

CITY OF CONCORD

In the year of our Lord two thousand and twenty-five

AN ORDINANCE amending the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 26, Building Regulations

The City of Concord ordains as follows:

SECTION I: Amend the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 26, Building Regulations, by amending Article 26-9, Demolition Review, as follows:

26-9-1 Definitions.

As used in this section, the following words or phrases shall have the meanings set forth below, except when the context in which they are used requires a different meaning.

Building: Building is defined as in the International Building Code, "any structure used or intended for supporting or sheltering any use or occupancy." ***Buildings shall exclude manufactured housing as defined in RSA 674:31, as amended.***

~~[Demolition Review Committee: A committee of the Concord Heritage Commission comprised of three (3) members of the commission and two (2) alternates appointed by the chair of the commission.]~~

Demolition: The act of pulling down, destroying, removing, relocating, or razing a building, or part of a building or commencing any such work.

26-9-2 Criteria.

Any building or part of a building proposed to be demolished shall fall under the terms of this article when:

- (a) ~~Any~~ **An application *for the demolition of a building, except manufactured housing as defined in RSA 674:31, as amended, is submitted to the City;* [involving demolition of a building is submitted to the City;]and**
- (b) The proposed demolition is greater than five hundred (500) square feet of gross floor area; and
- (c) The building was constructed more than fifty (50) years before the date of application for demolition permit.

26-9-3 Procedure.

- (a) When any demolition permit application involving demolition of a building meeting the criteria of Section 26-9-2 is filed with the Code Administrator, and signed and dated by the property owner or the property owner's designee, the Code Administrator shall within five (5) business days of the filing:**

 - (1) Notify the applicant in writing that the demolition must be reviewed before proceeding, and that the delay will not exceed sixty (60) calendar days from the date of the filing of a demolition permit application by the property owner or owner's agent.**
 - (2) Notify the Heritage Commission's staff liaison that a demolition permit application has been received that meets the criteria of Section 26-9-2, along with the date the application was filed.**
- (b) Within forty-five (45) calendar days of the filing (including the date of the filing), the Heritage Commission may coordinate with the property owner or the property owner's designee to conduct a publicly noticed site visit, including the interior of the building with the permission of the property owner, preferably during daylight hours. Also within forty-five (45) calendar days of the filing (including the date of the filing), the Heritage Commission shall hold a public hearing to determine whether the building is potentially historically or architecturally significant utilizing the following:**

 - (1) Criteria from the National Register of Historic Places shall be used in making the determination of potential historical or architectural significance as follows:**

 - a. The structure is associated with events that have made a significant contribution to the broad patterns of history; or**
 - b. The structure is associated with the lives of significant persons in or past; or**
 - c. The structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or**
 - d. The structure has yielded or may be likely to yield, information important in history or prehistory.**
- (c) The Planning Division shall post a public hearing notice in two separate and distinct public places not less than ten (10) calendar days in advance of the hearing. With the permission of the property owner, the Planning Division shall also post the public hearing notice at the site.**
- (e) Within five (5) business days following the public hearing, the Planning Division's staff liaison to the Heritage Commission shall notify the Code Administrator in writing of the determination made by the Heritage Commission.**

- (1) If the building is found to not be potentially historically or architecturally significant, the Code Administrator may issue a demolition permit for the subject building, provided all other requirements have been satisfied.**
- (2) If the building is found to be potentially historically or architecturally significant, then the Heritage Commission may attempt to coordinate with the applicant to identify alternatives to demolition, or other potential actions to mitigate demolition of the subject building, prior to the conclusion of the sixty (60) calendar days delay period.**

26-9-4 Demolition.

- (a) If, after sixty (60) calendar days from the date an application involving demolition of a building is accepted by the Code Administrator, no alternatives to demolition, or other potential actions to mitigate demolition of the subject building, have been identified and mutually agreed to by the property owner and Heritage Commission, the Code Administrator shall issue the demolition permit, provided all other requirements have been satisfied.**
- (b) Prior to demolition, and subject to the written permission from the property owner, the Heritage Commission may photographically document the building. The Heritage Commission shall coordinate directly with the property owner or the property owner's designee for an appropriate time for the photography session. The Heritage Commission may encourage the property owner to salvage significant architectural features.**
- (c) Whenever the Code Administrator has determined that a building which constitutes either an attractive nuisance, or an imminent threat to public health and safety, or an imminent threat to public or private infrastructure, or is otherwise subject to a Hazardous Building Order in accordance with NH RSA 155-B, the demolition review process set forth in Article 26-9, shall be automatically waived and the Code Administrator shall be authorized to immediately issue a demolition permit for any such building which satisfies any of the aforementioned criteria set forth herein.**

~~[26-9-3 Procedure.~~

- ~~(a) When any application involving demolition of a building meeting the criteria of [Section] 26-9-2 is filed, and signed and dated by the property owner or their designee, the Code Administrator shall within five (5) business days of the filing:

 - ~~(1) Notify the applicant in writing that the demolition must be reviewed before proceeding, and that the delay will not exceed sixty (60) calendar days.~~
 - ~~(2) Forward the application to each member of the Demotion Review Committee (DRC).~~~~
- ~~(b) Within twelve (12) business days of the filing, the DRC shall determine whether the building or structure is potentially historically or architecturally significant utilizing the National Register of Historic Places criteria as guidelines, including the following:

 - ~~(1) The structure is associated with events that have made a significant contribution to the broad patterns of history; or~~
 - ~~(2) The structure is associated with the lives of significant persons in or past; or~~~~

- ~~(3) The structure embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or possesses high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or~~
- ~~(4) The structure has yielded or may be likely to yield, information important in history or prehistory.~~
- ~~(c) Within twelve (12) business days of the filing, the DRC shall notify the Code Administrator in writing of the decision.~~
 - ~~(1) If the building or structure is found not potentially significant, the Code Administrator may issue the demolition permit, provided all other requirements have been satisfied.~~
 - ~~(2) If the building or structure is found potentially significant:~~
 - ~~a. The DRC may choose not to pursue further review based on the condition of the structure or other characteristics of the application, in which case the DRC shall authorize the Code Administrator to issue the permit, provided all other requirements are met.~~
 - ~~b. The DRC may choose to hold a public hearing to hear public testimony regarding demolition of the building. The applicant or their designated agent shall be notified of the public hearing.~~
 - ~~c. The public hearing shall be held within thirty (30) business days of the filing and shall be noticed in a local newspaper not less than ten (10) calendar days in advance.~~
 - ~~d. The Code Administrator shall prepare a sign identifying the building proposed for demolition and the date, time and place of the public hearing.~~
 - ~~e. The sign shall be posted by the Code Administrator on the applicant's property and with the applicant's permission in a visible location and displayed for a minimum of five (5) calendar days prior to the public hearing. If the sign is not posted continuously and as required, the sixty (60) day delay period shall stop running and not resume until the sign is posted continuously and as required.~~
 - ~~(3) If, after the public hearing, the DRC determines that the building is not significant, the DRC may authorize the Code Administrator to issue the demolition permit, provided all other requirements are met.~~
 - ~~(4) If, after the public hearing, the DRC determines the building is significant and its loss potentially detrimental to the community, the DRC shall attempt to meet with the applicant to identify alternatives to demolition prior to conclusion of the sixty (60) day delay period.~~
 - ~~(5) If no public hearing is held within thirty (30) business days of the filing, the Code Administrator shall be authorized to issue the demolition permit, provided all other requirements are met.~~

26-9-4 Demolition.

- ~~(a) If after sixty (60) calendar days from the date an application involving demolition of a building is accepted by the Code Administrator, no alternatives to demolition have been identified and agreed to by the applicant, the Code Administrator shall issue the demolition permit, provided all other requirements have been satisfied.~~
- ~~(b) Prior to demolition, and if the applicant is in agreement, a DRC member shall photographically document the building. The DRC shall also encourage the applicant to salvage significant architectural features.~~
- ~~(c) Nothing in this article shall be construed to prevent immediate demolition where public safety is at stake and the building has been determined by the Code Administrator to be a public hazard and demolition is the only viable recourse.}~~

SECTION II: This ordinance shall take effect on adoption.

Explanation: Matter removed from the current ordinance appears in ~~[struck through.]~~
New items are shown in ***bold italic*** font.