

1. Introduction

The *Frederick Town Historic District Design Guidelines* (“Guidelines”) have been developed to assist the Historic Preservation Commission (“Commission” or “HPC”) in reviewing the exterior rehabilitation of historic properties, new construction, and demolition in the Frederick Town Historic District (“Historic District”). They also assist property owners, tenants, stewards of public properties and others in making preliminary decisions about work that requires HPC approval. The provisions contained herein provide guidance on rehabilitation and new construction that reflect best historic preservation practices. The intent of the Guidelines and the design review process is to ensure that all properties in the Historic District are rehabilitated in a way that retains their essential historic qualities and that new construction is sensitive to the scale and historic character of the district. These guidelines are the basis of the review process and the foundation for decision-making by the Commission.

A. Conformance with Local, State, and Federal Codes

The Commission uses the Guidelines and the *Secretary of the Interior's Standards for Rehabilitation* to determine if proposed work is appropriate in the Historic District and appropriate for a particular building or site. The Annotated Code of Maryland, Land Use Article, § 8-301 and the Frederick City Code (“City Code”) require the Commission to base its decisions on guidelines approved by the Board of Aldermen. The Guidelines must conform to the City Code, which codifies zoning and subdivision requirements. The Guidelines must be consistent with those accepted by the Maryland Historical Trust, which are the *Secretary of the Interior's Standards for Rehabilitation*. Conformance with the Secretary’s Standards is also a condition of the City’s Certified Local Government status, a program administered by the National Park Service and the Maryland Historical Trust, which is the state’s federally-designated State Historic Preservation Office.

B. Conflict Between Guidelines and Codes

In the event of a conflict between state laws or the City Code and the *Frederick Town Historic District Design Guidelines*, the applicable law or code will take precedence.

C. HPC Rules of Procedure

The Commission’s *Rules of Procedure* specify how the Commission operates and how applications are reviewed. Changes to the *Rules of Procedure* may be made by the HPC and are available in the Planning Department or on the City’s web site. Planning Department staff can provide assistance with all aspects of the review process.

D. Historic Preservation Overlay Zone

The Frederick Town Historic District has been designated a Historic Preservation Overlay (HPO) zone, with the underlying zoning specified on the City’s official zoning map. As a result of the HPO zoning designation, all work in the Historic District requires a zoning permit. Some work also requires other permits. Application for zoning and building permits is simultaneous, with both merged on the same document.

History of the Historic District

Inspired by Frederick’s bicentennial in 1945, a group of residents recognizing the unique character of the downtown and wanted to protect it, formed the Historic Zone Committee. In 1952, the City created the “Old Frederick District” that encompassed a few blocks and the Architectural Commission was established. The “Old Frederick District” was the second city in Maryland and the thirteenth in the nation to establish a local historic district. The Architectural Commission made recommendations on plans to the Mayor and Board of Aldermen.

In 1963 the state passed the Historic District Commission Act which enabled local governments to establish historic districts and commissions empowered with review authority. In 1967, Frederick residents, businessmen, the Downtown Frederick Association and other civic groups successfully petitioned the Mayor and Board of Aldermen for a Historic District Commission.

After several years of grassroots efforts, the historic district’s boundaries were expanded in 1977 and then again in 1995. In 2001 the name of the district was changed to the “Frederick Town Historic District.” With the adoption of the City’s Land Management Code in 2005, criteria and procedures for designating new districts and individual landmarks were established. As a result, the Historic District Commission became the Historic Preservation Commission to more accurately reflect their purpose.

E. Other Permits and Approvals

Some work may require other permits or approvals, in addition to zoning and building permits, such as electrical or plumbing permits, variances from the Zoning Board of Appeals, or site plan approvals from the Planning Commission. Staff of the Building Department can provide information on permits and staff of the Planning Department can provide information on variances and site plan approvals. Both departments are located at the Municipal Annex, 140 West Patrick Street. Information also is available on the [City’s website](#).

F. International Building Code and International Residential Code

The City of Frederick uses the most recently adopted International Building Code (IBC) and International Residential Code (IRC). Both codes accommodate the preservation of important features in historic buildings. Information on the building codes and building permits can be obtained from the Building Department.

G. Rehabilitation

- (1) **Definition.** Rehabilitation is defined by the Secretary of the Interior as “the act or process of making possible an efficient compatible use for a property through repair, alterations, and additions, while preserving those portions or features which convey its historical, cultural, or architectural values.” (36 CFR 68.2(b))
- (2) **Distinct from other treatments.** Rehabilitation is distinct from preservation, restoration, or reconstruction treatments for historic properties. Preservation is intended to maintain

the existing form, integrity, and materials of a building or site. Restoration is intended to return a property to a specific period through the removal of later work. Reconstruction is the rebuilding of a property that no longer exists. Rehabilitation is the approved treatment for buildings and sites in the Frederick Town Historic District where historic properties are maintained for contemporary use. New construction and additions are addressed as an aspect of rehabilitation.

- 3) Application of other treatments.** The Secretary of the Interior's Standards for the Treatment of Historic Properties address four treatments: preservation, rehabilitation, restoration, and reconstruction. If the applicant finds that a different treatment other than rehabilitation would be preferable for a specific property, the Commission shall take into consideration the standards and guidelines developed by the Secretary of the Interior for preservation, restoration, or reconstruction, when appropriate.

H. Basis of the *Frederick Town Historic District Design Guidelines*

- (1) Secretary of the Interior's Standards for Rehabilitation.** The *Secretary of the Interior's Standards for Rehabilitation* are the basis of the *Frederick Town Historic District Design Guidelines*. Developed in 1976 and slightly revised in 1992, the Standards were developed to ensure that properties receiving federal funding and federal tax benefits are reviewed consistently. The ten standards are widely accepted in historic preservation practice throughout the United States and they are the basis of design guidelines nationwide. They are recognized by the Maryland Historical Trust as the basis for design guidelines used in local historic preservation programs.
- (2) Interpretation of the Standards.** The Secretary of the Interior's Standards are explained in the *Secretary of the Interior's Guidelines for Rehabilitation*. The guidelines have been published in various formats. The City uses the *Illustrated Guidelines for Rehabilitating Historic Buildings*, published by the National Park Service in 1997, and the *Guidelines for the Treatment of Cultural Landscapes*, published by the National Park Service in 1996. As the National Park Service publishes updated versions of these publications, the City may use them for further interpretation. The Secretary's rehabilitation guidelines are considered explanations of the ten standards and are used to interpret the appropriateness of treatments in the Historic District.

I. Secretary of the Interior's Standards for Rehabilitation, from the Code of Federal Regulations (36 CFR68.3(b))

- (1)** A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.
- (2)** The historic character of a property will be retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.
- (3)** Each property will be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or elements from other historic properties, will not be undertaken.
- (4)** Changes to a property that have acquired historic significance in their own right shall be retained and preserved.

- (5) Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.
- (6) Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.
- (7) Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.
- (8) Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.
- (9) New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.
- (10) New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

J. General Parameters for Reviewing Changes in the Frederick Town Historic District

- (1) **Hierarchy of façades.** Historically, a building's design reflected its location and siting on its lot. The elevations facing a street typically were more elaborately designed and may have used richer, more decorative detailing than rear elevations. This hierarchy of treatments was based on visibility from the street. The Commission may exercise a certain degree of leniency when considering appropriate treatments for less prominent façades.
- (2) **Character-defining features.** Character-defining features are those building components that make the structure unique and different from other buildings, characteristic elements of a particular architectural style, technique or architect, or features that are important to a building's unique identity. Elements that contribute to a building's overall significance will be more carefully scrutinized than those of lesser significance. Character-defining elements must be identified, retained and preserved to the fullest extent possible.

Character-Defining Features

Throughout these guidelines reference is made to character-defining features. Such features are prominent or distinctive aspects, qualities, or characteristics of a resource that contribute to its physical character. Character-defining features of a building may include its form, decorative or functional elements, or specific materials. Character-defining features of a landscape may include plant materials, decorative and artistic details, streetscape elements, and the design of the space.

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- (3) Historic materials.** Every effort must be made to retain and preserve historic materials. Non-original materials that the Commission believes have accrued significance must be retained and preserved, if possible. If replacement is necessary, new materials must be compatible in design, quality, materials, size, texture, details, and color.
- (4) Inappropriate actions.** The following actions are discouraged in the Historic District:

 - a. Removing character-defining elements.
 - b. Radically altering a property.
 - c. Introducing elements to the existing building or site that cannot be documented historically.
 - d. Demolishing significant and contributing properties.
- (5) False sense of history.** Changes and new features that create a false sense of historical development, such as adding conjectural features, are not permitted. However, the Commission may find new features to be appropriate when they convey their contemporary construction through the use of different materials, offsetting the new feature, or other techniques.
- (6) Missing features.** A missing feature is a feature that no longer exists but is known to have existed historically by documentary or physical evidence. If a missing feature is proposed for reconstruction, the replacement feature shall be compatible in design, materials, and scale with the historic feature.
- (7) Beyond repair.** Rehabilitating historic fabric is an important aspect in retaining the unique characteristics of a property. However, sometimes a feature or material is in such poor condition that replacement is the best option. The following considerations should be taken into account when determining if a feature is beyond repair:

 - a. If the feature or material is a rare example in the historic district or if it is historically or architecturally significant to the resource, then repair is strongly encouraged (rather than replacement).
 - b. If deterioration is limited to a portion of a feature and that section(s) can be repaired or replaced in-kind, then total replacement should be avoided.
 - c. If the level of repair is so extensive that much of the historic material will be lost, then total replacement may be appropriate.
- (8) Open spaces.** Spaces that were historically designed to remain open, including but not limited to parks, public squares, designed landscapes, and cemeteries, shall be maintained and preserved.
- (9) Adaptive use.** Adaptive use refers to modifications that render a building usable for a function other than originally intended. These guidelines are intended to encourage the adaptive use of properties, as long as character-defining features are not compromised.
- (10) Energy conservation.** These guidelines are compatible with several measures that result in energy savings. However, when measures that result in the destruction of original fabric are proposed, the Commission may recommend a different strategy that better preserves the resource.

K. Historic Preservation Commission Review

- (1) The Historic Preservation Commission reviews all work specified in the Guidelines, including but not limited to the following:
 - a. All exterior alterations to buildings, sites, structures, or objects. The Commission regulates changes to the entire building envelope, including all façades and roofs. It also reviews changes to all ancillary or secondary buildings and changes to settings and landscapes located in the Historic District.
 - b. Maintenance that may impact the integrity of the material or structure, such as re-pointing masonry and cleaning exterior materials.
 - c. Construction, including new construction, reconstruction, and additions;
 - d. Demolition of any resource in the Historic District.
 - e. Moving buildings, structures and objects.
- (2) The Commission does not review the following categories of work:
 - a. Routine maintenance that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archeological, or architectural significance of the site or structure and is not otherwise contrary to the Guidelines. Examples include re-attaching loose downspouts, replacing broken glass, and replacing deteriorated flashing. The Commission maintains a list of work that does not require its approval, which is available at the Planning Department or on the City's website.
 - b. Interior work.
 - c. Paint color, except painted signs, roofs, building accessories, and other pre-finished elements.

L. Review of All Façades. The Commission reviews all exterior changes to properties in the Historic District if any portion of the structure or site is visible from a public way, whether or not the proposed changes are visible from a public way. Depending on the nature of the project, the significance of the property, and the impact of the work on the historic resource, the Commission may be more lenient when reviewing proposals that affect portions of buildings not visible from a public way.

M. Required Considerations for Reviewing Applications. The Commission will consider the following in its review of applications:

- (1) The historic, archeological, or architectural significance of the site or structure and its relationship to the historic, archeological, or architectural significance of the surrounding area;
- (2) The relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding area;
- (3) The general compatibility of exterior design, scale, proportion, arrangement, texture and materials proposed to be used; and
- (4) Any other factors, including aesthetics, which the Historic Preservation Commission considers pertinent.

N. Degree of Importance

- (1) **Required consideration.** When the Commission makes a decision regarding construction, reconstruction, alteration, moving, or demolition, it must consider the

historical, archeological and architectural value of the resource, including its integrity. Resources in the Historic District are either contributing or non-contributing.

a. Contributing. Contributing resources are the following:

- i.** Buildings, structures, sites, or objects that help define the district;
- ii.** Buildings, structures, sites, or objects that add historical or architectural value; or
- iii.** Generally, those buildings, structures, sites, or objects that were built during the Historic District's Period of Significance (see Q, below). Resources that are less than fifty years old, but which are important for their association with a significant event, person, or architectural movement of national relevance, may be considered contributing.

b. Non-contributing. Non-contributing resources are those buildings, structures, sites, or objects that do not help define the Historic District and do not add historical or architectural value to the Historic District. Generally, resources that are less than fifty years old are non-contributing.

O. Sites and Structures of Unusual Importance. The Commission may find a contributing resource to be of unusual importance, meaning that it embodies the highest levels of architectural, historical or archaeological significance. A resource of unusual importance must individually meet one of the Criteria for Designation in Section 423 of the Land Management Code.

- (1) If an application is submitted for construction, reconstruction or alteration, moving, or demolition of a site or structure of unusual importance, the Commission shall attempt to formulate an economically feasible plan with the owner of the site or structure for its preservation.
- (2) If no economically feasible plan can be formulated, the Commission shall have 90 days from the time it concludes that no economically feasible plan can be formulated to negotiate with the owner and other parties in an effort to find a means of preserving the site or structure.
- (3) Except as otherwise provided in subparagraph (ii) of this paragraph, unless the Commission is satisfied that the proposed construction, reconstruction or alteration will not materially impair the historic, archeological or architectural significance of the site or structure, the Commission shall deny the application for construction, reconstruction or alteration.
- (4) The Commission may approve the proposed construction, reconstruction, alteration, moving or demolition if:
 - a.** The structure is a deterrent to a major improvement program that will be of substantial benefit to the City;
 - b.** Retention of the structure would cause undue financial hardship to the owner; or
 - c.** Retention of the structure would not be in the best interests of a majority of persons in the City.

P. Judgment of Plans

The Commission "shall strictly judge plans for sites or structures determined by research to be of historic, archeological, or architectural significance" (contributing resources). The Commission "may not strictly judge plans for a site or structure of little historic,

archeological, or architectural significance, or involving new construction” (non-contributing resources), unless the plans would seriously impair the historic, archeological, or architectural significance of the surrounding site or structure (Annotated Code of Maryland, Land Use Article, § 8-304).

Q. Period of Significance

The period of significance refers to the inclusive time period of the development or construction of resources that define the Historic District. The period of significance for above-ground (non-archeological) resources dates from the mid-eighteenth century to fifty years back from the current year. The period of significance for archeological resources extends from pre-historic times to fifty years back from the current year. Resources less than fifty years old may be considered contributing to the Historic District if they are related to an event of great historical importance, to a person of national or international significance, or if they are the work of a master architect or builder.

R. Deviation from the Guidelines. From time to time the Commission may decide it should make a decision regarding construction, reconstruction, alteration, moving, or demolition that deviates from the Guidelines and may compromise the historical value of a resource. Such deviation shall only be made under the following circumstances and only if the proposed deviation is in keeping with the Historic District and the neighborhood:

- (1) **Deviation for contributing resources.** Deviation from the guidelines will not be permitted for contributing resources if any of the following pertain:
 - A. The integrity of the streetscape will be compromised; or
 - B. The integrity of any surrounding historic properties will be compromised; or
 - C. The contributing resource or its setting will be so altered that it will no longer be contributing.

- (2) **Deviation for non-contributing resources.** Deviation from the guidelines for non-contributing resources will not be permitted if:
 - A. The integrity of the streetscape will be compromised; or
 - B. The integrity of any surrounding historic properties will be compromised; or
 - C. The design integrity of the resource itself will be compromised.

S. Required Findings for Deviation from the Guidelines. The Commission shall not deviate from the Guidelines as described in R, above, unless it finds the following:

- (1) Deviation from the Guidelines will not be contrary to the purpose and intent of the *Frederick Town Historic District Design Guidelines*; or
- (2) Any resulting loss of historic fabric or character will be ameliorated by the proposed construction, reconstruction, alteration, moving, or demolition.

Federal, State & Local Historic Preservation Tax Credits

Federal & State Historic Preservation Tax Credits: Certain rehabilitation work on designated historic properties or contributing resources in historic districts that are listed on or eligible for listing on the National Register of Historic Places may qualify for Federal and State income tax credits. Properties located in the Frederick Town Historic District are potentially eligible for this type of financial incentive. Please note that the Federal tax credits are only for income-producing properties and must be certified by the [National Park Service](#) (NPS). The [Maryland Historical Trust](#) (MHT) is the point of contact for both Federal and State tax credits. *Tax credit approval from MHT and/or the NPS is not a substitute for HPC approval.*

City of Frederick's Historic Preservation Tax Credit: Tax paying property owners in the Frederick Town Historic District may apply for a property tax credit equal to twenty-five percent of the properly documented expenditures incurred for exterior work that contributes to the restoration or preservation of a structure designated by the City of Frederick (Historic Preservation Overlay). In order to be eligible, the project must have prior HPC approval and a permit unless the project is only for eligible work on the [Minor Rehabilitation List](#). Not all work that receives HPC approval is necessarily eligible for the tax credit. More information can be found on the [City's website](#).

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T. Permitted Actions by the Historic Preservation Commission. The Commission may take the following actions with regard to applications:

- (1) Approve;
- (2) Approve with modifications;
- (3) Deny;
- (4) Continue.

U. Resubmitting Denied Applications. If an application is denied, the applicant may:

- (1) Modify the proposal so it is not substantially the same and submit a new application; or
- (2) Wait at least one year and resubmit the application; or
- (3) Follow the applicable appeal rights set forth in the City Code.

V. Deadline to Commence Work and Expiration of Approval

The Certificate of Approval is valid for three years, according to the City Code. The applicant has three years from the date of the approval to obtain a building/zoning permit and commence work. Six months extensions may be granted by staff before the approval expires.

W. Commission Meeting Schedule

The Commission meets at regularly scheduled times and occasionally holds special meetings. Commission workshops are intended for informal discussion, with no formal action taken. At regular meetings, or hearings, formal action is taken on applications and items. All meeting

agendas are posted on the [City's website](#) and may also be obtained from the Planning Department.

X. Workshops

Workshops provide applicants with an opportunity for Commission feedback and suggestions. Comments made at workshops are intended to provide guidance to applicants. Comments made at workshops are not binding upon the Commission and they may not reflect consensus or the outcome of a formal hearing. No formal action is taken at workshops.

Y. Hearings

Hearings are formal and official meetings at which the Commission decides if the application should be approved, approved with conditions, or denied. If the application is considered incomplete pursuant to the HPC Rules of Procedure, the application will be continued to a future hearing. A complete application may be continued if the applicant and Commission mutually agree that the case should be continued.

HPC APPLICATIONS & TYPES OF REVIEW

Exterior rehabilitation work, additions, new constructions, and site modifications require HPC approval and a building/zoning permit before starting work. The first step in this process is to submit a HPC application to the Planning Department. This form is available at the Planning Department and on the [City's website](#). Once an application has been approved, a Certificate of Approval will be issued so the applicant can obtain a building/zoning permit. If a Certificate of Denial is issued, the applicant cannot obtain a building/zoning permit. Although the same application is used for various types of projects, there are several different types of review processes in place.

Administrative Review. The Commission allows qualified historic preservation staff or a qualified consultant to approve certain categories of work that are in compliance with the Guidelines. Categories of work eligible for “administrative approvals” are specified by the Commission in the *HPC Rules of Procedure*. They are listed on the City’s web site and are available at the Planning Department. Applications processed administratively do not need to be scheduled for workshops or hearings. Please note that the administrative approval process does not preclude the requirement to obtain all required building/zoning permits.

Commission Review. Projects that are not eligible for Administrative Review are evaluated by the Commission for its consistency with the Guidelines. This type of review requires attendance at a HPC hearing which are held at 6:00 p.m. on the second and fourth Thursday of each month. Public notice is required and public testimony will be heard at the hearing. Attendance at a workshop may also be required.

Minor Modifications to Approval. If minor changes are to be made for an approved project, the Commission has granted historic preservation staff or a qualified consultant review authority. Examples of such changes include items such as the addition of vents and exhaust fans or the substitution of models of light fixtures. A complete list is maintained on the Request for Minor Modifications form. If a building and/or zoning permit has already been issued for the project, the historic preservation will forward a copy of the approved minor changes to the Building Department if the proposed work complies with the Guidelines.

Emergency Approvals. If a building code official determines that a structure is an imminent danger as defined by the code, the official shall determine whether or not the proposed alteration or demolition is required to abate the danger.