

# DEMOLITION OF HISTORIC PROPERTIES

## 20.20.120 HISTORIC LANDMARK DEMOLITION OR REMOVAL

### ● APPLYING FOR A CERTIFICATE OF DEMOLITION - WITH PROPOSED AMENDMENTS

#### 1 PROVIDE NOTICE 2 APPLICATION REQUIREMENTS 3 APPLICATION PROCESS & HLC

- Applicants must provide written notice to:
  - Mayor and Council
  - County Historical Commission
  - Neighborhood Association (if applicable)
- Copy of written notice and PROOF of delivery must be provided to Historic Preservation Officer and HLC or application is NOT ACCEPTED

- Application Contents include:
  1. Filled out Form Provided by HPO
  2. Scaled plot Plan
  3. Proof of Ownership
  4. Current Color Photographs
  5. Proof of Notices sent
  6. Additional list of info provided by HPO on a case by case basis including:
    - Reasons for Demolition
    - Deed showing ownership
    - Signature of property owner
    - Detailed plans showing current conditions of structure
    - Plans for proposed improvements after demolition

- HLC delays proposed Demo for 60 days once application is submitted.

#### CERTIFICATE OF DEMOLITION

- What is currently required?
  - Application submittal, review and action by the Historic Landmark Commission (HLC)
- What is proposed?
  - A minimum of two (2) HLC hearings prior to HLC action
- Who does it impact?
  - Owners of historic properties seeking demolition
- Why proposed?
  - To clarify demolition requirements provide public input on proposal

**EXCEPTION- If the building official or fire chief orders the building unsafe and orders demolition**

**\$300 fee for Appeals must be paid in full when filing written notice of appeal**

- Application goes to the next available hearing when there is 10 days notice given to applicant.
- FIRST HEARING- if no decision is taken, a second hearing is scheduled no later than 60 days later
- SECOND HEARING- if no decision is taken, third hearing is scheduled no later than 30 days later

- OR, recommend for Council to ACQUIRE property:
  - If council agrees, application stays open until acquisition of property
  - if council DENIES, application goes back to HLC for THIRD and final hearing
- THIRD and Final HEARING -
  - HLC may request additional info, but must approve or deny the application
  - If HLC takes no action, application is APPROVED

- IF HLC DENIES application:
- Applicant may submit an appeal to City Council - who can override HLC decision only by super majority votes
  - Applicant may re-submit application 12 months later

## CARLOS HERNANDEZ'S RENOVATION REQUEST HOW REVISED ORDINANCE WORKS



1 Carlos Hernandez: Age 38

**Background:** Carlos is a small business owner and new property investor in the Magoffin Historic District.

**1930 VACANT HOME IN MAGOFFIN**

#### Context:

Within locally designated historic district	yes
Contributing or non-contributing property	Contributing
Historic Landmark Commission Review required	yes
Historic Preservation Officer Administrative Review	no

#### Home History:

The property is located in the Magoffin Historic District and is designated as a contributing structure. It is a 1930s home that was converted into a duplex in 1948 and abandoned in the 90s. The structure has significant damage from decades of vacancy. The surrounding area is a mix of historic homes and small commercial properties. While the structure maintains some architectural character, the roof has partially collapsed, and utilities are disconnected.



#### 2 Start of Event:

Carlos wants to convert the duplex into a work/ live unit.

During project design, Architect advises Carlos that demolition and **new construction matching original character and aesthetics is more economically feasible.**

SO.....

**Carlos applies for a demolition permit**

#### 3 Review Process:

- Carlos sends out written notice to: Mayor, Council, county historical commission, NAs
- application materials including detailed plans showing current conditions
- allow 10 days for public notice of HLC hearing

**Plus anything else the HPO deems necessary**

#### NOTICE:

#### 4 Outcome:

- If Application is denied
- Carlos **may appeal**, or
- wait 12 months to re-submit

#### Meanwhile...

Carlos risks being cited for noncompliance, so he must make a decision, as he could be cited for failure to prevent **demolition by neglect.**

#### 5 City Goal:

- To promote adaptive use and deter demolition of historic properties



### ○ ORIGINAL ORDINANCE LANGUAGE - WHAT IS EXPECTED OF APPLICANTS?

#### 1 PROVIDE NOTICE

- Applicants must provide written notice to:
  - Mayor and Council
  - County Historical Commission
  - Neighborhood Association (if applicable)
- CONTENT OF NOTICE:
  1. A detailed description of what is being applied for;
  2. A method by which the applicant can be contacted; and
  3. A statement as to the application's projected impact on the land comprising the geographic boundary of the Registered neighborhood Association
- Copy of written notice and PROOF of delivery must be provided to HPO and HLC or application is NOT ACCEPTED

#### 2 APPLICATION REQUIREMENTS

- Application Contents include:
  1. Filled out Form Provided by HPO
  2. Scaled plot Plan
  3. Proof of Ownership
  4. Current Color Photographs
  5. Proof of Notices sent
- HPO forwards application to HLC within 5 DAYS of receipt
- HLC delays proposed Demo for 60 days once application is submitted.

**EXCEPTION- If the building official or fire chief orders the building unsafe and orders demolition**

#### 3 APPLICATION PROCESS & HLC HEARING

- Application goes next available hearing when there is 10 days notice given to applicant.
- FIRST HEARING- HLC considers:
  - Historic Value
  - State of Repair
  - Reasonableness of the cost of restoration or repair
  - the existing and potential usefulness including economic usefulness
  - purposes of preserving structure
  - neighborhood character
  - other factors it finds appropriate
  - HLC may deny, approve, or suspend action
- OR within 10 Days of hearing, HLC may recommend property acquisition by Council
  - Council will have 30 days to state intent to negotiate acquisition
  - If Council denies, then HLC grants either certificate of demolition with 10 days, or within 60 days of receipt of application (which ever is later)
- If no action is taken by the HLC within 90 days of receipt of application, it is deemed APPROVED
- If HLC DENIES application, applicant can reapply 12 months later

After 60 days of delayed demolition: HLC may approve, deny or suspend action for no longer than 6 months.

### ○ NEW ORDINANCE LANGUAGE

#### 1 PROVIDE NOTICE

- REMAINS THE SAME

#### 2 APPLICATION REQUIREMENTS

- Application Contents include:
  1. Filled out Form Provided by HPO
  6. Additional list of info provided by HPO on a case by case basis including:
    - Reasons for Demolition
    - Deed showing ownership
    - Signature of property owner
    - Detailed plans showing current conditions of structure
- Per state law demolition permit cannot be issued until 60 days once application is submitted

#### 3 APPLICATION PROCESS & HLC HEARING

- Application goes next available hearing when there is 10 days notice given to applicant, or will go to next available meeting.
- FIRST HEARING- HLC shall only hear the evidence presented by the applicant and other interested parties. The HLC may not make a decision on the application until a second public hearing no more than 60 days later.
- SECOND HEARING- HLC may consider additional evidence presented by the applicant or other interested parties. The HLC will render a decision on the application; either approve, deny the application, OR require THIRD HEARING, OR recommend Council acquire property
- OR, recommend for Council to ACQUIRE property:
  - If council agrees, application stays open until acquisition of property
  - if council DENIES, application goes back to HLC for THIRD and final hearing
- THIRD HEARING to take place within the original sixty (60) days from the date of the second public hearing,
  - HLC may request additional info, but must approve or deny the application
  - If HLC takes no action, application is APPROVED

- CONSIDERATIONS FOR HLC REMAINS THE SAME:
  - Historic Value
  - State of Repair
  - Reasonableness of the cost of restoration or repair
  - the existing and potential usefulness including economic usefulness
  - purposes of preserving structure
  - neighborhood character
  - other factors it finds appropriate
  - HLC may deny, approve, or suspend action

**CERTIFICATE OF DEMOLITION EXPIRES IN 12 MONTHS**