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ARTICLE VII
HISTORIC DISTRICT

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SECTION 28 – 701 HISTORIC DISTRICT

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A. PURPOSE

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It is the purpose of this subsection to establish regulations and procedures necessary to preserve the historic structures and character of Easton. The regulations create two historic zoning districts and regulate individual historic landmarks which have and will be identified by the Historic District Commission. These historic districts shall be considered as "overlay zones" and shall be considered in conjunction with the use provisions of the zoning district in which a building is located. All standards and regulations are designed to achieve the objectives more specifically described below

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1. The preservation of sites, structures and districts of historical, archeological, or architectural significance together with their appurtenances and environmental settings is a public purpose in this State and in the Town of Easton. The Mayor and Town Council of Easton believe that the public interest and convenience require the preservation and protection of certain places and areas of historic interest, exterior architectural features, examples of the types of architecture, gardens and grounds found in older areas of Easton.
 2. The purpose of this ordinance shall be (1) to enhance the quality of life and to safeguard the historical and cultural heritage of Easton by preserving sites, structures, or districts which reflect elements of cultural, social, economic, political, archeological, or architectural history; (2) to strengthen the local economy; (3) to stabilize and improve property values of such sites, structures, or districts; (4) to foster civic beauty; and (5) to promote the preservation and appreciation of such sites, structures and districts for the education and welfare of the residents of Easton and Talbot County.
 3. The Mayor and Town Council of Easton derive authority for this ordinance by virtue of the terms of the State of Maryland Enabling Act for Municipal Historic District Legislation (1974 Cum. Supl. - Art. 66B - Sec. 8.01-8.15).

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B. HISTORIC DISTRICT COMMISSION

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1. Historic District Commission.

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The Town hereby creates a commission to be called the Easton Historic District Commission.

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2. Membership.

1 The Historic District Commission shall consist of seven members appointed
2 by the Mayor and Town Council. A majority of the members of the
3 Commission shall be residents of the Town of Easton. Each member shall
4 possess a demonstrated special interest, specific knowledge, or professional or
5 academic training in such fields as history, architecture, architectural history,
6 planning, archeology, anthropology, curation, conservation, landscape
7 architecture, historic preservation, urban design, or related disciplines.
8 Nonresident appointees to the Commission must possess professional or
9 academic qualifications as further defined in paragraph 3 of this subsection.
10 At least two (2) members of the Commission shall possess professional or
11 academic training in one or more of the above-listed fields in accordance with
12 the minimum professional requirements of the United States Department of
13 the Interior for certifying local governments under 36 C.F.R. Part 61.

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15 3. Commission Membership Qualification Criteria.

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17 The requirement for Commission membership under the category of
18 demonstrated special interest may be satisfied either by formal training in one
19 or more of the fields listed in paragraph 2 of this subsection or active
20 membership in a preservation-related organization. The requirement for
21 membership under the category of specific knowledge may be satisfied by
22 formal post-secondary education, employment or practical experience in one
23 or more of the above-listed fields. The requirement for Commission
24 membership under the category of professional or academic training may be
25 satisfied by, at a minimum, two years' experience as a professional or a
26 Bachelor's degree in one or more of the above-listed fields.

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28 4. Terms.

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30 Commission members shall be appointed for terms of three (3) years, except
31 that the terms of the initial appointments shall be staggered so that three (3)
32 members shall serve terms of three (3) years, two (2) members shall serve
33 terms of two (2) years, and two (2) members shall serve terms of one (1) year
34 so that not more than three (3) appointment shall expire in a given year.
35 Commission members may be re-appointed.

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37 5. Commission Officers.

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39 The Commission shall elect, from its membership, a Chairperson and Vice
40 Chairperson. The Chairperson and Vice Chairperson shall serve for one (1)
41 year terms and shall be eligible for reelection.

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43 6. Vacancy.

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45 Any vacancy in the membership of the Commission caused by the expiration

1 of a term, resignation, death, incapacity to discharge duties, removal for cause,
2 or any other reason, shall be filled for a new term, or for the remainder of the
3 term for which there is a vacancy, as the case may be, in the same manner as
4 provided herein for the appointment of the initial members of the
5 Commission. Any vacancy on the Commission shall be filled by the
6 appointing authority within sixty (60) days. In the case of expiration of term,
7 a member may continue to serve until the member's successor is appointed.
8 Unexcused absence at three (3) consecutive meetings shall constitute
9 resignation by the member and shall create a vacancy.

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11 7. Removal for Cause.

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13 A member may be removed from the Commission for cause, upon written
14 charges, and after a public hearing, by the Mayor with the consent and
15 approval of the Town Council.

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17 8. Compensation.

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19 Commission members shall serve without compensation, but may be
20 reimbursed for actual expenses incurred in the performance of their duties,
21 provided said expenses are permitted by the budget and approved in advance
22 by the Town Planner.

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24 9. Meetings.

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26 The Commission shall hold such regular meetings and hearings as necessary
27 to discharge its duties.

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29 10. Staff.

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31 Consistent with the Town's policies and procedures, employees may be
32 assigned to the Commission, and such services and facilities shall be made
33 available as the Town deems necessary or appropriate for the proper
34 performance of its duties.

35 C. POWERS AND DUTIES

36
37 The Historic District Commission shall have the following powers and duties:

- 38
39 a. To direct studies, reports and surveys to identify historical, archeological, or
40 architecturally significant sites, structures, and districts that exemplify the
41 cultural, social, economic, political, or architectural history of the Town, state,
42 or nation.
43
44 b. Consistent with the Town's charter, ordinances, resolutions, local public law,
45 policies and procedures regarding the acceptance and use of gifts by public

1 officials, to accept and use gifts for the exercise of its functions.

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- 3 c. To prescribe appropriate rules and regulations for transaction of its business.
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- 5 d. To adopt rehabilitation and new construction design guidelines and criteria for
- 6 construction, alteration, reconstruction, moving, and demolition of designated
- 7 landmarks, sites, structures, and districts which are consistent with the
- 8 Secretary of the Interior's Standards for the Treatment of Historic Properties.
- 9 Guidelines may include design characteristics intended to meet the needs of
- 10 particular types of sites, structures, and districts, and may identify categories
- 11 of changes that, because they are minimal in nature, do not affect historic,
- 12 archeological, or architectural significance, do not require review by the
- 13 Commission.
- 14
- 15 e. Consistent with the Town's charter, ordinances, resolutions, local public law,
- 16 policies and procedures governing the acquisition of easements, to accept or
- 17 otherwise acquire historic preservation easements on designated landmarks,
- 18 structures, or sites and, when deemed appropriate by the Commission, sites or
- 19 structures located in, or adjacent to, a designated district. The easements
- 20 acquired by the Commission may grant to the commission, the residents of the
- 21 historic district, and the general public the right to ensure than any site,
- 22 structure, or surrounding property on which the easement is applied is
- 23 protected, in perpetuity, from changes that would affect the historic,
- 24 archeological, architectural significance of the site, structure, or surrounding
- 25 property, and
- 26
- 27 f. To undertake any other action or activity necessary or appropriate to the
- 28 implementation of its powers and duties or the implementation of the purpose
- 29 of this article.

30 D. DESIGNATION

31 1. Easton Historic Zones

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- 34 a. The Easton Historic Zones consist of two districts. The first district
- 35 covers the area of the Third Haven Meeting House and is identified as
- 36 the "Meeting House District". The second district consists of that land
- 37 which constitutes basically the original part of Easton as shown on the
- 38 Historic Zoning map and identified as "Old Easton District". In
- 39 addition, the commission has compiled a list of public and private
- 40 structures which it deems to be of historic and architectural
- 41 significance and are considered Local Landmarks. These individual
- 42 structures may be located in any portion of the Town and shall be
- 43 considered to be subject to the provisions of this section. The list of
- 44 structures designated to be of historical or architectural significance
- 45 and the map entitled "Town of Easton Historic Districts Boundaries

1 Map” shall be kept on file in the office of the Easton Town Planner.
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3 In addition there are scattered individual properties and structures
4 deemed to be of historical or architectural significance which are
5 subject to the provisions of the Historic District overlay zone. A list of
6 Local Landmarks located outside of the two (2) Historic Districts
7 includes:
8

- 9 1. Richardson Cemetery Map-104, Parcel-605
- 10 2. Mt. Pleasant – 30 Mt. Pleasant Ave.
- 11 3. St. Aubins – 105 Willis Ave.
- 12 4. Langsdale Houses - 216/218 Bay St.
- 13 5. Carroll’s Addition – 702 South St.
- 14 6. Oak Hill House – 317 N. Washington St.
- 15 7. Londonderry Manor House – Map 34, Parcel 121

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17 2. Designation Procedures. The Historic District Commission may, after making
18 full and proper study, recommend any area within the limits of the Town for
19 designation as a landmark, site, structure, or district of historic, archeological,
20 or architectural significance. The Commission may also recommend
21 boundaries for such landmarks, sites, structures or districts. The
22 recommendations shall be submitted to the Mayor and Town Council for
23 approval or disapproval. Additionally, any parcel, upon consideration of
24 annexation, shall be subject to a historical significance assessment completed
25 by a qualified professional. If structures or other appurtenances of historical
26 significance are found, the Historic District Commission will review such
27 findings and make a recommendation to the Town Council either in support or
28 in opposition of declaring the site or structure a Local Landmark. Any site or
29 structure already included on the National Register of Historic Places, the
30 Maryland Historic Trust Historic Sites Survey or designated a landmark by
31 Talbot County shall automatically be presented to the Town Council for
32 consideration of becoming a Local Landmark.
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34 E. APPLICATION FOR CERTIFICATE OF APPROPRIATENESS AND
35 COMMISSION REVIEW

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37 1. Application for Certificate of Appropriateness.

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39 Before the construction, alteration, reconstruction, moving, or demolition is
40 undertaken of a designated landmark, site, or structure, or site or structure
41 within designated district, if an exterior change is involved which would affect
42 the historic, archeological, or architectural significance of a designated
43 landmark, site, or structure, or structure within a designated district, any
44 portion of which is visible or intended to be visible from a public way, the
45 person, individual, firm, or corporation proposing to make the construction or

1 change shall file an application for a Certificate of Appropriateness with the
2 Commission for permission to construct, alter, reconstruct, move, or demolish
3 the landmark, site, or structure. Every application shall be referred to and
4 considered by the Commission and accepted or rejected by the Commission.
5 An application which is identical to a rejected application may not be
6 resubmitted within a period of one year after the rejection. No Certificate of
7 Appropriateness shall be granted until the Commission has acted thereon as
8 hereinafter provided. A Certificate of Appropriateness shall lapse upon the
9 expiration of the corresponding Building Permit. For applications that require
10 a building permit but for which none is issued, this Certificate of
11 Appropriateness shall lapse six (6) months after its issuance. In the event a
12 Building Permit is not required, the Certificate of Appropriateness shall lapse
13 six (6) months from its issuance if substantial work is not underway. For
14 good cause shown, this period may be extended by the Commission.
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16 2. Application Review

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- 18 a. In reviewing applications, the Commission shall give consideration to
19 the historic, archeological, or architectural significance of the
20 landmark, site, or structure and its relationship to the historic,
21 archeological, or architectural significance of the surrounding area; the
22 relationship of the exterior architectural features of a landmark or
23 structure to the remainder of the landmark or structure and to the
24 surrounding area; the general compatibility of proposed exterior
25 design, scale, proportion, arrangement, texture, and materials to the
26 landmark, site, or structure and to the surrounding area; and any other
27 factors including aesthetic factors which the Commission deems to be
28 pertinent.
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 - 30 b. The Commission shall consider only exterior features of a landmark or
31 structure and shall not consider any interior arrangements.
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 - 33 c. The Commission shall not disapprove an application except with
34 respect to the several factors specified in paragraph (1) above.
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 - 36 d. The Commission shall be strict in its judgment of plans for sites or
37 structures determined by research to be of historic, archeological, or
38 architectural significance. The Commission shall be lenient in its
39 judgment of plans for sites or structures of little historic, archeological,
40 or architectural significance, or of plans involving new construction,
41 unless in the Commission's judgment such plans would seriously
42 impair the historic, archeological, or architectural significance of
43 surrounding sites or structures. The Commission is not required to
44 limit construction, reconstruction, or alteration to the architectural
45 style of any one (1) period.

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- i. If an application is submitted for construction, reconstruction, or alteration affecting a site or the exterior of a structure or for the moving or demolition of a structure, the preservation of which the Commission considers to be of unusual importance to the Town of Easton or of unusual importance to the State or the nation, the Commission shall attempt to formulate an economically feasible plan with the owner(s) of the site or structure for the preservation of the site or structure. Unless the 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 Commission shall reject the application, filing a copy of its rejection with the Zoning Inspector.

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

In the case of a site or structure considered to be valuable for its historic, archeological, or architectural significance, the Commission may approve the proposed construction, reconstruction, alteration, moving, or demolition despite the provisions of Section 28 – 701 E(2)(d) of this Article if:

- a) The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the Town;
- b) Retention of the site or structure would cause undue financial hardship to the owner; or
- c) Retention of the site or structure would not be in the best interest of a majority of persons in the Town.

3. Commission Decision.

The Commission shall file with the Zoning Inspector a Certificate of Appropriateness certifying its approval, modification, or rejection of each application and plans submitted to it for review. Work shall not be

1 commenced on any project until such a certificate of approval has been filed,
2 and the Zoning Inspector shall not issue a building permit or historic area
3 work permit for such change or construction unless it has received such a
4 Certificate of Appropriateness. The failure of the Commission to act upon a
5 completed application within forty-five (45) days from the date the completed
6 application was filed shall be deemed to constitute automatic approval of the
7 proposed changes unless an extension of this forty-five (45) day period is
8 agreed upon mutually by the applicant and the Commission or the application
9 has been withdrawn.

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11 4. Routine Maintenance.

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13 Nothing in this Article shall be taken or construed to prevent maintenance that
14 does not alter the exterior fabric or features of a designated landmark, site, or
15 structure, customary farming operations, or landscaping which will have no
16 material effect on the historic, archeological, or architectural significance of a
17 designated landmark, site, structure, or district.

18 F. DEMOLITION BY NEGLECT

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20 1. In the event of demolition by neglect, the Commission may request the
21 Zoning Inspector to notify, in writing, the property owner of record, any
22 person having a right, title, or interest therein, and the occupant or other
23 person responsible for the maintenance of the property, of the deterioration.
24 The notice shall specify the minimum items of repair or maintenance
25 necessary to correct the deterioration or prevent further deterioration.
26
27 2. Prior to the issuance of a written notice, the Commission may request the
28 Zoning Inspector to establish a record of demolition by neglect. Such a record
29 may include dated materials such as photographs and written reports of the
30 condition of the property so as to record or measure the deterioration.
31
32 3. The notice shall provide that corrective action shall commence within thirty
33 (30) days of the receipt of said notice and be completed within a reasonable
34 time thereafter. The notice shall state that the owner of record of the property,
35 or any person of record with any right, title, or interest therein, may, within
36 ten (10) days after the receipt of the notice, request a hearing on the necessity
37 of the items and conditions contained in the notice. In the event a public
38 hearing is requested, it shall be held by the Commission upon thirty (30) days
39 written notice being mailed to all persons of record with any right, title, or
40 interest in the property and to all citizens and organizations which the
41 Commission determines may have an interest in the proceedings.
42
43 4. If, after the public hearing, the Commission determines that the corrective
44 actions remain necessary, the Commission may request that the Zoning
45 Inspector take corrective action to comply with the Final Notice within thirty

1 (30) days of receipt of the Final Notice
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- 3 5. Upon failure, neglect, or refusal of the property owner or other responsible
4 person, duly notified, to take the corrective action specified in the Final Notice
5 within the time required, the Commission may request that the Zoning
6 Inspector institute any of the remedies and penalties provided by law for such
7 violations.

8 **G. ORDER TO RESTORE**
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10 In the event that any type of intervention on a property or structure in the Historic
11 District has been conducted without a Certificate of Appropriateness or in violation of
12 a Certificate of Appropriateness, or, in cases of Demolition by Neglect, the Town
13 may issue the owner an Order to Restore. This order will require the property owner
14 to restore the property to the condition that existed prior to the intervention using
15 material-in-kind and design-in-kind, subject to all applicable building and life safety
16 codes. The Historic District Commission shall review the intended mitigation of any
17 such intervention for appropriateness, and establish a reasonable time limit for the
18 mitigation.
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20 **H. ROLE OF MARYLAND HISTORICAL TRUST**
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22 The Commission may designate the Maryland Historical Trust to make an analysis of
23 and report recommending the preservation of sites, structures, or districts of historic,
24 archeological, architectural, or cultural significance within the Town. The report may
25 include proposed boundaries of sites, structures, or districts, as well as
26 recommendations for the identification and designation of particular sites, structures,
27 or districts to be preserved.
28

29 **I. APPEALS**
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31 In the event than any party is aggrieved by a decision of the Commission, the party
32 has the right of appeal to the Board of Zoning Appeals. Appeal requests must be filed
33 within thirty (30) days from the date of the Commission decision. Further appeal may
34 be taken to the Circuit Court for Talbot County.

35 **J. VIOLATIONS**
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37 Any willful violation of the provisions of this article shall be deemed a Municipal
38 infraction as provided in Section 1-8 (b) of the Town Code. Each and every day that
39 the violation continues shall be deemed a separate offense.
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41 **K. SEVERABILITY**
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1 If any provision of this article or application thereof to any person or circumstances is
2 held invalid for any reason, such invalidity shall not affect the other provisions or any
3 other application of this article which can be given effect without the invalid
4 provision or application, and to this end, all the provisions of this article are hereby
5 declared to be severable.
6