

**RULES OF PROCEDURE
OF THE
HISTORIC REVIEW BOARD
NEW CASTLE COUNTY, DELAWARE**

ARTICLE I

Name of Organization

Section 1. The name of this organization shall be: The New Castle County
Historic Review Board, hereinafter referred to as the Historic Review Board or
the Board.

ARTICLE II

Authorization

Section 1. The Historic Review Board is authorized under Article 30, §40.30.330
of the Unified Development Code.

ARTICLE III

Duties

Section 1. The Chairperson, or in his/her absence an Acting Chairperson shall preside at all
meetings or hearings of the Historic Review Board, decide all points of order or
procedure, and perform all duties required by law, the Unified Development
Code, or these rules.

Section 2. The Department of Land Use shall conduct, at the direction of the Historic Review Board, all official correspondence of the Historic Review Board, send out all notices required by law of these Rules of Procedure, keep records of each examination or other official action of the Historic Review Board, perform all duties required by law, the Unified Development Code and these Rules of Procedure.

ARTICLE IV

Composition

Section 1. The officers of the Historic Review Board shall consist of a Chairperson.

Section 2. The Chairperson and members of the Historic Review board are appointed in accordance with §30.330 of the Unified Development Code. If the Chairperson is not present, the members present shall designate a member to serve as Acting Chairperson.

Section 3. Any member of the Historic Review Board who fails to attend three consecutive, regularly scheduled meetings, except where such absence is deemed by the Historic Review Board Chairperson to be due to illness or incapacity, or a family crisis, shall forfeit his/her membership on the Historic Review Board. The Chairperson of the Historic Review Board, upon the absence of a member at three consecutive, regularly scheduled meetings, unless such absences are deemed by the Chairperson

to be excusable as set forth herein, shall forward to the County Executive and the Council President a letter certifying that a vacancy exists on the Historic Review Board and the name of the member who held the forfeited position.

Section 4. If the Chairperson of the Historic Review Board fails to attend three consecutive, regularly scheduled meetings, except where such absences are deemed by the County Executive to be excusable as set forth in Section 3 of this Article, the Chairperson shall be removed by the County Executive. A new Chairperson shall be appointed by the County Executive in accordance with §30. 330 of the Unified Development Code.

ARTICLE V

Meetings

Section 1. All meetings and hearings of the Historic Review Board shall be open to the public. Any action calling for a formal vote shall take place only at a public meeting or hearing.

Section 2. So long as there is business to consider, regular business meetings and hearings of the Historic Review Board shall be held each month, the time and place of which shall be agreed upon jointly by the Historic Review Board and the Department of Land Use.

Section 3. For the purposes of conducting a business meeting or a hearing, a quorum shall consist of no less than half of the current members of the Historic Review Board

A motion is carried by the affirmative vote of a simple majority. Members must be present to vote on a motion.

Section 4. The Chairperson shall be a voting member.

Section 5. Special meetings may be requested by the Chairperson provided that all members are notified at least three (3) working days in advance of such meetings and provided staff pending the availability of the Department of Land Use are available and provided all public notifications required by law have been met. It shall be the duty of the Chairperson to call a special meeting when requested to do so by a majority of the serving members of the Historic Review Board.

Section 6. The Historic Review Board may hold one special meeting each year specifically for the purpose of setting priorities and planning activities for the next year.

Section 7. In addition to those required by law, the Historic Review Board may hold public hearings when it decides that such hearings shall serve the public interest.

Section 8. Notice of the time and place of all public hearings and the subject under discussion shall be given in accordance with applicable laws or regulations.

ARTICLE VI

Hearings

Section 1. All hearings conducted by the Historic Review Board shall be open to the public and noticed in accordance with the requirements of the Freedom of Information Act, 29 Del. C. §10004 and §31.340 of the Unified Development Code. Each applicant and counsel of record shall receive notice, via email and/or first class mail, of the date, time and place of the hearing.

Section 2. A quorum shall be necessary to conduct a hearing of the Historic Review Board. A vote of a majority of those members present shall be necessary to carry any action in a hearing.

Section 3. The Chairperson, or acting Chairperson in the Chairperson's absence, shall preside at the hearing. All witnesses appearing before the Board shall testify under oath if the Board deems it necessary.

Section 4. The order of business at the hearing shall be as follows:

- a. the applicant or individual presenting the application;
- b. those in support of the application;
- c. those opposed to the application;
- d. rebuttal

Section 5. Following the completion of the hearing, the Board will consider the matter at its next business meeting. The Board shall issue a written decision on the application within twenty (20) days of the completion of the business meeting unless otherwise directed by the provisions of the County Code.

ARTICLE VII

Committees

- Section 1. Ad hoc committees and subcommittees may be established at the discretion of the Chairperson.
- Section 2. Each of the committees shall consist of at least two members of the Historic Review Board. Each of the subcommittees shall consist of at least one member of the Historic Review Board except that if the Chairperson of the Historic Review Board is the subcommittee chairperson, an additional member of the Historic Review Board shall be appointed to serve on the subcommittee. Committee members shall be appointed or re-appointed at any business meeting of the Historic Review Board.

ARTICLE VIII

Order of Business

- Section 1. The Order of Business at regular business meetings shall be:
- a. Call to Order
 - b. Roll Call
 - c. Minutes
 - d. Old Business
 - e. New Business
 - f. Report of Staff
 - g. Reports of Committees
 - h. Comments by Public

i. Adjournment

ARTICLE IX

Historic Overlay

Section 1. Recommendations to County Council for designation of Historic Zones as permitted by the Uniform Development Code are set forth in an amendment to the Bylaws of the Historic Review Board, dated, November 19, 2008.

ARTICLE X

Amendments

Section 1. Notice of a proposed amendment to the Rules of Procedure shall be given to each member of the Historic Review Board at least two weeks prior to the business meeting at which the proposed amendment is to be introduced. The proposed amendment is to be introduced. The proposed amendment shall be read at two business meetings and may be adopted by a two-thirds vote of the members of the Historic Review Board following the second reading, provided that at least two weeks time has elapsed between the First and second readings. Amendments to the Rules of Procedure shall not become final until approved by the County Executive.

ARTICLE XI

Responsibilities and Activities

Section 1. The following regulations and documents define the Historic Review

Board's responsibilities and activities:

- a. Article 15 of the Unified Development Code: Historic Resources
- b. Article 31, §31.280 of the Unified Development Code: Historic Permits
- c. BOCA Basic/National Building Code/1996 as amended by New Castle County in Chapter 5 of the New Castle County Code:
 1. Section 105.4: Demolition and Historic Structures;
 2. Section 112.11 :Permits for Historic Structures
- d. Certification Agreement between the State of Delaware by and through the Bureau of Archaeology and Historic Preservation and New Castle County (September 16, 1986): Confers on the County, Certified Local Government Status as established by the National Historic Preservation Act of 1966, as amended.
- e. Guidelines for the Implementation of a Certified Local Government Program in Delaware (September, 1985).