

ORDINANCE NO. _____ , SERIES 2018

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

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SECTION I: The Louisville Metro Code of Ordinances ("LMCO") Section 150.110 is hereby repealed in its entirety and replaced with the following:

§ 150.110 WRECKING OR DEMOLITION OF HISTORIC BUILDINGS OR STRUCTURES.

(A) *Definition.* For the purpose of this section, **HISTORIC BUILDING OR STRUCTURE** means a building or structure that:

(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, LMCO §§ 32.250 *et seq.*;

(2) is listed on the National Register of Historic Places or is a contributing building or structure located in a Historic District designated by the National Register of Historic Places;

(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 (B); or

(4) is an accessory building or structure greater than 600 sq. ft. and 100 years of age, and is eligible to be listed on the National Register of Historic Places as set forth below in subsection (B).

(B) *Wrecking permit.* Except as provided in subsection (F) below, no wrecking permit shall be issued for the demolition of Historic Buildings or Structures for a period of 30 days from the date of certification, as set forth below in subsection (C). Upon application for a demolition permit of a Historic Building or Structure as defined in subsections (A)(3) or (A)(4) above, a 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. 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 permit may be issued without regard to the 30-day period, certification or other requirements as set forth in this section.

(C) *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 the owners of properties which touch the parcel containing the Historic Building or Structure at a point or along a border or are separated from doing so by a street or alley, the Department of 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 Historic Building or Structure at a location visible from the right of way. The time period for submittal of a petition requesting designation of Historic Buildings or Structures as Local Historic Landmarks under LMCO § 32.260 shall be limited to 30 days from the date of certification.

(D) *Site redevelopment.* In addition to the requirements in subsection (C) above, and except as provided in subsections (E) and (F) below, a wrecking permit for a Historic Building or Structure shall not be issued until a Development Plan for the subject property has been approved and permits have been issued allowing for substantial construction activities, such as site disturbance, clearing and grading, or building or construction of a principal structure.

(E) *Site not to be redeveloped.*

(1) If the property on which the Historic Building or Structure is located is not proposed to be redeveloped contemporaneous with the demolition of the Historic

Building or 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 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 unless the restriction is waived by the Planning Commission.

(2) The Planning Commission may waive the two-year restriction if it finds and resolves that substantial land use, economic or social changes affecting the property have occurred in the interim.

(F) *Exceptions.*

(1) This section shall not apply:

(a) 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 of justice 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;

(b) to demolitions intended to protect health and safety pursuant to LMCO §§ 156.806 and 156.807; or

(c) to any demolition directed by the Louisville and Jefferson County Landbank Authority, Inc. or the Louisville Metro Office of Vacant and Public Property Administration.

(2) If the proposed demolition is part of a Development Plan approved through a public review process before a Louisville Metro Board or Commission, including at least 30 days' notice of the potential demolition of the Historic Building or Structure and the opportunity for public comment, then a wrecking permit may be issued subject to the provisions of subsection (D) above.

(3) If the proposed demolition has been approved by the Landmarks Commission or a Committee thereof, then a wrecking permit may be issued, subject to the provisions of subsection (D) above.

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: _____

0-153-18 – Amending LMCO 150.110 RE Demo of Historic Bldgs (second amendment by substitution)(5-21-18).docx