

Section 3. Historic district commission and architectural review.

3.1 *Historic district commission established.*

3.113 [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 [sub]section 3.2 of this article [section]; 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 [sub]section 3.12 of the article [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 historic district commission and city planner.* Certifications under this [sub]section shall not be subject to the requirements in [sub]section 3.25 with respect to conferences, fees, applications, public notices, and time to act.

- (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 historic district commission or by the city planner when authorized by the historic district commission, after a review and

determination that the proposed construction is in general accordance with the standards set forth in [sub]section 3.24 of this article [section]. The city planner may refer any permit application for construction in the historic district for consultation with commission. The historic district commission shall authorize the city planner to issue architectural review certificates for certain classes and types of construction that it warrants to be generally acceptable.

- (b) The historic district commission shall issue architectural review certificates for the construction or demolition of single- 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 [sub]section 3.24 below.
- (c) All other applications for an architectural review certificate shall be forwarded to the historic district commission for review and recommendations to the planning commission in accordance with [sub]section 3.23(a) of this section.
- (d) All decisions of the historic district commission or the city planner pursuant to this section shall be formalized in a written notice of decision. When the commission or city planner grants a conditional approval under this section, 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 section.
- (e) 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 [sub]section 3.23 and [sub]section 3.25 of this section.

3.23 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 [sub]section 3.24 below.
- (b) All decisions of the planning commission pursuant to this section shall be formalized in a written notice of decision. When the commission grants a conditional approval under this section, 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 article.

3.24 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.

3.25 Procedures for an architectural review by the historic district commission or planning commission.

- (a) *Architectural review conference.* 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. It is generally recommended that final construction plans and working drawings not be prepared for submission to the building inspector for a building permit until a required architectural review certificate is issued.
- (b) *Application and fee.* The application to the historic district commission or planning commission for an architectural review certificate and related information shall be submitted in 20 copies to the city planner at least 30 days prior to the historic district commission meeting at which review or approval is requested and shall be accompanied by a fee of \$250.00.
- (c) *Public notice.* Prior to the review and action on a architectural review certification, the historic district commission shall hold a public hearing to be advertised by the applicant in a newspaper of general circulation at least ten days prior thereto. 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 days prior thereto. The applicant shall provide the commission with a copy of the notice, verification of newspaper publication, and post office return receipts for all letters on or before the meeting date. Said notices shall state the time, date and place of the hearings before the historic district commission and planning commission, a brief description of the project and shall state that a copy of the application and plan is on file with the planning department for public review.
- (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 review conference required in [sub]section 3.25(a):
 - (1) All plan elements required in article 10, section 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) *Time to act.* 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. Failure to act within 45 days or the additional time consented to shall be deemed to be a favorable recommendation. Applications requiring planning commission approval under [sub]section 3.23 of the article shall be transmitted by the historic district commission to the planning commission for consideration at its next available meeting. The planning commission shall act on any such approval within 45 days of its meeting. Failure to act within 45 days shall be deemed approval.
- (f) *Amendments.* Amendments to an application or an architectural review certificate shall be acted upon in the same manner as the original plan.
- (g) *Expiration of architectural review certification.*
 - (a) Architectural review certification approval shall expire on the last day of the 12th month after the date of final or conditional 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.
 - (b) Application for extension of approval shall be made no later than 30 days prior to the final approval expiration date. Upon receipt of such application, the matter shall be considered at the next regularly scheduled meeting of the historic district commission.
 - (c) In considering a request for an extension of approval, the commission shall consider, but not be limited to, the following:
 1. Whether the project has been delayed for reasons beyond the control of the applicant, excluding economic or financial reasons.
 2. Whether the project is of a minor size and scale.
 3. Whether there has been any significant changes in the surrounding neighborhood.
 4. 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.

- (d) Applications for extensions shall be submitted to the city by completing an application for extension of approval form which may be obtained in city hall.
- (e) 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 article 10, section 5, amendments, shall require a report by the historic district commission as set forth in article 3, section 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 [sub]section 3.32 of this section.
- (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.

3.4 *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 building inspector 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 5 [22], buildings, [and] building regulations, article VI [XI], dangerous buildings, of the Code of Ordinances for the City of Dover to bring about the repair of the building.

(Ord. of 1-10-1996; Ord. of 7-26-1993)

Editor's note: An ordinance adopted July 26, 1993, repealed app. B, art. 10, § 3, and added a new art. 10, § 3, to read as herein set out. Former app. B, art. 10, § 3 pertained to similar subject matter and derived from an ordinance adopted July 12, 1982, an ordinance adopted March 24, 1986, and an ordinance adopted June 24, 1991.