

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

- (a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as historic exceptional or historic significant) or a historic district.
  - (1) **Historic Landmark.** No certificate shall be issued for demolition of a historic landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant. In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship, the applicant may provide to the historic and design review commission additional information regarding loss of significance as provided in subsection (c) in order to receive a historic and design review commission recommendation for a certificate for demolition.
  - (2) **Entire Historic District.** If the applicant wishes to demolish an entire designated historic district, the applicant must provide sufficient evidence to support a finding by the commission of economic hardship on the applicant if the application for a certificate is to be approved.
  - (3) **Property Located in Historic District and Contributing to District Although Not Designated a Landmark.** No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant provides sufficient evidence to support a finding by the commission of unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide additional information regarding loss of significance as provided in subsection (c) in order to receive a certificate for demolition of the property.
- (b) **Unreasonable Economic Hardship.**
  - (1) **Generally.** The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).
  - (2) **Burden of Proof.** The historic and design review commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e., the current economic climate, terms and conditions of the lender, development agreements entered into by the owner, etc.), nor shall it consider a claim of unreasonable economic hardship by a prospective or pending buyer of the property. When a claim of unreasonable economic hardship is made, the owner must provide sufficient evidence to support a finding by the commission that:
    - A. The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;
    - B. The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and

- C. The owner has owned the property for a minimum of two (2) years and has failed to find a purchaser for the property during the previous two (2) years, despite having made substantial ongoing efforts during the previous two (2) years, and evidence of unreasonable economic hardship introduced by the owner may, where applicable, include evidence that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to return on the structure or property.
  - D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC. Additional reports or analyses shall be provided prior to the date of the historic and design review commission's hearing on the demolition permit application and shall become part of the administrative record on the application.
- (3) **Criteria.** The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission.

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the historic and design review commission by affidavit:

- A. For all structures and property:
  - i. The past and current use of the structures and property;
  - ii. The name and legal status (e.g., partnership, corporation) of the owners;
  - iii. The original purchase price of the structures and property;
  - iv. The assessed value of the structures and property according to the two (2) most recent tax assessments;
  - v. The amount of real estate taxes on the structures and property for the previous two (2) years;
  - vi. The date of purchase or other acquisition of the structures and property;
  - vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two (2) years;
  - viii. All appraisals obtained by the owner or applicant within the previous two (2) years in connection with the owner's purchase, financing or ownership of the structures and property;
  - ix. Any listing of the structures and property for sale or rent, price asked and offers received;
  - x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
  - xi. Any replacement construction plans for proposed improvements on the site;
  - xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, an irrevocable trust for completion of improvements, or a letter of commitment from a financial institution; and
  - xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
  - xiv. Any property tax exemptions claimed in the past five (5) years.
- B. For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two (2) years;
  - ii. Itemized operating and maintenance expenses for the previous two (2) years; and
  - iii. Annual cash flow, if any, for the previous two (2) years.
- C. In the event that the historic and design review commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the historic and design review commission shall notify the owner. Failure by the owner to submit such information to the historic and design review commission within fifteen (15) days after receipt of such notice, which time may be extended by the historic and design review commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.
- D. Construction cost estimates for rehabilitation, restoration, or repair, which shall be broken out by design discipline and construction trade, and shall provide approximate quantities and prices for labor and materials. OHP shall review such estimates for completeness and accuracy, and shall retain outside consultants as needed to provide expert analysis to the HDRC.

When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission may request that an appraisal be made by the city.

- (c) **Loss of Significance.** When an applicant fails to prove unreasonable economic hardship the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the demolition.

If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant, it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has provided sufficient evidence to support a finding by the commission that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The historic and design review commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

- (d) **Documentation and Strategy.**

- (1) Applicants that have received a recommendation for a certificate shall document buildings, objects,

sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints or provide a set of digital photographs in RGB color to the historic preservation officer. Digital photographs must have a minimum dimension of 3000 x 2000 pixels and resolution of 300 dpi.

- (2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.
  - (3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.
  - (4) When the commission recommends approval of a certificate for buildings, objects, sites, structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.
- (e) **Issuance of Permit.** When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts or historic landmarks, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits and shall be deposited into an account as directed by the historic preservation officer for the benefit, rehabilitation or acquisition of local historic resources. Fees shall be as follows and are in addition to any fees charged by planning and development services:
- 0—2,500 square feet = \$2,000.00
- 2,501—10,000 square feet = \$5,000.00
- 10,001—25,000 square feet = \$10,000.00
- 25,001—50,000 square feet = \$20,000.00
- Over 50,000 square feet = \$30,000.00
- NOTE: Refer to City Code Chapter 10, Subsection 10-119(o) regarding issuance of a permit.*
- (f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a historic district such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

- (a) **Applicability.** The provisions of this section apply to any application for demolition of a historic landmark (section 35-614 of this chapter). The provisions of this section apply to any historic landmark or any property located within a historic district.
- (b) **Initiation.**
  - (1) **Historic Landmarks and Contributing Properties.** The applicant shall submit all necessary materials to the historic preservation officer, hereafter referred to as the HPO, at least fifteen (15) days prior to the HPO hearing in order that staff may review and comment and/or consult on the case. Staff and/or professional comments shall be forwarded to the HPO for consideration and review and made available to the applicant for consideration prior to the hearing. The HPO may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship and may require that such additional information be furnished under seal. The HPO or its agent may also furnish additional information as the HPO believes is relevant. The HPO shall also state which form of financial proof it deems relevant and necessary to a particular case. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.
  - (2) **Other Demolition Permits.** All applications for permits to demolish buildings, objects, sites, or structures which are not historic landmarks, contributing properties, or an intrusion in the district shall be referred to the city HPO for the purpose of determining whether or not the building, object, site, or structure may have historical, cultural, architectural, or archaeological significance.
- (c) **Completeness Review.** The historic preservation officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.
- (d) **Decision.**
  - (1) **Historic Landmarks.** Whenever an application for a certificate regarding the demolition of a landmark is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the office of historic preservation. This time period is intended to permit the city historic preservation officer to discuss the proposed demolition informally with the property owner, other city officials, registered neighborhood associations, and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. At least one meeting with the registered neighborhood association shall occur within this period if the proposed demolition is located within a historic district. The historic

preservation officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

If within this sixty-day period any one (1) of the following three (3) events shall occur, the historic and design review commission may defer hearing the application for six (6) months and it shall be considered to have been withdrawn by the applicant during such six-month period:

- The owner shall enter into a binding contract for the sale of the property,
- Approved arrangements shall be made for the structure to be moved to an approved new location, or
- The City of San Antonio shall determine to condemn the property and take it by the power of eminent domain for rehabilitation or reuse by the city or other disposition with appropriate preservation restrictions in order to promote the historic preservation purposes of this chapter to maintain the structure and protect it from demolition.

If within the sixty-day period none of the three (3) events summarized above shall have occurred, the historic and design review commission shall schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty-day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The historic and design review commission shall also request the city engineer or a third-party consultant to prepare a report on the state of repair and structural stability of the structure for which an application to demolish has been filed. This report shall be presented to the city HPO prior to the date of the historic and design review commission's hearing on the demolition permit application, and shall become part of the administrative record on the application.

- (2) **Other Demolition Permits.** If the property is not a historic landmark, contributing property, or an intrusion in the district, the historic preservation officer shall determine whether or not the building, object, site, or structure may have historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application. In making this determination, the historic preservation officer shall apply the appropriate definitions in appendix A of this chapter, as well as any applicable standards or guidelines adopted by the city council. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is found to have significance and is determined to an eligible resource for historic designation in accordance with this section, the historic preservation officer shall notify the owner of the property in writing of such determination in accordance with this division. The historic

preservation officer shall retain a written statement summarizing the reasons for their determination for such period as required under applicable record retention laws as followed by the city clerk's office. The historic preservation officer shall make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend that the building, object, site, or structure be designated as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.

(e) **Approval Criteria.** See article VI, section 35-614 of this chapter.

- (1) **Historic Landmark.** Should the applicant for a certificate regarding demolition of a historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.
- (2) **Contributing Property.** Should the applicant for certificate regarding demolition of a contributing property in a historic district satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates loss of significance which dictates demolition of the property, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.
- (3) **Property Deemed to be an Intrusion Into the District.** In those cases in which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a historic district, but is considered an intrusion in the district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

(f) **Subsequent Applications.** (See subsection 35-451(f) of this chapter.)

(g) **Amendments.** (See subsection 35-451(g) of this chapter.)

(h) **Scope of Approval.**

- (1) **Other Agency Approval Required.** When the historic and design review commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.
- (2) **Replacement Plans.** Following recommendation for approval of demolition, the applicant must seek approval of replacement plans consistent with the criteria set forth in sections 35-609 to 35-613 prior to receiving a demolition permit and other permits. Replacement plans for this purpose shall include, but shall not be restricted to, project concept, preliminary elevations and master development plans, and completed working drawings for at least the foundation plan which will enable the applicant to receive a permit for foundation construction. Applicants that have received a recommendation for a certificate and approval of required replacement plans shall be permitted to receive such demolition permit without additional historic and design review commission action on demolition, following the posting by the applicant of a performance bond and a payment bond in an amount sufficient to cover all construction costs and to inure to the benefit of the City of San Antonio. If a contractor has been selected, then the bonds may come from the contractor and shall inure first to the benefit of the City of San Antonio, second to the benefit of the developer.
- (3) **Certificate for New Construction.** Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional historic and design review commission action on demolition, following the historic and design review commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.
- (i) **Recording Procedures.** (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer. Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

(Ord No. 98697 § 4 and 6) (Ord. No. 2010-06-24-0616, § 2, 6-24-10) (Ord. No. 2010-11-18-0985, § 2, 11-18-10; Ord. No. 2015-12-17-1077, § 2, 12-17-15; Ord. No. 2017-10-05-0756, § 1(Att. A), 10-5-17; Ord. No. 2017-12-14-1010, § 2, 12-14-17)



## ARTICLE 4. - SPECIAL REQUIREMENTS FOR HISTORIC STRUCTURES.

## Division 1. - Historic Structures Generally.

## § 25-11-211 - DEFINITIONS.

In this article:

- (1) ALTERATION means any exterior change, demolition, or modification to a historic landmark or to a contributing property located within a historic area (HD) combining district, including, but not limited to:
  - (a) exterior changes to or modifications of structures, architectural details, or visual characteristics;
  - (b) construction of new structures;
  - (c) disturbance of archeological sites or areas; or
  - (d) placement or removal of exterior objects that affect the exterior qualities of the property.
- (2) ARCHITECTURAL FEATURE means an architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.
- (3) CERTIFICATE means a certificate of appropriateness issued by the City approving work on, relocation of, or demolition of a historic structure, historic or archeological site, or a contributing structure within a historic area (HD) combining district.
- (4) COMMISSION means the Historic Landmark Commission.
- (5) CONTRIBUTING STRUCTURE means a building, structure, site, feature, or object within a designated historic area (HD) combining district which has been designated as a contributing structure by the ordinance creating the district, or within a National Register District.
- (6) DEMOLITION BY NEGLECT means lack of maintenance of any building or structure designated as a historic landmark (H) or any building or structure designated by ordinance as contributing to a historic area (HD) combining district that results in deterioration and threatens the preservation of the structure.
- (7) HISTORIC AREA COMBINING DISTRICT means a district approved by the Council through an ordinance which contains a geographically definable area, possessing particular architectural, cultural, or historic importance or significance. A historic area (HD) combining district must consist, at a minimum, of one block-face.
- (8) ORDINARY REPAIR OR MAINTENANCE means any work that does not constitute an exterior change in design, material, or outward appearance, and includes in-kind replacement or repair with the same original material.
- (9) OWNER OR PROPERTY OWNER means the record owner of a property within an existing or proposed historic landmark (H) or historic area (HD) combining district or an agent of the property owner.

Source: Chapter 13-2 Division 4, Part B; Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; 20090806-068.

## § 25-11-212 - CERTIFICATE REQUIRED.

- (A) Until a person obtains a certificate of appropriateness from the Commission or the building official, the person may not:
  - (1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials; or

- (2) change, restore, remove or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 25-11-213 (Pending Of Designation).
- (B) Except for a change to the exterior color of a historic landmark, the prohibition of Subsection (A) does not apply if the historic preservation officer determines that a change or restoration:
  - (1) is ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design;
  - (2) is an accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site, unless a variance or waiver is requested; or
  - (3) does not visually affect the historic character of the structure or site from an adjacent public street, and is limited to the construction of:
    - (a) a ground-floor, one-story addition or outbuilding with less than 600 square feet of gross floor area;
    - (b) a second-story rear addition to a two-story building, so long as the addition is not visible from an adjacent public street; or
    - (c) a pool, deck, fence, back porch enclosure, or other minor feature.
- (C) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
  - (1) the structure is a designated historic landmark or contributing structure; or
  - (2) a designation is pending under Section 25-11-213 (Pending Of Designation).

Source: Sections 13-2-760(a), 13-2-760(d), 13-2-761(a), 13-2-762(b), and 13-2-762(d); Ord. 990225-70; Ord. 031211-11; Ord. 041202-16; 20090806-068.

§ 25-11-213 BUILDING, DEMOLITION, AND RELOCATION PERMITS AND CERTIFICATES OF APPROPRIATENESS RELATING TO CERTAIN BUILDINGS, STRUCTURES OR SITES.

- (A) In this section "National Register Historic District" means an area designated in the Federal Register under the National Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public at the Neighborhood Planning and Zoning Department.
- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site:
  - (1) located in a National Register Historic District;
  - (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
  - (3) individually listed in the National Register of Historic Places;
  - (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
  - (5) designated as a historic landmark (H) combining district;
  - (6) located within a historic area (HD) combining district; or
  - (7) determined by the historic preservation officer to have potential for designation as a historic landmark.
- (C) This section does not apply to a structure if the historic preservation officer determines that the structure:
  - (1) is less than 50 years old;
  - (2) does not meet at least two of the criteria for designation as a historic landmark (H) combining district prescribed by Section 25-2-352(A)(3)(b) (Historic Designation Criteria); and
  - (3) is not a contributing structure in a historic area (HD) combining district.
- (D) When the building official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the building official shall immediately:
  - (1) notify the historic preservation officer; and

- (2) upon receipt of notification by the historic preservation officer that the application will be placed upon the Commission agenda, the building official shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Section 25-1-133(A).
- (E) The historic preservation officer shall complete the review of an application for a demolition, relocation, or building permit within five business days of receipt of a complete application, and determine whether to place the application on the Commission agenda.
- (F) The Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- (G) The building official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earlier of:
  - (1) the date the Commission makes a decision not to initiate a historic zoning designation case regarding the structure;
  - (2) the date on which the Commission approves an application for a certificate of appropriateness, or makes recommendations on an application for a building permit;
  - (3) the expiration of 75 days after the date of the first Commission meeting at which the application is posted on the agenda; or
  - (4) the expiration of 180 days after receipt of a complete application for a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.
- (H) If the Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 25-11-214.
- (I) The historic preservation officer may approve applications for each of the following:
  - (1) Building permits for properties located within a National Register Historic District which are considered minor projects, such as:
    - (a) construction of a one-story ground-floor addition or outbuilding with no more than 600 square feet of gross floor area;
    - (b) construction of a second-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or
    - (c) construction of a pool, deck, fence, back porch enclosure, or other minor feature.
  - (2) Demolition permits for minor outbuildings within a National Register Historic District such as carports, detached garages, sheds, greenhouses, and other outbuildings determined by the historic preservation officer not to possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.
  - (3) Demolition or relocation permits for properties deemed non-contributing to the historic character of a National Register Historic District.
- (J) The building official may not release a demolition or relocation permit for a building or structure deemed contributing to a National Register Historic District or a historic area (HD) combining district until the Commission has reviewed and made recommendations on the application for a building permit for the site, unless the building official determines that demolition or relocation is necessary for reasons related to public safety.

Source: Section 13-2-763; Ord. 990225-70; Ord. 010329-18; Ord. 031211-11; Ord. 041202-16; 20090806-068; Ord. 20111215-091; Ord. 20130829-106.

#### § 25-11-214 - PENDENCY OF DESIGNATION.

- (A) A building, structure, or site is subject to this article if a designation as a historic landmark is pending. A permit issued for a building, structure, or site while a designation as a historic landmark is pending is void.

- (B) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
- (1) two members of the Commission direct the historic preservation officer in writing to place the building, structure, or site on the Commission's agenda for consideration of whether the building, structure, or site should be designated as a historic landmark; or
  - (2) Commission agenda is posted that includes Commission consideration of whether the building, structure, or site should be designated as a historic landmark.
  - (3) a Commission agenda is posted that includes Commission consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.
- (C) A written order issued by a member of the Commission under Section (B)(1) must address:
- (1) whether the structure should be considered for historic zoning;
  - (2) whether the status quo of the structure should be maintained pending historic zoning proceedings; and
  - (3) whether, if the status quo is not maintained pending historic zoning proceedings, the zoning of the structure as historic may become moot.
- (D) A designation is no longer pending if:
- (1) the Commission issues a final certificate of appropriateness, or a demolition, relocation, or building permit, as applicable;
  - (2) the Commission does not make a final decision on whether to recommend designation of the structure as a historic landmark by the 75th day after the date of the first Commission meeting at which an item is posted on the agenda for action on an application for demolition, relocation, or historic zoning;
  - (3) the Commission makes a final decision to recommend that the structure not be designated a historic landmark; or
  - (4) the council makes a final decision not to designate the structure as a historic landmark.
- (E) The historic preservation officer shall provide the building official with a copy of each written order, agenda, or preservation plan described in Subsection (B), as promptly as practicable. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.
- (F) If a permit from the City is not required for the change to the structure, the historic preservation officer must provide notice to the owner of the structure of a written order, or agenda that applies to the change.
- (1) Notice under this subsection may be oral or written.
  - (2) Notice under this subsection is effective:
    - (a) when actually given; or
    - (b) when sent by registered or certified mail, return receipt requested, addressed to the owner.
- (G) An applicant or owner entitled to notice under this section may appeal the Commission action under this section to the council consistent with the requirements of Chapter 25-1, Article 7, Division 1 (Appeals).

Source: Section 13-2-762; Ord. 990225-70; Ord. 031211-11; 20090806-068.

#### § 25-11-215 - NOTICE TO HISTORIC PRESERVATION OFFICER REGARDING CERTAIN PERMITS AND SITE PLANS.

- (A) The building official must notify the historic preservation officer before the building official may issue a permit to demolish or relocate a structure.
- (B) The director of the Watershed Protection and Development Review Department must notify the historic preservation officer of the filing of a site plan that indicates the demolition or removal of a structure.

Source: Ord. 041202-16.

#### § 25-11-216 - DUTY TO PRESERVE AND REPAIR.

- (A) The owner, or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District, shall preserve the historic landmark or contributing structure against decay and deterioration and shall keep it free from any of the following defects:
  - (1) Parts which are improperly or inadequately attached so that they may fall and injure persons or property;
  - (2) Deteriorated or inadequate foundation;
  - (3) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed;
  - (4) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
  - (5) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
  - (6) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
  - (7) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
  - (8) Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
  - (9) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.
- (B) The owner or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (A) of this section.
- (C) The owner or other person having legal custody and control of a designated historic landmark, or a building, object, site, or structure located in a historic district, or a contributing structure in a local historic district or National Register Historic District, shall keep the property clear of all vermin, weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City Code Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.
- (D) The owner of a residence with a homestead exemption as defined under state law may apply to the city council for an exemption from the requirements of this section. The city council may grant an exemption on a showing of financial inability to comply with the requirements of this section. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by the city council.

Source: Ord. 20090806-068.

#### § 25-11-217 - DEMOLITION BY NEGLECT PROCEDURE.

- (A) The historic preservation officer and the Commission are authorized to work with a property owner to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.
- (B) Except as provided in Subsection (C), the following procedures apply to enforcement of this chapter.
  - (1) The Commission or the historic preservation officer may initiate an investigation of whether a property is being demolished by neglect.
  - (2) Upon initiation of an investigation, the historic preservation officer shall:
    - (a) attempt to meet with the property owner to inspect the structure and discuss the resources available for financing any necessary repairs; and
    - (b) prepare a report for the Commission on the condition of the structure, the repairs needed to maintain and stabilize the structure, and the amount of time needed to complete the repairs.

- (3) The Commission shall review the historic preservation officer's report and may vote to certify the property as a demolition by neglect case.
- (4) If the Commission certifies the property as a demolition by neglect case, the historic preservation officer shall take the following actions:
  - (a) Send notice to the property owner or the property owner's agent, by certified mail, describing the required repairs and specifying:
    - (i) that repairs must be started within 60 days; and
    - (ii) a date by which repairs must be completed, as determined by the historic preservation officer.
  - (b) Meet with the property owner within 90 days after the notice is sent, if the historic preservation officer determines that it would be useful to discuss progress in making repairs and consider any issues that may delay completion of repairs.
- (5) The historic preservation officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate city department for enforcement action to prevent demolition by neglect if the property owner fails to:
  - (a) start repairs by the deadline set in the notice;
  - (b) make continuous progress toward completion; or
  - (c) complete repairs by the deadline set in the notice.
- (6) The historic preservation officer shall provide notice of a referral under Subsection (B)(5) of this section to the property owner. The owner may appeal the historic preservation officer's referral to the city council.
- (C) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, the historic preservation officer may refer the structure or landmark to the appropriate city department to enforce this chapter and to seek correction of any condition prohibited under Subsection 25-11-216 (Duty to Preserve and Repair).

Source: Ord. 20090806-068.

#### § 25-11-218 - ENFORCEMENT AND PENALTIES.

- (A) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the owner's lawful homestead.
- (B) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty).
- (C) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 25-12 (Technical Codes).
- (D) If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the owner has received two (2) or more notices of violation under Subsection 25-11-217(B), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.

Source: Ord. 20090806-068.

#### Division 2. - Applications for Certificates.

#### § 25-11-241 - (RESERVED)

§ 25-11-242 - (RESERVED)

§ 25-11-243 - ACTION ON A CERTIFICATE OF APPROPRIATENESS.

- (A) This section applies to an application under Section 25-11-241(A) or (B) (Application For Certificate).
- (B) If the commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark:
  - (1) the commission shall issue a certificate of appropriateness; and
  - (2) the commission shall provide the certificate to the building official not later than the 30th day after the date of the public hearing.
  - (3) The building official shall provide the certificate to the applicant not later than the fifth day after the day the building official receives the certificate from the commission.
- (C) If the commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark:
  - (1) the commission shall notify the building official that the application has been disapproved; and
  - (2) the commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:
    - (a) the disapproval; and
    - (b) the changes in the application that are necessary for the commission's approval.
- (D) In making a determination under this section, the commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

Source: Section 13-2-760(b)(2) and (3), and (c)(4); Ord. 990225-70; Ord. 000629-103; Ord. 031211-11.

§ 25-11-244 - ACTION ON A CERTIFICATE OF DEMOLITION OR REMOVAL.

- (A) This section applies to an application under Section 25-11-241(C) (Application For Certificate).
- (B) The commission shall consider:
  - (1) the state of repair of the building;
  - (2) the reasonableness of the cost of restoration or repair;
  - (3) the existing or potential usefulness, including economic usefulness, of the building;
  - (4) the purpose of preserving the structure as a historic landmark;
  - (5) the character of the neighborhood; and
  - (6) other factors the commission determines to be appropriate.
- (C) The commission shall issue a certificate to the building official if the commission determines that:
  - (1) the interest of historic preservation will not be adversely affected by the demolition or removal; or
  - (2) the interest of historic preservation can be best served by the removal of the structure to another identified location,
- (D) The building official shall notify the applicant not later than the fifth day after the certificate is issued.

Source: Section 13-2-761(a); Ord. 990225-70; Ord. 031211-11.

§ 25-11-245 - ISSUANCE OF CERTIFICATE BY BUILDING OFFICIAL.

If the commission fails to act as provided by Section 25-11-243 (Action On Certificate Of Appropriateness) or Section 25-11-244 (Action On A Certificate Of Demolition Or Removal) by the 60th day after the receipt of the application by the commission, the building official shall issue the necessary certificate to the applicant.

Source: Section 13-2-760(b)(4), (c)(5), and 13-2-761(b); Ord. 990225-70; Ord. 031211-11.

§ 25-11-246 - EFFECT OF DENIAL.

- (A) If an application for a certificate of appropriateness is denied by the commission, an application for a certificate of appropriateness on the same historic landmark may not be filed before the first anniversary of the date that the certificate of appropriateness was denied, unless the applicant states in writing that:
  - (1) conditions have changed; or
  - (2) each change in the application required by the commission under Section 25-11-243(C)(2)(b) (Action On A Certificate Of Appropriateness) has been made.
- (B) If an application for a certificate of demolition or a certificate of removal is denied by the commission, an application for a certificate of demolition or a certificate of removal on the same historic landmark may not be filed before the first anniversary of the date that the certificate of demolition or certificate of removal was denied.

Source: Section 13-2-760(b)(6), and (c)(7), and 13-2-761(c); Ord. 990225-70; Ord. 031211-11.

§ 25-11-247 - APPEAL.

- (A) An interested party may appeal an action of the commission under Section 25-11-243 (Action On A Certificate Of Appropriateness) or Section 25-11-244 (Action On A Certificate Of Demolition Or Removal), or an action of the building official under Section 25-11-245 (Issuance Of Certificate By Building Official) to the land use commission.
- (B) A decision by the land use commission on an appeal may be appealed to the council.
- (C) Except as provided by Subsection (D), an appeal must be made in accordance with the appeal procedures in Chapter 25-1, Article 7, Division 1 (Appeals).
- (D) This subsection applies only to an appeal of the issuance of a certificate of demolition or a certificate of removal.
  - (1) An interested party may file an appeal not later than the 60th day after the date of the decision.
  - (2) While an appeal is pending under this subsection, the building official may not issue a permit for the demolition or removal of the landmark.

Source: Section 13-2-760(e), 13-2-761(d); Ord. 990225-70; Ord. 031211-11; Ord. 20060622-128.

§ 25-11-248 - CHANGES PROHIBITED.

- (A) A change may not be made in the application for a permit or the approved building plans or materials after Commission review of a National Register District permit or after a certificate of appropriateness has been issued, unless the change is approved by the Commission and the applicant receives a certificate of appropriateness for the change.
- (B) The procedure for obtaining a certificate of appropriateness for a change is the same as for obtaining the initial certificate of appropriateness.

Source: Section 13-2-760(b)(5), and (c)(6); Ord. 990225-70; Ord. 031211-11; 20090806-068.

§ 25-11-249 - TOLLING OF TIME LIMITS FOR ACTION.

For purposes of the time limits for action in Sections 25-11-213, 25-11-214, and 25-11-245, a postponement requested or agreed to by the owner or his agent tolls the running of the time limit from the date of the request until the meeting to which the case has been postponed.

Source: Ord. 20090806-068.



§ 25-2-352 - HISTORIC DESIGNATION CRITERIA.

- (A) The council may designate a structure or site as a historic landmark (H) combining district if:
  - (1) the property is at least 50 years old and represents a period of significance of at least 50 years ago, unless the property is of exceptional importance as defined by National Register Bulletin 22, National Park Service (1996);
  - (2) the property retains a high degree of integrity, as defined by the National Register of Historic Places, that clearly conveys its historical significance and does not include an addition or alteration which has significantly compromised its integrity; and
  - (3) the property:
    - (a) is individually listed in the National Register of Historic Places; or is designated as a Recorded Texas Historic Landmark, State Archeological Landmark, or National Historic Landmark; or
    - (b) demonstrates significance in at least two of the following categories:
      - (i) Architecture. The property embodies the distinguishing characteristics of a recognized architectural style, type, or method of construction; exemplifies technological innovation in design or construction; displays high artistic value in representing ethnic or folk art, architecture, or construction; represents a rare example of an architectural style in the city; serves as an outstanding example of the work of an architect, builder, or artisan who significantly contributed to the development of the city, state, or nation; possesses cultural, historical, or architectural value as a particularly fine or unique example of a utilitarian or vernacular structure; or represents an architectural curiosity or one-of-a-kind building. A property located within a local historic district is ineligible to be nominated for landmark designation under the criterion for architecture, unless it possesses exceptional significance or is representative of a separate period of significance.
      - (ii) Historical Associations. The property has long-standing significant associations with persons, groups, institutions, businesses, or events of historic importance which contributed significantly to the history of the city, state, or nation; or represents a significant portrayal of the cultural practices or the way of life of a definable group of people in a historic time.
      - (iii) Archeology. The property has, or is expected to yield, significant data concerning the human history or prehistory of the region;
      - (iv) Community Value. The property has a unique location, physical characteristic, or significant feature that contributes to the character, image, or cultural identity of the city, a neighborhood, or a particular group.
      - (v) Landscape Feature. The property is a significant natural or designed landscape or landscape feature with artistic, aesthetic, cultural, or historical value to the city.
- (B) The council may designate an area as a historic area (HD) combining district if at least 51 percent of

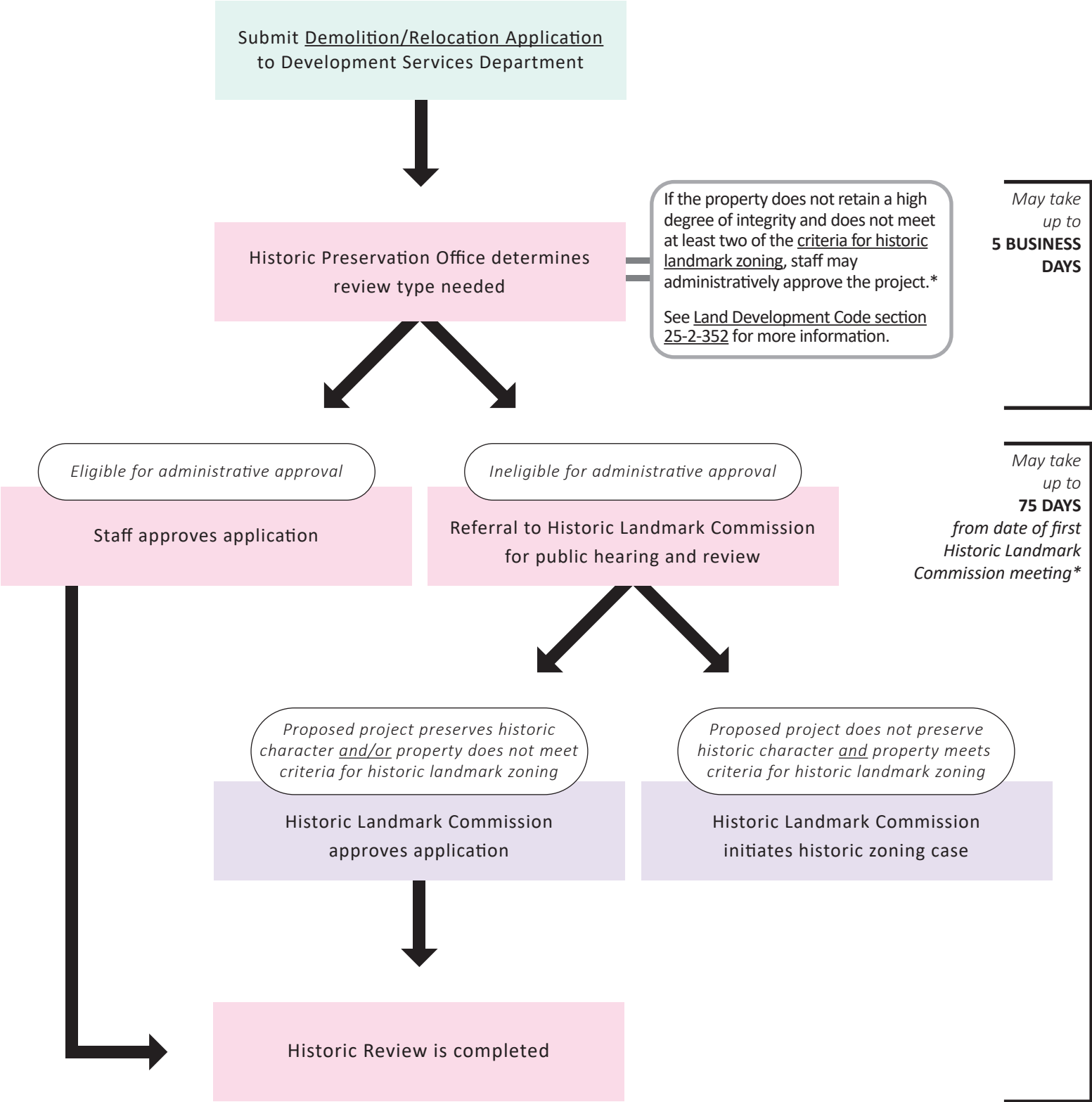
the principal structures within the proposed district are contributing to the historic character of the district when the historic preservation officer certifies that the zoning or rezoning application is complete.

- (C) The council may enlarge the boundary of an existing historic area (HD) combining district if the additional structure, group of structures, or area adds historic, archeological, or cultural value to the district.
- (D) Except as limited by Subsection (E), the council may reduce the boundary of an existing historic area (HD) combining district if:
  - (1) the structure to be excluded does not contribute to the historic character of the district;
  - (2) excluding the structure or area will not cause physical, historical, architectural, archeological, or cultural degradation of the district; or
  - (3) a reasonable use of the structure that allows the exterior to remain in its original style does not exist.
- (E) The minimum size for a historic area (HD) combining district is one block face.

Source: Ord. 041202-16; Ord. 20060622-128; Ord. 20111215-091.



HISTORIC REVIEW PROCESS CHART  
Demolition and Relocation Permit Applications  
Buildings Over 45 Years Old



\* Full demolition or relocation of a contributing building in a National Register historic district is *always* referred to the Historic Landmark Commission. Review may take up to 180 days from the receipt of a complete application.

9-21-15

ORDINANCE NO. **29893**

An ordinance amending Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," and Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code by amending Sections 51-4.504 and 51A-4.504; providing for demolition delay overlay districts; providing a penalty not to exceed \$2,000; providing a saving clause; providing a severability clause; and providing an effective date.

WHEREAS, the city plan commission and the city council, in accordance with the Charter of the City of Dallas, the state law, and the ordinances of the City of Dallas, have given the required notices and have held the required public hearings regarding this amendment to the Dallas City Code; Now, Therefore,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DALLAS:

SECTION 1. That Section 51-4.504, "Airport Flight Overlay District," of Division 51-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51, "Dallas Development Code: Ordinance No. 10962, as amended," of the Dallas City Code is retitled as Section 51-4.504, "Demolition Delay Overlay District," and amended to read as follows:

**"SEC. 51-4.504.                    DEMOLITION DELAY [~~AIRPORT FLIGHT~~] OVERLAY DISTRICT.**

This section incorporates by reference the language of Section 51A-4.504[, "~~Airport Flight Overlay District~~,"] of Chapter 51A of the Dallas Development [City] Code, as amended[, "~~as that section exists today and as it may be amended in the future~~"]."

SECTION 2. That Section 51A-4.504, "Reserved," of Division 51A-4.500, "Overlay and Conservation District Regulations," of Article IV, "Zoning Regulations," of Chapter 51A, "Dallas Development Code: Ordinance No. 19455, as amended," of the Dallas City Code is retitled as Section 51A-4.504, "Demolition Delay Overlay District," and amended to read as follows:

**"SEC. 51A-4.504.                    DEMOLITION      DELAY      OVERLAY      DISTRICT  
[RESERVED]."**

(a) Purpose. A demolition delay overlay district is intended to encourage the preservation of historically significant buildings that are not located in a historic overlay district by helping the property owner identify alternatives to demolition.

(b) General provisions.

(1) The city plan commission or city council may initiate a demolition delay overlay district following the procedure in Section 51A-4.701, "Zoning Amendments."

(2) This section applies to any building located in a demolition delay overlay district that is at least 50 years old and meets one of the following criteria:

(A) the building is located in a National Register Historic District or is individually listed on the National Register of Historic Places;

(B) the building is designated as a Recorded Texas Historic Landmark;

(C) the building is designated as a State Archeological Landmark;

(D) the building is designated as a National Historic Landmark;

(E) the building is listed as significant in the 2003 Downtown Dallas/Architecturally Significant Properties Survey; or

(F) the building is listed as contributing in the 1994 Hardy-Heck-Moore Survey.

(c) Demolition delay process.

(1) Phase I.

(A) Upon receipt of a complete application to demolish a building that is in a demolition delay overlay district, the building official shall refer the application to the historic preservation officer.

(B) Within 10 days after the historic preservation officer receives an application to demolish a building within a demolition delay overlay district, the historic preservation officer shall determine whether the building meets the requirements in Subsection (b)(2).

(C) If the historic preservation officer determines that a building within a demolition delay overlay district does not meet the criteria in Subsection (b)(2) and the application meets the requirements for issuing a demolition permit in the Dallas Building Code, the building official shall grant the application to demolish a building.

(2) Phase II.

(A) Within 45 days after determining whether a building within a demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall schedule a meeting with the building's owner and appropriate city officials to discuss alternatives to demolition, such as historic designation under Section 51A-4.501; historic preservation tax exemptions and economic development incentives for historic properties under Article XI; loans or grants from public or private resources; acquisition of the building; and variances.

(B) The historic preservation officer shall post notice of the meeting with the building's owner on the city's website.

(C) Within two working days after the historic preservation officer determines the building within the demolition delay overlay district meets the requirements in Subsection (b)(2), the historic preservation officer shall post a sign on the property to notify the public that an application has been made for a demolition permit within a demolition delay overlay district. The sign must include a phone number where citizens can call for additional information.

(D) The meeting may include organizations that foster historic preservation, urban planning, urban design, development, and improvement in demolition delay overlay districts.

(E) If at the end of the 45-day period the application meets the requirements of the Dallas Building Code and the building owner declines to enter into an agreement as outlined in Paragraph (3), the building official shall grant the application to demolish a building within a demolition delay overlay district.

(3) Phase III. The property owner may enter into an agreement with the city to delay granting a demolition permit for an additional time period to continue exploration of alternatives to demolition."

SECTION 3. That a person violating a provision of this ordinance, upon conviction, is punishable by a fine not to exceed \$2,000.

SECTION 4. That Chapters 51 and 51A of the Dallas City Code shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 5. That the terms and provisions of this ordinance are severable and are governed by Section 1-4 of Chapter 1 of the Dallas City Code, as amended.

SECTION 6. That this ordinance shall take effect immediately from and after its passage and publication in accordance with the provisions of the Charter of the City of Dallas, and it is accordingly so ordained.

APPROVED AS TO FORM:

WARREN M.S. ERNST, City Attorney

By   
Assistant City Attorney

SEP 22 2015

Passed \_\_\_\_\_



## PROOF OF PUBLICATION – LEGAL ADVERTISING

The legal advertisement required for the noted ordinance was published in the Dallas Morning News, the official newspaper of the city, as required by law, and the Dallas City Charter, Chapter XVIII, Section 7.

SEP 22 2015

DATE ADOPTED BY CITY COUNCIL \_\_\_\_\_

29893

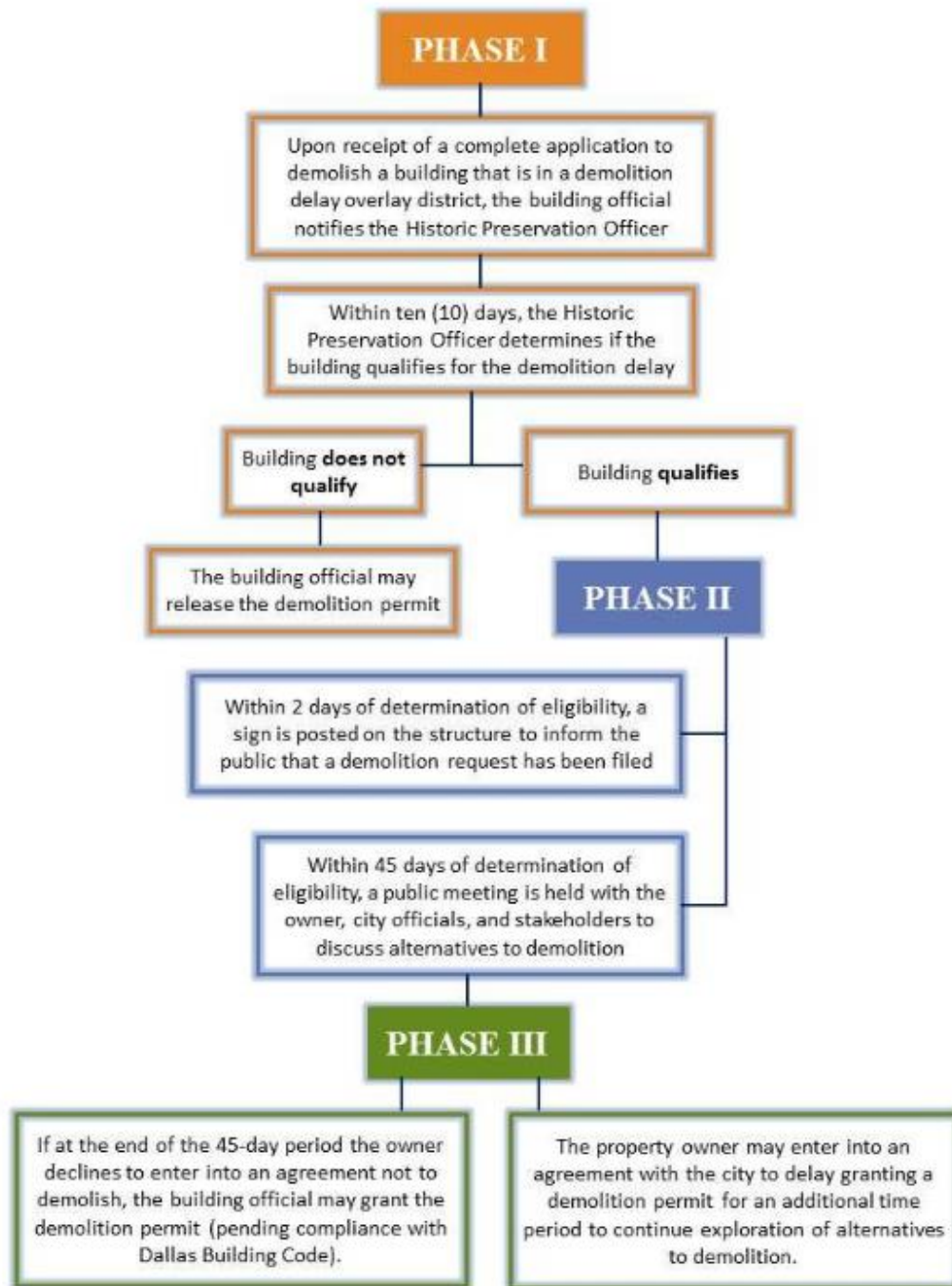
ORDINANCE NUMBER \_\_\_\_\_

SEP 26 2015

DATE PUBLISHED \_\_\_\_\_

ATTESTED BY:





Sec. 28-1150. - Demolition delay.

- (a) The building official shall consult with the historic preservation officer within 72 hours of the receipt of an application for a demolition permit to determine the eligibility of the subject property for designation as a historic landmark.
- (b) The issuing of a demolition permit shall be delayed for up to 90 days from the date of receipt of an application (see insert) for a property considered to be eligible for designation as a historic landmark as described in section 28-1139(b) of this article.
- (c) During this 90-day delay, the historic preservation officer shall work with the historic landmark preservation commission to notify all potentially interested parties of the pending demolition in order to allow such parties to take whatever steps they deem appropriate to accomplish the preservation of the subject property. The 90-day delay may be extended for good cause by the historic landmark preservation commission for an additional 90 days, but in no event shall the total extension be for more than 180 days.
- (d) If it is determined by the building official in consultation with the historic preservation officer that a property poses an immediate threat to the public health and safety, this determination shall be reported to the city manager who may instruct the building official to issue a demolition permit without delay.

(Ord. No. 1999-23, § 1, 5-4-99)