

Title 14 INDEPENDENT AGENCIES

Subtitle 29 MARYLAND HERITAGE AREAS AUTHORITY

Chapter 01 Designation of Recognized Heritage Areas

Authority: Financial Institutions Article, §§13-1107(6) and 13-1110(a)(2), Annotated Code of Maryland

.01 General.

Financial Institutions Article, Title 13, Subtitle 11, Annotated Code of Maryland, establishes the Maryland Heritage Areas Authority and the Maryland system of recognized and certified heritage areas. The Maryland Heritage Areas Authority is an independent unit that operates within the Department of Housing and Community Development and is authorized to consider proposals submitted by local jurisdictions for recognition of heritage areas that meet established criteria.

02 Definitions.

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Act" means Financial Institutions Article, §§13-1101—13-1124, Annotated Code of Maryland.

(2) "Authority" means the Maryland Heritage Areas Authority established under Financial Institutions Article, §13-1103, Annotated Code of Maryland.

(3) "Fund" means the Maryland Heritage Areas Authority Financing Fund established under Financial Institutions Article, §13-1114, Annotated Code of Maryland.

(4) Heritage Area.

(a) "Heritage area" means a developed area of public and private uses that:

(i) Ranges in size from a portion of a county or municipal corporation to a regional area with a special coherence;

(ii) Is distinguished by physical and cultural resources which have played a vital role in the historic life and development of the community and contribute to the public through interpretive, educational, and recreational use; and

(iii) Is composed of contiguous or noncontiguous geographic areas.

(b) "Heritage area" includes:

(i) Traditional parks or historic places; or

(ii) Property on the National Register of Historic Places or the Maryland Register of Historic Properties.

(5) "Local jurisdiction" means any of the 23 counties of the State, the City of Baltimore, any municipal corporation in the State subject to the provisions of Article XI-E of the Maryland Constitution, or any of their duly authorized agencies or instrumentalities.

(6) "Management plan" means a document prepared in accordance with Financial Institutions Article, §13-1111, Annotated Code of Maryland, that includes a comprehensive statement in words, maps, illustrations, or other media of communication of the objectives, policies, and standards to guide public and private action for the preservation, interpretation, development, and use of the cultural, historic, natural, and architectural resources of a heritage area certified under Financial Institutions Article, §13-1111, Annotated Code of Maryland.

(7) "Recognized heritage area" means a heritage area that the:

(a) Local jurisdictions within the heritage area have nominated for designation by the Authority as a recognized heritage area under Financial Institutions Article, §13-1110, Annotated Code of Maryland; and

(b) Authority has designated as eligible to apply for designation as a certified heritage area under Financial Institutions Article, §13-1111, Annotated Code of Maryland.

.03 Eligible Proposals.

A. Upon public solicitation by the Authority of proposals for heritage area recognition, the governing bodies of all of the local jurisdictions located within the specific boundaries of a heritage area may submit a proposal for designation of the heritage area by the Authority as a recognized heritage area.

B. A proposal shall:

(1) Specify the boundaries for the heritage area;

(2) Identify the local entity to be responsible for coordinating development of the management plan necessary for the heritage area to be designated as a certified heritage area under Financial Institutions Article, §13-1111, Annotated Code of Maryland;

(3) Describe the cultural, historic, and natural resources which contribute to the special character of the heritage area;

(4) Specify the general goals and objectives for the preservation, development, and management of the heritage area;

(5) Identify the types of public and private uses to be accommodated in the heritage area;

(6) Describe the strategies for encouraging and accommodating visitation to, and the compatible economic development of, the heritage area;

(7) Provide an economic overview of the long-term and short-term costs and benefits related to the development of the heritage area;

(8) Describe the techniques and means to be instituted by the local jurisdictions to assure the long-term preservation and protection of the cultural, historic, and natural resources within the heritage area, including zoning, subdivision controls, and other growth management techniques;

(9) To the maximum extent possible, have been developed in consultation with all State agencies affected by designation of the heritage area as a recognized heritage area, including the following departments:

(a) Housing and Community Development regarding housing, neighborhood revitalization, historic preservation, and museum programs,

(b) Business and Economic Development regarding the State tourism program and economic development and job creation activities,

(c) Natural Resources regarding outdoor recreation and the management of natural resources including State greenways,

(d) Higher Education regarding educational resources and their interpretation,

(e) Transportation regarding access to and transportation within the heritage area, including the State scenic byways program and programs for special signage, and

(f) General Services regarding the management and disposition of State property; and

(10) Have been approved by the governing bodies of all of the local jurisdictions located within the specific boundaries proposed for the recognized heritage area.

.04 Recognition Criteria.

The Authority may designate a heritage area as a recognized heritage area if:

A. The proposal submitted for recognition:

(1) Contains the information required under Regulation .03B of this chapter; and

(2) Meets all other requirements of Regulation .03 of this chapter;

B. The Authority finds that the heritage area proposed for recognition contains:

(1) Resources of Statewide significance that have retained integrity of setting and a cohesive character; and

(2) At least one or more:

(a) Historic districts either listed in, or determined by the Director of the Maryland Historical Trust to be eligible for listing in, the Maryland Register of Historic Properties in accordance with Article 83B, §5-615, Annotated Code of Maryland, or

(b) Natural or recreational resources determined by the Secretary of Natural Resources to be of Statewide significance; and

C. Public assistance for the heritage area proposed for recognition is reasonably expected to produce:

- (1) Additional private investments;
- (2) Job creation; and
- (3) Tourism revenues.

.05 Processing Proposals.

A. A proposal for recognition shall include:

- (1) The resolution, ordinance, or other appropriate authorization issued by the governing body of the local jurisdiction approving the proposal;
- (2) The information required under Regulation .03B(3) and (7) of this chapter upon which the local jurisdictions relied in determining that the proposal met the criteria under Regulation .04 of this chapter; and
- (3) Any additional information the Authority requests.

B. The Authority shall approve, approve with conditions, or disapprove the proposal, taking into consideration the criteria under Regulation .04 of this chapter.

C. The Authority shall notify the local jurisdiction or jurisdictions of the approval, approval with conditions, or disapproval of the proposal together with all reasons for disapproval. Approval of the proposal constitutes designation of the heritage area, as approved by the Authority, as a recognized heritage area.

D. The boundaries of the recognized heritage area are the boundaries depicted on the map submitted with the proposal for recognition, as approved or approved with modifications by the Authority.

E. Recognized heritage area boundary maps shall be kept on file at the Department of Housing and Community Development and at the office of the county clerk of the county or counties in which the recognized heritage area is located.

F. A heritage area designated as a recognized heritage area may apply for:

- (1) Matching grants from the Authority for development of a management plan; and
- (2) Designation as a certified heritage area under Financial Institutions Article, §13-1111, Annotated Code of Maryland.

.06 Amendment of Recognized Heritage Area Boundaries.

A. The Authority may amend or revise the boundaries of a recognized heritage area with the approval of all of the local jurisdictions in which the property to be added or removed from the recognized heritage area is located.

B. The amended or revised boundaries are effective upon publication by the Authority of a revised boundary drawing or description in the Maryland Register.

.07 Program Administration.

The Authority may adopt a handbook containing internal guidelines related to the administration of the heritage area recognition criteria and process, or establish other requirements relating to the recognition process. The handbook shall be available for public examination at the Department of Housing and Community Development. The Authority, upon request, shall make copies available to the public.

.08 Waiver.

The Authority may waive or vary a provision of this chapter to the extent that the waiver or variance is consistent with the Act and, in the written determination of the Authority, the application of the provision in a specific case or in an emergency situation would be inequitable or contrary to the purposes of the Act.

.09 False Statements.

A person who knowingly makes or causes to be made a false statement in any document submitted to the Authority in connection with a proposal for recognized heritage area designation or boundary amendment or revision is subject to any penalties authorized by law.