Summary
This bill would
- Relocate the regulations for review of demolition proposals by the Historic Preservation Commission to a separate section of the City Code (they are currently contained within the regulations regarding issuance of a demolition permit) and establish an approval process separate from the process for approving a demolition permit (although they would still be linked).
- Amend the review process and review criteria for demolition proposals requiring Historic Preservation Commission review.
- Establish the requirement for approval of demolition proposals for structures greater than 100 years old or located in a local historic district (by the Historic Preservation Commission or, upon appeal, the City Council) prior to demolition permit issuance.
- Establish a public hearing process for the Historic Preservation Commission.
- Establish application fees within Appendix Y.

Key Terms
Demolition Permit – required to demolish or remove any structure or part of a structure, where the structure is at least 120 sf for Commercial, 200 sf for Residential (the same sf sizes that require a building permit).

Historic Preservation Demolition Review – review of demolition permit proposals for structures between 50 and 100 years old, or located within a National Register District, or designated a local landmark, by the Historic Preservation Commission. The review process is largely advisory in nature, and cannot prevent a demolition permit issuance.

Historic Preservation Demolition Clearance – review and issuance of clearance for demolition permit proposals for structures greater than 100 years old or located in a local historic district. The issuance of clearance is required prior to demolition permit issuance.

Notable Structure – A structure that has been found to be notable with respect to historic value or impact on other historic structures or districts. Finding of a notable structure does not necessarily preclude approval of demolition clearance, the state of deterioration or location within a redevelopment area are other items for consideration.

Appeals – a denial of issuance of demolition clearance could be appealed to the City Council.

Local Historic District – a historic district established in accordance with Chapter 8, Article IV of the City Code pertaining to Preservation and Conservation. Not to be confused with a National Register District.

National Register District – a district established in accordance with federal regulations and meeting federal criteria. National Register Districts are often presented with a “no strings attached” description to property owners contained within the district, and are therefore not appropriate for regulations that are anything but advisory in nature. Nothing would prevent a local historic district from being established along the same boundaries as a National Register District.

Public Hearing Requirement
Demolition Review – Applications for demolition review would not be subject to public hearing requirements.

Demolition Clearance – Applications for demolition clearance would require a public hearing prior to vote on issuance of the clearance. Notice of the public hearing would be posted on the property. Notice would not be mailed to surrounding property owners.

Appeals – Appeals of denial of demolition clearance would be heard by the City Council with a new public hearing. The property would be reposted with the public hearing time.
**Processing Timeline**

**Demolition Review** – 75 day (or two meetings, whichever is less) timeline from the date application is received – or – when Historic Preservation votes for approval.

**Demolition Clearance** – Application placed on next available agenda, with consideration for public notification requirements (filing deadline calendar to be maintained by the director, similar to P&Z applications). Applications could be continued by applicant for one month by request, and by Historic Preservation Commission for one month with cause.

**Appeals to City Council** – Application for appeal would be placed on next available agenda with consideration for public notification requirements. A resolution for approval of the Demolition Clearance would be placed on the Council agenda for their vote along with a public hearing. Consideration of the appeal could be continued by applicant for one month by request, and by City Council for one month with cause.

**Review Criteria** – Review Criteria would be tiered, with the finding of a historically significant or “notable” structure being separate from the determination of the structural integrity of the structure of location within a redevelopment area. If the structure is not found to be “notable”, or if the structural integrity or location necessitates demolition, demolition clearance would be issued.

**Fees** – application fees are proposed as $53 for reviews and $105 for applications for Clearance. Fees are based on comparable application fees (P&Z and BOA applications are $210, but include newspaper publishing and surrounding property mailing expenses).

**Validity** – approval of clearance or review would be valid for a period of one year, and would have no tie to the current property owner. This would allow for a property owner to pursue historic preservation review independently from plans to actually demolish the structure. This allows historic preservation review to proceed in anticipation of a real estate transaction, as a single piece of a development plan involving multiple properties, etc.

**Penalty** – penalties for demolition without a permit are outlined in Section 8-37, and include misdemeanor designation punishable by fine of up to $500 and/or 180 days imprisonment. No changes are proposed.

**What the Demolition Ordinance does not consider**

- Modifications to structures that meet the requirements for demolition review or clearance. Façade rehabs, roof replacements, etc. would not be subject to the demolition review process.

- The future use of the property or the design of, or requirement for, a replacement structure. Such considerations would require design standards to be in place. The requirement for a “Certificate of Appropriateness” for new construction or renovations within historic districts is a future possibility for properties within local historic districts, but would be difficult to justify without design standards in place.

- Statement by engineer or architect as to the structural stability or feasibility of repair. Statements can be prepared by the property owner or applicant. Consultation with professional engineers or architects can be a costly endeavor, and my not be entirely necessary in order to get a general sense of the condition of the structure.

- The Zoning or intended use of the property. While there is a reference to consideration of areas designated for redevelopment, redevelopment areas are not the focus or expertise of the Historic Preservation Commission.