

**ORDINANCE**  
**FOR THE PURPOSE OF CONSIDERING AN APPLICATION TO AMEND THE  
ZONING MAPS OF CALVERT COUNTY TO REMOVE A HISTORIC DISTRICT  
OVERLAY FROM THE KENT-MILLARD HERITAGE HOUSE PROPERTY**

**WHEREAS**, Title 8 of the *Land Use Article* of the Maryland Annotated Code, as amended, empowers the Board of County Commissioners of Calvert County, Maryland to enact a Zoning Ordinance and maps to promote the health, safety, and welfare of the citizens of Calvert County and to provide for its administration, enforcement, and amendment;

**WHEREAS**, Board of County Commissioners has, heretofore, exercised its authority to designate boundaries for sites, structures, and districts that are considered to be of historic, archaeological, or architectural significance granted by § 8-105 of the *Land Use Article* of the Maryland Annotated Code;

**WHEREAS**, Board of County Commissioners has exercised its authority granted by § 8-105 of the *Land Use Article* of the Maryland Annotated Code to create a local historic district commission and has adopted local legislation pertaining to the authorities to designate boundaries and districts of historic, archaeological, or architectural significance that is codified in Chapter 57 of the Calvert County Code;

**WHEREAS**, the Kent-Millard Heritage House, located at 12531 Olivet Road, in Lusby, Maryland and shown on Tax Map 45 as Parcel 91, Lot 1, is subject to a Historic District Overlay imposed by Resolution 26-18, adopted on May 15, 2018;

**WHEREAS**, Harriett R. Millard, property owner, submitted an application to the Historic District Commission (HDC) to remove the historic district designation from the Kent-Millard Heritage House property;

**WHEREAS**, local legislation provides that, "...should an Historic District no longer meet the above criteria and the specific criteria for which it was originally designated, the Historic District designation may be removed by legislative action of the County Board of Commissioners after receipt of a recommendation from the Historic District Commission;"

**WHEREAS**, after granting Ms. Millard's motion for reconsideration, and upon consideration of new substantive information presented and submitted into the record, including testimony and documentation related to a Phase I Intensive Archaeological Survey, the Calvert County Historic District Commission in accordance with its Rules of Procedure reconsidered its prior recommendation and recommended denial approval of the application to remove the historic district from the Kent-Millard Heritage House property;

**WHEREAS**, after due notice was published, the Board of County Commissioners and the Planning Commission of Calvert County, Maryland (hereinafter, the "Planning Commission") conducted a joint public hearing on April 19, 2023, at which time the applicant's request was discussed, the recommendation of the Historic District Commission was discussed, and public comment was solicited;

**WHEREAS**, after study and evaluation following the conclusion of said public hearing the Planning Commission voted to recommend approval of the applicant's request; and

**WHEREAS**, after considering the testimony presented at the public hearing regarding the proposed designation removal, and the recommendation of the Planning Commission, and in furtherance of the public health, safety and welfare, the Board of County Commissioners of Calvert County, Maryland shall determine if it is in the best interest of the citizens of the County to repeal Resolution 26-18 and amend the Calvert County Zoning Maps to reflect the removal of the Kent-Millard Heritage House from a Historic District Overlay based on it no longer meeting the criteria for Historic District designation.

**NOW, THEREFORE, BE IT ORDAINED** that the Board of County Commissioners of Calvert County, Maryland makes the following legislative findings:

1. The Kent-Millard Heritage House, located at 12531 Olivet Road, in Lusby, Maryland and shown on Tax Map 45 as Parcel 91, Lot 1, is subject to a Historic District Overlay imposed by a Resolution 26-18, adopted on May 15, 2018;
2. In 2018, the property was determined to meet criterion (1)(d) of § 57-8A of the Calvert County Code, “exemplifies the cultural, economic, social, political or historic heritage of the county and its communities, by the Calvert County HDC and a Historic District Overlay was placed on the property;
3. The property has been owned by the same family since 1890, the modest bungalow on the property was constructed in approximately 1940, and as Resolution 26-18 notes, in part,  
*“The grounds around the house have been virtually undisturbed since the Kents purchased the property making it an intact archaeological record of an African American family that spans more than 120 years. The continuity of family ownership, the unchanged scale of the dwelling, and the potential information contained in the archaeological record on the property make this a significant and rare resource.”*
4. In 2020; the HDC approved a Historic Area Work Permit to demolish the ca. 1940 bungalow structured, then in ruinous state, citing § 57-14A, giving consideration to, “The historic, archaeological or architectural value and significance of the structures and its relationship to the historic, archaeological or architectural value of the surrounding area.”
5. On October 31, 2022, Ms. Harriett R. Millard, property owner, submitted an application and petition to remove the historic district overlay from the Kent-Millard Heritage House Historic District, consistent with the process described in § 57-9 of the Calvert County Code.
6. On June 14, 2023, the HDC held a hearing on Ms. Millard’s motion for reconsideration and, after granting that motion and hearing testimony and receiving additional substantive information in the record, including testimony and documentation related to a Phase I Intensive Archaeological Survey demonstrating the lack of integrity of the archaeological record, the HDC voted to recommend that the Calvert County Board of County Commissioners approve the application to remove the historic district from the Kent-Millard Heritage House property.

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the Kent-Millard Heritage House Historic District no longer meets the criteria for historic district designation as stated in Resolution 26-18, due to the removal of the ca. 1940 bungalow structure and the evidence in the record demonstrating the grounds around the house have been disturbed, the property does not contain an intact archaeological record of an African American family that spans more than 120 years, and a lack of any meaningful information related

to the archaeological record that would make the property a significant and rare resource; therefore, the property no longer, “exemplifies the cultural, economic, social, political or historic heritage of the county and its communities” and the Historic District Overlay shall be removed from the subject property upon these grounds;

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the form, mass and feel of the Kent-Millard Heritage House has changed since the 2018 designation of the property through removal of the ca. 1940 bungalow structure and associated ground disturbance and the Historic District Overlay shall be removed from the subject property upon these grounds;

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that Resolution 26-18 be repealed and the applicable zoning maps be revised and republished without the Historic District Overlay upon the property located at 12531 Olivet Road, in Lusby, Maryland and shown on Tax Map 45 as Parcel 91, Lot 1;

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that, the Calvert County Zoning Maps shall otherwise remain in full force and effect, in the event any portion of this Ordinance, the Calvert County Zoning Ordinance or the Calvert County Zoning Maps, are found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance or Map shall be enforceable and valid;

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein; and

**BE IT FURTHER ORDAINED** by the Board of County Commissioners of Calvert County, Maryland that this amendatory Ordinance shall be effective upon recordation without publication of a fair summary.

**DONE**, this 15th day of November 2023, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye:	<u>5</u>
Nay:	<u>0</u>
Absent/Abstain:	<u>0</u>

**[SIGNATURES ON FOLLOWING PAGE]**

BK0072PG0398

Ordinance No. 43-23

Re: The Removal of a Historic District for the Site Known as the Kent Millard Heritage House

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ATTEST:

**BOARD OF COUNTY COMMISSIONERS  
OF CALVERT COUNTY, MARYLAND**

*Katie Brittain*

Katie Brittain, Clerk

*Earl F Hance*

Earl F Hance, President

*Mike Hart*

Mike Hart, Vice President

Approved for legal sufficiency:

*Mark C. Cox Sr.*

Mark C. Cox Sr.

*John B. Norris*

John B. Norris, County Attorney

*Catherine M. Grasso*

Catherine M. Grasso

*Todd Ireland*

Todd Ireland

Received for Record.. *November 27*....., 20*23*  
at..... *10:58*.....o'clock..... *A*.....M. Same day  
recorded in Liber KPS No. .... *12*.....  
Folio..... *395*.....COUNTY COMMISSIONERS  
ORDINANCES AND RESOLUTION.

*Garry P. Smith*