

ORDINANCE NO. _____ , SERIES 2018

AN ORDINANCE AMENDING SECTION 150.110 OF THE LOUISVILLE/ JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("LMCO") RELATING TO WRECKING OR DEMOLITION OF HISTORIC BUILDINGS OR STRUCTURES (AMENDMENT BY SUBSTITUTION).

SPONSORED BY: COUNCILMEMBER BRANDON COAN

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro Government ("Council") hereby acknowledges that certain historic structures are being demolished without any plan for redevelopment of the subject property; and

WHEREAS, the Council wants to ensure that redevelopment of properties subject to demolition is done in an orderly process having a certain and deliberate outcome; and

WHEREAS, such orderly redevelopment will strengthen the preservation efforts of Metro Government.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE COUNCIL OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("COUNCIL") AS FOLLOWS:

SECTION I: The Louisville Metro Code of Ordinances Section 150.110 is hereby amended to read in its entirety as follows:

§ 150.110 WRECKING OR DEMOLITION OF HISTORIC BUILDINGS ~~/OR~~ STRUCTURES.

(A) *Wrecking permit.* Except as provided in subsection (CE), below, no wrecking permit shall be ~~issued~~ approved for the demolition of ~~residential or commercial~~ any buildings or structure which: (1) has been designated a Local Historic Landmark or is a contributing building or structure located in a local Historic Preservation District under the Landmarks Ordinance, §§ 32.250 et seq.; (2) is listed on the National Register of Historic Places or which is a contributing building or structure located in an Historic District designated by the National Register of Historic Places; (3) ~~are~~ is 65-50 years of age or older and is eligible to be listed on the National Register of Historic Places as set forth below in this subsection;; or (4) is an accessory buildings or structure which ~~are~~ is greater than 600 sq. ft. and 100 years of age or older, ~~or buildings which are or, and is~~

~~eligible to be listed on the National Register of Historic Places as set forth below in this subsection (“Affected Structure”) for a period of 30 days from the date of certification, as set forth below in subsection (B) of this section. This section shall not apply to those buildings or structures located within a historic preservation district. Upon application for a demolition permit of an Affected Structure as defined above in (A)(3) or (A)(4) of this subsection, a Landmarks Commission Historic Preservation Professional, if requested by the applicant shall determine whether the building(s) or structure meets the criteria for listing in the National Register of Historic Places. This determination shall be made within 14 days of the application. If it is determined in writing that the building(s) or structure does not meet the criteria for listing in the National Register of Historic Places, the permit may be approved and issued without regard to the 30-day period or the certification as set forth in subsection (B), or the redevelopment plan or building permits as set forth in subsection (C), below. Otherwise, the permit shall be issued at the expiration of the 30-day period.~~

(B) *Certification to the department.* The applicant or property owner shall certify to the Department of Codes and Regulations (the “Department”) that notice of intent to demolish has been given to abutting properties on either side of the parcel containing the building or Affected Structure, the Louisville Metro Department of Neighborhoods Planning and Design Services, and the Council Member whose district contains the proposed demolition site on a form provided by the Department. The applicant or property owner shall also cause a sign, in accordance with standards established by the Department, to be posted on the proposed demolition site of the building or Affected Structure. The time for filing a petition requesting designation of an Affected Structure as a local landmark under Section 32.260 of the Landmarks Ordinance shall be limited to 30 days after the certification stated above is submitted.

(C) *Site redevelopment.* In addition to the requirements in subsection (B) hereof, and except as provided in subsections (D) and (E) hereof, a wrecking permit for an Affected Structure shall not be issued until a plan for redevelopment of the subject property has been approved by the appropriate approving authority and building permits for the proposed redevelopment have been issued.

(D) *Site not to be redeveloped.* If the property on which the Affected Structure is not proposed to be redeveloped contemporaneous with the demolition of the Affected Structure, the applicant or property owner shall provide a written statement to that effect to the Department and, prior to issuance of the wrecking permit, the property owner shall record a deed restriction in a form approved by the Department prohibiting any development of the subject property for a period of two (2) years from the date the restriction is recorded. In such case, no permits shall be requested or issued for development on the subject property for said two-year period.

(E) *Exception.*

(1) ~~The above subsection (A)~~ This ordinance shall not apply: (1) in any case where the Department, the Division of Fire, a Fire Protection District, the Board of Health, or any officer or agency thereof, or any court orders or directs the demolition of any structure or building for the purpose of remedying conditions determined to be

dangerous to life, health or property; (2) to demolitions intended to protect health and safety pursuant to LMCO §§ 156.806 and 156.807; or (3) to any demolition directed by ~~Louisville Metro Government, the Louisville and Jefferson County Landbank Authority, Inc., or the Louisville Metro Office of Vacant and Public Property Administration, the Metropolitan Sewer District or any other governmental entity or agency.~~

(2) The above subsection (A) shall not apply; ~~in any case that the Landmarks Commission has made a determination that the building does not meet the criteria for listing in the National Register of Historic Places. The Landmarks Commission shall make such determination within 14 days of request by the building owner.~~(1) if the proposed demolition is part of an approved site redevelopment plan which has been through a public review process that included a properly-noticed public meeting before a Louisville Metro Board or Commission, including at least 30-day notice of the potential demolition of the Affected Structure, with the opportunity for public comment; or (2) if the proposed demolition has been approved by the Landmarks Commission or a Committee thereof.

(F) Other buildings and structures. Wrecking or demolition of a building or structure not meeting the definition of an Affected Structure as stated above in section (A) shall comply with all other sections of this Chapter 150.

SECTION II: This Ordinance shall take effect upon its passage and approval.

H. Stephen Ott
Metro Council Clerk

David James
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____