CITY OF DOVER HISTORIC DISTRICT COMMISSION
AGENDA
THURSDAY, October 20, 2011- 3:00 P.M.
City Hall – Conference Room

ROLL CALL

APPROVAL OF AGENDA

APPROVAL OF MINUTES OF MEETING on August 18, 2011

COMMUNICATIONS & REPORTS

1. Summary of Applications 2009-2011

2. Summary of Architectural Review Certifications for 2011

OLD BUSINESS

NEW BUSINESS

1. Discussion of Role of Historic District Commission

ONGOING PROJECTS

1. Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

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.

CITY OF DOVER
HISTORIC DISTRICT COMMISSION
AUGUST 18, 2011

The Regular Meeting of the City of Dover Historic District Commission was held on Thursday, August 18, 2011 at 3:00 PM with Chairman Scrafford presiding. Members present were Col. Scrafford, Mr. Jackson (Arriving at 3:06 PM), Mr. McDaniel, and Mr. Fisher. Mr. Salkin was absent.

Staff members present were Mrs. Melson-Williams, Ms. Cornwell, and Ms. Metsch. Also present were Henry Mast and Mr. Mike Henry.

APPROVAL OF AGENDA

Mr. McDaniel moved for approval of the agenda as submitted, seconded by Mr. Fisher and the motion was unanimously carried 3-0 with Mr. Fisher and Mr. Jackson absent.

ADOPTION OF MINUTES OF THE REGULAR HISTORIC DISTRICT COMMISSION MEETING OF JULY 21, 2011

Mr. Fisher moved to approve the minutes of the Regular Historic District Commission meeting of July 21, 2011, seconded by McDaniel and the motion was unanimously carried 4-0 with Mr. Salkin absent.

COMMUNICATIONS & REPORTS

Mrs. Melson-Williams stated that there are no specific items for communications and reports for this packet.

OLD BUSINESS

HI-10-08 Bayard Plaza on West Loockerman Street - Update on the selected/required exterior finish materials for the Bayard Plaza project. Previously, the Architectural Review Certification for the project was issued upon recommendation of the Historic District Commission on October 21, 2010 and November 4, 2010 and upon action by the Planning Commission November 15, 2010. The project consists of the construction of a five story 54,998 S.F. mixed use building to include 5,012S.F. of retail space on the first floor, 48 residential apartments, and the associated Site improvements. The project involves demolition of the two existing buildings on the project site including the building known as the Bayard Hotel which the Commission declared on January 21, 2010 as being Demolished by Neglect. The project area consists of one parcel of land totaling 27,675.62 S.F.± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property is located on the southwest corner of West Loockerman Street and South Governors Avenue. The owner of record is the Capital Plaza, LLC. The property addresses are 200-216 West Loockerman Street and 208 South Governors Avenue. Tax Parcel: ED-05-077.09-01-86.00-000. Council District 4.

Representative: Mr. Henry Mast, Property Owner.

Ms. Melson-Williams stated that as part of the overall project review, there have been some design revisions to what is the exterior finish material proposed for the building. If you recall, in October/November of last year you went through the process of reviewing the proposal for

construction of this multi-story mixed use building. A recommendation was then forwarded to the Planning Commission who then granted the Architectural Review Certification. Since that time, they have worked to finalize the Site Plan and make application for a Building Permit.

Mrs. Melson-Williams further stated that as part of the review of the Building Permit there has, as a result, been some changes to the exterior finish materials for the building based on the type of construction proposed for the new building. Type III construction dictates certain compliance needs for combustible versus non-combustible exterior finishes in relation to how close the building is to property lines.

Mrs. Melson-Williams further stated that as a result, what previously had been identified as vinyl siding for the upper floors of the building on all four (4) sides of the building has been revised to a fiber cement siding. The trademark name for that is Hardie-plank and they will also be using some of this for the trim work.

Mrs. Melson-Williams further stated that Staff provided a Staff Report and a series of comments and as a form of background, provided previously what was the Recommendation Report on the original project and the series of meeting minutes from both your two meetings on the project and the Planning Commission meeting as way of reference. Included in the packet were two elevation sheets that were submitted as part of the revisions to the Building Permit application. If you follow the architectural drawings, the things changing are clouded in a bubble diagram a fiber cement siding for a number of areas on all four sides of the building.

Mrs. Melson-Williams further stated with regards to presentation materials, Staff has provided what was presented to you back in November and for revisions then what the applicant has brought to Staff in the way of an example for what he is proposing. There are some proposed changes to that graphic from what was in your packet as a change to the fiber cement siding. The current Bayard Hotel is in the process of being demolished.

Mr. Mast stated that it is a slow process because it was determined that a lot of the long beams in the building have a lot of value to certain antique collectors. The entire top floor, at this point, is being taken down by hand because there are continuous beams in there that are twenty-eight feet long, three inches wide, and twelve inches deep made out of a local cypress wood. The wood is being purchased at a high price and being shipped to a warehouse in Philadelphia by a broker who will then sell it.

Mr. Mast further stated that what they need to do is to change all the vinyl to a Hardie-plank type product from top to bottom. There will be no vinyl siding on this building at all. What he would like to do (using a demonstration board) is for the parts of the building that stick out is us a brick brown color for the sections that are set back he demonstrated again what color he would like to use (a yellow, creamy color) which was a different color. In the very corner which will face Loockerman Street and South Governors Avenue, is again the use of a dark brown color where it sets back a little bit and then the balcony area is a different color. He feels that this would give it a very rustic look. This is not Hardie-plank; it is called “Nichiha Board” which is a cement composite. It is the same as Hardie-plank; however, if you notice, the wood grain on it is not on Hardie-plank. This project looks like wood which is something Hardie-plank does not necessarily show as much detail.

Mr. Scrafford questioned if these were sheets and would it look just like siding? Responding to Mr. Scrafford, Mr. Mast stated that it would look like an old style lap siding.

Mrs. Melson-Williams stated that for the changes there are the color choices where there are a couple of things happening. All vinyl is going to the fiber cement product. The other revision is for areas that are Dryvit on the corner are changing to this siding product as well. With the changes, they are also removing the shutters that flanked some of the windows on the building and going with a heavier trim around the window openings.

Mr. Mast stated that they are proposing to box the windows out with a six inch piece of wood that would be painted white with a decorative trim up top with the rest being regular siding.

Mr. McDaniel stated that he likes this material as it is obviously better than vinyl; however, he is sorry to see the Dryvit and shutters go. He understands why because it breaks up a big building. Responding to Mr. McDaniel, Mr. Mast stated that this is why we are offsetting the building.

Mr. Scrafford questioned if there was not enough Dryvit areas to justify doing it? Responding to Mr. Scrafford, Mr. Mast stated that it is not just that, part of it is a personal preference.

Mr. Jackson stated that with a building of this type which is a commercial building, his sense is you go with a commercial product. The Hardie-board is more or less a residential type of product because the lap siding is a residential feature and the wood grain is also a residential feature.

Mr. Mast stated that you see a lot of Hardie-board plank on commercial buildings.

Mr. McDaniel stated that he does like the way he has proposed to put it up because it will break up the building and it will not be one big piece of red and tan wall.

Mr. McDaniel moved to approve HI-10-08 Bayard Plaza located on West Loockerman Street for the change from vinyl to fiber cement board and the change from Dryvit to fiber cement board and the removal of the shutters to trim that will box the window, seconded by Mr. Fisher and the motion was carried 3-1 with Mr. Jackson opposed and Mr. Salkin absent.

Mr. Jackson questioned if the cement board could be purchased without the grain in it and is it cheaper? Responding to Mr. Jackson, Mr. Mast stated that yes you could and it is cheaper; however, he does not like it because if you take a smooth board like this product and put it on a big building like this without anything it is going to look like vinyl siding.

NEW BUSINESS

HI-11-04 Acme Site Redevelopment Master Plan: Architectural Review Certification - Review of Waiver Request for Recommendation to the City of Dover Planning Commission as associated with the Architectural Review Certificate for Site Development Master Plan for the redevelopment of the property at 120 South Governors Avenue (commonly referred to as the Acme Site). The waiver request is for a reduction of the required side yard setback. This project is to include a retail/apartment building and a second apartment building along with the demolition of the existing mid-to-late twentieth century commercial building. The project also includes the

associated parking, streetscape improvements, landscaping, and stormwater management facilities. The project area consists of one parcel of land totaling 1.7653 acres ± of land zoned C-2 (Central Commercial Zone) and subject to the H (Historic District Zone). The property site spans the block between South Governors Avenue and South New Street located north of but not adjacent to West Loockerman Street. The owner of record is the Downtown Dover Partnership. The property address is 120 South Governors Avenue. Tax Parcel: ED-05-077.09-01-44.00-000. *Previously, the Historic District Commission took action on a recommendation on the Architectural Review Certificate for this project at the July 21, 2011 meeting. Upon review of the Site Development Master Plan, it was determined that a waiver request would need to be considered for the side yard setback.*

Mr. McDaniel recused himself from this application because he is technically an owner of the property as he is a member of the Downtown Dover Partnership Board and was advised to not hear the application; therefore, he left the meeting.

Representative: Mr. Mike Henry, Becker Morgan Group, Inc.

Mrs. Melson-Williams stated that you saw this application at your meeting last month in July and your recommendation went onto the Planning Commission for the Architectural Review Certificate. Earlier this week, the Planning Commission granted conditional approval to that Architectural Review Certificate; however, in preparing for the Planning Commission appearance of the application, Staff discovered that Building #1 which is the building on South Governors Avenue needed to seek a waiver of the side yard setback requirement. The information that you had in the previous graphics was not detailed enough to actually confirm what that setback was. Once we had that information, it appears that the building is seeking to be seven (7) feet from the property line. Code requirement in the *Zoning Ordinance* is either a setback of zero and built right on the property line or it is setback ten (10) feet. The *Zoning Ordinance* gives the Historic District Commission the ability to consider bulk standard waivers and a side yard setback is a bulk standard waiver. In the situation where the architecture of the building can fit into the character of the district, it would allow for you to go ahead and waive some of these considerations.

Mr. Henry stated that they need some space on the end of the building because they have a storm drain pipe that has to get through to South Governors Avenue as it is our only outlet for stormwater. Additionally, we have an emergency egress door off of the stair tower located on the south end of the building and would need a space for a walkway through there.

There were no questions raised by any Commission members at this time.

Mr. Fisher moved to approve HI-11-04 Acme Site Redevelopment Master Plan: Architectural Review Certification for the variances waiver of the setback to seven (7) feet, seconded by Mr. Jackson and the motion was unanimously carried 4-0 with Mr. Salkin absent.

CERTIFIED LOCAL GOVERNMENT (CLG) PROGRAM

Mrs. Melson-Williams stated that Mr. Salkin had inquired where we were at with this item and its status. This is a goal in the Historic Preservation Plan that is part of the Comprehensive Plan to seek this status for the City. There is an application process that we have to go through that the State Historic Preservation Office is involved in and ultimately the National Park Service. In

receiving that designation there are some things that you are specifically required to do as part of a CLG in getting that designation. One relates to having legislation in place that deals with the protection of historic properties. You have to establish and maintain a Historic District Commission. You have to maintain a system of identifying historic properties. You have to provide for public participation in the Preservation Program and if there is other activities you can enter into other agreements that could be delegated to the CLG agency through the State Historic Preservation Office.

Mrs. Melson-Williams further stated that this is something that Staff will probably pursue at some point. This involves making sure that we have everyone's resumes and would have to go through a process with City Council specifically in order to make the application.

Mr. Fisher questioned what we would gain by doing this? Responding to Mr. Fisher, Mrs. Melson-Williams stated that by getting this designation there are specifically Federal Historic Preservation Fund monies that the State of Delaware receives each year. A certain percentage of that funding has to then be sub-granted to Certified Local Governments. There are several that are already Certified Local Governments in the State including New Castle County, the City of Wilmington, and four or five others of them (she is not sure if they are still all current). It could potentially mean some funding with some increased responsibilities to ensure that you are still doing preservation activities.

Mrs. Melson-Williams stated that there would be some annual reporting mechanisms. You would have to weigh in on the National Register nominations that would be within the City of Dover if any were proposed. We have not had one in a number of years. You could ask to utilize some of your funding for increased training or education opportunities.

Mr. Scrafford stated that it was a thought at one point of being able to promote for the Historic District Commission's purpose with having flyers or fold-ups that could be handed out and that money may be able to be used to do that.

Mr. Scrafford further stated that he thought that we had met all the requirements to become a Certified Local Government? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that they had looked into it before; however, it was about the same time when we did not have a full complement on the Commission. This is one of the things that they look at is membership of the Commission and that you have folks who meet certain qualification categories that would be appropriate for the Commissions.

Adoption of Ordinance #2011-14 with PC Amendment #1: Zoning Text Amendment (MI-11-06) Updates to *Zoning Ordinance*, Article 10; Article 10 §3. Historic District Commission and Architectural Review

Mrs. Melson-Williams stated that this is the Article 10 update. Article 10 of the *Zoning Ordinance* is where you find all the process and procedures for the different types of applications appearing in front of the Historic District Commission and the Planning Commission. Specifically, in the blue handouts provided is Article 10, Section 3 which pertains to the Historic District Commission and this is what was adopted. These are the rules of how applications work with you and she will go over what was adopted.

Mr. Scrafford questioned if we are allowed to do anything to this Ordinance through our By-laws? Can we make it more restrictive than it is? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that this is Code for the City. To make changes to this Code it would have to go through a text amendment process that would have to go through the Planning Commission and City Council to change any of the language that is in it. Your By-laws are structured to talk about how you run your meetings. By-laws do not get into how you review specific applications.

Mrs. Melson-Williams stated that Section 3.1 is how the Commission is established, what your purpose is, and how you are organized with no real changes in this section. Section 3.2 is where we talk about the Architectural Review Certification. In this section, it very clearly defines the roles of the Planner, the Historic District Commission, and the Planning Commission based on the type of application that is being made for work in the Historic District. It talks about the City Planner approval. That approval happens as part of the Building Permit application. This is for minor things such as fences, signs, or to replace a door or a window. It gives the City Planner the authority to do that; however, also gives us the authority if we have a question to refer it to you to make a decision.

Mr. Scrafford stated that we have indicated to the Planner that things done on The Green will come before the Commission. We do not have that authority because it is not in here where the Planner has to do that. Responding to Mr. Scrafford, Mrs. Melson-Williams stated that it is not specifically in this Section and she feel that this would come more in the *Design Standards and Guidelines* document that we are working on for you.

Mrs. Melson-Williams further stated that part of our concern is that this could happen for other specific areas of the district or of a district at any point in time. It's about not having to go back and change Code every single time. We have not lost this.

Mr. Scrafford stated that if another Planner is hired and that Planner decides that they are going to operate under this rule that would take this away from us.

Mrs. Melson-Williams further stated that in Section 3.23 it talks about the certification that happens by this Commission meaning it comes to you and you are the final decision maker. That includes smaller projects, residential projects, and non-residential projects that are less than 3,000 square feet. These types of projects are administrative review on the Site Plan side. Once you hit the 3,000 square foot threshold for a new building or addition, it is required to go to the Planning Commission under other regulations. In that case, you then become a recommending body to the Planning Commission.

Mrs. Melson-Williams further stated that in Section 3.24 it talks about the Planning Commission and when they issue an Architectural Review Certification. These would be very big projects such as the Acme project and The Bayard project. The size of the project itself means that it has to go to the Planning Commission because of that. If it just happens to be in the Historic District, you do the initial review for the Architectural Review Certification and make recommendations to the Planning Commission.

Mr. Scrafford questioned if the Planning Commission is required to have our input before they make a decision? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that yes; they are obligated to have a review by this Commission before they can act.

Mrs. Melson-Williams further stated that in Section 3.25 it goes into the review standards where you are judging it against and where it refers to the *Design Standards and Guidelines* document that is adopted and then the Secretary of Interior Standards. It also makes note here that there are certain things that are not subject to this review specifically interior of buildings and things that are not visible from the public way. A public way, meaning the public street, so a lot of times there will be something that is located on the back side of the building and does not require this type of review.

Mrs. Melson-Williams further stated that Section 3.26 is where we have done a lot of work to get everything in order with how things actually happen with applications that are coming before this Commission or before you and the Planning Commission. All of the applications start with a pre-application meeting and that is where the applicant sits down with the Planning Staff and goes over the submission requirements, the type of drawings they need to submit, key Code issues, process issues, what they have to turn in and when, and what they are expected to do as an applicant. This also makes reference to the fee for filing an application and then talks about the Public Hearing process. This is where there are significant changes to the Public Notice requirements for applications. Basically, an application now has three (3) forms of public notice that happens. One is mailing to property owners within 200 feet of the subject application, the next is a legal ad posted in the local newspaper, and the third is physical posting of the property. You will start to see bright yellow signs. An example of this posting was circulated among the members. Yellow is the standard color for all of the physical postings and what she passed out is the example template for the wording that would be on the yellow sign for applications that are appearing in front of the Historic District Commission. Staff has developed policy guidance in how this physical posting happen with minimum size requirements, instructions on where it is placed on the property, and how it is placed.

Mr. Scrafford questioned who would be required to provide the sign? Responding to Mr. Scrafford, Mrs. Melson-Williams stated that the applicant would be required. Staff provides them with what the sign needs to say and then they have to have the sign prepared and installed. All of these public notice requirements: the mailing, the ad, and the physical posting of the property have to occur fifteen (15) days prior to your meeting.

Mr. McDaniel questioned if the fifteen (15) days was a change? Responding to Mr. McDaniel, Mrs. Melson-Williams stated that it is a change as previously it was ten (10) days prior to. We had heard some complaints about not getting notice within a timely fashion so it was moved to fifteen (15) and also makes it consistent across most types of applications.

Mr. Fisher stated that when they say they are going to do it, who goes out to see if they did it? Responding to Mr. Fisher, Mrs. Melson-Williams stated that they have to submit proof of a date stamped photograph of the posting and the Planning Staff will also be checking so that we can confirm that yes, they did it.

Mr. Fisher further questioned that if they do not meet this requirement, then you do not have a hearing? Responding to Mr. Fisher, Mrs. Melson-Williams stated that that this was correct because they would not have met their public notice requirement.

Mrs. Melson-Williams further stated that this section then goes into information that is to be on the application itself. Staff has documented that there is a City Planner Report which is the Staff Review Report that is prepared for you on all of the applications. This is in the Code that it is something that Staff has to do on all applications and then there is information on the time for you to take action. As part of this, under Item H, there is the expiration of an Architectural Review Certification and what that timeframe is as before it was a little grey.

Mr. Fisher stated that he would have to revert back to the recent application for the Governors House with regards to the solar panels when it did not meet the deadline. Technically, we waived that deadline. He sees nothing in here that gives anyone the authority to waive anything. We must rigidly stick to the thirty (30) day requirement he would assume, is this correct? Responding to Mr. Fisher, Mrs. Melson-Williams stated that for extensions of approval the timeframe of your approval has not changed. It is still basically, they have one year from the time you authorize action if you are the final authorization.

Mr. Fisher stated that if an application is a day past the expiration date they would be done, is this correct? Responding to Mr. Fisher, Mrs. Melson-Williams stated that technically according to this document yes.

Mrs. Melson-Williams further stated that this Section then goes onto how you amend the Historic District which would be if you wanted to create a new Historic District in another section of town or on an individual property somewhere or expand the district. It goes through what that process is. Demolition by Neglect is also mentioned in this section. There is some language about the responsibility of the City Planner and notifying you when this is starting to happen so that we catch things earlier.

Mr. Fisher asked if the notification to adjoining property owners used to be 100 feet. Responding to Mr. Fisher, Mrs. Melson-Williams stated that it is 200 feet and that did not change. There was some discussion regarding increasing that at one point; however, it was ultimately passed with the 200 foot distance.

Mr. Scrafford stated that the only concern that he had was is that we are more or less at the mercy of the Planner as to whether or not we get to review items that occur on The Green.

Mr. McDaniel stated that we also talked about what is minor and what is not and signage review such as the sign for Ron Poliquin. Responding to Mr. McDaniel, Mrs. Melson-Williams stated that this was a permit that was filed under a Sign Permit that is typically where Staff administratively reviews the submission. In that case, we were not comfortable with what they were proposing and felt that it would be best to bring it to you because it was an unusual situation.

Mr. Scrafford stated that it is the feeling of the Commission that whatever occurs on The Green which is in the Historic District should come before this Commission. (Note: All other commission members present agreed with him.) This is the purpose of the Commission and is the

most sensitive area in the City. He feels that they need a little more attention paid to everything that goes on The Green. We are not looking for that kind of control over the Planner for other areas, just The Green. We had the agreement of this Planner and this Commission but may not have the agreement of the next Planner. If the Planner simply wants to operate under the Ordinance rightfully they could. If City Council feels the same way, then we need to adjust the language to cover that section.

Mr. Jackson stated that we have mentioned this enough times and pointed it out as a sticking point that we feel that something should be done.

Mr. McDaniel stated that we are talking about The Green and the fact that it is still an area that has not been compromised.

Mr. Jackson stated that people come to Dover to walk around The Green and look at things. He has had visitors to The Green that have mentioned the concrete brick because on the other side of The Green on the east side it is real brick.

ON-GOING PROJECTS

Discussion of the Project to Evaluate and Update the "*Design Standards and Guidelines for the City of Dover Historic District Zone*"

Mrs. Melson-Williams stated that Staff did not have anything regarding this subject at this time.

Other Items

Mr. McDaniel questioned if they had input on Mr. Mast's colors? Responding to Mr. McDaniel, Mrs. Melson-Williams stated that your *Design Standards and Guidelines* do not get into prescribing color. They talk about paint and different colors that were used in different eras of time; however, it does not say that you have a hammer on fluorescent or whatever the case may be.

Mr. Scrafford stated that his concern regarding Mr. Mast's project is that it is a tall building to be clapboard. Responding to Mr. Scrafford, Mr. Jackson stated that from a philosophical point of view, commercial buildings need to be built with commercial products and that leaves it open as to what that means.

Mr. McDaniel moved to adjourn the meeting, seconded by Mr. Fisher and the motion was unanimously carried 4-0 with Mr. Salkin absent.

Meeting adjourned at 3:56 PM

Sincerely,

Diane Metsch
Secretary

City of Dover Historic District Commission
Summary of Applications 2009-2010
Updated as of October 3, 2011

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-09-01 S-10-06	Dover 'Anchor' Public Library	35 Loockerman Plaza: Adjacent to 15 East Loockerman Plaza	2 story 46,000 S.F. library building with site improvements	6/17/2009 HDC Recommendation of Approval with Conditions for ArchRevCert; 3/15/2010 PC Approval of Site Plan and ArchRevCert with Conditions	Final Plan Approval for Bid Pack A (Access Road to Innovation Way) 8/27/2010; Bid Pack A under construction December 2010 and completed May 2011 (Building Permit #11-444). Final Site Plan approval 3/18/2011. Ground Breaking Ceremony held 4/5/2011. Building Permit #10-1904 issued 4/26/2011. Construction underway; as of 10/1/2011 most structural steel is in place.
HI-09-02	Fence Permit #09-1634 at new Golden Fleece Tavern	132 West Loockerman Street	Fence Construction along east property line at rear of building	10/6/09 Permit #09-1634 referred to HDC by City Planner for Architectural Review Certification; 10/15/2009 HDC Approval of ArchRevCert; Other building renovation activities covered under Permits #09-1420 for Exterior Finishes of East Elevation and #09-1388 Rear Patio. Permit #09-1634 issued 1/25/2010.	Fence Project Complete.
HI-09-03	Mitten & Winters Offices	117-119 West Loockerman Street	Front façade renovations: removal of buff brick and replacement of brick; pent roof; soffit; doors; window replacement	11/19/2009 HDC Approval with Conditions of ArchRevCert; Window Replacement ARC approval under Permit #09-1800 issued 10/27/09; Other building renovation activities covered under Permits #09-1592 issued 10/8/09 for Interior Renovation -CO issued and #09-1801 issued 10/27/09 for Rear Elevation.	Permit #09-2056 issued for Front Façade Renovations. Project Complete.
HI-09-04	Bayard Hotel	200-216 West Loockerman Street	Consideration of Demolition by Neglect	1/21/2010 HDC Determination of Demolition by Neglect and outlined required steps; 6/10/2010 HDC discussion on status, request return at July meeting; 7/15/2010 Update on status	Redevelopment application HI-10-08 filed. Building Documentation package of plans, elevations, photos received March 2011.
HI-10-01	Building at 301 South Governors Avenue	301 South Governors Avenue (southeast corner of North Street and S. Governors Ave.)	Consideration of Demolition by Neglect	6/10/2010 HDC Determination of Demolition by Neglect and outlined action to be taken within 90 days; 9/16/2010 Status Update indicates no action taken, HDC Recommends Building Inspector begin Dangerous Building proceedings with recommendation of repair. City Council declared it a Dangerous Building on 10/25/2010.	Building Inspections for asbestos completed -- requires asbestos removal. Building Demolished by order of City Council as a Dangerous Building. Demo Permit #11-143 issued 2/07/2011. Demolition complete.
HI-10-02	Law Enforcement Officers Memorial	South side of Legislative Mall and north of William Penn Street	Memorial of brick plaza, inscribed wall and bronze statue	Information Item presented to HDC on 2/18/2010; Building Permit #10-245 issued.	Project Complete.

City of Dover Historic District Commission
Summary of Applications 2009-2010
Updated as of October 3, 2011

HI-10-03	Woodburn: Solar Panels	151 Kings Highway	Installation of Solar Panels on south facing gable roof of main house	3/18/2010 HDC Approval with Conditions. 3/17/2011 HDC granted extension of approval and heard presentation on revised project concept and change in location to roof of addition.	Building Permit #11-960 approved 8/8/2011. ArchRevCert completed by Staff.
HI-10-04	Wesley United Methodist Church: Elevator and Canopy Addition	209 South State Street	Addition of elevator tower and canopy on south side of sanctuary to improve accessibility; construct vehicular exit only onto S. State Street	4/15/2010 Inadequate Public Notice; 5/20/2010 HDC Review and Recommendation of Approval of ArchRevCert with Conditions	Final Plan Approval 1/14/2011. Building Permit #11-113 issued 4/29/2011. Construction underway.
HI-10-05 S-10-17	Duncan Plaza	600 Forest Street (Intersection of Loockerman, Kirkwood, and Slaughter Streets)	4 story 31,710 S.F. office building with coffeeshop	6/10/2010 HDC Review, action to approve setbacks, direct applicant to address Staff Recommendations and reappear for review of revisions; 7/15/2010 Revised Architecture presented to HDC, HDC Recommendation of Approval of ArchRevCert with Conditions; 9/20/2010 Planning Commission approval of Site Plan and ArchRevCert with conditions. 9/19/2011 PC granted one year extension.	Project must submit Check Prints of Site Plan for review and Final Plan Approval. No Action to date.
HI-10-06	Delaware Public Archives: Banner Program	121 Duke of York Street	Placement of six changeable banners using frame attachment system	8/19/2010 HDC Approval of ArchRevCert with conditions; Sign Permit #10-1912 issued 1/7/2011.	First set of Banners installed January 2011 (total of 5 banners)
HI-10-07	Building Permit #10-1263 Referral	408 South State Street	Replacement of Metal Roof	8/19/2010 HDC Approval of ArchRevCert with Conditions on the type of roof: wood shingle recommended for front	Building Permit #10-1263 issued on 11/15/2010. Wood shingle roof installed; Project complete.
HI-10-08 S-10-30	Bayard Plaza	200-216 West Loockerman Street and 208 South Governors Avenue	5 story 54,998 S.F. mixed use building with 5012 S.F. retail space and 48 residential apartments; requires demolition of existing buildings on property	10/21/2010 and 11/4/2010 HDC Review; 11/4/2010 HDC Recommendation of Approval with Conditions for ArchRevCert;11/15/2010 Planning Commission approval of ArchRevCert with Conditions; also BOA Application V-10-15 for parking setback and Active Rec Area reduction	Demo Permit #11-579 issued 5/12/2011 and demolition now complete. Final Plan approval granted 8/3/2011. Building Permit #11-656 issued.
HI-10-09	Biggs Museum: Façade Renovations	406 Federal Street	Renovations to east elevation: moving glass curtain wall system and renovations to connector element	11/18/2010 HDC Approval of ArchRevCert with Conditions	Building Permit #11-636 reviewed for Phase 1-Interior Renovations only.
HI-10-10	Building Permit #10-1672 Referral	New Jerusalem Baptist Church at 25 Slaughter Street	Siding Replacement on second floor levels of north and south elevations	10/21/2010 HDC Approval of ArchRevCert with Conditions requiring vinyl siding to be horizontal and other trimwork and gutter recommendations; Building Permit #10-1672 issued 11/2/2010.	Project complete. Siding, new gutters/downspouts installed, and some painting completed.

City of Dover Historic District Commission
Summary of Applications 2009-2010
Updated as of October 3, 2011

HI-10-11 S-11-03	Parking Lot on West Water Street: Renovation and Addition	101 West Water Street and 439 South Governors Avenue	Renovations to existing parking lot and expansion of lot to total of 152 parking spaces	12/16/2010 HDC Recommendation of Approval of ArchRevCert with conditions; Planning Commission approval of ArchRevCert with conditions.	Final Plan approval 5/24/2011. Building Permits #11-768 issued 6/21/2011 and #11-812 issued 6/27/2011. Construction almost complete.

City of Dover Historic District Commission
Summary of Applications 2011
Updated as of October 3, 2011

FILE#	PLAN NAME	LOCATION	TYPE	ACTION	STATUS
HI-11-01	Building at 326 West Loockerman Street: Building Demolition	326 West Loockerman Street	Demolition of Commercial Building	2/17/2011 HDC Approval of ArchRevCert with conditions for Demolition	No Action Taken to date. Demolition Permit Application must be filed.
HI-11-02	Building at 43 East Division Street	43 East Division Street	Consideration of Demolition by Neglect	3/17/2011 HDC Determination of Demolition by Neglect and outlined actions to be taken. HDC Recommends Building Inspector seek restoration or repair prior to beginning Dangerous Building proceedings. City Council declared it a Dangerous Building on 6/13/2011.	Demolition Permit issued #11-948 on 7/26/2011. House demolished late July-August 2011. Chain-link fence remains around foundation hole.
HI-11-03	Sign Permit #11-414 Referral	48 The Green	Placement of a third projecting sign on the front façade of building	4/21/2011 HDC Approval of ArchRevCert with Conditions on the location of the third sign and its format	Sign Permit issued and sign installed.
HI-11-04	Acme Site Redevelopment Master Plan (Lands of Downtown Dover Partnership)	120 South Governors Avenue	4 story retail/apartment building and four story apartment building; demolition of existing commercial building	7/21/2011 HDC Recommendation of Approval of ArchRev Cert with conditions. Application S-11-11 reviewed by PC and granted Approval of Approval of ArchRevCert on 8/15/2011. 8/18/2011 HDC Recommended approval of Sideyard setback waiver request. 9/19/2011 PC accepted action on waiver.	Project must submit Check Prints of Site Plan (Administrative Site Plans) for review and Final Plan approval. No action to date.

Summary of Permit Applications with Architectural Review Certification
Updated as of 10-3-2011

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
1/7/2011	10-912	121 Duke of York St, Delaware Public Archives	Sign Permit - Banner program	Approval per HI-10-06 Delaware Public Archives Changeable Banner program	Set of Banners are in place
2/7/2011	11-055	410-414 Federal Street, New Kent County Courthouse	Building Permit - Installation of Solar Panels, roof mounted	Staff Approval	Solar Panels installed
2/7/2011	11-143	301 South Governors Avenue	Demo Permit - demolition of building	Approval per HI-10-01 Demolition by Neglect determination by HDC and declared Dangerous Building by City Council	Building Demolished
3/16/2011	11-296	27 West Loockerman Street	Sign Permit - Hunter House restaurant	Staff Approval	Signs Installed
3/15/2011	11-300	313 West Loockerman St	Temporary Sign Permit	Staff Approval	
3/21/2011	11-324	140 West Loockerman St	Roof Permit	Not reviewed by Planning Staff. Issued by Admin Staff.	Later review of permit showed no specific detailed info on roof project. Building does have a flat roof that is not visible from the public way.
4/26/2011	10-01904	35 Loockerman Plaza	Building Permit - Library	Approval per HI-09-01 Dover Public Library	Construction underway.
4/29/2011	11-113	209 South State Street, Wesley UM Church	Building Permit - Elevator & Canopy Addition	Approval per HI-10-04 Wesley Church: Elevator & Canopy Addition	Construction underway.
4/12/2011	11-413	424 South State Street	Sign Permit - Computers Fixed Today	Staff Approval	Sign Installed
4/11/2011	11-437	140 West Loockerman St	Admin Permit - new retail tenant	Staff Approval	New tenant occupying building.
4/12/2011	11-440	48 The Green	Sign Permit	Staff Approval	Sign Installed
4/14/2011	11-460	209 South State Street, Wesley UM Church	Temporary Sign Permit	Staff Approval	Temporary Sign installed and now removed.

Summary of Permit Applications with Architectural Review Certification
Updated as of 10-3-2011

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
4/21/2011	11-491	146 South State Street	Sign Permit - The News Journal	Staff Approval	Signs to be installed.
5/24/2011	11-306	209 West Loockerman St	Building Permit - Repairs to Block Foundation Wall	Staff Approval	Permit Issued
5/11/2011	11-444	35 Loockerman Plaza	Building Permit - Access Drive for Library	Approval per HI-09-01 Dover Public Library	Access Drive is complete.
5/10/2011	11-558	410 Federal Street, Kent County Courthouse	Sign Permit	Staff Approval	Sign Installed
5/16/2011	11-563	22 The Green	Building Permit - Replace porch column due to accident damage	Staff Approval	Permit Issued
5/12/2011	11-567	501 South State Street, Christ Church	Temporary Sign Permit (VBS/Welcome Banners)	Staff Approval	Temporary Sign installed and removed.
5/12/2011	11-579	200 West Loockerman St, Bayard Hotel property	Demolition Permit	Approval per HI-09-04 and HI-10-08 and due to safety concerns	Demolition complete.
5/13/2011	11-612	136 West Loockerman St	Sign Permit - Beehive Beauty Shop	Staff Approval	Signs Installed
5/24/2011	11-644	54 South State Street, Presbyterian Church	Window Permit - replace two sets of windows	Staff Approval with conditions on the format of new windows	Permit issued
5/25/2011	11-659	30 Loockerman Plaza, Wesley Education Building	Temporary Sign Permit (VBS Banner)	Staff Approval	Temporary Sign installed and removed.
6/21/2011	11-636	406 Federal Street, Biggs Museum	Building Permit - Interior Renovations	Staff Approval, phase of project associated with HI-10-09	Permit Issued
6/6/2011	11-723	54 South State Street, Presbyterian Church	Temporary Sign Permit (VBS Banner)	Staff Approval	Temporary Sign installed and removed.
6/21/2011	11-768	101 West Water Street	Building Permit - Parking Lot	Approval per HI-10-11	Construction almost complete.
6/27/2011	11-812	101 West Water Street	Building Permit - Fence	Approval per HI-10-11	Fence installation complete.
7/6/2011	11-813	516 West Loockerman St - Old Train Station	Building Permit - Interior Renovations for HVAC	Staff Approval	Construction complete.
7/7/2011	11-874	406 Federal Street, Biggs Museum	Temporary Sign Permit (Film Series)	Staff Approval	Temporary Signs installed and removed.

Summary of Permit Applications with Architectural Review Certification
Updated as of 10-3-2011

DATE	PERMIT #	LOCATION	TYPE	ACTION ON ARCHITECTURAL REVIEW CERTIFICATE	NOTES
7/27/2011	11-923	139 South State Street - M&T Bank (Wilmington Trust)	Sign Permit	Staff Approval	Signage installed in late August.
7/27/2011	11-924	29 Kings Highway - M&T Bank (Wilimington Trust)	Sign Permit	Staff Approval	Signage installed in late August.
7/26/2011	11-948	43 East Division Street	Demolition Permit	Staff Approval per HI-11-02 Demolition by Neglect	House demolished late July-August 2011
8/10/2011	11-656	200 West Loockerman St, Bayard Hotel property	Building Permit	Staff Approval per HI-10-08 Bayard Plaza	Demolition complete and construction beginning.
8/19/2011	11-925	38 The Green, Old Kent County Courthouse	Building Permit (Phase 3 Renovations)	Staff Approval per HI-06-03	Interior Renovations underway and exterior repairs/painting proposed.
8/15/2011	11-960	151 Kings Highway SW, Woodburn	Building Permit - Solar Panels	Staff Approval with reference to HI-10-03	Installation underway.
9/14/2011	11-414	48 The Green	Sign Permit	Staff Approval per HI-11-03.	Signage installed.
9/1/2011	11-1029	144 Kings Highway SW, Governors Club Building	Building Permit - Interior Renovations	Staff Approval	Permit Issued
9/22/2011	11-1203	420 South State Street	Building Permit - Porch Addition on Side/Rear	Staff Approval	Construction started
9/21/2011	11-1216	3 Loockerman Plaza	Temporary Sign Permit	Staff Approval	Permit Issued
9/26/2011	11-1084	115 West Loockerman Street	Building Permit - Façade Repairs	Staff Approval	Permit Issued
9/29/2011	11-1197	316 South Governors Avenue, Old Brick Church	Building Permit - Interior Renovations, Brick Walkway Improvements for ADA accessibility	Staff Approval	Permit Issued
9/29/2011	11-1261	505 South State Street, Christ Church	Temporary Sign Permit	Staff Approval	Temporary Sign installed and to be removed.

MEMORANDUM

Department of Planning & Community Development
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7196 Fax: 302.736.4217

Date: October 4, 2011

To: Legislative, Finance & Administration Committee

From: Ann Marie Townshend, AICP

RE: Discussion Regarding Historic District Commission

In considering the elimination and consolidation of boards and commissions within the City of Dover, the role of the Historic District Commission is now a matter of discussion. In order for the Legislative, Finance and Administration Committee and City Council to determine the future of the Historic District Commission, an understanding of the history and role of the Historic District and the Historic District Commission is necessary.

The Historic District Zone was adopted as part of the *Zoning Ordinance* in 1961, and the Architectural Review Certificate process involved the Planning Commission. In July 1993, the City created the Historic District Commission and the *Design Standards and Guidelines for the City of Dover Historic District Zone*. The Historic District Zone was expanded in 1997 to include an area along West Loockerman Street.

By its composition, the Historic District Commission includes members with both professional expertise and financial stake (residential and business) in the City's Historic District Zone. According to Appendix B – Zoning, Article 10 – Planning Commission, Section 3 – Historic District Commission:

> 3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

If the Historic District Commission were eliminated, presumably the review of Architectural Review Certification would revert to the Planning Commission, with some approvals administrative under the City Planner. The Planning Commission, by the City's Charter, has a composition that represents geography, not professional background or specifically a background in history or architecture. The Planning Commission is made up of two members from each City Council district and one member at-large.

One reason that the City is reviewing the role of the various boards and commissions is that as resources become more limited, the need to improve efficiency and most appropriately allocate scarce staff resources becomes

increasingly important. Additionally, there has periodically been criticism by some in the community that the review by the Historic District Commission adds an additional step in the process of land development. This extra step is seen by some as something that slows economic growth and adds less predictability and expediency to the land development process.

While the review role of the Historic District Commission does create a step in the process of development and redevelopment within the Historic District Zone, this additional step helps to protect the historical integrity of valuable resources such as The Green and Constitution Place (State Street between Loockerman and Water Streets). Preservation of these areas and their character is a benefit to the local economy, as heritage tourism brings visitors to the downtown area. Ensuring that the character of the City's historic resources is protected should be part of the decision on how to proceed with the Historic District Commission.

By virtue of its composition, the Historic District Commission is better qualified to make recommendations with regards to preservation of historic architecture and new construction that complements the character of the Historic District Zone than the Planning Commission, who by its composition is not required to have a background in history or architecture.

If it is the desire of the Legislative, Finance and Administration Committee and ultimately City Council to eliminate the Historic District Commission, a number of amendments to the *City of Dover Code of Ordinances* will be required. The Planning Office recommends that if this is the decision of City Council, the code amendments include an amendment to *Dover Code*, Chapter 82 – Planning Commission, to ensure that the Planning Commission includes members with the background necessary to ensure that the City's valuable historic resources are protected.

A more detailed history and summary of the Historic District Commission's role, including application volume, code references, current membership, and a map of the Historic District Zone are attached.

City of Dover Historic District Commission

Historic District

Historic District Zone (H) established 1961.

- As part of the adoption of the *Zoning Ordinance* for the City of Dover on November 27, 1961, the Historic District Zone (H) was included. The purpose and use regulations were described in Article III Section 3.10 and the boundaries of the Historic District were depicted on the Zoning Map. An Architectural Review Certificate was required for a demolition, erection, reconstruction, alternation, restoration or exterior repairs on properties within the Historic District. For a Building Permit to be issued, the project was required to have an Architectural Review Certificate. Article X Section 10.3 described the Architectural Review Certification process which involved Planning Commission review.
    - By April 21, 1975 a review fee $10 was in place for ARC. Also a renumbering of code sections had occurred; now Article 3 Section 21 and Article 10 Section 3.
    - July 12, 1982: The review fee was increased to $50 for ARC.
    - March 24, 1986: Text Amendment was adopted changing the purpose statement, the use regulations, and the considerations for issuance of Architectural Review Certifications. The Code was amended to allow for waivers of the building height, bulk and setbacks as part of Architectural Review Certification. This was part of a series of updates throughout the *Zoning Ordinance*.

Historic District Commission created on July 26, 1993.

- Adoption of the Ordinance establishing the Historic District Commission to assist the Planning Commission with Architectural Review Certificates. Text amendments to Article 3 Section 21 and Article 10 Section 3 create the Commission and outline the purpose and review responsibilities of the Historic District Commission.
    - A series of work sessions and public hearings with the Planning Commission developed the ordinances and associated *Design Standards and Guidelines* document. (MI-93-09)
    - The *Design Standards and Guidelines for the City of Dover Historic District Zone* were developed by John Milner Associates, Inc. (a consultant hired in 1992) with funding from a grant from the National Park Service, U.S. Department of the Interior. City Planning Staff, the State Historic Preservation Office, the Friends of Old Dover, Main Street Dover, and other interested parties participated in the development of the document. The *Design Standards and Guidelines* provide guidance for the review process of Architectural Review Certification for construction projects in the Historic District.
- Architectural Review Certification review, depending on the type and scale of project, may be completed by the City Planner, Historic District Commission, or Planning Commission with Recommendations from the Historic District Commission. Certain types of ARC review require a fee of $250. More detailed information on the review process including public hearing requirements is made part of the procedures.
- The Review Procedures for the expansion of and the creation of new Historic Districts are established in the *Zoning Ordinance*, Article 10 Section 3.3. Also procedures for

Demolition by Neglect determination are established in the *Zoning Ordinance*, Article 10 Section 3.4

Historic District Zone (H) expanded in 1997.

- The boundaries of the Historic District Zone were expanded to include properties along West Loockerman Street. The original boundaries of the Historic District established in 1961 are generally described as extending from just north of Division Street south to South Street inclusive of the properties fronting on South State Street and The Green then east to the St. Jones River. The expansion of the Historic District was approved through a public hearing process with the Historic District Commission, Planning Commission, and City Council. The additional area of the expansion included properties fronting on West Loockerman Street to the railroad corridor and areas of South Governors Avenue, South Bradford Street, North Street, and Bank Lane in the vicinity. The areas of expansion included many commercial and residential properties listed in the National Register of Historic Places as part of the Victorian Dover Historic District. (MI-97-19)

Update of Architectural Review Procedures adopted on August 8, 2011.

- The Architectural Review Certification procedures were recently updated and clarified as part of an overall update to the application procedures for the Planning Commission as described in Article 10 of the *Zoning Ordinance.* (Ordinance #2011-14 with PC Amendment #11, MI-11-06). The amendments included measures to clarify and streamline certain review processes and also expanded the public notification requirements.
    - For the Architectural Review Certification process, it clarified the types of projects eligible for review by the City Planner (as part of a Building Permit process), projects requiring review by the Historic District Commission, and projects requiring recommendations from the Historic District Commission with review by the Planning Commission. It also clarifies the appeal process and approval expiration timeframes.
    - Public notification consists of a mailed notice to property owners within 200 feet of subject site, a legal advertisement of the hearing in newspaper, and physical posting of the property.

History of Establishment

Historic District Commission was established in 1993 and *Design Standards and Guidelines for the City of Dover Historic District Zone* adopted. The Historic District Commission consists of five (5) members appointed by the mayor and approved by City Council. There are specific professional, residency, and interest qualifications for the members. (Article 10 Section 3). The following code excerpt gives the purpose of the Historic District Commission:

> Article 10 Section 3.1 Historic district commission established.
> 3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning

historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

The Historic District Commission:

- Members must meet specific professional, residency and interest qualifications.
- Member terms are for three years.
- Members do not receive compensation.
- Meetings are held on the third Thursday of each month at 3:00pm in the City Hall Conference Room or Council Chambers.
- Required to meet at least quarterly in public session. Meeting Minutes are required.
- Planning Office is the support staff to the Historic District Commission.

Appointments

The current membership of the Historic District Commission is listed below:

C. Terry Jackson, Resident (7/2014), Vice-Chairman
George M. Fisher, IV, Professional (7/2014)
Charles A. Salkin, Resident (7/2013)
Richard Scrafford, Professional (7/2013), Chairman
Joseph McDaniel, Business Rep. (7/2014)

Dover Code of Ordinances References

Appendix B: *Zoning Ordinance*, Article 3 Section 21. Historic district (H)

Appendix B: *Zoning Ordinance*, Article 10 Section 3. Historic district commission and architectural review

Dover Code of Ordinances, Chapter 102 Taxation, Article V. Tax Credits for Historic Properties

Historic Preservation Planning

Historic Preservation Planning is part of a comprehensive approach to land use planning. Recent Comprehensive Plans for the City of Dover have included specific chapters devoted to Historic Preservation. Title 22, Chapter 7 Section 702 of *Delaware Code* requires municipalities (over 2,000 in population) to include planning for the protection of historic and cultural resources in their comprehensive plans. In the current plan, the *2008 Comprehensive Plan* this information is presented in Chapter 6 - Historic Preservation and associated Map 6-1. The *2008 Comprehensive Plan* includes sets forth goals and a series of recommendations for each goal. The Historic Preservation Goals are as follows:

Historic Preservation	**Goal 1:** Preserve and Protect Historic Resources **Goal 2:** Provide and Promote Incentives for Preservation Activities **Goal 3:** Increase Public Information on Historic Resources **Goal 4:** Collaborate with Diverse Groups and Governments

2008 Comprehensive Plan, excerpt from Table 1-1: Plan Chapter Goals

Summary of Application Activities

The following chart lists the number of applications for Architectural Review Certification heard by the Historic District Commission. Since 1994 a total of 102 applications have been considered by the Historic District Commission (Commission established in 1993).

Year	Applications	Year	Applications	Year	Applications
1994	4	2000	7	2010	11
1995	3	2001	9	2011	4 ytd.
1996	2	2002	6		
1997	4	2003	11		
1998	5	2004	7		
1999	3	2005	2		
		2006	9		
		2007	7		
		2008	4		
		2009	4		

The following chart provides information on the Permits with Architectural Review Certifications (ARC) issued for construction activities within the Historic District. Information for the last three calendar years (2009-2011 year to date) is provided from the Building Permits and Sign Permits issued by the Department. Depending on the type of construction activity, the ARC Review for each project may be eligible for Staff Review, Historic District Commission Review, or Historic District Commission Recommendation with Planning Commission Review. For applications involving Historic District Commission or Planning Commission review such ARC review may have occurred in prior years during the development plan review process which occurs prior to actual permit submission. Also some projects require multiple Building Permits for their construction activities.

	2009	**2010**	**2011***
Building Permits – ARC Review by Staff	23	20	11
Building Permits – ARC Review by HDC	2	4	4
Building Permits – ARC Review by HDC/PC	0	0	8
Sign Permits – ARC Review by Staff	16	18	16
Sign Permits – ARC Review by HDC	1	0	2
TOTALS	43	42	41

*2011 Information reported through September 30, 2011.

Historic Preservation Activities & Recognition

- City of Dover Tax Credit Program for Historic Properties
- National Register of Historic Places: Dover Green Historic District, Victorian Dover Historic District, Little Creek Hundred Rural Historic District, and 12 individually listed properties in Dover
- 2008 Preserve America Community designation
- 2009 Great Places in America: Public Spaces – The Green, Dover
- First State Heritage Park at Dover
- Downtown Dover Partnership (a recognized Main Street program)
- State Scenic Byway: Harriet Tubman Underground Railroad Byway (designated corridor travels through Dover)

Attachments:

- Code Excerpts from *Zoning Ordinance*
- Zoning Map of Historic District
- *2008 Comprehensive Plan*, Plan Goals: Historic Preservation

Excerpts of Appendix B: Zoning Ordinance pertaining to the Historic District and Historic District Commission:

Article 3 – District Regulations

Section 21. – Historic district (H).

21.1 Purpose. The purpose of this historic district regulation is to preserve and enhance that unique character and value of the old portion of Dover as an area of special charm and interest. It is particularly intended that the regulations prevent, in the historic district, any change of conditions that would be deemed to be a disfigurement or degradation of the present unique visual and architectural qualities of the district.

21.2 [Use and bulk requirements.] In the historic district, use[s] and bulk shall be governed by those provisions of this ordinance related to the zone designation of each property, except those aspects of building height, bulk and setback that are subject to architectural review as set forth in article 10, section 3 of this ordinance.

21.3 [Architectural review certificate.] An architectural review certificate shall be required for the demolition, construction, reconstruction, alteration or restoration of any new or existing structure or where general exterior repairs are made within the historic district, as provided in article 10, section 3 of this ordinance.

21.4 [Amendments, supplements and repeals.] The city council shall not take any action to amend, supplement, or repeal the historic district in accordance with article 10, section 5 amendments, without a report by the historic district commission in accordance with article 10, section 3.3, unless this historic district commission fails to render such a report within 75 days after its regularly scheduled meeting following referral by the city council.

21.5 [Signs.] Signs shall meet the regulations found in article 5, section 4, supplementary sign regulations.

(Ord. of 3-24-1986; Ord. of 7-26-1993; Ord. of 2-12-2001)

Article 10 – Planning Commission

Section 3. Historic district commission and architectural review.

3.1 Historic district commission established.

3.11 Creation and purpose. There shall be a historic district commission for the purpose of assisting the planning commission and city planner in reviewing applications for architectural review certifications as specified in subsection 3.2; and for making recommendations for designation of historic district zones; and for establishing guidelines for the preservation and conservation of historic district zones; and for advising other officials and departments in the City of Dover in matters concerning historic preservation; and for reviewing all proposed National Register nominations in the City of Dover; and for acting as a liaison on behalf of the City of Dover to individuals and organizations concerned with historic preservation; and for carrying out programs of historic preservation education in the City of Dover.

3.12 Appointment. The commission shall consist of five members nominated by the mayor and approved by the city council, who are residents of the City of Dover and who have demonstrated special interest, experience, or knowledge in history, architecture, or historic preservation. Two of the members, to the extent available, shall be professional members representing the professions of architecture, history, archaeology, planning, historic preservation or related disciplines. At least two members shall be residents of the district, and at least one shall represent the business within the district.

3.13 Term. The members of the commission shall serve for three-year staggered terms. Vacancies shall be filled within 60 days in accordance with subsection 3.12 of this section.

3.14 Organization. The commission shall meet at least four times per year in a place that is advertised in advance and open to the public and shall keep minutes of its meetings that are available to the public. All review decisions shall be made in public. The commission shall establish bylaws for its general procedure, which shall include a section addressing conflicts of interest. The commission shall produce an annual report of its activity that is kept on file for public review with the city planning office.

3.2 Architectural review certification.

3.21 Effect of architectural review certificate. No building permit or certificate of occupancy may be issued for any structure in the historic district until an architectural review certificate is issued as required under article 3, section 21, subsection 21.3 for the historic district.

3.22 Architectural review certification by the city planner.

(A) An architectural review certificate for specific classes of building permits, including fences, signs, siding, window and door replacement, roofing, the addition or replacement of decorative features, minor demolition, residential additions, and other construction of a minor nature, may be issued by the city planner, after a review and determination that the proposed construction is in general accordance with the standards set forth in subsection 3.25.
(B) The city planner may refer any permit application for demolition or construction in the historic district for consultation with commission.
(C) All decisions of the city planner pursuant to this subsection shall be documented on the building permit. When the city planner grants a conditional approval under this section, all conditions of approval shall be set forth in writing on the building permit. In the event of a denial, the reasons for such denial shall be documented in a written notice of decision which shall identify all elements of the application found to be contrary to the provisions or intent of this section.
(D) An applicant may appeal the decision of the city planner to the historic district commission and such appeal shall be considered as an architectural review certification application to the historic district commission and shall meet all of the requirements set forth in subsection 3.23.

3.23 Architectural review certification by the historic district commission

(A) The historic district commission shall issue architectural review certificates for the construction or demolition of single-family and two-family homes, and nonresidential structures or additions involving a gross floor area of 3,000 square feet or less, after review of the proposed construction and after a determination that the construction is in general accordance with the standards set forth in subsection 3.25 below.
(B) All applications to the historic district commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
(C) All decisions of the historic district commission pursuant to this subsection shall be formalized in a written notice of decision. When the commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.
(D) An applicant may appeal the decision of the historic district commission to the planning commission, and such appeal shall be considered as an architectural review certification application to the planning commission and shall meet all of the requirements set forth in subsection 3.24 and subsection 3.26.

3.24 Architectural review certification by the planning commission.

(A) The planning commission shall issue architectural review certificates referred or appealed to it, upon review of the recommendations of the historic district commission and upon a determination that the proposed construction is in accordance with the standards set forth in subsection 3.25.
(B) All applications to the planning commission for architectural review certification shall be subject to the procedures set forth in subsection 3.26.
(C) All decisions of the planning commission pursuant to this subsection shall be formalized in a written notice of decision. When the planning commission grants a conditional approval under this subsection, all conditions of approval shall be set forth in writing in the notice of decision. In the event of a denial, the notice of decision shall state the reasons for denial and shall identify all elements of the application found to be contrary to the provisions or intent of this subsection.

3.25 Architectural review standards.

(A) An architectural review certificate may be issued if it is found that the architectural style, general design, height, bulk and setbacks, arrangement, location and materials and structures affecting the exterior appearance are generally in harmony with neighboring structures and complementary to the traditional architectural standards of the historic district as set forth in the historic district design guidelines and standards adopted by the planning commission and as set forth in the United States Secretary of the Interior's Standards for Rehabilitation.
(B) The city planner, historic district commission or planning commission shall not consider normal maintenance and repair (see definitions, article 12), interior arrangement, or building features not subject to public view.

3.26 Procedures for an architectural review by the historic district commission and/or planning commission.

(A) Architectural preapplication meeting. Prior to action on any application for an architectural review certificate, the applicant shall meet in person with the city planner or his delegated representative. The purpose of such conference shall be to discuss the proposed construction or other action requiring the certificate in order to determine what information is useful in the determination of conformity with the provisions and intent of the historic district regulation as expressed in this ordinance.
(B) Application and fee. The application to the historic district commission for an architectural review certificate and related information shall be submitted to the city planner at least 30 days prior to the historic district commission meeting at which review is requested and shall be accompanied by a fee as provided for in Appendix F--Fees and Fines.
(C) Public hearing. Prior to the review and action on an architectural review certification, the historic district commission shall hold a public hearing subject to the following public notification procedures:
    (1) The applicant shall advertise the public hearing newspaper of general circulation at least 15 days prior thereto.
    (2) The applicant shall notify, by mail, all property owners within 200 feet of the extreme limits of the subject property as their names appear on the municipal tax record at least 15 days prior thereto.
    (3) The applicant shall post a notice outlining the date, time, place, and nature of the hearing in a conspicuous location on the property. Such notice shall be designed in accordance with standards set forth by the planning commission.
    (4) The applicant shall provide the planning office with a copy of the notice, verification of newspaper publication, a date-stamped photo of the property posting, and post office mail receipts indicating date of mailing for all letters on or before the meeting date.
    (5) Said notices shall state the date, time, and place of the hearings before the historic district commission, a brief description of the project and shall state that a

copy of the application and plan is on file with the planning office for public review.

(6) If the planning commission is reviewing a project in accordance with other sections of this article, then the public hearing notice on those applications must also give notice of architectural review certification.

(D) Application information. The applicant shall provide such information and documents listed below which will satisfactorily illustrate the proposed action as indicated in the architectural preapplication meeting required in subsection 3.26(A):

(1) All plan elements required in subsection 2.5.

(2) Plans and specifications indicating existing and proposed development, including structures, architectural elevation drawings, trees and any other landscaping, existing and proposed, including the general design, location and orientation of structures in relation to curb line, right-of-way line and neighboring buildings, colors, and materials to be used on exterior surfaces, detailed plans for any signs, photographs of the existing site and neighboring buildings, and such other information as will enable the historic district commission or planning commission to determine conformity with the ordinance.

(E) City planner report. For each application to the planning commission the city planner shall issue a report to the planning commission including comments from other agencies detailing how the application conforms to the requirements of the zoning ordinance and other provision of city and state codes. This report shall not be deemed to represent a comprehensive list of all city and state code requirements. The city planner shall transmit copies of the proposed site development plan and the city planner's report at least seven days prior to the date of the meeting at which approval of the site development plan is to be requested.

(F) Historic district commission action. The historic district commission shall act to review and render a recommendation to approve any such application within 45 days of transmittal to the commission or within such additional time as may be consented to by the applicant. The recommendation of the historic district commission shall be forwarded to the planning commission and acted upon by the planning commission in conjunction with action on the associated site development plan. If a site development plan application is not filed in accordance with the provisions of subsection 2.4 of this article within one year of recommendation, the recommendation shall expire. The historic district commission may grant a one-year extension of its recommendation upon written request by the applicant. Such request shall be made in writing to the planning office at least thirty days prior to the expiration of the historic district commission's recommendation.

(G) Substantial Amendments. Substantial amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.

(H) Expiration of architectural review certification issued by the historic district commission.

(1) Architectural review certification approval shall expire on the last day of the 12th month after the date of approval if construction of the work authorized or use permitted has not started or unless an extension of time is applied for by the applicant and granted by the historic district commission. Approval shall also expire if the construction of work authorized has stopped for a period of one year unless an extension of time is applied for and granted by the historic district commission.

(2) Request for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such request, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.

(3) In considering a request for an extension of approval, the historic district commission shall consider, but not be limited to, the following:

(a) Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
(b) Whether the applicant has made substantial progress toward obtaining final approvals.
(c) Whether there have been any significant changes in the surrounding neighborhood.
(d) Whether there has been any related amendments to the zoning map or text, or the comprehensive plan, or if any waivers or variances have been granted.

(4) Requests for extensions shall be submitted in writing to the planning office.
(5) Under no circumstances shall the historic district commission grant extensions beyond 24 months from the date of first approval.

3.3 Historic district amendments.

3.31 Historic district commission review required. Any motion or petition to amend, supplement, or repeal a historic district by the city council in accordance with section 5, amendments, shall require a report by the historic district commission as set forth in article 3, subsection 21.4.

3.32 Review criteria for placing individual structures in a historic district. The historic district commission may recommend that an individual structure or property be placed in an existing contiguous historic district or be placed in a historic district specifically created for the property or structure upon considering the following criteria and factors:

(A) Significant value as part of the historical, cultural, artistic, social, ethnic or other heritage of the nation, state or community;
(B) Association with an important person or event in national, state, or local history.
(C) Representative of the distinguishing characteristics of an architectural type inherently valuable for the study of a period, style, craftsmanship, method of construction or use of indigenous material;
(D) Notable work of a master builder, designer, architect, or artist whose individual genius has influenced an era;
(E) The desire of the owner to have the property designated;
(F) Increased potential of economic or community development.

3.33 Review criteria for amendments or creation of new historic districts. The historic district commission may recommend amendments to an existing historic district, recommend repeal of an existing historic district or recommend the creation of a new historic district upon considering the following criteria:

(A) Any criteria listed in subsection 3.32.
(B) Distinctive character or homogeneity of architectural design or dates of construction throughout the area.
(C) Identifiable by clear and distinctive boundaries.
(D) Repetition of distinguishing architectural or land use characteristics throughout the area.

3.34 Public hearing required. For all proposed amendments to the boundary of the historic district, the historic district commission shall hold a public hearing subject to the following public notification procedures:

(A) The planning office shall advertise the public hearing in a newspaper of general circulation at least 15 days prior thereto.
(B) The planning office shall notify, by mail, all directly affected property owners and all property owners within 200 feet of the extreme limits of the properties proposed for addition to or removal from the district as their names appear on the municipal tax record at least 15 days prior thereto.

3.4 Demolition by neglect.

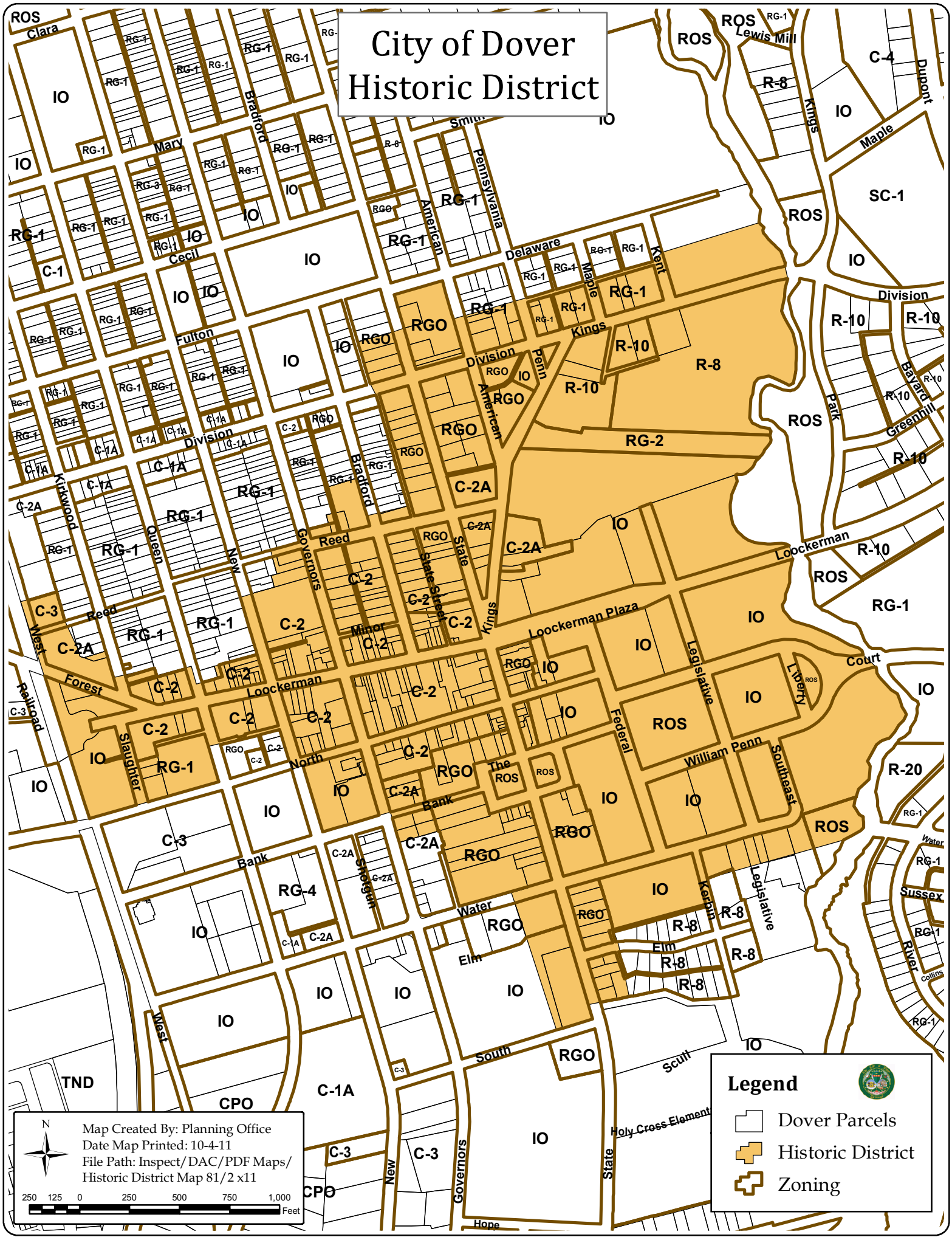
3.41 Responsibility of property owners. Property owners of properties within the historic districts shall not allow their buildings to be demolished by neglect (see definitions, article 12) by failing to provide ordinary maintenance or repair.

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

(A) Determine and set forth steps required to remedy the situations or defects.
(B) Direct the city planner to inform the property owners of its findings, determination, and recommended remedies.
(C) In the event that the property owners fail to commence work within the reasonable time allotted by the commission, the commission may direct the building inspector to begin proceedings under chapter 22, buildings, and building regulations, article XI, dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair or demolition of the building.

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

(Ordinance as adopted 8-8-2011)


City of Dover
Historic District
Legend
Dover Parcels
Historic District
Zoning
Map Created By: Planning Office
Date Map Printed: 10-4-11
File Path: Inspect/DAC/PDF Maps/
Historic District Map 81/2 x11
250 125 0 250 500 750 1,000
Feet
N
Clara
Mary
Bradford
Cecil
Fulton
Division
Kirkwood
Queen
New
Reed
Governors
State
Kings
Penn
American
Pennsylvania
Delaware
Maple
Kent
Loockerman
Loockerman Plaza
Minor
West
Railroad
Forest
Slaughter
North
Bank
Shotgun
Water
Elm
South
Scull
Holy Cross Element
Hope
Lewis Mill
Dupont
Bayard
Greenhill
Park
Legislative
Federal
Liberty
Court
William Penn
Southeast
Kerpin
Sussex
River
Collins
IO
RG-1
RG-2
RG-3
RG-4
RGO
C-1
C-1A
C-2
C-2A
C-3
R-8
R-10
R-20
SC-1
ROS
TND
CPO

Part II – Plan Goals: Historic Preservation

Goal 1: *Preserve and Protect Historic Resources*

Preserve and provide better protection for historic resources including individual properties and historic districts in order to maintain community character and the plan for integration of these places into everyday use.

Recommendation 1: Identification and Designation of the Dover Historic District Zone

Identify areas and study properties/areas for potential future local Historic District designation as individual structures in a Historic District or the creation of new Historic Districts. The local Historic District designation criterion is established in the *Zoning Ordinance*.

- Evaluate properties of interest and concentrated areas of historic resources for local Historic District designation
- Evaluate for local Historic District designation those areas currently listed in and/or eligible for the National Register of Historic Places
- Evaluate proposed annexation areas for historic resources to address needs for preservation and protection

Recommendation 2: Stewardship of Historic Resources

Encourage stewardship activities by public and private owners of historic resources to ensure the long-term care, protection, preservation, and continued existence of historic resources.

- Encourage appropriate stewardship of historic resources in City building projects and infrastructure improvements located within designated historic districts or projects impacting historic properties.
- Develop strategies within disaster response plans for the consideration of historic resources.

Recommendation 3: Evaluation of Design Standards and Guidelines

- Evaluate and update the "*Design Standards and Guidelines for the City of Dover Historic District Zone.*" This document was originally developed and adopted in 1992.
- Evaluate and consider the standards and guidelines in regards to the levels of protection for The Green and the Loockerman Street historic contexts.

Recommendation 4: Architectural Review Certification Process

Evaluate the existing regulatory process and procedure for Architectural Review Certification for properties located within the designated local Historic District Zone (H) including the process for review and approval of waivers and requests for demolition.

Recommendation 5: Impact of Development Activity on Historic Resources

Explore other strategies, activities, and incentive programs to assist in the preservation and protection of historic resources in order to balance the needs of preservation and revitalization. These activities may involve regulatory measures such as ordinance or

code amendments, flexible building codes for rehabilitation, form based zoning codes, etc.

- Develop and/or improve incentives and ordinances that encourage the use of historic structures
- Focus planning initiatives on Downtown Dover to strengthen Loockerman Street and the adjoining areas while maintaining the balance of preservation and development activity

Recommendation 6: Support of Historic Resources

There are a variety of approaches that can support and recognize historic resources.

- Support consideration of historic resources in development activities from infill projects to land annexation.
- Continue to identify, assist, and review the nominations of eligible properties to the National Register of Historic Places.
- Explore opportunities to conduct and/or update the Delaware Cultural Resource Survey for properties located within City limits.
- Ensure the diversity of the community as reflected in the City's history, architecture, and demographics are reflected in the preservation efforts
- Recommend completion of a Self-Assessment for the Historic District Commission to identify other strategic planning needs.

Goal 2: *Provide and Promote Incentives for Preservation Activities*

Provide and promote incentives for public and private preservation activities and the protection of residential and non-residential historic properties including incentives to encourage continual use, on-going maintenance of such properties, and appropriate in-fill project design.

Recommendation 7: Tax Credit Program for Historic Properties

Evaluate and improve the process for the City's Tax Credit Program for Historic Properties.

Recommendation 8: Increase Participation in Resource-Bearing Programs

Increase participation in resource-bearing programs (Certified Local Government Program and the Scenic & Historic Highways Program).

- Continue process to complete application to achieve Certified Local Government (CLG) status in the National Park Service's Certified Local Government program.
- Identify corridors for evaluation and consideration for designation in Delaware's Scenic & Historic Highways Program and support initiatives by other groups working to achieve such designation.

Goal 3: *Increase Public Information on Historic Resources*

Increase and promote dissemination of information on preservation activities, the value and significance of historic resources, and historic and cultural heritage tourism opportunities to the general public and elected/appointed officials.

Recommendation 9: Public Outreach Education

Initiate educational programs on historic and cultural resources for the general public and elected/appointed officials.

- Develop and/or update written and digital materials (brochures, process guides, web-based postings, GIS mapping, etc.) on such topics as the local Historic District Zone, historic resources, the Historic District Commission, the Architectural Review Certification process, and the City's Tax Credit Program for Historic Properties.
- Conduct workshop training with for the Historic District Commission and Planning Commission on preservation topics and the Architectural Review Certification process.
- Identify and implement methods of on-going communication with historic property owners and interested groups.

Goal 4: *Collaborate with Diverse Groups and Governments*

Partner and collaborate with special interest groups, within municipal government, and state and federal government agencies regarding preservation activities, cultural activities and heritage tourism.

Recommendation 10: Assistance and Support of Interest Groups

- Continue to coordinate with and assist government agencies/ officials and preservation interest groups. Examples of these groups and agencies include the City Council, Planning Commission, Downtown Dover Partnership, Preservation Delaware, the Division of Historical & Cultural Affairs (State Historic Preservation Office), and the First State Heritage Park at Dover.
- Build relationships with the historic preservation programs at Delaware State University, Wesley College, and the University of Delaware