

Chapter 23-7:

# Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures



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### 23-7A-1010    Jurisdiction

- (A) This chapter applies to property in the City’s zoning jurisdiction.
- (B) The provisions of this chapter relating to plumbing, electric, and mechanical permits apply to structures connected to the City’s electric and water and wastewater utilities.

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### 23-7A-1020    Historic Landmarks And Contributing Structures In Local Historic Districts

The Building Official may not issue a building, demolition, or relocation permit unless the requirements of Article 23-7D-1020 (Special Permit Requirements For Historic Structures) have been satisfied, if applicable.

A person may not change, restore, remove, or demolish an exterior architectural feature of a designated historic landmark, a structure for which a landmark designation is pending under Section 23-7D-1030, or a contributing structure in a local historic district unless the requirements of Article 23-7D-1020 (Special Permit Requirements For Historic Structures) have been satisfied.

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## 23-7B-1010 Building Permit Requirement

- (A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities unless the person first obtains the appropriate permit from the Building Official:
- (B) An activity regulated by Chapter 23-11 (Technical Codes), Division 23-11B-1 (Building Code), Division 23-11B-4 (Electrical Code), Division 23-11B-5 (Mechanical Code), Division 23-11B-6 (Plumbing Code), or Division 23-11B-11 (Residential Code);
  - (1) constructing or structurally altering a pier or other structure in or along the shores of:
    - (a) Lake Austin below an elevation of 504.9 feet above mean sea level;
    - (b) Lady Bird Lake below an elevation of 435.0 feet above mean sea level; or
    - (c) Lake Walter E. Long;
  - (2) altering the shoreline or bed of Lake Austin, Lady Bird, or Lake Walter E. Long by filling or dredging;
  - (3) constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining property under a person's control;
  - (4) erecting, moving, or structurally altering or repairing an outdoor sign; or
  - (5) causing or permitting the activities described in this section to occur.
- (C) Except as provided in Article 23-7D-1020 (Special Permit Requirements For Historic Structures), a permit may be issued for a demolition or removal of any part of a structure.

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## 23-7B-1020 Existing Buildings

- (A) Work performed on existing buildings must comply with the requirements of Division 23-11B-1 (Building Code).

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**23-7B-1030 Limited Building Permit**

- (A) The Building Official may issue a limited building permit to authorize construction of a portion of a building, structure, or building service equipment before the plans and specifications for the entire project have been submitted or approved if the applicant files information and detailed statements describing the activity to be performed and the Building Official determines that the activity complies with this title.
- (B) The permittee under a limited building permit proceeds with construction at the permittee's risk. A limited building permit does not guarantee that a permit for the entire building or structure will be approved. A permittee does not acquire vested rights under a permit issued under this section.
- (C) The Building Official shall provide a permittee with written documentation stating that the permittee does not acquire vested rights under a limited building permit.

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**23-7B-1040 Licensed Contractor Required**

Unless state law or the technical codes exempt an activity from the permitting or licensing requirements, the following activity must be performed by a licensed contractor:

- (1) activity for which a plumbing, electrical, solar, or mechanical permit is required; and
- (2) activity for which a sidewalk, curb, gutter, or driveway approach permit is required.

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**23-7B-1050 Asbestos Survey Required For Certain Permits**

- (A) Any development must comply with applicable provisions of the Texas Department of State Health Services Asbestos Program.

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**23-7B-1060 Construction And Demolition Materials Diversion Required**

- (A) Except as provided in Subsection (D), each person that applies for a building permit or demolition permit for activities described in Subsection (C) must acknowledge the person's need to comply with this Section and Chapter 15-6, Article 9 (Construction and Demolition Materials Diversion Program) before a building or demolition permit is issued.
- (B) This section is applicable in the City's zoning jurisdiction.
- (C) Except as provided in Subsection (D), construction and demolition materials diversion is required for:
  - (1) construction projects that exceed 5,000 square feet of new, added, or remodeled floor area; and
  - (2) beginning October 1, 2019, commercial and multifamily projects that require a demolition permit.
- (D) Construction and demolition materials diversion is not required for the following activities:
  - (1) projects for which only mechanical, electrical, or plumbing permits are required; or

- (2) work for which a building or demolition permit is not required.

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### 23-7B-2010 Permit Application

An applicant for a building permit must submit an application on a form prescribed by the Building Official. The application must include the information required in Division 23-11B-1 (Building Code) and Building Criteria Manual.

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### 23-7B-2020 Departmental Review

The Building Official shall submit each application for a building permit to appropriate City departments for review. Each department shall determine whether an application complies with regulations enforced by the department and shall provide its determination to the Building Official.

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### 23-7B-2030 Review Periods

The Building Official shall approve or disapprove an application for the following permits by the deadlines adopted by administrative rule.

Type of permit:

- (1) Commercial buildings, new construction;
- (2) Commercial buildings, remodeling and finish-outs;
- (3) Residential, new construction;
- (4) Residential, remodeling of a complying structure;
- (5) Residential, remodeling of a non-complying structure;
- (6) Sign, other than a nonconforming off-premise sign;
- (7) Replacement of nonconforming off-premise sign;
- (8) Repair of nonconforming off-premise sign;
- (9) Demolition; and
- (10) Relocation.



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**23-7B-2040    Verification Of Utility Service**

When an applicant files an application for a building permit, the applicant must submit verification in the manner prescribed by the Building Official that utilities for the proposed development are available.

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### 23-7B-3010 Expiration And Extension Of Demolition Permit

- (A) Except as provided in Subsection (C) of this section, a demolition permit expires if:
  - (1) work authorized by the permit does not begin within two years from the date the permit is issued, except as provided in Subsection (C); or
  - (2) the demolition is not complete within six months from the date work begins.
- (B) The Building Official may grant a single one-year extension of a demolition permit if the permittee requests the extension before the permit expires. An extension must be requested in writing.
- (C) If a demolition permit expires after work has begun, a subsequent demolition permit issued for the same structure expires if the work is not complete within six months or a lesser time if required by the building official based on public health and safety.
- (D) An active demolition permit does not prevent expiration of a site plan under Division 23-6C-1 (Expiration).

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### 23-7B-4010 Building Permit Inspections

- (A) Once the required permits are obtained, it is the responsibility of the contractor to obtain all the required inspections as per Chapter 25-12.
- (B) The building official may require additional inspections if the Building Official determines that a hazardous condition exists. An inspection under this subsection must be performed by an inspector approved by the Building Official.

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### 23-7C-1010 Relocation Permit Requirement

- (A) Except as provided in Subsection (B), a person must obtain a relocation permit to move a building regulated by this title from one site to another or along public right-of-way.
- (B) A relocation permit is not required to move a building that:
  - (1) is specifically designed and constructed to be portable;
  - (2) has a loaded height of not more than 14 feet and a loaded width of not more than 14 feet;
  - (3) is relocated on the same site.

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### 23-7C-1020 Permit Application

A person must submit an application on the appropriate form prescribed by the Building Official.

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### 23-7C-1030 Departmental Review

- (A) The Building Official shall submit each application for a relocation permit to affected city departments for review. The departments shall provide the building official with a recommendation on issuance of the permit.
- (B) The applicant may amend the application if it is disapproved.

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### 23-7C-1040 Inspection

The Building Official shall ensure that inspections are accomplished in accordance with the technical codes adopted by the City.

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**23-7C-1050    Permit Issuance**

The Building Official shall issue a relocation permit if the Building Official determines that:

- (1) the proposed relocation complies with applicable regulations;
- (2) the applicant has paid required fees and deposits; and
- (3) the applicant has obtained all required building permits.

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**23-7C-1060    Permits May Not Be Transferred**

A permittee may not transfer or attempt to transfer a permit or right granted under this division unless the new moving contractor meets the qualifications of Division 23-7C-2.

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### 23-7C-2010 Moving Contractor Required

A building may be moved only by a moving contractor who is bonded and insured in accordance with City rules.

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### 23-7C-2020 Cutting Trees

A permittee may not cut or trim a tree or shrub located on or over:

- (1) a public right-of-way or public land without written permission from the City Arborist;  
or
- (2) private property without written permission of the applicant or person in control of the property and City Arborist for protected trees as defined in 25-8.

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## 23-7D-1010 Certificate Of Appropriateness Required

- (A) A Certificate of Appropriateness is issued by the City approving work on, relocation of, or demolition of a historic landmark, or a contributing structure within a local historic area (HD) combining district.
- (B) Until a person obtains a certificate of appropriateness from the Historic Landmark Commission or the Historic Preservation Officer, the person may not:
  - (1) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure within a locally designated historic district, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials; or
  - (2) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 23-7D-1030 (Pendency Of Designation).
- (C) The Historic Preservation Officer may administratively approve certain applications for a Certificate of Appropriateness, including projects which consist of:
  - (1) ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design;
  - (2) an accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site, unless a variance or waiver is requested; or
  - (3) changes to the exterior paint color of a historic landmark; or
  - (4) an application for work that does not visually affect the historic character of the structure or site from an adjacent public street, and is limited to the construction of:
    - (a) a ground-floor, one-story rear addition or rear outbuilding
    - (b) a two-story rear addition to a two-story building, so long as the addition is not visible from an adjacent public street; or



- (c) a pool, deck, fence, back porch enclosure, or other minor feature which does not affect the historic context or character of the property.
- (5) signage which conforms to any applicable sign design standards for the property.
- (D) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
  - (1) the structure is a designated historic landmark or contributing structure within any locally designated historic district; or
  - (2) a designation is pending under Section 23-7D-1030 (Pendency Of Designation).

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### **23-7D-1020 Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites**

- (A) In this section “National Register Historic District” means an area designated in the Federal Register under the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public online and at the Planning and Zoning Department.
- (B) Except as provided in Subsection (C), this section applies to a building, structure, or site:
  - (1) located in a National Register Historic District;
  - (2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;
  - (3) individually listed in the National Register of Historic Places;
  - (4) designated as a Recorded Texas Historic Landmark, a State Archeological Landmark, or a National Historic Landmark;
  - (5) designated as a historic landmark (H) combining district;
  - (6) located within a historic area (HD) combining district; or
  - (7) determined by the Historic Preservation Officer to have met the designation criteria under Subsection (C-2) as a historic landmark.
- (C) This section does not apply to a structure if the Historic Preservation Officer determines that the structure:
  - (1) is less than 50 years old;
  - (2) does not meet at least two of the criteria for designation as a historic landmark (H) combining district prescribed by Section 25-2-352(A)(3)(b) (Historic Designation Criteria); and
  - (3) is not a contributing structure within a National Register Historic District or in a historic area (HD) combining district.
- (D) When the Building Official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the Building Official shall immediately:
  - (1) notify the Historic Preservation Officer; and
  - (2) upon receipt of notification by the historic preservation officer that the application will be placed upon the Historic Landmark Commission’s agenda, the Building Official

shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Division 23-2C-5 (Notice of Application and Administrative Decisions).

- (E) The Historic Landmark Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- (F) The Building Official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the earlier of:
  - (1) the date the Historic Landmark Commission makes a decision not to initiate a historic zoning designation case regarding the structure;
  - (2) the date on which the Historic Landmark Commission approves an application for a certificate of appropriateness, or an application for a demolition or relocation or makes a recommendation on a building permit in a National Register Historic District;
  - (3) the expiration of 75 days after the date of the first Historic Landmark Commission meeting at which the application is posted on the agenda; or
  - (4) the expiration of 180 days after receipt of a complete application for total demolition of a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.
  - (5) Need another expiration date for National Register Historic District that will not impact local Historic District applications in process.
- (G) If the Historic Landmark Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 23-7D-1030 (Pendancy of Designation).
- (H) The Historic Preservation Officer may administratively approve applications for each of the following:
  - (1) Building permits for minor projects on properties located within a National Register Historic District are permitted in only the following situations:
    - (a) construction of a one-story ground-floor rear addition or rear outbuilding;
    - (b) construction of a two-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or
    - (c) construction of a pool, deck, fence, back porch enclosure, or other minor feature which does not affect the historic context or character of the property.
  - (2) Demolition, relocation, or building permits for properties determined non-contributing to the historic character of a National Register Historic District.
- (I) The Building Official may not release a demolition or relocation permit for a building or structure deemed contributing to a National Register Historic District or a historic area (HD) combining district until the Historic Landmark Commission has reviewed and made recommendations on the application for a building permit for the site, unless the Building Official determines that demolition or relocation is necessary for reasons related to public safety.

## 23-7D-1030 Pendency Of Designation

- (A) A building, structure, or site is subject to this article if a designation as a historic landmark is pending. A permit issued for a building, structure, or site while a designation as a historic landmark is pending is void.
- (B) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
  - (1) two members of the Historic Landmark Commission direct the historic preservation officer in writing or a valid vote of the Historic Landmark Commission at a public meeting to place the building, structure, or site on the Historic Landmark Commission's agenda for consideration of whether the building, structure, or site should be designated as a historic landmark; or
  - (2) a Historic Landmark Commission agenda is posted that includes the Historic Landmark Commission's consideration of whether the building, structure, or site should be designated as a historic landmark.
  - (3) a Historic Landmark Commission agenda is posted that includes the Historic Landmark Commission's consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.
- (C) A written order issued by a member of the Historic Landmark Commission or a valid vote of the Historic Landmark Commission under Section (B-1) must address:
  - (1) whether the structure should be considered for historic zoning;
  - (2) whether the status quo of the structure should be maintained pending historic zoning proceedings; and
  - (3) whether, if the status quo is not maintained pending historic zoning proceedings, the zoning of the structure as historic may become moot.
- (D) A designation is no longer pending if:
  - (1) the Historic Landmark Commission issues a certificate of appropriateness for the work proposed in the application, or releases the applicant's demolition, relocation, or building permit, as applicable;
  - (2) the Historic Landmark Commission does not make a final decision on whether to recommend designation of the structure as a historic landmark by the 75th day after the date of the first Historic Landmark Commission meeting at which an item is posted on the agenda for action on an application for demolition, relocation, or a building permit; or
  - (3) the Historic Landmark Commission makes a final decision to recommend that the structure not be designated a historic landmark; or
  - (4) the Council makes a final decision not to designate the structure as a historic landmark.
- (E) The historic preservation officer shall provide the Building Official with a copy of each written order, agenda, or preservation plan described in Subsection (B), as promptly as practicable. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.

- (F) An applicant or owner entitled to notice under this section may appeal the Historic Landmark Commission action under this section to Council consistent with the requirements of Section 23-7D-2030 (Appeal).

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**23-7D-1040 Notice To Historic Preservation Officer Regarding Certain Permits And Site Plans**

- (A) The Building Official must notify the historic preservation officer before the Building Official may issue a permit for a structure over 50 years old.

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**23-7D-1050 Duty To Preserve And Repair**

- (A) The applicant, or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District, shall preserve the historic landmark or contributing structure against decay and deterioration and shall keep it free from any of the following defects:
- (1) parts which are improperly or inadequately attached so that they may fall and injure persons or property;
  - (2) deteriorated foundation as defined in the Building Code;
  - (3) defective or deteriorated, as defined in the Building Code floor supports or floor supports that are insufficient to carry the loads imposed;
  - (4) walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;
  - (5) ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;
  - (6) fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;
  - (7) deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
  - (8) broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or
  - (9) any fault, defect, or condition in the structure which renders it structurally unsafe as defined by the Building Code or not properly watertight.
- (B) The applicant or other person having legal custody and control of a designated historic landmark or contributing structure in a local historic district or National Register Historic District shall, in keeping with the City's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (A) of this section
- (C) The applicant or other person having legal custody and control of a designated historic landmark, or a building, object, site, or contributing structure in a Local Historic District or National Register Historic District, shall keep the property clear of all vermin, weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the City Code Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.

- (D) The applicant of a residence with a homestead exemption as defined under state law may apply to Council for an exemption from the requirements of this section. Council may grant an exemption on a showing of financial inability to comply with the requirements of this section. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by Council.

## 23-7D-1060 Demolition By Neglect Procedure

- (A) Demolition by neglect means lack of maintenance of any building or structure designated or pending designation as a historic landmark (H) or any building or structure designated by ordinance as contributing to a historic area (HD) combining district or National Register Historic District, that results in deterioration and threatens the preservation of the structure.
- (B) The historic preservation officer and the Historic Landmark Commission are authorized to work with the applicant to devise a plan to stabilize, maintain, rehabilitate, and preserve a structure subject to this section, and identify resources available before taking enforcement action under this section.
- (C) Except as provided in Subsection (C), the following procedures apply to enforcement of this chapter.
- (1) The Historic Landmark Commission or the historic preservation officer may initiate an investigation of whether a property is being demolished by neglect.
  - (2) Upon initiation of an investigation, the historic preservation officer shall, in writing:
    - (a) attempt to meet with the applicant to inspect the structure and discuss the resources available for financing any necessary repairs;
    - (b) ask Code Compliance staff to investigate the condition of the structure and prepare a report detailing conditions that affect the long-term preservation of the structure; and
    - (c) prepare a written report for the Historic Landmark Commission on the condition of the structure, and the repairs needed to maintain and stabilize the structure. The historic preservation officer will further report on meetings and agreements between the historic preservation office and the applicant to address issues affecting the long-term preservation of the structure, including agreements on the amount of time needed to complete the repairs.
  - (3) The Historic Landmark Commission shall review the historic preservation officer's report and may vote to certify the property as a demolition by neglect case.
  - (4) If the Historic Landmark Commission certifies the property as a demolition by neglect case, the historic preservation officer shall take the following actions:
    - (a) Send notice to the applicant or the applicant's agent, by certified mail, describing the required repairs and specifying:
      - (i) that repairs must be started within 60 days; and
      - (ii) a date by which repairs must be completed, as determined by the historic preservation officer.
    - (b) Meet with the applicant within 90 days after the notice is sent, to discuss progress in making repairs and consider any issues that may delay completion of repairs.

- (5) The Historic Preservation Officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate City department for enforcement action to prevent demolition by neglect if the applicant fails to:
  - (a) start repairs by the deadline set in the notice;
  - (b) make continuous progress toward completion; or
  - (c) complete repairs by the deadline set in the notice.
- (6) The Historic Preservation Officer shall provide notice of a referral under Subsection (B-5) of this section to the applicant. The applicant may appeal the historic preservation officer's referral to Council.
- (D) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, the historic preservation officer may refer the contributing structure or landmark to the appropriate City department to enforce this chapter and to seek correction of any condition prohibited under Section 23-7D-1050 (Duty to Preserve and Repair).

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## **23-7D-1070 Enforcement And Penalties**

- (A) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the applicant's lawful homestead.
- (B) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99 (Offenses; General Penalty).
- (C) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 23-11 (Technical Codes).
- (D) If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the applicant has received two (2) or more notices of violation under Subsection 23-7D-1060 (Demolition by Neglect Procedure), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.

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## Division 23-7D-2: Applications for Certifications

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### 23-7D-2010 Action On A Certificate Of Appropriateness

- (A) If the Historic Landmark Commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark or contributing structure within a historic area (HD) combining district:
  - (1) the Historic Landmark Commission shall issue a certificate of appropriateness; and
  - (2) the Historic Landmark Commission shall provide the certificate to the Building Official not later than the 30th day after the date of the public hearing.
  - (3) The Building Official shall provide the certificate to the applicant not later than the fifth day after the day the Building Official receives the certificate from the commission.
- (B) If the Historic Landmark Commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark or contributing structure within a historic area (HD) combining district:
  - (1) the Historic Landmark Commission shall notify the Building Official that the application has been disapproved; and
  - (2) the Historic Landmark Commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:
    - (a) the disapproval; and
    - (b) the changes in the application that are necessary for the Historic Landmark Commission's approval.
- (C) In making a determination under this section, the Historic Landmark Commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

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### 23-7D-2020 Action On An Application For Demolition Or Relocation

- (A) This section applies to an application for demolition or relocation under Division 23-7D-1020 (Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites).

- (B) The Historic Landmark Commission may consider:
  - (1) the reasonableness of the cost of restoration or repair;
  - (2) the existing or potential usefulness, including economic usefulness, of the building;
  - (3) the purpose of preserving the structure as a historic landmark;
  - (4) the character of the neighborhood or historic district; and
  - (5) other factors the Historic Landmark Commission determines to be appropriate.
- (C) The Historic Landmark Commission shall release the application for demolition or relocation to the Building Official if the Historic Landmark Commission determines that:
  - (1) the interest of historic preservation will not be adversely affected by the demolition or relocation; or
  - (2) the interest of historic preservation can be best served by the removal of the structure to another identified location.
- (D) The Building Official shall notify the applicant not later than the fifth day after the certificate is issued.

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## **23-7D-2030    Appeal**

- (A) An applicant may appeal an action of the Historic Landmark Commission under Division 23-7D-2010 (Action On A Certificate Of Appropriateness) or Division 23-7D-2010 (Action On An Application for Demolition or Relocation). An interested party may appeal a decision of the Historic Landmark Commission to demolish a designated historic landmark.
- (B) A decision by the land use commission on an appeal may be appealed to Council.
- (C) Except as provided by Subsection (D), an appeal must be made in accordance with the appeal procedures in Chapter 23-1X (Appeals).

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## **23-7D-2040    Changes Prohibited**

- (A) An applicant cannot deviate from a design that has been approved after the Historic Landmark Commission or Historic Preservation Office review of a National Register Historic District building or demolition permit or after a certificate of appropriateness has been issued for a historic landmark or a contributing structure within a historic area (HD) combining district unless another application is submitted, the change is approved by the Historic Landmark Commission or the Historic Preservation Office, and the applicant receives a certificate of appropriateness for the change.
- (B) The procedure for obtaining a certificate of appropriateness for a change is the same as for obtaining the initial certificate of appropriateness.

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**23-7D-2050 Tolling Of Time Limits For Action**

For purposes of the time limits for action in Divisions 23-7D-1020 (Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites), 23-7D-1030 (Pendency of Designation, and 23-7D-2010 (Action On A Certificate Of Appropriateness), a postponement requested or agreed to by the applicant or delegated agent tolls the running of the time limit from the date of the request until the date of the meeting to which the case has been postponed.

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