



Ordinance 696

**AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION
DESIGNATION FOR CERTAIN PROPERTIES AND LOCATIONS
THROUGHOUT THE TOWN OF ELSMERE.**

Sponsored By: Councilwoman Jane McDaniel

First and Second Reading: October 8, 2026

Results:

Third and Final Reading: November 12, 2026

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Ordinance 696 - An Ordinance establishing a Historic Preservation designation for certain properties and locations throughout the Town of Elsmere.

Ordinance 696

AN ORDINANCE ESTABLISHING A HISTORIC PRESERVATION DESIGNATION FOR CERTAIN PROPERTIES AND LOCATIONS THROUGHOUT THE TOWN OF ELSMERE.

WHEREAS, the Mayor and Council of the Town of Elsmere recognize that certain buildings, structures, sites, objects, landscapes and locations within the Town possess historical, architectural, cultural, archaeological, social or other significance that contributes to the identity and character of the Town; and

WHEREAS, the preservation of such resources contribute to the educational, cultural, aesthetic and economic welfare of the Town and may help preserve the Town's history; and

WHEREAS, the Town of Elsmere's comprehensive planning requirements recognize the protection of historic and cultural resources; and

WHEREAS, the Mayor and Council find that establishing a process for identifying, designating and appropriately regulating significant historic properties and locations is an important component of municipal planning.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF ELSMERE AS FOLLOWS:

That following chapters of the Code of The Town of Elsmere be added and/or amended as follows:

1. Amending Chapter 225 to add a new Article IX, "Historical Preservation and Designation" to read as follows:

ARTICLE IX - HISTORICAL PRESERVATION AND DESIGNATION

§ 225-44. Purpose and intent.

- A. The review process herein defined is intended to effect and accomplish the protection, enhancement, and perpetuation of noteworthy elements, of the Town of Elsmere's cultural, social, economic, religious, political or architectural history in order to:

- (1) Foster civic pride and preserve an appreciation for the historic values on which the Town, State and the nation were founded;
- (2) Maintain and improve property values;
- (3) Protect and enhance the Town's attraction to residents and visitors;

- (4) Provide for the education and general welfare of the people of the Town;
- (5) Provide a mechanism through which properties of historic significance may be locally designated and, where applicable, submitted to the Delaware State Historic Preservation Office for consideration under applicable state historic preservation programs.
- (6) Otherwise accomplish the general purposes of this chapter.

§ 225-45. Definitions.

CERTIFICATE OF APPROPRIATENESS - A written approval issued pursuant to this article authorizing a proposed exterior alteration, addition, construction, relocation, demolition or other regulated activity affecting a designated historic property.

DESIGNATED HISTORIC PROPERTY - Any building, structure, site, object, landscape or other location that has been designated as a historic property by ordinance of the Town Council pursuant to this article.

HISTORIC PROPERTY - A building, structure, site, object, landscape, or location that is at least 50 years old and possesses historical, architectural, archaeological, cultural, social or other significance worthy of preservation.

HISTORIC SIGNIFICANCE - Importance derived from association with significant persons, events, patterns of development, architectural or engineering characteristics, archaeological resources, cultural traditions, community history or other circumstances that contribute to an understanding of the history or development of the Town of Elsmere.

ORDINARY MAINTENANCE AND REPAIR - Work undertaken to correct deterioration, decay or damage or to maintain a property in good condition using substantially the same materials, design and appearance as existed before the work.

§ 225-46. Historic Preservation Officer.

- A. The Mayor shall appoint a Historic Preservation Officer (HPO) and shall be confirmed by a majority vote of the elected members of Council.
- B. The Historic Preservation Officer shall be a resident of the Town of Elsmere.
- C. The Historic Preservation Officer shall demonstrate interest and have knowledge in historic preservation.

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- D. The Historic Preservation Officer shall serve a three-year term.
- E. The Historical Preservation Officer may be reappointed.

§ 225-47. Powers and authorities of the Historic Preservation Officer.

- A. Receive and review nominations or applications for historic designation submitted by property owners, Town officials, or members of the public.
- B. Review applications for proposed alterations, additions, construction, demolition, relocation or other regulated activities involving Designated Historic Properties.
- C. To attend and give testimony at all public meetings where there is application concerning a Designated Historic Property.
- D. Prepare written recommendations to the Town of Elsmere's Planning Commission, Board of Adjustment, or Mayor and Council concerning applications affecting Designated Historic Properties;
- E. The HPO shall serve as the Town's primary technical resource concerning historic preservation and shall have authority to designate a property, but shall not have authority to or approve or deny a regulated alteration unless expressly authorized elsewhere in this chapter

§ 225-48. Nomination or Application for Historical Property Designation.

- A. A nomination or application for a Historical Property Designation can be made by one of the following sources:
 - (1) The Historical Preservation Officer.
 - (2) Any member of the Council;
 - (3) A member of the Planning Commission or Board of Adjustment.
 - (4) The owner of the property.
 - (5) Any resident, organization or other interested person submitting a written nomination to the Town.
- B. Procedures for nomination shall be as follows:
 - (1) Application for nomination shall be made on a form provided to include the expressed written consent of the current registered property owner.

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§ 225-49. Criteria for Historic Designation.

A property, structure, site, object, landscape or location may be designated as a Designated Historic Property when the HPO determines that it is 50 years or older and possesses sufficient historic, architectural, archaeological, cultural or community significance under one or more of the following criteria:

- (1) It is associated with events that have made a significant contribution to the history or development of the Town, County, State or nation;
- (2) It is associated with the lives of persons significant in local, State or national history;
- (3) It embodies distinctive characteristics of a type, period or method of construction;
- (4) It represents the work of a significant architect, builder, engineer, designer or craftsman;
- (5) It possesses distinctive architectural, engineering, landscape or design characteristics;
- (6) It has yielded, or may be likely to yield, information important to the history, archaeology or development of the Town, County or State;
- (7) It represents an important element of the Town's historical or cultural development or community identity;
- (8) It represents an identifiable and significant historic resource associated with the development of the Town; or
- (9) It contributes to a significant concentration, linkage or continuity of historic resources.

§ 225-50. Effect of Historic Designation.

A. Designation of a property as a Designated Historic Property shall not change the property's underlying zoning classification.

B. Designation shall not prohibit the continued use of a property that was lawfully established prior to designation.

C. Designation shall not require restoration of a property or reconstruction of historic features that no longer exist.

D. Designation shall not prevent ordinary maintenance and repair that does not materially alter the exterior appearance or significant historic characteristics of the property.

E. Designation shall not relieve the property owner from compliance with any otherwise applicable building, fire, property maintenance, zoning, land development or other regulation.

F. The specific features of a property subject to review under this article shall be identified in the designation record or designation ordinance to the extent reasonably practicable.

§ 225-51. Review of Alterations to Designated Historic Properties.

A. No person shall undertake a regulated alteration to a Designated Historic Property without first submitting an application to the Historic Preservation Officer.

B. For purposes of this article, a regulated alteration includes:

- (1) A material alteration to the exterior of a designated building or structure;
- (2) Removal of significant architectural features;
- (3) Addition to a designated building or structure;
- (4) Construction of a new structure on a designated property when such construction may affect the historic character of the property;
- (5) Relocation of a designated building or structure;
- (6) Demolition or partial demolition;
- (7) Significant alteration to a designated historic site, landscape or object; or
- (8) Any other exterior work identified in the designation record as requiring review.

C. The HPO shall determine whether the proposed work requires review under this article.

D. The HPO shall review the application and evaluate the proposed work in relation to:

- (1) The historic significance of the property;
- (2) The character-defining features identified in the property's designation;
- (3) The historic integrity of the property;
- (4) The compatibility of the proposed work with the existing property;

(5) The scale, proportion, design, materials, texture and appearance of the proposed work;

(6) The effect of the proposed work on the surrounding historic context;

(7) The reasonable use of the property; and

E. Following review, the HPO shall prepare a written recommendation to the Planning Commission.

F. The HPO's recommendation may recommend approval, approval with conditions, denial, or such other action as the HPO determines appropriate under the standards of this article.

G. The HPO's recommendation shall be advisory to the Planning Commission or Board of Adjustment. The Planning Commission or Board of Adjustment shall consider the HPO's recommendation but shall exercise its independent judgment in making decisions under this article. Nothing in this article shall be construed to make the HPO a member of the Planning Commission or Board of Adjustment or to grant the HPO a vote on the Planning Commission or Board of Adjustment.

E. Nothing in this article shall prevent the Planning Commission or Board of Adjustment from requesting additional information from the HPO, the property owner or other qualified persons before making a determination.

§ 225-52. Historic Property Inventory.

A. The HPO shall maintain an official inventory of properties and locations designated pursuant to this article.

B. The inventory shall include, to the extent available:

(1) Property name;

(2) Street address;

(3) Tax parcel number;

(4) Date of designation;

(5) Period of significance;

(6) Statement of significance;

(7) Significant architectural or historic features;

(8) Designation boundaries; and

(9) Copies of applicable designation reports, photographs, maps and other supporting documentation.

C. The inventory shall be maintained as a public record in accordance with applicable law.

D. The HPO may periodically update the inventory as additional information becomes available without changing the property's designation.

§ 225-53. Coordination With State Historic Preservation Office.

- A. The HPO may coordinate with the Delaware State Historic Preservation Office concerning the identification, evaluation, designation and treatment of historic properties within the Town.
- B. Nothing in this article shall be construed to represent that a property designated by the Town is automatically listed in or eligible for the National Register of Historic Places or automatically qualifies for any State or federal historic preservation incentive.

§ 225-54. Economic Hardship.

The Historical Preservation Officer, Planning Commission, and Board of Adjustment shall not impose an economic hardship on a property owner in order to achieve an unnecessarily extravagant solution to a design problem. Every effort shall be made to achieve a solution which is both architecturally harmonious and within the financial means of the applicant. Demonstration of financial hardship is the responsibility of the applicant.

First and Second Reading
October 8, 2026

Third and Final Reading
November 12, 2026

Joann I. Personti, Mayor

Jane McDaniel, Secretary

Approved as to form:

Town Solicitor

SYNOPSIS
ORDINANCE 696

This Ordinance amends Chapter 225 of the Code of the Town of Elsmere by adding a new Article IX “Historical Preservation Designation” to establish a process for identifying and designating properties with significant historical, architectural, cultural, or community value. Qualifying properties shall be evaluated for designation and reviewed for proposed alterations.

Fiscal Impact:

None.