The County Council shall approve or reject the proposed historic district or any portion of the historic district.

(2) The County Council shall act within 90 days after the date of the hearing.

(3) An area may not be deemed to be an historic district unless and until it has been so designated by a law subject to the provisions of Section 308 of the Charter.

(4) If the Council approves a portion of the proposed historic district, that portion not included in the district may not be deemed to be an historic district.

(1988 Code, § 26-539) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

### Subtitle 3. Landmarks

#### § 32-7-301. LANDMARKS REGISTER.

The Commission shall compile and maintain a register of public and private structures in the county that the Commission considers to be of significant historical, architectural, archeological, or cultural value.

(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

#### § 32-7-302. PRELIMINARY LANDMARKS LIST.

(a) *Authorized.* The Commission may adopt a preliminary landmarks list.

(b) *Findings.* Before any structure may be placed on the preliminary landmarks list, the Commission must specifically find that the structure qualifies by contributing substantially to the architectural, or historical heritage of the county, state, or nation because of any one or more of the following:

(1) It is associated with a personality, group, event, or series of events of historical importance;

(2) It is a distinctive example of a particular architectural style or period;

(3) It is a good example of the work of a noted architect or master builder;

(4) It is a work of notable artistic merit or an object of singular natural beauty; or

(5) It has yielded or may be likely to yield information or materials important in prehistory or history.

(c) *Notice and hearing.*

(1) The Commission shall conduct public hearings to determine which structures on the register may qualify to be included on the preliminary landmarks list.

(2) (i) For each structure or group of structures selected on the register, a sign shall be conspicuously posted by the Commission giving notice of the public hearing on whether a structure should be included on the preliminary landmarks list.

(ii) The public hearing shall be held no sooner than 45 days nor later than 60 days after the sign is posted.

(3) The Commission:

(i) Shall send notice of the hearing, by first-class mail, to the owner of each structure; and

(ii) May provide additional forms of notice in accordance with its rules.

(d) *Effect of selection for hearing.* During the time period between the public notice required in subsection (c) of this section and the decision of the commission, the exterior of any structure proposed for inclusion on the preliminary landmarks list may not be renovated, reconstructed, altered, or demolished.

(e) *Commission action.*

(1) The Commission shall act within 30 days after the public hearing or any continuation of the public hearing.

(2) The Commission shall submit the approved preliminary landmarks list to the County Executive for review before introduction in the County Council for adoption as a final landmarks list.

(3) The County Executive's review period may not exceed 60 days.  
(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004; Bill No. 75-03, § 34, 7-1-2004)

**§ 32-7-303. FINAL LANDMARKS LIST – ADOPTION.**

(a) *Adoption.* The County Council may adopt a final landmarks list.

(b) *Structures for consideration.* The County Council may consider any structure or portion of a structure for inclusion on the final landmarks list if the structure was subject to the notice and hearing requirements of § 32-7-302(c) of this subtitle.

(c) *Notice and hearing.*

(1) (i) The County Council shall conduct public hearings to determine if the structures on the list should be included on the final landmarks list.

(ii) The County Council shall give at least 20 days advance notice of a hearing on the final landmarks list, including publication in a newspaper of general circulation.

(2) (i) At least 30 days before the hearing, the commission shall notify the owner of each property of the time and place of the hearing.

(ii) The notice to the property owner shall be sent by certified mail, return receipt requested, to the owner.

(iii) If service of the notice is unsuccessful, notice subsequently may be sent by regular mail, postage prepaid.

(3) During the period of notice, the preliminary landmarks list shall be available in the Office of Planning or at another public place as the County Council may designate for public inspection.

(d) *Council action.*

(1) The County Council shall adopt a final landmarks list within 90 days after the public hearing.

(2) A structure may not be deemed to be a landmark unless and until it has been so designated by a law subject to the provisions of Section 308 of the Charter.

(e) *Availability of the list.* The final landmarks list shall be available for public inspection in the Department of Permits and Development Management, the Office of Planning, the Land Records Office of the county, all branches of the county public library, and in the office of the Commission.  
(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-304. SAME — REMOVAL FROM LIST.**

(1) The owner of any structure that appears on the final landmarks list may petition the Commission for removal from the list.

(2) The Commission shall then follow the notice and public hearing procedures under § 32-7-302(c) of this subtitle.

(3) If the Commission determines that the structure no longer qualifies as a landmark in accordance with § 32-7-302 of this subtitle, the Commission shall recommend the removal of the structure from the list in accordance with §§32-7-302(e) and 32-7-303 of this subtitle.

(1988 Code, § 26-540) (Bill No. 18, 1990, § 2; Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

## Subtitle 4. Changes to Structures of Properties

### § 32-7-401. SCOPE.

This subtitle applies only to a structure that is:

- (1) In a proposed or designated historic district;
- (2) On a preliminary landmarks list;
- (3) On a final landmarks list; or
- (4) Any combination of items (1) through (3) of this section.

(Bill No. 112-02, § 2, 7-1-2004)

### § 32-7-402. COUNTY-OWNED STRUCTURES.

(a) *Referral to commission.* The agency having responsibility for the preparation of plans for alteration, demolition, reconstruction, or renovation of any structure that is owned by the county shall refer the plans to the Commission for approval before county action approving or otherwise authorizing the implementation of the plans.

(b) *Commission action.*

(1) If the Commission determines that the proposed plans are inappropriate, it shall promptly provide the requesting agency with a report specifying its reasons.

(2) If the Commission has not approved the plans or provided a report on the plans to the requesting agency within 45 days after receipt of the plans, the plans shall be deemed to be approved by the Commission.

(c) *Agency action.*

(1) If the Commission determines that the proposed plans are inappropriate and notifies the agency as provided in subsection (b)(1) of this section, the requesting agency shall modify its plans in accordance with the Commission's report or refer the plans to the County Administrative Officer for determination.

(2) Appeal from the determination of the County Administrative Officer may be made to the County Council for final determination.

(d) *No appeal to the Board of Appeals.* A decision by the commission, the County Administrative Officer, or the County Council under this section is not appealable to the Board of Appeals. (1988 Code, § 26-541) (Bill No. 135-98, § 1, 2-26-1999; Bill No. 112-02, § 2, 7-1-2004)

### § 32-7-403. PERMIT REQUIRED.

A person shall apply for and receive from the Building Engineer a permit before a person may begin any:

- (1) Excavation or the construction or erection of any building, fence, wall, or other new structure of any kind in a proposed or designated historic district;
- (2) Alteration, demolition, reconstruction, or removal of an exterior architectural feature of any existing structure; or
- (3) Demolition of any structure.

(1988 Code, § 26-542) (Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-404. BUILDING ENGINEER TO REFER APPLICATION TO THE COMMISSION.**

(a) *Required.* Within 5 days after receipt of an application (excluding Saturdays, Sundays, and legal holidays) for a permit as required under § 32-7-403 of this subtitle, the Building Engineer shall forward to the Commission:

- (1) The application; and
- (2) All plans and specifications relative to the application.

(b) *Commission requirements.*

(1) All plans, elevations, and other information considered necessary by the commission to determine the appropriateness of the proposed excavation, exterior architectural feature, or demolition of any structure shall be made available to the Commission.

(2) The Commission may not take action on any application until it determines that the application is complete and includes all necessary plans, elevations, and other information as required in this section. (1988 Code, § 26-544) (Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-405. CERTIFICATE OF APPROPRIATENESS OR NOTICE TO PROCEED REQUIRED.**

(a) *Required.*

(1) Except as provided in paragraph (2) of this subsection, the Building Engineer may not issue a permit as required under § 32-7-403 of this subtitle until the Commission either:

- (i) Issues a certificate of appropriateness or a notice to proceed; or
- (ii) Proceeds as provided in this subtitle.

(2) If the Commission does not act on the application for permit within 45 days after receipt of the completed application, the application shall be deemed approved by the commission.

(b) *Correction notice.*

(1) The Code Official shall send a copy of a correction notice issued under Article 3, Title 6 of the Code to the Commission.

(2) Within the time frame contained in the correction notice, the commission shall issue a certificate of appropriateness or notice to proceed with any necessary repair or correction in a manner consistent with the Commission's preservation guidelines.

(3) This subsection does not authorize any demolition without commission review and approval. (1988 Code, § 26-545) (Bill No. 6-99, § 1, 3-20-1999; Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-406. PUBLIC HEARING AND DETERMINATIONS.**

(a) *Considerations.* In passing upon appropriateness, the Commission shall consider, in addition to any other pertinent factors, the historic or architectural value and significance, architectural style, general design, arrangement, texture, and material of the exterior architectural features of other structures in the immediate neighborhood.

(b) *Notice.*

(1) If the Commission does not issue a certificate of appropriateness or notice to proceed promptly, within 15 days after receipt of a complete application for a permit and the plans and specifications relative to the application, the Commission shall cause a sign to be posted conspicuously located on the property involved, giving notice of a public hearing to be held by the Commission on the application no sooner than 45 days nor later than 60 days after the sign is posted.

(2) The sign shall inform the public of the time and place of the hearing and the nature of the change proposed.

(c) *Determinations.* As soon as convenient after the conclusion of the public hearing but in any event within 10 days after the hearing or within any further time as the applicant for the permit approves in writing, the Commission shall determine:

(1) Whether the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, or demolition would be appropriate to the preservation of the particular historic district or to the preservation of the structure appearing on the preliminary landmarks list or on the final landmarks list, and may issue a certificate of appropriateness;

(2) Whether, notwithstanding that the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, or demolition would be inappropriate, the work would not result in substantial detriment to the public welfare nor in substantial derogation from the intent and purposes of this title and denial of the application would result in substantial hardship to the applicant, in which case the Commission may issue a notice to proceed in lieu of a certificate of appropriateness; or

(3) Whether neither a certificate of appropriateness nor a notice to proceed should be issued.

(d) *Referral to Building Engineer.*

(1) If the Commission makes the determination provided for under subsection (c)(1) or (c)(2) of this section, the secretary of the Commission shall promptly forward to the Building Engineer a certificate of appropriateness or a notice to proceed, as applicable, along with the application and the plans and relevant specifications.

(2) (i) If the Commission makes the determination under subsection (c)(3) of this section, the Commission shall:

1. Issue written findings and conclusions for the determination; and
2. May include a recommendation regarding the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, or demolition.

(ii) The Commission shall notify the applicant and the Building Engineer of the determination, transmitting to each of them an attested copy of the reasons and recommendations.

(e) *Building Engineer bound by Commission's determination.*

(1) Upon return to the Building Engineer of the application and the plans and specifications by the Commission, the Building Engineer is bound by the determination of the Commission.

(2) The Building Engineer shall approve, if in conformance with other provisions of the Building Code, or disapprove any application for the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, or demolition of any building or structure in an historic district or on the final landmarks list in accordance with the Commission's determination.

(f) *Postponement — Preliminary landmarks list.*

(1) If the Commission determines that the proposed excavation, construction or erection, reconstruction, alteration, removal of an exterior architectural feature, or demolition of any building or structure on the preliminary landmarks list is inappropriate, the commission shall notify the Building Engineer in writing to postpone the issuance of the permit.

(2) (i) The Building Engineer shall postpone the issuance of the permit for a period not to exceed 90 days after the date of the notification of determination by the Commission or until notified by the Commission to issue the permit, whichever occurs first.

(ii) Thereafter, the Building Engineer shall issue the permit if it complies with all legal requirements.

(3) Within the period of postponement, the commission shall meet with the applicant for the permit and shall consult with civic groups, public agencies, and interested citizens to ascertain what the county may do to preserve the building.  
(1988 Code, §§ 26-546, 26-547, 26-548, 26-549, 26-550, 26-551) (Bill No. 18, 1990, § 2; Bill No. 112-02, § 2, 7-1-2004)

## Subtitle 5. Appeals and Enforcement

### § 32-7-501. APPEALS.

(a) *Board of Appeals.* Within 30 days after the Building Engineer has approved, disapproved, or delayed an application for a permit, any person aggrieved by any decision of the Commission may appeal to the County Board of Appeals.

(b) *Decision of the Board.* In issuing its decision, the County Board of Appeals shall file an opinion that includes a statement of the facts found and grounds for its decision.

(c) *Appeal to circuit court.*

(1) Within 30 days after any decision by the County Board of Appeals, any party to the proceeding who is aggrieved by the decision of the Board may appeal the decision to the circuit court of the county in accordance with the Maryland Rules.

(2) The circuit court may:

(i) Affirm the decision of the Board; or,

(ii) If the decision is not in accordance with law, modify or reverse the decision, with or without remanding the case for rehearing.

(d) *Appeal to the Court of Special Appeals.* Within 30 days after the decision of the circuit court is rendered, any party to the proceeding who is aggrieved by the decision of the circuit court may appeal the decision to the Court of Special Appeals.

(e) *Exclusive remedy.* The proceedings provided by this section are exclusive.  
(1988 Code, § 26-553) (Bill No. 112-02, § 2, 7-1-2004)

### § 32-7-502. ENFORCEMENT.

(a) *Injunction.* Upon application of the Commission and in accordance with the Charter, the circuit court for the county may:

(1) Restrain or enjoin the excavation, construction or erection, reconstruction, alteration, removal of any exterior feature, or demolition of any building or structure in an historic district or on the preliminary landmarks list or the final landmarks list, if found to be in violation of this title; and

(2) Order the removal of any exterior architectural feature constructed or reconstructed in violation of this title.

(b) *Demolition by neglect.*

(1) The Building Engineer shall notify the Commission of all instances of demolition by neglect with respect to structures in an historic district or on the preliminary or final landmarks list which are brought to the attention of the Building Engineer.

(2) Each instance of demolition by neglect shall be treated in the same manner as a violation of the County Building Code.

(1988 Code, §§ 26-543, 26-554) (Bill No. 112-02, § 2, 7-1-2004)

**§ 32-7-503. PENALTIES FOR VIOLATION.**

(a) *In general.* A person may not excavate, construct or erect, reconstruct, alter, or remove any exterior architectural feature or demolish any buildings or structures in any historic district or any building or structure on the preliminary landmarks list or on the final landmarks list in violation of the provisions of this title.

(b) *Criminal penalty.*

(1) A person who violates subsection (a) of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$1,000.

(2) Each day a violation occurs shall constitute a separate offense.

(c) *Civil penalty.*

(1) A person who violates subsection (a) of this section is also subject to a civil penalty, enforceable in accordance with Article 3, Title 6 of the Code.

(2) The amount of the penalty shall be equal to the the greater of:

(i) \$158,000, increased annually, from October 1, 2005, by the average annual increase in property values for Baltimore County as reported by the Metropolitan Regional Information System; or

(ii) The assessed value of the property, including any replacement improvements made on or after the date of the violation under this section.

(1988 Code, § 26-555) (Bill No. 109-99, § 1, 2-5-2000; Bill No. 112-02, § 2, 7-1-2004; Bill No. 126-05, § 1, 1-7-2006)

Article 11. Taxation

Title 2. Ad Valorem Taxes

Subtitle 2. Property Tax Credits for Improvements

**§ 11-2-201. PROPERTY TAX CREDIT FOR HISTORIC RESTORATIONS AND REHABILITATIONS.**

(a) *Definitions.*

(1) In this section the following words have the meanings indicated.

(2) “Base value” means the full cash value of the property used by the State Department of Assessments and Taxation to determine the assessment on which the county property tax on real property was imposed before the substantial completion and first assessment of the eligible rehabilitation work for commercial properties.

(3) “Commercial property” means office, retail, industrial, residential condominiums, and income producing residentially used property that is a historic resource.

(4) “Commission” means the County Landmarks Preservation Commission.

(5) “Historic resource” means a property that is:

(i) A contributing property located in a national register historic district or in a historic district enacted by the County Council; or

(ii) Individually listed on the National Register of Historic Places or included on the county final landmarks list.

(6) “Eligible assessment” means the difference between the base value and the full cash value as determined by the State Department of Assessments and Taxation for the applicable taxable period in which the tax credit under this section is granted.

(7) (i) “Eligible rehabilitation work” means the rehabilitation of a historic resource which returns the structure to a state of utility through repair or alteration that allows for the efficient use of the structure while preserving those portions and features of the structure and its site and environment that are historically, architecturally, or culturally significant.

(ii) "Eligible rehabilitation work" does not include new additions constructed as part of, or adjacent to an existing historic resource.

(8) "Eligible rehabilitation work for commercial properties" means all exterior and interior rehabilitation work.

(9) (i) "Eligible rehabilitation work for residential properties" includes:

1. Exterior rehabilitation, including roofs, windows, stone and brick work, wood siding or shingles, and lead paint removal; or
2. Interior rehabilitation, including structural fortification, lead paint removal, and heating, air-conditioning, electrical, and plumbing work.

(ii) "Eligible rehabilitation work for residential properties" does not include alterations that are primarily remodeling projects such as the replacement of a functional kitchen or bathroom.

(b) *Residential.*

(1) There is a tax credit against county real property taxes for expenses of a taxpayer for eligible rehabilitation work for residential properties.

(2) The tax credit is 20% of the expenses for eligible rehabilitation work for residential properties if the expenses exceed \$1,000.

(3) The tax credit applies to the next tax year after the year in which the work or any part is completed.

(4) Any unused tax credit:

- (i) May be carried forward to as many as 10 subsequent tax years; and
- (ii) Is fully transferrable to a new owner for the remaining life of the credit.

(c) *Commercial.*

(1) There is a tax credit against county real property taxes for expenses of a taxpayer for eligible rehabilitation work for commercial properties.

(2) The tax credit granted under this section shall equal 100% of the amount of property tax imposed on the eligible assessment of a property granted a tax credit under this section.

(3) The tax credit granted under this section shall:

- (i) Continue for a total of 10 tax years; and
- (ii) Be fully transferrable to a new owner for the remaining life of the credit.

(4) Except as provided in paragraph (2) of this subsection, the property tax credit granted under this subsection may not exceed the amount of the taxes assessed for the eligible rehabilitation work for commercial properties.

(d) *When credit begins.*

(1) The tax credit provided under subsection (b) of this section shall begin with the tax year beginning on July 1 following the substantial completion and assessment of the eligible rehabilitation work for residential properties.

(2) The tax credit provided under subsection (c) of this section shall begin, as applicable:

- (i) On July 1 following the substantial completion and assessment of the eligible rehabilitation work for commercial properties; or
- (ii) With the first assessment under § 11-2-306, § 11-2-307, or § 11-2-308 of this title following the substantial completion and assessment of the improvements, as applicable, for eligible rehabilitation work for commercial properties.

(e) *Termination.* A property tax credit granted under this section shall terminate if:

(1) During the credit period, the Commission certifies to the Director of Budget and Finance that the property has been altered so that it no longer complies with the rehabilitation standards by which the property obtained eligibility; or

(2) The owner of the property successfully removes the property from the final landmarks list in accordance with § 32-7-304 of the code.

(f) *Application.*

(1) The property tax application process for a tax credit under this section is a three-part process.

(2) *Part I Application - certificate of eligibility.*

(i) The taxpayer shall make a Part I Application to the Office of Planning to establish whether the historic resource is eligible for a tax credit under this section.

(ii) The Office of Planning shall make a determination whether the historic resource is eligible to apply for a tax credit under this section.

(3) *Part II Application – certificate of appropriateness.*

(i) If the Office of Planning determines that the historic resource is eligible to apply for a tax credit, the taxpayer shall submit a Part II Application to the Commission with a detailed description of the proposed rehabilitation work.

(ii) The Commission shall determine whether the proposed improvements:

1. Qualify as eligible rehabilitation work for residential or commercial properties, as applicable; and

2. Are in conformance with the Secretary of the Interior’s standards for rehabilitation.

(iii) Upon a finding that the proposed improvements qualify under subparagraph (ii) of this paragraph, the Commission shall issue a certificate of appropriateness to the taxpayer.

(4) *Part III Application – certification of completed rehabilitation work.*

(i) After completion of the eligible rehabilitation work, the taxpayer shall submit a Part III Application under affidavit to the Director of Budget and Finance.

(ii) 1. The Director shall forward a copy of the application to the Building Engineer and the Office of Planning.

2. The Office of Planning shall verify that the completed eligible rehabilitation work:

A. Received a building permit in accordance with Article 35, Title 2 of the Code; and

B. Is in conformance with the detailed description of the proposed rehabilitation work approved by the commission under paragraph (3) of this subsection.

of this subsection.

(5) (i) The Office of Planning shall complete its review within 30 days after receiving the Part III Application.

(ii) If the Office of Planning determines that the eligible rehabilitation work was completed in accordance with the requirements of paragraph (4)(ii) of this subsection, the office shall certify its determination to the Director of Budget and Finance.

(iii) 1. If the Office of Planning determines that the eligible rehabilitation work was not completed in accordance with the requirements of paragraph (4)(ii) of this subsection, the office shall certify its determination to the Commission.

2. At its next meeting after receiving the certification under this subparagraph, the Commission shall review the determination of the Office of Planning and may affirm or reverse the determination of the Office of Planning.

3. The Office of Planning is bound by the decision of the Commission and shall certify the decision of the Commission to the Director of Budget and Finance within 5 days after the Commission makes its decision.

(iv) Within 30 days after receiving the certification from the Office of Planning as provided under subparagraph (ii) or subparagraph (iii) of this paragraph, the Director of Budget and Finance shall:

1. Grant or deny the application for a tax credit under this section;
2. Notify the applicant of the decision at the address in the application; and
3. In the case of a denial, state the reasons for the denial.

(v) The Director of Budget and Finance is bound by a certification of the Office of Planning.

(vi) If the Director of Budget and Finance does not grant or deny the application within 30 days after receiving the certification of the Office of Planning, the application is deemed approved.

(g) *Appeal.* A taxpayer whose application for a tax credit under this section is denied may appeal the denial as provided in §11-2-204 of this subtitle.

(h) *Regulations.* After consultation with the Director of Budget and Finance, the Commission and the Office of Planning may adopt regulations to carry out the provisions of this section.

(1988 Code, § 33-43) (Bill No. 129-97, § 1, 1-3-1998; Bill No. 33-03, § 2, 7-1-2004; Bill No. 59-05, § 1, 7-28-2005; Bill No. 151-05, § 2, 1-30-2006; Bill No. 25-06, § 1, 5-5-2006)

***Editor's note:***

*Section 3 of Bill No. 129-97, effective Jan. 3, 1998, states that "the tax credit provided herein shall no longer be available after the expiration of ten (10) years following the effective date of this Act.*

*Properties shall be eligible for the Property Tax Credit under this Act if an application therefor has been filed with the Baltimore County Office of Finance, in accordance with the provisions of this Act, within ten (10) years following the effective date of this Act."*

*Section 3 of Bill No. 151-05, effective Jan. 30, 2006, states that "the property tax credit, authorized under this Act shall apply to eligible rehabilitation work to an historic resource that received a certificate of appropriateness in accordance with Article 32, Title 7 of the Baltimore County Code, 2003 on or after January 30, 2006."*

**§ 11-2-204. APPEALS TO THE COUNTY ADMINISTRATIVE OFFICER.**

(a) *Authority to appeal.*

(1) A taxpayer whose application for tax credit under this subtitle is denied may appeal the Director's decision, in writing, to the County Administrative Officer within 15 days after the Director's denial.

(2) The appeal shall include the reasons for the appeal.

(b) *Action of the County Administrative Officer.* The County Administrative Officer or the Administrative Officer's designee:

(1) Within 15 days after receipt of the appeal, may reverse, affirm, or modify the Director's decision; and

(2) Shall notify the Director and the applicant of the decision.

(c) *Failure to act.* If the County Administrative Officer fails to act on an appeal within 15 days after receipt of the appeal, the decision of the Director is deemed to be affirmed.

(1988 Code, § 33-43) (Bill No. 129-97, § 1, 1-3-1998; Bill No. 33-03, § 2, 7-1-2004)

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## Landmarks Preservation Commission "Consent Agenda - Principles & Procedures"

The Landmarks Preservation Commission always tries to reach its decisions promptly – to avoid unnecessary discussion and delay. Thus, the Commission established the “consent agenda” system.

The Commission’s staff receives and reviews all matters to be placed on the Agenda for action by the LPC. Staff suggests which items are appropriate for approval by the Commission, *as submitted*, without a *need* for discussion before the vote to approve. These fall into two groups:

1. An item for which the only result of a positive vote by the Commission in *this* meeting will be to schedule the item for a public hearing at a *subsequent* meeting. This situation includes a petition to delineate a County Historic District.
2. An application for a Historic Property Permit, where the application provides *all necessary information* to enable proper review **and** where the proposed work on the property *is* in accordance with the standards adopted by the Commission.

Thus, on the Preliminary Agenda, the items in these two kinds of situation are grouped for handling under item 2A, the “Consent Agenda.” When the meeting reaches item 2A, the Chairman will identify each Consent Agenda item and will ask whether anyone present wishes to speak *against* approval of any of these items (or whether any member of the Commission wishes to have discussion on the item before the vote.)

If there is no objection, the Chairman will then accept a single motion for the approval of all the items as submitted (subject to any conditions which are suggested by the staff in the written recommendations in the Commissioners’ notebooks and are announced by the Chairman). By a single vote, therefore, the Commission can approve all of these items at the same time without needing to take time for individual discussions and votes.

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## Resolution Clarifying and Confirming the Implementation of Section 26-540 (a)

**WHEREAS** the County Council has enacted Article X in Title 26 of the *Baltimore County Code, 1988*, for the purpose of “providing for the protection, enhancement, and perpetuation of those structures and districts in the county of historical, architectural, archeological, or cultural merit”; and

**WHEREAS** the principal responsibility for implementing Article X is assigned to the Landmarks Preservation Commission (LPC); and

**WHEREAS** Section 26-540 (a) in Article X requires that the LPC “shall compile and maintain a list of structures, both public and private, in the county, which the commission deems to be of significant historical, architectural, archeological, or cultural value”; and

**WHEREAS** Section 26-540 (b) further requires that the LPC “shall conduct public hearings to determine if the structures on the [(a)] list may be included on the preliminary landmarks list”;

**NOW, THEREFORE, BE IT RESOLVED**, for purposes of clarifying the record, that the Landmarks Preservation Commission’s policies and practices regarding the Section 26-540 (a) list have been as follows:

1. Beginning approximately in July 1965, the Baltimore County Historical Society initiated an inventory by compiling information on about 500 historically-significant properties. Subsequently, county government, through staff in the Office of Planning and Zoning, and the state of Maryland, through the Maryland Historical Trust (MHT), have jointly continued to compile the list, which is currently known as the “Maryland Inventory of Historic Properties” (MHT Inventory).
2. As described in State law, the MHT Inventory “shall consist of all districts, sites, buildings, structures, and objects of known *or potential* value to the prehistory, history, upland and underwater archeology, architecture, engineering, and culture of this State” (*Md. Ann. Code*, Art. 83B, Sec. 5-615; emphasis added).
3. The LPC further recognizes that the overall character of the MHT Inventory is fundamentally consistent with the County Council’s intention for Section 26-540, thereby enabling the Inventory to fulfill the purpose of Section 26-540 (a). Thus, the LPC’s traditional practice has been to use the MHT Inventory to constitute the (a) list, whether or not the LPC explicitly described that status when selecting structures for hearing pursuant to Section 26-540 (b).
4. As recently as 1997, the basic concept of using the MHT Inventory as the (a) list was noted by the Commission without opposition.

**AND, BE IT FURTHER RESOLVED**, that the Landmarks Preservation Commission hereby confirms, for the record, the Commission’s customary practice and interpretation that:

5. The list required to be compiled and maintained by the LPC pursuant to County Code Section 26-540 (a) consists of structures explicitly identified by action of the LPC and also includes, without the necessity for explicit action by the LPC, structures on properties which have been or may in the future be added to the Maryland Inventory of Historic Properties by the Maryland Historical Trust.

**ATTEST:**

Kimberly Abe  
*Kimberly R. Abe, Secretary*

**DULY ADOPTED** by vote of the  
Landmarks Preservation Commission  
this *12th* day of *January*, 2003

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## Resolution

### Establishing Procedures for the Receipt and Scheduling of Landmark List Nominations

**WHEREAS** Baltimore County law requires that the Landmarks Preservation Commission (LPC) shall:

- Compile a Register of structures “that the Commission considers to be of significant historical, architectural, archeological or cultural value,” (§ 32-7-301), and
- Select structures from the Register for public hearing on their qualification to be included (with their historic environmental setting) on the Landmarks List (§ 32-7-302 (c))

**WHEREAS** the traditional practice has been that a nomination of a structure to the Landmarks List is presented in one of the Commission’s regular monthly meetings, at which point the Commission votes to schedule the requisite public hearing at a subsequent meeting (two months later); and

**WHEREAS** this procedure, with its initial vote merely for the *scheduling* of a later hearing, is not required in County law, and often causes uncertainty and confusion as proponents or opponents of Landmark listing may seek, prematurely, to give substantive testimony on the structure’s historic significance at a point in the process that is simply procedural; and

**WHEREAS** the LPC’s professional staff is fully qualified to exercise authority delegated by the Commission for reviewing Landmark nominations to determine the likelihood that a nominated property could, after hearing by the Commission’s opinion, be determined eligible for the Landmarks List;

**NOW, THEREFORE, BE IT RESOLVED** that the Baltimore County Landmarks Preservation Commission hereby adopts the following procedures for the receipt and review of nominations to the Landmarks List and the scheduling of nominations for public hearing by the Commission:

1. Nominations shall be submitted (in the required number of copies) to the Commission’s Secretary who, in consultation with the Chief of the Preservation Services Section, shall review the nominations and advise the person or organization submitting the nomination either:
  - a. That the nomination is accepted for hearing by the Commission and that a public hearing has been scheduled on the date set in accordance with the notification and posting requirements in County law; or
  - b. That the nomination is not acceptable because of unsuitability or insufficiency, along with information about how the insufficiency might be remedied.
2. The authority to accept a nomination includes the authority to add structures to the County Register. Additions to the Register may be reversed by vote of the Commission at the time of the public hearing.
3. If the Secretary does not accept a nomination, the nominator shall have the right to appear at the Commission’s next scheduled meeting to request re-consideration by the Commission. Upon request, the Secretary shall provide, to the Commission members, copies of the submitted nomination materials.

4. For each accepted nomination, the Secretary shall provide written notice, not less than 45 days before the hearing, to the property's owner (as identified in the State tax records) regarding the scheduled hearing and the owner's opportunity to testify, along with information about the Landmark process and the consequences and benefits of Landmark listing. A copy of the notice shall also be sent to each Commission member and to the nominator.
5. In addition to the written notice, the Secretary shall arrange for the posting on the property, in accordance with the time limits specified in § 32-7-302 (c) (2), of the required sign giving public notice of the hearing.

**AND, BE IT FURTHER RESOLVED** that, having been passed by the affirmative vote of at least seven members of the Commission, this Resolution shall take effect immediately.

**DULY ADOPTED** by vote of the Commission,  
this *12th* day of *January*, 2006

**ATTEST:**

*/s/ Vicki Nevy* \_\_\_\_\_  
Vicki Nevy  
Administrator/Secretary

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REVISED  
RESOLUTION

Establishing Procedures and Principles on Requests for Postponement of Items  
Scheduled for Action by the Landmarks Preservation Commission

**WHEREAS** Baltimore County law assigns various responsibilities to the Landmarks Preservation Commission (LPC) including: (i) conducting public hearings and voting to place structures on the Landmarks List; (ii) conducting public hearings and voting to delineate the boundaries of proposed County Historic Districts; (iii) voting on approval or denial of applications to alter or demolish Landmark structures; (iv) voting on approval or denial of applications for every kind of new construction or the alteration of existing structures in County Historic Districts; and (v) advising the Hearing Officer on alterations to properties on the Maryland Inventory of Historic Properties or the Baltimore County Register; and

**WHEREAS**, to fulfill its responsibilities, the Commission meets in open public session on the second Thursday of each month; and

**WHEREAS**, to facilitate public awareness of the Commission's pending business, a Preliminary Agenda for each meeting is posted on the County government's website in the week before each meeting; and

**WHEREAS** the business on the Agenda may be of interest not only to the owners of the properties involved but also to the owners of neighboring properties as well as to citizens and organizations interested in recognizing and protecting the County's historic physical heritage; and

**WHEREAS** there appears lately to be an increasing trend by owners of properties scheduled on the Agenda to request postponement of action by the LPC; and

**WHEREAS** these requests for postponement too often have stated little if any justification, and often have not even been made until the time of the meeting; and

**WHEREAS** citizens and community representatives who have arranged to attend the meetings for offering testimony to the Commission may be substantially inconvenienced by the Commission's late acceptance of requests for postponements, thereby undermining public confidence in the integrity and timeliness of the LPC's decision-making procedures; and

**WHEREAS** it is common practice in judicial and administrative proceedings that requests for postponement are strictly scrutinized for the sufficiency of their justification;

**NOW, THEREFORE, BE IT RESOLVED** that the Baltimore County Landmarks Preservation Commission hereby adopts the following procedures and principles for deciding on requests for postponements on items that have, by prior vote of the Commission or by the operation of County law, been scheduled on the Preliminary Agenda of an LPC meeting:

1. The requesting party shall make any request for postponement, in writing addressed to the Commission, as early as possible.

2. If a postponement is not requested in time for consideration by the Commission in a scheduled monthly meeting, the postponement may be granted by the Chairman. The request for postponement shall be submitted to the Secretary, who shall immediately notify the Chairman. The Chairman shall consider whether or not the request is justified by circumstances of an unusual or extraordinary nature. The Chairman's decision shall be conveyed to the applicant via the Secretary, with notice also to all members of the Commission. To the extent possible in advance of the meeting, notice of the postponement shall be provided to the public.
3. Notwithstanding the decision to grant a postponement, the Commission may, at the Chairman's discretion, allow testimony on the item to be presented by any person or representative who attends the meeting in reliance upon the published Preliminary Agenda, and the Commission may consider such testimony when acting on the matter in any subsequent meeting.

**DULY ADOPTED** by vote of the Commission  
on the *12<sup>th</sup>* day of *May*, 2005, and revised on  
the *9<sup>th</sup>* day of *February*, 2006

**ATTEST:**

*/s/ Vicki Nevy* \_\_\_\_\_  
Vicki Nevy,  
Administrator/Secretary

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## Resolution Adopting

### Interim Procedures for Delineating Historic Environmental Settings

**WHEREAS** Section 1 in County Council Bill No. 93-05 has amended the definition in County law (Section 32-7-101) so that, for the purposes of additions by the Landmarks Preservation Commission (LPC) to the Preliminary Landmarks List, the term “structure . . . includes the property or lot or portion thereof which constitutes the historic environmental setting of the structure;” and

**WHEREAS** Section 32-7-101 (k) in the amended law now further defines “historic environmental setting,” as “the property or lot or portion thereof, as delineated by the Commission, which is historically, architecturally, archeologically, or culturally connected to the historic significance of a Landmark structure;” and

**WHEREAS** the Commission and the Office of Law agree that, before attempting formal promulgation of a set of standards for evaluating settings, the best approach will be for the Commission to gain experience with the concepts and factors involved in defining settings by conducting actual evaluations of the sites as individual historic properties are nominated for Landmark listing; and

**WHEREAS**, because delineation of historic setting is part of the prerequisite actions for a historic property to qualify for rehabilitation tax credits from Baltimore County, the Commission should assure the integrity of the processes by guarding against tax credit approvals where a historic property has recently been subdivided in a manner that would deprive the Commission of authority over future development within its properly-defined historic setting, while also recognizing that future development within a historic setting is not necessarily impermissible;

**NOW, THEREFORE, BE IT RESOLVED** that the following interim procedures and guidance are hereby approved by the Landmarks Preservation Commission, to take effect for nominations received after April 25, 2006:

1. Persons or organizations submitting nominations to the Landmarks List must, in addition to identifying the historic structure(s) nominated, also propose the delineation of the surrounding historic environmental setting appropriate to the historic significance of the site, including an explanation of the rationale for thus delineating the specified setting. The Commission’s staff shall revise the nomination form and instructions accordingly, and shall continue to assist applicants in understanding how to comply with this requirement.

2. Each nomination to the Landmarks List shall include a map, plat, or site plan, and a written description clearly indicating the boundary lines by which the setting is proposed to be delineated and a description of how the setting is connected to the historic significance of the Landmark(s) site.
  - (a) The proposed setting may encompass the entire contiguous acreage in common ownership with the historic structure(s) or other historic features at the time of nomination, in which case a copy of the State tax map showing the real property nominated will suffice.
  - (b) If the proposed setting is less than the entire contiguous acreage, the application must include a map, plat, or site plan, on a sheet not larger than 11" x 17", clearly indicating the proposed boundary lines; and a written explanation of why the area *excluded* from the historic setting is *not* "connect[ed] to the historic significance of the Landmark(s)."
3. Except as provided below in paragraph 5 for properties of less than **five** acres, the Commission shall, before voting to approve any historic environmental setting, first consider the report from a Technical Committee consisting of not less than three commission members which has visited the nominated site and evaluated the appropriateness of the proposed boundaries for the setting.
4. In evaluating structures and their proposed setting, the Committee and the Commission shall, in addition to considering the five statutory criteria for landmark eligibility, also consider the factors used by the Secretary of the Interior for evaluating the integrity of a historic site – *viz.*, location, design, setting, materials, workmanship, feeling, and association, as explained in National Register Bulletin 15.
5. For properties of less than **five** acres, the rebuttable presumption shall be that the historic environmental setting is the entire property, *provided that* the Commission may decline to approve an owner-initiated nomination if the record discloses that the property has been subdivided within the prior five years in a manner to exclude an area that should otherwise have properly been included in the structure's historic environmental setting;

**AND, BE IT FURTHER RESOLVED**, that the Commission shall, within one year from the effective date of this Resolution, evaluate the appropriateness and effectiveness of its principles and procedures.

**DULY ADOPTED** by vote of the Commission this 25th day of April, 2006.

**ATTEST**

/s/ Vicki Nevy\_\_\_\_\_  
Vicki Nevy  
Secretary/Administrator

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## Resolution Adopting Procedures

### For Implementing Approval of County Tax Credit Applications

**WHEREAS**, on January 17, 2006, the Baltimore County Council enacted Council Bill No. 151-05, establishing the most favorable local tax credit law in Maryland for encouraging proper rehabilitation of historic residential and commercial properties; and

**WHEREAS**, in Part II of the process for reviewing and approving tax credit applications, the new law delegates substantial responsibility to the Baltimore County Landmarks Preservation Commission (LPC), principally for issuance of a certificate-of-appropriateness to assure that an applicant's proposed rehabilitation work on an eligible historic property complies with The Secretary of the Interior's Standards; and

**WHEREAS**, because it can readily be anticipated that property-owners will also want to take advantage of the complementary Maryland Rehabilitation Tax Credit program, implementation of the County program should be harmonized as closely as possible with the State's procedures as administered by the Maryland Historical Trust (MHT), which also employs The Secretary of the Interior's Standards for evaluating the appropriateness of proposed rehabilitation work;

**NOW, THEREFORE, BE IT RESOLVED** that the Landmarks Preservation Commission hereby approves the following procedures and standards, to take effect immediately, for administering the Commission's portion of the tax credit program:

1. The Commission hereby delegates to the Office of Planning the authority to approve, on behalf of the Commission, the certificate-of-appropriateness for Part II tax credit applications regarding eligible historic properties, in the following circumstances:
  - a. Where an applicant submits a copy of the applicant's Maryland Rehabilitation Tax Credit Part 2 application form signed to show MHT's approval of the proposed rehabilitation work, or
  - b. Where an applicant submits a copy of a certificate-of-appropriateness for work on an eligible historic property issued by the Commission before January 30, 2006.
2. In no case shall expenditures on the rehabilitation work made before the date of the approval by the Office of Planning of the Part II application be considered eligible for County tax credit or subsequently be included in the applicant's Part III request as a basis for the County credit.

3. If a historic environmental setting had not previously been delineated by the Commission in reference to a structure on the Final Landmarks List, the submittal of a Part II application for a certificate-of-appropriateness shall be deemed to constitute agreement by the applicant that:
  - a. the historic environmental setting of the structure shall thereupon be delineated by the Office of Planning in consultation with the applicant, and that
  - b. the setting shall be deemed adopted in conjunction with the approval of the Part II certificate (subject to the requisite notification to the County Council) without the need for explicit further action by the Commission regarding delineation of the setting.
4. The Office of Planning may establish requirements for the information to be submitted in conjunction with a Part II application, including photographs, elevation drawings, surface treatments, limitations on replacements, and the like.

**DULY ADOPTED** by vote of the Commission, this 25th day of April, 2006

**ATTEST:**

  /s/ Vicki Nevy  
Vicki Nevy  
Administrator/Secretary