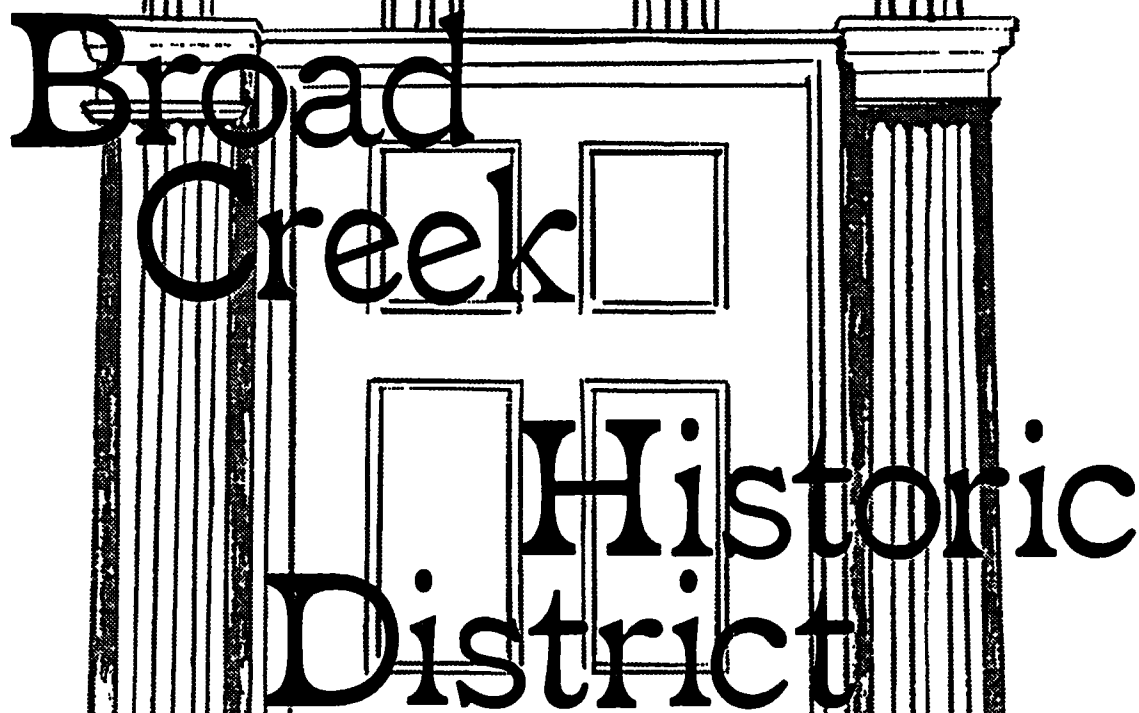


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Broad
Creek
Historic
District

DESIGN GUIDELINES

OCTOBER 1987
AS REVISED MAY 10, 1988



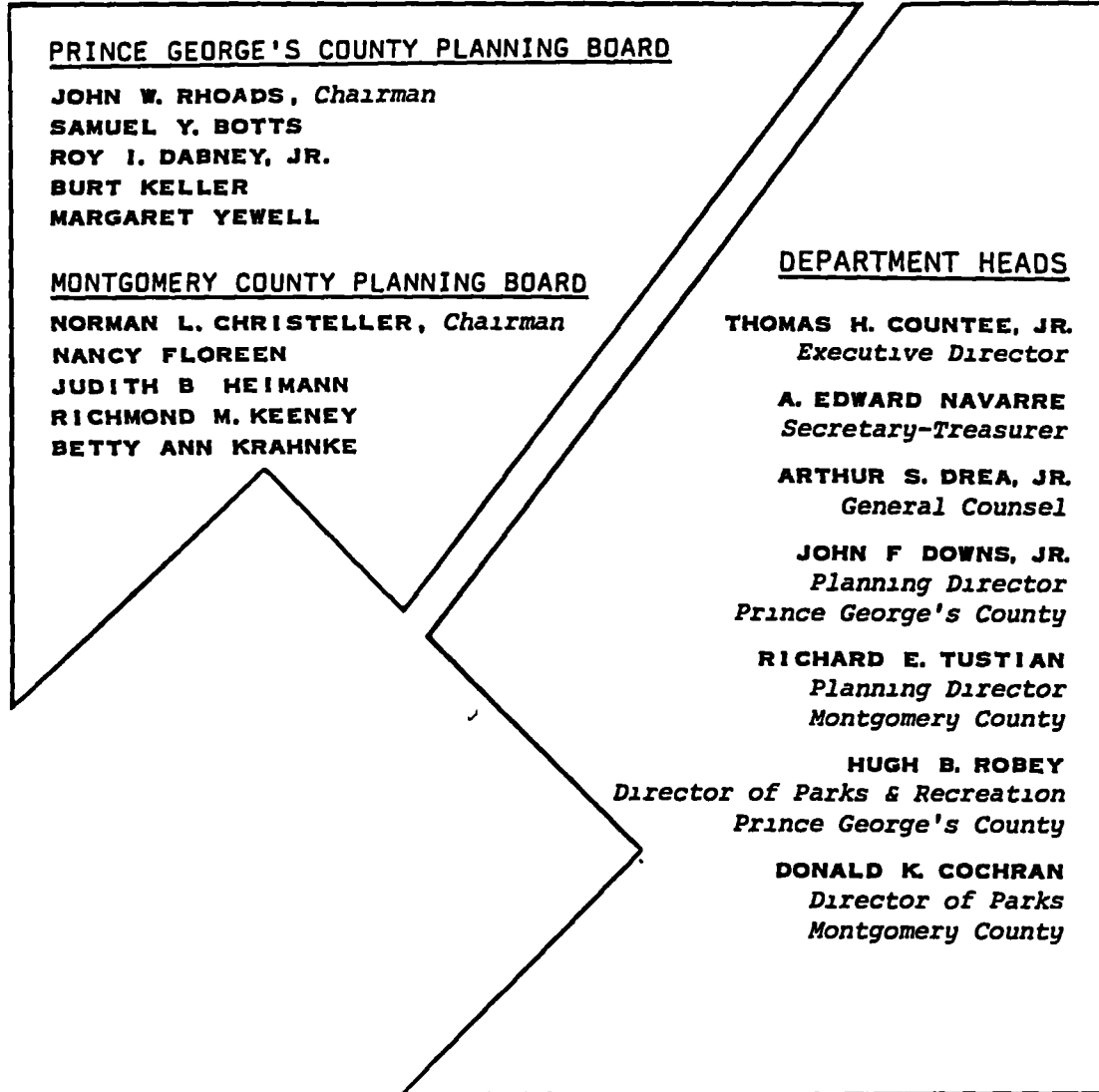
the maryland-national capital
park and planning commission

**BROAD CREEK HISTORIC DISTRICT
DESIGN GUIDELINES**

**OCTOBER 1987
AS REVISED MAY 10, 1988**

Prepared by Historic Preservation Section
Planning Department, M-NCPPC
and
Broad Creek Historic District
Advisory Committee

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION



PRINCE GEORGE'S COUNTY REGIONAL OFFICE
COUNTY ADMINISTRATION BUILDING
14741 GOVERNOR ODEN BOWIE DRIVE
UPPER MARLBORO, MARYLAND 20772

MONTGOMERY COUNTY REGIONAL OFFICE
8787 GEORGIA AVENUE
SILVER SPRING, MARYLAND 20907

THE MARYLAND-NATIONAL CAPITAL PARK AND PLANNING COMMISSION

The Maryland-National Capital Park and Planning Commission is a bi-county agency, created by the General Assembly of Maryland in 1927. The Commission's geographic authority extends to the great majority of Montgomery and Prince George's Counties. The Maryland-Washington Regional District (M-NCPPC planning jurisdiction) comprises 1,001 square miles, while the Metropolitan District (parks) comprises 919 square miles, in the two counties.

The Commission has three major functions:

- the preparation, adoption, and from time to time amendment or extension of the General Plan for the physical development of the Maryland-Washington Regional District,
- the acquisition, development, operation, and maintenance of a public park system; and
- in Prince George's County only, the operation of the entire County public recreation program.

The Commission operates in each county through a Planning Board, appointed by and responsible to the county government. All local plans, recommendations on zoning amendments, administration of subdivision regulations, and general administration of parks are responsibilities of the Planning Boards.

DEPARTMENT OF PLANNING PRINCE GEORGE'S COUNTY

The Prince George's County Department of Planning (M-NCPPC)

- Performs technical analyses and offers advice and recommendations regarding most matters related to existing and future
 - .use of land including the enhancement of the physical environment, and
 - .provision of public facilities and services
- Works on a set of specific projects and tasks annually set forth in a work program and budget adopted by the Prince George's County Council and performs such other tasks in response to emerging issues as resources permit.
- Works under the direction of the Prince George's County Planning Board.
- Is an organization of people that is here to serve people. Our elected and appointed officials, our fellow public staffs, and our citizens individually and/or collectively. The staff will maintain a partnership with people. It will assist and advise you, and will expect your assistance and advice.
- Maintains competent and professionally able staff to perform our duties and responsibilities.

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Vice Chairman

Hon. Susan Adams

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Kevin L. Hall

Raymond W Bellamy, Jr

Anthony N. Johns, Jr., AIA

Marlene Pedersen



Broad Creek Historic District

Advisory Committee

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INTRODUCTION

In July 1981, the Prince George's County Council, in cooperation with the Maryland-National Capital Park and Planning Commission, approved the Prince George's County Historic Sites and Districts Plan, a master plan for the County's preservation program. In November of that year, the County Council also enacted a preservation ordinance, Subtitle 29 of the County Code, which established a Historic Preservation Commission (HPC) with the power to

Evaluate historic properties for designation as Historic Sites or Historic Districts, review plans for exterior alteration, demolition, or new construction, and approve property tax credits for appropriate renovation of historic structures and for compatible new construction in historic districts.

In addition, the nine-member Commission reviews any legislation, zoning map amendments or other land-use proposals affecting historic resources, assists property owners planning exterior alterations to historic buildings, and maintains an ongoing survey and research program. Members of the Commission are appointed by the County Executive and must be knowledgeable in such areas as architecture, planning, real estate economics, and historic preservation.

The Historic Preservation Commission is also empowered to appoint members to local advisory committees "to assist and advise the Commission in the performance of its functions "

I.

BACKGROUND

For more than 200 years Broad Creek has been considered a special place because of its history, natural features, and architectural and archeological resources. Its significance is derived from several factors: the presence of the site of the Town of Aire, one of the six towns established in Prince George's County in 1706 by the Maryland General Assembly as a port for shipping tobacco, its excellent location on the banks of Broad Creek, an estuary of the Potomac River, the presence of St. John's Church (originally known simply as Broad Creek Church), the "mother church" for other Episcopal churches in the region, and its collection of four architecturally and historically significant early-to-mid eighteenth century landmark buildings which provide unique insight into the early architectural development of southern Prince George's County.

For over two centuries the historical setting for these important buildings and sites has remained relatively unchanged and more recent additions to the community have done little to disturb it. Broad Creek has retained its image as a quiet semi-rural enclave, separate from the busy commercial and residential development which surrounds it. As such, the community is a reminder of Prince George's agrarian heritage and of an era when tobacco-raising and shipbuilding were the most important industries in the County. On the other hand, the area surrounding the Broad Creek Historic District has undergone intense development in the last decade.

Concern for the protection of Broad Creek's historic resources and for the preservation of its semi-rural setting motivated the Tanta-Cove Garden Club in the spring of 1983 to request the Historic Preservation Commission to conduct a study of the potential for historic district designation for the Broad Creek area. The study, funded by the Prince George's County Council through the Maryland-National Capital Park and Planning Commission's "Planning Assistance to Municipalities and Communities Program", included documentation of the area's historic and architectural resources, meetings with local residents and several public presentations. Completed the same year, the study recommended the creation of a historic district, based on the significance of Broad Creek's historical and architectural resources.

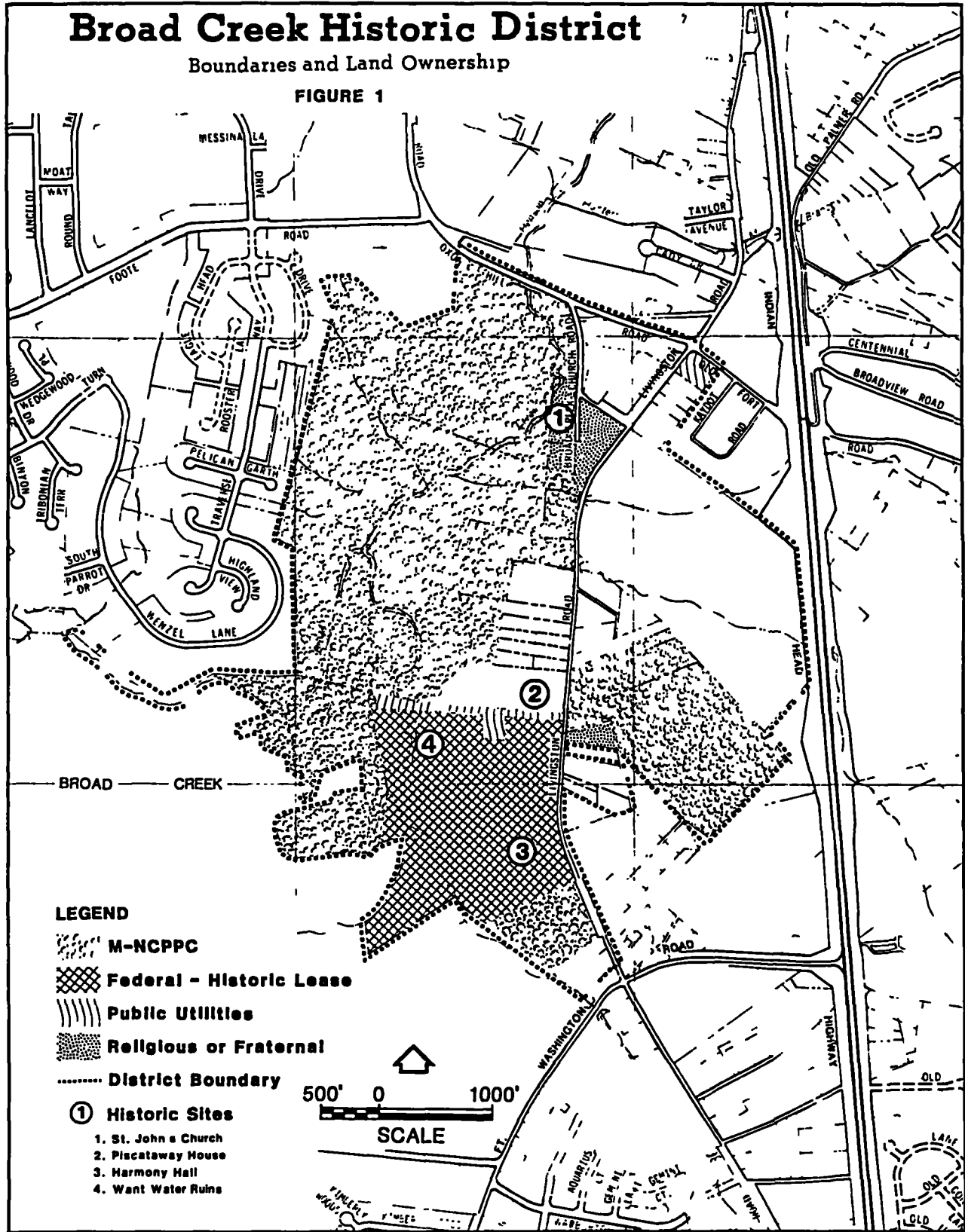
On March 20, 1984, the Prince George's County Historic Preservation Commission voted to establish a Broad Creek Historic District. The decision was upheld by the County Council on July 30, 1985. The boundaries of the Broad Creek Historic District appear on Figure 1.

Pursuant to Subtitle 29 of the Prince George's County Code, the Historic Preservation Commission appointed a nine-member Local

Broad Creek Historic District

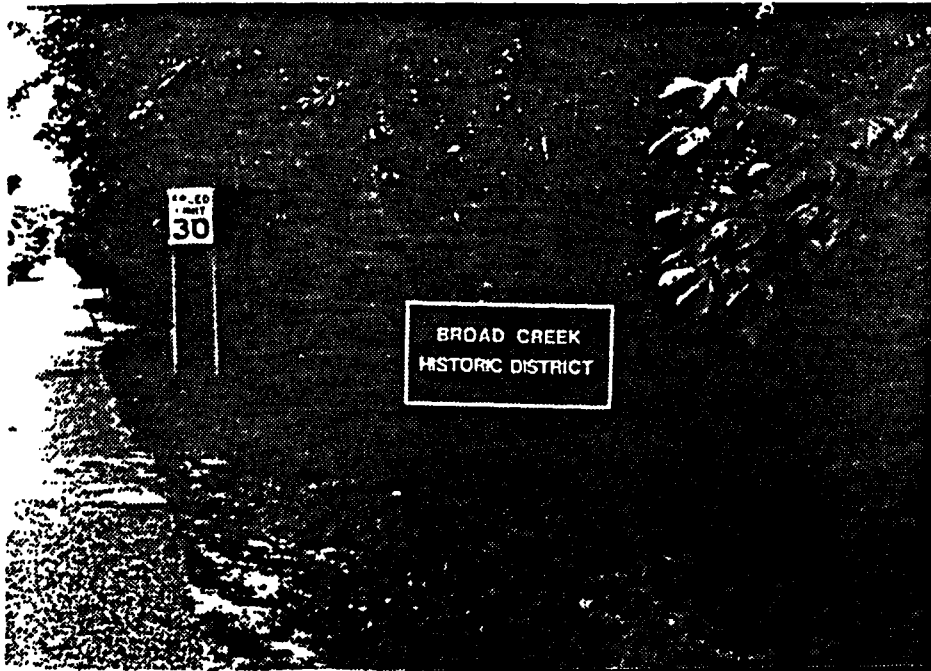
Boundaries and Land Ownership

FIGURE 1



Advisory Committee (LAC), made up of six district residents, one business owner, and one representative each from St. John's Church, the Tanta-Cove Garden Club, and the Tantalion Citizens' Association. The role of the Broad Creek Historic District Local Advisory Committee is to assist and advise the Historic Preservation Commission in the performance of its duties, to serve as the liaison between historic district residents and the Historic Preservation Commission, and to provide information on preservation techniques and programs to residents of the district.

FIGURE 2



Historic District Sign

Establishment of a Broad Creek Historic District means, among other things, that in some situations property owners will need to apply to the Historic Preservation Commission for a Historic Area Work Permit (HAWP) before undertaking projects involving exterior work on existing buildings, or new construction, or the demolition of existing buildings, or radical changes in the visual character of the property. It also means that property owners may receive a County tax credit for compatible renovation or new construction. The standards for review differ, however, depending upon whether the property is considered to be historic or nonhistoric. Activities which qualify as "ordinary maintenance" work may not require Historic Preservation Commission approval, nor will they qualify for a tax credit.

As an advisory committee to the Historic Preservation Commission, the Broad Creek LAC reviews all projects involving the types of work described above and forwards its comments to the Commission.

II.

CHARACTERISTICS OF THE BROAD CREEK HISTORIC DISTRICT

In order to develop guidelines for protecting the visual character of the district, it is necessary to understand what that character is and to analyze the factors which contribute to it

Setting

Much of Broad Creek's appeal derives from its semi-rural, secluded setting. Approaching from the north, across the intersection of Oxon Hill, Old Fort, and Livingston Roads, the immediate impression is of a quiet rural community. The landscape consists of lawns, gardens, open fields, and woods, with the heavy vegetation along both sides of Livingston Road contributing to the rural atmosphere of the area, as shown in Figure 3.

FIGURE 3



Broad Creek Church Road

Livingston Road, a narrow, two-lane thoroughfare, bisects the district in a north-south direction. At certain points Livingston Road provides a view of three of the district's historic sites - St. John's Church, Piscataway House, and Harmony Hall. The structures are particularly visible in the winter months.

The topography of the area creates a "bowl" effect, with Livingston Road and the buildings on either side of it situated near the bowl's center. The highest elevations in the area are found in the far northwestern quadrant and the southeastern quadrant. The visual approaches and vistas created by the topography of the district are important factors to consider in developing design guidelines.

A unique feature of the historic district is Broad Creek itself, which winds through the district's northwestern quadrant and is bordered by large trees and thick, low-lying vegetation. The creek is visible to the traveler from the Oxon Hill Road approach, the estuary, known locally as Broad Creek Bay, is visible from the high ground along the ridges of the bowl. The presence of Broad Creek provides a unifying natural feature for the district (Figure 4)

FIGURE 4



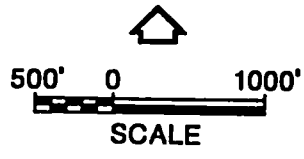
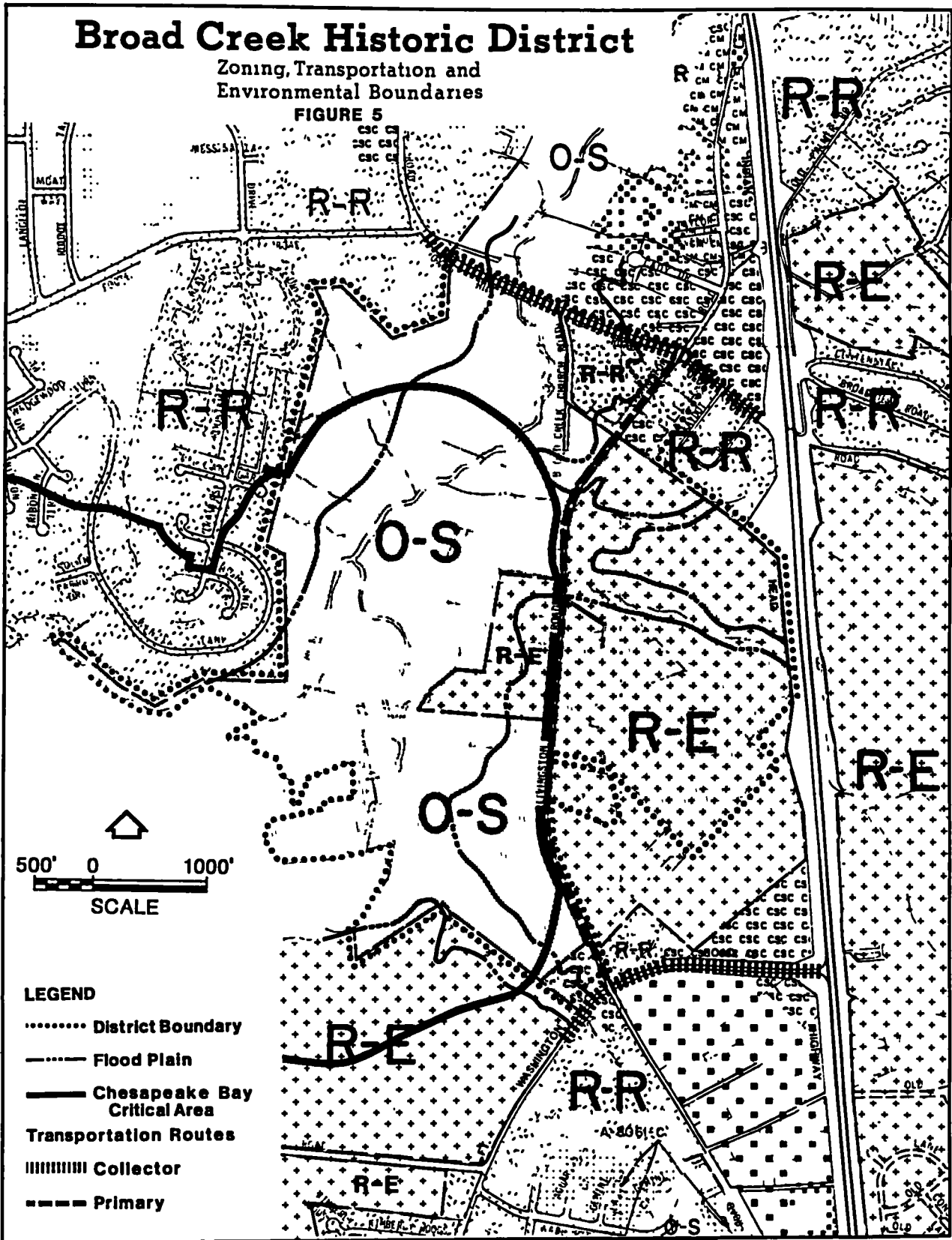
Broad Creek

The 100-year flood plain line and the Chesapeake Bay "Critical Area" boundary are shown on the zoning map for the Broad Creek Historic District (Figure 5). The critical area boundary indicates the areas of the District that come under the jurisdiction of the State's Chesapeake Bay Critical Area Law. Under that law, all development within the Critical Area must be reviewed to assure that impacts on water quality and wildlife habitat are minimized. The County, in cooperation with the M-NCPPC, is preparing a Critical Area Program to address these requirements.

Broad Creek Historic District

Zoning, Transportation and Environmental Boundaries

FIGURE 5



- LEGEND**
- District Boundary
 - Flood Plain
 - Chesapeake Bay Critical Area
 - Transportation Routes
 - ||||||| Collector
 - ==== Primary

The Original Land Records

The first recorded English involvement in Broad Creek came in 1662 with the grant of a 500 acre tract called Battersea to one Humphrey Haggett, a Charles County lawyer from the area which later came to be Port Tobacco. The Battersea tract stretched northeast in a large rectangular pattern, encompassing much of the area that is now the Broad Creek Historic District. In 1706, Want Water, a tract of 35 acres, was patented by Thomas Addison, it was bounded by Battersea on the southeast, and Broad Creek on the northwest. By 1763 Enoch Magruder had purchased the Want Water tract and adjacent land, repatented as Want Water Enlarged (see Background Note)

Architecture: Historic

Architecturally, the Broad Creek Historic District contains a diverse collection of residential and commercial buildings, with no one style predominating. Of primary importance are the four historic properties which are located on the west side of Livingston Road. Two of these properties, St. John's Church (Figure 6), a brick structure which dates from the mid-1700's, and Harmony Hall (Figure 7), a c. 1723 brick mansion which fronts on the Broad Creek estuary in a plantation-like setting, are fine Georgian-style buildings.

FIGURE 6



St. John's Church

FIGURE 7



Harmony Hall

The Piscataway House (Figure 8), the only privately owned historic site in the district, is a c. 1750 frame structure with a steeply gabled roof, it also fronts on Broad Creek. The house, which was moved from the Town of Piscataway to avoid demolition, is architecturally representative of the more modest eighteenth century dwellings erected in Prince George's County.

FIGURE 8



Piscataway House

A fourth site of historic significance, Want Water Ruins (Figure 9), is located on the Harmony Hall property. All that remains of the c. 1710 brick and frame dwelling are the brick gable ends. Additional archeological research at the site could provide valuable data on the early development of Broad Creek as well as the dwelling itself. St John's Church, Harmony Hall and Want Water Ruins are listed in the National Register of Historic Places.

FIGURE 9



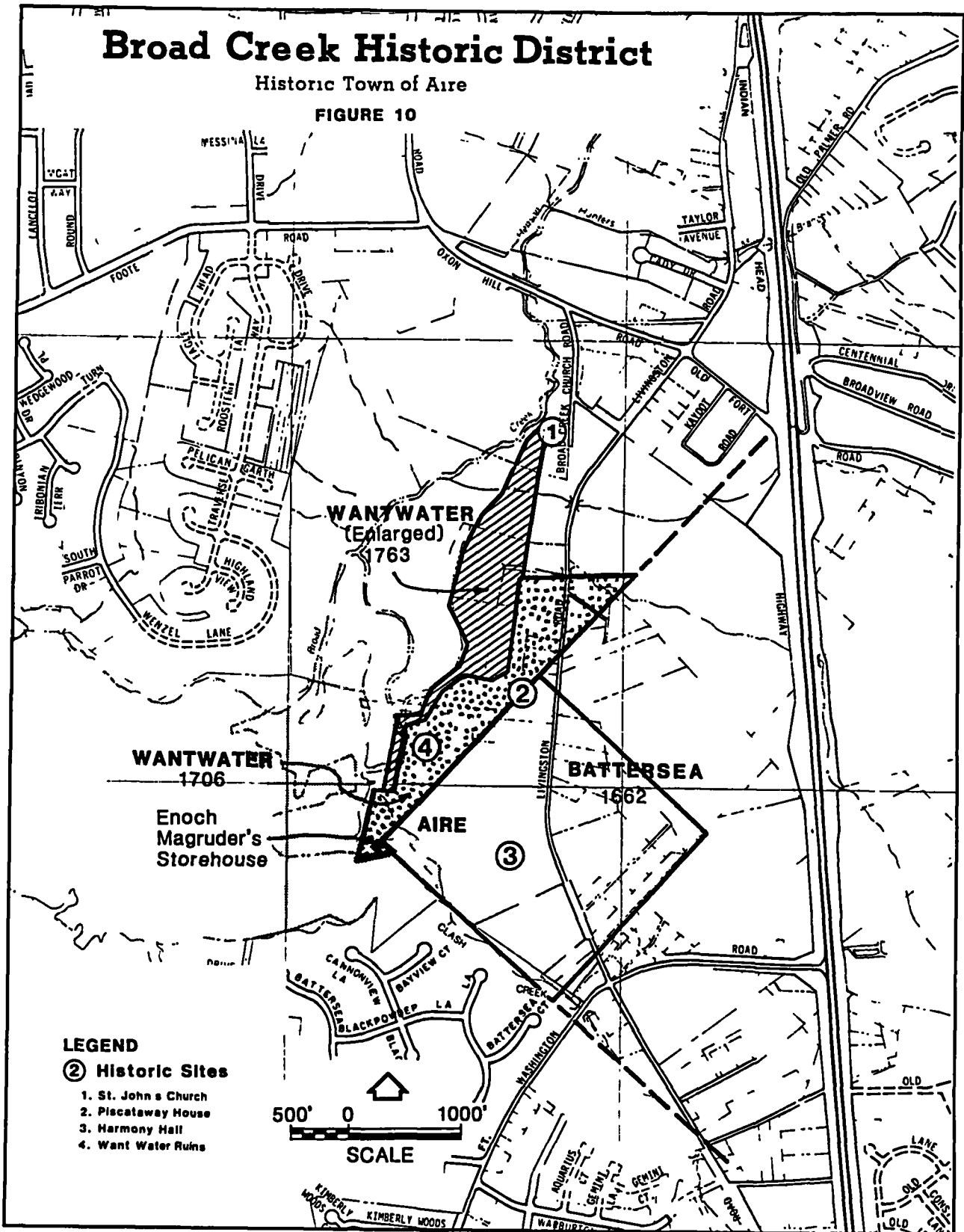
Want Water Ruins

Broad Creek also contains an important archeological site, the settlement of the Town of Aire (Figure 10), which was established in 1706 by an Act of the Maryland General Assembly as one of the six official ports for shipping tobacco.

Broad Creek Historic District

Historic Town of Aire

FIGURE 10



Architecture: Nonhistoric

There are approximately two dozen nonhistoric structures within the historic district, all of them dating from the 20th century and most of them residential

The nonhistoric residential buildings are varied in appearance. In general, they are small-to-medium in size and fall into one of two stylistic categories: one-story gable roof "ranch-style" ramblers (Figure 11) or one-and-one-half-story "Cape Cods" (Figure 12). Dormers, porches, carports and garages have been added over time. Exterior building materials include brick, clapboard and a variety of artificial sidings.

FIGURE 11



Rambler

The nonresidential, nonhistoric structures on the west side of Livingston Road include the former Harmony Hall Elementary School (Figure 13), a flatroofed contemporary-style tan brick building built in several sections. The school has been converted for use as a regional arts center, operated by the M-NCPPC. Adjacent to the center, on its south side, is the Silesia Professional Building, a two-story brick Colonial Revival-style dwelling which has been converted for use as an office building (Figure 14). North of the Professional Building and the regional center is a Washington Suburban

Sanitary Commission building which is not visible from the road Near the intersection of Livingston, Oxon Hill and Old Fort Roads, at the northern end of the district, is a Metrovision Station and receiving dish

FIGURE 12



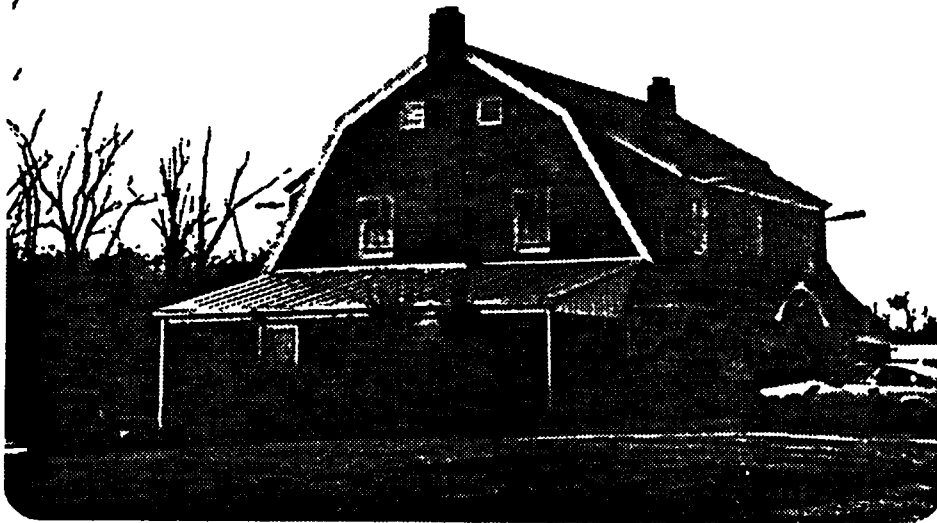
Cape Cod

FIGURE 13



Harmony Hall Regional Center

FIGURE 14



Silesia Professional Building

Also at the northern end of the district, on the east side of Livingston Road near the intersection of Livingston, Oxon Hill and Old Fort Roads, is the Mills Lumber, Millwork, and Custom Furniture Company, which has been located at its present site since 1948 (Figure 15). The Mills Lumber Company complex consists of several long, low, metal-sided and cinder block buildings. Further south on the same side of the road is a small stucco-covered hipped roof residential structure, now vacant, which is owned by Temple 231 Holding Company. The property has received a special exception for use as a masonic temple.

Site Details

In general, all of the structures in the district (historic and nonhistoric) are set well back from Livingston Road. Deep setbacks, thick roadside vegetation and heavily treed lots contribute to the district's rural character and provide some degree of protection from road noise. Driveways are relatively narrow and are surfaced (in the main) with asphalt or gravel. Paved walks are generally short and unobtrusive, where they exist, and only a few lots are marked off by fences. Mailboxes are generally metal, on wooden posts, and are located at roadside, in the rural tradition.

FIGURE 15



Mills Lumber Company

III. THE HISTORIC AREA WORK PERMIT (HAWP) PROCESS

In order to preserve and protect the special characteristics of the Broad Creek Historic District (as described in Section II), property owners must file for a HAWP before undertaking certain types of exterior alterations or new construction on their property. There are 3 steps to the HAWP process: (1) filing of a HAWP application with the Historic Preservation Commission in Upper Marlboro, (2) review of the HAWP by the LAC in Broad Creek and (3) review by the Historic Preservation Commission. For the purposes of HAWP evaluations, properties in the Broad Creek Historic District are divided into two categories, "historic" and "nonhistoric".

A Historic Area Work Permit (HAWP) shall be obtained from the Historic Preservation Commission (HPC) before undertaking any alterations, new construction, demolition, or grading that will affect the exterior or visual setting of a property which has been classified as a "Historic Site". In the Broad Creek Historic District, this term applies only to the Harmony Hall, Piscataway House, St. John's Church, and Want Water Ruins properties. The HAWP process does not apply to work that falls under the definition of "ordinary maintenance" (See Appendix A).

For nonhistoric properties in the District, a HAWP shall be obtained before undertaking any exterior work which requires a County Building Permit or a County Grading Permit. Whether or not a County permit is required, a HAWP shall also be obtained before erecting any sign or other advertisement. Property owners are encouraged to contact the Historic Preservation Commission before the filing of permit applications for informal discussions of their plans. Preliminary informal discussions will help expedite the process.

LAC review is required before undertaking any exterior alterations to existing buildings, or new construction, or a radical change in the visual character of the property which could be visible from Livingston Road, Broad Creek Church Road, Old St. John's Way, a Historic Site, or from Broad Creek and its estuary.

Both the Historic Preservation Commission and Local Advisory Committee have adopted Rules of Procedure for their work. The Local Advisory Committee Rules are incorporated as Appendix B.

An applicant for a HAWP shall

- 1 Obtain appropriate forms and instructions from the HPC office in the County Administration Building in Upper Marlboro.

- 2 Upon completion of the HAWP Application Form (see Appendix C which also contains information on the time frame for processing HAWP's), submit it to the Chairman of the LAC, or return it to the HPC for forwarding to the LAC Chairman

The Chairman of the LAC shall

- 1 Upon receipt of the HAWP application, schedule a LAC meeting within two weeks for the purpose of LAC review of the proposed work
- 2 Notify the applicant of the date, time and place of the LAC meeting and invite the applicant to attend

The LAC shall

- 1 Conduct a public meeting at which the proposed work shall be reviewed in accordance with the Broad Creek Historic District Design Guidelines (which follow)
- 2 Make the nature and the basis of its recommendations to the HPC known to the applicant
- 3 Submit, in writing, its recommendations on the LAC review form (Appendix D) regarding the proposed work to the HPC within three days of the completion of its review. After that, a copy shall be mailed to the applicant
- 4 Send a copy of the minutes of each of its meetings to the HPC, where they shall be available for public inspection

The HPC shall then

- 1 Notify the applicant of its receipt of the LAC recommendations
- 2 Conduct its review at a public meeting (to which the applicant is invited) according to its established procedures (See Appendix E for more details on the HAWP process)

In the case of any application for work within an environmental setting of a Historic Site, or on nonhistoric property located within a Historic District, the Commission shall be lenient in its judgement of applications for structures of little historic or design significance or for new construction. This means that the Commission shall authorize issuance of such permit, with any necessary conditions, if authorization of such permit would not impair the character of the Historic Site or Historic District.

If a property owner does not apply for a Historic Area Work Permit, or disregards the decision of the Historic Preservation Commission on a Historic Area Work Permit, the violation is subject to a substantial fine. (See Appendix F) Decisions of the Historic Preservation Commission are appealable to the Circuit Court.

IV.
DESIGN GUIDELINES.
PURPOSE

Consistent with the purposes of Subtitle 29, the Broad Creek Historic District Design Guidelines have been developed to preserve and enhance the quality of life in the Broad Creek Historic District. The Guidelines are meant to provide all concerned with a tool for protecting those characteristics of Broad Creek which make it a special place in which to live, work and enjoy our historic heritage.

Every historic district has a special "visual character" of its own. This visual character is the product of both its natural and manmade features, including buildings, gardens, wooded areas, bodies of water, roads and walkways. The purpose of these Design Guidelines is to protect the special visual character of the Broad Creek Historic District by preventing alterations or new construction which are inappropriate, while at the same time allowing for change in response to the changing needs of the community.

The Guidelines are intended to assist property owners, the Historic Preservation Commission, and its Local Advisory Committee in evaluating plans for alterations to existing buildings and their settings and for new construction in the district. They are advisory in nature and are not intended to supersede the County's zoning ordinance, subdivision or public safety regulations, or other applicable sections of the County Code. The historic district property owner must comply with all applicable County ordinances, in addition to those procedures and standards adopted by the Historic Preservation Commission. As County agencies, working with the Advisory Committee and the Historic Preservation Commission, gain experience in applying the Guidelines, more specific standards may be added.

V

DESIGN GUIDELINES FOR REHABILITATION AND NEW CONSTRUCTION: HISTORIC PROPERTIES

The Prince George's County Historic Preservation Commission has adopted the guidelines set out in The Secretary of the Interior's Standards for Rehabilitation (Standards) in reviewing proposals for alterations to historic structures. Developed by the U S Department of the Interior, National Park Service, the Standards are used to determine whether the historic and architectural character of a building has been preserved during rehabilitation. Rehabilitation is defined as the process of returning a property to a state of utility, through repair or alteration, which makes possible an efficient contemporary use while preserving those portions and features of the property which are significant historically and architecturally. The following Guideline summarizes the philosophy of the Standards

Guideline Repairs or alterations to a historic building must not change, obscure, damage or destroy the materials and architectural features that are important in defining the building's historic and architectural character

THE SECRETARY OF THE INTERIOR'S STANDARDS FOR REHABILITATION

1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
2. The distinguishing original qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure, or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be

based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7 The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

VI.

DESIGN GUIDELINES FOR REHABILITATION: NONHISTORIC PROPERTIES

As noted in Section III, The Historic Area Work Permit (HAWP) Process, in the case of nonhistoric properties a HAWP will be required for new construction, reconstruction, moving, demolition, or major modification of the exterior features of the structure or substantial alteration of the structure's setting. Activities which qualify as "ordinary maintenance" work will not require a HAWP (see Appendix A)

Guideline. *Alterations and additions to nonhistoric structures should be visually compatible with the existing building in terms of size, shape, and materials used*

Guideline *Residential buildings adapted for nonresidential use should retain their residential character as appropriate for the District*

VII.

DESIGN GUIDELINES FOR NEW CONSTRUCTION: NONHISTORIC PROPERTIES

New construction in the historic district must be approved by the Historic Preservation Commission. This includes requests for "primary structures", such as residential or commercial buildings, "secondary structures", such as garages, storage sheds and carports, structures that are moved into the district, additions to existing buildings, and demolition.

The Commission recognizes that there is a potential for conflict between the Design Guidelines and County Ordinances and standards and will work closely with other County agencies to identify and resolve these conflicts early in the planning process.

Guideline *New construction should be compatible with the rural character of the district (as described in Section II) and with the existing buildings in terms of siting, setback, and materials*

For example, the following would apply:

1. The use of traditional building materials (wood, stone, certain types of brick) is encouraged as being in keeping with the rural character of the area
2. New construction should be sited in accordance with the setback guidelines and explanatory notes in Section VIII
3. Subdivision and site plans for new construction should include the retention of important natural features such as significant trees and shrubs and natural land cover
4. Subdivision and site plans for new construction should have a minimum impact on the rural character of Livingston Road

VIII.

DESIGN GUIDELINES FOR SITE DETAILS. APPLICABLE TO ALL HISTORIC DISTRICT PROPERTIES

Setback

Although County regulations require a setback of 25 feet from the front lot line in the R-R and R-E Zones and 50 feet in the O-S Zone, many of the existing structures in the district have setbacks which exceed those requirements. The existing pattern of deep building setbacks is important to the visual quality of the district and contributes to its rural character. In addition, deep setbacks provide a buffer from the heavy traffic on Livingston Road.

Guidelines Lot size permitting, the orientation of new buildings should at least approximate the average setback of adjacent buildings on the same side of the road, to reinforce the existing setback pattern. In large new developments within the historic district, siting and side yard spacing should vary in order to avoid a repetitious subdivision pattern and to take advantage of the natural features of the property.

Landscaping

The character of the Broad Creek Historic District is due, in large part, to the preponderance of trees and other vegetation. The trees and vegetation also provide a buffer from Livingston Road.

Guidelines Insofar as possible, property owners should maintain existing trees and shrubs. For new construction, site plans should, wherever practical, provide for the retention of desirable trees and shrubs and the site's natural topography. New development in wooded areas should retain a buffer strip of woodland between the development and adjoining properties and/or the road. The size of the buffer strip will depend on the size of the site to be developed. Current large undeveloped tracts, for instance, should retain a natural buffer zone of at least 50 feet between the development and adjoining properties and the road, where possible. In instances of a minor subdivision, i.e., four or fewer lots in a one-family residential zone, where there is an absence of natural vegetation to buffer the site to be developed, (or in a major subdivision with little or no natural vegetation) buffering plantings should be added at the time of development. Undisturbed areas within developing tracts should exceed County minimum requirements. (See Sections 24-107, 24-117 and 24-132 of the Subdivision Regulations, Appendix G.)

The Planning Director is requested to refer all applications for minor subdivisions in the Broad Creek Historic District to the Historic Preservation Commission staff for review. The above "landscaping" Guidelines apply to all subdivisions, regardless of size.

Fences

A County Building Permit and a Historic Area Work Permit are required for the erection of walls or fences over four feet in height. However, a property owner within the Broad Creek Historic District should contact the LAC before erecting any fence of whatever height which will be visible from a road within the district, or from a historic property.

Guideline Fences should be constructed of materials which are compatible with the rural character of the district. If chain link or similar type fences are necessary, the visual impact should be ameliorated by the planting of hedges or other appropriate vegetation.

FIGURE 16



Fence

Driveways

A County grading and/or building permit is required for the construction of a driveway covering more than 500 square feet. In such cases a HAWP will also be required.

Ordinances which set the standards for driveways and aprons can have an adverse affect on the district if they require changes which are not in keeping with the district's character

Guideline The existing pattern of driveways (generally, long and narrow and surfaced in gravel or asphalt) is important to the visual character of the district and should be maintained. New driveways serving residential properties should be 10 feet wide for the greatest part of their length. At the roadway intersection (where the driveway meets Livingston Road), the driveway width should be 24 feet, in accordance with rural driveway standards. New driveways should be designed to accommodate large trees and other natural features. Existing driveways should be maintained in keeping with the above recommendations. In a new subdivision, driveway cuts should be kept to a minimum to protect the visual quality of Livingston Road.

FIGURE 17



Driveway

In order to protect the character of the district, the LAC and/or the property owner should request a waiver from the Department of Public Works and Transportation (DPW&T) if that Department's standards require that new driveways have wider aprons than would be consistent with the character of the District.

Signs

A County sign permit is required for the erection of any non-governmental sign not specifically exempted by the County Code (Sec 27-602, see Appendix H) A HAWP is required for the erection of most signs not related to public safety or exempted by Sec 27-602 to be placed on public view within the District

FIGURE 18



Sign at Silesia Professional Building

Guideline. *Signs should be in keeping with the rural character of the district*

For instance

The size of the sign should be related to the size of the building. Generally, signs for businesses that are located in residential structures should be smaller than those for buildings built for commercial purposes,

The color of the sign and the materials used should be compatible with the color of the building and the character of the district, i.e. in Broad Creek, earth tones and natural materials such as wood should be used rather than vivid colors on plastic or metal signs, therefore, signs which are out of scale, brightly colored, intensely lighted, which move or flash, cover a window, or which obscure important architectural features should be avoided

Parking

The County Parking Regulations (Section 27-564 of the Zoning Ordinance) require that

When a parking lot is located in a yard which abuts a street, a landscaped strip shall be provided on the property along the entire street line and the strip shall be at least six feet wide, measured from the street line. In any parking lot containing 20 or more parking spaces, five percent of the total area of the lot shall be devoted to interior landscaping.

Guidelines *Parking areas should be placed where they will have minimal visual impact. Parking areas that are visible from the street or from adjoining properties should be screened and landscaped in such a way as to reinforce the district's rural character. Where space permits, landscaping should include trees.*

IX.

DESIGN GUIDELINES FOR THE STREETScape

Livingston Road

Although Livingston Road is heavily used, it has retained its rural character because it is relatively narrow (with a paved area 22 feet wide) and because sidewalks, curbs, and gutters are absent. In addition, the heavy natural roadside vegetation reinforces the rural character of the district and (in some areas) screens buildings from the road.

Guidelines In order to protect the district's rural character, the existing paved width of Livingston Road should be maintained and the provisions requiring curbs, gutters and sidewalks for new subdivisions waived, as would be the case if Livingston Road were to be downgraded to the category of Rural Road. The roadside vegetation should be retained, but selective clearing may be undertaken if required to protect the line-of-site of motorists exiting driveways. All road work will be carried out under Rural Road Standards for primary roads.

Internal Subdivision Streets

If land is developed into a subdivision, any internal subdivision streets should be developed according to rural road standards.

Guideline In order to protect the district's rural character, internal subdivision streets should be developed to rural primary residential road standards, with drainage swales rather than the provision of curbs, gutters, and sidewalks.

Street Signs

Street signs and informational signs can detract from the appearance of the district if they are not compatible in design with the character of the district. Among the signs exempted by the Code

are the regulatory, warning, and directional signs put in place by Department of Public Works and Transportation (DWP&T)

Guideline *Street signs and other markers should enhance, and not detract from, the district, and be compatible with its rural character in design and materials*

Public Utilities

Overhead utility lines, which are much in evidence, and transformers detract from the visual quality of the district. The addition of contemporary, high intensity street lights can also have an adverse impact on the district (Since all street lighting is installed and maintained by the utility company serving the area, pole and light designs have been standardized. Any request for lighting will need coordination between district residents, the utility company involved, and the DPW&T).

Guidelines *Utility lines serving new developments should be undergrounded. Adequate screening should be provided for gas and electric meters and transformers. Where utility poles are required, only wooden poles should be used in the Historic District. Efforts should be made to restrict transit of the Historic District by utility lines serving areas outside the District.*

Street lighting should be of an appropriate design (as approved by the DPW&T, the utility company, the HPC, and the LAC) in order to maintain the rural character of the District.

Historic District Entrances

The three entrances to the historic district (the intersections of Oxon Hill and Livingston Roads, Fort Washington and Livingston Roads and Broad Creek Church and Oxon Hill Roads) are important in providing a proper introduction to the district.

Guidelines *Since the Regional Center at the southern entrance will be heavily used because of its activities, special attention should be given to improving and maintaining the appearance of the parking areas with landscaping. Large trees should be planted between the Center and Livingston Road.*

X.

DESIGN GUIDELINES FOR PUBLICLY OWNED LAND

The Historic District contains significant areas which are publicly owned land, much of which is currently wildlife habitat and all of which contributes to the rural quality of the district

Guidelines *New development on publicly owned land should be planned so as to have a minimum impact on the District's historic properties and its rural character. Development plans should include proposals for landscaping, for buffer areas and for open spaces. Plans for the development of parkland should be reviewed by the LAC early in the project planning stage, as part of the normal community review procedures, to ensure that design aspects will have minimal impacts on the rural quality of the Historic District.*

APPENDICES

BACKGROUND NOTE

Original Land Records

Battersea

Battersea, a 500-acre, rectangular tract of land on the west bank of the Potomac River in Charles County, was patented to Humphrey Haggett in 1662, the tract began at the northeast side of the mouth of Clash Creek (where it flowed into Broad Creek), and extended 328 perches to the northeast, forming a rectangle 5412 feet by 4125 feet which was oriented 45° to the west.¹ Haggett died at the end of 1662, and Battersea was sold by his heirs in 1688 to Philip Mason.²

In April 1696, Prince George's County was established out of "the Land from the upper side of Mattawoman and Swansons Creek Branches Extending upward bounded by potomock on the West and Putuxent River on the East"³ By this Act of the General Assembly, Prince George's County was formed from parts of both Calvert and Charles Counties, Battersea thenceforth was part of Prince George's County. In 1692, Philip Mason had sold the northwest half of Battersea (250 acres) to Thomas Lewis, and it was during Lewis' ownership that the town of Aire was established (in 1706) in the west corner of the tract. Aire was one of six port towns established in that year in the new County.⁴

In 1709, after Thomas Lewis' death, his son sold 100 acres, including the westerly corner of the Battersea tract, to William Tyler.⁵ This 100-acre tract, beginning at the original boundary tree and extending 2112 by 2062 feet, was designated as Tyler's "dwelling plantation called Battersey", and passed after his death in 1721 to his son of the same name.⁶ The same 100 acres passed, by the latter's will in 1755, to his son, John Tyler,⁷ who sold the property in 1763.⁸ By this time, the westerly (beginning) corner of the Battersea tract was the location of Enoch Magruder's storehouse--the exact spot where, a century earlier, had stood the beginning boundary (hickory) tree of the original Battersea survey.⁹ In 1769, Magruder purchased this 100-acre portion of Battersea tract,¹⁰ on which stood the Georgian brick mansion which we know today as Harmony Hall. Magruder had already purchased and resurveyed the adjoining Want Water tract,¹¹ so that by 1769 he owned the entire parcel of land bounded by Clash Creek on the southwest and Broad Creek on the northwest.

Want Water

"Want Water" was patented in 1706 by Thomas Addison,¹² it was bounded by Battersea on the southeast, and Broad Creek on the northwest, and was said to contain 35 acres. Want Water passed from the Addison family in 1736 to Humphrey Batt,¹³ in 1761 Enoch Magruder purchased Want Water from the heirs of Humphrey Batt,¹⁴ and two years later had the property resurveyed. The original 35 acres was found to be actually 26-3/4 acres, and the contiguous vacant land (20 acres) was added, making a new total acreage for "Want Water

Enlarged" of 46-3/4 acres (A comparison of the two surveys reveals that between 1706 and 1763 the waterline of Broad Creek, north of the beginning corner of Battersea, had shifted ca 33 feet to the west) On the original Want Water acreage stood the early eighteenth century brick and frame house, which we know as Want Water, or the Lyles House, on the 20-acre addition stood a "house 12 feet long and 8 feet wide, one apple tree, and 300 fence logs "15 In 1769, Magruder purchased the adjoining 100-acre portion of the Battersea tract, on which stood the Georgian mansion which later came to be known as Harmony Hall 16

(The tract Wharton's Rest was never patented Land by this name is mentioned in the survey of the adjoining land, Little Hall, which was patented in 1687 by George Athey, and on which stands St John's Church 17)

Aire

The town of Aire was established in 1706 by an Act of the General Assembly, on "the south side of Broad Creek at Thomas Lewis' landing "18 Thomas Lewis had purchased in 1692 the northwest half (250 acres) of Battersea, his landing must have been on what is now the southeast bank of Broad Creek, very close to the westerly corner of the Battersea tract 19 Thomas Lewis died before 1709; in that year his son sold the 100-acre westerly corner of Battersea to William Tyler The language of this 1709 deed indicates that a town was in the process of being erected on part of this square 100-acre parcel of land 20 Although the name of the town is not indicated, it must be Aire, on the "south side of Broad Creek at Thomas Lewis' landing "

Notes

- 1 Patent #5 528
- 2 Charles County Deed, P#1.32
- 3 Archives of Maryland XIX 212-215
- 4 Charles County Deed S#1 48, Archives of Maryland XXVI-636
- 5 Prince George's County Deed E 5
- 6 Prince George's County Will #17 150
- 7 Charles County Will AD#5 37
- 8 Provincial Court Deed DD#2.337
- 9 cf Prince George's County Court Records, September 1763
- 10 Prince George's County Deed, AA#2 22

Notes (continued)

- 11 Prince George's County Deed RR.142, patented certificate #2249
- 12 212 Patent PL #310 and DD #5 509 (1706)
- 13 213 Prince George's County Deed T 421 (1736)
- 14 214 Prince George's County Deed RR.142 (1761), cf also Will #30-343, (1757)
- 15 Patented certificate #2249 (1763)
- 16 Prince George's County Deed AA #2 22 (1769)
- 17 Patent (Little Hall) L #22 380 (1687)
- 18 Archives of Maryland XXVI, 636, Prince George's County Court Records H:86, (April term 1706)
- 19 Charles County Deed S #1 48 (1692)
- 20 Prince George's County Deed E.5 (1709)

Definition of "Ordinary Maintenance"

The following language has been adopted by the County Historic Preservation Commission as guidelines on work that constitutes ordinary maintenance, pursuant to Subtitle 29-107(d) of the Prince George's County Preservation Ordinance

Ordinary Maintenance is that which does not alter the exterior features of a Historic Site or historic resource within a Historic District. Exterior features include the architectural style, design, and general arrangement of the exterior; the color, nature, and texture of building materials, and the type and style of all windows, doors, light fixtures, signs, and similar items found on, or related to the exterior of, a Historic Site or historic resource within a Historic District. Basically, ordinary maintenance is that which will have no material effect on the historical, architectural, cultural, or archeological value of the Historic Site or historic resource within a Historic District. This definition of ordinary maintenance applies, whenever appropriate, to the appurtenances and environmental setting of the property, as well as the building, structure, or object itself. Within M-NCPPC parkland, trail construction, posting of park related signs, and ongoing maintenance programs are included in this definition.

The Historic Preservation Commission has adopted the following guidelines on activities that are considered as Ordinary Maintenance for designated Historic Sites or properties within a historic district

- 1 Repair or replacement of roofs, gutters, siding, external doors and windows, trim, lights, and other appurtenant fixtures with like materials of like design
- 2 Landscaping
- 3 Paving repair using like materials of like design
- 4 Painting on non-masonry surfaces using the same or substantially the same color



Historic Preservation Commission

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Adopted 4/21/85
Amended 12/17/85
5/19/87

Procedures for the Establishment and Operation of Local Advisory Committees (LAC's)

I. Authorization

Historic Preservation Ordinance, Section 29-106, "Powers and Duties of the Commission"

- (a) "The Commission shall have the following powers and duties
- (4) to appoint members to Local Advisory Committees to assist and advise the Commission in the performance of its functions."

(also)

From the Historic Sites and Districts Plan, p. 90

"Local Historic District Advisory Committees to the Historic Preservation Commission may be appropriate in some cases, and citizen groups and municipalities may wish to make recommendations to the HPC on the appointment of the advisory committee members".

The Historic Preservation Commission may establish LAC's in areas of potential Historic Districts.

II. Purpose

- o To assist and advise the Historic Preservation Commission (HPC) in the performance of its duties
- o To serve as the liaison between historic district residents and the HPC,
- o To act as the "educational arm" of the HPC within a historic district.

III. Membership

Number An LAC will consist of from 5-9 members, the majority of whom will be residents of the historic district which they represent. Representatives of organizations concerned with the protection of the historic district may be appointed, each organizational representative may have an alternate, with voting privileges at meetings that the member cannot attend.

Term The term of membership shall be 3 years, with the terms of initial appointees being staggered so that no more than 3 appointments shall expire in any one year.

Appointment Procedures Appointments of members and alternates will be made by the HPC, with the advice of local civic groups, municipal officials, and other organizations concerned with the protection and maintenance of the historic district. The comments of the appropriate groups will be solicited early in the appointment process.

Once appointed, new LAC members must attend an HPC meeting at the earliest possible date for orientation purposes. The HPC will schedule a special meeting with all LAC's at least once a year. Vacancies on the Committee must be filled within 30 days after they occur.

Qualifications It is suggested that at least one member should have, by special interest, experience, or training, expertise in architecture or architectural history. The remaining members shall be selected because of their interest, experience and training in such areas as history, planning, real estate, construction techniques, urban design, and preservation or because they represent a civic organization or other organizational entity concerned with the protection and maintenance of the historic district.

Termination of Appointments In keeping with HPC Rules of Procedure, appointments may be terminated by the HPC if the appointee fails to attend three consecutive scheduled LAC meetings.

IV. Meetings LAC's will hold meetings as necessary, more than one week before the date of the monthly HPC meeting. All meetings will be open to the public and held in a public place such as a church or school. If possible, notice of LAC meetings will appear in the local newspaper at least one week previous to the meeting date. Minutes of all meetings shall be recorded and kept on file for public inspection and copies shall be forwarded to the HPC.

V. Responsibilities

Each LAC shall, in its capacity as an advisory body to the HPC

1. Review all plans for new construction and alterations to the exteriors of existing buildings and/or their settings, using the criteria in Section 29-111 of the Historic Preservation Ordinance to determine what is and is not appropriate (see attached

criteria). It is the responsibility of the LAC to forward comments and recommendations to the HPC in a timely fashion

In keeping with Section 29-111(c) of the Historic Preservation Ordinance, the LAC shall be lenient in its review of plans for the alteration of structures of little historical or architectural significance located in a Historic District and for plans for new construction in a Historic District unless such plans would seriously impair the historic or architectural significance of nearby resources or impair the character of the District as a whole. Where new construction is concerned, the LAC will be primarily concerned with building materials (including colors), scale and setback, in determining compatibility.

2. Encourage property owners considering alterations or new construction to seek LAC and/or HPC assistance early in the planning process so that building plans will be compatible with the character of the district or the property in question.
3. Educate residents of the district regarding the Secretary of the Interior's Standards for Rehabilitation, the role of the HPC and the HAWP process, appropriate renovation techniques and materials, and local, state and federal financial incentives for preservation.
4. Monitor compliance with Historic Area Work Permits and report to the Commission any work which is not in compliance or which is done without HPC review.
5. Assist the HPC in documenting and evaluating district properties, where necessary.
6. Develop, with the assistance of the HPC, specific design guidelines for each district for new construction and the renovation of existing structures.
7. Review and comment upon legislation, proposed subdivisions, site plans or zoning changes which affect the district, using information supplied by the HPC, where available.
8. Develop local support for preservation efforts and the County's preservation program.

9. Send a representative to the HPC meetings at which HAWP applications from their district will be discussed.

VI. HAWP Application Review Process and the LAC

1. Property owners in historic districts having Local Advisory Committees should submit work plans to their LAC to be scheduled for review at the next regularly scheduled meeting. This review can take place before the HPC receives the application.
2. Upon receipt of an application for a HAWP within a historic district which has a LAC, HPC staff will determine whether the material has also been submitted to the LAC for review, if it has not, the HPC shall forward (within one day) a copy of the application and all supporting materials to the Chairman of the LAC for review and comment.
3. The LAC will be responsible for notifying the applicant of the date and time of the LAC meeting at which his work plans will be discussed, for submitting recommendations (in writing) to the HPC in a timely fashion following their meeting, and for indicating criteria met (or not met) and conditions imposed, if any, in comments to the HPC.
4. The LAC will review each proposal for exterior work to determine whether it constitutes "Ordinary Maintenance" or "Substantial Alteration", as defined by the HPC, and advise the applicant accordingly.
5. The LAC will submit its comments to the HPC not later than two weeks before the next HPC meeting (i.e., 15 days before the HPC meeting).
6. The HPC will not decide upon an application for a HAWP until it has received the comments of the LAC, unless the LAC allows the period set aside for it to comment to pass without acting.
7. The HPC may accept, reject or modify the recommendations of the LAC. Rejections must be by a two-thirds (2/3) majority vote of the Commission and the record must indicate the criteria (Section 29-111 of the Historic Preservation Ordinance) used by the HPC for rejecting or modifying LAC recommendations.
8. Property owners seeking assistance from the HPC in preparing initial work plans must also be referred to the appropriate LAC.



Historic Preservation Commission

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USE BLACK INK OR TYPE

OFFICE USE

Building/Grading/Sign Permit # _____ HAWP Application # _____
Historic Site Number _____ Filing Date _____
Historic Site Name _____ Public Appearance Date _____
HPC Decision Date _____

HISTORIC AREA WORK PERMIT APPLICATION

Applicant and Phone #s. _____
Mailing Address. _____
Owner _____
Property Address _____
Within Municipal Limits. _____
Adjoining Property Owners:
(Names and Addresses) _____

TYPE OF CHANGE

- Alteration
Addition
New Building
Moving
Demolition
Repair
Grading
Excavation
Sign
Other

WORK BEING PERFORMED BY

Architect or Engineer _____
Building Contractor _____
Other _____

REQUIRED ATTACHMENTS TO THIS APPLICATION:

- Site Plan
Construction Plans, including:
Plan view
Elevation
Details
Photographs (5 x 7" black and white)
Each side of building
Area of work
View of building from road
Other _____

Is property subject to an easement held by a historic preservation organization?

No Yes. If yes, name of organization _____

(If yes, attach proof of approval of requested change from that organization)

HISTORIC AREA WORK PERMIT APPLICATION

**Description of proposed work
(Include composition of materials, dimensions)**

_____ I am the owner of this property, or

_____ I have advised the owner of this application and the intended work

_____ The information on this application represents an accurate description of the proposed work. I have omitted nothing which might affect the decision of the Historic Preservation Commission.

_____ I understand that the approval of this application by the Prince George's County Historic Preservation Commission does not constitute approval of other required permit applications.

_____ I agree to supply two additional photographs of the proposed work when the work is completed.

_____ I will attend (or send a representative to attend) the Public Appearance on this application.

(Signature) (Date)

WHAT A HISTORIC AREA WORK PERMIT COVERS

Exterior Work for Historic Properties

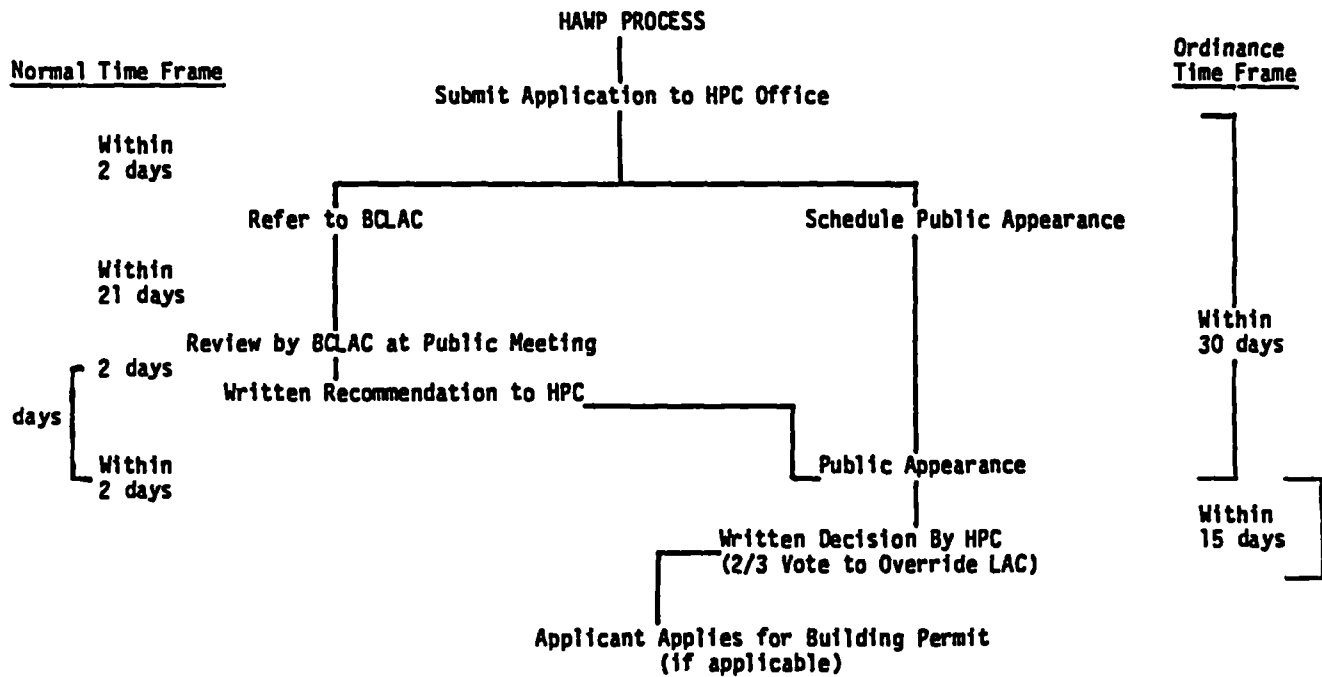
Alterations
New Construction
Demolition
Grading

Exterior Work for Non-Historic Properties

Building or grading permits
Signs

Criteria for Approval

Does not alter exterior features
Compatible with historic character
Aids in protection and use of historic property
Remedies unsafe conditions
Serves the public welfare
Has no adverse effect on character of historic district



PRINCE GEORGE'S COUNTY PRESERVATION COMMISSION

LOCAL ADVISORY COMMITTEE REVIEW FORM

EXTERIOR ALTERATIONS

I Location of Property

- a. Located within the _____ Historic District.
- b. Address of property.
- c. Name and address of owner of property.
- d. Is this property a contributing resource within the Historic District?
- e. On a map of the District locate this property and any adjacent historic resources. Will work impact on these historic resources?

II Description of proposed work (Please attach a plan showing the nature, extent and location of the work to be done, in addition to the materials to be used, and answer the following questions)

- a. Will this work be on the front, rear, or side of the structure?
- b. Will the work be visible from the street?
- c. What materials will be used? Colors?
- d. Will these materials be compatible with existing materials? In what way? If not, in what way will they be incompatible?
- e. Will the work alter exterior characteristics which contribute to the property's architectural and/or historical significance?

III Recommendation of the Local Advisory Committee

a. Approval

- 1. Which of the criteria found in the Historic Preservation Ordinance (Sec. 29-111 of the Prince George's County Code) does this work meet?
- 2. What conditions, if any, must be met in order for the work to meet the above criteria? (example: the proposed windows should be double hung to conform with existing windows)

b. Disapproval

- 1. On what grounds is disapproval recommended? (Refer to Sec. 29-111, Prince George's County Code, for criteria)
- 2. How could this proposal be altered so as to merit approval?

Exterior Alterations

IV Additional comments

Date on which LAC meeting was held: _____
Form completed by _____ Telephone: _____
Date of Referral to HPC _____

PRINCE GEORGE'S COUNTY HISTORIC PRESERVATION COMMISSION
HISTORIC DISTRICT ADVISORY COMMITTEE REVIEW FORM

NEW CONSTRUCTION

Fill out one form for each type of work. site and subdivision review;
grading permit, building permit; sign permit

I Location of Property

- a. Located within the _____ Historic District.
- b. Address of property.
- c. Name and address of owner of property.
- d. On a map of the district, locate this property and adjacent historic resources. Briefly describe each adjoining resource (e.g., 1-1/2 story frame bungalow, 2-1/2 story Shingle Style Queen Anne, etc.), attach photo to show streetscape.
- e. Would proposed work be visible from the street?
- f. Would it be visible from other historic resources within the district? If so, which ones?

II Site and Subdivision Plans

- a. For a subdivision, how many new houses or lots are proposed?
- b. How does the density compare with surrounding lots? (note on map)
- c. Does the proposed siting of the house or houses impact negatively on adjoining resources or on the District as a whole? If so, how?
- d. Is proposed new construction compatible with adjoining resources and the District as a whole in terms of materials to be used, color(s), scale and setback?

III Grading

(Applicant is required to furnish a plat map of the lot which accurately shows the location of existing trees)

- a. Does the proposed grading substantially alter the existing landscape?
- b. Does it cause removal of substantial vegetation?
 1. Is this removal detrimental to the character of the district?
 2. Can any detrimental effect be remedied by additional plantings? If so, what kind and where?

IV Building Permits

- a. Style of house? (attach sketch)
- b. Are the new structures (or structure) compatible in design, scale, set-back, materials and color(s) with adjoining structures and with the Historic District?
If not, in what way are they incompatible?

V Sign Permits

- a. Size
- b. Materials
- c. Features
- d. Compatibility

VI Recommendation of Local Advisory Committee

- a. Approval
 - 1 Which criteria in the Historic Preservation Ordinance (Section 29-111(b) or (c) (see below) of the Prince George's Code) does work meet?
 - 2 What conditions, if any, must be met in order for the proposed work to meet the above criteria?
- b. Disapproval (Section 29-111(a))
 - 1 On what grounds?
 - 2 How could proposal be altered so as to merit approval?

VII Additional Comments

Date on which LAC meeting was held _____

Form completed by _____ Telephone _____

Date of referral to HPC _____

DIVISION 4. HISTORIC AREA WORK PERMITS.

Sec. 29-107 Requirement for Historic Area Work Permit.

(a) A Historic Area Work Permit for work on publicly- or privately-owned property containing a historic resource classified as a Historic Site or property within a Historic District shall be obtained pursuant to the provisions of this Subtitle before:

- (1) constructing, reconstructing, moving, relocating, demolishing, or in any manner modifying, changing, or altering the exterior features;
- (2) performing any grading, excavating, construction, or substantially modifying, changing, or altering the appurtenances and environmental setting; or
- (3) erecting or causing to be erected any sign or other advertisement.

Those signs or advertisements exempted from sign permit requirements by Division 32 of the Zoning Ordinance are generally exempt from requirements for a Historic Area Work Permit, except for signs of historical interest; murals, paintings, or other artistic displays; name or location of cities, towns, villages, and the like; regulatory signs other than those mandated by State or local law; signs on windows, other than temporary signs; memorial signs or tablets; and gateways.

(b) Building, grading, razing, and sign permit applications shall indicate whether the structure or property is a historic resource. If it is classified as a Historic Site or property within a Historic District, or if the Historic Preservation Commission has determined that it should be classified under the provisions of Division 6 of this Subtitle, the applicant shall be required to complete a Historic Area Work Permit application, unless exempted by Subsection (d) of this Section.

(c) The Commission shall adopt procedures to encourage owners of historic resources to seek the advice of the Commission, prior to filing an application for a Historic Area Work Permit, on the appurtenances and environmental setting appropriate to the resource, appropriate design, construction methods and materials, financial information concerning historic preservation, or any other matter under this Subtitle affecting the issuance of a permit.

(d) Nothing in this Section shall be construed to require the issuance of a Historic Area Work Permit for any ordinary maintenance, repair of exterior features, customary farming operations, or landscaping which will have no material effect on the historical, archeological, architectural, or cultural value of the historic resource of which said features are a part. For the purposes of clarification of this Subsection, the Commission shall develop and publish guidelines regarding what activities constitute ordinary maintenance, and shall send a copy of these guidelines to the Director and the Planning Board, and by certified mail, return receipt requested, to all owners of historic resources delineated on the master plan for historic preservation. (CB-142 1981.)

Sec. 29-108. Application for Historic Area Work Permit.

(a) Application for issuance of a Historic Area Work Permit shall be filed with the Director. The application shall provide such information as is

deemed necessary by the Commission for its proper evaluation and action upon the application in accordance with the provisions of this Subtitle.

(b) Within three (3) working days after the filing of a completed application, the Director shall forward the application and all attachments to the Commission for its review
(CB-142 1981.)

Sec. 29-109. Procedure for review of Historic Area Work Permit applications.

(a) Upon receipt of an application, the Commission shall schedule a public appearance at a Commission meeting to consider the application.

(b) After scheduling a public appearance, the Commission shall forward a notice of the public appearance to the applicant, the Director, the Planning Board, a municipality respecting land within its boundaries, and those citizens or organizations which the Commission feels may have an interest in the proceedings.

(1) Upon being advised by the Commission that a public appearance has been scheduled, the Director shall forward copies of the application, and all attachments thereto, to the Planning Board and any appropriate municipality for their review and comments. Any comments which the Planning Board or municipality may wish to make shall be submitted, in writing, to the Commission prior to the public appearance.

(2) In the event that a municipality objects to the issuance of a Historic Area Work Permit for property within the municipality, a two-thirds (2/3) majority vote of the Historic Preservation Commission shall be required to override a municipal recommendation on the Historic Area Work Permit.

(c) At the public appearance, the procedures shall be informal and formal rules of evidence shall not be applicable. Interested persons shall be encouraged to comment and minutes of the proceedings shall be kept.
(CB-142-1981.)

Sec. 29-110. Action by Commission on Historic Area Work Permit applications.

(a) Within forty-five (45) days after the filing of an application or in the event that the record is left open by the Commission, within fifteen (15) days after the close of the record, whichever occurs later, the Commission shall publish its findings, conclusions, and decision, except as provided in Subsections (d) and (e) of this Section. No record shall be held open for longer than seven (7) calendar days.

(b) The Commission's decision shall instruct the Director to:

(1) Issue the permit;

(2) Issue the permit subject to any conditions necessary to insure conformance with the provisions and purposes of this Subtitle; or

(3) Deny the permit.

(c) The Commission's findings, conclusions, and decision shall be mailed to the applicant and sent to the Director the Planning Board, any

appropriate municipality and, upon request, to any other interested person.

(d) If, after a public appearance, the Commission finds that denial of the permit will result in the denial of all reasonable use of the property, or will impose undue hardship on the owner, there shall be a period of one hundred twenty (120) days after such finding to allow for the development of an economically feasible plan for the preservation of the structure. If, at the end of such period, no plan has been found, the Commission shall, with or without further public appearance, instruct the Director to issue a permit, with any conditions which will further the intent and purpose of this Subtitle.

(e) Failure of the Commission to act on an application within the time periods provided in this Section shall be considered as authorization by the Commission to issue the permit. The time period for Commission action may be extended with the written consent of the applicant.

(CB-142 1981.)

Sec. 29-111. Criteria for Historic Area Work Permits.

(a) The Commission shall instruct the Director to deny a permit if it finds, based on the evidence and information presented to it, that the alteration for which the permit is sought would be inconsistent with, or inappropriate or detrimental to, the preservation, enhancement, or ultimate protection of the historic resource and the purposes of this Subtitle.

(b) The Commission shall instruct the Director to issue a permit subject to such conditions as are found to be necessary to insure conformance with the purposes and requirements of this Subtitle, if it finds that:

(1) The proposal will not substantially alter the exterior features of the historic resource;

(2) The proposal is compatible in character and nature with the historical, archeological, architectural, or cultural features of the historic resource and is in harmony with the purpose and intent of this Subtitle;

(3) The proposal will enhance or aid in the protection, preservation, and public or private utilization of the historic resource in a manner compatible with its historical, archeological, architectural, or cultural value;

(4) The proposal is necessary in order to remedy unsafe conditions or health hazards;

(5) The proposal is necessary in order that the owner of the subject property not be deprived of reasonable use of the property or suffer undue hardship; or

(6) In balancing the interests of the public in preserving the historic resource with the use and benefit of the alternative proposal, the general public welfare is better served by issuance of the permit.

(c) In the case of any application for work within an environmental setting of a Historic Site, or on property located within a Historic District, the Commission shall be lenient in its judgment of applications for structures of little historical or design significance or for new construction. This shall mean that the Commission will authorize issuance of such permit, with any necessary conditions, if authorization of such permit would not impair the character of the Historic Site or Historic District.

(d) Nothing in this Subtitle shall be construed to limit new construction, alteration, or repairs to any particular period or architectural style.
(CB-142-1981.)

Sec. 29-112. Miscellaneous provisions.

(a) The applicant for a permit shall have the responsibility of providing sufficient information to support the application. If the property is subject to an easement held by another historic preservation organization, the applicant shall submit proof of approval of exterior architectural review by the organization holding the easement.

(b) Any permit issued by the Director may be subject to such conditions imposed by the Commission as are reasonably necessary to assure that work shall proceed in accordance with the permit. The work shall be performed in a manner not injurious to those characteristics and qualities of the historic resources which are of historical, architectural, archeological, or cultural value.

(c) The Director is responsible for the enforcement of the provisions of this Subtitle.

(d) Authorization by the Commission to issue a Historic Area Work Permit shall not be construed to eliminate the need to obtain any other permit required by State or local law ordinance, or regulation, in conformance with all requirements applicable to such other permit. No other permit shall be issued, however, which would authorize work to be performed in violation of any conditions imposed by a Historic Area Work Permit, or in the absence of such permit.

(CB-142-1981.)

DIVISION 7 ADMINISTRATIVE PROVISIONS.**Sec. 29-121. Violations and penalties.**

(a) Any person who violates a provision of this Subtitle by willfully performing or allowing to be performed any work without first obtaining a Historic Area Work Permit, failing to comply with any conditions of such permit, failing to comply with any final notice issued pursuant to this Subtitle, or disobeying or disregarding a decision of the Historic Preservation Commission may be liable for a civil monetary fine in the amount of five hundred dollars (\$500.00), enforceable pursuant to the procedural provisions of Subtitle 28 of the County Code, for each violation. Each day of violation shall constitute a separate violation. The application of such penalty shall not preclude the enforced removal or abatement of prohibited conditions or acts through appropriate proceedings in equity (CB-142-1981)

Sec. 29-122. Appeals.

(a) In the event that any person is aggrieved by a decision of the Commission, the aggrieved person may file an appeal with the Circuit Court within thirty (30) days after the date upon which the Commission's decision is published. Review of the Commission's decision by the Court shall be based on the record of the proceedings before the Commission. (CB-142 1981.)

Sec. 29-123. Applicability

(a) This Subtitle shall be applicable throughout that part of the Maryland-Washington Regional District in Prince George's County, Maryland, except as hereinafter provided. It shall also be applicable to any municipality within Prince George's County, Maryland, but outside the boundaries of the Maryland-Washington Regional District, if the governing body of that municipality so consents.

(b) The provisions of this Subtitle shall not be applicable to the White Farm, identified as Site Number 73-6 on the Adopted and Approved Historic Sites and Districts Plan of Prince George's County Maryland.

(c) The provisions of this Subtitle supplement other provisions of the Prince George's County Code. Nothing contained herein shall be deemed to abrogate, annul, or abridge any other requirement of State or local law ordinance, or regulation. (CB-142-1981.)

**PRINCE GEORGE'S COUNTY CODE
SUBDIVISIONS**

Sec. 24-107 Jurisdiction.

(a) This Subtitle shall apply to all subdivision of land, as defined herein, within the boundaries of that part of the Regional District in Prince George's County, Maryland.

(b) No land shall be subdivided within the Regional District in Prince George's County until:

(1) The subdivider or his agent shall obtain approval of the preliminary and final plats by the Planning Board (or the Planning Director in the case of minor subdivisions); and

(2) The approved final plat is filed in the Land Records of Prince George's County.

(c) The following shall be exempt from the requirement of filing a subdivision plat:

(1) Partition proceedings in court;

(2) The division of land and distribution, in kind, to the heirs upon the distribution of an estate;

(3) A conveyance of one (1) or more acres to a son or daughter or lineal descendant of the grantor from a tract retaining five (5) or more acres;

(4) A conveyance to a governmental agency;

(5) A deed establishing a disputed or undetermined boundary line;

(6) A conveyance of twenty (20) acres or more from a tract retaining at least twenty (20) acres;

(7) A conveyance of property used exclusively for agricultural purposes which, at the time of conveyance, is assessed as agricultural land;

(8) Any subdivision by deed prior to January 1, 1982;

(9) A resubdivision to correct a drafting or engineering error for property which is not the subject of a record plat;

(10) The incorporation of an outlot into an adjoining lot for property which is not the subject of a record plat;

(11) The sale or exchange of land between adjoining property owners to adjust common boundary lines, provided that no additional lots are created, for property which is not the subject of a record plat.

(d) Any conveyance of property pursuant to the provisions of Subsection (c) shall not exempt the property from the provisions of the Zoning Ordinance. Upon application by any party contemplating a conveyance pursuant to Subsection (c), the application shall be reviewed by the Planning Board staff for compliance with the provisions of the Zoning Ordinance, and the application may be treated as a request for a minor subdivision for which no preliminary plat shall be required, if the applicant so indicates and pays the required fee.

(CB-48-1981)

(12) Deeds of trust, mortgages foreclosure proceedings, trustees' sales pursuant to mortgages and deeds of trust deeds in lieu of foreclosure trustees' deeds, and final decrees or foreclosure
(CB-145-1986)

Sec. 24-117 Procedures for minor subdivisions.

(a) **Definition.** In instances in which four (4) or fewer lots in a one-family residential zone are being created, or where filing a subdivision plat is optional, as provided in Section 24-107(d) or as provided in Section 24-108, the applicant may follow the procedure for a minor subdivision. No applications filed under Division 6 of this Subtitle, however, shall be considered a minor subdivision.

(b) **Time Limitations.** Within forty (40) calendar days of submission, preliminary plats for minor subdivisions shall be approved, approved with modifications, or denied by the Planning Director, after receipt of comments from the Subdivision Review Committee.

(c) **Basis for Approval.** The Planning Director shall make a finding that the proposed subdivision conforms with the provisions of this Subtitle as the basis for approval; provided, however, that no proposed subdivision shall be approved under these procedures if the Planning Department representative or any representative of any agency that will require a subsequent permit, advises that the proposed subdivision is not in conformance with all pertinent laws and regulations.

(d) **Appeals.** The applicant may file an appeal with the Planning Board within twenty (20) calendar days after the date of the Planning Director's action.

(e) **Final Plat.** If the minor subdivision preliminary plat is approved or approved with modifications, the subdivider shall proceed promptly to prepare the final plat. Unless a final plat, prepared in accordance with the approved preliminary plat, including any modifications, is filed with the Planning Board within twenty-four (24) months of approval, the Planning Director's approval shall be deemed cancelled.

(f) Any final plat submitted pursuant to the provisions of Subsection (e) of this Section, or Section 24-107(d), or as provided in Section 24-108 shall be approved or disapproved by the Planning Director within twenty (20) calendar days, or the Planning Director shall refer it to the Planning Board for final action within thirty (30) calendar days, of acceptance of the application for processing.

(CB-48-1981)

Sec. 24-132. Tree preservation or planting.

(a) The Planning Board shall encourage the retention of specimen or mature trees whenever practicable, and/or the planting of new trees, in order to reduce air conditioning needs during the summer, to reduce space heating needs during the winter, and to improve the appearance of new development. Applicants should use the flexibility inherent in this Subtitle, including lot size averaging, variations, and optional methods of development, in order to

minimize the unnecessary grading and tree removal and thereby reduce immediate development costs and future energy consumption. The Planning Board shall encourage compliance with the following:

(1) Mature trees, specimen trees, or large clumps of trees shall be retained whenever possible and practicable.

(2) The retention of trees may be used as a basis for variations from this Subtitle, and other Code provisions, such as the minimum street radii and grading requirements, provided that the applicant obtains approval from the appropriate agency for such variations prior to final plat approval.

(3) The preservation of any mature trees, specimen trees, or large clumps of trees existing on the property as of the time of subdivision application, may be required when the Planning Board determines that it would be practicable and reasonable, and that such trees provide public benefits for energy conservation, erosion control, or community appearance.

(4) Replacement trees may be required and, if so, shall be of a caliper of at least two (2) inches measured at a height four (4) feet above the ground. (CB-48-1981.)

ZONING

Sec. 27-602. Signs exempt from sign permit.

(a) Types of signs exempt from sign permit; when all applicable Design Standards of Division 3, Subdivision 4, of this Part are met:

(1) Contractor's signs: Temporary real estate signs which announce pertinent information about the contractor constructing the building or structure on the property.

(2) Farm products (wayside stand): Incidental signs advertising the sale of farm products grown or produced on the premises.

(3) Gasoline prices: Signs solely indicating the price of gasoline (and containing no advertising matter).

(4) Gateways: Permanent signs at gates or entrances identifying the name of a community or residence (and containing no advertising matter).

(5) Home occupation: Signs identifying a home occupation.

(6) Incidental building identification: Signs indicating the name or number of a building or premises.

(7) Reserved
(CB-77-1985)

(8) Integral: Signs forming an integral part of a gasoline pump, service appliance, or vending machine.

(9) Interior: Signs located within a building, enclosed shopping mall, industrial center, or apartment complex, and not readily visible from outside these developments.

(10) Memorial, tablets: Memorial signs which are engraved on buildings or tablets, and which indicate names of buildings, dates of erection, or other historical data.

(11) Motor vehicle inspection: Signs identifying an approved motor vehicle inspection station.

(12) Surface mining or sand and gravel wet-processing operations identification: Signs identifying surface mining or sand and gravel wet-processing operations, where required by Section 27-595(b).

(13) Offices (business or rental) in multifamily dwelling: Incidental signs identifying business or rental offices located in a multifamily dwelling that have a direct outside entrance.

(14) Professional uses: Signs identifying a professional use in a dwelling.

(15) **Public:** Signs of a noncommercial nature which are erected by, or ordered to be erected by, a public official in the performance of official duty, or by a governmental agency, such as: safety signs; traffic control signs; signs of historical interest, murals, paintings, or other artistic displays, and names or locations of cities, towns, and villages.

(16) **Public interest events.** Temporary signs indicating events of widespread public interest, such as the opening of a shopping center or a political campaign.

(17) **Real estate, directional.** Temporary signs containing a directional arrow and advertising real estate for sale or lease, not located on the premises being advertised.

(18) **Real estate, identification:** Temporary signs advertising the prospective sale or lease of real estate, located on the premises being advertised.

(19) **Regulatory, on private property:**

(1) Traffic control signs;

(2) Directional signs (entrance, exit, and similar signs, signs at a shopping center intended to direct traffic to businesses not readily visible from access points),

(3) Parking signs; and

(4) Warning or regulatory signs (such as danger, no hunting, no trespassing, no drinking, no smoking, no dumping).

(20) **Temporary uses:** Signs indicating temporary uses which are allowed in accordance with Sections 27-260 and 27-261.

(21) **Theater bills and changeable copy:** The changing of bills of acts and features of theaters on frames for which a permit has been issued, and changing the copy of any changeable copy sign.

(22) **Window signs:** Signs painted on windows to identify the occupants of buildings in Commercial or Industrial Zones, and in Commercial Zones, temporary signs located in or on the interior side of windows which indicate the products or services offered in the building.

(b) The erection or continued existence of the signs listed above shall require conformance with the following:

(1) An electrical permit shall be obtained, where applicable.

(2) A building permit shall be obtained, where applicable;

(3) The signs shall be maintained in accordance with the requirements of this Part for all signs; and

(4) The requirements of Division 3, Subdivision 4, below, shall be followed.

(c) Unless otherwise specified within the regulations for the individual zones, in the I-3, M-X-T, and Comprehensive Design Zones, these signs shall be approved by the Planning Board at the time of Detailed Site Plan or Specific Design Plan approval.

