

Fort DuPont
Design and Historical
Preservation Committee
Rules and Procedures

Fort DuPont Design and Historical Preservation DHP Committee

The Declaration of Covenants, Conditions, Agreements, Restrictions and Licenses (the “Declaration” of the Fort DuPont Redevelopment and Preservation Corporation (the “Corporation”) requires the Fort DuPont Design and Historical Preservation DHP Committee (the “DHP Committee”) to receive, review and rule upon all design, development and other architectural type requests with respect to any lot within the Fort DuPont Complex in order to determine whether the proposed action is consistent with the applicable DHP Guidelines and Development Regulations for the application lot(s).¹ The Board of the Corporation has also provided the DHP Committee the responsibility to perform subdivision review, construction review, and design reviews for historical properties and other development. Moreover, the DHP Committee also is responsible for enforcing certain historic preservation standards and certain rules and regulations adopted for the Complex.

In accordance with the By-Laws of the Corporation, the Board of Directors of the Corporation (the “Board”) has designated the DHP Committee to act as both an advisory committee and implementation committee having both advisory and decision-making authority as set forth herein or as may otherwise be determined by the Board from time to time.

With respect to the following actions, the DHP Committee shall have advisory authority and powers only and shall not be permitted to make any final decisions or otherwise bind the Board or the Corporation with respect to such matters (collectively, “Advisory Actions”):

- (1) Developing plans to implement recommendations from the redevelopment plan and tracking ongoing implementation efforts;
- (2) Reviewing and providing recommendations on proposals for the purchase, sale, lease or disposition of lands or buildings;
- (3) Providing guidance on updates to the redevelopment plan upon request by the Board or the executive director;
- (4) Providing recommendations on infrastructure improvement plans, budgets, or any other matters referred by the Board or the executive director;
- (5) Recommending rules, regulations and policies to the Board.
- (6) The development and institution of any guidelines, standards and other protocols relating to the design, architectural appearance and historic character of the Fort DuPont Complex (“Guideline Development”);
- (7) Providing recommendations on subdivision applications and subdivision proposals; and
- (8) Providing recommendations on enforcement of applicable Corporation rules and regulations when necessary.

With respect to the following actions, the DHP Committee shall have implementation

¹ Capitalized terms not otherwise defined herein shall have the meaning assigned to them in the Declaration.

authority and powers and shall be permitted to make any final decisions and otherwise bind the Board or the Corporation with respect to such matters (collectively, “Implementation Actions”):

- (1) At the Board’s direction, implementing decisions made by the Board with respect to any item over which the DHP Committee has advisory authority (a “Board Directive”);
- (2) Reviewing, commenting on and ruling upon proposals, requests or applications for the development or redevelopment of any lot(s), common areas, subdivision amenities or similar land use areas within the Fort DuPont Complex including, but not limited to, historic structures, historic properties, land development proposals, and site plan review (collectively, a “Development Request”) and the enforcement of any decisions made by the DHP Committee with respect thereto; and
- (3) The review and ruling upon any proposal to change or modify, in a fashion, the exterior of any lot or improvement thereon following the initial development of same to (collectively, a “Post Development Request”) and the enforcement of any decision made by the DHP Committee with respect thereto.

DHP Committee Members and Appointment

The DHP Committee shall be comprised of seven (7) members, each of which shall be appointed by the Board. As provided for in the By-Laws of the Corporation, at least one member of the DHP Committee must be a member of the Board. In making other appointments of members to the DHP Committee, the Board shall consider whether the DHP Committee may benefit from individualized, specialized or other relevant expertise or experience in a given area and, if so determined, the Board shall make appointments fulfilling such need.

Each member appointed to the DHP Committee shall serve for a term of one (1) year, subject to reappointment; provided, however, that members serve at the pleasure of the Board and may be removed at any time. The Board may, in its sole discretion, elect to increase the number of members of the DHP Committee at any time.

Meetings

1. Governing Rules

The procedure, the conduct, and the order of business shall be conducted according to the following rules, except as may otherwise be provided in the Bylaws of the Corporation. To the extent such rules do not provide adequate guidance, and only to that extent, the most recent edition of Robert’s Rules of Order shall govern.

A. Chair and Duties

The Board member appointed to the DHP Committee shall serve as chair (“Chair”). In the event that more than one Board member is appointed to the DHP, the Board shall designate which member shall act as Chair upon appointment. The Chair shall designate a vice-chair (“Vice Chair”) which shall preside as Chair at all meetings of the DHP Committee. In the absence of the Chair, the Vice Chair shall preside. In the absence of both the Chair and Vice Chair, an alternate member appointed by the Chair prior to the meeting shall preside. The

presiding person shall be the “Chair” of the meeting.

The meetings of the DHP Committee shall be called to order by the Chair. The Chair shall preserve order and decorum, prevent attacks on personalities or character of members or the public, and confine members in debate to the question under discussion.

The Chair shall determine all points of order, subject to the right of any member to appeal to the Board. If any appeal is taken, the question shall be "Shall the decision of the Chair be sustained?"

The Chair shall state all questions submitted for a vote and announce the result.

The Chair may move, second and debate, subject only to such limitations of debate as are by these rules imposed on all members, and shall not be deprived of any of the rights and privileges of a member of the DHP Committee by reason of acting as the Chair.

B. Order of Business

All regular and special meetings of the DHP Committee shall be open to the public. Promptly at the hour set for each meeting, the business of the DHP Committee shall be taken up for consideration and disposition in the order set forth on the agenda, subject to the Chair’s prerogative to adjust the order of the agenda items as he or she deems appropriate.

C. Roll Call

Before proceeding with the business of the DHP Committee, the Chair or his/her designee shall call the roll of the members, and the names of those present shall be entered in the minutes.

D. Reading of the Minutes

Unless a reading of the minutes of a DHP Committee meeting is requested by a majority of the DHP Committee, such minutes may be approved without reading, and the yeas and nays shall be entered on the minutes. Upon the call of the roll, no member shall discuss or explain his/her vote; and the silence of any DHP Committee member who is present shall be recorded as an affirmative vote unless he/she states directly that he/she abstains.

E. Unfinished Business

In order to revisit old business, discussion of such business must have begun at the previous DHP Committee meeting and been the subject of an accepted motion to postpone to a future meeting. If an item is removed from an agenda, either prior to or during a previous meeting, before discussion has begun, it will then be placed on a future agenda under the heading it would be assigned to under normal circumstances.

F. Rules of Debate

When a question is presented and seconded, it is under consideration, and no motion shall be received thereafter, except to adjourn, to lay on the table, to postpone or to amend, until the question is decided. These motions shall have preference in the order as determined by the Chair.

The Chair may move, second and debate from the Chair, subject only to such limitations of debate as are by these rules imposed upon all members, and shall not be deprived of any of the rights and privileges of a DHP Committee member by reason of being the presiding officer.

Every member desiring to speak for any purpose whatsoever shall address the Chair and, upon recognition, shall confine himself/herself to the question under debate, avoiding all personalities and indecorous language. A member may generally only speak once on the same

subject but may speak to clear up a matter of fact or explain a material part of his/her speech, except that a member after moving a question may once again speak on the same subject.

A member once recognized shall not be interrupted when speaking unless it be to call him/her to order or as herein otherwise provided. If a member while speaking is called to order, (s)he shall cease speaking until the question of order is determined by the Chair, and if in order, (s)he shall be permitted to proceed. Any member may appeal to the Board from the decision of the Chair upon a question of order, when without debate the Chair shall submit to the Board the question, "Shall the decision of the Chair be sustained?" and the Board shall decide by a majority vote.

G. Addressing the Board

Subject to the provisions of Article K below (Adjournment), any person may petition the Chair for leave to address the Board, which permission shall be granted only after a showing to the satisfaction of the Chair that the subject matter of the address deserves the time and attention of the Board, by oral communication on any matter over which the DHP Committee has on the agenda; provided, however, that notice is given to the Executive Director of the Corporation 24 business hours in advance of the next regularly scheduled Board meeting. Nothing herein shall prevent the Chair from allowing public comment, at the Chair's discretion.

H. Manner of Addressing DHP Committee; Time Limit

Each member of the public addressing the DHP Committee shall step up to the microphone (should one be available), shall give his/her name and address in an audible tone of voice for the records, state his or her address within the Complex and shall limit the address to 3 minutes unless a longer time is permitted by the Chair. All remarks shall be addressed to the DHP Committee as a body and not to any person thereof. No person, other than members of the DHP Committee and the person having the floor shall be permitted to enter into any discussion, either directly or through a member of the DHP Committee, without the permission of the Chair.

I. Decorum

While the DHP Committee is in session, the members must preserve order and decorum, and a member shall neither by conversation or otherwise except as herein provided delay or interrupt the proceedings, the peace of the DHP Committee, disturb any member while speaking or refuse to obey the orders of the DHP Committee or its Chair.

Any person making impertinent or slanderous remarks or who shall become boisterous shall forthwith be barred from further audience before the DHP Committee, by the Chair, unless permission to continue or again address the DHP Committee is granted by the majority vote of the Board.

J. Reports and Resolutions to be Filed with Board.

All reports and resolutions shall be filed with the Executive Director of the Corporation and entered in the minutes of the DHP Committee. The DHP Committee Chair or his or her designee shall be required to present the minutes of the DHP Committee at any meeting of the Board as the Board may request or direct.

K. Adjournment

A motion to adjourn shall always be in order and decided without debate.

L. Cancellation of Meeting

Cancellation of any meeting shall be at the discretion of the Chair or, in the case of a special meeting that has been called by members of DHP Committee, at the discretion of those members of the DHP Committee, as circumstances may require. As much notice of said cancellation as is practical shall be given through the office of the Executive Director in the manner and place(s) which notice of said meeting was originally posted.

2. Time and Location of Meetings

A. Meeting Times and Location

The DHP Committee shall meet at least one (1) time each month year. The DHP Committee shall meet on the ~~the last Wednesday day of the first month~~ of the month at 4:30 p.m. at the Administrative Offices of the Corporation or at such a other time and place to be determined by the DHP Committee at least ~~seven (7)~~ seven (7) days in advance of the meeting. However, nothing in here shall require the DHP Committee to conduct a meeting in order to consider a Post Development Request application presented to the DHP Committee for review and approval.

B. Notice and Publication of Meeting Times and Locations

The Chair of the DHP Committee shall notify the Executive Director of the Corporation at least 7 days in advance of any regularly scheduled meeting of the DHP Committee, of 1 days prior to any special meeting of the DHP Committee, of the time and place of the meeting and shall provide the Executive Director with the agenda for the DHP Committee meeting. The Executive Director shall be required to publish notice of the DHP Committee Meeting in the same manner and locations as required for a meeting of the Board. In the event that a meeting is scheduled by the DHP Committee in order to hear an appeal, the Executive Director shall be required to provide notice of such meeting to the appellant by email notification, to the extent available, and by hard copy to the address of record provided by applicant on its application.

The DHP Committee Implementation Process

Items presented to the DHP Committee that fall within its authority will generally be divided into three (4) categories: (1) Board Directives; (2) Development Requests; (3) Guideline Development; and (4) Post-Development Requests.

A. Board Directives

In the case of a Board Directive, the DHP Committee shall determine a procedure and process for implementing such Board Directive on a case by case basis as necessitated by the nature of the directive.

B. Development Request

In the case of a Development Request, the DHP Committee shall determine a procedure and process for considering such request on a case by case basis as necessitated by the nature of the development proposed; provided, however, that the DHP Committee shall be required to act within any applicable timeframes for action as may be established by federal, state or local government or other authority.

C. Guideline Development

The DHP Committee shall develop all DHP Guidelines and, once created and approved by the Board, shall review the same on a continuing basis to determine whether modifications, additions or other changes are required. The DHP Committee is also charged with making sure that current and up-to-date DHP Guidelines or other bulletins relating to design and historic preservation items are available to the Executive Director for distribution to lot owners and other applicable parties.

D. Post-Development Request

The DHP Committee shall follow the process and procedures set forth below with respect to a Post-Development Request:

1. The owner submits to the DHP Committee, in care of the Executive Director of the Corporation (“Executive Director”), an Application for Design Review along with all requested documentation.

2. The application, noted with the date of receipt by the Executive Director, is turned over to the DHP Committee, provided that all of the information necessary for review is received. The Executive Director will then make a precursory review of the application and request any additional information from the owner if needed. The DHP Committee may still require additional information as detailed in 4.d. below. The 45-day review period discussed in 3 below will not begin until the application is complete and appropriate for review.

3. The DHP Committee will act within forty-five (45) calendar days upon receiving the complete application.

4. The DHP Committee’s decision will be noted on the application. The owner will then be notified of the decision via email, if acceptable to applicant, and by hard copy. The application will show one of the following four (4) decisions.

a. **APPROVAL:** The application is approved as submitted.

b. **APPROVAL WITH CONDITIONS:** The overall proposal is accepted, but with certain specified changes, limitations or requirements that must be followed.

c. **DISAPPROVAL:** The application is denied. The owner can appeal to the DHP Committee within 15 business days. Further escalation may require the involvement of the Board of Directors (See the Appeal Procedure section for more details.)

d. **ADDITIONAL INFORMATION REQUIRED:** The DHP Committee has determined that additional information is needed for appropriate review of the application. In this case, the entire process begins again once the Executive Director receives the requested information. The owner should follow the same submission procedure as before. The DHP Committee will act swiftly on all re-submissions.

e. The DHP Committee evaluates each application on the individual merits of the application, the Design Regulations and DHP Guidelines. Many design changes and improvements require a permit, and the DHP Committee’s review and/or approval of an application is not a substitute for approval by the city and/or county. It is the homeowner’s responsibility to acquire appropriate approvals, permits, etc. from the city and/or county. The proposed change must be fully compliant with the Development Requirements and the DHP

Guidelines and, where applicable, any historical restrictions placed on the structure and/or lot and compatible with the design characteristics of the applicant's home and the general neighborhood setting.

5. If an application is approved, the applicant will be required to place a clean-up and repair deposit, in amount to be determined by the DHP Committee based upon the nature and scope of work to be performed by or on behalf of applicant, which will be held by the Corporation until all work is complete and a representative of the DHP Committee has inspected the property and authorized the release of such deposit. The deposit ~~may range between \$500 and \$1,000 and~~ is intended to provide the Corporation with funds necessary to repair and/or provide for the clean-up necessary to any area adversely impacted by the applicant's work in the event not remediated by the applicant itself.

6. Once work has begun on an approved application, it must be completed within 90 days unless the nature of the work proposed cannot be reasonably completed within 90 days. Applications are valid for one (1) year from the date of approval. Upon completion of the work, applicant shall notify the DHP Committee at which time the DHP Committee will review and inspect the work and the property in order to determine whether the clean-up and repair deposit may be released and returned to applicant.

Appeal Procedure for Development and Post-Development Decisions

An applicant or other aggrieved person affected by the decision may appeal a DHP Committee decision to the Board who may reverse, affirm, or modify such decision by a majority vote of the total membership of its Board. The Board's decision shall be final and unappealable.

If the applicant or any other person affected by the decision disagrees with the decision of the DHP Committee in its review or inspection, an appeal may be submitted as noted below.

1. A decision of the DHP Committee that approves or denies an application shall not be considered a final decision by the Declarant until after the appeal period expires without objection or appeal.
2. Within 15 business days after the receipt of a notice of decision, the aggrieved party must file a written appeal with the DHP Committee in care of the Executive Director.
3. Upon receipt of the appeal, the DHP Committee may contact the aggrieved party and schedule a review of any further information relating to the request and appeal.
4. Should the DHP Committee determine that the decision remains, the aggrieved party may request that the appeal be forwarded to the Board. This request must be made within 7 days of the supplemental decision. It is the responsibility of the DHP Committee to forward any correspondence and pertinent information to the Board at that time.
5. The Board shall then establish the date and the time that the appeal will be heard. If an appeal is received by the Executive Director no later than the last business day in a calendar month, the appeal shall be heard at the next regularly scheduled meeting of the Corporation unless otherwise agreed to by the Corporation and applicant. If an appeal is received after the last business day of a calendar month, the appeal shall

be heard at the second regularly scheduled meeting of the Corporation following receipt of the appeal unless otherwise agreed to by Corporation and applicant.

6. A majority vote of the total numbers of members of the Board is required to reverse a DHP Committee decision.
7. No work may progress during the appeal process.

Violations and Penalties

In addition to a rule violation, any change made without the required approval of the DHP Committee constitutes a violation of the Declaration. A violation may require removal or modification of the work at the expense of the property owner.

When a violation is determined to have occurred, the following steps shall be taken.

1. The DHP Committee will investigate any reported violation and attempt to bring the owner into compliance. Homeowners will be notified in writing of the violation and are expected to bring the violation into compliance within a reasonable amount of time. The amount of time given to the homeowner will be based on the alleged violation.

2. Should the owner fail to act upon the recommendations for corrections, the DHP Committee shall submit the matter to the Board.

3. The homeowner shall be invited to a hearing with the Board where the homeowner will have the opportunity to be heard and present evidence. Failure to appear shall result in a fine that will begin to accrue on the day after the scheduled hearing date. If the violation is brought back into compliance prior to the hearing, no hearing is necessary. In this case, the owner and the executive director (or his or her designee) must both agree as to compliance. If the issue is verified, no further action is required. If compliance cannot be verified, the parties proceed with the hearing.

4. After the hearing, the Board will respond to the homeowner with a decision in writing within five (5) days after the Board meets to hear the appeal. Any penalties, fines or fees relating to the violation the homeowner is responsible for will be noted in the letter from the Board. The letter will include the date the accrual of fines will begin.

- **Fines:** Fines will be levied per day, per violation, until the violation is rectified.
- **Fees:** A violation may also result in the payment of costs or damages incurred by the Corporation in having the work removed or modified, in addition to the fine assessed by the Corporation. Attorneys' fees, court costs and site assessments will all be incorporated into the fine process.

Amendment

These DHP Committee rules and procedures may be altered, changed, or repealed at any time by the Corporation Board. The DHP Committee shall be permitted to recommend changes to the Board if such changes are desired by a majority of the DHP Committee.