

## **LDC-19-03 (Demolition Review for Historic-Age Resources)**

Hold a public hearing and consider a Development Code amendment to include a demolition review process for historic-age resources. (A. Brake)

## **Background**

### **8.28.19 – Historic Preservation Commission Special Meeting**

- Staff presented a full draft demolition review for historic-age resources ordinance
- Discussion was held by Commission regarding holding the demolition for the full 90-days if area for demolition was found not to be historically significant
  - Commission consensus was to hold the permit the full 90-days
- Commission approved the draft ordinance
  - Amend Section C.1(a) – Exceptions
  - Explicitly state process for Neighborhood Presentation Meeting rather than refer to another section in the SMDC
  - Spell out CONA in Notifications section

Responsible Party	Action	Approximate # of Days
Applicant	Application Submitted	0 Days
Staff	Determine if demolition is subject to the demolition review provision	12 Days
Staff	Notifications sent to all persons and entities described in ordinance	20 Days
HPC	Public hearing and initial determination whether property is eligible for consideration as a local historic landmark. If determined to be eligible, then the Commission may initiate a request for designation of the property as a local historic landmark and extend the delay period. If the property is not determined eligible, the demolition permit shall be issued no later than the 90-day review period.	45 Days
HPC	Public Hearing and consider recommendation on local landmark designation under Sec. 2.5.4.2. (owner consent or 3/4 vote required to continue to P&Z).	75 Days
P&Z	Public hearing and consider recommendation on local landmark designation (owner consent or 3/4 vote required to continue to city council).	105 Days
City Council	Public hearing and consideration of local landmark designation on first reading (owner consent or 3/4 vote required to continue to second reading).	112 Days
City Council	Second reading on local landmark designation (owner consent or 3/4 vote required).	126 Days
Applicant	If not designated as a historic landmark, then demolition permit will be issued. If designated a landmark, applicant submits an application for Certificate of Appropriateness to demolish a local landmark under existing process.	127 Days

## **Background**

### **9.10.19 – Planning and Zoning Commission Meeting**

- Staff presented HPC recommended draft demolition review ordinance
- P&Z Commission postponed action and directed staff to draft an alternate ordinance based on staff's recommendation
  - Modifies the applicability when not within the boundaries of the Historic Resources Survey
  - Removes Neighborhood Commission Meeting requirement
  - Removes landmark designation process
  - HPC may issue demolition permit early if there is no finding of significance

Responsible Party	Action	Approximate # of Days
Applicant	Application Submitted	0 Days
Staff	Determine if demolition is subject to the demolition review provision	12 Days
Staff	Notice of demolition request and public hearing sent to all persons and entities described in ordinance	20 Days
HPC	<p>Public hearing to consider the demolition delay period and allow discussion of alternatives to demolition and methods for potential preservation of historic character.</p> <p>If determined to be eligible and there is potential for preservation of historic character, the Commission may extend the delay period a maximum of 180 days. HPC may issue demolition permit early if there is a finding of no historic significance.</p>	45 Days

Item	DRAFT Ordinance (HPC Recommended)	DRAFT Alternative Ordinance (Requested by P&Z)
<b>Applicability</b>  <b>(When does the ordinance apply?)</b>	<ul style="list-style-type: none"> <li>– Within <i>My Historic SMTX</i> boundaries <ul style="list-style-type: none"> <li>○ High or medium preservation priority</li> </ul> </li> <li>– Outside <i>My Historic SMTX</i> boundaries <ul style="list-style-type: none"> <li>○ At least 50 years of age</li> <li>○ Listed on National Register of Historic Places</li> <li>○ Recorded Texas Historic Landmark</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>– Within <i>My Historic SMTX</i> boundaries <ul style="list-style-type: none"> <li>○ High or medium preservation priority</li> </ul> </li> <li>– Outside <i>My Historic SMTX</i> boundaries <ul style="list-style-type: none"> <li>○ Listed on National Register of Historic Places</li> <li>○ Recorded Texas Historic Landmark</li> </ul> </li> </ul>
<b>Exceptions to applicability</b>	<ul style="list-style-type: none"> <li>– Within a local historic district or designated as landmarks (COA required)</li> <li>– Imminent threat to public safety (determined by Chief Building Official or Fire Marshal)</li> </ul>	<ul style="list-style-type: none"> <li>– Within a local historic district or designated as landmarks (COA required)</li> <li>– Imminent threat to public safety (determined by Chief Building Official or Fire Marshal)</li> <li>– Identified in <i>My Historic SMTX</i> as not historically significant</li> <li>– Identified in <i>My Historic SMTX</i> that are not at least 50 years old or older</li> </ul>
<b>Notifications</b>	<ul style="list-style-type: none"> <li>– Those listed in Ord. 2019-19 (Emergency ordinance)</li> <li>– Addition of published notice in SMDR, CLG Coordinator with THC, and Executive Director of Preservation Texas</li> </ul>	<ul style="list-style-type: none"> <li>– Those listed in Ord. 2019-19 and recommended by HPC</li> <li>– Addition of the Planning and Zoning Commission and the Neighborhood Commission</li> </ul>

Item	DRAFT Ordinance (HPC Recommended)	DRAFT Alternative Ordinance (Requested by P&Z)
<b>Neighborhood Presentation Meeting</b>	<ul style="list-style-type: none"> <li>– Purpose is to begin discussion on proposed demolition; not a forum for final decisions</li> </ul>	<ul style="list-style-type: none"> <li>– No Neighborhood Presentation Meeting required</li> </ul>
<b>Historic Preservation Commission (HPC) Decision</b>	<ol style="list-style-type: none"> <li>1. Designation as a local historic landmark</li> </ol>	<ol style="list-style-type: none"> <li>1. Consideration of the delay period</li> <li>2. Discussion of alternatives to demolition and methods for potential preservation of historic character</li> </ol>
<b>Demolition Delay Period</b>	<ul style="list-style-type: none"> <li>– 90-day (no early release)</li> <li>– HPC may extend until City Council renders final decision on landmark designation</li> <li>– No maximum delay</li> </ul>	<ul style="list-style-type: none"> <li>– HPC may issue permit early if no finding of historic significance</li> <li>– HPC may extend delay for a maximum of 180 days</li> </ul>

## **Historic Preservation Commission recommends:**

- 1. Draft ordinance which would require eligible properties to be scheduled for a public hearing before the HPC for initial determination for consideration as a local landmark**

## **Staff recommends:**

- 1. A demolition review period with a proactive approach to designate local historic landmarks using information within My Historic SMTX.**
- 2. Including language to allow the demolition permit to be issued prior to the end of 90-days if not historically significant.**