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ARTICLE VII  
HISTORIC DISTRICT

SECTION 701 - HISTORIC DISTRICT

A. Purpose

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.

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).

B. Historic District Commission

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

2. Membership. The Historic District Commission shall consist of seven members appointed by the Mayor and Town Council. A majority of the members of the

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

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

24 4. Terms. Commission members shall be appointed for terms of three (3) years,  
25 except that the terms of the initial appointments shall be staggered so that three  
26 (3) members shall serve terms of three (3) years, two (2) members shall serve  
27 terms of two (2) years, and two (2) members shall serve terms of one (1) year so  
28 that not more than three (3) appointment shall expire in a given year.  
29 Commission members may be re-appointed.  
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31 5. Commission Officers. The Commission shall elect, from its membership, a  
32 Chairperson and Vice Chairperson. The Chairperson and Vice Chairperson shall  
33 serve for one (1) year terms and shall be eligible for reelection.  
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35 6. Vacancy. Any vacancy in the membership of the Commission caused by the  
36 expiration of a term, resignation, death, incapacity to discharge duties, removal  
37 for cause, or any other reason, shall be filled for a new term, or for the remainder  
38 of the term for which there is a vacancy, as the case may be, in the same manner  
39 as provided herein for the appointment of the initial members of the Commission.  
40 Any vacancy on the Commission shall be filled by the appointing authority within  
41 sixty (60) days. In the case of expiration of term, a member may continue to  
42 serve until the member’s successor is appointed. Unexcused absence at three (3)  
43 consecutive meetings shall constitute resignation by the member and shall create a

1 vacancy.

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3 7. Removal for Cause. A member may be removed from the Commission for cause,  
4 upon written charges, and after a public hearing, by the Mayor with the consent  
5 and approval of the Town Council.

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7 8. Compensation. Commission members shall serve without compensation, but may  
8 be reimbursed for actual expenses incurred in the performance of their duties,  
9 provided said expenses are permitted by the budget and approved in advance by  
10 the Town Planner.

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12 9. Meetings. The Commission shall hold such regular meetings and hearings as  
13 necessary to discharge its duties.

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15 10. Staff. Consistent with the Town's policies and procedures, employees may be  
16 assigned to the Commission, and such services and facilities shall be made  
17 available as the Town deems necessary or appropriate for the proper performance  
18 of its duties.

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20 C. Powers and Duties

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

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24 1. To direct studies, reports and surveys to identify historical, archeological, or  
25 architecturally significant sites, structures, and districts that exemplify the  
26 cultural, social, economic, political, or architectural history of the Town, state, or  
27 nation.

28  
29 2. Consistent with the Town's charter, ordinances, resolutions, local public law,  
30 policies and procedures regarding the acceptance and use of gifts by public  
31 officials, to accept and use gifts for the exercise of its functions.

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

D. Designation

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

of Easton Historic Districts Boundaries Map” shall be kept on file in the office of the Easton Town Planner.

In addition there are scattered individual properties and structures deemed to be of historical or architectural significance which are subject to the provisions of the Historic District overlay zone. A list of Local Landmarks located outside of the two (2) Historic Districts includes:

1. Richardson Cemetery Map-104, Parcel-605
  2. Mt. Pleasant – 30 Mt. Pleasant Ave.
  3. St. Aubins – 105 Willis Ave.
  4. Langsdale Houses - 216/218 Bay St.
  5. Carroll’s Addition – 702 South St.
  6. Oak Hill House – 317 N. Washington St.
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2. Designation Procedure. The Historic District Commission may, after making full and proper study, recommend any area within the limits of the Town for designation as a landmark, site, structure, or district of historic, archeological, or architectural significance. The Commission may also recommend boundaries for such landmarks, sites, structures or districts. The recommendations shall be submitted to the Mayor and Town Council for approval or disapproval. Additionally, any parcel, upon consideration of annexation, shall be subject to a historical significance assessment completed by a qualified professional. If structures or other appurtenances of historical significance are found, the Historic District Commission will review such findings and make a recommendation to the Town Council either in support or in opposition of declaring the site or structure a Local Landmark. Any site or structure already included on the National Register of Historic Places, the Maryland Historic Trust Historic Sites Survey or designated a landmark by Talbot County shall automatically be presented to the Town Council for consideration of becoming a Local Landmark.

E. Application for Certificate of Appropriateness and Commission Review

1. Application for Certificate of Appropriateness. Before the construction, alteration, reconstruction, moving, or demolition is undertaken of a designated landmark, site, or structure, or site or structure within designated district, if an exterior change is involved which would affect the historic, archeological, or architectural significance of a designated landmark, site, or structure, or structure within a designated district, any portion of which is visible or intended to be visible from a public way, the person, individual, firm, or corporation proposing to make the construction or change shall file an application for a Certificate of Appropriateness with the Commission for permission to construct, alter, reconstruct, move, or demolish the landmark, site, or structure. Every application shall be referred to and considered by the Commission and accepted or rejected by the Commission. An application which is identical to a rejected application may not be resubmitted within a period of one year after the rejection. No Certificate of Appropriateness shall be granted until the Commission has acted thereon as hereinafter provided. A Certificate of Appropriateness shall lapse upon the expiration of the corresponding Building Permit. In the event a Building Permit is not required, the Certificate of Appropriateness shall lapse six (6) months from its issuance if substantial work is not underway. For good cause shown, this period may be extended by the Commission.
2. Application Review.
  - a. In reviewing applications, the Commission shall give consideration to the historic, archeological, or architectural significance of the landmark, site, or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area; the relationship of the exterior architectural features of a landmark or structure to the remainder of the landmark or structure and to the surrounding area; the general compatibility of proposed exterior design, scale, proportion, arrangement, texture, and materials to the landmark, site, or structure and to the surrounding area; and any other factors including aesthetic factors which the Commission deems to be pertinent.
  - b. The Commission shall consider only exterior features of a landmark or structure and shall not consider any interior arrangements.
  - c. The Commission shall not disapprove an application except with respect to the several factors specified in paragraph (1) above.

- d. The Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic, archeological, or architectural significance. The Commission shall be lenient in its judgment of plans for sites or structures of little historic, archeological, or architectural significance, or of plans involving new construction, unless in the Commission's judgment such plans would seriously impair the historic, archeological, or architectural significance of surrounding sites or structures. The Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one (1) period.
  - (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 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 commenced on any project until such a certificate of approval has been filed, and the Zoning Inspector shall not issue a building permit or historic area work permit for such change or construction unless it has received such a Certificate of Appropriateness. The failure of the Commission to act upon a completed application within forty-five (45) days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed changes unless an extension of this forty-five (45) day period is agreed upon mutually by the applicant and the Commission or the application has been withdrawn.
- 4. Routine Maintenance. Nothing in this Article shall be taken or construed to prevent maintenance that does not alter the exterior fabric or features of a designated landmark, site, or structure, customary farming operations, or landscaping which will have no material effect on the historic, archeological, or architectural significance of a designated landmark, site, structure, or district.

F. Demolition by Neglect

- 1. In the event of demolition by neglect, the Commission may request the Zoning Inspector to notify, in writing, the property owner of record, any person having a right, title, or interest therein, and the occupant or other person responsible for the maintenance of the property, of the deterioration. The notice shall specify the minimum items of repair or maintenance necessary to correct the deterioration or prevent further deterioration.
- 2. Prior to the issuance of a written notice, the Commission may request the Zoning Inspector to establish a record of demolition by neglect. Such a record may include dated materials such as photographs and written reports of the condition of the property so as to record or measure the deterioration.

3. The notice shall provide that corrective action shall commence within thirty (30) days of the receipt of said notice and be completed within a reasonable time thereafter. The notice shall state that the owner of record of the property, or any person of record with any right, title, or interest therein, may, within ten (10) days after the receipt of the notice, request a hearing on the necessity of the items and conditions contained in the notice. In the event a public hearing is requested, it shall be held by the Commission upon thirty (30) days written notice being mailed to all persons of record with any right, title, or interest in the property and to all citizens and organizations which the Commission determines may have an interest in the proceedings.
4. If, after the public hearing, the Commission determines that the corrective actions remain necessary, the Commission may request that the Zoning Inspector take corrective action to comply with the Final Notice within thirty (30) days of receipt of the Final Notice.
5. Upon failure, neglect, or refusal of the property owner or other responsible person, duly notified, to take the corrective action specified in the Final Notice within the time required, the Commission may request that the Zoning Inspector institute any of the remedies and penalties provided by law for such violations.

G. Order to Restore

In the event that any type of intervention on a property or structure in the Historic District has been conducted without a Certificate of Appropriateness or in violation of a Certificate of Appropriateness, or, in cases of Demolition by Neglect, the Town may issue the owner an Order to Restore. This order will require the property owner to restore the property to the condition that existed prior to the intervention using material-in-kind and design-in-kind, subject to all applicable building and life safety codes. The Historic District Commission shall review the intended mitigation of any such intervention for appropriateness, and establish a reasonable time limit for the mitigation.

H. Role of Maryland Historical Trust

The Commission may designate the Maryland Historical Trust to make an analysis of and report recommending the preservation of sites, structures, or districts of historic, archeological, architectural, or cultural significance within the Town. The report may include proposed boundaries of sites, structures, or districts, as well as recommendations for the identification and designation of particular sites, structures, or districts to be preserved.

I. Appeals

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

J. Violations

Any willful violation of the provisions of this article shall be deemed a Municipal infraction as provided in Section 1-8 (b) of the Town Code. Each and every day that the violation continues shall be deemed a separate offense.

K. Severability

If any provision of this article or application thereof to any person or circumstances is held invalid for any reason, such invalidity shall not affect the other provisions or any other application of this article which can be given effect without the invalid provision or application, and to this end, all the provisions of this article are hereby declared to be severable.