

§ 410-37. Demolition and removal of structures. [Amended 9-9-2010 by Ch. No. 2947]

- A. Demolition is defined in the chapter as "the act of pulling down, destroying, removing or razing a building or commencing the work of total or substantial destruction with the intent of completing the same." In addition to complete demolition of a building, the following actions may require a demolition permit.
- (1) Removal of a roof (for example, raising the overall height of a roof, rebuilding the roof to a different pitch, or adding another story to a building);
 - (2) Removal of one side of a building;
 - (3) Gutting of a building's interior to the point where exterior features (windows, etc.) are impacted; and
 - (4) Removal of more than 25% of a structure.
- B. In order to preserve the historic fabric of the City, demolition of historic properties shall be discouraged. When reviewing an application for a certificate of appropriateness to demolish an historic structure or appurtenance, the HDC shall consider the following criteria, in addition to the provisions of the adopted Standards and Guidelines.
- (1) A "significant historic building" is one that is at least 50 years old and is listed on the National Register of Historic Places, or is eligible for listing on the National Register of Historic Places, or is a designated landmark, or is in the local historic district, or is determined by a majority of the Commission to be "importantly associated with one or more historic persons or events, or with the broad architectural, cultural, political, economic or social history of the City or the state, or historically or architecturally significant (in terms of period, style, method of building construction or association with a famous architect or builder) either by itself or in the context of a group of buildings." A determination that a significant building is "preferably preserved" (relative to the proposed replacement structure) is made if a majority of the Commission finds that it is in the public interest that the building should be preserved.
 - (2) In the case of an application for removal or demolition affecting the exterior appearance of a structure or its appurtenances, the Commission shall endeavor to work out with the owner an economically feasible plan for the preservation of such structure.
- C. When considering an application to demolish or remove a significant historic building, the Commission shall assist the owner in identifying and evaluating alternatives to demolition, including sale of the structure on its present site.
- D. In addition to any other criteria, the Commission also shall consider whether there is a reasonable likelihood that some person or group other than the current owner is willing to purchase, move and preserve such structure, and whether the owner has made continuing bona fide and reasonable efforts to sell the structure to any such purchaser willing to move and preserve such structure.
- E. Procedure.
- (1) Within seven days of receipt of a certificate of appropriateness application for demolition for a building or structure which is 50 years or older, the Director shall forward a copy of this application to the Commission. No demolition permit should be issued at that time, and no demolition may occur.
 - (2) Application requirements for Commission review of proposed demolition: A completed

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certificate of appropriateness application and demolition permit application shall be submitted to the Historic District Commission (HDC). Application forms can be obtained from the Zoning and Code Enforcement and Department of Planning offices. The application forms must be signed by the record owner and must be accompanied by a site plan that indicates the location of the structure and the extent of demolition. (Information about the contractor and disposal of debris need not be provided in order to initiate HDC review, though the information will be required by Zoning before a demolition permit will be issued). Upon receipt of a completed application, the HDC staff will make an initial determination of significance and, if necessary, schedule the case for the next available HDC meeting.

(a) An application that requires review by the Historic District Commission must be accompanied by six sets of the following supplemental materials:

[1] Dimensioned engineered site plan of existing conditions and of the proposed replacement project. The site plan should indicate the relationship to the surrounding structures and properties.

[2] Schematic elevation drawings of the existing building and the proposed replacement project (can be indicated on the same drawing). Dimensions and construction materials should be indicated. Elevations that demonstrate the relationship to neighboring structures are preferred. (This requirement may be waived at the discretion of the Director).

[3] Any application for a project that also requires zoning relief (variance or special permit) must include the Zoning Board of Appeals application.

(b) The following additional materials may be submitted with the application, but are not required to complete the application:

[1] Engineer's report or other report on the condition of the structure.

(c) Supplemental application materials should not exceed 11 inches by 17 inches in size. The Historic Commission does not charge an application fee, but we do require that six copies of the supplemental materials be submitted with the application

(3) Within 30 days from the Commission's receipt of a complete demolition permit application, the Commission shall determine whether the structure is a significant historic structure. If the Commission determines the building or structure is not considered significant, the Commission shall so notify the Director in writing and the Building Commissioner may issue a demolition permit. If the building or structure is determined to be significant, the Commission shall so notify the owner and the Director in writing, and the Director shall not issue a demolition permit for a period of six months from the date of the application, unless the Commission informs the Director prior to the expiration of said six months that the applicant for the demolition has made a reasonable but unsuccessful effort to locate a purchaser for the building or structure, or one who is willing to preserve, rehabilitate or restore the building or structure, or has agreed to accept a demolition permit on specified conditions approved by the Commission. If the Commission does not determine that the building or structure is considered significant within 30 days of the Historic Commission's receipt of a complete demolition permit application, the Director may issue a demolition permit.

F. Emergency demolition.

(1) The Commission shall approve an application for demolition when, in the opinion of the

§ 410-37 Director, Fire Chief or the Public Safety Director, the building constitutes a hazard to public safety. § 410-37

- G. Unless the Commission votes to issue a certificate of appropriateness for such construction, alteration and repair, removal and demolition, the Commission shall file with the Director its rejection of such application.
- H. In the absence of change in such structure arising from casualty, no new application for the same or similar work shall be filed within one year after such rejection.
- I. In the case of any structure deemed to be valuable for the period of architecture it represents and important to the neighborhood within which it exists, the Commission may file with the Director its certificate of appropriateness for such application if any of the circumstances under which a certificate of appropriateness might have been given under Subsection H are in existence, or if:
 - (1) Preservation of such structure is a deterrent to a major improvement program which will be of substantial benefit to the community.
 - (2) Preservation of such structure would cause undue or unreasonable financial hardship to the owner, taking into account the financial resources available to the owner, including sale of the structure to any purchaser willing to preserve such structure.
 - (3) The preservation of such structure would not be in the best interest of the majority of the community.
- J. Photographic documentation. Prior to the issuance of an demolition permit for any significant historic building, the applicant must provide photographic documentation. The requirements and guidelines for this documentation that have been approved by the Commission are on file with the Department of Planning and Redevelopment.