



Article 17: Subdivision and Development Regulation

Title 6: General Development Provisions

SUBTITLE 5. HISTORIC RESOURCES, ARCHAEOLOGICAL RESOURCES, CEMETERIES AND SCENIC & HISTORIC ROADS

§ 17-6-501. Historic resources.

An historic resource listed on the Maryland Inventory of Historic Properties, the National Register of Historic Places, or the National Historic Landmarks shall be retained and preserved to the extent practical, as follows:

- (1) access shall be by an existing driveway unless the Office of Planning and Zoning determines that relocation of the driveway results in an improved design;
 - (2) new development shall be sited so that the layout does not impact the historic resource and shall be oriented so that the view of the historic property's primary facade from the public road is not impaired;
 - (3) grading, filling, construction, and landscaping on a commonly owned adjacent lot shall be designed to enhance views to and from the historic resource and to buffer views of new development;
 - (4) the Office of Planning and Zoning may require architectural design covenants for new development within close visual proximity to the historic resource; and
 - (5) a preservation easement to protect and preserve the historic resource shall be required for properties listed on the National Register of Historic Places or the National Historic Landmarks.
- (Bill No. 3-05)

§ 17-6-502. Archaeological resources.

(a) **Generally.** Development shall avoid disturbance of significant archaeological resources listed on the Maryland Inventory of Archaeological Resources. If the Office of Planning and Zoning determines that there is a known or high potential for the existence of an archeological resource on a property, the developer shall have a "Phase I" preliminary or intensive archaeological survey conducted, as required by the Office of Planning and Zoning. If an archaeological site is found as a result of a "Phase I" investigation, the developer shall conduct a Phase II survey to determine the extent of the site and the level of its significance.

(b) **Significant resource.** If the Office of Planning and Zoning determines that an archeological resource is significant, the developer shall:

- (1) plan development to avoid the resource and provide a preservation easement to protect it; or
- (2) with approval from the Office of Planning and Zoning, impact the resource and conduct an approved data recovery investigation or "Phase III" study before commencing development.

(Bill No. 3-05)

§ 17-6-503. Cemeteries.

(a) **Cemetery identification.** The location and boundary of an onsite cemetery shall be determined by one of the following methods, in consultation with the Office of Planning and Zoning:

- (1) a survey using professionally acceptable methods and techniques, including archival research, archaeology, geophysical survey methods, oral history, or other approved techniques;
- (2) observations in the field including visible grave stones or markers, a pattern of depressions indicative of graves or associated fence boundaries; or
- (3) reference to a modern map or plat or evidence found on historic maps or documents.

(b) **Preservation.** A developer shall preserve an onsite cemetery, as follows:

- (1) grading, construction, or subsurface disturbance within 25 feet of the cemetery boundary is prohibited;
- (2) appropriate measures shall be taken to protect the cemetery during construction, such as a field-delineated limit of disturbance zone, temporary fencing, or other appropriate physical markings;
- (3) a 15-foot right-of-way from the nearest public or private road shall be required to maintain public or family access to the cemetery; and
- (4) a preservation and maintenance easement shall be provided that designates a homeowner's association or other person or organization as the party responsible for care, maintenance, and protection of the site.

(Bill No. 3-05)

§ 17-6-504. Scenic and historic roads.

Development along a scenic or historic road shall preserve, maintain, and enhance the scenic or historic character of the landscape viewed from the road, and the achievement of maximum possible density is not a sufficient justification to allow impacts on a scenic or historic road. Development along a scenic or historic road shall occur in accordance with the following:

- (1) structures and roads shall be designed to retain the open character of the site and to minimize the impact of the development on views from the road;
 - (2) structures and uses shall be located away from the road right-of-way unless sufficiently screened by topography or vegetation;
 - (3) development shall minimize tree and vegetation removal and protect existing vegetation adjacent to the road;
 - (4) the design shall minimize grading and retain existing slopes along the road frontage;
 - (5) development shall avoid having a rear facade oriented towards the road but, if that is unavoidable, the structure shall be set back as far as possible from the road;
 - (6) utilities, storm water management facilities, drainage structures, bridges, lighting, fences, and walls shall be located and designed to have the least impact, be unobtrusive, and harmonize with the surroundings and character of the road;
 - (7) the primary access or entrance to new development shall not be located on a scenic or historic road if any reasonable alternative access is available and, if unavailable, the primary access or entrance shall be located in an area that has the least impact to the scenic or historic qualities of the road;
 - (8) entrance features shall be low, open, and in keeping with the scenic or historic character of the surrounding area;
 - (9) road improvements required as a result of new development shall preserve, maintain, and enhance existing road alignments and be limited to those minimal improvements required for purposes of safety;
 - (10) there shall be a buffer of existing forest between the road and the proposed development that is sufficiently wide to preserve, maintain, or enhance the visual character of the road and, when there is inadequate existing forest to screen the development from the road, reforestation or landscaping shall be required to create a buffer;
 - (11) new structures shall be located to the extent practical behind natural screening or in or along the edges of forests, at the edges of fields and hedgerows, or near existing buildings;
 - (12) the development shall preserve the existing forest, tree canopy, foreground meadow, pasture, crop land, and other natural screening and shall be designed to place development in the background as viewed from the road;
 - (13) the scenic or historic character of each road shall guide the design of visible shoulders, curbs, and sidewalks; and
 - (14) the design shall include select materials for guardrails and bridges that are compatible with the surrounding character.
- (Bill No. 3-05)