CITY OF DOVER PLANNING COMMISSION
QUARTERLY WORKSHOP
AGENDA
Tuesday, August 19, 2014– 12:00 noon

City Hall Conference Room
15 Loockerman Plaza, Dover, Delaware

QUARTERLY WORKSHOP

Items for Discussion:

1. Planning Commissioner Comments and Concerns

2. Department of Planning & Inspections Update
    a. Summary of 2013 Applications and 2014 Applications
    b. Other Project and Research Activities
        i. Update on Research for Ordinance Amendments
        ii. Review of *2008 Comprehensive Plan*
        iii. Transportation Improvement Districts

3. Citywide Recreational Needs Assessment

4. Draft Bicycle Plan and Draft Pedestrian Plan for Dover

5. Certified Local Government Program Application

6. Restoring Central Dover Community Plan

7. Delaware Downtown Development District Program

8. Education and Training Opportunities

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 August 8, 2014 at 4:30pm

City of Dover, Delaware
Summary of Applications

Application Type	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013					2014			
												Q1	Q2	Q3	Q4	Total	Q1	Q2	Q3*	Total
Board of Adjustment	13	9	17	18	25	38	20	15	15	13	15	3	5	3	6	17	5	2	2	9
Annexations	2	3	5	6	10	4	3	1	0	0	1	1	0	0	2	3	0	0	0	0
Conditional Use	2	8	8	9	8	7	14	8	5	7	6	2	1	7	1	11	0	4	1	5
Site Plans	37	37	33	39	49	66	43	29	33	23	20	7	9	1	4	21	7	8	3	18
Subdivisions	2	10	10	8	7	7	2	7	5	2	2	2	1	1	2	6	1	3	0	4
Rezoning	5	8	9	7	13	10	11	5	8	6	2	0	0	3	0	3	2	0	0	2
Miscellaneous	14	11	25	17	17	23	20	15	20	17	24	8	4	5	5	22	1	9	1	11
Unified Sign	1	2	0	1	0	1	3	1	0	2	2	1	0	0	2	3	0	1	0	1
Historic District Commission	6	11	7	3	9	7	4	4	11	5	7	4	0	1	0	5	2	2	0	4
TOTAL	**82**	**99**	**114**	**108**	**138**	**163**	**120**	**85**	**97**	**75**	**79**	**28**	**20**	**21**	**22**	**91**	**11**	**29**	**7**	**54**

**Year to date 8/7/2014 including applications for September at the Planning Commission, and applications for August at the Board of Adjustment and Historic District Commission.*

City of Dover Parks & Recreation

Recreational Needs Assessment Survey

Help us provide the parks and recreational services needed to make Dover a place where people want to live, work, and play!

We want to hear from you. What programs or activities would you like to see offered? What features would you like your parks to have? Share your thoughts with us on this brief survey that will be used to shape Dover's Parks and Recreation system into the future.

You may take the survey online at the following link:

https://www.surveymonkey.com/s/CODRNA

Please return completed surveys to:

Mail: City of Dover Parks & Recreation
c/o Carolyn Courtney
PO Box 475
Dover DE 19904

Hand Delivery:
City of Dover Parks & Recreation
John W. Pitts Recreation Center
c/o Carolyn Courtney
10 Electric Avenue
Dover DE 19904

Questions, please call: (302) 736-7050

City of Dover Recreational Needs Assessment

What would you like to see offered by the City of Dover Parks & Recreation Department?

Let's start with some basics!

1. **How often do you/household members participate in a City of Dover activity, league, trip, or program?**

   Please select: Once A Year | 2 – 3 Times Monthly
   Daily | 2 – 3 Times Annually
   2 – 3 Times Weekly | Do Not Use

2. **What programs are you interested in seeing included in the programming schedule?**

   - ☐ Additional Leagues
   - ☐ Adult Sports
   - ☐ Healthy Eating Seminars
   - ☐ More Fitness
   - ☐ More Trips
   - ☐ Persons with Disabilities Programs
   - ☐ Other (please specify): _____
   - ☐ Senior Recreational Programs
   - ☐ Senior Sports Programs
   - ☐ Toddler Development Programs
   - ☐ Winter Break Camp for Youth
   - ☐ Youth Fitness
   - ☐ Youth Sports

3. **How do you feel recreational programs should be funded?**

   - ☐ General Fund
   - ☐ Grants
   - ☐ Program Fees
   - ☐ Other (please specify): _____

4. **Should city residents (within the tax district) pay a reduced fee verses non-city residents?**

   ☐ Yes ☐ No

5. **How do you typically hear about our programs?**

   - ☐ Delaware State News
   - ☐ Dover Post
   - ☐ Emails from Parks & Recreation
   - ☐ Flyer or Program Guide
   - ☐ Radio Announcement
   - ☐ Website
   - ☐ Wilmington News Journal
   - ☐ Other (please specify): _____

City of Dover Recreational Needs Assessment

Dover Park

This series of questions relates to Dover Park located at 1210 White Oak Road.

6. How often do you/household members visit Dover Park?

Please select: Once A Year | 2 – 3 Times Monthly
Daily | 2 – 3 Times Annually
2 – 3 Times Weekly | Do Not Use

7. What is the nature of your Dover Park visit?

- ☐ Basketball Courts
- ☐ Disc (Frisbee) Golf
- ☐ League Activity (ie: Softball, Field Hockey, etc)
- ☐ Playground Equipment
- ☐ Picnicking
- ☐ Softball or Multipurpose Field
- ☐ Tennis Courts
- ☐ Walking/Jogging
- ☐ Other (please specify): _____

8. What would you like to see at Dover Park?

- ☐ Bike Racks
- ☐ Bocce Ball Area
- ☐ Fitness Stations Along Trail
- ☐ Indoor Recreation Center
- ☐ Indoor Restrooms
- ☐ Other (please specify): _____
- ☐ Paved Trail System (looped)
- ☐ Pickle Ball Court
- ☐ Sand Volleyball
- ☐ Skate Park
- ☐ Splash Pad

New Street Park

This series of questions relates to New Street Park located on Dover & New Streets.

9. How often do you/household members visit New Street Park?

Please select: Once A Year | 2 – 3 Times Monthly
Daily | 2 – 3 Times Annually
2 – 3 Times Weekly | Do Not Use

10. What is the nature of your New Street Park visit?

- ☐ Basketball
- ☐ Picnicking
- ☐ Playground
- ☐ Open Space Play
- ☐ Softball Field Use
- ☐ Other (please specify): _____

11. What would you like to see at New Street Park?

- ☐ Benches
- ☐ Bike Racks
- ☐ Bocce Ball Area
- ☐ Horseshoe Pits
- ☐ Indoor Restroom
- ☐ Paved Trail System w/Fitness Stations
- ☐ Pickle Ball
- ☐ Reading Garden Area
- ☐ Sand Volleyball
- ☐ Shuffleboard Court
- ☐ Skate Park
- ☐ Splash Pad
- ☐ Tennis Court
- ☐ Other (please specify): _____

Schutte Park

This series of questions relates to Schutte Park located on Hazeletville Road (West North Street).

12. How often do you/household members visit Schutte Park?

Please select:
- Once A Year
- Daily
- 2 – 3 Times Weekly
- 2 – 3 Times Monthly
- 2 – 3 Times Annually
- Do Not Use

13. What is the nature of your Schutte Park visit?

- ☐ Lacrosse
- ☐ League Activity (ie: Softball, Field Hockey, etc.)
- ☐ Playground
- ☐ Other (please specify): _____
- ☐ Picnicking
- ☐ Soccer
- ☐ Trail Use

14. What would you like to see at Schutte Park?

- ☐ Basketball Court
- ☐ Benches
- ☐ Bike Racks
- ☐ Bocce Ball Area
- ☐ Disc (Frisbee) Golf
- ☐ Expansion of Trail System
- ☐ Fitness Stations Along Trail
- ☐ Other (please specify): _____
- ☐ Horseshoe Pits
- ☐ Pickle Ball Courts
- ☐ Sand Volleyball
- ☐ Shuffleboard Court
- ☐ Skate Park
- ☐ Splash Pad
- ☐ Tennis Court

15. Do you visit the John W. Pitts Recreation Center (JWP)?

☐ Yes ☐ No

16. If Yes, to visiting the JWP, what is the nature of your visit?

- ☐ Adult Sports League
- ☐ Birthday Party Package
- ☐ Camps
- ☐ Card Making for Adults
- ☐ Challenger Sports Event
- ☐ Fitness Class
- ☐ High School Sports League
- ☐ Instructional Clinics
- ☐ Open Gym
- ☐ Senior Sports
- ☐ Walking Track
- ☐ Youth Card/Craft Making
- ☐ Youth Sports League
- ☐ Other (please specify): _____

17. What would like to see added to JWP?

- ☐ Larger Multipurpose Room(s)
- ☐ Shower Area(s)
- ☐ Weight Room
- ☐ Other (please specify):_____

Silver Lake Park

This series of questions relates to Silver Lake Park in Dover.

18. How often do you/members of your household visit Silver Lake Park?

Please select:
- Once A Year
- Daily
- 2 – 3 Times Weekly
- 2 – 3 Times Monthly
- 2 – 3 Times Annually
- Do Not Use

19. What is the nature of your Silver Lake visit?

- ☐ Bird Watching
- ☐ Boating
- ☐ Fishing
- ☐ Other (please specify): _____
- ☐ Picnicking
- ☐ Playground
- ☐ Walking/Jogging

20. What would you like to see at Silver Lake?

- ☐ Benches
- ☐ Bike Racks
- ☐ Bocce Ball Area
- ☐ Disc (Frisbee) Golf
- ☐ Horseshoe Pits
- ☐ Other (please specify): _____
- ☐ Indoor Restrooms
- ☐ Sand Volleyball
- ☐ Shuffleboard Court
- ☐ Skate Park
- ☐ Splash Pad

City of Dover Recreational Needs Assessment

Williams Park

This series of questions relates to Williams Park located behind the Towne Point & White Oak Farms development.

21. How often do you/members of your household visit Williams Park?

Please select: Once A Year
Daily
2 – 3 Times Weekly
2 – 3 Times Monthly
2 – 3 Times Annually
Do Not Use

22. What is the nature of your Williams Park visit?

- ☐ Basketball
- ☐ Picnicking
- ☐ Playground
- ☐ Other (please specify): _____
- ☐ Multipurpose Field Use
- ☐ Open Space Play

23. What would you like to see at Williams Park?

- ☐ Benches
- ☐ Bike Racks
- ☐ Bocce Ball Area
- ☐ Horseshoe Pits
- ☐ Indoor Restroom
- ☐ Paved Trail System w/Fitness Stations
- ☐ Other (please specify): _____
- ☐ Reading Garden
- ☐ Sand Volleyball
- ☐ Shuffleboard Court
- ☐ Skate Park
- ☐ Splash Pad
- ☐ Tennis Court

Did we miss your favorite neighborhood park?

We have many parks located in our City of Dover neighborhoods. Please share your feedback on these park areas that are in your neighborhood.

24. For which of the following neighborhood parks are you providing feedback?

- ☐ Constitution Park
- ☐ Continental Park
- ☐ Crossgates Park
- ☐ Division/Kirkwood Streets Park
- ☐ Hamlet Park
- ☐ Heatherfield East
- ☐ Kirkwood/Mary Streets Park
- ☐ Mallard Pond Park
- ☐ Mayfair Park
- ☐ Memorial (Mirror Lake) Park
- ☐ Millcreek Park
- ☐ Orville Myers Park
- ☐ Pauls Property
- ☐ Richardson Park
- ☐ Saulsbury Park
- ☐ The Green
- ☐ Turner Drive Park
- ☐ Westfield Park
- ☐ Westwind Meadows
- ☐ Woodbrook

25. What feedback would you like to offer on the park you selected? _____

City of Dover Recreational Needs Assessment

Now tell us a little about yourself and family.

Having a cross section of individuals and families from all areas of Dover will help to ensure that survey results tell the story of our community. Having community wide input will give us direction in planning manageable growth.

26. Where do you live?* ***Please circle you answer.*** ***(*mandatory response is needed to validate survey)***

City of Dover Residents

Acorn Farms
Baltray
Barrister Place
Bay Tree
Bicentennial Village
Blue Hen Apartments
Brandywine Apartments
Cannon Mill
Capital Green
Cedar Chase Apartments
Chatham Court Apartments
Clearfield Apartments
Clearview Meadow
Country Club Apartments
Country Village Apartments
Cranberry Run
Crossgates
Dover Downs
Dover East Mobile Home Park
East Lake Gardens
Eden Hill Farm
Edgehill
Emerald Pointe
English Village
Fairview
Farthing Woods
Four Seasons
Fox Hall
Fox Hall West
Fox Hall West Addition
Fox Meadows
Governors Square Apartments
Greens of Dover
Hampton Square
Heatherfield
Heatherfield East
Hidden Creek
Hidden Oaks
Independence Village
Kings Cliff Mobile Home Park
Lake Club Apartments
Lexington Glen
Liberty Court
Lincoln Park
Lynnhaven
Mallard Pond
Manchester Square
Maple Glen
Mapleton Square
Marsh Creek
Mayfair
Meadows at Dover
Millcreek
Morris Estate
Morris Estates 2
Northwest Dover Heights
Nottingham Meadows
Oak Shadows
Oakmont park
Oakridge
Patriot Village
Persimmon Park Place
Pine Grove Apartments
Pine Grove Farms South
Presidential Courts
Retreat
River Chase Apartments
Riverside Mobile Home Park
Schoolview
Seskinore
Sherwood
Sherwood 2
Silver Lake Overlook
Silver Lake Townhouses
Silver Mill Apartments
Simon Circle
Somerset Park
Stonebrook East
Stonebrook West
Stoney Creek
Stover
The Beeches
The Hamlet
Towne Point
Towne Point Apartments
Turnberry
University Courtyard
Village of Westover
Vondaway
Walker Woods
Wedgewood
Westfield
Westminster
White Oak Farms
White Oak Farms Apartments
Wild Meadows
Woodbrook
Woodcrest
Woodmill Apartments
Other not listed: _____

Non-City of Dover Residents

Camden-Wyoming
Carlisle Village
Cheswold
Felton-Harrington
Hartly-Marydel
Little Creek-Leipsic
Magnolia
Rodney Village
Royal Grant
Other not listed: _____

27. How many are in your household?

- ☐ 1 – 3
- ☐ 4 - 7
- ☐ 8 – 12
- ☐ 13 or more

28. What is your HOUSEHOLD income?

- ☐ Less than $10,000
- ☐ $10,000 - $14,999
- ☐ $15,000 - $24,999
- ☐ $25,000 - $34,999
- ☐ $35,000 - $49,999
- ☐ $50,000 - $74,999
- ☐ $75,000 - $149,999
- ☐ $150,00 - $199,999
- ☐ $200,000 or more

29. What is your age?

- ☐ 18 – 34
- ☐ 35 - 54
- ☐ 55 -75
- ☐ 75 - older

30. What is your gender? ☐ Female ☐ Male

31. What is your race? _____







Delaware Downtown Development District Program

Application Guidelines







August 1, 2014

SPONSOR: Sen. Henry & Sen. Bushweller & Sen. Marshall & Rep. Keeley & Rep. Bolden & Rep. Scott
Sens. Blevins, Ennis, McDowell, Sokola, Townsend; Reps. Bennett, Potter, Ramone, Spiegelman, Paradee, D. Short

DELAWARE STATE SENATE
147th GENERAL ASSEMBLY

SENATE BILL NO. 191

AN ACT TO AMEND TITLES 22, 29, 30, AND 31 OF THE DELAWARE CODE RELATING TO DOWNTOWN DEVELOPMENT DISTRICTS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend Title 22 of the Delaware Code by inserting a new Chapter 19 therein and by making deletions as shown by strike through and insertions as shown by underline as follows:

Chapter 19. The Downtown Development Districts Act.

Subpart I. Establishment, Amendment, and Termination of Districts.

§ 1901. Purpose. Healthy and vibrant downtowns are critical components of Delaware's economic well-being and quality of life. The purpose of this chapter is to leverage the resources of state government in a limited number of designated areas in Delaware's cities, towns, and unincorporated areas in a multifaceted effort:

(a) To spur private capital investment in commercial business districts and surrounding neighborhoods;

(b) To stimulate job growth and improve the commercial vitality of such districts and neighborhoods;

(c) To help build a stable community of long-term residents in such districts and neighborhoods by improving housing opportunities for persons of all incomes and backgrounds; increasing homeownership rates; building a diverse array of successful businesses; and reducing the number of vacant houses; and

(d) To help strengthen neighborhoods, while harnessing the attraction that vibrant downtowns hold for talented young people, innovative small businesses, and residents from all walks of life.

§ 1902. Definitions. As used in this chapter:

(1) "Committee" means the Cabinet Committee on State Planning Issues established pursuant to 29 *Del.C.* §§ 9101 *et seq.*

(2) "District Plan" means the strategic plan or other detailed description of the overall strategy for the development of a proposed district submitted by the municipality or unincorporated area as part of its application for District designation.

(3) "DSHA" means the Delaware State Housing Authority.

(4) “Downtown” means that portion of a city, town, or unincorporated area that traditionally comprises its downtown or central business district, as determined by such city, town, or unincorporated area in accordance with guidelines promulgated by the Office.

(5) “Downtown Development District” or “District” means an area within a municipality or unincorporated area designated as a Downtown Development District in accordance with the provisions of this chapter.

(6) “Municipality” means any incorporated town or city of this State.

(7) “Office” means the Office of State Planning Coordination.

(8) “Unincorporated area” means an area of the State having a concentration of population that is not a municipality and that is eligible to apply for and receive District designation in accordance with rules promulgated by the Office.

§ 1903. Applications for District designation.

(a) At the request of the Governor, the Office shall solicit applications from municipalities and unincorporated areas to have an area designated as a Downtown Development District. Such application shall include a description of the area to be included; the need for District incentives; the District Plan; local incentives offered; and such other information as may be required by the Office.

(b) The Office of State Planning Coordination shall administer the application process and establish criteria to determine what areas qualify as Downtown Development Districts. The Office is authorized to take such actions as may be necessary or convenient to fulfill its responsibilities hereunder, including but not limited to promulgating rules and regulations relating to the establishment, amendment, and termination of Districts and providing assistance to municipalities and unincorporated areas in connection with the application process.

(c) The criteria for designating areas as Downtown Development Districts shall include:

(1) The need and impact of such a designation for such area, including but not limited to income, unemployment rate, homeownership rate, and prevalence of vacant or abandoned housing units in such municipality or unincorporated area. Need and impact factors shall account for at least 50 percent of the consideration given to applications for District designation;

(2) The quality of the municipality’s or unincorporated area’s District Plan;

(3) The quality of the local incentives offered; and

(4) Such other criteria as may be determined by the Office.

§ 1904. Review and approval of applications.

(a) Applications for District designation shall be evaluated by the Cabinet Committee on State Planning Issues, which shall recommend to the Governor those applications with the greatest potential for accomplishing the purposes of this chapter.

(b) Upon receipt from the Committee of any recommended application, the Governor (i) may designate immediately the recommended area as a District; (ii) may designate the recommended area as a District effective one year from the date of such determination by the Governor; or (iii) may deny such application.

(c) The initial round of applications shall result in the immediate designation of at least one but no more than three Districts.

§ 1905. Designation, renewal, and amendment of Districts.

(a) No more than 15 Districts shall be designated at any one time. Designation of the first three Districts shall include one District in each county.

(b) Districts shall be designated for an initial 10-year period. Upon recommendation of the Committee, the Governor may renew Districts for up to two five-year renewal periods. Recommendations for renewals shall be based on the performance of District responsibilities by the municipality (or county in the case of an unincorporated area); the continued need for such a District; and its effectiveness in creating capital investment, increasing population, creating jobs, improving housing stock, providing enhanced retail and entertainment opportunities, and otherwise improving the quality of life within such District.

(c) Any municipality (or county in the case of an unincorporated area) having a District within its borders shall be responsible for providing the local incentives specified in its application, providing timely submission of reports and evaluations as required by rule or regulation, implementing an active local Development District program within the context of overall economic and community development efforts, and fulfilling such other responsibilities as may be required by law, rule, or regulation in connection with such District.

(d) Each District shall be required to submit regular reports and information to the Office as may be necessary to evaluate such District's effectiveness and compliance with this section.

§ 1906. Local incentives.

(a) Any municipality or unincorporated area submitting an application for District designation shall propose local incentives that address local economic and community conditions, and that will help achieve the purposes set forth in § 1901 of this chapter. Such local incentives may include but are not limited to a reduction in fees or taxes. In addition, the application may also contain proposals for regulatory flexibility, which may include but are not limited to permit process reforms, special zoning districts, or exemptions from local ordinances.

(b) All incentives proposed in the application shall be binding upon the municipality (or county in the case of an unincorporated area) upon designation of the District. The extent and duration of such incentives shall be consistent with the requirements of the Delaware Constitution and the United States Constitution.

(c) A municipality or county may establish eligibility criteria for local incentives that differ from the criteria required to qualify for the incentives provided in this chapter.

§ 1907. Amendments to District boundaries and incentives.

A municipality or county may apply to the Office to amend the boundaries of the District or to amend one or more District incentives, provided that any revised incentive proposed by the municipality or county shall be equal or superior to the incentive for which the amendment is sought. All proposed amendments are subject to approval by the Committee.

§ 1908. Formal Review and Termination of Districts.

(a) If a municipality (or a county in the case of an unincorporated area) fails to fulfill its obligations pursuant to § 1905 or as otherwise set forth in this Act, then the Office may recommend to the Committee that the District be placed under formal review or that its District designation be terminated.

(b) Except in instances where a city, town, or municipality fails to provide local incentives in accordance with § 1906 hereunder, the Office (1) may not recommend placing any District under formal review for at least 2 years following the initial designation of such District, and (2) may not recommend terminating the designation of any District for at least 1 year following the placement of the District on formal review by the Committee.

(c) In no event shall the Office recommend formal review or termination of any District without providing sufficient notice and opportunity to be heard to such District.

(d) The Committee may approve any recommendation by the Office to place a District under formal review or to terminate a District's designation upon the affirmative vote of three-fifths of the members of the Committee.

(e) The Office may promulgate regulations to authorize the continuation of previously authorized District incentives for a reasonable period following termination of the District; provided, however, that no new incentives shall be authorized for any entity after the date of termination.

Subpart II. Downtown Development District Grants.

§ 1921. Qualifications for Downtown Development District Grants.

(a) Subject to the limitations set forth in this subpart, any Qualified District Investor making a Qualified Real Property Investment in a District shall be entitled to a Grant in an amount up to 20 percent of the Qualified Real Property Investments made by such Qualified District Investor in excess of the Minimum Qualified Investment Threshold.

(b) For purposes of this chapter:

(1) "DDD Grant" or "Grant" shall mean a Downtown Development District Grant as set forth in paragraph (a) hereunder.

(2) "Facility" means a complex of buildings, co-located at a single physical location within a District, all of which are necessary to facilitate the conduct of the same residential, trade, or business use. This definition applies to new construction as well as to the rehabilitation and expansion of existing structures.

(3) "Minimum Qualified Investment Threshold" means the minimum level of Qualified Real Property Investments required to be made by a Qualified District Investor in a building or facility in order to qualify for a DDD Grant, as determined by DSHA. Notwithstanding the foregoing, for the fiscal year ending June 30, 2015, the Minimum Qualified Investment Threshold shall be $25,000 with respect to a single residential or mixed-use building or a facility. No more often than once per year, DSHA may amend the Minimum Qualified Investment Threshold with respect to uses (residential, commercial, industrial, etc.), types of projects (rehabilitation, new construction, etc.), or other criteria determined by DSHA to be necessary or convenient to accomplish the purposes of this chapter.

(4) "Qualified District Investor" means an owner or tenant of real property located within a District who expands, rehabilitates or constructs such real property for residential, commercial, industrial or mixed use. In the case of a tenant, the amounts of qualified real property investment specified in this section shall relate to the proportion of the building or facility for which the tenant holds a valid lease. In the case of an owner of an individual unit within a common interest community, as such term is defined in 25 *Del.C.* § 81-103(11), the amounts of qualified real property investments specified in this chapter shall relate to that proportion of the building for which the owner holds title and not to common elements.

(5) "Qualified Real Property Investment" means the amount in excess of the Minimum Qualified Investment Threshold that is properly chargeable to a capital account for improvements to rehabilitate, expand or construct depreciable real property placed in service during the calendar year within a District. Specific inclusions and exclusions from the definition of "Qualified Real Property Investments" shall be determined by DSHA, but such definition shall generally include expenditures associated with (i) any exterior, interior, structural, mechanical or electrical improvements necessary to construct, expand or rehabilitate a building or facility for residential, commercial, industrial, or mixed use; (ii) excavations; (iii) grading and paving; (iv) installing driveways; (v) landscaping or land improvements; and (vi) demolition. Notwithstanding the foregoing, no investment in the rehabilitation, expansion, or construction of any building or facility in a District shall be a Qualified Real Property Investment unless it is performed in accordance with the District Plan.

§ 1922. Limitations and Conditions.

(a) The availability of Downtown Development District Grants in any given year shall be subject to appropriation by the General Assembly.

(b) In addition to its other powers and responsibilities hereunder, DSHA is expressly authorized to establish such other limitations and conditions with respect to Grants as may be necessary or convenient to accomplish the purposes of this chapter, including but not limited to:

(1) Amending the Minimum Qualified Investment Threshold;

(2) Establishing caps or limits on DDD Grants available to any Qualified District Investor, alone or in combination with other local, state, or federal incentives for any individual building or facility (including but not limited to State Historic Preservation Tax Credits pursuant to Chapter 18 of Title 30);

(3) Establishing additional qualifying criteria with respect to uses (residential, commercial, industrial, etc.) or types of projects (rehabilitation, new construction, etc.);

(4) Incentivizing particular types of uses or projects in one or more Districts; and

(5) Establishing such other limitations and conditions in one or more Districts as DSHA shall determine from time to time.

(c) DSHA may establish or amend the foregoing limitations and conditions no more often than once per year.

§ 1923. Policies and procedures for allocation of Downtown Development District Grants.

(a) Qualified District Investors shall be eligible to receive DDD Grant provided for in this chapter to the extent that they apply for and are approved for grant allocations through DSHA.

(b) The accuracy and validity of information on Qualified Real Property Investments shall be subject to verification procedures in accordance with rules promulgated by DSHA on forms supplied by DSHA and in accordance with dates specified by DSHA.

§ 1924. Administration.

(a) DSHA shall have the primary responsibility for administering the DDD Grant program. In connection therewith, DHSA's powers and duties shall include but not be limited to the following:

(1) Adopting such rules and procedures as may be necessary or desirable to effectuate the provisions of this chapter;

(2) Administering, enforcing, and interpreting such rules and procedures;

(3) Allocating Grant funds in accordance with the provisions of this chapter; and

(4) Monitoring the implementation and operation of this subpart.

(b) Beginning no later than December 31, 2015, DSHA shall issue an annual report to the Governor and the General Assembly evaluating the effectiveness of the Grant program established hereunder.

(c) DSHA may delegate to, and receive assistance from, other entities including the Office, DEDO, and other state agencies in carrying out its responsibilities hereunder.

Section 2. Amend Title 29, § 9101(a) of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 9101 Cabinet Committee on State Planning Issues.

(a) A Cabinet Committee on State Planning Issues is established and shall serve in an advisory capacity to the Governor. It shall be comprised of the following members or their respective designees:

(1) The Secretary of the Department of Natural Resources and Environmental Control.

(2) The Secretary of the Department of Transportation.

(3) The Secretary of the Department of Agriculture.

(4) The Director of the Delaware Economic Development Office.

(5) The Director of the Delaware State Housing Authority.

(6) The Secretary of the Department of Safety and Homeland Security.

(7) Such others as the Governor may designate.

Section 3. Amend Title 29, § 9101(c) of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(c) The Committee shall consider matters relating to the orderly growth and development of the State, including, but not limited to:

(4) Recommendations on land use planning actions that are subject to review and comment pursuant to Chapter 92 of this title; ~~and~~

(5) Preparing the Strategies for State Policies and Spending document and maps, which shall serve as the primary policy guide that summarizes the State's land use goals, policies and strategies and directs state spending into investment levels that support the most efficient use of state resources, be they physical, fiscal, or natural, except that county and municipal governments shall retain their existing autonomy with respect to the land use designations set forth in their proposed and/or adopted comprehensive plans. The Strategies for State Policies and Spending shall be updated at least every 5 years, provided that the Governor may extend the deadline at his or her discretion~~.~~; and

(6) Performing such other duties and responsibilities with respect to Downtown Development Districts as set forth in Chapter 19 of Title 22.

Section 4. Amend Title 29, § 9101(h) of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

The Office of State Planning Coordination shall render local planning technical assistance. The Office of State Planning Coordination may serve as the lead agency to engage other state agencies, local governments, and other governmental and nongovernmental organizations for the purposes of coordinating planning activities, promoting liaison between various state agencies and local governments, building capacity through training and sharing of digital and other information, developing infrastructure plans and master plans, addressing specific growth and design issues, and such other actions as are appropriate to achieve the purposes of this chapter. The Office of State Planning Coordination shall develop and promote cooperation and coordination among state agencies and local governments to ensure effective and efficient planning and infrastructure investment. The Office of State Planning Coordination may make grants available to county and municipal governments to assist them in achieving any of the objectives outlined in this section, provided that funded activities and deliverables are in compliance and in harmony with the Strategies for State Policies and Spending. The Office of State Planning Coordination shall further have such authority and responsibility with respect to Downtown Development Districts as set forth in Chapter 19 of Title 22.

Section 5. Amend Title 30, § 1812(6) of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows and renumbering the remaining sections accordingly:

(6) "Downtown Development District" means an area of a city or down that has been designated by the Governor as a Downtown Development District in accordance with Chapter 19 of Title 22.

Section 6. Amend Title 30, § 1816(a) of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

(a) The maximum amount of credit awards under this chapter in any fiscal year shall not exceed $5,000,000. One hundred thousand dollars of the credit awards in a fiscal year must be reserved for distribution to qualified resident curators. If in any fiscal year there are insufficient qualified resident curators to exhaust this allotment, the unused credit amount will be available in the next fiscal year for award to persons qualifying under § 1813(a)(1) or (2) of this title. In any ~~1~~ one year, ~~$2,000,000~~ $1,500,000 of tax credits shall be reserved for projects receiving a credit of not more than $300,000. In addition, in any one year, $1,500,000 of tax credits shall be reserved for projects located in Downtown Development Districts, of which $500,000 shall be reserved for projects in such Districts receiving a credit of not more than $300,000. On April 1 of each year, any unused balance of the ~~$2,000,000 pool~~ foregoing pools of tax credits shall be available to any eligible project. However, should a credit award exceed the actual credit claimed, the amount of the excess credit award shall not be available for a subsequent award.

Section 7. Amend Title 31, § 4002(a) of the Delaware Code by making deletions as shown by strikethrough and insertions as shown by underline as follows:

§ 4002 Purpose.

(a) It is the purpose of this chapter that DSHA have the authority and capacity to:

(9) Advise and inform the Governor and the public on the affairs and problems relating to housing and community development and revitalization, and make recommendations to the Governor for proposed legislation pertaining thereto; ~~and~~

(10) Administer such provisions of the Downtown Development District Act as set forth in Chapter 19 of Title 22; and

(11) Operate DSHA's financial affairs in a prudent and sound manner.

Section 8. If any provision of this Act or the application thereof to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the Act which can be given effect without the invalid provision or application; and, to that end, the provisions of this Act are declared to be severable.

SYNOPSIS

Healthy and vibrant downtowns are critical components of Delaware's economic well-being and quality of life. The Downtown Development Districts Act is intended to leverage state resources to spur private investment in commercial business districts and surrounding neighborhoods; to improve the commercial vitality of our downtowns; and to increase the number of residents from all walks of life in downtowns and surrounding neighborhoods.

This Act establishes "Downtown Development Districts," a small number of areas in our cities, towns, and unincorporated areas that will qualify for development incentives and other state benefits. Municipalities must apply for District designation. In the case of unincorporated areas, counties must apply. Applications will be evaluated by the Cabinet Committee on State Planning Issues, which will make recommendations to the Governor. Following the initial round of applications, the Governor must designate at least 1 but no more than 3 Districts. Designation of the first 3 Districts must include 1 District in each county. Under the Act, no more than 15 Districts may be designated at any one time.

As part of the application process, municipalities or counties must offer local incentives. The factors to be considered by the Committee when evaluating applications include, among others, (1) the municipality's or unincorporated area's need for District designation; (2) the quality of the District Plan; and (3) the quality of the local incentives offered. The Office of State Planning Coordination will prepare applications, establish criteria to determine what areas qualify as DDDs, and provide assistance to municipalities and counties during the application process.

Under the Act, investors (both non-profit and for-profit) who make qualified real estate improvements in a District would be entitled to receive Downtown Development District (DDD) Grants of up to 20 percent of their "hard costs" such as exterior, interior, and structural improvements. The incentive is modeled after a similar program in Virginia, which has been extremely successful in leveraging significant amounts of private capital in under-served areas. Investors would need to invest at least $25,000 in a building or facility to qualify, and the 20 percent incentive would only qualify with respect to investments above $25,000. For example, an investor making $45,000 worth of qualifying investments in a District would be entitled to a DDD Grant of up to $4,000 (*i.e.*, 20% of $20,000). The Act gives DSHA the authority to cap the amount of Grants and to establish further conditions and limitations.

In addition, because Delaware's Historic Preservation Tax Credit Program has proven to be a powerful tool both in preserving important historic structures and revitalizing neighborhoods, the Act also provides that 30% of the state's yearly allocation of HPTCs will be reserved for projects in Downtown Development Districts. If by April 1 of each year any such credits are not allocated to projects in DDDs, such credits will be made available to any eligible project statewide.

Author: Sens. Henry & Bushweller & Marshall

Downtown Development District Program
Definitions

Central Business District:	The area around the downtown portion of the city or town allowing for higher intensity residential uses as well as commercial, office, personal services, governmental, and similar uses intended to serve the community and surrounding areas of the city or town.
Charrette	A multi-day, collaborative planning event that harnesses the talents and energies of all affected parties to create and support a feasible plan that represents transformative community change.
DDD	A Downtown Development District (District) established by a local government and designated by the Governor in accordance with the Downtown Development Districts Act of 2014.
District Administrator	An individual appointed or assigned by the local government to be to administrator of the DDD program for that community. The District Administrator will be the chief point of contact for the District and will be responsible for all record keeping and reporting that are required by the program.
District Plan	A plan that identifies the boundaries of a Downtown Development District and includes goals, objectives and strategies for redevelopment of the area. For purposes of the DDD program, the District Plan shall be prepared in accordance with the checklist and application form for the program.
Enclave	A parcel or group of parcels isolated and surrounded by lands that are included in the District.
Local Government / Applicant	Municipalities and counties are eligible to apply for Downtown Development District designation. Throughout the application the terms “local government” and “applicant” refer to either the municipality or county that is presenting the application.
Key Priority Project	A specific project identified in the District Plan that is considered to be a potential catalyst for other redevelopment activity and / or contribute to superior urban design or other benefits to the District.
Population:	The population of the municipality based on the 2010 US Census.

Downtown Development Districts Program
Links to Additional Resources

Delaware Economic Development Office (DEDO)

http://dedo.delaware.gov/

Downtown Delaware

http://dedo.delaware.gov/BusinessServices/DowntownDelaware/DowntownDelaware.shtml?DowntownDelaware

Delaware Office of State Planning Coordination

http://stateplanning.delaware.gov/

Downtown Development Districts Program

http://stateplanning.delaware.gov/ddd/

Delaware State Historic Preservation Office (SHPO)

http://history.delaware.gov/

Tax Credit Program

http://history.delaware.gov/preservation/taxcredit.shtml

Delaware State Housing Authority

http://www.destatehousing.com/

Delaware Downtown Development Districts Program
Sample Plans

Summary of Plan 1, Town of XYZ – The "Superior" Plan

This is a summary of a hypothetical District Plan that includes the elements that would make such plan an example of a "superior" submission by a municipality or county. It serves to demonstrate how these elements may be combined in a District Plan.

District Description

The Town of XYZ identified a district centered on Main Street, the core of their traditional historic downtown CBD. The town has a population of 15,000 people, so they chose a district of 120 acres that includes their CBD and some adjacent residential areas and connected commercial properties. These areas are all in need of revitalization. The residential neighborhoods are among the poorest in the city and the buildings are mostly in need of repair, which the community feels is hampering economic development activities on the Main Street. The town has worked with the public through a variety of participation activities, including a charrette, to determine the boundaries of the area and the key objectives for redevelopment. The town has been working for years to redevelop a vacant commercial property that they own adjacent to Main Street. In their District Plan this property is identified as a Key Priority Project, and a key component of phase 1 of the plan is to attract a developer to construct the mixed use development on the parcel that they envision.

The town used relevant data to support the need for the creation of the district. With Census and other data they were able to submit verifiable evidence that the proposed District has a high poverty rate, low homeownership, many vacant buildings and a high number of structures with code violations.

The town was able to identify a variety of potential positive impacts, including economic development, increased services for residents, and jobs near transportation and neighborhoods. By attracting more residents the town hopes that more transit will be available downtown as density increases. They also feel that redevelopment of the downtown will increase pride in the community, and in turn, encourage more investment.

Development / Redevelopment Strategy

The District Plan clearly articulates several overarching goals and objectives that will guide the community as it implements the plan. For example, one goal is to increase home ownership and it is linked to the objective of coordinating homeownership incentives in the District between local incentives, DSHA programs, and the DDD funds.

This town went further by specifying some key actions that will enable the community to achieve these lofty goals. One key action has been already completed. As a result of the charrette the town enacted a form based code and other land use regulation which allows for administrative review of development projects that meet the plan. These regulations greatly reduce the time for approval and do not require public hearings unless the development deviates from the approved development plan and regulations. The public was fully engaged in the development of the plan and regulations through the charrette, and is fully supportive.

An example of another key action is that the town identified several specific projects that are either "shovel-ready" or are on the cusp on being redeveloped if the right incentives are available. In its application, the town described the efforts it would undertake to bring these projects to fruition, which included educating

stakeholders on all of incentives available, including local incentives and the DDD program. In addition, the Town identified their Key Priority Project as a future mixed use development that is ready to get started within 6 months. Since the Town controls the property, they will be able to work directly with the future developer to expedite the process.

Of the 120 acres of the DDD, the Town selected a 60-acre area as the first phase. This phase contains the four most important blocks of the CBD, including the above mentioned specific properties and the Key Priority Project. The plan indicates that they intend to concentrate incentives in this area in hopes that new development here will catalyze other redevelopment activities throughout the District in future years.

Local Incentives

The town council has already amended the land use regulations in an effort to speed up the land use review process to allow administrative review available for projects that meet the plan. In addition, Council has introduced an ordinance that would waive building permit fees and allow for reduced sewer and water impact fees for projects in the District that are in conformance with the District Plan. The town has also committed to piloting a community policing program in the District and stepping up efforts to enforce code violations against problem landlords.

Consistency with other Planning Documents

The proposed District is in Level 1 in the *State Strategies*, and has been identified in The Town of XYZ's comprehensive plan as a mixed use downtown area. Other chapters of their comprehensive plan address redevelopment in the downtown and correspond to the goals of the DDD Program. The Town has been in the process of implementing their comprehensive plan, which has included the charrette and the new form based code and land use regulations recently adopted. This District Plan is presented as an extension of the implementation of the Town's comprehensive plan.

Coordination

The town has established a leadership role to guide the successful implementation of the comprehensive plan, and that team will continue their work by adding on the responsibilities of the DDD program. A key component of the town's approach is working with other governmental organizations, businesses, and non-profits. They have signed agreements with the local Main Street group and a non-profit housing organization to coordinate efforts. In addition, the town has appointed its town planner to be an ombudsman to walk applicants through the development process in the proposed DDD. Other Town departments, such as public works, are actively involved and are working to realign the CIP to prioritize projects in the DDD that will compliment redevelopment efforts.

Discuss Land Use and Urban Design Rules and Regulations

In their application, the town included the text and maps from its comprehensive plan that identified the downtown area and set the goals for redevelopment. The town also provided the report written as a result of the charette process which detailed desired urban design features, and led to the new land use regulations that have already been adopted. Finally, the town presented the new regulations which are graphic in nature, and give a clear picture of the desired outcomes.

Public Comment and Council Approval

The charrette process used to create the new land use regulations was really a detailed master planning exercise. It included widespread public outreach and many residents and business owners from the downtown participated. As evidenced by a resolution passed unanimously by town council in support of the plan and application, the town received significant "buy-in" with respect to its redevelopment strategy. Land use regulations passed without opposition. There were also public meetings as the District Plan and application were being prepared, and the community is excited to be included in the program and enthusiastically supports the application.

Summary

As you can see, the community is well aware of the difficulties faced in their downtown and has taken concrete steps over a period of time to reach solutions to these issues. The District Plan is an extension of these efforts and will add to efforts already underway. The District Plan contains not only goals and objectives backed up by data, but also some specific projects that members of the community have identified. In short, the Town of XYZ appears to be well positioned to provide leadership for redevelopment activities in their downtown and the DDD program will provide them additional incentives to help further their efforts.

Summary of Plan 2, Town of ABC – The "Less than Ideal" Plan

This is a summary of an imaginary District Plan that does not include the elements envisioned by the DDD Program. Although the municipality has filled out the application and created a District Plan it appears that the community is not well positioned to successfully implement a downtown redevelopment program.

District Description

Even though the Town of ABC has only 9,100 residents, they have selected the maximum size for the District, 170 acres. They only chose to include a small portion of the traditional downtown area, although the rest of the downtown clearly could benefit from redevelopment activities. The boundaries do not have a regular shape, but rather they appear to be gerrymandered to include lower density residential neighborhoods and suburban style strip commercial areas that front the highway.

The town's overall goals and objectives were very general and it was not clear how, or if, these goals informed the creation of the proposed District. The positive potential impacts were similarly general, and the data did not support the need because the neighborhoods and commercial areas selected did not appear to be in need of redevelopment.

Development / Redevelopment Strategy

The overarching goals and objectives were very general, and the plan did not clearly and concisely describe actions and strategies. Although the goals and objectives were generally applicable to downtown redevelopment, it could not be determined from the application that they were relevant to this town or the areas selected. No specific parcels were identified as being "shovel ready" or otherwise poised to take advantage of the incentives offered under the DDD Program.

The Town selected the maximum acreage, but did not propose any phasing or timing. There are no specific projects mentioned, and the Town is not involved in any specific redevelopment activities at the present time.

Local Incentives

In their application the Town of ABC indicated that they will be exploring a reduction in the building permit fee for projects in the proposed District. However, it is not clear if there is any council support for this proposal because no ordinances have been introduced yet and there is not even a draft ordinance available to attach to the application. The Town indicates that they are not considering reducing their sewer or water impact fees at this time. They did not mention land use regulations or the land use process in their application

Consistency with other Planning Documents

Most of the proposed District is in Level 1 of the *State Strategies*, and portion of the low density residential neighborhood is in Level 2. The Town's comprehensive plan identifies these areas as low density residential and highway commercial. The small portion of the downtown CBD that is in the District is identified for commercial use. It is not clear from the application or the plan how these designations support compact, mixed use development.

Coordination

There are two downtown organizations and a non-profit housing group active within the identified district, all working on different projects. These groups work independently of one another. Although two of the groups

have town council members on their boards, the Town is not formally involved with any of these organizations. The application makes no mention of any attempt to coordinate their activities.

Discuss Land Use and Urban Design Rules and Regulations

The land use regulations support low density residential and highway commercial development, not the mixed use development that is discussed in the application. In fact, the small portion of the CBD included in the district is identified as "commercial" which does not allow for residential dwellings in either the plan or the current zoning ordinance.

The zoning ordinance itself was last updated in 1973, and appears to be a traditional Euclidean ordinance that calls for a strict separation of uses. The application makes no mention of revising the ordinance.

Public Comment and Council Approval

It does not appear that the Town of ABC held any public workshops or other outreach efforts as they prepared their application. They did provide minutes to demonstrate that it was an agenda item at a regular council meeting, but there was no public hearing. The town's application did not include a resolution evidencing the town council's support of the plan and application.

Summary

It appears that The Town of ABC is not ready for the program. The area they chose was large, unfocussed, not phased, and included areas that do not appear to match the goals of the Downtown Development Districts Program. The goals and objectives are very general and not specific to the community. It does not appear that the Town is interested in or able to take a leadership role in coordinating with other groups involved in downtown redevelopment. Finally, the Town Council has not provided a resolution supporting the application or any evidence of a meaningful and compelling package of local incentives.

Downtown Development District Program
District Plan Checklist

Plan Elements[1]	*Content*
District Description	Describe: ☐ Citywide map with outlined district ☐ District map - Districts must be contiguous, and be no more than 85 acres in area for local governments with a population under 9,000 and no more than 170 acres in area for local governments with a population between 9,000 and 30,000 and no more than 225 acres for local governments with a population over 30,001. If using the maximum acreage it is recommended that you identify phasing and prioritization of the area. ☐ Districts must include a traditional mixed-use downtown area, commonly known as a Central Business District (CBD)[2]. The size and shape of the proposed District must make sense from an urban planning and revitalization perspective. ☐ The need for the Downtown Development District economic incentives must be documented with the use of relevant data and other methods as discussed in the application. ☐ Identify the potential positive impacts that are likely to accrue due to designation as a District.
Development/ Redevelopment Strategy	☐ Describe overall goals and objectives for the selected area. ☐ The District Plan should clearly and concisely describe the key actions and strategies that are in place and / or will be used to guide growth and revitalization efforts in the proposed District. ☐ If proposing the maximum acreage, phasing and prioritization is preferable. ☐ Identify priority areas/sites. ☐ List any known projects that can be underway within 6 to 12 months ☐ Include an implementation timeline.
Local Incentives	☐ What local incentives will be available to the district upon its designation (e.g., fee or tax reductions, permit or licensing reform …)? ☐ Describe how these incentives will work in concert with the Downtown Development District benefits.
Consistency with other planning documents	☐ The most recently certified comprehensive plan; ☐ The State Spending Strategies. ☐ local and state land use regulations; ☐ other overlay district regulations (e.g., historic districts, BIDS, …)
Discuss land use and urban design rules and regulations that will be applied to the district	☐ Adequacy of current zoning ☐ Adequacy of current land use regulations ☐ Adequacy of current design standards such as historic review overlays, … ☐ Map showing current zoning and land use regulations that apply ☐ Map showing proposed zoning and land use changes needed (if any) to accomplish goals and objectives
Coordination	☐ Discuss how the local government envisions itself in a leadership role to guide the successful implementation of the District Plan ☐ If other governmental, non-governmental and/or quasi governmental organizations are involved with revitalization efforts in the downtown area they must be identified and it must be demonstrated that coordination of all activities will be part of the District Plan.
Public Comments	☐ How will public input be obtained?

[1] More detailed information on the plan elements can be found in the application document.
[2] Central Business District: An area around the downtown portion of the city or town allowing for higher intensity residential uses as well as commercial, office, personal services, governmental, and similar uses intended to serve the community and surrounding areas of the city or town.

Downtown Development District Program
Response to Public Comments

The DRAFT application and program guidelines booklet for the Downtown Development District Program were available for public review between July 2nd and July 25th, 2014. The following table summarizes the comments received and provides our staff response to each comment.

Summary of Comment	Staff Response
Phasing of incentives is encouraged, but could preclude market based redevelopment. The commenter wants to be sure that State incentives will apply equally across the geographic area once the District is designated.	Phasing and / or prioritization of incentives within large Districts is encouraged in order to concentrate redevelopment activities. However, this is a recommendation and not a requirement. Local governments are welcome to consider this approach as they prepare their District Plans and applications. State incentives will be available to the entire geographic area of the District unless the District Plan indicates otherwise. The language in the application has been edited to make it clear that phasing and / or prioritization of incentives is a recommendation and not a requirement.
The application indicates that smaller Districts will be prioritized over larger District proposals. The commenter feels this will disadvantage larger municipalities which have downtowns that cover more acres, and thus need the maximum acreage allowable.	The intent was to encourage local governments to focus the incentives in the areas which are most in need of redevelopment. There was no intent to disadvantage larger municipalities, and we do understand the desire to redevelop large areas that need it. Based on this comment, and others we have received, the application has been edited to remove the language about any additional consideration or "scoring" benefit to be derived from proposing a smaller District than the maximum. Based on this and other comments we have also increased the maximum acreage to 225 acres for larger jurisdictions (over 30,000 population). We have also added a question which requires the applicant to describe the rationale for choosing the boundaries.
Suggests a text edit to correct an incomplete sentence on page 2 of the application.	This sentence has been edited.
Indicates that the jurisdiction will be combining two existing planning documents with an overall summary to create the District Plan. The commenter wants to make sure that this is acceptable	Yes, it is acceptable to submit a District Plan comprised of two (or more) existing planning documents that already address downtown redevelopment.
Has read the draft application and finds it easy and clear to follow. No questions at this time	Thank you for the feedback. No other response needed.
The maximum acreage requirement is a constraint for the jurisdiction since the downtown is much larger than 170 acres	We researched successful downtown redevelopment initiatives before developing the DDD program. An important finding was that redevelopment activities were most successful when they were concentrated in a specific downtown area. It seems that key projects tend to catalyze other land owners to make similar investments as long as the properties are close enough geographically to benefit from one another. With this said, we do understand the unique needs of large municipalities with large downtown districts. After considering this comment and others received, we have decided to alter the maximum acreage to 225 acres for municipalities with a population over 30,000.
Streets should not be included in the calculation of acres in a District so that more area can be included in the District.	The DDD program is not limited to the "real property grants." Streets, and other infrastructure, are integral parts of any downtown area. It is our desire that DDD boundaries be as simple and understandable as possible so that the program can be efficiently administered as time goes on. We have made no changes. Streets are counted in the acreage. We have increased the size for districts in large municipalities to help accommodate this issue for those jurisdictions.
The requirement for contiguity impairs the jurisdiction's desire to redevelop "sub-zones" in different parts of the city.	We researched successful downtown redevelopment initiatives before developing the DDD program. An important finding was that redevelopment activities were most successful when they were concentrated in a specific downtown area. It seems that key

	projects tended to catalyze other land owners to make similar investments as long as the properties were close enough geographically to benefit from one another. This finding led to the contiguity requirement, and also to the maximum size requirement. We have increased the maximum size of the District for large municipalities, but the contiguity requirement will not be changed.
The inability to carve out "enclaves" that may include publically owned buildings limits the jurisdiction from extending the District to other areas in need of redevelopment	It is our desire that DDD boundaries be as simple and understandable as possible so that the program can be efficiently administered as time goes on. We have made no changes to the program criteria. We are happy to consider District boundaries that avoid blocks containing large concentrations of government buildings, but allowing enclaves could lead to a District that looks like "swiss cheese" where every structure or parcel deemed unlikely to take advantage of the incentives could be removed from the boundary. Jurisdictions that wish to phase or prioritize the incentives for certain specific areas, building types, land uses, or economic development projects within the District are encouraged to propose this in the District Plan.
Emphasis on GIS files may add cost to smaller municipalities.	OSPC will provide GIS assistance to small municipalities that request it.
Census data may be time consuming to gather.	OSPC is the Census State Data Center. They will assist in collecting Census data if requested.
The "suggested supplemental data" may be difficult to gather if not already being quantified.	Each municipality is welcome to provide whatever data they have available and deem appropriate in order to make the case for the need for redevelopment incentives in their downtown.

Downtown Development District Program
How to Use this Application Form

This application is a Microsoft Word document that has been modified. The text in the document is "locked" meaning that you can't edit it. The fields where you are supposed to enter information are "open" allowing you to type or paste information into these fields. The fields that can be edited are in gray.

First, we recommend that you save this document with a unique file name that includes the name of your jurisdiction. An example would be "DDD-Application-Dagsboro." Then you can work on the document without fear of overwriting it, and when you send it to us we will know who it came from (and we won't be in danger of overwriting it).

Some of the fields are informational in nature, such as places to type in the name and address of your jurisdiction. It should be relatively straightforward to type this information in and save it. Some of the fields are check boxes, which are similarly straightforward.

Many of the fields are questions that ask you to respond in either 100 or 750 words. You might find it helpful to write and edit your responses in a separate Word document and then paste them in to the application once they are complete. The 100 word statement is to be used internally for review and in printed materials where we need a concise description of each proposed District. Almost all other questions are suggested to be no more than 750 words, which is about a page and a half of text (using 12 point font). In these responses it is important to clearly and concisely answer each question. Your District Plan can go into much more detail about each topic, and it is appropriate and expected that you will reference your District Plan in these 750 word responses. There is no penalty for exceeding 750 words, but if you find that you are writing much more than 750 words please consider putting the additional information in your District Plan.

There are numerous attachments mentioned throughout this application. The most obvious one will be the District Plan. The application also asks for various maps, spreadsheets, letters of support, resolutions and data to be attached associated with particular questions. Please compile all of the attachments into one Adobe Acrobat (.pdf) document. It would be wonderful if you could include a table of contents, and organize these attachments in the order of the questions.

It is likely that when you are done with the application form (Word document) and the attachments (.pdf document) the combination of both documents will be larger than 15mb, which is the limit for external email in the State system. In these cases, we will arrange for you to have access to a sftp file transfer site to upload your documents. Email the OMB Application Team at OMB_APP_Team@state.de.us to request an account and a password to upload the file. You must include the following information in your email in order for the OMB Application Team to process your account access: Name, Company, Email Address, and Phone Number.

OSPC will provide technical assistance with Census data and GIS mapping if requested by local governments that can demonstrate the need for the assistance. We will provide assistance to all local governments on the technical aspects of completing this application and transmitting / uploading finished applications. To request assistance or if you have questions about any part of this application or the program in general please contact your Circuit Rider Planner at the Office of State Planning Coordination, (302) 739-3090.

Downtown Development Districts

Application for Designation as a District

Section I
General Guidelines

The Downtown Development Districts Act of 2014 (the Act) was enacted by the General Assembly in order to:

- Spur private capital investment in commercial business districts and other neighborhoods;
- Stimulate job growth and improve the commercial vitality of such districts and neighborhoods;
- Help build a stable community of long term residents by improving housing opportunities; and
- Assist local governments in strengthening neighborhoods while harnessing the attraction that vibrant downtowns hold for talented people, innovative small businesses and residents from all walks of life.

Local governments[1] that wish to take advantage of this program must identify a downtown district in their community and apply for designation. To make an application for designation this form must be completed, supporting materials must be attached, and the entire packet submitted to the Office of State Planning Coordination as detailed herein in order for the request to be considered.

Completed applications will be considered by the Cabinet Committee on State Planning Issues (the Committee). The Committee will make recommendations to the Governor, who will then designate between one and three Downtown Development Districts in the current program year. Additional Districts may be designated in future program years. The number of Districts is limited to 15 at any one time. District designations last for 10 years, and the Committee can consider up to two five year extensions.

Selection as a Downtown Development District will entitle private construction projects within the identified District to receive grants to offset 20% of their capital construction costs. There are a host of other benefits that will be described in more detail in other materials. Grant funds will be administered by the Delaware State Housing Authority (DSHA).

Applications must be addressed to the Office of State Planning Coordination as follows:

Mrs. Constance C. Holland, AICP
Director
Office of State Planning Coordination
122 Martin Luther King Jr. Blvd, S.
Dover, DE 19901

Application Due Date for FY15 Cycle:
November 1, 2014

[1] Municipalities and counties are eligible to apply for Downtown Development District designation. Throughout this document, the terms "local government" and "applicant" refer to either the municipality or county that is presenting the application.

Section II
Specific Requirements

Local governments must identify proposed Downtown Development Districts in accordance with the Act. Districts must include a traditional mixed-use downtown area, commonly known as a Central Business District (CBD)[2]. Districts must be no more than 85 acres in area for jurisdictions with a population under 9,000[3] persons, no more than 170 acres in area for jurisdictions with a population between 9,000 and 30,000 persons, and no more than 225 acres in area for jurisdictions with a population over 30,001 persons. Applicants are encouraged to geographically concentrate the incentives to the greatest extent possible.

The size and shape of the proposed District must make sense from an urban planning and revitalization perspective. The applicant must fully describe the rationale for choosing the boundaries as a part of this application. Guidelines for preparing District boundaries are found elsewhere in this application.

A map of the District is required as a part of this application. Local governments must also supply maps showing the future land use and zoning of the district area, and discuss how the plan and land use regulations support the application for the District.

The Act identifies three components of the application for designation as a District:

- The need and impact of the District designation;
- The quality of the District Plan
- The quality of the local incentives offered

Each of these components will now be described in more detail.

Need and Impact: The applicant must describe the need for the economic incentives that will be available in designated District. The need must be documented through the use of relevant data and other methods. The conditions of the local economy, income, poverty, homeownership rates, prevalence of vacant or abandoned buildings and other metrics may be used to make the case that the proposed District is in need of the incentives.

In addition, the applicant must describe the potential positive impacts that are likely to accrue due to designation as a District. Applicants are encouraged to describe the impacts using both data and other methods.

The **Need and Impact** section will account for 50% of the consideration given to scoring each application.

District Plan – The local government must present a District Plan that will be used to guide development activities and

[2] Central Business District: An area around the downtown portion of the city or town allowing for higher intensity residential uses as well as commercial, office, personal services, governmental, and similar uses intended to serve the community and surrounding areas of the city or town.

[3] Population to be based on the 2010 US Census.

revitalization efforts in the District. The District Plan is to be a detailed description of the overall strategy for the development of a proposed district.

The applicant must demonstrate that the District Plan is consistent with the local government's certified Comprehensive Plan and the *Strategies for State Policies and Spending* and any other local planning documents or studies that are applicable. Additionally, if other governmental, non-governmental and/or quasi governmental organizations are involved with revitalization efforts in the downtown area they must be identified and it must be demonstrated that coordination of all activities will be part of the District Plan.

The District Plan should clearly and concisely describe the key actions and strategies that are in place and / or will be used to guide growth and revitalization efforts in the proposed District. The overall vision of the plan, the clarity of actions to be taken, and proof of the ability and the will of the municipality or county and other partners to implement the plan will be key considerations when evaluating this section of the application.

Changes to the District Plan must be reviewed by the Committee. District designation may be rescinded if the District Plan is not adhered to.

The quality of the **District Plan** will account for 30% of the consideration given to scoring each application.

Local Incentives – The local government must detail a package of local development incentives that will apply within the proposed District. These incentives may include, but are not limited to, a reduction in fees or taxes; regulatory flexibility; permit process and licensing reform; special zoning districts; or exemptions from local ordinances. These incentives may either be currently in place and in use by the municipality or county or they may be proposed for implementation upon designation as a District.

Upon designation as a District the local government is required to implement the incentive package as described and proposed for the duration of the District designation. Grant funds will not be available to projects until the incentive package is adopted by the local government and made available to the project developer. Changes to the incentive package must be approved by the Committee. The District designation may be rescinded by the Committee if these conditions are not adhered to.

The quality of the **Local Incentives** will account for 20% of the consideration given to scoring each application.

Section III
Application Instructions

Check List - self-explanatory.

Information Sheet - The local government must supply the jurisdiction's name, mailing address, and phone numbers. The applicant must provide the date of the last update of the

comprehensive plan and briefly describe the District being proposed.

Map of the Proposed District – The local government must submit a map of the proposed District in sufficient detail to clearly identify the boundaries of the District and calculate its area. Maps should be created with GIS software, and the associated computer files should be made available to aid our review of the proposal. Districts must be contiguous, and be no more than 85 acres in area for local governments with a population under 9,000 persons, no more than 170 acres in area for jurisdictions with a population between 9,000 and 30,000 persons, and no more than 225 acres in area for jurisdictions with a population over 30,001 persons. There are guidelines detailed elsewhere in this application that must be followed when preparing the proposed District boundaries. Applicants must also supply maps showing the future land use and zoning of the district area, and discuss how the plan and land use regulations support the application for the District.

Summary of Need and Impact – The local government must complete this form to summarize the need for District designation and the potential positive impact of the district. Supporting documentation should be attached to this form.

Summary of District Plan – The local government must complete this form to summarize the District Plan for the proposed District. Copies of the District Plan or Plans must be attached to this form, along with any relevant supporting documentation.

Written Documentation from Supporting Organizations – The local government must supply written documentation from other organizations that will be relied upon to implement the District Plan. The documentation must be attached to the "Summary of District Plan" form.

Summary of Local Incentives – The local government must complete this form to summarize the local incentive package to be made available within the District upon designation. The local ordinances (or other regulations or documentation) enabling and governing these incentives must be attached to this form, along with any relevant supporting documentation. In the case of incentives proposed upon designation, the draft ordinances must be attached.

Legislative Body Resolution – The local government must attach an adopted resolution from the jurisdiction's legislative body that indicates the local government's desire to apply for designation as a District, and the local government's willingness to adhere to the District Plan and the Local Incentives for the duration of the District designation.

Application for Designation as a District

Application Cover Sheet and Check List

Jurisdiction Name:

_____

Date of Application ____ Date Received ____

Check List for Application Materials

- ☐ **Application Cover Sheet and Check List.**
- ☐ **Information Sheet.**
- ☐ **Map of the Proposed District (GIS files encouraged).**
- ☐ **Map of Future Land Use in Proposed District (GIS files encouraged)**
- ☐ **Map of Zoning in Proposed District (GIS files encouraged)**
- ☐ **Summary of Need and Impact (with attachments).**
- ☐ **Summary of District Plan (with attachments).**
- ☐ **Written Documentation from Supporting Organizations.**
- ☐ **Summary of Local Incentives (with attachments).**
- ☐ **Legislative Body Resolution.**

Application for Designation as a District

Information Sheet

Municipality / County: _____

Contact Person for Application	Proposed District Administrator (if different)
Name: _____	Name: _____
Address: _____	Address: _____
Phone: _____	Phone: _____
Email: _____	Email: _____
Signature Date	Signature Date

Date of certified Comprehensive Plan _____

Population of the municipality or county (as per 2010 US Census) _____

Population of proposed District (based on 2010 US Census Block data) _____

Area of proposed District in acres _____

Brief description of the proposed Downtown Development District (100 words or less)
Note: this description will be used as a summary for internal review and in printed materials

Application for Designation as a District

Map of the Proposed Downtown Development District

Instructions: Prepare a map of the proposed Downtown Development District. The map must clearly show the boundaries of the District. The area of the proposed District, in acres, must be calculated from the boundaries designated on the map. The following guidelines must be adhered to when preparing the boundaries of the proposed District:

- The maximum size of the District is 85 acres for local governments with populations below 9,000, 170 acres for local governments with a population between 9,000 and 30,000, and 225 acres for local governments with populations over 30,001 (population as per the 2010 US Census).
- Districts must be contiguous.
- Districts must include the streets and right-of-ways within it. These count towards the maximum acreage.
- Enclaves within District boundaries are not acceptable.
- Prioritizing, phasing and /or timing of redevelopment activities in different geographic areas of the District is acceptable, and will be considered favorably when it can be demonstrated that this will concentrate the incentives to achieve specific revitalization goals.
- If any portion of the proposed District is in the floodplain, the FEMA floodplain map must be included as a layer on the map. Contact OSPC for technical assistance if needed.

Attach the map of the proposed Downtown Development District

Attach a map showing the future land use in the proposed District from the municipality's or county's certified Comprehensive Plan. Attach a map showing the zoning or land use regulations that apply to lands within the District. Discuss how the plan and land use regulations support the application for the District.

It is encouraged that the map(s) be created using GIS software. If the municipality or county is able to use this software, please submit digital files to our office to supplement the application and aid us in our review. Please contact OSPC if you need assistance and / or to arrange to electronically transfer the files.

☐ District Boundaries Map Attached

☐ GIS data is available and will be electronically transferred to OSPC

Name of person who created the map: _____

Phone _____ Email _____

Map of the Proposed Downtown Development District - continued

Describe the rationale for choosing the boundaries of the proposed District (please limit your response to 750 words or less).

Attach a map showing the future land use of the District from the local government's certified Comprehensive Plan.

☐ Map Attached

☐ GIS data is available and will be electronically transferred to OSCP

Attach a map showing the zoning or land use regulations that apply to lands within the District

☐ Map Attached

☐ GIS data is available and will be electronically transferred to OSPC

Map of the Proposed Downtown Development District - continued

Discuss how the plan and land use regulations support the application for the District (Please limit your response to 750 words or less).

Are there other special overlays, districts, or areas that intersect the proposed District? Examples of such special areas include historic districts, BID taxing districts, etc. Please describe any of these special areas and how they will interact with the proposed Downtown Development District. Include maps, if applicable. (Please limit your response to 750 words or less).

Application for Designation as a District

Summary of Need and Impact
50%

Instructions: Complete this form to document the need for the District designation and its potential to positively impact your community. Attachments of data and other documentation are required. There is no specific page or word limit on the information that can be attached, ***however*** please be aware that applications that provide clear and concise documentation that is directly related to the need and impact of the District proposal will be scored the highest.

Please describe the **need for** the Downtown Development District designation in your community (please limit your response to 750 words or less).

Application for Designation as a District

Summary of Need and Impact – continued
50%

Attach relevant data to that demonstrates and documents the **need for** the Downtown Development District designation.

The following table summarizes the **required** data from the US Census. Input the data into the summary spreadsheet provided, and attach any other written documentation that can summarize the data. Contact OSPC for assistance with the Census data, if needed.

Required Data from the US Census

The municipality or county as a whole			
Median Income	Poverty Rate	Age of Structures	% Homeownership
% Rental	Vacancy	Median Home Value	
The Census Tract(s) that contains the proposed District			
Median Income	Poverty Rate	Age of Structures	% Homeownership
% Rental	Vacancy	Median Home Value	% Low / Mod Income
The Census Block(s) that most closely correspond to the proposed District			
Total Population	% Homeownership	% Vacancy	

☐ Summary spreadsheet and other documentation attached

Please provide any other data that support the municipality's application for the District. The following table contains some **suggested** data sources that can serve to supplement the required data. Please attach any that apply, and any other data that is relevant. Cite the source for each dataset.

Suggested Data from a Variety of Sources

Blight	Condemned Properties	Code Violations
Crime Statistics	Economic Analysis	CDBG Program Statistics
Market Studies	Redevelopment Authority Activities	Public Works Projects
Education Data	Infrastructure Condition or Need	Other

☐ Additional data and documentation attached

Application for Designation as a District

Summary of Need and Impact – continued
50%

Describe how the attached data demonstrates the **need for** the Downtown Development District designation in your community (please limit your response to 750 words or less).

Describe the potential positive impacts of the proposed Downtown Development District designation in your community. Impacts can include economic, social and / or cultural impacts among others. Attach supporting documentation if applicable (please limit your response to 750 words or less).

Application for Designation as a District

Summary of District Plan
30%

Instructions: through this application the municipality or county will be presenting the District Plan that will guide future revitalization, growth and development activities in the District. Upon designation, the local government will be required to adhere to the District Plan in order to qualify for grants and other incentives. Attach the District Plan, and summarize the content, goals, and objectives in the space provided.

The District Plan Checklist is provided as a separate document. The proposed District Plan must be prepared in accordance with the Checklist.

Attach the District Plan.

☐ District Plan Attached.

Summarize the content, goals and objectives of the District Plan. (please limit your response to 750 words or less).

Application for Designation as a District

Summary of District Plan – continued
30%

Please summarize how the local government envisions itself in a leadership role to guide the successful implementation of the District Plan (please limit your response to 750 words or less).

List key implementation strategies for the District Plan. Please also list any known projects or proposals that can be underway within six to twelve months of District designation. Key Priority Projects[4] should be identified, if applicable. See the Checklist for more details (please limit your response to 750 words or less).

[4] Key Priority Projects are specific projects identified in the District Plan that are considered to be potential catalysts for other redevelopment activity and / or contribute to superior urban design or other benefits to the District.

Application for Designation as a District

Summary of District Plan – continued
30%

List any other governmental, quasi-governmental or non-governmental organizations that will be involved in the creation and / or implementation of the District Plan. A Main Street organization would be an example of such an organization. For each organization, describe how the local government will coordinate their activities to encourage revitalization and economic development in the District.

Attach written documentation (in the form of letters of agreement, memorandums of understanding, board resolutions etc) from each of the above listed organizations indicating support for this application to be designated as a Downtown Development District and identifying a willingness to coordinate with the municipal government to implement the District Plan.

☐ Written documentation attached from all other organizations

Application for Designation as a District

Summary of District Plan – continued
30%

Describe any actions your local government has taken to ensure energy efficient and environmentally sensitive development, and to prepare for flooding and sea level rise, if applicable. How will these efforts be implemented in the proposed District? (please limit your response to 750 words or less).

Describe how the District Plan is consistent with your certified Comprehensive Plan and the *Strategies for State Policies and Spending* (please limit your response to 750 words or less).

http://stateplanning.delaware.gov/strategies/

Application for Designation as a District

Summary of Local Incentives
20%

Instructions: The municipality or county must complete this form to summarize the local incentive package to be made available within the District upon designation. The local ordinances (or other regulations or documentation) enabling and governing these incentives must be attached to this form, along with any relevant supporting documentation. In the case of incentives proposed upon designation, the draft ordinances must be attached.

Attach the Local Incentives. The following table includes **suggested** local incentives. Please attach any that are relevant, and others that have not been listed.

Suggested Local Incentives

Fee or Tax Reductions	Regulatory Flexibility	Permit or Licensing Reform
Special Zoning Districts	Exemptions from Local Ordinances	Streamlined Permitting
Other		

☐ Written documentation attached for all Local Incentives

List the Local Incentives that are already in place. Please detail the geographic extent of each incentive (i.e. is the incentive available throughout the entire jurisdiction, or only in certain geographic areas?)

Local Incentive	In effect since (approx.)	Geographic area covered

Application for Designation as a District

Summary of Local Incentives - continued
20%

List any of the existing Local Incentives that will be modified to have specific benefits to properties in the proposed District.

Local Incentive	How modified?	Geographic area covered
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only

List the Local Incentives that are new and will be available only in the proposed District.

Local Incentive	Date enacted (or proposed date of adoption)	Geographic area covered
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only
		DDD Only

Application for Designation as a District

Summary of Local Incentives - continued
20%

Please describe how each local incentive will be funded. If the incentive involves a reduction or waiver of taxes or fees, or in-kind services (for example, expedited permitting utilizing existing staff resources) please note that here.

Local Incentive	Funding Source

For each Local Incentive to be provided, please describe the specifics of how the incentive works (details are needed), and how the incentive encourages economic development and revitalization in your community.

Application for Designation as a District

Summary of Local Incentives - continued
20%

Summarize the package of Local Incentives, and describe how these incentives will work in concert with the Downtown Development District benefits to encourage revitalization and economic development in your proposed District (please limit your response to 750 words or less).

Application for Designation as a District

Legislative Body Resolution

Instructions: Attach a resolution that has been adopted by the legislative body of your municipality or county. The resolution must affirmatively indicate that the legislative body supports the application for designation as a Downtown Development District and is willing to adhere to the District Plan and the Local Incentives for the duration of the District designation.

Date of Resolution

Resolution Number

☐ Resolution Attached.

Downtown Development District Application
Census Data Spreadsheet Template

Name of Town / City / County:

	City	Tract(s)	Block(s)
Total Population			
Median Household Income			
Poverty Rate, All People			
% Housing Built 1949 or earlier			
% Homeownership			
% Rental			
% Vacant Housing Units			
Median Home Value			
% Low / Mod Income			

Census Tract (s) that include proposed District:						

Census Blocks that most closely correspond to proposed District:						

Census Tract Worksheet

	Tract #	Tract #	Tract #	Totals
Total Population				
Median Income				
Poverty Rate				
Age of Structures				
% Homeownership				
% Rental				
Vacancy				
Median Home Value				
% Low / Mod Income				

Census Block Worksheet

	Block #	Block #	Block #	Totals
Total Population				
Housing Units Owned				
Housing Units Rented				
Housing Units Occupied				
Housing Units Vacant				





Delaware's Certified Local Government (CLG) Program Guidelines

Division of Historical and Cultural Affairs

21 The Green

Dover, DE 19901

T: (302) 736-7400

http://history.delaware.gov/

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NONDISCRIMINATION STATEMENT

This program receives Federal financial assistance for identification and protection of historic properties. Under Title VI of the Civil Rights Act of 1964, Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975, as amended, the U.S. Department of the Interior prohibits discrimination on the basis of race, color, national origin, disability or age in its federally assisted programs. If you believe you have been discriminated against in any program, activity, or facility as described above, or if you desire further information, please write to: Office of Equal Opportunity, National Park Service, 1849 C Street, N.W., Washington, DC 20240.

I. INTRODUCTION

The Certified Local Government (CLG) Program is a local, state, and federal partnership focused on promoting historic preservation at the grass roots level. Authorized as part of the 1980 amendments to the National Historic Preservation Act of 1966 (NHPA), the CLG Program provides local governments with a formally recognized role in the nation's preservation program.

The CLG Program is jointly administered by the Department of the Interior, through the National Park Service (NPS), and State Historic Preservation Offices (SHPOs) in each state. In Delaware, the SHPO is the Director of the Division of Historical and Cultural Affairs. The NPS is responsible for establishing the CLG Program's broad regulations and standards, which are further defined by each SHPO to meet the needs and abilities of their local governments.

In Delaware, local governments may include any of the counties or any municipality incorporated under the authority of the General Assembly. To participate in the CLG Program, which is an entirely voluntary commitment, the local government's chief elected official (CEO) must first submit a signed application demonstrating that it meets the basic program criteria. It is important to consider that CLG certification encompasses the entirety of the local government, rather than simply the body designated to carry out preservation activities. Therefore, the local government's CEO has a significant role in the CLG Program and possesses an independent voice in dealings with the SHPO. If approved, the CLG certification agreement functions as annually self-renewing unless, however, the local government voluntarily withdraws or fails to perform its necessary functions.

This document outlines the benefits, requirements and management procedures of Delaware's CLG Program.

II. BENEFITS OF CLG CERTIFICATION

- **CLG Grants:** CLGs are eligible to apply to the SHPO for grant funding to pursue a wide variety of preservation-related projects and activities, including (but not limited to): historic property surveys, nominations (or amendments) to the National Register of Historic Places, preservation planning assistance, public outreach, and training for members of the historic preservation review commission or CLG staff.

  Funding for CLG Grants is derived from the Historic Preservation Fund (HPF), which is awarded annually to the State. In turn, the State is required to allocate 10% of its HPF award to CLGs in the form of sub-grants. The CLG grants function on a 60/40 matching basis: the grant may constitute up to 60% of the project cost, while the applicant provides the remaining 40% through cash and/or donated services and materials.

- **Technical Assistance:** The SHPO is committed to working closely with CLGs to support historic preservation efforts and address issues of concern. The SHPO or SHPO staff are available to provide ongoing technical assistance and may, upon request, attend a CLG meeting to conduct a presentation or workshop.

III. CLG PROGRAM REQUIREMENTS

A. The local government must adopt and enforce a zoning ordinance for the designation and protection of historic properties located within its jurisdictional boundary. The following provisions must be included in either the zoning ordinance or implementing regulations:

1. A statement of purpose and definitions;

2. The establishment of an adequate and qualified historic preservation review commission (Commission);

3. An assignment of powers to the Commission to carry out the provisions of the zoning ordinance;

4. Procedures and locally-established criteria for the designation of local landmarks and/or local historic districts. [These local landmarks and local historic districts must not include properties listed on or eligible for listing in the National Register of Historic Places (National Register) unless already designated through the local designation process.];

5. Procedures and standards for the review of demolitions, alterations, and other actions that may impact local landmarks and local historic districts. [The Commission's recommendations pertaining to the protection of these properties must be consistent with the Secretary of the Interior's Standards for Rehabilitation.];

6. Procedures for enforcing the zoning ordinance and penalties for non-compliance with actions and determinations;

7. An appeal process for decisions rendered under the zoning ordinance; and

8. Procedures for public hearings and notification consistent with this document and the Delaware Freedom of Information Act (29 Del. C. §100).

B. The local government must establish an adequate and qualified historic preservation review commission (Commission), which may consist of a board, council, or other similar collegial body.

1. The Commission must adopt and consistently adhere to by-laws or rules of procedures that are publicly-available and include a section prohibiting conflicts of interest.

2. Commission meetings must be scheduled at regular intervals and occur at least four (4) times per year;

3. Unless otherwise stipulated by the zoning ordinance, members of the Commission must be appointed by the local government's chief elected official (CEO).

4. To the extent available in the community, appointees to the Commission must possess professional expertise in the disciplines of architecture, history, architectural history, planning, archaeology, or other historic preservation-related fields. At a minimum, all members of the Commission must possess a demonstrated interest, competence, or knowledge in historic preservation.

5. The Commission must have no fewer than five (5) members.

6. Vacancies in the Commission must be filled within ninety (90) calendar days of an expired term or receipt of a letter of resignation.

7. At least once annually, all members of the Commission must make a reasonable effort to participate in historic preservation training, which may consist of conferences, presentations, or workshops conducted by the SHPO or other preservation professionals, or web-based opportunities. The Commission chair should consult with the SHPO regarding the appropriateness and availability of training opportunities. The SHPO is responsible for providing the Commission with orientation materials and consulting with the Commission chair, or other designee, to determine training needs and requests.

C. The local government must maintain a system for the survey and inventory of historic properties located within its jurisdiction.

1. The local government must maintain a publicly-available list and map of locally-designated landmarks and historic districts.

2. If a historic property survey is undertaken by the local government, it must be conducted in accordance with the most recent survey guidelines established by the SHPO. Upon completion of the survey, all forms and reports must be submitted to the SHPO. The SHPO will ensure that survey materials are publicly-accessible except as withheld in accordance with Section 304 of the NHPA, which allows for the restriction of sensitive information regarding the location, character, or ownership of a historic resource that may cause a significant invasion of privacy, risk or harm to the historic resource or impede the use of a traditional religious site by practitioners.

D. The local government must provide for adequate public participation in the historic preservation program, including the process of recommending properties to the National Register.

1. All Commission meetings must be announced by public notice with an agenda, open to the public, and conducted in accordance with the Delaware Freedom of Information Act (29 Del. C. §100).

2. Adequate minutes of the Commission's decisions and actions, including applicable standards and criteria for reaching such determinations, must be maintained and be publicly-available.

3. All of the Commission's decisions and actions must be made in a public forum and affected applicants must be provided written notification of such determinations.

4. All policies, procedures, and guidelines used by the Commission must be readily accessible to the public.

5. To ensure that decisions regarding the National Register take into account local concerns, the local government must actively participate in the review of National Register nominations.

    i) For proposed National Register nominations located within the local government's jurisdiction, the SHPO must provide a copy of the nomination

to the CEO and Commission chair at least sixty (60) calendar days prior to deliberation by the Delaware State Review Board for Historic Preservation.

ii) When considering a National Register nomination, the Commission are encouraged to seek the expertise of persons meeting the Secretary of the Interior's Professional Qualifications Standards (see Appendix A) in the discipline pertinent to the nomination.

iii) Following a reasonable opportunity for public comment, the local government must submit to the SHPO a National Register nomination report with:

(a) The recommendations of the Commission and CEO; and

(b) Statements from the Commission and CEO evaluating the property in accordance with the National Register Criteria for Evaluation.

iv) If either or both the Commission and CEO recommend that the property is eligible for nomination, the SHPO will place the nomination before the Delaware State Review Board for Historic Preservation in accordance with the procedures outlined in 36 CFR 60, and 36 CFR 61.

v) If both the Commission and CEO recommend that the property is not eligible for nomination, the SHPO may not nominate the property unless an appeal is filed in accordance with Section 101(c)(2) of the NHPA, and 36 CFR 60. If such an appeal is filed, the SHPO may then place the nomination before the Delaware State Review Board for Historic Preservation in accordance with the procedures outlined in 36 CFR 60, and 36 CFR 61.

E. The local government must submit to the SHPO on January 31 of each year, an annual historic preservation report which describes the Commissions activities and determinations for the period of the previous October 1 through September 30 (i.e. the federal fiscal year). The preferred method of submittal for this report is digitally on a CD, but a paper submittal is allowed. Appendix B contains an outline of the contents of this report.

IV. APPLYING FOR CLG CERTIFICATION

A. To apply for CLG certification, the local government's CEO must submit to the SHPO an application with the following materials:

1. A request to participate in the CLG Program signed by the CEO; and

2. A copy of *Delaware's Certified Local Government Program Application* with required attachments.

B. The SHPO will review the application and may request additional information from the local government. Once sufficient information has been provided, the SHPO will notify the CEO of its decision within sixty (60) calendar days.

C. If the certification request is denied, the SHPO will specify the cause(s). If the certification request is approved, the SHPO will prepare a certification agreement, which outlines the

responsibilities of the local government, and transmit it the CEO for signature. Upon receipt, the SHPO will then forward the application and signed certification agreement to the NPS for review.

D. The NPS will provide a determination or request for additional information within fifteen (15) working days. If the NPS concurs with the certification request, the date of the NPS' concurrence will be the effective date of certification.

E. The certification agreement will function as annually self-renewing and may be terminated or amended as outlined below.

V. DECERTIFICATION PROCESS

A. A local government may be decertified from the CLG program either voluntarily or due to non-compliance. In either instance, open CLG Grants must be resolved.

1. **Voluntary Decertification**

   i) The local government's CEO may, at any time, request decertification by notifying the SHPO in writing and indicating the reason(s) for seeking decertification. The SHPO will then notify the NPS, and the decertification process will be considered complete.

2. **Decertification for Non-Compliance**

   i) If, at any time, the SHPO determines that the local government is failing to meet the requirements of the CLG program, the CEO and Commission chair will be notified and provided with recommended corrective measures.

   ii) Upon receipt of the notification, the CLG will be allotted 120 calendar days to address any deficiencies. By the end of this 120 day period, the CEO must submit a letter to the SHPO documenting how such deficiencies were addressed or, if not successful, a summary of ongoing progress along with time extension request. Within thirty (30) calendar days, the SHPO will respond to the CEO and Commission chair and will either note that the CLG has made the necessary changes, grant the requested extension, or recommend decertification.

   iii) If the SHPO recommends decertification, the CLG has thirty (30) calendar days to appeal the decision. This appeal should provide clear justification as to why the decision should be overturned. After this time frame, the SHPO will transmit all pertinent documentation, including any appeal filed, to the NPS for review. If the Secretary of the Interior concurs with the SHPOs recommendation for decertification, the local government will be considered decertified at the time of the NPS letter.

3. **Financial Closeout Procedures**

   i) If at the time of decertification the local government is a grant recipient, the SHPO will conduct financial assistance closeout procedures.

VI. AMENDING THE CLG CERTIFICATION AGREEMENT

A. For minor changes, technical corrections, and changes required by NPS policy directives, a written notification from the SHPO to all local governments will be considered sufficient.

B. Any substantive change(s) will require an amendment to the Certification Agreement.

1. The SHPO must notify the affected CLGs and other potentially interested parties of the proposed amendment and allow sixty (60) calendar days for comment.

2. At the end of this period, the SHPO will submit a record of any comments received and the proposed amendment to the NPS for review. Upon receipt, the NPS will have forty-five (45) working days to respond to the SHPO.

3. If the NPS approves of the amendment, the SHPO must send amended certification agreements to each of the affected CLGs for signature and, once returned, forward them to the NPS within 120 calendar days.

APPENDIX A

Secretary of the Interior's Professional Qualifications Standards

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Throughout this Appendix, a year of full-time professional experience need not consist of a continuous year of full-time work, but may be made up of discontinuous periods of full-time or part-time work adding up to the equivalent of a year of full-time experience.

I. History: The minimum professional qualifications in history are a graduate degree in history, or closely related field; or a bachelor's degree in history, or a closely related field, plus one of the following:

1. At least two years of full-time experience in research, writing, teaching, interpretation, or other demonstrable professional activity with an academic institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of history.

II. Archeology: The minimum professional qualifications in archeology are a graduate degree in archeology, anthropology, or closely related field, plus:

1. At least one year of full-time professional experience or equivalent specialized training in archeological research, administration, or management;

2. At least four months of supervised field and analytic experience in general North American archeology, and

3. Demonstrated ability to carry research to completion.

In addition to these minimum qualifications, a professional in prehistoric archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the prehistoric period; and a professional in historic archeology shall have at least one year of full-time professional experience at a supervisory level in the study of archeological resources of the historic period.

III. Architectural History: The minimum professional qualifications in architectural history are a graduate degree in architectural history, art history, historic preservation, or closely related field, with course work in American architectural history; or a bachelor's degree in architectural history, art history, historic preservation, or closely related field, plus one of the following:

1. At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

2. Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

IV. Architecture: The minimum professional qualifications in architecture are a professional degree in architecture, plus at least two years of full-time professional experience in architecture; or a State license to practice architecture.

V. Historic Architecture: The minimum professional qualifications in historic architecture are a professional degree in architecture; or State license to practice architecture, plus one of the following:

1. At least one year of graduate study in architectural preservation, American architectural history, preservation planning, or closely related field; or

2. At least one year of full-time professional experience on historic preservation projects.

Such graduate study or experience shall include detailed investigations of historic structures, preparation of historic structures research reports, and preparation of plans and specification for preservation projects.

APPENDIX B

Annual Historic Preservation Report

The local government must submit to the SHPO on January 31 of each year, an annual historic preservation report which describes the Commissions activities and determinations for the period of the previous October 1 through September 30 (i.e. the federal fiscal year). The preferred method of submittal for this report is digitally on a CD, but a paper submittal is allowed. Below is an outline of the materials to be contained in this report.

Historic Zoning Ordinance:

1. Copies of any new historic preservation zoning ordinances, amendments, regulations, by-laws, or guidelines implemented during the review period.

2. A total number of cases reviewed under the authority of the zoning ordinance during the review period.

Local Historic Preservation Commission:

1. A list of all currently serving members of the Commission, any changes in membership during the review period, and resumes for any members of the Commission appointed during the review period demonstrating their interest, knowledge, or competence in historic preservation. [Please note whether any of the Commissioners meet the Secretary of the Interior's Professional Qualifications Standards as outlined in Appendix A].

2. Any vacancies on the Commission along with the duration of such vacancies.

3. Members of the Commission who participated in historic preservation training and a description of such training.

4. Any requests for technical assistance from the SHPO.

Public Participation:

1. Total number of Commission meetings held during this period.

2. Copy of the minutes and agenda for all Commission meetings.

3. Documentation of any changes to the public notification procedures.

4. List of National Register nominations reviewed by the Commission.

Local Survey and Inventory:

1. Names of new local landmark and local historic district designations and a map illustrating their locations.

2. Update on the status of historic property surveys in progress. [If completed but not submitted, a copy of the survey materials should be transmitted to the SHPO].