

Historic Landmark Preservation

Sec.1. TITLE AND PURPOSE

This chapter shall be known as an Ordinance to Encourage the Preservation of Architecturally and Historically Significant Buildings by Delay of Demolition.

This chapter is duly enacted by the Town in order to 1) preserve and protect significant buildings and structures within the Town which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the Town, and 2) to limit the detrimental effect on community character and heritage may result from the demolition of such buildings and structures.

Connecticut General Statutes Section 29-406 authorizes municipalities to approve a waiting period before granting any permit for the demolition of any building, structure, or part thereof. Under this chapter, the Town shall impose a waiting period of not more than one hundred eighty (180) days before granting a permit for the demolition of any building or structure that is designated Preferably Preserved according to the definitions in Section 2 (below).

By this chapter, Town residents are alerted to the anticipated demolition of significant buildings or structures and the owners of such building or structures are encouraged to consider preservation, restoration, rehabilitation or relocation as alternatives to demolition. To achieve this purpose, the Historic Review Committee or other designated body is authorized to advise the local Building Official with respect to demolition permit applications.

Sec. 2. INTENTION AND LIMITATIONS

This chapter shall not be construed to prevent the ordinary maintenance or repair or any exterior architectural features; nor shall it prevent the erection, alteration or removal of any such feature which the Building Official certifies is required by the public safety because of a condition which is unsafe or dangerous due to deterioration.

This chapter shall not apply to applications for demolition due to threats to public health or to emergency demolition orders issued by the Building Official due to a threat to public safety.

Sec. 3. DEFINITIONS

APPLICANT - Any person or entity who files an application with the Town for a demolition permit. If the applicant is not the owner of the premises upon which the building or structure is situated, the owner's consent or endorsement of the proposed application must be provided on the permit application.

APPLICATION - A written request to the Town in an authorized format to issue a permit for the demolition of a building or structure.

BUILDING - Any combination or materials assembled by human intent to form a shelter for persons, animals or property.

BUILDING OFFICIAL -A person hired or appointed by the Town to serve as Building Commissioner, Building Inspector or otherwise duly authorized to issue demolition permits.

COMMITTEE - The Historic Review Committee or other designated body authorized to advise the Building Official on the issuance of demolition permits under this chapter.

DELAY -A period or up to 180 days imposed by the Town, beginning on the date of application for a demolition permit, during which the owner of a significant historic building or structure shall consider

any viable alternatives to demolition, including preservation, restoration, rehabilitation, relocation or detailed recordation.

DEMOLITION - The intentional act of substantially pulling down, destroying, dismantling, defacing, removing or razing a building or structure, or commencing the work of a total, substantial, or partial destruction with the intent or completing the same; also the act or process of delaying or withholding maintenance of a building or structure in such a way as to cause or allow significant damage to occur which may result from a public hazard or structure.

DEMOLITION PERMIT - The town permit issued by the Building Official authorizing the full or partial demolition or an existing building or structure, excepting for this chapter only any permit issued solely for the demolition or removal or interior features with no effect on the exterior appearance of the building or structure.

SIGNIFICANT BUILDING - Any building or structure within municipal boundaries which, in whole or in part, is known or presumed to be at least 150 years old and which has been determined by the Historic Review Committee or other designated authority to be significant to the community based on one or more of the following criteria:

- The building or structure is listed on the State or National Register of Historic Places, or is partially or completely within the boundaries or an area so listed; or
- The building or structure has been determined by the State Historic Preservation Office and/or the National Park Service to be eligible for listing on the State or National Register of Historic Places; or
- The building or structure has documented associations with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the Town, the State or the nation; or
- The building or structure has documented historical or architectural importance in terms of period, style, method of construction, specific use, or association with a recognized builder or architect either by itself or in the context a group or buildings.

STRUCTURE- Any combination of materials assembled by human intent to shelter property or activities or to mark and delineate boundaries or limits of use; or to facilitate transportation, communication, manufacturing or commerce; or to provide for the defense and protection of people or property.

Sec. 4. PERMIT REQUIRED

No person, firm, corporation, or other entity shall demolish any building, structure, or part thereof without obtaining a permit from the Building Official.

The Building Official shall not issue a demolition permit for a building or structure that is, in part or in whole, at least one hundred fifty (150) years old except as provided in this chapter. If the age of the building or structure is unknown, not indicated, or in dispute, it shall be assumed to be at least one hundred fifty (150) years old for the purpose of this chapter.

In addition to complete demolition of a building or structure the following actions shall require a demolition permit under this chapter:

- A. Removal or a roof for the purpose of: raising the overall height of a roof, rebuilding the roof to a different pitch or adding another story to a building.

- B. Removal of one or more exterior wall(s) or partitions(s) or a building.
- C. Gutting of a building's interior to the point where exterior features (windows, doors, etc.) are impacted
- D. Removal of more than 25% of a structure's overall gross square footage as determined by the Department of Inspectional Services.
- E. The lining and relocating of a building on its existing site or to another site.
- F. The delay or withholding of maintenance on a building or structure in such a way as to cause or allow a significant loss of architectural integrity or structural stability.

Sec. 5. APPLICATION CONTENTS

Any person wishing to obtain a permit to demolish a building or structure in whole or in part, shall file an application verified under oath in the office of the Town Building Official on a form approved by the Town Building Official, which application shall include the following:

- A. The common name, if any, and actual street address of the building or structure to be demolished;
- B. The name, address and telephone number of the owner(s) of the building or structure to be demolished;
- C. The age of the building or structure to be demolished;
- D. The square footage or dimensions of the building or structure to be demolished;
- E. A brief description of the materials, configuration and use of the existing building or structure;
- F. One or more recent photographs of the building or structure showing at least two elevations;
- G. The reason for requesting a demolition permit;
- H. A brief description of the proposed reuse, reconstruction or replacement for the existing building; and
- I. The names and addresses of the owners or all properties adjoining (and across the street from) the property on which the building or structure to be demolished is located, according to an attached copy or a pertinent portion of the current Assessor's map.

Sec. 6. PROCEDURES

The Building Official shall not issue any demolition permit for any building or structure in the Town except under the provisions outlined in this chapter.

Upon adoption of this chapter, the Town through its First Selectman shall appoint a Historic Review Committee of no less than three and no more than five persons, initially serving terms of one, two and three years and thereafter to be appointed to staggered one-year terms. Nominations to the Historic Review Committee shall be solicited from or on behalf of the Town Historian, the Historic District Committee, the Historical Society serving the Town and other qualified agencies and associations.

For every building or structure for which an application for demolition permit application has been filed, the following process shall apply:

- Within five (5) days from application, the Building Official shall forward a copy of the application to the Historic Review Committee.

- Within ten (10) days from application, the Committee shall make a written determination of the significance of the building or structure using the criteria stated in Section 4 (above).
- Within fifteen (15) days from application, the Committee shall provide the Building Official and the owner/applicant with a copy of the written determination listing the reason(s) that the building or structure is or is not historically and/or architecturally significant.
- If the building structure is not determined to be significant, or if the Committee fails to notify the Building Official of their recommendation within the allotted time, the Building Official may proceed with issuance of the demolition permit.
- Within twenty-five (25) days from application, the Committee will hold a public hearing to solicit public comment on any building or structure that the Committee has determined to be significant. Public notice of the time, place and purpose of the hearing shall be posted in a conspicuous place in the Town Hall for a period of not less than seven (7) days prior to the date of the hearing. The Committee shall also notify the Building Official and the owner/applicant in writing of the meeting time and place. Any interested party shall have the opportunity to speak at the public hearing, subject to normal limitations and procedures.
- Within thirty (30) days from application, the Committee shall decide by majority vote whether to invoke the demolition delay and shall notify the Building Official and the owner/applicant of their decision in writing. The Committee's decision may not be postponed except by written agreement on the part of the owner/applicant.

Upon notification by the Committee that the building or structure is subject to the demolition delay, or if the Committee fails to notify the Building Official of its decision within the allotted time, the Building Official may proceed to issue a demolition permit.

Upon notification by the Committee that the building or structure is subject to the demolition delay, the Building Official shall delay the issuance of a demolition permit for no more than 180 days from the date of application unless otherwise agreed in writing by the Committee. During that period, the Building Official shall not issue any permits for new construction or alterations on the subject property.

Upon notification by the Historic Review Committee that a building or structure is subject to the demolition delay, and within forty (40) days from the date of application, the Building Official shall take the following actions:

- A. The Building Official shall publish in a local newspaper having substantial circulation in the Town a legal notice entitled a "Notice of Intent to Demolish" which shall include:
 1. Notice that the application has been filed for a demolition permit;
 2. The common name and actual street address of the building or structure to be demolished;
 3. The name and address of the owner(s) or the building or structure to be demolished;
 4. The age of the building or structure to be demolished; and
 5. Notice that the Historic Review Committee has determined that the building or structure is subject to a demolition delay for a specified period of time.
- B. The Building Official shall mail copies of the "Notice of Intent to Demolish" by Certified Mail with Return Receipt to the owners or the properties adjoining and across the street from the property on which the building or structure to be demolished is situated;

- C. The Building Official shall mail copies of the "Notice or Intent to Demolish" by Certified Mail with Return Receipt to the Seymour Historical Society, Town of Seymour Municipal Historian, and to any person, organization, firm, corporation, or other entity who has requested, in writing, from the Town Building Official copies of any such notices filed pursuant to this ordinance. The Town Building Official shall maintain the list or those requesting to be so notified, and shall delete from the list those who do not annually renew. In January, in writing, the request to be notified; and
- D. The Building Official shall oversee the posting of sign in a conspicuous location of the property on which the structure is situated. The sign shall be at least 24" by 36" in size visible from the nearest public street. Such sign shall include 1 copy of the "Notice of Intent to Demolish" and shall contain the word "DEMOLITION" in capital letters no less than three inches in height. If there is more than one structure or building proposed for demolition, one sign shall be posted in respect to each structure. All signs required hereunder shall remain posted on the property, if the permit is issued, until the completion of all demolition activities authorized by the permit.

Sec. 7. EMERGENCY DEMOLITION

If after a thorough inspection, the Building Official finds that a building or structure subject to this chapter poses an immediate threat to public health or safety due to its deteriorated condition and that there are no reasonable alternatives to the immediate demolition of the building or structure, then the Building Official may issue an emergency demolition permit to the owner of the building or structure. The Building Official shall then submit a written report to the Historic Review Committee detailing the condition of the building, or structure and the basis for the Building Official's decision.

Sec. 8. ISSUANCE OF PERMIT

During the demolition delay period of up to 180 days from application, the owner of a significant historic property shall pursue and give due consideration to all possible alternatives to demolition, including preservation, restoration, rehabilitation, relocation, or detailed recordation of the affected building or structure. In order to avoid or mitigate the anticipated effects of demolition, the owner shall make a good faith effort to accommodate reasonable requests from any interested parties for information about or access to the building or structure for the purpose of evaluating alternatives to demolition.

No permit for demolition of a significant historic building or structure shall be issued by the Building Official until all plans for future use and development of the site have been filed with the Building Official and have been found to comply with all laws pertaining to the issuance of a building permit or if a parking lot, a certificate or occupancy for the site.

All approvals necessary for the issuance of such building permit or certificate or occupancy, including without limitation any necessary zoning variances or special permits, must have been granted and all appeals from the granting of such approvals must have been concluded prior to the issuance of a demolition permit for a significant historic building or structure under this chapter.

If no viable alternatives to demolition are identified and accepted before the expiration of the demolition delay period, the Building Official may proceed to act on the permit application.

Sec. 9. PERIOD OF PERMIT VALIDITY

Any permit issued pursuant to this chapter shall be valid for a period of six months from the date of issuance. If the demolition contemplated by said permit has not commenced within said six-month period, then the owner of such building or structure shall be required to apply for a new permit and satisfy all notification requirements of this article should said owner wish to demolish said building or structure.

Sec. 10. FEES AND COSTS FOR DEMOLITION PERMITS

The fees and procedure for the demolition permit shall be set as established by the Building Inspector and approved by the Board of Selectmen.

Sec. 11. VIOLATIONS AND PENALTIES

The Historic Review Committee and the Building Official are each specifically authorized to institute any and all action or proceedings, in law or in equity, as they may deem necessary and appropriate to obtain compliance with the requirements of this chapter or to prevent a threatened violation thereof:

During the application processing period and during the demolition delay period, if applicable, the owner or shall adequately maintain and protect the building or structure order to prevent any further deterioration. Failure to do so shall be considered demolition by neglect and may be subject to penalties.

In the case of full or partial demolition of any building or structure in the absence of or in advance of valid demolition permit, the Building Official shall impose a two-year restriction on the property during which no earthwork, landscaping, construction or further demolition may take place on the subject property or on any adjoining parcels under common ownership and control without the review and approval of the Historic Review Committee. The restrictions may only be lifted by written agreement of the Building Official and the Historic Review Committee.

Any persons failing to abide by the provisions of this chapter or Connecticut General Statutes Sections 29-401 through 29-415 shall be fined \$1,000 or imprisoned not more than six months, or both, per day, as each day constitutes a separate violation, pursuant to Connecticut General Statutes Section 29-254a. All fines imposed shall be collected and made payable to the Town of Seymour.

Sec. 12. ADMINISTRATION

The Historic Review Committee may adopt such rules and regulations as are necessary to administer the terms of this chapter.

The Committee shall have authority to adopt a schedule of reasonable fees to cover the costs of administration of this chapter.

By majorly vote at a duly posted meeting, the Committee may delegate to one or more members of the Committee or to a qualified town employee, the authority to make initial determinations of significance under this chapter.

The Committee may on its own initiative and with information available to it, develop a list of significant buildings and structures that will be subject to this chapter. The initial adoption of the list and any subsequent additions to this list shall be enacted after public hearings on the subject.

Sec. 12. SEVERABILITY

In case any section, paragraph or part of this ordinance shall for any reason be declared invalid or unconstitutional by any court, every other section, paragraph and part shall remain in full force and effect.