

ORDINANCE NO. _____ , SERIES 2017

..TITLE

AN ORDINANCE REPEALING SECTION 150.110 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES ("LMCO") AND ENACTING A NEW SECTION 150.110 RELATING TO WRECKING OR DEMOLITION OF HISTORIC BUILDINGS OR STRUCTURES.

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..BODY

SPONSORED BY: COUNCILMEMBER BRANDON COAN

WHEREAS, the Legislative Council of the Louisville/Jefferson County Metro

Government hereby acknowledges that certain historic structures are being demolished without any plan for redevelopment of the subject property; and

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WHEREAS, 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SECTION I: LMCO Section 150.110 is hereby repealed in its entirety and a new Section 150.110 is hereby enacted relating to wrecking or demolition of historic buildings or structures:

Section 150.110 WRECKING OR DEMOLITION OF HISTORIC BUILDINGS / STRUCTURES.

(A) *Affected Structure.* For purposes of this Section 150.110, "*Affected Structure*" shall mean any building or structure, as defined in the Land Development Code, 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.*; or (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; or (3) is 50 years of age or older and is eligible to be listed on the National Register of Historic Places as set forth below in subsection (EC) of this section; or (4) is an accessory building or structure greater than 600 square feet and 100 years of age or older, and is eligible to be listed on the National Register of Historic Places as set forth below in subsection (EC) of this section.

(B) *Certification to the Department.* To promote public awareness of the demolition of Affected Structures, no wrecking permit for an Affected Structure shall be ~~issued until 30 days after~~approved until 30 days after eligibility for listing on the National Register of Historic Places is determined in writing pursuant to Section (C) below and the applicant or property owner submits a written certification of the following to the Department of Codes and Regulations on a form prescribed by that Department:

- (1) That written notice of intent to demolish an Affected Structure has been mailed by first class mail to the owners of properties directly adjoining the property on which the Affected Structure to be demolished is located, to owners of every parcel of property directly across the street from said property, to the Louisville Metro Office of Planning and Design Services and to the Council Member in whose district the subject property is located; and
- (2) That a sign meeting the standards established by the Department of Codes and Regulations has been posted on the subject property in a conspicuous location visible from the public right-of-way, which sign

shall remain posted on the subject property for a period of at least 30 days prior to issuance of the wrecking permit.

(3) 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) *National Register Ineligible Structure Exception.* Upon application for a wrecking permit to demolish an Affected Structure as defined above in subsection (A)(3) or (A)(4) of this section, a Louisville Metro Historic Preservation Professional shall determine whether the building or structure meets the criteria for listing in the National Register of Historic Places within 14 days of the application. If it is determined in writing that the building or structure does not meet the criteria for listing in the National Register of Historic Places, the wrecking permit may be issued without regard to the requirements of this ordinance or the 30-day limited period for filing a petition requesting designation of an Affected Structure as a local landmark.

~~(C)~~(D) *Site Redevelopment.* In addition to the requirements in subsection (B) hereof, and except as provided in subsections (E) and (F) 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.

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~~(D)~~(E) *Alternative to Redevelopment: Site Not To Be Redeveloped.* If the property on which the Affected Structure is not proposed to be redeveloped after contemporaneous with the demolition of the Affected Structure ~~is demolished~~, the

applicant shall provide a written statement to that effect to the Department of Codes and Regulations 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 ~~five~~ 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 ~~five~~ two-year period. _

~~(E) *National Register Ineligible Structure Exception.* Upon application for a wrecking permit to demolish an Affected Structure, a Louisville Metro Historic Preservation Professional shall determine whether the building or structure meets the criteria for listing in the National Register of Historic Places within 14 days of the application. If it is determined in writing that the building or structure does not meet the criteria for listing in the National Register of Historic Places, the wrecking permit may be issued without regard to the requirements of this ordinance.~~

(F) *Other Exceptions.* This ordinance shall not apply: (1) in any case in which the Department of Codes and Regulations, 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; (3) to any demolition directed by Louisville Metro Government, the Louisville and Jefferson County Landbank Authority, Inc., the Louisville Metro Office of Vacant and Public Property Administration, the Metropolitan Sewer District or any other governmental entity or agency; (4) 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 for demolition of the Affected Structure, with the opportunity for public comment; or (5) if the proposed demolition has been approved by the Landmarks Commission or a Committee thereof.

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

H. Stephen Ott
Metro Council Clerk

David Yates
President of the Council

Greg Fischer
Mayor

Approval Date

APPROVED AS TO FORM AND LEGALITY:

Michael J. O'Connell
Jefferson County Attorney

BY: _____

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