CITY OF DOVER HISTORIC DISTRICT COMMISSION
AGENDA
THURSDAY, February 19, 2015 - 3:00 P.M.
City Hall – Conference Room

ROLL CALL
APPROVAL OF AGENDA
APPROVAL OF MINUTES OF MEETING on January 15, 2015

COMMUNICATIONS & REPORTS

1. Summary of 2014 Activity
    a. Summary of Applications 2014 and 2015
    b. Summary of Architectural Review Certifications for 2015

2. Department of Planning & Inspections Update
    a. Draft Bicycle Plan and Pedestrian Plan for Dover
    b. Restoring Central Dover Community Plan
    c. Citywide Recreational Needs Assessment
    d. Delaware Downtown Development District program

OLD BUSINESS

1. Status of DRAFT Certified Local Government (CLG) Application (HI-15-01)

NEW APPLICATIONS

1. HI-15-05 Biggs Museum Sculpture at 406 Federal Street – Public Hearing and Review for Action on the Architectural Review Certification associated with the placement of a sculpture in the front yard area adjacent to the museum entrance. The property is zoned IO (Institutional and Office Zone) and is subject to the H (Historic District Overlay Zone). The property is located on the southwest corner of Federal Street and East North Street. The owner of record is State of Delaware. Address: 406 Federal Street. Tax Parcel: ED-05-077.09-05-17.00-000. Council District 4.

NEW BUSINESS

1. Determination of Demolition by Neglect
    a. HI-15-06 Building at 312 West Loockerman Street– Determination of Demolition by Neglect for the building located at 312 West Loockerman Street. The subject site consists of one parcel of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the south side of West Loockerman Street between South New Street and South Queen Street. The owners of record are Renee and Deborah Bolds. The property address is 312 West Loockerman Street. Tax Parcel: ED-05-077.09-01-70.00-000. Council District 4.

2. Review of Permits Referred to Commission

3. Proposed Ordinance #2015-03 (MI-15-02) Updates to *Dover Code of Ordinances,* Chapter 102 – Taxation, Article V – Tax Credits for Historic Properties

ADJOURN

THE AGENDA ITEMS MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSION.
Agenda Posted: February 9, 2015 at 5:00pm

MINUTES OF
HISTORIC DISTRICT COMMISSION
MEETING of January 15, 2015

- The Historic District Commission Meeting Minutes of January 15, 2015 are still being prepared. These Meeting Minutes will be distributed to the Commission members via email prior to the meeting and provided as a hard copy at the February 19, 2015 meeting for review.

- Adoption of the Meeting Minutes will be considered at the February 19, 2015 meeting of the Historic District Commission.

City of Dover Historic District Commission
Summary of Applications 2015
Updated thru February 9, 2015

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-15-01	DRAFT Certified Local Government Application	City of Dover	Application to be designated as a Certified Local Government	Draft Application presented to HDC on 1/15/2015. Draft Application to be reviewed by Legislative, Finance & Administration Committee on 1/26/2015 (meeting canceled due to weather) and rescheduled for 2/9/2015.	Planning Staff completed DRAFT of CLG Application. Pending City reviews prior to submission to SHPO.
HI-15-02	Sign Permit #14-1609 Referral	151 Kings Highway SW, Woodburn Governors Mansion	Sign Permit for post and panel sign	Permit #14-1609 referred to HDC by City Planner for Architectural Review Certification consultation; 1/15/2015 HDC Meeting - approved ARC as submitted in permit; Staff Approval of Permit per ARC	Permit issued for post and panel sign.
HI-15-03	Sign Permit #15-15 Referral	6 South State Street, Baird Mandalas & Brockstedt	Sign Permit for freestanding sign and fence	Permit #15-15 referred to HDC by City Planner for Architectural Review Certification consultation; 1/15/2015 HDC Meeting - approved ARC with conditions on height and size; Staff Approval of Permit per ARC	Permit issued for freestanding sign and fence at property corner of South State Street and Division Street.
HI-15-04	Building Permit #15-19 Referral	3 Loockerman Plaza, PNC Bank	Building Permit for Drive-thru ATM structure	Permit #15-19 referred to HDC by City Planner for Architectural Review Certification consultation; 1/15/2015 HDC Meeting - approved ARC with conditions for dumpster enclosure; Staff Approval of Permit per ARC	Permit ready to be issued.
HI-15-05	Biggs Museum Sculpture	406 Federal Street	Installation of exterior sculpture of tree and birds	Architectural Review Certification Application scheduled for HDC meeting of 2/19/2015	Application pending review.
HI-15-06	Building at 312 West Loockerman Street	312 West Loockerman Street	Determination of Demolition by Neglect	Consideration of Determination of Demolition by Neglect scheduled fore HCD meeting of 2/19/2015	Active Code Enforcement Cases; Recommended by Staff for consideration as a Dangerous Building

City of Dover

ARCHITECTURAL REVIEW STAFF REPORT
Before Dover Historic District Commission
February 19, 2015

Application:	Biggs Museum of American Art: Sculpture Installation 406 Federal Street, Dover, Delaware
Location:	Southwest corner of Federal Street and North Street
Tax Parcel:	ED-05-077.09-05-17.00-000
Owner: Tenant:	State of Delaware Biggs Museum of American Art
Present Zoning:	IO – Institutional and Office Zone H - Historic District Zone SWPOZ – Source Water Protection Overlay Zone* (*Exempt from Tier 3 provisions due to Downtown Redevelopment Target Area location. *Zoning Ordinance,* Article 3 §29.79)
Present Use:	Museum
Proposed Use:	Museum
File Number:	HI-15-05

Project Description:
The Historic District Commission will act on an Architectural Review Certificate for an outdoor sculpture installation at the Biggs Museum of American Art. This application consists of the placement of a sculpture in the front yard area adjacent to the museum building entrance. The property consists of one parcel of land zoned IO (Institutional and Office Zone) and subject to the H (Historic District Zone) and SWPOZ (Source Water Protection Overlay Zone). The property is located on the southwest corner of Federal Street and North Street. The owner of record is the State of Delaware and the leasee is the Biggs Museum of American Art. The property address is 406 Federal Street. Tax Parcel: ED-05-077.09-05-17.00-000. Council District 2.

SWPOZ (Source Water Protection Overlay Zone)
A portion of the property is located within the SWPOZ (Tier 3: Excellent Recharge Area) found in Article 3 Section 29.7 of the *Zoning Ordinance*. However, this project site is within the downtown redevelopment target area which is exempted from the SWPOZ requirements and restrictions as per *Zoning Ordinance,* Article 3 §29.79.

Property Information:
The subject site is currently the location of the Biggs Museum of American Art. Previously, the building housed the Delaware State Visitor Center facilities on the first floor with the Biggs Museum on the upper floors. The original portion of the building dating to 1858 is a two story brick building constructed in the Italianate style. In the late twentieth century an addition, also of brick, was constructed to the north side of the building.

This property is included within the boundaries of the Dover Green Historic District (K-394) which is listed in National Register of Historic Places. Within the National Register nomination, the original portion of the existing building (K-394.1) is noted as a contributing resource of the Historic District. It is also identified as K-363. Provided below is the description of the building from the building inventory listing found within the National Register nomination completed for the Dover Green Historic District (nomination completed 1973-76 and amended).

> *K-394.1 Old County Building – 1858; brick, 2-story, 3-bay office building in Italianate style. Originally built next to the Old State House, facing the Green, this structure was moved to its current location facing Court Street in 1933. It retains its original exterior appearance with a façade of pressed brick laid in stretcher bond. Brick are laid with recessed bays, belt course, water table, and crenellation pattern at the cornice. Narrow paired window openings are segmentally arched in all but the center bay over the entry. Here, narrow windows have semicircular arches. The center double-bay door has a frame with elaborate carved brackets supporting a pediment with moldings that repeat the brick pattern in the cornice. There is a fanlight over the door. The roof is low pitch hip. Built as an office building for Kent County, the structure had been used as an agriculture laboratory, the welfare office and currently houses the commissioner of elections. (c)*

A series of historic maps were reviewed by Planning Staff for preliminary information on this area. The *1859 A.D. Byles Map of Kent County* (Dover insert) and *1868 Beers Map* published by Pomeroy & Beers shows the continuation of Court Street east from The Green and with North Street on the north (Federal Street did not exist at the time). The County Office Building and Jail are shown in this general area north of the Old State House. The County Office Building which originally faced The Green was moved a short distance to this present building location.

The project site is located with the local Historic District Zone (H) and subject to the provisions of the *Zoning Ordinance*, Article 3 §21 and referenced sections.

PROJECT PROPOSAL (Application submission of 1/15/2015 and plan drawing of 1/16/2015):

The applicant has supplied information on the proposed project for the installation of the sculpture near the main building entrance to the museum. See attached plan drawings and renderings. The project components are described below:

1. Exterior Sculpture – The exterior sculpture is proposed to be placed on the south side of the main entrance to the building on the east façade. The sculpture is designed by Erica Loustau. The sculpture consists of a welded stainless steel tree seventeen (17) feet in

height and mounted on a domed stamped concrete foundation to serve as a base for the tree. The cabling extends from the sculpture tree to a stainless steel cable line just outside of the glass surface of the glass curtain wall system at the building's entry. A series of birds constructed of powder-coated aluminum will be attached to the suspended cabling. This exterior portion of the sculpture is identified as Phase 2.

2. Interior Sculpture – The sculpture continues on the building's interior in the glass atrium entrance space with the continuation of the flying flock of birds. This portion of the sculpture is identified as Phase 1 and is currently being installed. This interior element of the sculpture is not subject to review by the Historic District Commission.

3. Site Improvements – For the installation of the sculpture, there are site improvements. The two existing brick planter boxes in the brick sidewalk/plaza area at the front of the museum (east façade) will be removed. The northern planter box area will be re-established as brick paving. The southern planter box area becomes the location of the sculpture with adjacent portions re-established as brick paving. Also the existing curb depression and accessibility ramp from the front entry drive will be removed and relocated to align with the front entry doors (currently it is off-set to the south). It will be constructed of concrete curbing and brick paving materials to match the existing surface treatments in the area.

4. Illumination – The sculpture (tree and birds) will be illuminated from ground-level fixtures.

Review of DESIGN STANDARDS AND GUIDELINES

The subject project site is located in the Dover Historic District Zone within the Capitol Square historic context. The Capitol Square historic context is described on pages 2-8 through 2-9. Location within the Dover Historic District Zone requires proposals for demolition, new construction, additions, and certain renovation or rehabilitation activities to existing buildings to receive an Architectural Review Certificate.

The Secretary of the Interior's Standards for the Rehabilitation of Historic Buildings offers two standards applicable to this application. The Standards are listed below as stated on page 1-7.

> 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
>
> 10. New additions and adjacent or related new construction shall 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.

As stated in the *Design Standards and Guidelines for the City of Dover Historic District Zone,* an Architectural Review Certificate will be granted "if it is found that the architectural style,

general design, height, bulk and setbacks, arrangement location and materials affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district."

This proposal should be reviewed for conformity with the design criteria and development guidelines found in the *Design Standards and Guidelines* of Chapter 3: Maintenance, Repair, Preservation and Restoration of Existing Historic Buildings and Chapter 4: New Construction, Additions, Demolition and Relocation.

Specifically the sections in the *Design Guidelines* for Landscaping and Site Amenities and Paving and Bordering (Chapter 3, pages 3-24 thru 3-27) apply to this project. The *Guidelines* on landscaping and site amenities discuss approaches for the "setting" of the building and relationships of the space between buildings. The paving guidelines recommend brick as an appropriate paving material. In Chapter 4, the *Guidelines* specify a series of considerations for new construction of buildings and additions to historic buildings: Siting, Scale, Elevation of the First Floor, Floor-to-Floor heights, Massing, Orientation, Proportions, Materials, and Form and other concepts. Exterior sculptures or other forms of public art are not specifically addressed in the *Design Standards and Guidelines*.

STAFF COMMENTS AND RECOMMENDATIONS

The following are Staff comments and recommendations for this application regarding project activities and Architectural Review Certification.

1. Staff recommends an approval of the Architectural Review Certificate for the Sculpture project. Staff finds that while this east elevation location is visible from Federal Street, the addition of the sculpture does not physically impact the historic 1858 portion of the building. The location of the sculpture affects the existing site paving areas near the museum building's main entry.
    a. The cabling associated with the sculpture is attached to the late twentieth century addition to the original building.
    b. The proposed surface improvements to implement installation of the sculpture utilize the existing curbing and the brick materials and patterns in this area of the site.

2. These conditions are recommended by Staff to improve the project's compliance with the recommended guidelines of the *Design Standards and Guidelines*. The following are recommended conditions:
    a. Clarify the surface treatment of the domed base foundation of the tree.
    b. Any revisions or changes in the identified materials or plan design may be subject to further review by the Historic District Commission.

3. In the event, that major changes and revisions to the project design and materials occur in the finalization of the project contact the Department of Planning and Inspections. These changes may require resubmittal for review by the Historic District Commission.

4. For this project, the any requirements of the building code and fire code must be complied with. Consult with the City's Chief Building Inspector and Office of the Fire Marshal for these requirements.

5. The applicant shall be aware that Building Permit is required to proceed with any construction activities related to the installation of the sculpture on the property. The permit application must comply with the approvals granted through the Architectural Review Certification process.

Historic District Commission Action Required

The Historic District Commission shall consider the proposal and take action in regards to the Architectural Review Certification for the project. The action should reflect consideration of the *Design Standards and Guidelines*.

City of Dover Historic District Commission
Summary of Applications 2014
Updated thru February 9, 2015

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-14-01	Sign Permit #14-148 Referral	22-24 West Loockerman Street - EZ Pass Offices	Sign Permit for two wall signs	Permit #14-148 referred to HDC by City Planner for Architectural Review Certification consultation;2/20/14 HDC Meeting - no quorum present, Staff continued to work with applicant	Staff worked with applicant to revised design and material of wall signs. Revised concept approved and Permit issued. Signage installed.
HI-14-02	Kirby & Holloway Sign	656 North DuPont Highway	Consideration to determine historic/cultural or aesthetic significance of pylon sign	3/20/2014 HDC Consideration of status of pylon sign; HDC Determined Sign to be a Historic & Significant Sign under the provisions of Zoning Ordinance, Article 5 Section 4.12	Sign maintains its legal non-conforming status indefinitely and can remain in its current form.
HI-14-03	Lands of Six South State, LLC: 6 South State Street	6 South State Street	Construction of parking lot off alley and other site improvements	4/17/14 HDC Recommendation of Approval of ArchRevCert with conditions. Application S-14-11 reviewed by PC and granted Approval of ArchRevCert with conditions on 5/19/2014	Check Prints of Site Plan submitted; Review Comments issued 7/7/14 and 8/5/14. Building interior work ongoing under permit and exterior trimwork being painted. Landscape clean-up and select tree removal has occurred. Final Site Plan approval 8/8/2014. Administrative Building Permit #14-1023 issued for site improvements. Inspections of site on 8/18/2014; Temporary Certificate of Occupancy issued.
HI-14-04	Sign Permit #14-279 Referral	300 West Loockerman Street - Family Dollar	Sign Permit for two wall signs	Permit #14-279 referred to HDC by City Planner for Architectural Review Certification consultation; scheduled for 6/19/2014 HDC Meeting. Revised Sign Permit submitted to supersede Permit #14-279; no action by HDC required.	Sign Permit #14-279 superseded by new revised Sign Permit #14-764. With Permit #14-764 Wall Signs to be externally lit by gooseneck lights in compliance with DS&G. Permit approval granted. Signage and gooseneck lights installed.
HI-14-05	Historic Property Tax Credit	54 The Green	Consideration of Application for Historic Property Tax Credit	Application for Tax Credit approved by HDC on 11/20/2014.	Project work received Architectural Review Certification with Permit #14-1231 (Staff Review and information presented to HDC on 9/18/2014). Project complete. Documents processed to Award Tax Credit.

Summary of Permit Applications with Architectural Review Certification
2015 - Updated Thru 1-31-2015

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
1/26/2015	14-1609	151 Kings Highway, SW, Woodburn - Governors Mansion	Sign Permit - Post and Panel Sign	Staff Referral to HDC for 1/15/2015; HDC Consultation as HI-15-02 recommended ARC as Permit submitted	Post and panel sign at driveway entrance; fiberglass panel with black metal posts.
1/26/2015	15-26	406 Federal Street, Biggs Museum	Building Permit- Drainage Improvements	Staff Approval	Project for drainage improvements: new gutter, downspouts, brick and concrete sidewalk regrading, add low brick retaining wall
1/12/2015	15-49	15 Kent Avenue, Murphey School	Roof Permit	No Review of Permit by Planning Staff	Replacement of roof with synthetic slate roof and also work on a flat roof area. This project is similar to roof project on another building in Murphey School complex that received CDBG funding which included review by SHPO Office (Finding of No Adverse Impact) and Planning Staff consultation for project scope of work.
1/22/2015	15-65	125-A West Loockerman Street, Uncorked Canvas	Building Permit - Interior Renovations	Staff Approval. No ArchRevCert required for interior work.	Interior renovations for tenant fit-out.

City of Dover

STAFF REPORT
to the
Dover Historic District Commission
February 19, 2015

Location:	312 West Loockerman Street (South side of West Loockerman Street between South New Street and South Queen Street)
Tax Parcels:	ED-05-077.09-01-70.00-000
Owner:	Renee & Deborah Bolds
Present Zoning:	C-2 (Central Commercial Zone) H (Historic District Zone)
Present Use:	Vacant Commercial Building
File Number:	HI-15-06

Description:
In accordance with the provisions of the *Zoning Ordinance*, Article 10, Section 3.4 Demolition by Neglect, Staff is bringing the subject building forward to the Historic District Commission for consideration as "Demolition by Neglect." The building at 312 West Loockerman Street is located on one parcel of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the south side of West Loockerman Street between South New Street and South Queen Street. Adjacent on the east side is a new commercial building with Family Dollar as the tenant (Constructed under applications HI-13-02 and S-13-12). To the west is an existing parking lot on the property at 326 West Loockerman Street associated with a previous commercial building was demolished (under application HI-11-01).

Property Information:
This building is located within a National Register Historic District, specifically the Victorian Dover Historic District. Provided below is the building summary from the building inventory listing found within the National Register nomination completed for the Victorian Dover Historic District (nomination completed 1977-78).

> K-396.56 312 West Loockerman Street – 20th century, 1-story, masonry, commercial building, flat roof, parapet.

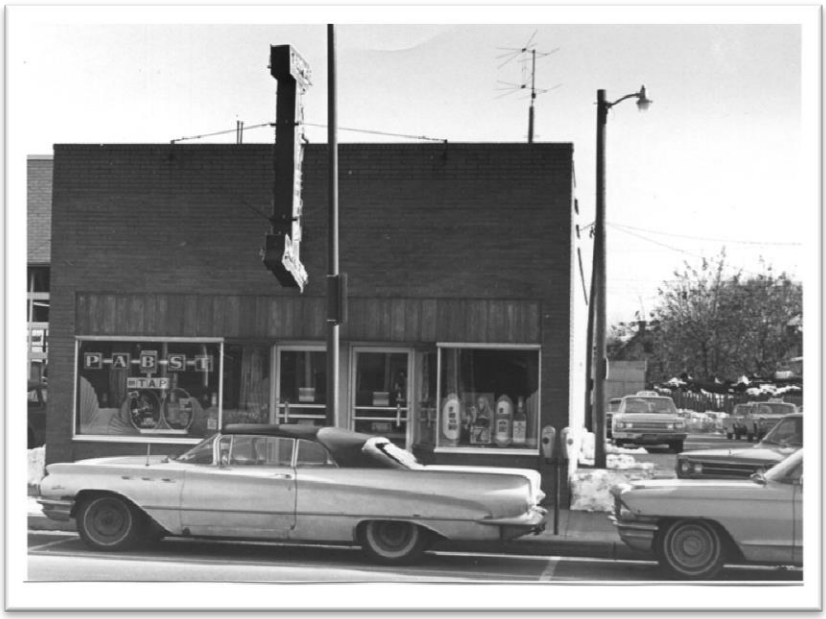
The property is located within H (Historic District zone) as established by the City of Dover.

A series of historic maps was reviewed by Planning Staff for preliminary information on this block of Loockerman Street. The *1868 Beers Map* published by Pomeroy & Beers shows only the established street grid of Loockerman Street and Queen Street to North Street surrounding

this block; no buildings or ownership are noted on the map. By 1885, the *1885 Bird's Eye View of Dover* shows this block on the south side of Loockerman Street between Queen Street and New Street developed with multiple buildings (both commercial and residential) and an alley running east-west. The *1887 Map of the Town of Dover* by W.R. Roe depicts the subject site with a dwelling.

The series of *Sanborn Fire Insurance Maps* is also a reference source for information on the series of buildings which occupied this property over time. During the period of 1885 - 1919 the location at 312 West Loockerman shows a two-story residential dwelling with detached sheds at the rear of the property near the alley. By 1929 the building is shown as being utilized as a store. By 1970 the late nineteenth century building has been demolished and a one story store (commercial) building is in its place. Additional research using other primary and secondary source documents would provide more information on the history of the property and buildings.

Photo documentation from the 1960-1970s shows this building as a commercial building (see photo at right). It is a masonry (concrete block) building and a brick front façade with large storefront display windows and two entry doors. It appears that the exterior front façade of the building has been renovated since its initial construction.



The building was utilized most recently as a tavern named "My Place". However, the building is now vacant and is registered as part of the City's Vacant Building program.

Code Enforcement History:

The property was the subject of Building Permit applications in 2001 for a new sign and in 2010 for an administrative review to re-open the business (Building Permits #01-843 and #10-1963). The process was not completed to achieve a Certificate of Occupancy to re-open.

As early as 2009, the Code Enforcement Division opened a code enforcement case on the property located at 312 West Loockerman Street due to the condition of the property which included the condition issues with windows and doors, overgrowth, and junk and debris on the property. During this time the building was also registered as a Vacant Building. Additional cases were established in 2014 related to the property/building including the condition of exterior surfaces, abandoned signage, no utilities, etc.

On December 16, 2014, the Code Enforcement Division sent notice that if the violations were not corrected by January 6, 2015 the City would begin to address the violations through the provisions of Chapter 22 – Buildings and Building Regulations, Article XI – Dangerous Buildings. On January 9, 2015, the City sent notice to the property owner that the due to lack of action to resolve the violations the property would be presented to City Council for a dangerous building declaration and City staff started the process of moving this building forward as a dangerous building. An initial step is to report to the Historic District Commission for consideration as "Demolition by Neglect."

Demolition by Neglect:

The *Zoning Ordinance* defines "Demolition by Neglect" as:

> Improper maintenance or lack of maintenance of a building, structure or object which results in substantial and widespread deterioration of the building, structure or object which threatens the likelihood of preservation and which presents a threat to the public safety, health and welfare of the immediate community.

The following is the Code citation from the *Zoning Ordinance,* Article 10 § 3.4 Demolition by neglect.

3.4 *Demolition by neglect.*

3.41 *Responsibility of property owners.* Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see Definitions, article 12) by failing to provide ordinary maintenance or repair.

3.42 *Responsibility of the historic district commission.* The historic district commission shall monitor the condition of historic properties and existing buildings in the historic district to determine if they are being demolished by neglect by failing to provide ordinary maintenance and repair (see Definitions, article 12). In the event that the commission determines a demolition by neglect is occurring, it shall carry out the following:

(A) Determine and set forth steps required to remedy the situations or defects.

(B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.

(C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

3.43 *Responsibility of the city planner.* The city planner shall notify the historic district commission of buildings within the historic district that have been referred to him by the building inspector that meet the definition of dangerous buildings under the provisions of chapter 22 Buildings and Building Regulations, article XI Dangerous Buildings, of the Code of Ordinances for the City of Dover. In such cases the commission shall determine if the building is being demolished by neglect. Before referring a property to the commission for consideration as demolition by neglect, the city planner shall give written notice to the owner, occupant, mortgagee, lessee, agent, and all other persons having an interest in said building, as shown by the records of the recorder of deeds of the county, to appear before historic district commission at the time, date and location specified.

Review of DESIGN STANDARDS AND GUIDELINES

The *Design Standards and Guidelines for the City of Dover Historic District Zone* address the issue of demolition within the Historic District. See Chapter 4 (pages 4-10 to 4-12). It specifically references "Demolition by Neglect" on page 4-11.

Demolition

The *Design Standards and Guidelines* gives guidance to the Historic District Commission by listing specific criteria to be evaluated when considering applications for the demolition of buildings in the historic district. (Chapter 4: pages 4-10 to 4-12) These guidelines are summarized below (see *Design Standards and Guidelines* for the complete text). **Staff would note that this is not an application, rather consideration of Demolition by Neglect; however, the criteria should still be considered in reviewing the matter.**

1. *Determine the financial implications of maintaining a property versus demolition.*

2. *Regardless of economic issues the relative significance of the individual buildings slated for demolition should be evaluated.*

3. *In development related applications the City should review the schematic plans for the new structures to weigh the virtues of the new structure versus what exists.*

4. *Determine the extent of adequate recordation of a property the applicant would be required to complete if demolition were approved.*

5. *Lots left vacant by demolition should be treated in a manner that is sympathetic to the historic context.*

STAFF COMMENTS AND RECOMMENDATIONS

The building has continued to deteriorate over recent years with limited action to address identified City Code Enforcement violations. The condition of the building a safety concern to the surrounding area. Staff recommends that the Historic District Commission determine that the property is being "Demolished by Neglect" and identify the appropriate action steps.

1) The Historic District Commission may determine the property should proceed with the review process for declaration as a "Dangerous Building" and include any findings of the Historic District Commission regarding Architectural Review Certification for demolition of the building or steps for rehabilitation of the building.

2) If demolition of the building is anticipated and/or required, Staff recommends the following conditions pertaining to the building demolition. These conditions are presented in an effort to improve the project's compliance with the recommended guidelines for consideration of demolition in the *Design Standards and Guidelines* and other code provisions:
   a) A specific timeframe for demolition activities and site stabilization activities should be established.
   b) The building footprint will need to be appropriately stabilized, brought to grade, and planted with grass. Other elements of landscaping, fencing, etc. could be required as part of the site stabilization.

c) All utilities must be properly capped and/or abandoned in accordance with City of Dover requirements.
d) The street frontage sidewalk area should be restored as a concrete surface in accordance with City of Dover requirements after removal of the basement access way to the building.
e) Provide information on any environmental provisions related to demolition activities such as copies of any agency approvals/permits for regulated activities.

3) The Historic District Commission should evaluate if additional documentation/recordation of the existing building is deemed appropriate for this property.

4) The applicant shall be aware that a Demolition Permit is required to proceed with any demolition activities on the property. The Demolition Permit application must comply with the conditions of approval granted through the Architectural Review Certification process. A certificate of asbestos survey and abatement must be submitted with the Demolition Permit application.

5) The applicant shall be aware that Building Permits are required to proceed with any construction activities on the property including any efforts to rehabilitate the existing building. The permit applications must comply with the approvals granted through an Architectural Review Certification process if exterior changes to the building are proposed.

6) The applicant shall be aware that redevelopment of the property is subject to a separate review process for site development activities which may include review by the Planning Commission, Historic District Commission, Architectural Review Certification, construction activity permits, etc.

<u>Historic District Commission Action Required</u>
The Historic District Commission shall determine if the building is being "Demolished by Neglect" and set forth steps to remedy the situation. Such steps may include demolition of the structure.

Attachments:
Series of Building Photographs from 2014
Letter of Referral to HDC dated February 3, 2015

City of Dover

February 3, 2015 DRAFT

Renee & Deborah Bolds
706 Ponderosa Drive
Magnolia, DE 19962

Kent County Taxes
555 Bay Road
Dover DE 19901

Delaware Division of Revenue
820 N French Street
Wilmington DE 19801

RE: Referral of Property at 312 West Loockerman Street, Dover Delaware to Historic District Commission
For Determination of Demolition by Neglect

To Whom It May Concern:

The City of Dover has multiple open code violation cases on the property located at 312 West Loockerman Street with regard to the condition of the building (exterior surfaces, abandoned sign, no utilities, etc.). While this case has been open, the exterior of the building has continued to deteriorate, causing concerns about the building's and adjacent property's safety. The City gave the owner until December 30, 2014 to make the necessary repairs to the building. To date, no building permit has been issued and none of the repairs have been made to our knowledge.

As this building is in the Historic (H) District, alterations to the exterior (including demolition or rehabilitation) are subject to the requirements of the City's Historic District (H) zoning district. The *Zoning Ordinance*, Article 10, Section 3 – Historic District Commission and Architectural Review, also addresses instances of "demolition by neglect," which staff believes is occurring on this building.

Staff will bring the condition of this building to the attention of the Historic District Commission at their meeting on February 19, 2015, at 3:00 p.m. in the City Hall Conference Room at 15 Loockerman Plaza for determination of "Demolition by Neglect." In accordance with the provisions of the *Zoning Ordinance*, the Historic District Commission will determine if the subject building is being demolished by neglect and will determine the steps necessary to remedy the situation. Due to the condition of the building, Code Enforcement Staff has also identified the need to present the building to City Council for declaration as a "dangerous building" and potential demolition by the City. The property has been cited under the

provisions of Article XI, Dangerous Buildings, Section 22-381 of the *Dover Code of Ordinances* and the property owner notified under separate correspondence.

You are encouraged to attend the Historic District Commission meeting of February 19, 2015 to discuss the status of this property. If you have any questions, please contact me at your earliest convenience. I can be reached by phone at (302) 736-7196 or by e-mail at atownshend@dover.de.us.

Sincerely,

Ann Marie Townshend

Ann Marie Townshend, AICP
Director, Planning & Inspections

cc: Tim Taraila, Code Enforcement Supervisor
Dawn Melson-Williams, AICP, Principal Planner
Case File #14-3151 and 14-3763
File HI-15-06

FIRST READING

CITY OF DOVER PROPOSED ORDINANCE #2015-03

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 102 - Taxation, Article III - Realty Transfer Tax, Section 102-71 - Definitions of the Dover Code be amended by deleting the text indicated in bold, red strikeout and inserting the bold, blue text, as follows:

Sec. 102-71. - Definitions.

(a) The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) *Document* means any deed, instrument or writing whereby any real estate within the corporate limits of the city, or any interest therein, shall be quitclaimed, granted, bargained, sold or otherwise conveyed to the grantee, but shall not include the following:

a. Any will;

b. Any lease other than those described or defined in subsection (a)(2) of this section;

c. Any mortgage;

d. Any conveyance between corporations operating housing projects pursuant to 31 Del. C. § 4501 et seq., and the shareholders thereof;

e. Any conveyance between nonprofit industrial development agencies and industrial corporations purchasing from them;

f. Any conveyance to nonprofit industrial development agencies;

g. Any conveyance between a husband and wife;

h. Any conveyance between persons who were previously husband and wife, but who have since been divorced, provided that such conveyance is made after the granting of the final decree in divorce and the real estate or interest therein subject to such conveyance was acquired by the husband and wife, or husband or wife prior to the granting of the final decree in divorce;

i. Any conveyance between parent and child or the spouse of such a child;

j. Any conveyance:

1. To a trustee, nominee or straw party for the grantor as beneficial owner;

2. For the beneficial ownership of a person, other than the grantor, where, if such person were the grantee, no tax would be imposed upon the conveyance pursuant to this chapter; or

3. From a trustee, nominee or straw party to the beneficial owner;

k. Any conveyance between a parent corporation and a wholly owned subsidiary corporation, provided that such conveyance is without actual consideration;

l. Correctional deeds without actual consideration;

m. Any conveyance to or from the United States, this state or to any of their instrumentalities, agencies or political subdivisions and the University of Delaware;

n. Any conveyance to or from a corporation, or a partnership, where the grantor or grantee owns stock of the corporation or an interest in the partnership in the same proportion as his interest in, or ownership of, the real estate being conveyed; provided, however, that this subsection shall not apply to any distribution in liquidation or other conveyance resulting from the partial or complete liquidation of a corporation, unless the stock of the corporation being liquidated has been held by the grantor or grantee for more than three years; provided, further, this subsection shall not apply to any conveyance from a partnership to its partners, unless the partners' interest in the partnership has been held for more than three years;

o. Any conveyance by the owner or previously occupied residential premises to a builder of new residential premises when such previously occupied residential premises are taken in trade by such builder as a part of the consideration from the purchaser of new, previously unoccupied premises;

p. Any conveyance to the lender holding a bona fide mortgage, which is genuinely in default, either by a sheriff conducting a foreclosure sale, or by the mortgagor in lieu of foreclosure;

q. Any conveyance to a religious organization or other body or person holding title to real estate for a religious organization, if such real estate will not be used following such transfer by the grantee, or by any privy of the grantee, for any commercial purpose; provided, however, that only that portion of the tax which is attributable and payable by the religious organization or other body or person holding title to real estate for a religious organization under 30 Del. C. § 5402 shall be exempt;

r. Any conveyance to or from a volunteer fire company organized under the laws of this state; provided, however, that only that portion of the tax which is attributable to and payable by the volunteer fire company by this article shall be exempt;

s. Any conveyance of a "mobile home," as defined in 25 Del. C. § 7003;

t. Any conveyance without consideration to an organization exempt from tax under section 501(c)(3) of the federal Internal Revenue Code (26 USC 501(c)(3));

u. Any conveyance to a nonprofit conservation organization, when the property is purchased for open space preservation purposes;

v. Any conveyance to or from a nonprofit corporation or organization of real estate acquired for the purpose of rehabilitation and resale without profit.

(2) *Document* includes the following:

a. Any writing purporting to transfer a title interest or possessory interest for a term of more than five years in a condominium unit or any unit properties subject to the Unit Property Act pursuant to 25 Del. C. § 2201 et seq.

b. Any writing purporting to transfer a title interest or possessory interest of any lessee or other person in possession of real estate owned by the state or other political subdivision thereof.

c. Any writing purporting to assign or transfer a leasehold interest or possessory interest in residential property under a lease for a term of more than five years. For this purpose, the term "residential property" means any structure or part of a structure which is intended for

residential use, and excluding any commercial unit subject to tax under 30 Del. C. § 2301(a)(88) relating to commercial lessors.

(3) *First-time homebuyer* means a natural person who has at no time held an interest in residential real estate, wherever located, and which has been occupied as their principal residence, and who intends to occupy the property being conveyed as his principal residence, within 90 days following recordation of the deed. The first-time homebuyer must file an affidavit certifying to his qualifications before the exemption can be granted. In order to alleviate claims for rebate of the transfer tax paid, no rebate shall be made once the deed for the transaction has been recorded. First-time homebuyers submitting a false affidavit in any respect, which would entitle them to the exemption, shall be subject to payment of the unpaid transfer tax, plus interest at the rate of one and one-half percent per month and, upon direction by the council, referral to the attorney general of the state for criminal prosecution. This subsection shall apply to all real estate settlements held on or after January 2, 2000. First-time homebuyers are exempt from the transfer tax as provided herein. The first-time homebuyer exemption shall apply to the seller of property that qualifies for the first-time buyer exemption but only for property **located within the downtown redevelopment high priority target area defined in Appendix C** ~~situated in the area from Mary Street to Loockerman Street and Governors Avenue to West Street~~. Council shall have the right to deny this exemption to any property owner where the sale and purchase appears to be done fraudulently to take advantage of the realty transfer tax exemption ordinance.

(4) *Transaction* means the making, executing, delivering, accepting or presenting for recording of a document.

(5) *Value* means, in the case of any document granting, bargaining, selling or otherwise conveying any real estate or interest or leasehold interest therein, the amount of the actual consideration therefor, including liens or other encumbrances thereon, and ground rents which encumber the interest in real estate and any other interest in real estate conveyed, provided, that, in the case of a transfer for an amount less than the highest appraised full value of said property for local real property tax purposes, the term "value" shall mean the highest such appraised value, unless the parties or one of them can demonstrate that fair market value is less than the highest appraised value, in which case, the term "value" shall mean fair market value, or actual consideration, whichever is greater. A demonstration that the transaction was at arm's length between unrelated parties shall be sufficient to demonstrate that the transaction was at fair market value.

(b) In determining the term of a lease, it shall be presumed for the purpose of computing the lease term, that any rights or options to renew or extend will be exercised.

(c) For the purpose of subsection (a)(5) of this section, in the case of a document described in subsection (a)(2) of this section under which the consideration is based, in whole or in part, on a percentage of the income or receipts to be received in the future, actual consideration shall include the amounts actually received under such percentage of income or receipts provision; provided, however, and notwithstanding any other provisions of this article, that the tax imposed by this article shall be due and payable to the controller/treasurer within 30 days after the date such amounts become due and payable under the agreement.

(d) Transfers through conveyance of interest.

(1) Except as provided in subsections (d)(2) and (3) of this section, where beneficial ownership in real estate is transferred through a conveyance or series of conveyances of intangible interests in a corporation, partnership or trust, such conveyance shall be taxable under this article as if such

property were conveyed through a duly recorded "document" as defined in subsection (a)(1) of this section, and subject to the exemptions contained therein, except those exemptions contained in subsections (a)(1)j. and (a)(1)n. of this section.

(2) No bona fide pledge of stock or partnership interests as loan collateral, nor any transfer of publicly traded stock or publicly traded partnership interest shall be deemed subject to taxation under this subsection (d).

(3) Where the beneficial owners of real property, prior to the conveyance or series of conveyances referred to in this subsection (d), own 80 percent or more of the beneficial interest in the real estate following said conveyance or series of conveyances, such transfers shall not be subject to tax under this subsection (d). Where the beneficial owners of real property, prior to the conveyance or series of conveyances referred to in this subsection (d), own less than 80 percent of the beneficial interest in the real estate following said conveyance or series of conveyances, such transfers shall not be subject to tax under this subsection (d), unless under regulations promulgated by the city assessor, such transfer or transfers are properly characterized as a sale of real property. Such characterization shall take into account the timing of the transaction, beneficial ownership prior to and subsequent to the conveyance or conveyances, the business purpose of the corporation, partnership or trust, and such other factors as may be relevant.

(Code 1981, § 19.5-19; Ord. of 6-27-1988; Ord. of 4-22-1996; Ord. of 8-10-1998; Ord. of 12-13-1999; Ord. of 8-8-2005(1); Ord. No. 2009-23, 10-26-2009; Ord. No. 2011-17, 8-8-2011)

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article IV - Abatement of Real Estate Taxes, Section 102-113 - Qualifications of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 102-113. - Qualifications.

(a) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Control with respect to a corporation means ownership, directly or indirectly, of stock possessing 50 percent or more of the total combined voting power of all classes of the stock of such corporation entitled to vote and 50 percent or more of the shares of such corporation entitled to vote and 50 percent or more of the total number of shares of all other classes of such corporation's stock.

Control with respect to a trust means ownership, directly or indirectly, of 50 percent or more of the beneficial interest in the principal or income of such trust. The ownership of stock in a corporation, of a capital of profits interest in a partnership or association, or of a beneficial interest in a trust shall be determined in accordance with the rules for constructive ownership of stock provided in section 267(c) of the Internal Revenue Code (26 USC 267(c)).

Expanded facility means any qualified property that is modified with an improvement or addition (other than a replacement resulting from the acquisition, construction, reconstruction, installation, or erection of improvements or additions resulting from repairing, refurbishing, retooling, recycling, or other similar process or procedure that merely preserves or restores the value of an

existing facility and not including any improvement or addition that, in the determination of the council, does not constitute an integral part of a qualified activity), if such improvements or additions are placed in service by the taxpayer after January 1, 2001. Abatement will only be to the extent of the taxpayer's qualified investment in such improvements or additions.

Large vacant commercial facility means a building of 20,000 square feet or larger and vacant continuously for 18 months or more.

New facility means any qualified facility (other than an expanded facility or a replacement facility) constructed by the taxpayer after January 1, 2001. For the purposes of this article, the term "constructed" means the issuance of a building permit for $1,000,000.00 or more with regards to subsection (b)(1) of this section, and the issuance of a building permit for $3,000,000.00 or more with regards to subsection (b)(2) of this section.

Placed in service and *original use* have the meanings ascribed to such terms under section 167 of the Internal Revenue Code (26 USC 167) and regulations promulgated thereunder.

Qualified activity means any activity constituting manufacturing (other than any repair, refurbishing, retooling, recycling or other similar process or procedure that merely preserves or restores the value of a product or that does not change the inherent nature of a product or material). Such term includes any activity engaging in business as a wholesaler; the CCBA and any subsequent legislation as enacted by the state; any home offices and operating units of insurance companies; and any combination of activities described herein.

Qualified employee means any person employed within the city/county on a regular and full-time basis.

Qualified facility means any qualified property located in the city that constitutes a new or an expanded facility, located within the industrial park manufacturing district, industrial park manufacturing 2 district, or manufacturing district, and that is used by a taxpayer in or in connection with a qualified activity.

Qualified investment for any taxable year is based on the value of a qualified facility as of the last business day of such taxable year.

Qualified property means any building and its structural components, and any other improvement to real property. Such term includes the land on which such building or other improvements are located, if ownership of said land and structural improvements is identical. If any property is owned or leased by the taxpayer in common with any other person or persons, such property may constitute "qualified property" only to the extent of the taxpayer's proportionate interest.

Related person means a corporation, partnership, association, or trust controlled by the taxpayer; or an individual, corporation, partnership, association, or trust that is in control of the taxpayer; or a corporation, partnership, association, or trust controlled by an individual, corporation, partnership, association, or trust that is in control of the taxpayer.

(b) *Established.* Industries/businesses may qualify for property tax abatement either by meeting the industry function qualifications detailed in the following subsection (b)(1) or the investment qualifications detailed in the following subsection (b)(2) or the occupancy qualifications detailed in the following subsection (b)(3):

(1) *Qualifying industries/businesses by function.*

a. Manufacturers and financial institutions as defined by the FCDA, CCBAA, and subsequent legislation and home offices and operating units of insurance companies shall be qualifying industries, including, but not be limited to, distributors, transportation (air, rail, barge, truck), printing and publishing, and food processing.

b. *Investment and employees.* The qualifying industry must invest at least $1,000,000.00 in a qualifying new or expanded facility in the city and hire at least 20 qualified employees (including owners/operators), 75 percent of whom shall be city/county residents not employed by the qualifying industry/activity at the time of its relocation/expansion within the city. The council may, at the time of application, reduce the 75 percent requirement to a lesser percentage, but not less than 50 percent. The qualifying industry agrees to supply information verifying compliance with this section in whatever legally acceptable manner the council shall so request.

(2) *Qualifying industry/businesses by investment.* Industries/businesses that do not meet the qualifications as specified in subsection (b)(1) of this section can nevertheless qualify for property tax abatement by investing a minimum of $3,000,000.00 in a new or expanded facility in the city located within the industrial park manufacturing district, industrial park manufacturing 2 district, or the manufacturing district, and hire at least 15 qualified employees (including owners/operators), 75 percent of whom shall be city/county residents not employed by the qualifying industry/activity at the time of its relocation/expansion within the city. The council may, at the time of application, reduce the 75 percent requirement to a lesser percentage, but not to less than 50 percent. The qualifying industry agrees to supply information verifying compliance with this section in whatever legally acceptable manner the council shall so request.

(3) *Qualifying industry/business by occupying a large vacant commercial facility.* Entities that do not qualify for property tax abatement under subsection (b)(1) or (b)(2) can qualify for property tax abatement by (a) purchasing a large vacant commercial facility if the purchase of the large vacant commercial facility will result in the employment of 15 or more full-time employees; or (b) leasing a large vacant commercial facility if the initial lease term is at least ten years, the lease of the large vacant commercial facility will result in the employment of 15 or more full-time employees, and the occupying tenant submits a letter of intent to lease and requests the abatement for either their own benefit when the tax burden is the responsibility of the tenant, or on behalf of the owner when the tax burden is the responsibility of the owner. The demolition of a large vacant building and the construction of a new replacement 20,000 square feet or greater that meets the conditions of [subsection] (b)(3) of section 102-113, Qualifications, shall qualify for abatement.

(c) *Benefits.*

(1) The council may abate city real estate taxes on a ten-year sliding scale as follows, or upon any other scale or method deemed most advantageous by the council for the public welfare:

Fiscal Year Construction Ended	100 percent reduction of taxes
First year of operation	90 percent reduction of taxes
Second year of operation	80 percent reduction of taxes
Third year of operation	70 percent reduction of taxes
Fourth year of operation	60 percent reduction of taxes

Fifth year of operation	50 percent reduction of taxes
Sixth year of operation	40 percent reduction of taxes
Seventh year of operation	30 percent reduction of taxes
Eighth year of operation	20 percent reduction of taxes
Ninth year of operation	10 percent reduction of taxes
Tenth year of operation	0 percent reduction of taxes

(2) Unless otherwise directed by the council, year one of the abatement period will commence with the first property tax billing following the completion of the qualifying new or expanded facility and the meeting of all requirements as detailed in subsections (b)(1) and (b)(2) of this section. Abatement for expanded facilities will be limited to expansion value only.

(3) All quarterly property taxes for new construction, as defined in section 49A of the city Charter, will likewise be abated for qualifying new or expanded facilities.

(4) The property tax abatement program will have no effect on both citywide revaluations of property values for taxation purposes and the institution of those new values.

(d) Any persons purchasing residential real property in which they will reside within the **downtown redevelopment high priority target area defined in Appendix C** ~~area defined as Mary Street to Loockerman Street and Governors Avenue to West Street~~ shall be given tax relief from the payment of real estate taxes in the following manner: first year of ownership, total tax abatement; second year of ownership, 75 percent tax abatement; third year of ownership, 50 percent tax abatement; fourth year of ownership, 25 percent tax abatement; fifth year of ownership, no tax abatement. Provided however that the homeowner is required to occupy the home as their principal place of residence during the entire time that the taxes are abated and if the property ceases to be their principal place of residence at any time during the four-year period of abatement, then they shall lose their right of abatement and shall be required to pay immediately all taxes abated up to the time that the home ceases to be their principal residence. In order to obtain the tax abatement, the homeowner must make application by affidavit submitted to the city clerk showing qualification for the abatement and each year thereafter, submit a similar affidavit showing their continued right to the abatement. If qualification for the abatement ceases within the four-year period of abatement the homeowner is required to notify the city clerk of the lack of qualification for the abatement and within 90 days from the date the qualification ceases, pay all taxes abated in the past.

First year of owner occupancy	100 percent reduction of taxes
Second year of owner occupancy	75 percent reduction of taxes
Third year of owner occupancy	50 percent reduction of taxes
Fourth year of owner occupancy	25 percent reduction of taxes
Fifth year of owner occupancy	0 percent reduction of taxes

(Code 1981, § 19.5-33; Ord. of 12-11-2000; Ord. of 8-8-2005(3); Ord. No. 2011-11, 7-11-2011; Ord. No. 2011-17, 8-8-2011)

BE IT FURTHER ORDAINED:

That Chapter 102 - Taxation, Article V - Tax Credits for Historic Properties, Section 102-152 - Application Requirements and Section 102-153 - Application Review and Approval of the Dover Code be amended by deleting the text indicated in red strikeout and inserting the bold, blue text, as follows:

Sec. 102-151. - Voluntary tax credits for preservation, restoration, and/or rehabilitation.

Owners of historic properties located in the city historic district zone, as shown on the city zoning map, or properties listed on the National Register of Historic Places may be entitled to tax credits for preservation, restoration, and/or rehabilitation of the exterior architectural facades of their buildings, subject to the following special procedures and requirements:

(1) *Applicability.* Tax credits shall be applicable only for preservation, rehabilitation, and/or restoration of exterior architectural improvements which are not covered by insurance claims due to recent damage of the property.

(2) *Amount.* Tax credits shall be provided at 50 percent of the total cost of the approved preservation, restoration, and/or rehabilitation, up to a maximum credit of $6,000.00 (with a total project cost minimum of $12,000.00). The cost of the project must be at least $1,200.00, resulting in a minimum tax credit for the project of $600.00.

(3) *Run with property.* Tax credits shall run with the property for a ten-year period. However, the credit shall not transfer to any new owners of the property.

(4) *Prorated.* Tax credits shall be prorated over the ten-year period. For example, a $6,000.00 credit shall be applied in $600.00 increments each year toward a property owner's city real estate tax. If the credit is less than the annual tax due on a property, the owner shall pay the difference to the city through the real estate billing process. If the credit is more than the annual tax due on a property, the owner's credit shall be deemed to be equivalent to the annual tax due.

(5) *Total credit.* The owners of a property may apply more than once for tax credits; however, the total credit shall not exceed $600.00 per year in any given year, and a property may not receive a total abatement greater than $12,000.00.

Sec. 102-152. - Application requirements.

(a) *Submissions to* ***city planner*** ~~*historic district commission*~~. Property owners shall submit a historic tax credit application, and, when applicable, a building permit application **and/or application for architectural review certificate** to the **city planner** ~~historic district commission~~.

~~(b) *When submitted.* The application and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review or approval is requested.~~

(~~c~~ **b**) *Plans.* A tax credit request submittal shall include the type and number of plans and specifications required for a building permit and, in addition, elevation plans and specifications, showing the impact of the proposed work on the exterior architectural facade of the building.

(~~d~~ **c**) *Photographs.* A tax credit application submittal shall include current color photographs of the property, showing the present condition of the property, and accurately representing the existing materials and texture. All photographs shall be labeled indicating the direction of view.

(~~e~~ **d**) *Other information.* Other information may be required by the city planner to facilitate review of such tax credit submittal.

(f e) *Cost estimate.* An itemized cost estimate shall be submitted, which shall be the basis for the tax credit.

Sec. 102-153. - Application review and approval.

(a) *Factors considered.* The **city planner** ~~**historic district commission**~~ shall first review the submitted applications, plans, photos, and related information to determine if the property is a qualifying historic property. In making this determination, the **city planner** ~~**commission**~~ shall consider the following:

(1) The property's significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or city;

(2) The property's association with an important person or event in national, state, or local history;

(3) Whether the property is representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of an indigenous material;

(4) Whether the property is the notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era.

(b) *Review.* If the **city planner** ~~**historic district commission**~~ determines that the property is a qualifying property, they shall review the submitted application plans, specifications, and related information for compliance with the following:

(1) The proposed application constitutes an exterior preservation project seen readily from a street, sidewalk, or public way, where measures are applied to sustain the existing form, integrity, and material of the building or structure, including stabilization work, where necessary, as part of ordinary maintenance and repair;

(2) The proposed application constitutes an exterior rehabilitation project readily seen from a street, sidewalk or public way, which would return the property to a state of utility through repair or alteration which makes possible an efficient use of the building, while preserving those portions or features of the property which are central to its historic, architectural, and cultural significance;

(3) The proposed application constitutes an exterior restoration project readily seen from a street, sidewalk, or public way, which accurately recovers the form and detail of a property and its setting as it appeared at a particular period of time in the past by means of removal of later work or by the replacement of missing earlier work; or

(4) The proposed application conforms with the recommended practices and treatments of the design standards and guidelines for the city historic district. Practices and treatments designated as not recommended or inappropriate in the guidelines, or determined by the historic district commission to be inappropriate shall not qualify for this tax credit.

(c) ***Referral to historic district commission.*** **The city planner may refer any application for tax credits under this article to the historic district commission for consultation with the commission. The applicant shall have the right to appeal a tax credit disapproval to city council.** ~~**Vote on approval. The historic district commission, after reviewing whether the proposed project is eligible and conforming with the requirements of these sections, shall, by a majority vote of members present at a publicly held meeting, approve, approve with conditions, or disapprove the tax credit request. The applicant shall have the right to appeal a tax credit disapproval to the city council.**~~

(d) *Expense report.* Upon the completion of the **qualified** work for which a tax credit has been approved, the property owner or his contractor shall submit to the city planner a written expense report, which verifies the costs associated with the project and shall request an inspection of the completed work by the city planner.

(e) *Tax credits.* The tax assessor shall apply approved tax credits during the fiscal year subsequent to the submittal to the city planner by the applicant of the contractor's final invoice to verify the cost of the repairs to the building and following certification from the city planner that the work has been completed in accordance with the approval of the ~~historic district commission~~ **tax credit application, building permit, and/or architectural review certificate**.

Secs. 102-154—102-180. - Reserved.

ADOPTED: *

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SYNOPSIS

The amendments change the homeownership tax incentives to align with the Downtown Development District boundary and change the City's Historic Property Tax Credit application to be administratively reviewed.

(SPONSORS: ANDERSON, BONAR, SLAVIN, AND TOWNSHEND)

Actions History

02/09/2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee and First Reading at City Council

01/26/2015 - Scheduled for Introduction at Legislative, Finance, and Administration Committee - Meeting Cancelled Due to Inclement Weather