



**Historic Architectural Review Commission
Staff Report for Item 3**

To: Chairman Bryan Green and Historic Architectural Review
Commission Members

From: Enid Torregrosa, MSHP
Historic Preservation Planner

Meeting Date: October 27, 2015

Subject: Revisions to existing Demolition Ordinance in order to
include minor demolition applications for staff approval.

On June 5, 2012, the City Commission adopted the actual ordinance for demolition. Codified under Section 102-217, the ordinance states the following:

Sec. 102-217. - Required public meetings and staff approval.

- (1) The historic preservation planner shall have the authority to staff approve the demolition of a non-historic, non-contributing building or structure in the historic district that is part of a bona fide code compliance case after written consent from the city planner and the city attorney. If the required written approvals herein are not obtained, then subsection (2) below shall be applicable.
- (2) The historic architectural review commission shall not issue a certificate of appropriateness for demolition of a non-historic or non-contributing building or structure located in a designated historic zoning district except after conclusion of one regular historic architectural review commission meeting.
- (3) The historic architectural review commission shall not issue a certificate of appropriateness for demolition of a historic or contributing building or structure located in a designated historic zoning district, or that is a contributing building or structure that is outside of the historic district except after conclusion of two regular historic architectural review commission meetings regarding the application, which shall be at least 14 days apart, and which meetings shall be advertised at least five days in advance in a newspaper of general circulation

published in the city. Notice of the meetings shall be published as for a regular meeting, pursuant to section 90-143.

(Ord. No. 97-10, § 1(3-10.3(E)(2)(b)), 7-3-1997; Ord. No. 06-14, § 10, 8-1-2006; Ord. No. 11-11, § 5, 8-2-2011; Ord. No. 12-14, § 1, 6-5-2012)

Since its adoption, the Historic Architectural Review Commission has received twenty-nine applications for the demolition of non-historic and non-contributing structures with a built-back or no built-back component. Examples of such applications are as follows:

1. Removal of a non-historic shed with no build back.
2. Removal of non-historic staircase and build a new staircase that meets actual building code.
3. Removal of non-historic gazebo.
4. Removal of non-historic trellis to build a swimming pool.
5. Removal of a non-historic shed and replace with new one.
6. Removal of non-historic side or back porch and no build back.
7. Removal of attached non-historic canopy with no build back.

Staff has received many complains from applicants on how a small project that proposes the removal of a non-historic and non-contributing element, with same or similar build-back or no build-back takes at least a month to be process. Since staff cannot approve any demolition, unless it is a bona-fide code compliance case, those type of projects need to be included on an agenda. There is time involved by staff and by the Commissioners on these simple requests. Staff has always conferred with the Chief Building Official when we receive questionable photos

Staff is recommending to the Commission to include under Section 102-217 (1) second paragraph, the following language:

(1) The historic preservation planner shall have the authority to staff approve the demolition for the following non-historic and non-contributing accessory structures:

- a. Carports
- b. Decks over 30 inches tall
- c. Fences and walls
- d. Gazebos
- e. Pergolas
- f. Sheds
- g. Stairs
- h. Trellis

The certificate of appropriateness submitted for such demolition shall include plans for replacement in kind, replacement with similar due to building code requirements, or no

build-back. Applications with no build-back shall be considered as such for a period of two years after approval.

In the case of fences and walls, sheds, gazebos, carports, trellis or pergolas, these structures shall be detached from any contributing or historic building or structure. If the demolition request does not meet the above-mentioned criteria, then subsection (2) below shall be applicable.

With the exception of stairs, if the certificate of appropriateness includes a demolition of any of the elements under discussion and the submitted plans proposes an addition different from the existing three-dimensional footprint, either attached or detached from the main building or structure, then the Commission shall review the demolition, as well as the design component.

By no means we are questioning the authority of the Commission but rather it is an alternative to reduce the amount of items on the agenda as well as to expedite demolition requests that do not have an impact in the urban fabric.