

January 7, 2016

<b>From:</b> Chairperson Elaine Simmerman Lewes Historic Preservation Commission
<b>To:</b> The Honorable Ted Becker and Lewes City Council Members
<b>RE:</b> Lewes Historic Preservation Commission's proposed amendments to Chapter 197 of the Lewes City Code.

Dear Mayor Becker and Members of Lewes City Council,

I am writing to request your consideration of the amendments (highlighted in yellow in Exhibit A) to Chapter 197 of the Lewes City Code. The Lewes Historic Preservation Commission unanimously passed the attached "Exhibit A" at its January 5, 2016 meeting. There is a similar attached document with HPC comments in the margin that explain some of its reasons for the proposed changes.

After working with an average of 50 applicants per year for over eleven years, the commission proposes that several changes in the Code are needed to strengthen the document by making the language more specific, consistent, relevant, and understandable.

The content of this document is based on comments from the Lewes public, local contractors, local architects and designers, local government officials, and the city attorneys. Specific recommendations were received from the report of the Ad Hoc Committee of the Historic Preservation Committee (3/30/15), the Delaware State Historic Preservation Office training workshop for commissioners (10/6/15), and the 2015 National Alliance of Preservation Commissions CAMP workshop (11/3/15) attended by three commissioners.

Thank you for your careful consideration of the proposed changes, which attempt to safeguard the heritage of our City by preserving the unique elements which reflect its cultural, social, economic, political and architectural history. The unique historic district identity in the City of Lewes distinguishes it from its neighbors and other historic districts across the world.

If you would like to contact me, I will attempt to answer your questions.

Very respectfully,

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## Chapter 197. ZONING

### Article VI. Historic District Requirements

#### § 197-56. Applicability; purpose; definitions.

A. These regulations are applicable to structures used for residential purposes within the Residential Low-Density (Historic), Residential Beach (Historic), Residential Medium-Density (Historic), Limited Commercial (Historic) and Town Center (Historic) Zoning Districts, hereafter referred to as "the Historic District." Because structures in the Historic District are individual in their location, size, style, and history, the Lewes HPC will consider each property as a unique entity and make decisions according to Chapter 197 of the City Ordinance with consideration of the Standards of the U.S. Department of the Interior.

B. The purpose of this article shall be to accomplish the following:

- (1) To assist in preserving the historic character and the historic fabric of the City of Lewes.
- (2) To safeguard the heritage of the City by preserving the elements which reflect the cultural, social, economic, political or architectural history of the City.
- (3) To promote the use and preservation of the values as established by the Lewes Comprehensive Plan.
- (4) To recommend alteration or new construction in keeping with the Historic District.
- (5) To recommend restoration rather than demolition of contributing structures or historic properties.
- (6) To encourage the proper maintenance, preservation and, when necessary, alteration of structures in the Historic District.

C. **Definitions.** In this article, the following definitions shall be applicable unless the context clearly indicates to the contrary:

#### **ACTION NOTICE**

A notice issued by the Historic Preservation Commission (HPC) indicating its decision to either- approve the plans submitted, approve the plans with conditions, or deny the plans - for construction, alteration, reconstruction, rehabilitation, restoration, moving, or demolition of a structure within the Historic District.

#### **ALTERATION(S)**

Any activity requiring a building permit, the approval of the Lewes Building Official, and/or any change in the exterior appearance (other than maintenance) or structural change, including but not limited to construction, reconstruction, renovation, modification, alteration, moving or demolition of a noncommercial structure within the

**Comment [1]:** The intent of expanding this section is to add definitions of frequently-used terms and clarify their meanings. These definitions are consistent with other historic commission definitions around the country.

Historic District of the City of Lewes.

**BUILDING HEIGHT, Established**

Subject to approval by the Historic Preservation Commission pursuant to this article, the height of any structure located in the Historic District and in public view may be increased to the same height as any other existing structure within 100 feet of the front property line, on the same side of the street and within the same block. An exception to the height limit of 30.5 feet may be granted by the Historic Preservation Commission, if recommended by the Building Official, to accommodate architectural features of a roof or roofline. A flat roofline beyond the 30.5-foot limit shall not be grounds for granting an exception. Upon confirmation by the Building Official that all applicable requirements are met an addition to an existing structure that is located within the Historic District, but will not be in public view, may be built to the height of the existing structure to maintain existing rooflines and architectural features. No structure shall exceed the height of 36 feet.

**COMMERCIAL STRUCTURE/SITE**

Any structure or site which is currently used primarily for commercial activities and not primarily for residential uses.

**CONTRIBUTING STRUCTURES**

A contributing structure must be more than 50 years old and add to the integrity of the Historic District. Each property's designation of "contributing" or "non-contributing" has been determined in the most recent survey of Lewes Historic District accepted by the State Historic Preservation Office and the U.S. Department of Interior and is available in the building official's office of City Hall. Structures that are judged to add to the Historic District's sense of time, place, historic development, including historical significance, integrity and context. Such structures are so designated because they meet an architectural test represent an architectural style identified with Lewes' history, and a longevity test.

**DEMOLITION**

Destruction, razing, commencement of the work or steps of total or partial destruction with the purpose of completing the same; includes any neglect in the maintenance and repair of a structure that threatens to result in substantial deterioration of the exterior features or the structural integrity of the **structure**. Demolition also pertains to any process that disassembles a structure, even if the intent is to put that structure back together again.

**DEMOLITION BY NEGLIGENCE**

Any neglect in the maintenance or repair of a contributing structure, or a site within the designated historic district, which results in any of the following conditions:

1. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, so as to create or permit a hazardous or unsafe condition to exist; or
2. The deterioration of the foundations, exterior walls, roofs, chimneys, doors, or windows, the lack of adequate waterproofing, or the deterioration of interior features, which will or could result in permanent damage, injury, or loss of or loss to foundations, exterior walls, roofs, chimneys, doors or windows.

**EXTERIOR FEATURES**

The architectural style, design, and general arrangement of the exterior of an historic structure, including the nature and texture of building material, and the type and style of

**Comment [2]:** As confirmed by a recent HPC appeal decision by the Board of Adjustment, this clarifies that disassembling a structure is the same as demolition of that structure.

**Comment [3]:** This section was expanded to provide more specificity to the definition of demolition by neglect.

all windows, doors, light fixtures, signs or similar items found on or related to the exterior of all structures.

**HISTORIC DISTRICT**

An area of the City of Lewes identified and designated as having historic importance. The Historic District is shown on the City of Lewes Zoning Map as a series of zoning districts characterized as "historic."

**HISTORIC PROPERTIES**

Noncommercial structures and sites, public rights-of-way or areas designated by City Council as having importance in the history of the City of Lewes as listed in Appendix B. [NOTE: Appendix B (List of Historic Structures) is on file in the City Offices.] These properties may be within or not within the designated "historic" zoning districts.

**INFILL:**

Construction of a complete new structure on a previously vacant lot in the Historic District.

**IN PUBLIC VIEW**

That portion of a structure that is visible, or could be visible in the absence of a fence or landscaping, from the section of a public right-of-way or public street upon which the dwelling fronts. If the dwelling is located on more than one street, then that portion of a structure that is visible, or could be visible in the absence of a fence or landscaping, from any section of a public right-of-way or public street abutting a property line of the property on which the structure exists.

**MASS:**

Bulk or three-dimensional size of an object.

**MASSING:**

The relationship of the structure's various parts to each other. The combination of several masses to create a structure's volume; organization of the shape of a structure, as differentiated from wall treatment, fenestration, etc.

**MAYOR AND CITY COUNCIL**

Hereinafter known as "City Council."

**MAINTENANCE**

Work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historical, archaeological, or architectural or cultural significance of the site or structure.

**NEW CONSTRUCTION**

Construction which is characterized by the introduction of new elements, sites, buildings, or structures or additions to existing buildings and structures in the Historic District.

**NONCONTRIBUTING STRUCTURE**

Structures that do not add to the Historic District's sense of time, place and historic development. Such structures are so designated because they are not listed or pending to become listed on the National Register of Historic Places or do not meet either an architectural test (i.e., compatible with surrounding buildings or represent an architectural style identified with Lewes' history) or longevity test (built on or before December 31, 1940).

**ORDER:**

In architecture order refers to the arrangement and relationships of the parts of a building.

**OUTBUILDING**

A term used to refer to all accessory structures.

**PRESERVATION**

Actions taken to prevent or keep a structure from decay or degradation.

**RECONSTRUCTION**

The process of reproducing, by new construction, the exact form and detail of a vanished structure, or part thereof, as it appeared at a specific period of time.

**REHABILITATION**

The act or process of returning a property or building to usable condition through repair, alteration, and/or preservation of its features which are significant to its historical, architectural, and cultural values.

**REPAIR**

The process of rehabilitation which warrants additional work beyond simple maintenance. Repair includes patching, piecing in, splicing, consolidating or otherwise, reinforcing materials according to recognized preservation methods.

**RESIDENTIAL STRUCTURE**

Any structure or site currently used primarily for residential living.

**RESTORATION**

The process of accurately recovering the form and details of a property as it appeared at a specific period of time by means of removal of later work and the replacement of work missing from that period.

**RHYTHM**

The rhythm of a structure and its components is the spacing or repetition of architectural elements or details. The regularity, frequency and placement of doors, windows, porches and ramps and their placement within a facade is a type of rhythm. Rhythm between adjoining structures can exist when building types are repeated along a streetscape.

**SCALE**

Scale is the relationship of the architectural mass of the structure in the context of the streetscape. Scale may be thought of as the relationship of the parts to a whole. Scale in architecture is a measure of the relative or apparent size of a building or building component in relation to a known unit of measure or a familiar size for such a component.

**SITE PLAN**

An accurate scaled drawing of a site (lot) as if seen from above, describing the property boundary and orientation, the location of buildings, driveways, walks, parking area and other constructed site improvements, including the retained vegetation and new plantings and finished grade contours.

**STREETSCAPE**

The visual appearance of a street formed by the location and size of buildings, walkways, elements and structures.

**STRUCTURE**

A combination of materials to form a construction for use, occupancy, or ornamentation, including but not limited to buildings, sheds, outbuildings listed in Appendix B, fences, storage tanks, signs, bulkheads, jetties, groins, whether installed on, above, or below the surface of land or water. [NOTE: Appendix B (List of Historic Structures) is on file in the City Offices.]

**§ 197-57. Historic Preservation Commission composition; qualifications; appointment.**

A. There is hereby established a commission to be called the "Historic Preservation Commission" (hereafter "HPC").

B. The HPC shall consist of seven members to be appointed by the Mayor of the City of Lewes, subject to confirmation by a majority of the elected members of the City Council for a term of three years. Appointments shall be made with consideration of the diverse talents and communities represented in Lewes; consideration for appointments shall be given to residents who possess knowledge or experience in architectural design and historic preservation. At least three members shall be residents in the Historic District, and at least six members shall be residents of the City of Lewes. Recognizing the benefits of having HPC members with professional and/or academic backgrounds related to historic preservation, the seventh member may be an architect or other professional with related experience, who is not required to be a City of Lewes resident.

C. A member of City Council may and a City Building Official shall be ex officio members of the HPC. An ex officio member may exercise all the powers of the regular members of the HPC except that he/she shall not have a vote. No ex officio member shall hold an office on the HPC.

D. The HPC shall elect annually a Chairperson, Vice Chairperson, and a Secretary from among its own members and may utilize experts, clerks and such other assistance that its fiscal appropriations may permit. The HPC may also appoint, by and with the prior approval of the City Council, a custodian of its plans and records who may be the City Manager or his/her designee or a Building Official.

E. The HPC shall establish its own rules and procedures and determine the times of its meetings. All meetings and actions of the HPC shall be open to the public except appropriate executive sessions. All records of the HPC shall be public except those otherwise required to be confidential.

F. The HPC shall schedule monthly meetings. If no agenda items are available or requested seven days prior to the time of the scheduled meeting, such meeting may be canceled. An agenda item may be withdrawn at any time up to and including the opening of a scheduled meeting; however, if such matter has been withdrawn prior to the meeting and it is the only matter for that agenda, the meeting may be canceled.

G. The HPC will hear all applications that meet the above criteria at its regularly scheduled meetings. The Chair will establish the meeting agenda for reviewing applications, has the right to modify the sequence when necessary, and, in unusual circumstances, has the right to call special meetings of the commission with seven days' prior notice.

H. Chair/staff review. In certain circumstances, the HPC Chairman or a HPC

**Comment [4]:** To strengthen the expertise of the HPC, the Lewes City Council will have the option of appointing one highly-qualified non-resident HPC commissioner.

commissioner appointed by the Chairman, Building Official, and the Assistant Building Official may decide to approve an HPC application without a formal hearing. A Chair/staff review shall be used for routine and minor Historic District construction applications whose costs are estimated at less than \$25,000. The requests may include such items as the additions or replacement of fences, window replacements, and other projects where the HPC has a history of approving similar projects using the same materials.

**§ 197-58. Procedures.**

A. Before the construction, alteration, reconstruction, moving or demolition of any dwelling, residence or related structures on property within the Historic District or on historic properties not within the Historic District that would affect the exterior appearance of a structure visible or intended to be visible from an adjacent public way, the owner, agent or representative proposing to construct or change shall file with the Building Official of the City of Lewes an application for permission from the HPC to construct, build, alter, reconstruct, move, demolish or make the addition.

B. Actions not requiring review by the HPC. Ordinary repairs, maintenance, and replacement that do not constitute a change to the appearance of the structure include:

- (1) Repair and/or replacement of existing windows and doors, using the same material, including the installation of storm windows that will not alter the exterior appearance of the structure.
- (2) Maintenance, repair, and/or replacement of existing roof material, involving no change in the design, scale, material, or appearance of the structure.
- (3) Repair and/or replacement of existing roof structures, such as cupolas, dormers and chimneys, using the same materials that will not alter the exterior appearance of the structure.
- (4) Repair and/or replacement of existing shingles, clapboards, or other siding, using the same materials, and maintaining the exterior appearance of the structure.
- (5) Replacement or repairs to existing shutters, fences, or retaining walls, using the same materials for those items being repaired or replaced.
- (6) Change of paint color.

C. Application and approval procedures.

(1) The applicant shall apply for a building permit; if the proposed site is in the Historic District, the Building Official shall notify the applicant that his/her project must be approved by the HPC (unless the project falls under Subsection B above) and shall give him/her an HPC application and a "user friendly" brochure describing the application process.

(2) For the initial application, the applicant shall fill out the application, attach eight copies of plans that include 1) a site plan, along with all existing and new

structures, 2) plan and elevation drawings, of the proposed change, construction, alteration, or modification, 3) a description of the type and texture of the materials to be used for the exterior, 4) current photographs of the property to include front, side, and/or rear street views if applicable, 5) current photographs of the adjacent and neighborhood properties including the streetscape of both sides of the street on which the subject property is located. A three-dimensional drawing is recommended, but not required, for new house construction and/or a significant alteration of an existing structure. An application is deemed complete when these items have been submitted. After the review process is completed, the Building Official will return six sets of plans to the applicant and retain two for City records. When the application is for demolition of all or part of a structure, a report from a licensed professional engineer is strongly recommended. **(Amended 12-9-13)**

(3) The HPC will meet at regular intervals to ensure timely consideration of all applications pending before the HPC. Completed applications submitted to the Building Official two weeks (10 working days) prior to a regular scheduled meeting will be heard at that next scheduled meeting. Applicants or their designee must attend the HPC meeting at the time their application(s) is heard.

(4) The HPC shall endeavor to arrive at a decision at the first meeting at which the application is presented; however, if the HPC decides that it needs more information or time in which to make a decision, it shall either place the application on the agenda for the next meeting or schedule a special meeting. The HPC shall grant or deny the application as expeditiously as possible, but in no event later than the second meeting at which the application is on the agenda and the applicant appears, except when the application is for demolition (see § 197-58D); failure to act within said time frame shall be deemed to be approval of the application as submitted; however, an extension may be granted if agreed to by both the applicant and the Commission.

(a) If an applicant or a member of the public has information, evidence or testimony that contradicts the current designation of contributing or noncontributing, or has information about the history or other information that could materially affect the decisionmaking process of Commission members, the HPC shall consider that information, evidence or testimony before addressing the application. Such information shall be presented to the HPC as a notarized statement, or a copy of official document(s), and shall be made available to the Building Official, HPC, and applicant at least five working days before the scheduled meeting.

(b) If the members of the Commission, by vote of the Commission, determine that additional time is needed to digest the new information, the decision will be postponed for one meeting and the requirement for a decision at the end of the second meeting at which the application is considered shall be suspended.

(5) If, after review of the application by the Building Official, he/she determines that the proposed activity will require a variance, the Building Official shall notify

the applicant and provide information on the process for application to the Board of Adjustment. If no application to the Board of Adjustment is made by the applicant within 30 days after notice has been given by the Building Official, the application shall be deemed to have been withdrawn. However, if the applicant desires to have the HPC review an application prior to applying to the Board of Adjustment, the applicant shall request the Building Official to forward the application to the HPC.

(6) The HPC may either grant approval, grant approval with conditions, or deny the application. A denial shall include the reasons that the proposal does not meet the criteria in Article VI, § 197-59, Criteria; standards. The applicant shall have the opportunity to resubmit his/her application with modifications; such resubmissions shall meet the same requirements as the original. If the second submission of the application is denied, the applicant may either modify the application for another submission or appeal the denial to the Board of Adjustment. In no event may the HPC make recommendations for changes that will require violation of other requirements of this chapter.

(7) Written notice of the decision of the HPC will be forwarded promptly by the HPC to the applicant and to the Building Official. The notice will inform the applicant to meet with the Building Official to complete the application for a building permit. Approval shall be valid for one year for the approved project; if the project is commenced but not completed before the end of that period, the owner shall apply to the Building Official for an extension that may not exceed an additional period of one year.

(8) Substantive changes to the HPC-approved project prior or during construction shall require review and approval by the HPC. For such changes, the applicant shall submit one copy of the original application and a description of the proposed changes as well as any supporting documentation to illustrate the effect or noneffect of such proposed changes. Consideration of such changes shall be placed at the top of the HPC's agenda at the next regularly scheduled meeting or may be approved by a Chair/staff review. **(Amended 12-9-2013)**

D. Demolition or removal. If the structure or any part thereof is deemed to be "contributing" and therefore has historic and/or architectural significance, no demolition or removal of the structure from the premises may take place until after an initial meeting with the HPC and a subsequent public hearing. **Presentation and approval of an application for construction, alteration, or reconstruction at the property shall be required prior to the approval to move and/or demolish the structure.** Efforts may be taken to either mitigate or to eliminate the demolition or removal through informal discussions among the applicant, the Chair of the HPC, and the City Building Official. In addition, the HPC may delay its final decision for up to an additional 60 days over and above the usual two-meeting requirement for a decision in order to obtain an independent opinion from a licensed professional engineer regarding the structural integrity of the property. A final

**Comment [5]:** Requiring prior HPC approval of an application will help prevent premature demolition of an historic structure in the historic district.

decision on demolition or removal must be rendered no later than 120 days after the initial application unless delayed by federal, state or local holidays, severe weather or other natural disasters, emergencies, or unless an extension is agreed to by the applicant and the HPC. If the structure is noncontributing, the HPC may address the application for demolition or removal without a hearing.

E. Interior features. The HPC shall consider only exterior features and shall not consider interior arrangements except to the extent that an interior alteration affecting the exterior is required by law or disability of owner or tenant.

F. Designation of historic properties. Owners of property outside the boundaries of the Historic District may request his/her/their property be designated an historic property. Before any such designation may be assigned, specific procedures, information required and recordation procedures and requirements shall have been determined. Such procedures shall include reference to the guidelines of the United States Department of the Interior (see HPC bylaws and procedures).

G. Appeals. Any person aggrieved by a decision rendered by the HPC shall have the right to appeal to the Board of Adjustment of the City of Lewes.

H. **Economic Hardship.** The Historic Preservation Commission may consider economic hardship in evaluating an application when a written request is made by an owner or his agent at the time of the initial application. The deteriorated condition of a structure attributable to an owner's failure to provide proper maintenance over an extended period of time will not be considered a relevant factor in evaluations of economic hardship, and restoration costs incurred to remediate such neglect will not be considered. This provision will not be affected by any transfer of ownership by means including, but not limited to, sale, inheritance or gift. Economic impact is generally measured by looking at the effect of a particular course of action on a property's overall value or return. Real estate appraisals, expenditures, revenue, vacancy rates, operating expenses, financing, permissible alternative uses, any documented efforts to sell the property in its current condition, tax incentives and other available funding are all relevant considerations. Every effort shall be made to achieve a solution which meets the requirements of this article, is architecturally harmonious, and is within the financial means of the applicant. Demonstration of economic hardship is the responsibility of the applicant.

**Comment [6]:** This section specifies what is required for HPC consideration of an applicant's economic hardship. An application form will be developed and available at the Building Official's office.

**§ 197-59. Criteria; standards.**

A. Criteria. In reviewing the plans for any construction, change, or demolition, the

HPC shall give consideration to:

- (1) Historic or architectural value and significance of the structure and its relationship to the historic value of the surrounding area.
- (2) Relationship of the exterior architectural features of the structure to the remainder of the structure and to the surrounding neighborhood. Distinctive stylistic features or examples of skilled craftsmanship shall be preserved, if possible.
- (3) General compatibility of exterior design, arrangement, texture and materials proposed to be used with other structures contributing to the established character of the Historic District of Lewes.
- (4) When application is made to demolish a structure or any part thereof, the impact of its removal from the area in which it is located, and its structural condition and the economic feasibility of alternatives to the proposed demolition.
- (5) When application is made to move an historic structure, the potential loss of history to its original site and to the Historic District as a whole, and the reasons for not keeping the structure at its present location.
- (6) The effect of the structure on the health, safety and general welfare of the City.
- (7) Other factors that the HPC deems to be pertinent, consistent with the City Code, include the following:
  - (a) Facade treatment. The exterior features of all buildings should be visually and physically compatible with those facades surrounding them.
  - (b) Height. New and renovated structures should be in harmony with the streetscape.
  - (c) Proportion. The relationship between the width and height of the front elevation of a structure should be compatible to adjacent structures. Proportion is also the relationship of the different elements of the building itself, including but not limited to additions, porches, windows, and doors. **(Amended 12-9-2013)**
  - (d) Rhythm. The rhythm of the streetscape and building with its components should be considered as one of the criteria. **(Amended 12-9-2013)**
  - (e) Scale. Since the scale of the City of Lewes is intimate in nature, any building contrary to that of the streetscape will be deemed to be out of place.
- (8) When owners of structures in the Historic District that have been or are designated as "noncontributing" make application to the HPC for approval for alteration or demolition, the HPC evaluation shall be based on the potential impact on the streetscape setting of the property, rather than the potential impact on the

property itself. When owners of structures in the Historic District designated as "contributing structures" make application to the HPC for alteration or demolition, preserving the property will be the HPC's primary criterion in evaluating the application. The HPC may require the applicant to submit both financial and construction details in support of any proposed demolition.

(9) A proposed new structure or any alteration to an existing structure or historic property shall conform to the City Code. However, it is the intent of the HPC, consistent with its purpose [§ 197-56B(1)] to assist in preserving the historic character and the historic fabric of the City of Lewes, to work in conjunction with applicants to arrive at the most desirable and appropriate outcome of their application to maintain harmony within the streetscape. To this end, the HPC may focus on height, rhythm, scale and proportion as issues that the applicant will be asked to consider and, when appropriate, to alter their plan and/or design.

(10) The current or future color of a structure or any part of the exterior of a structure in the Historic District shall not be reviewed or considered by the HPC.

(11) The HPC shall not deny the addition of items such as solar panels or other inventions that are designed to generate or conserve energy except to designate reasonable alternative design and/or placement.

(12) The HPC shall not deny any reasonable accommodation for a disability, compatible with this chapter; however, the HPC may suggest reasonable alternative design and/or placement.

B. Standards. The following standards shall be used by the HPC in preserving the district's architectural integrity and insuring the compatibility of new construction and alterations with the existing body of distinctive Lewes historic building styles. All materials used shall be consistent with and appropriate in design, texture and other visual qualities to the style and period of the structure. (The Secretary of the Interior's regulations, "Standards For Rehabilitation," including reference drawings, as designated in Appendix C, include broad guidelines covering rehabilitation projects of historic buildings and should be referred to in a reasonable manner, taking into consideration economic and technical feasibility.) (NOTE: See Appendix C on file and available for inspection in the City Manager's office.)

(1) Roofs, pitch, dormers and types. The roof and pitch of the roof shall be in keeping with traditional roof types and styles in use in Lewes in new structures and alterations.

(a) The roof types traditionally found in Lewes include:

[1] Gable, including such variations as the "clipped gable" and the "saltbox";

[2] Gambrel or "barn roof";

[3] A traditionally framed mansard with dormers incorporated into the roof design; and

[4] Hip, including variations on hip roofs such as "gable on hip."

(b) Any of these traditional roof types is acceptable without the need to duplicate the predominant roof type of a specific neighborhood since part of the charm of the Lewes streetscape lies in the variation of roof styles and pitches within these basic roof types. Modern variations of these roof types that clearly bear no resemblance to the traditional styles and pitches will not be approved. (Reference Drawings Nos. 1, 2 and 3. [NOTE: See Appendix C on file and available for inspection in the City Manager's office.]

(2) Roofing materials. Acceptable materials include wood, slate, metal, asphalts, and fiberglass shingles. Repair materials shall be compatible with the existing roofing material. When a flat roof is otherwise consistent with the design criteria established in this article, i.e., porches, decks, widow's walks or cupolas, then rubber membrane or similar material may be used.

(3) Siding materials

a. **Contributing structures.** By definition, contributing structures/buildings demonstrate unique and desirable design and fabric that define the Lewes Historic District. Therefore, contributing structures/buildings shall be held to a higher standard than non-contributing structures/buildings. All reasonable efforts should be made to preserve original siding materials. If the HPC determines that it is reasonable for original materials to be replaced (either partially or completely), the replacement siding must be consistent with the original materials or with the period to which the structure/building is being restored. Because the traditional siding material used in the Lewes Historic District has been wood, existing aluminum and vinyl siding are discouraged especially when it covers existing wood siding. Wood is permitted for shingles, horizontal clapboard siding and/or vertical board and batten. Brick, stone and/or stucco siding materials shall be approved by the HPC as long as they are consistent with the materials for the particular structure under review. Any addition in the public view made to a contributing structure must use the same materials that have been or would be approved for the original structure.

b. **Non-Contributing Structures including New and Infill Structures.** It is important that any structure located in the Lewes Historic District be consistent with the overall look of the District. In addition to the materials that may be approved for contributing structures, the HPC approves the use of cementitious siding on all elevations of a non-contributing structure. This siding must be applied with the smooth side exposed, and the reveal should be consistent with the architectural style of the new construction. No vinyl or aluminum or other metal material may be used on any new noncontributing structure.

(4) Foundation material. The traditional type of foundation in use in the Lewes

**Comment [7]:** This language mirrors the Secretary of Interior's Standard for Rehabilitation #6 which states "Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence. Standard #9 states "New additions, exterior alterations, or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work will be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment."

Historic District is brick or ballast stone. The use of brick, or a brick veneer over a block foundation, is strongly recommended. Other acceptable materials are natural stone and pargeting (stucco) sufficient to disguise the block joints.

(5) Chimney styles and materials. Chimneys in public view should be of brick or pargeting (stucco). Metal chimneys are acceptable for use in nonpublic view.

(6) Porches. All materials shall be consistent with and appropriate in design, texture and other visual qualities to the style and period of the structure. Vinyl or aluminum or other metal railings and trim are prohibited; provided, however, that if such vinyl or aluminum or other metal railings and trim exist on a contributing or noncontributing structure, it may continue but cannot be used on a new noncontributing structure in the Historic District. If a porch is to be included in new construction or alteration, it shall adhere to the height line and average depth of other porches in the surrounding neighborhood. When existing structures with traditional porches, either one- or two-story, are renovated, owners are encouraged to preserve both the porch and its architectural detailing. An open porch in public view that encroaches into the setback shall not be converted into living space. Areas under porches or decks shall not be open to view. **(Amended 12-9-2013)**

**(7) Windows.[Amended 7-9-2012]**

(a) Restoration. If the windows are original to the historic contributing structure, every reasonable effort shall be made to rehabilitate rather than replace them. Repair materials shall duplicate the old in composition, design, and texture, and shall match as closely as possible the existing historic window elements.

(b) Replacement. In the event the original historic windows cannot be restored, every reasonable effort shall be made to replace them in kind using the same sash and pane configuration. The replacement sash shall fit the window opening and not noticeably change the character-defining components of the original window, including the depth of the sill and reveal, mullion profile and configuration, appearance of the frame, reflective qualities of the glass panes, exterior trim, and other design details.

(c) New construction. New structures in the historic district and alterations to existing historic structures shall have windows compatible with existing and surrounding structures.

(8) Architectural details. The term "architectural details" applies to such building features as window and door trim styles, cornices, ornamental brackets, porch and entrance balustrades, porch pillars, corner pilasters, gable peak ornamentation, lattice work, traditional paneled and louvered wooden shutters and similar details. If consistent with the period, shutters added to a structure shall present the appearance of working shutters, i.e., set out from the siding surface, covering the window casing, and of proper size and proportion in relation to the window.

Decorative shutters should not be installed on a building unless there is clear evidence that such decorative shutters were used at some point in the structure's period of significance. The applicant is encouraged to extend the design motif of the existing structure to any addition, and in the case of alteration of an existing structure, the architectural details on the exterior shall be preserved. (Reference Drawings Nos. 5 and 6. [NOTE: See Appendix C on file and available for inspection in the City Manager's office.]

(9) Walls, fences and gates. Materials shall be of a type compatible with the architecture of the Historic District and historic properties. Chain link, vinyl, and concrete block are prohibited. (Reference Drawing No. 7. [NOTE: See Appendix C on file and available for inspection in the City Manager's office.]

**(10) Garages.**

a) General. The standards in this section for the design, location, and orientation of garages will help to maintain the character of the Lewes Historic District. Homes built before 1900 typically had carriage houses to house horses, carriages, and related items. When co-located with a home, carriage houses were nearly always detached from the home and located as far as possible from the home towards the rear of the lot. Garages were not introduced until the early 20th Century when automobiles became prevalent.

b) Design. As stated in the Secretary of Interior's Standards new construction such as detached garages must blend with the historic building in terms of rhythm, massing and scale, but it should be clear that they are modern additions. Garages also should be consistent with the style and period of the home. Design elements intended to hide or disguise overhead and rolling doors are encouraged.

c) Location and Orientation.

1. Detached garages. A garage should be detached and located towards the rear of the property.

2. Attached garages. If a detached garage is not possible because of setback requirements, physical constraints on the lot, lack of lot size, or other similar factors, an attached garage may be approved. The proposed design should be distinct from and less prominent than the dwelling. If the home is on the corner of two streets, an attached garage should be accessed and oriented towards the secondary street.

Attached garages should not face the same street as the home. Exceptions will be considered for contributing homes built in the 20<sup>th</sup> Century, in-fill, and non-contributing homes where the applicant demonstrates that the garage cannot practically face any direction other than the same street as the home. An attached garage facing the same street as the home will only be approved in rare and exceptional cases of demonstrated substantial hardship. The applicant must demonstrate the hardship with supporting documentation for the Historic Preservation Commission to consider the approval.

**Comment [8]:** The Lewes HPC adds this new section because of the Lewes Code requirement for 2 off-street parking spaces and the increase in HPC applications requesting garages. Nationally in historic districts attached garages on contributing structures are not permitted unless they are part of the existing historic structure, and new detached garages are required to be located towards the rear of the property.