

Introduced by: Ms. Durham  
Mr. Carter  
Date of introduction: August 27, 2019

**ORDINANCE NO. 19-080**

**TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 (“BUILDING CODE”),  
ARTICLE 3 (“ADMINISTRATION”), SEC. 6.03.020. (“SPECIAL GUIDELINES FOR  
WORK DONE ON HISTORIC STRUCTURES”) REGARDING ISSUANCE OF A  
DEMOLITION PERMIT BY THE HISTORIC REVIEW BOARD**

**WHEREAS**, The relevant sections of the New Castle County Code pertaining to the permit process necessary for demolition of historic properties are in need of clarification.

**NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:**

Section 1. *New Castle County Code* Chapter 6 (“Building Code”), Article 3 (“Administration”), Sec. 6.03.020. (“Special Guidelines for Work Done on Historic Structures”) is hereby amended by adding the material that is underscored and deleting the material that is stricken, as set forth below.

Sec. 6.03.020. - Special guidelines for work done on historic structures.

*A. Permits for historic structures.*

1. Any person desiring to erect, reconstruct, significantly alter, restore, or relocate any building or structure within a historic zoning district or any property which is eligible to be zoned H (Historic), shall first secure the approval of the Historic Review Board of New Castle County.

2. After approval by the Historic Review Board, the Code Official shall have the authority to require a building permit and a certificate of occupancy or use for the erection, reconstruction, significant alteration, restoration or relocation of any historic building or structure. Once a building permit has become invalid, the applicant must reapply to the Historic Review Board before a new building permit is issued.

3. Failure to comply with permit conditions.

a. If the Historic Review Board grants approval under this Section, the person seeking to construct or alter any structure or addition shall do so in strict compliance with the features of the plan submitted to and approved by the Historic Review Board. Before any certificate of occupancy is granted to the owner, Department staff shall inspect the property to determine if the structure complies with the plans and conditions as set forth in the permit. If the Planner finds that the structure does not conform, no certificate shall be issued.

b. If within thirty (30) days of notification to the applicant that a structure does not conform, the person has made no apparent effort to bring the structure into compliance or arrange for an alternative approval from the Historic Review Board, the Code Official shall request the County Attorney to institute the appropriate legal proceedings. Failure to comply with the terms of a permit granted under this Section or in violation of a plan approved by the Historic Review Board, shall constitute a violation.

B. *Demolition of historic structures.*

1. The Code Official shall delay for up to a 20-working days from receipt of a demolition permit application, ~~period~~ the issuance of any demolition permit for any building or structure thought to be over fifty (50) years of age. Within twenty (20) working days of receipt of such permit application, the Code Official shall refer such application to the Historic Review Board for any building or structure thought to be fifty (50) years of age or more, and where the Code Official believes the building or structure demonstrates one or more of the criteria stated in Section 40.15.110 of this Code. If the Historic Review Board determines the building or structure is historically significant, for reasons it shall state in a written opinion to the Code Official, the Historic Review Board may order an additional delay in the issuance of the permit not to exceed nine (9) months from the date ~~of application~~ the written opinion was provided to the applicant, during which time alternatives to demolition shall be sought.

2. Upon verification by the Historic Review Board that a building or structure of historic significance has been demolished prior to issuance of a demolition permit, the Code Official shall request the County Attorney to take immediate action to prosecute those responsible for the demolition. In addition, the Code Official may withhold building permits for that parcel for one to three (3) years, such determination to be made by the Code Official in writing to the legal owner of the property.

Adopted by County Council  
of New Castle County on:

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President of County Council  
of New Castle County

Approved on:

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County Executive

**SYNOPSIS:** This Ordinance is prospective in effect and will amend the *New Castle County Code* to provide that the Historic Review Board may order a delay of issuance of a permit to demolish a historic property not to exceed nine (9) months from the date the *written opinion* was issued to the applicant, not the date of receipt of *the permit application* as currently applied.

**FISCAL NOTE:** There is no discernible fiscal impact.