

**Analysis of Documents for Historic Designation and Certificates
of Approval**

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Prepared for

**City of Rockville, Department of Community Planning and Development
Services**

By

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1. Purpose

The purpose of this report is to describe an analysis and provide recommendations to update the City of Rockville's (City's) historic preservation documents pertaining to historic designation and Certificates of Approval (COA).

The objectives of the report are to:

1. Identify overlaps and deficiencies in the existing design guidelines and designation criteria¹ as determined through analysis of the existing ordinances, regulations, and guidelines that govern historic designations and COAs;
2. Provide recommendations through a phased plan that will resolve identified overlaps and deficiencies through revision and/or update of the ordinances, regulations, and guidelines; and,
3. Make recommendations on the role/use of certain documents such as the Historic Resources Management Plan (HRMP), Buildings Catalog, and Technical Guides.

2. Approach

ERM's approach included six steps:

1. Review historic preservation documents.
2. Develop a preliminary set of observations and recommendations.
3. Discuss these with staff from the Department of Community Services.
4. Prepare a report of our draft observations and recommendations.
5. Review the report with the staff and the Historic District Commission (HDC).
6. Prepare a final report.

2.1 Documents reviewed

The following documents were included in the review:

- Rockville Comprehensive Plan (2002);
- Historic Preservation Element Rockville Comprehensive Plan (staff draft December 2013);
- Rockville Historic Resources Management Plan (1986);
- City Zoning Ordinance;
- Secretary of the Interior's Standards for Treatment of Historic Properties;
- Rockville's 14 Technical Guides for Exterior Alterations (2004 and subsequent);

¹ In this report the word "criteria" means the standards or factors to be considered in making a decision.

- Adopted Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts (1977);
- Land Use Article (formerly Article 66B) of the Annotated Code of Maryland;
- City of Rockville Historic District Commission Rules of Procedure (2013);
- Cemetery design guidelines;
- Chestnut Lodge guidelines
- Historic Buildings Catalog (1989, 2011)
- Neighborhood plans (8 from 1985-2009)

3. General findings and Observations

The City has a mature, well-organized historic preservation regulatory program that has been in place since the 1970s. Historic preservation is fully integrated into the City’s community development program including full-time, dedicated staff. The program has grown, with more historic districts being added. Each year more sites become potentially eligible for historic designation. There is strong interest in historic preservation in the City.

As the program has evolved over time some of the reference and regulatory documents the City uses to evaluate historic designations and COAs have been updated, and new documents have been added. None have been “repealed”. This has resulted in overlap and inconsistency between the documents, that makes addressing historic designations and COAs confusing to officials and the public.

With some mostly relatively minor document revisions, ERM believes the historic designation and COA processes can be made clearer for all interested parties.

Observations

1. Text relevant to historic designations and COAs appears in a large number of documents; approximately 20 were reviewed for this project. This volume can be confusing and overwhelming to applicants and to the general public.
2. There is lack of clarity regarding national, state, and local eligible, listed, and designated historic resources and how the various statuses affect property owners and the City’s historic preservation program.
3. Designation of historic districts by the City is reactive rather than proactive. Designations sometimes occur as a result of demolition, development, or alteration applications, including Natural Resources Inventories². While a reactive approach is not uncommon, a proactive approach is more desirable and we understand the City would like to take such an approach.

² These are conducted for certain development applications.

The document body lacks clarity regarding i) the criteria (standards) considered by the HDC in making recommendations on proposed historic districts; ii) the factors considered by the Mayor/Council in reviewing HDC recommendations on proposed historic districts, and iii) the role of the Planning Commission in this process.

4. There is overlap and lack of discreet content and functional separation between documents. The content in some documents would be more intuitive and useful if moved to other documents. For example:
 - The content and use of the Comprehensive Plan vis-a-vis the (1986) Historic Resources Management Plan (HRMP) in, for example, goal setting and establishing criteria for historic designation.
 - Design guidelines appear in multiple documents, resulting in questions about which guidelines should be used in different situations and whether some guidelines carry greater weight than others.
 - There is some lack of clarity between HDC “policy” and general (i.e., optional) guidance.
 - The same or similar themes and content are repeated in multiple documents; a single topic such as exterior siding is addressed in multiple locations.
5. There are some inconsistencies between and gaps in regulatory documents. For example:
 - The regulatory documents do not include designation criteria and are inconsistent in the references to the documents that are to be used for evaluation of COAs;
 - Regulatory content is repeated, sometimes inconsistently, in “lower-level” documents – i.e., documents whose role or authority is established in “higher” documents;
 - Some key terms in some documents lack definitions (e.g., “contributing,” “historic resource,” “inventory,” “structure”);
 - Key terms are sometimes used/described inconsistently between documents (e.g., “historic resource”).
6. There is incomplete and inconsistent treatment of resources from the recent past (i.e., post-1945):
 - Lack of clear City policy on the approach to preserving historic resources from the recent past;
 - These resources are treated differently in the Buildings Catalog compared to older resources;
 - Design guidelines are generally focused on pre-1945 residential resources (e.g., versus. modern commercial).

4. General Recommendations

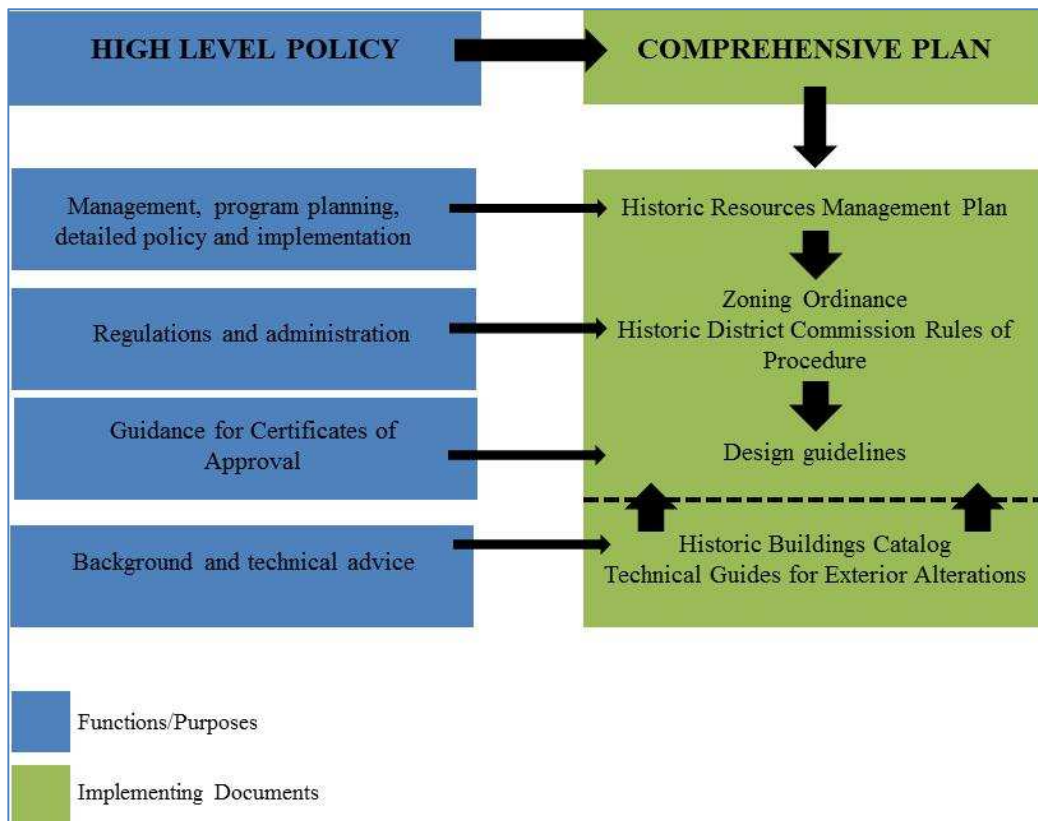
This section summarizes ERM’s recommendations for the City’s historic preservation documents. We envision a hierarchy based on the function and purpose of each part of the program, see Table 1.

Section 4.1 summarizes our high level recommendations for the documents and Table 2 is more detailed depiction of the content of each document that would result if these recommendations were implemented.

Section 5 describes more specific recommendations for selected documents.

Table 1 Recommended Document Hierarchy

| Function/Purpose | Document |
|--|--|
| High level policy | Comprehensive Plan |
| Management, program planning, detailed policy and implementation | HRMP |
| Regulations and administration | Zoning ordinance HDC Rules of Procedure |
| Guidance for COAs | Design guidelines |
| Background and technical advice | Historic Buildings Catalog, Technical Guides for Exterior Alterations |



4.1 Document Recommendations

1. In the upcoming Comprehensive Plan update, revise the draft historic preservation element as a high level document that focuses on key background and city-wide policy. Move support and “management” material to the HRMP. The Comprehensive Plan should seek to include a clear policy for post-1945 resources.
2. Extract and reorganize content from the 1986 HRMP, Comprehensive Plan, and other documents into a new, updated HRMP that would serve as a “functional plan” addressing the management of the City’s historic resources and how the Comprehensive Plan policies are to be carried out. At the time that the new HRMP is adopted, the 1986 HRMP should be repealed.

As we envision it, the HRMP would be a “living document”, approved by the City Council, and updated periodically as necessary³. For example we envision the HRMP including a comprehensive list (database) of historic resources and identifying the type of designation for each resource (e.g., National Register, Rockville historic district, Maryland Inventory of Historic Properties, properties of potential historic value not included on any of these lists). This list changes frequently.

The HRMP would also state HDC policies with respect to, for example, alterations to historic resources and demolitions. (This compares to the Comprehensive Plan that should contain the “higher level” city-wide policies with respect to these topics).

3. Consolidate and tailor the various design guidelines documents into new, updated, Rockville-specific design guidelines in a single volume. Once the new guidelines are in place the old guidelines (e.g., 1977) should be repealed.

In the guidelines, clearly differentiate between policies (HDC’s approach to resources, and what applicants “shall” do) versus guidelines. Pursuant to policy in the Comprehensive Plan, the guidelines should address post-1945 historic resources.

4. Create a category of “reference and technical documents”. This would include, for example, the Historic Buildings Catalog and the Technical Guides for Exterior Alterations. These documents provide background and technical information to the public on treatment of historic buildings, but should not state HDC policy.
5. Inconsistencies between regulatory documents. Some “clean up” is needed to address inconsistencies. As general guidance we recommend:
 - Define terms once, in the highest-level document wherever possible
 - Use the higher-level documents to state policy or guidance and avoid repeating or restating (in different words) the same policy or guidance in subordinate documents.

³ Part of the reasoning for separating the Comprehensive Plan from the HRMP is that Comprehensive Plan amendments have a complex review and approval process specified in State law. HRMP updates could follow a shorter City-specified process.

Table 2 *Historic Preservation Document Summary, Following the Recommendations in this Report*

| <i>Document</i> | <i>Purpose</i> | <i>Recommended Actions</i> |
|---|---|---|
| 1. Policy and Long Range Planning | | |
| <i>City of Rockville Comprehensive Master Plan</i> | Policies and implementation strategies for historic preservation for upcoming 10-year period | Major revisions for updated chapter <ul style="list-style-type: none"> Historic preservation chapter should be a high level document that focuses on resources and policy; put detailed implementation topics in an updated Historic Resources Management Plan (HRMP) |
| 2. Historic Resources Context and Management | | |
| <i>Historic Resources Management Plan</i> | Functional Plan that helps implement the Comprehensive Plan Establishes and describes historic periods, contexts, and building types for Rockville Describes roles of Mayor and Council, HDC and others (policy basis for regulation in the zoning ordinance) Detailed policies and implementation steps for historic preservation (e.g., districts, incentives, easements, education, survey needs) | Repeal 1986 HRMP and replace with revised document as follows: <ul style="list-style-type: none"> Extract relevant content from 1986 HRMP Expand content to more specifically address Rockville and its building stock Include discussion of/ treatment of federal and state resources (that may not be designated by Rockville) Incorporate list of resources, different types of protection, and implications for different people (City, HDC, public). |
| 4. Regulations and Administration | | |
| <i>Maryland Land Use Code</i> | State law enabling local historic preservation regulations | None (but see revisions to zoning ordinance) |

| <i>Document</i> | <i>Purpose</i> | <i>Recommended Actions</i> |
|---|--|--|
| <i>Zoning Ordinance</i> | Sets forth city regulations for protection of historic properties as authorized by MD Code | <ul style="list-style-type: none"> • Reorganize requirements applicable to Historic Districts for clarity of process • Establish designation criteria and review process language for new historic districts • Clarify Mayor/Council and Planning Board roles in designation of historic districts • Add some provisions from State code • Define terms • Specify HDC advisory role to include properties adjacent to designated resources and subdivision/site plans for historic districts or National Register properties |
| <i>Rules of Procedure, Historic District Commission</i> | Procedures for HDC review | <ul style="list-style-type: none"> • Delete language duplicating the zoning ordinance • Retain definitions of terms that are not included in the zoning ordinance • Establish the Secretary of the Interior's Standards (not Guidelines) as HDC Policy in reviewing COAs; also reference Rockville Guidelines (as described below) • Remove reference to the Technical Guides |
| 4. Design Guidelines | | |
| <i>Secretary of the Interior's Standards and Guidelines</i> | Use by the HDC in reviewing COAs | None |
| <i>Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville's Historic Districts</i> | Single source for design standards and guidelines in Rockville | <p>Repeal the 1977 Guidelines and replace with revised consolidated document as follows:</p> <ul style="list-style-type: none"> • Include the SOI Standards • Reference the SOI Guidelines • Extract relevant content from 1986 HRMP and 1977 Guidelines, • Tailor the guidelines to specifically address the characteristics of Rockville resources. • Reference or incorporate language from neighborhood plans, as necessary, • Continue to refer to the design guidelines in the zoning ordinance as a required reference for the HDC. |

| <i>Document</i> | <i>Purpose</i> | <i>Recommended Actions</i> |
|---|---|--|
| <i>City of Rockville Chestnut Lodge Design Guidelines</i> | Used by the HDC and the public to guide work within the Chestnut Lodge district | Incorporate into new consolidated guidelines document |
| <i>Rockville Cemetery Historic District Design Guidelines</i> | Used by the HDC and the public to guide work on the cemetery | Incorporate into new consolidated guidelines document |
| 5. Background and Technical Advice | | |
| <i>Technical Guides for Exterior Alterations</i> | Public information on treatment of historic buildings Not HDC Policy | <ul style="list-style-type: none"> • Delete text referencing the guides as HDC Policy • Reconsider purpose/use vis-à-vis the National Register Bulletins |
| <i>Historic Buildings Catalog</i> | Describes building forms and styles represented in Rockville as of 2011. For use by the HDC and the public in understanding resources. | None. Note: the Catalog is cited once in the zoning ordinance for use during and interim Historic Review Period (see discussion in Attachment 1). |
| 6. Document Users Guide | | |
| <i>Short guide to what's where</i> This would be new document (does currently exist) | Assist the public in understanding the role and function of different documents | One or two page summary guide to the documents (may be a good table for the HRMP) |

5. Specific Recommendations for Selected Documents

5.1 Comprehensive Plan

The Comprehensive Plan’s historic preservation element is envisioned as a high level policy document. Staff developed a draft element in December 2013 that had a broader content. Table 3 includes recommendations for dividing this content between the Comprehensive Plan and an updated HRMP.

Table 3 Recommendations for Comprehensive Plan Historic Preservation Element

| | Historic Preservation Element Table of Contents draft 12-5-14 | ERM Recommendations |
|----|---|---|
| 1 | Goal, Objectives and Purpose of the Historic Preservation Element | Keep in comp plan. Add reference to and explain role of Historic Resources Management Plan (HRMP) - and possibly other documents (buildings catalog, design guidelines) |
| 2 | Rockville’s Historic Significance | Keep in comp plan |
| 3. | History and Authority of Historic District Zoning | Keep very short. Move most material to HRMP |
| 4 | Inventory of Historic Districts | Keep very short. Move most material to HRMP. Retain text necessary to explain/justify recommended major policies Include a policy addressing desired proactive approach to designating new historic districts. |
| 5 | Purposes and Benefits of Historic Designation | Move to HRMP |
| 6 | Eligibility Criteria for Historic District Designation | Move to HRMP |
| 7 | Expansion of Existing Historic Districts & Creation of New Historic Districts | Keep very short. Move most material to HRMP. Retain text necessary to explain/justify recommended major policies |
| 8 | Local Historic Designation Process | Move to HRMP |
| 9 | The Recent Past | Combine with Sec 4 - Retain text necessary to explain/justify recommended major policies |

| | Historic Preservation Element Table of Contents draft 12-5-14 | ERM Recommendations |
|----|--|---|
| 10 | Enhancement of the Individual Character of Historic Districts | Short. Retain text necessary to explain/justify recommended policies. Add reference to and explain role of Design Guidelines |
| 11 | Alterations to Historic Properties | Move to HRMP, except for text necessary to explain/justify recommended policies |
| 12 | Financial Incentives to Support Preservation of Historic Properties | Move to HRMP, except for text necessary to explain/justify recommended major policies |
| 13 | Alternative Preservation Tools | Move to HRMP, except for text necessary to explain/justify recommended major policies. Create a policy (in the comp. plan) for treatment of post 1945 resources. |
| 14 | Historic Preservation in Neighborhood and Area Master Plans | Combine with another section. #4? |
| 15 | Historic Preservation and Sustainability | Keep very short. Move most material to HRMP. Retain text necessary to explain/justify recommended major policies |
| 16 | Public Education and Partnerships | Move to HRMP, except for text necessary to explain/justify recommended major policies |
| 17 | Heritage Tourism | Combine with Sec 2? |

5.2 Historic Resources Management Plan

The HRMP is envisioned as a functional plan that helps implement the Comprehensive Plan. A full proposed table of contents is beyond the scope of this report but the following table is a list of anticipated elements:

Table 4 HRMP Contents (Preliminary)

| Content | Comments |
|------------------|--|
| Document purpose | Relationship to other documents (Comp Plan, Zoning) Relationship to State and Federal preservation programs. Goals, objectives |

| Content | Comments |
|--|---|
| Historic contexts descriptions | <p>Historic/cultural setting (extensive treatment in 1986 HRMP)</p> <p>Expand historic context for post-1945 period</p> <p>Incorporate themes relevant to Rockville that are currently not fully explored (e.g., urban renewal)</p> |
| Role and importance of historic preservation | <p>History of preservation</p> <p>Economic development (heritage areas)</p> <p>Historic Preservation and Sustainability</p> <p>Public Education and Partnerships</p> <p>Certified Local Government</p> |
| Roles of boards, commissions and others in historic preservation | <p>Local Historic Designation Process</p> <p>Alterations to Historic Properties</p> |
| <p>Resource and regulatory document functions description</p> <p>History and Authority of Historic District Zoning</p> | <p>Able to be extracted as a standalone handout</p> |
| Inventory list of historic resources (including federal and state resources) | <p>Description of implications for each type of designation</p> <p>Purposes and Benefits of Historic Designation</p> <p>Eligibility Criteria for Historic District Designation</p> |
| Financial and other incentives to Support Preservation of Historic Properties | |
| Other Preservation Tools | <p>Conservation Districts</p> <p>Planning Areas</p> <p>Neighborhood Plans</p> |
| Management action plan (for upcoming 5 to 10-year period). | <p>Expansion of existing historic districts & creation of new historic districts (in part through neighborhood plans)</p> <p>Educational component</p> <p>Enhancement of the individual character of historic districts</p> |

5.3 Zoning Ordinance

As noted above, the Zoning Ordinance establishes a “reactive” mode of creating new historic districts by requiring evaluation of historic district eligibility for demolition permits and properties identified on a Natural Resources Inventory. If the City creates a more pro-active process to evaluate and designate historic resources through comprehensive planning and the planning department’s work program, the “reactive” elements in the Zoning Ordinance can still provide a safety net for historic resources that have not been designated through the zoning process. With a few necessary additions to the existing requirements and some reorganization to increase their user-friendliness, the Zoning Regulations can continue to support the city’s historic preservation goals.

5.3.1 Criteria for Historic District designation

Issue

The largest gap in the Zoning Ordinance is the lack of criteria (standards or factors to be considered) for making decisions on proposed new Historic Districts. Sections 25.14.01.d.2 and d.3 state that a potential historic district shall be evaluated by the Chief of Planning and the Historic District Commission based upon adopted Historic District designation criteria. However, the source of the “adopted criteria” is not clear. No guidance is given on criteria for the Planning Commission and Mayor and City Council to use.

Recommended Action:

Add criteria for evaluating proposed Historic Districts to Section 25.14.

- Draft concise criteria that are similar to the National Register criteria and criteria in the 2002 Comprehensive Plan and the 1986 Historic Resources Management Plan. If desired, the zoning criteria can provide that a proposed historic district should be consistent with the Comprehensive Plan or Historic Resources Management Plan. These planning documents may recommend that certain areas be considered for historic designation, or may provide more detailed criteria than are appropriate in the zoning regulations for evaluating the historic significance of properties within a certain neighborhood of the city.
- Include criteria that will assist the City in establishing Historic District boundaries that accurately define the environmental setting of the historic district. Historic District boundaries generally coincide with property lines. However, for very large properties, it may be helpful to define a historic site within the property. For example, Montgomery County’s Historic Preservation Code (Chapter 24A of the County Code) defines the environmental setting as the entire parcel as of the date the resource is designated, unless this area is reduced by the District Council.
- If desired, specify different criteria to be used by the Planning Commission. In accordance with the City’s current procedures, the Planning Commission’s recommendation can be based upon Comprehensive Plan policies and goals.

- Specify that the Mayor and Council make a final decision based upon the Historic District Commission and Planning Commission recommendations. Include additional criteria to be used by the Mayor and Council if desired.

5.3.2 Triggers for evaluation of eligibility

Issue

An evaluation of eligibility for historic district designation can be initiated by the HDC, Mayor/City Council, Planning Commission, property owner, or any person. It is also triggered if the Natural Resource Inventory for a development plan identifies a potential historic resource, or if a demolition permit is filed for any property. The evaluation process can produce inconvenience and delays for property owners even for properties that have no basis for such an evaluation.

Recommended action

- Consider minimum criteria for triggers. For example, require evaluation triggered by a demolition permit for structures of a certain minimum age.
- When an application is filed to initiate an evaluation (by the owner, HDC, Mayor/Council or any other person), require the applicant to provide at a minimum, a brief written statement supporting the evaluation, referring to at least one adopted zoning criterion for the historic district zone, and documentation or information supporting the statement.
- Consider eliminating the provision allowing “any person” to file an application to evaluate the eligibility of a property. This is an unusual zoning provision. Generally, interested parties who do not have an ownership interest in a property can influence a property’s zoning only by giving public input during public hearings on comprehensive or neighborhood plans, or on the comprehensive and sectional zoning map amendments that implement the plans.

5.3.3 Process for Historic District designation

Issue

The process for Historic District designation can be lengthy. The process requires:

- Evaluation and recommendation by the planning staff and recommendation by the HDC on eligibility for designation.
- If the HDC finds that the property is not eligible, the application goes no further.
- If the HDC finds that the property is eligible for Historic District designation, the Mayor and Council decide whether to file a sectional map amendment.
- The sectional map amendment process requires a Planning Commission recommendation and a hearing before the Mayor and Council.

The process is efficient for proposed historic districts that do not have merit, since the process ends if the HDC finds that the property is not eligible for Historic District designation. For those properties that must proceed through all the steps in the process, efficiency could be improved by authorizing the Planning Commission to decide whether to file a sectional map amendment, as

this could be closely coordinated with the required Planning Commission public meeting once the map amendment is filed. It would also make the process consistent with Section 25.06.01.c1(b) of the Zoning Ordinance, which authorizes both the Mayor/City Council and the Planning Commission to file sectional map amendments.

Rockville's designation process is unusual, and possibly unique, among Maryland jurisdictions (counties and municipalities) in that (1) historic district designations are treated as a sectional map amendment, comparable to a comprehensive zoning process and (2) the Mayor and Council must decide whether to file a sectional map amendment, so that a proposed district comes before the Planning Commission and Mayor/City Council twice. Many Maryland jurisdictions identify the historic district as a zoning overlay zone and use a process for creating historic districts comparable to the process for a floating zone map amendment. In these jurisdictions:

- A new historic district designation may be proposed by the property owner, a member of the legislative body, the planning department or possibly other local government agencies;
- The designation is evaluated and decided upon using criteria in the zoning ordinance.
- The petition receives a recommendation from the Historic District Commission, then from the Planning Commission, before being decided by the legislative body. All three bodies refer to the same criteria in making a recommendation or decision.
- Maryland's change or mistake rule, which must be used in piecemeal map amendments for Euclidean zoning districts, is not applied.

Recommended Action

Allow either the Mayor/City Council or the Planning Commission to file a sectional map amendment for a historic overlay district; or streamline the process by eliminating the step in which the Mayor/Council decide whether to file a sectional map amendment.

5.3.4 Fragmentation of Historic District Regulations

Issue

It is difficult for readers unfamiliar with the Zoning Regulations to find all requirements applicable to the Historic District. Section 25.14.01, the Historic District Zone, contains only the method for creating a new Historic District. The requirements for a Certificate of Approval are only in Section 25.07.13. The standards for noncontributing structures within a historic district are found only in the Maryland enabling legislation, not in Rockville's Zoning Ordinance. (The Maryland code is incorporated by reference into Rockville's Zoning Ordinance, but it is not reasonable to expect a user to have ready access to this.)

Recommended action

Rearrange and expand on the Historic District requirements in the Zoning Ordinance. Add to Section 25.14.01:

- Requirement that exterior alterations receive a Certificate of Approval, with cross reference to section 25.07.13 for certain Certificate of Approval procedures.

- Standards for approval of Certificate of Approval, or cross-reference to the standards in Section 25.07.13.c.
- Standards from the MD Code, Land Use Article, Section 8-304, for noncontributing structures.
- Routine maintenance provisions (currently in 25.07.13.).

5.3.5 *Advisory Role of HDC*

Issue

The HDC is authorized to make advisory comments on development projects upon request of the Planning Commission or Mayor and City Council. The regulations do not specify “triggers” for such reviews.

While the COA process protects the historic structure itself, it does not affect the potential subdivision of land containing (or adjacent to) a historic site. Some local jurisdictions specify that the HDC make recommendations on certain plan submissions. For example:

- Gaithersburg requires that the Historic Preservation Advisory Committee make recommendations on subdivision of land containing potential or designated historic resources, located within a historic district, or located in an “impact review areas” around a historic resource.
- Montgomery County requires Historic Preservation Commission comments on subdivision of land containing a historic resource.
- Howard County requires that HDC advice be sought by the applicant prior to submission of a subdivision or site development plan approval on sites located in a historic district or containing a historic structure.
- The Talbot County historic preservation commission provides comments to the Planning Director on site plans and subdivision plans affecting historic resources identified in the Comprehensive Plan.

Recommended Action

Specify plan submittals that would trigger an advisory, non-binding HDC review. Consider specifying HDC review for the following plan submissions:

- Subdivision of a Historic District property;
- Subdivision or site plan submittal for a National Register property;
- Subdivision of properties abutting or adjoining historic districts.
- New structures or additions on properties abutting or adjoining historic districts.

Require that HDC comments be considered by the plan review authority.

5.3.6 *Definitions*

Issue

The Zoning Ordinance uses the term “historic resources” in several sections, most notably in 25.14.01.d.1(a), which requires an evaluation of eligibility if a Natural Resources Inventory identifies a potentially significant historic resource.

Recommended Action

Add definition of “historic resource.”

5.4 HDC Rules of Procedure

5.4.1 *Overlap between Rules of Procedure and the Zoning Ordinance*

Issue

The Zoning Ordinance and the HDC Rules of Procedure have duplicate text or address the same topic with minor inconsistencies between the two documents.

Recommended Action

Remove regulatory content from the HDC Rules of Procedure that addresses topics also covered by the Zoning Ordinance. Make the Rules of Procedure more clearly focused on HDC procedures. Add cross references to the Zoning Ordinance where needed.

- 1.1 expresses accurately the purpose of the Rules. To avoid redundancy and conflicts, we recommend deleting most of Section 1.2. However, if desired, the following language could be retained:
"these rules shall be interpreted in order to achieve the purposes of the Historic District Zone as established in the Zoning Ordinance."
- Delete the definitions of the following terms which are more appropriately defined in the Zoning Ordinance:
 - Appurtenances and/or environmental settings
 - Certificate of approval
 - Demolition
 - Demolition by neglect of historic properties
 - Historic integrity
 - Routine or ordinary maintenance
 - Substantial alteration
- Delete the definitions of and references to specific documents from the Rules of Procedure, such as the “adopted Technical Guides” and to the 1977 design guidelines and 1986 Management Plan. Retain references to “adopted architectural design guidelines” as the basis for the Commission’s decisions.

Attachment 1 to this report is a table comparing and suggesting revisions to zoning ordinance and rules of procedure.

5.5 Design Guidelines

Issue

Currently, design guidelines for the City are located in multiple source documents with considerable overlap. The Zoning Ordinance cites three sources for use in evaluating COAs: the *1977 Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville's Historic Districts*; the *Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties*; and the *Technical Guides*. There is a lack of clarity about how these sources relate and what is policy (i.e., required) versus what is recommended and/or general reference.

The 1986 HRMP (Appendix D) contains design guidelines that appear to be the foundation for the Technical Guides. The HRMP is not cited in the Zoning Ordinance but is cited in the HDC Rules of Procedure. Some neighborhood plans contain more general planning design guidelines and recommendations related to the historic character of neighborhoods.

With the exception of the Chestnut Lodge and Rockville Cemetery guidelines, the suite of design guidelines is for the most part not specific to the City: that is to say, while they address general qualities of historic residential architecture, such as is present in the West End, they do not discuss the specific and/or unique characteristics of historic architecture in Rockville and how this varies between neighborhoods.

The 1977 Guidelines reflect the early period of the City's historic preservation program. Since then the program has evolved and become more multi-faceted and more research has been conducted, so that a broader, more comprehensive set of guidelines would greatly assist the HDC in evaluating COAs.

Recommended Action

- Adopt the *Secretary of the Interior's Standards* (not guidelines) as the HDC's statement of policy. The standards are general and widely applicable to various architectural types, periods and styles.
- Utilize the *Secretary of the Interior's Guidelines for Rehabilitation* as general design guidelines for existing historic architecture.
- Utilize and make available to the public the *National Register Bulletins*, prepared by the National Park Service, to provide guidance on specific topics (e.g., windows, siding, etc.).
- Develop a new design guidelines document to replace the 1977 design guidelines. While a full table of contents is beyond the scope of this report, the following should be considered for incorporation:

- Consolidate all relevant and useful information from existing documents (e.g., Chestnut Lodge, technical guides, etc.) into the new document.
- Reference updated contexts in the HRMP.
- Present architectural styles consistent with those presented in the *Buildings Catalog*.
- Address Rockville's historic districts with more specificity.
- Reference neighborhood plans and their role in COA review.
- Differentiate as clearly as possible between policies (HDC's approach to resources, and what applicants "shall" do) versus guidelines.
- Pursuant to policy in the Comprehensive Plan, the guidelines should address post-1945 historic resources.

6. Implementation Recommendations

ERM recommends document updates be made in the following priority order:

1. Revisions to the zoning ordinance.
2. Revisions to the HDC Rules of Procedure. (best done concurrent with #1)
3. Update the Comprehensive Plan's historic preservation element.
4. Develop an updated HRMP.
5. Develop an updated consolidated set of Design Guidelines.

Attachment 1 Comparison and Suggested Minor Revisions to Zoning Ordinance and Rules of Procedure

| Topic | Zoning Regulations | HDC Rules of Procedure | ERM Comments and Recommendations |
|---|--|--|--|
| Purpose of regulations | <p>25.14.01</p> <p>a. Purpose –The Historic District Zone is an overlay zone. The purpose of the zone is to:</p> <ol style="list-style-type: none"> 1. Safeguard the heritage of the City by preserving sites, structures, or areas which reflect elements of cultural, social, economic, political, archaeological, or architectural history; 2. Stabilize and improve the property values of those sites and structures, and the adjacent neighborhood; 3. Foster civic beauty; 4. Strengthen the local economy; and 5. Promote the preservation and the appreciation of those sites and structures for the education and welfare of the residents of the City. | <p>1.1 These rules are issued to assist the Historic District Commission of Rockville, Maryland, its staff, other city agencies, and Rockville’s citizens in the orderly and efficient conduct of all matters with which the Commission is concerned.</p> <p>1.2 The Historic District Commission of Rockville seeks to foster and safeguard the heritage of the community by preserving the historic districts therein which reflect elements of its cultural, social, economic, political, archaeological or architectural history; to stabilize and improve property values in such districts; to foster civic beauty; to strengthen the local economy; and to promote the use and preservation of historic districts for the education, welfare, and pleasure of the residents of the community, and these rules shall be interpreted in order to achieve such objectives.</p> | <p>Comments: 1.1 expresses accurately the purpose of the Rules of Procedure.</p> <p>Recommendation: To avoid redundancy and conflicts, delete Section 1.2 of the Rules of Procedure.</p> |
| Incorporation of MD Law | <p>25.17.13.g. Incorporation of Maryland Law – All other provisions and subsequent modifications of Maryland Law, 66B, Chapter 8 are incorporated into this Article by reference.</p> | | <p>Recommendation: Update reference to MD law in 25.17.13.g and other sections of Zoning Ordinance. (Correct reference is “Maryland Land Use Code, Division 1, Title 8.</p> |
| Authority to regulate environmental setting | <p>25.03.02. Definitions</p> <p>Environmental Setting - The area associated with a site within a designated Historic District Zone, including buildings and grounds.</p> | <p>1.4 Definitions</p> <p>(a) “Appurtenances” and/or “environmental setting”, as defined in Maryland Code Annotated, Land Use Article, §8-101(b), refers to outbuildings, walks and driveways, mature trees, and established landscaping materials, landscape walls and structures, and open space, as well as property included in the Historic District Zone.</p> | <p>Comments: Zoning definition is compatible with MD Code although the wording has been simplified. The Zoning Regulations establish the requirements for review of alterations to environmental settings.</p> <p>Recommendation: Delete definition from Rules of Procedure.</p> |

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| Regulating demolition | <p>25.03.02 Definitions</p> <p>Demolition - The complete razing of a building or structure.</p> <p>Demolition by Neglect of Historic Properties - Failure to maintain property, or any component thereof, located within a designated Historic District Zone so as to jeopardize the historic integrity of the property.</p> | <p>1.4 Definitions</p> <p>(i) "Demolition" shall mean the complete razing of a building or structure;</p> <p>(j) "Demolition by Neglect of Historic Properties" shall mean the failure to maintain property, or any component thereof, located within a designated Historic District Zone so as to jeopardize the historic integrity of the property;</p> <p>(r) "Historic Integrity" shall mean the ability of a property to convey the particular sense of time and place for which it is historically significant;</p> | <p>Comments: These terms are not used in a regulatory context in the Rules, but only in referring to staff meeting with an applicant to provide assistance.</p> <p>Recommendation: Delete definitions from Rules of Procedure to avoid redundancy and possible conflicting regulations. The term "historic integrity" is used only in the definition of "demolition by neglect."</p> <p>(Note: The MD Code includes "demolition by neglect" as an action that a local government <u>may</u> regulate. The Zoning Ordinance defines "demolition by neglect" as distinct from "demolition" and does not regulate demolition by neglect.)</p> |
| Criteria adopted by the Historic District Commission | | <p>Definitions in 1.4: (h) "Criteria" shall mean the Historic District Criteria adopted by the Historic District Commission as the basis for the evaluation of historic significance or appropriateness, and used by the Commission in their determinations;</p> | <p>Comment: Historic districts are overlay zoning districts; criteria to evaluate proposed districts need to be in the Zoning Ordinance.</p> <p>Recommendation: Delete definition of "Criteria" or revise to refer to criteria in the Zoning Ordinance.</p> |

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| Limits on authority for routine maintenance | <p>25.07.13</p> <p>b. Exceptions – A Certificate of Approval is not required for exterior paint colors, routine maintenance, normal gardening and landscaping, or driveway repairs. Routine maintenance is defined as repair or replacement of building and site features with features of the same design and same material.</p> | <p>5.1 Staff may meet informally with an applicant, or his/her agent, during the process of developing a complete Certificate of Approval application to provide guidance on the design of a project, ordinary and routine maintenance, demolition and substantial alteration, and other items relating to historic preservation in the City.</p> <p>1.4. Definitions: (x) “Routine” or “Ordinary” maintenance shall mean work on a historic structure or the environmental setting that does not alter in any way the exact features of the property, including the architectural style, design, and general arrangement of the exterior, as well as the nature, texture, details, and dimensions of building materials, windows, doors, siding, etc. Removal of mature trees and shrubs, site grading, and installation of landscape features, such as walls and walks, are not considered “routine” or “ordinary” maintenance, and shall be reviewed by the Commission; (bb) “Substantial Alteration” shall mean the addition to, or subtraction from, a structure such that the original massing, materials, design and ornamentation are removed or obscured;</p> | <p>Comments: Zoning Ordinance has a different definition of routine maintenance (within text of 25.07.13) than Rules of Procedure. The regulations for routine maintenance are in the zoning ordinance; the Rules of Procedure only use the term where cited in 5.1, in referring to staff meetings with applicants.</p> <p>“Substantial alteration” is not used in MD Code or Zoning Ordinance. Used in Rules only in 5.1.</p> <p>Recommendation: Delete definitions of “routine maintenance” and “substantial alteration” from Rules of Procedure.</p> <p>Simplify 5.1 to avoid confusion over terms that are not used here in a regulatory sense; i.e. Staff may meet...to provide guidance on the application of the Zoning Regulations and adopted design guidelines.”</p> |

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| Standards for review of applications: definitions | | <p>(o) “Guidelines” refers to the Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts, adopted by the Historic District Commission, September 1977;</p> <p>(v) “Management Plan” shall mean the Historic Resources Management Plan (1986) adopted by the Mayor and Council in February, 2004;</p> <p>(aa) “Standards” shall mean The Secretary of the Interior’s Standards for the Treatment of Historic Properties, 1995 (or as amended), published by the National Park Service, and adopted by the Commission in 2004 as additional guidelines herewith;</p> <p>(cc) “Technical Guides” shall mean the individual documents adopted by the Mayor and Council and Historic District Commission in 2004, or as amended, to provide guidance on specific aspects of historic property.</p> | <p>Issue: Rules of Procedure define and refer to four documents to be used in evaluating Certificates of Approval. The Zoning Ordinance is the document that establishes legal criteria for review of applications; the Rules of Procedure should be limited to procedures.</p> <p>The defined terms copied here are only used in Sections 1.3 and 3.8 of the Rules, which are cited in the row below.</p> <p>Recommendation: Delete definitions of specific design documents from the Rules of Procedure to avoid conflicts with the Zoning Regulations.</p> |
| Standards for review of applications | <p>25.07.13.c(2)</p> <p>(b) Factors for Consideration in Reviewing Application – In reviewing the plans for any such construction or change, the Historic District Commission will give consideration to:</p> <p>i. The effect of the proposed changes on the general character of the designated Historic District, weighing their impacts on the integrity of the structures on the property and the related environmental setting;</p> <p>ii. The historic and aesthetic compatibility of the proposed alterations with historically significant structures;</p> <p>iii. The following are sources of design review: A. Senkevitch, Anatole, Jr., “Adopted Architectural Design Guidelines for the Exterior Rehabilitation of Buildings in Rockville’s Historic Districts,” Adopted 1997.</p> | <p>1.3 All actions of the Commission shall be governed by Maryland Code Annotated, Land Use Article (formerly Article 66B), Chapter 25 of the Rockville City Code (Zoning Ordinance), adopted Architectural Design Guidelines, adopted Technical Guides, the Historic Resources Management Plan, and the Secretary of the Interior’s Standards for the Treatment of Historic Properties, 1995 (or as amended) (see below), and these rules.</p> <p>3.8 Approval or disapproval of any application shall be made upon motion, which motion shall state the reasons for approval, disapproval, or approval with conditions. The Commission shall review the information presented and make its decision to approve, disapprove, or approve with conditions, based on the City’s adopted Design Guidelines, the Management Plan, the Secretary of the Interior’s Standards for the Treatment of Historic</p> | <p>Comment: See discussion earlier in this report on limiting the documents used for design guidance to two: the Secretary of the Interior Standards and Guidelines and updated Rockville historic design guidelines.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • Remove references to "Technical Guides" from the Zoning Ordinance; update reference to design guidelines when new guidelines specific to Rockville are adopted by the Mayor and Council. • Remove references to specific guideline documents from the Rules of Procedure Sections 1.3 and 3.8. Instead, state that “Actions of the Commission shall be governed by the Zoning Regulations” or |

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| | <p>B. U.S. Secretary of the Interior’s Standards and Guidelines for Archaeology and Historic Preservation, as amended; and</p> <p>C. City of Rockville: Technical Guides for Exterior Alterations, Adopted 2004; and</p> <p>iv. Any other factors provided in Article 66B, Chapter 8 of the Maryland Code</p> | <p>Properties, 1995 (or as amended), adopted Technical Guides, and design guidelines adopted for the particular district, as applicable. If there are apparent contradictions, the district-specific guidelines shall apply.</p> | <p>similar text.</p> |
| <p>Minor alterations allowed through administrative approval</p> | <p>25.07.13.c</p> <p>1. Administrative Approval – The Chief of Planning is authorized to issue a Certificate of Approval for fences, signs and removal of diseased and/or hazardous trees. The Chief of Planning is also authorized to issue a Certificate of Approval for accessory structures, consistent with the adopted Technical Guidelines for Exterior Alterations. Such activities must conform to the adopted design guidelines outlined in this section.</p> | <p>5.2 The Chief of Planning is authorized to issue a Certificate of Approval for fences, signs, removal of diseased and/or hazardous trees, and for accessory structure consistent with the adopted Technical Guides. A Certificate of Approval will be issued, and a staff summary presented to the Commission at the next Commission meeting. All other alteration shall be reviewed and approved by the Commission.</p> | <p>Comment: Rules of Procedure duplicates the regulatory requirement of the Zoning Ordinance.</p> <p>Recommendation: Simplify text of Rules to retain only the provision that where the Chief of Planning is authorized by zoning to issue a Certificate of Approval, a staff summary will be presented to the Commission at the next Commission meeting.</p> |
| <p>Definition of "Historic Period of Significance"</p> | <p>25.03.02 Historic Period of Significance - The length of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it as a significant example of a type, period, or method of construction. Period of significance usually begins and ends with the dates when significant activities or events occurred, giving the property its historic significance; for a significant example of a type, period, or method of construction this is often a date of construction.</p> | <p>(s) “Historic Period of Significance” refers to the range of time when a property was associated with important events, activities, or persons, or attained the characteristics which qualify it as a significant example of a type, period, or method of construction. Period of significance usually begins and ends with the dates when significant activities or events occurred, giving the property its historic significance. For a significant example of a type, period, or method of construction, this is often a date of construction;</p> | <p>Comment: This term is not used in either the Zoning Ordinance or the Rules of Procedure. Recommendation: Delete definition.</p> |

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| Historic district designation: triggers | <p>25.14.01.d</p> <p>1. Initiation of Process – The process of evaluating a property for possible historic designation due to its historic, archaeological, or architectural significance begins upon the occurrence of any of the following:</p> <p>(a) The filing of an application nominating the property for historic designation by one (1) or more of the following:</p> <ol style="list-style-type: none"> i. The property owner; ii. The Historic District Commission; iii. The Mayor and Council; iv. The Planning Commission; or v. Any other person; <p>(b) The filing of an application by the property owner requesting the evaluation of the property for eligibility for historic designation; or</p> <p>(c) The filing of an application for a demolition permit for the property; or</p> <p>(d) The filing of a Natural Resources Inventory identifying a potentially significant historic resource on the property.</p> | <p>6.1 An evaluation of historical, architectural, cultural, social, or archaeological significance for historic designation may be requested by the property owner or another interested party, or be initiated through the filing of a permit for demolition in accordance with Section 25.14.01(d)(1)(c) of the Zoning Ordinance; or filing a Natural Resources Inventory identifying a potentially significant historic resource on the property, in accordance with Section 25.14.01(d)(1)(d) of the Zoning Ordinance.</p> | <p>Comment: Rules of Procedure repeat and are inconsistent with the Zoning Regulations. Recommendation: Delete 6.1.</p> |
| Interim review period | <p>25.14.01.d</p> <p>6. Restrictions on Property During Interim Historic Review Period – No exterior change may be made to any property identified in the Historic Buildings Catalog, as revised, that is the subject of an application for nomination, historic evaluation, or a demolition permit under this Section 25.14.01 until the designation process is complete, unless the property owner first obtains a Certificate of Approval from the Historic District Commission in accordance with the provision of Section 25.07.13. The restriction of this subsection will not apply for more than 210 days from the date of the filing of the application that initiated the historic designation review period.</p> <p>25.03.02 Definitions: Interim Historic Review - That period of time between the initiation of the historic</p> | <p>(t) “Interim Historic Review” refers to that period of time between the initiation of the historic designation process as set forth in Section 25.14.01.d.1 of the Zoning Ordinance and the completion of the designation process as set forth in Section 25.14.01.d.5 of the Zoning Ordinance;</p> | <p>Comment: The term "interim historic review" is defined but not used in the Rules of Procedure.</p> <p>The restriction on exterior changes to properties in the Buildings Catalog (could be extended to properties listed in the HRMP (see above, Sections 4.1 and 5.2) – this would remove regulatory authority from the Catalog.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • Delete definition from Rules. • Extend the restriction on exterior changes to a property that is the subject of an application to properties in the database (to be developed) in the HRMP. |

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| | <p>designation process as set forth in Section 25.14.01.d.1 and the completion of the designation process as set forth in Section 25.14.01.d.5.</p> | | |
| Appeal | <p>25.04.04 f. Appeals – Any person aggrieved by any decision of the Historic District Commission may appeal the same to the Circuit Court for the County. Such appeal must be taken according the Maryland Rules as set forth in Title 7, Chapter 200.</p> <p>25.17.13 i. Appeal – Any aggrieved person may appeal the decision of the Historic District Commission in accordance with the provisions of Section 25.04.04.f.</p> | <p>11.1 Any person aggrieved by any decision of the Commission may appeal the same to the Circuit Court for Montgomery County. Such appeal shall be taken according to the Maryland Rules as set forth in Title 7, Chapter 200.</p> | <p>Comment: Zoning Ordinance is consistent with MD Annotated Code. The provisions for appeal of Planning Commission decisions (Section 25.04.02.f) are the same as for the HDC. Recommendation: Delete appeal provisions from the Rules of Procedure.</p> |
| Meetings and rules of procedure | <p>25.04.04 d. Rules of Procedure – In exercising its powers and complying with its duties hereunder, the Historic District Commission must adopt reasonable rules for the conduct of their business.</p> | <p>12.2 These rules may be amended by a majority of the entire Commission at any meeting of the Commission after the amendment in written form has been introduced at a prior meeting. 12.3 These rules shall become effective upon recommendation by the Commission.</p> | <p>Comment: HDC has authority to adopt its own Rules of Procedure. Recommendation: The HDC should adopt the Rules by a decision rather than a recommendation.</p> |

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| <p>Identity and duties of HDC staff</p> | <p>25.04.04.c.5. Clerk of the Historic District Commission – The Chief of Planning serves as the Clerk of the Historic District Commission and will:</p> <p>(a) Attend all meetings of the Historic District Commission;</p> <p>(b) Keep a full and accurate account of the proceedings of the Historic District Commission, including but not limited to the official record of all matters filed with the Commission;</p> <p>(c) Accept and transmit all relevant applications to the Historic District Commission; and</p> <p>(d) Keep such other records and perform such other duties as may be required by this Chapter or by the Historic District Commission.</p> | <p>(d) "City Clerk" shall mean the Clerk of the City of Rockville;</p> <p>(f) "Community Planning and Development Services" shall mean the Department that staffs the Historic District Commission;</p> <p>(z) "Staff" shall mean a preservation planner within the City of Rockville's Department of Community Planning and Development Services;</p> <p>2.1(e)(i) Correspondence to the Commission will be included in the Commission's briefing material if it is submitted to the Department of Community Planning and Development Services no later than eight days prior to the scheduled meeting.</p> <p>2.1 (i) It shall be the duty of the Commission's staff to keep a true and accurate record of all proceedings at all meetings and public hearings. Minutes shall be typed and distributed to the individual members; and when approved by the Commission, maintained by the Commission staff. All files shall be available at each meeting of the Commission.</p> | <p>Comment:</p> <p>For consistency, could "Clerk of the Historic District Commission" be used in the Rules of Procedure in place of "City Clerk" and "Community Planning and Development Services"?</p> <p>The term "staff" is used frequently in the Rules, as in 2.1(i) cited here.</p> <p>In 2.1(i), "All files shall be available at each meeting of the Commission" - difficult to fulfill. How is this applied? Could be clarified?</p> <p>Recommendation: Review Rules of Procedure and use the same terms as the Zoning Ordinance where this would be accurate.</p> |

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| Public notice for HDC meetings | <p>25.07.13.c.2 (a) Notice of the meeting must be provided by the Chief of Planning in compliance with the provisions of Section 25.05.03.</p> <p><i>25.05.03 is quite long and is not cited in its entirety here.</i></p> | <p>2.1.(c) Noticing.</p> <p>(i) Each regular meeting shall be advertised with written notice, by posting the agenda on the City’s web page, and by posting a sign at the site, in accordance with the Zoning Ordinance (25.05.03(d)). Notices for regular meetings shall be mailed to all property owners within 500 feet of the subject property, at least fourteen (14) days prior to the date of the proposed meeting. Any sign erected as required herein must be maintained at all times by the applicant until final action by the Historic District Commission on the application to which it pertains, and thereafter must be removed within seven (7) days from the final action. For regular meetings, a copy of the agenda, staff reports, and relevant attachments shall be mailed to each applicant for each item posted on the agenda approximately seven (7) days prior to the meeting. At the same time, the staff report will be posted on the web site with the agenda.</p> <p>3.3 A sign shall be posted at the subject property, indicating the action requested and date and time of the public hearing, after receipt of the completed application, in accordance with Section 25.05.03(d) of the Zoning Ordinance (see 2.1(c) above).</p> | <p>Comments: Public notice requirements are detailed in the Zoning Ordinance and should not also be in the Rules of Procedure to avoid redundancy and possible conflicts.</p> <p>The required posting of the agenda on the City's web page is not in the Zoning Ordinance.</p> <p>Recommendation:</p> <ul style="list-style-type: none"> • Delete public notice requirements from the Rules of Procedure. • Add required posting of agenda on the web page to the Zoning Ordinance to keep all public notice requirements in one document. • Retain the provisions for sending agenda, reports etc. to the applicant seven days prior to the meeting in Rules of Procedure. |