



Sussex County Historic Preservation

Sussex County is considering a proposed historic preservation ordinance, in accordance with guidelines set forth in the 2007 update of the Sussex County Comprehensive Plan.

Such an ordinance, discussed at the July 28, 2009, County Council meeting, would be designed to aid in efforts to preserve and document the heritage of the historic architecture of Sussex County. For the purpose of the ordinance, a structure would be deemed historic by using the U.S. Department of Interior's standards for evaluating structures eligible for the National Register of Historic Places.

Attached is an outline that could be used as the basis for a draft ordinance. At this time, no ordinance has been formally written or introduced for the public and Council's consideration.

For questions or additional information, please contact Sussex County Historic Preservation Planner C. Daniel Parsons at (302) 856-6138 or dparsons@sussexcountyde.gov.

Waiting Period for Demolition of a Historic Building

The new Sussex County Comprehensive Plan calls for Sussex County to adopt regulations governing the demolition of historic buildings. In addition to regulating the demolition of historic buildings in the unincorporated areas of Sussex County, such an ordinance could also serve as a model for unincorporated municipalities to consider adopting.

It is suggested considering an ordinance that mandates a waiting period between applying for demolition of a historic building and carrying out that demolition. The purpose of this waiting period is to give the property owner and others a chance to evaluate alternatives to demolition, such as preservation, restoration, rehabilitation, and relocation.

Sussex County's new ordinance governing demolition should not prevent demolition where no workable alternative exists. Nor should it apply to small structures or agricultural barns. It is meant instead to provide a brief "cooling off period" before an irreversible step is taken that may subtract from Sussex County's physical setting.

The following zoning amendment could be added to Article XXV - Supplementary Regulations. 115-194.4. Waiting Period for Demolition of a Historic Building

A. Purpose.

- (1) To recognize the importance of historic buildings in maintaining the character and heritage of Sussex County.
- (2) To alert the public to the proposed demolition of a historic building.
- (3) To impose a reasonable waiting period during which property owners and others can consider preservation, restoration, rehabilitation, relocation or other potential alternatives to demolishing historic buildings.
- (4) This section is not intended to prevent demolition where no feasible or prudent alternative exists.

B. Definitions.

DEMOLITION - The intentional act of substantially destroying or razing a building so that the building is no longer functional or no longer standing.

HISTORIC BUILDING - For the purposes of this section, a historic building is a building, other than an agricultural barn, 80 years or older with a building footprint of at least 800 square feet.

- The Secretary of Interior's standards for Historic Structures for nomination to the National Register of Historic Places shall be applied for determination of an historic building (See Attached – Appendix 1)

C. Permit required.

(1) No historic building shall be demolished without obtaining a valid Historic Building Demolition Permit from Sussex County.

(2) If, in the opinion of a Sussex County Building Inspector, any historic building poses an immediate threat to public health or safety, demolition may proceed immediately.

D. Application for permit.

(1) Any person wishing to obtain a Historic Building Demolition Permit from Sussex County must file an application for said permit using an application form made available by Sussex County for this specific purpose.

(2) Said application form shall not exceed two one-sided pages in length and shall require the applicant to provide the following information about the building proposed for demolition:

(a) The common name, if any of the building and the building's full street address.

(b) The name, full street address and telephone number of the owner of the building and the owner's designated contact person.

(c) The age of the oldest portion of the building, if known.

(d) The approximate total square footage of the building, the number of floors in the building, and the building's approximate exterior dimensions.

(e) A brief description of the building's exterior materials, including walls, roof, doors, and major architectural features such as building trim, cornice, and columns, if any such architectural features exist.

(f) Last known use of the building and approximate length of time the building has been vacant if the building is vacant at the time of application for a Historic Building Demolition Permit.

(g) One or more photographs showing at least two different elevations of the building as they appear at the time of application for a Historic Building Demolition Permit.

(h) A brief description of the proposed reuse of the lot on which the building is located.

E. Notice of Intent to Demolish a Historic Structure

(1) The Sussex County Zoning Officer shall publish a legal notice entitled Notice of Intent to Demolish a Historic Structure in a newspaper of general circulation within 14 days of receiving a completed application for a Historic Building Demolition Permit. During that same time period, said notice shall be posted on the official Sussex County website.

(2) The Notice of Intent to Demolish a Historic Structure shall summarize the information provided on the application for a Historic Building Demolition Permit. Said notice shall also state that Sussex County and the owner of the building proposed are looking for feasible and prudent alternatives to demolition, such as preservation, restoration, rehabilitation or relocation of the building proposed for demolition.

(3) The Notice of Intent to Demolish a Historic Structure shall encourage any person with a feasible and prudent alternative to demolishing the subject building to identify that alternative in writing to the Sussex County Zoning Officer with a copy sent to the owner of the subject building or that owner's designated contact person.

(4) The Notice of Intent to Demolish a Historic Structure shall designate a waiting period, during which Sussex County may receive any written recommendations for feasible and prudent alternatives to demolition of the subject building. That waiting period shall begin the day after the Sussex County Zoning officer receives a completed application for a Historic Building Demolition Permit and shall conclude 60 days thereafter.

(5) Facts about the proposed demolition shall be summarized and announced at all regularly scheduled meetings of the Sussex County Planning and Zoning Commission that occur during the 60-day waiting period described immediately above.

(6) Within 14 days of receiving a completed application for a Historic Building Demolition Permit, facts about the proposed demolition shall be summarized in a notice and posted by the Sussex County Zoning Officer on the lot of the building to be demolished. Said posting shall be placed in a location clearly visible from the nearest street or road.

F. Issuing a permit.

(1) During the 60-day waiting period described in this section and at the conclusion of that 60-day waiting period, the owner of the building proposed for demolition is encouraged to consider any feasible and prudent alternatives identified to demolition of the subject building.

(2) If all other applicable requirements are met, on or about 7 days following the conclusion of the 60-day waiting period, the Sussex County Zoning Officer shall grant the Historic Building Demolition Permit unless the owner of the building to be demolished or that owner' designated contact person notifies the Sussex County Zoning Officer requesting that the application for Demolition of a Historic Building be withdrawn.

(3) The proposed fee for the Historic Building Demolition Permit is \$100, with a \$200 penalty for non-compliance.

(Attachment 1)

National Register Evaluation Criteria

- National Register criteria for evaluating properties. The criteria applied to evaluate properties (other than areas of the National Park System and National Historic Landmarks) for the National Register are listed below.

How are Properties Evaluated?

To be considered eligible, a property must meet the National Register Criteria for Evaluation. This involves examining the property's age, integrity, and significance.

- Age and Integrity. Is the property old enough to be considered historic (generally at least 50 years old) and does it still look much the way it did in the past?
- Significance. Is the property associated with events, activities, or developments that were important in the past? With the lives of people who were important in the past? With significant architectural history, landscape history, or engineering achievements? Does it have the potential to yield information through archeological investigation about our past?

- Criteria for evaluation. The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association and

- (a) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (b) That are associated with the lives of persons significant in our past; or
- (c) That embody distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (d) That have yielded, or may be likely to yield, information important in prehistory or history.

Criteria considerations.

- Ordinarily cemeteries, birthplaces, or graves of historical figures, properties owned by religious institutions or used for religious purposes, structures that have been moved from their original locations, reconstructed historic buildings, properties primarily commemorative in nature, and properties that have achieved significance within the past 50 years shall not be considered eligible for the National Register. However, such properties will qualify if they are integral parts of districts that do meet the criteria or if they fall within the following categories:

- (a) A religious property deriving primary significance from architectural or artistic distinction or historical importance; or
- (b) A building or structure removed from its original location but which is significant primarily for architectural value, or which is the surviving structure most importantly associated with a historic person or event; or
- (c) A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with his productive life.
- (d) A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, from distinctive design features, or from association with historic events; or
- (e) A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived; or
- (f) A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance; or
- (g) A property achieving significance within the past 50 years if it is of exceptional importance.