

# CITY OF CONCORD

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

**AN ORDINANCE** amending the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 26, Building Regulations, Article 26-9, Demolition Review

## **The City of Concord ordains as follows:**

**SECTION I:** Amend the CODE OF ORDINANCES, Title III, Building and Housing Codes; Chapter 26, Building Regulations, 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."

**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.* [~~the work of total or substantial destruction with the intent of completing the same.~~]

### **26-9-2 Criteria.**

Any building or part of a building [~~in the City of Concord~~] *proposed to be demolished shall* [~~will~~] fall under the terms of this article [~~where~~] *when:*

- (a) *Any application involving demolition of a building is submitted to the City; and*
- (b) [~~(a)~~] The proposed demolition is greater than five hundred (500) square feet of gross floor area; and
- (c) [~~(b)~~] The building was constructed more than fifty (50) years before the date of application for demolition permit. [~~;and~~]
- [~~(e)~~] ~~The building is visible from the adjacent public right-of-way or public lands.~~

### 26-9-3 Procedure.

*(a) When any application involving demolition of a building meeting the criteria of 26-9-2 is filed, a Notice of Intent to Demolish shall be filed with the Code Administrator. Prior to the filing of the Notice of Intent to Demolish, the Code Administrator may notify the Demolition Review Committee (DRC). The DRC may commence informal discussions with the applicant.*

~~[(a)](b) When [an application for a demolition permit] a completed Notice of Intent to Demolish, [or a building permit involving demolition] is submitted meeting the above criteria, and signed and dated by the property owner or their designee, [or a site plan review involving demolition is made, or a formal written application is submitted to the Code Administrator for a determination under this article, the Code Administrator will determine if the building, or section of the building, meets the above criteria. If it does,] the Code Administrator shall *within five (5) business days of the filing:*~~

~~(1) [(a)]Notify the applicant in writing [within five (5) business days of the filing] that the demolition must be reviewed before proceeding, and that the delay will not exceed [forty-nine] sixty [(49)]60) calendar days.~~

~~(2) [(b)Within five (5) business days f ]Forward the application to each member of the **DRC**. [Demolition Review Committee.]~~

~~[(c) If the Demolition Review Committee determines the building to be potentially significant (see section 26-9-4(a)), within five (5) business days of that decision the Code Administrator shall notify the applicant that a sign identifying the building as proposed for demolition and the date, time, and place of the public hearing on the proposed demolition is ready for posting in a visible location on the building. Posting of the sign within five (5) business days of receiving notification from the Code Administrator shall be the responsibility of the applicant. If the sign is not posted within five (5) business days, the forty-nine (49) day time frame provided for above shall stop running and not resume until the sign is posted.]~~

*(c) 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.*

- (d) 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 day delay period.*
- (5) If no public hearing is held within 24 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 Review Committee Responsibilities.~~**

~~It is the responsibility of the Demolition Review Committee to:~~

- ~~(a) Make a decision within five (5) business days of receipt of the demolition application as to whether the building might be of historical or architectural significance.~~
- ~~(b) Notify the Code Administrator in writing within two (2) business days of decision if the building is found to be not significant and demolition can proceed.~~
- ~~(c) Notify the Code Administrator in writing within two (2) business days of decision if the building is found to be potentially historically or architecturally significant.~~

- ~~(d) Establish a date and location for a public hearing to occur within twelve (12) days of determination of potential significance. A notice of public hearing shall be submitted to local newspaper within two (2) days of decision.~~
- ~~(e) Hold the public hearing to hear all public testimony regarding demolition of the building. The applicant or representative of the applicant proposing the demolition shall be invited to attend the public hearing to hear the concerns or alternatives that are proposed by members of the public.~~
- ~~(f) Notify the applicant and Code Administrator within two (2) business days following the public hearing that demolition can proceed if the building is found to be not significant.~~
- ~~(g) Hold a meeting between the Demolition Review Committee and the applicant (or applicant's representative) within ten (10) business days of the public hearing to discuss alternatives to demolition if the committee determines the building is significant and its loss potentially detrimental to the community.]~~

26-9-4[5] Demolition.

- (a) *If after sixty (60) calendar days from the date a Notice of Intent to Demolish is accepted by the Code Administrator, no alternatives to demolition have been identified and agreed to by the applicant, [after the meeting provided for in section 26-9-4(g), the applicant is free to proceed with demolition.] the Code Administrator shall issue the demolition permit, provided all other requirements have been satisfied. [Prior to demolition, and if the applicant is in agreement, the Demolition Review Committee shall photographically document the building. The committee shall also encourage the applicant to salvage significant architectural features.]*
- (b) *Planning staff assigned to the Heritage Commission shall sign off on all demolition permits that have triggered review by the DRC, provided all other requirements have been met.*
- (c) *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.*
- (d)[(b)] 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 upon passage.

Explanation:

Matter added to the current ordinance appears in *bold italics*.

Matter removed from the current ordinance appears in [brackets and ~~struck through~~].