

Article II
Chapter 165. Zoning

Section 5: Historic Resource Conservation Regulations

§165-38 PURPOSE

The Historic Resource Conservation Regulations are established:

- A. To safeguard the heritage of the Town of Bel Air by preserving the historic buildings and sites which reflect elements of its cultural, social, economic, political or architectural history;
- B. To retain and improve property values in such areas;
- C. To encourage property owners of historic buildings to repair and maintain their properties in ways sensitive to the building's original style and method of construction;
- D. To provide guidelines for the construction of new additions to existing historic structures and for infill development in historic neighborhoods;
- E. To preserve, to the extent possible, significant historical or archeological resources;
- F. To encourage adaptive reuse of historic properties as part of the Town's sustainable development initiative;
- G. To promote the use of historic properties for the education, pleasure and welfare of the community; and
- H. To foster public awareness of the Town's history and historic structures.

§165-39 BOUNDARIES

The Historic Resource Conservation District is composed of individually designated historic districts and sites within the Town boundaries. The official Historic Resource Conservation District Map, which is available for review at the Town Planning Department and Bel Air Town Hall, shows each designated district/site.

§165-40 GENERAL REGULATIONS

At the request of the property owner or any public agency, the Bel Air Historic Preservation Commission reviews and recommends historic designation of a structure, site or district and makes a recommendation to the Board of Town Commissioners for its consideration. Designation is based on the following criteria.

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The property must be surveyed in accordance with requirements of the Maryland Inventory of Historic Properties procedures. Further, the property must demonstrate significance in terms of one or more of four broad criteria which are consistent with National Register criteria used to identify and evaluate historic properties. The criteria are as follows:

1. The structure, site or district is associated with events that have made a significant contribution to the broad patterns of Bel Air's history.
2. The structure, site or district is associated with the life of a person or persons who were significant in Bel Air's past.
3. The structure, site or district embodies the distinct characteristics of a type, period, or method of construction or possesses high artistic values or represents a significant and distinguishable entity whose components may lack individual distinction.
4. A property with the potential to yield information that will contribute to a better understanding of the community's prehistory or history.

Significance may be evaluated on a national, state or local context. The Historic Preservation Commission shall conduct a public hearing in accordance with Chapter 246 of the Bel Air Town Code. If the property satisfies the requirements for designation, the Historic Preservation Commission shall cause a Resolution to be submitted for Town Board consideration to formally designate this structure, site or district. The Bel Air Board of Town Commissioners has final approval authority for all historic designations.

Once a property is designated, the Historic Preservation Commission reviews and approves all applications for permits for construction, alteration, repair, moving or demolition of a designated site or structure(s) prior to issuance of a demolition or a building permit. Additionally, the Historic Preservation Commission or its designee shall review and approve accessory structures, exterior building features and/or appurtenances.

Applications for review are filed with the Historic Preservation Commission through the Department of Planning and Community Development. Commission approval or approval by its designee is required for any changes which would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way in the district.

The Historic Preservation Commission shall review the proposed construction to ensure appropriateness to a historic setting based upon Chapter 246 of the Bel Air Town Code - Historic Preservation, the Town of Bel Air - Design Guidelines for Rehabilitation, Maintenance, & New Construction, Historic Preservation Commission Powers & Duties and in conjunction with the Secretary of the Interior's Standards for Rehabilitation of Historic

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buildings in addition to requirements of this Article. In the case of a conflict among regulations, the strictest standard shall apply.

A request for amendment to the historic designation shall follow the procedures for change outlined in Section 13 of this Article.

§165-41 SPECIAL REGULATIONS

A. Designated Historic Districts/Sites

1. No permit for any change may be granted until the Commission has acted thereon as provided in the officially adopted Town of Bel Air "Historic Preservation Commission Powers & Duties".
2. Every attempt shall be made to retain existing architectural character.
3. Every attempt shall be made to retain the structure's compatibility with the surrounding neighborhood.
4. Materials for exterior alterations shall be sensitive to those with materials used in the original method of construction.
5. Proposed construction shall be in harmony with approved plans for the surrounding area, so that existing and future land values within the area will not be depreciated.
6. Demolition of historic structures should be avoided. If no other option is available, the property owner should try to relocate the building. Any new construction should be compatible in color, size, materials and mass with any adjacent historic structures.

Additionally, the Town of Bel Air Design Guidelines for Rehabilitation, Maintenance and New Construction, Chapter 246 of the Bel Air Town Code – Historic Preservation and the Historic Preservation Commission Powers and Duties should be consulted prior to exterior construction, renovation or rehabilitation.

B. Exemptions

Exemptions from permit requirements are listed in the Historic Preservation Commission Powers & Duties and are incorporated herein by reference.

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Appeal Process

In the event that any party is aggrieved by a decision of the Board of Town Commissioners to designate a property as a historic site or part of a historic district, the party has the right to appeal to the Circuit Court of Harford County as authorized by Section 4.08(f) of Article 66B of the Annotated Code of Maryland. Such appeal shall be petitioned in the same manner as a rezoning decision as specified in Section 13, Subsection 165-101(H) of this Article. An appeal to the Circuit Court shall be taken in accordance with Rules 7-201 through 7-211 of Title 7, Chapter 200 of Maryland Rules of Procedure.

Following designation should a party be aggrieved by a decision of the Historic Preservation Commission during its review process, the party may appeal to the Board of Appeals in accordance with Section 12, Subsection 165-91 of this Article and Section 4.07 of Article 66B of the Annotated Code of Maryland.

All appeals must be filed within 30 days of the Town Board or Historic Preservation Commission's decision.

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