

ORDINANCE NO. 2010- 24

An ordinance amending Section 5-5 of the Victoria City Code to establish regulations delaying the demolition of historic structures, repealing conflicting ordinances, providing for severability, providing for codification and savings, providing for enforcement, providing a penalty not to exceed \$500 upon conviction and publication, and declaring an effective date.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VICTORIA, TEXAS:

1.

Section 5-5 of the Victoria City Code is amended to read as follows:

Sec. 5-5. Special historical buildings and districts.

(a) The provisions of this Chapter 5 relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures ~~in whole or in part may shall~~ not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the director to be safe and in the public interest of health, safety and welfare regarding any or the proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings is in the public interest of health, safety and welfare. However, the applicant must may be required to submit to the Development Services Department complete architectural and engineering plans and specifications bearing the seal and signature of a professional engineer or architect, registered in the state, prior to undertaking any such activity if deemed necessary by the director.

(b) Demolition Delay for Historic Structures

1) Purpose. It is the purpose of this section to preserve and protect from demolition, historically significant buildings and structures which reflect distinctive features of the architectural and cultural history of Victoria; to encourage owners of such buildings or structures to explore and develop alternatives to demolition by seeking out persons or entities who might be willing to purchase, preserve, rehabilitate or restore such buildings and structures thereby preserving the historic resources of Victoria. This article is not intended to permanently prevent demolition, but rather to provide an opportunity to develop alternatives that preserve the historical significance and existing neighborhood character for historic properties.

2) Scope of Regulations. This section shall apply to any structure located within the City of Victoria recorded as a Texas historical landmark, or listed on the National Register of Historic Places. This section shall also apply to any property located within a district designated as historic by the City of Victoria that was constructed prior to 1950 as reported by the Victoria Central Appraisal District or included in the Historical Resources Survey of Victoria, Texas.

(a) This section shall regulate all activities that result or may result in the demolition or removal of an existing historic structure, except where such demolition is necessary to protect the public health, safety and welfare, as determined by the Director of Development Services.

(b) Demolition is defined as any act of pulling down, destroying, removing, razing or moving a structure or any portion thereof, or commencing the work of moving or of total or substantial destruction of a structure or portion thereof, which results in or is intended to result in:

- 1) Removal of more than 25% of the walls facing public streets; or
- 2) Removal of more than 50% of all exterior walls and/or roofs.

3) Procedure. Upon receiving a permit application to demolish or relocate a structure within the scope of this regulation, the City shall notify the applicant, and follow the procedures set out below.

(a) Automatic Stay of 60 Days. Demolition or relocation of the structure shall be automatically stayed for a period of up to sixty (60) days from the date of application to allow the property owner, staff, and other interested parties to explore alternatives to demolition.

(b) Public Notice. Upon receipt of demolition permit application, City shall post application and notice of

intent to demolish on the City's website. Notice signs shall also be placed on the subject property for the duration of the demolition delay period.

- (c) Stay Extended by City Council. Prior to the expiration of the stay period, City Council may authorize one (1) extension of the stay for structures it finds to be of high historical significance after providing notice to the applicant and a public hearing. The City Council may extend the stay only upon a finding that there are reasonable grounds for preservation as well as a reasonable expectation of preserving the structure. It shall be the responsibility of any proponent of extending the stay on a demolition permit application to demonstrate to the City Council's satisfaction that there exist reasonable grounds for preservation as well as a reasonable expectation of preserving the structure. City Council may extend the stay on one occasion, after notice to the applicant and a public hearing. Any extension of the stay on a demolition permit imposed by the City Council under this provision shall not exceed an additional sixty (60) days in duration.

At the conclusion of the sixty (60) day stay or extended stay period imposed by City Council, a demolition permit will be granted for the structure.

4) Penalty for Demolition without a Permit.

- a) It is unlawful to demolish, raze, or remove any historic structure in violation of this article. The City, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful violation and to restrain, correct or abate such violation, to prevent any illegal act, business or maintenance in and about such premises.
- b) Any person who violates any provision of this section shall be punished upon conviction thereof by a fine not to exceed \$500.00.

2.

All parts of ordinances in conflict with this ordinance are repealed to the extent of such conflict.

3.

In addition to any other remedy provided by law, the City and its officers shall have the right to enjoin any violation of this ordinance by injunction issued by a court of competent jurisdiction.

4.

If any provision of this ordinance, or the application thereof to any person or circumstances, shall be held invalid or unconstitutional by a Court of competent jurisdiction, such invalidity shall not affect the other provisions, or application thereof, of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

5.

It is the intention of the City Council that this ordinance shall become a part of the Code of the City of Victoria, Texas, and it may be renumbered and codified therein accordingly, in the manner approved by the City Attorney. The Code of the City of Victoria, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

6.

Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined a sum not to exceed \$500.00 as provided in Section 1-8 of the City Code. The City Secretary shall publish the caption or a descriptive title of this ordinance one time within 10 days after final passage of the ordinance in a newspaper of general circulation in the City of Victoria in accordance with Article II, § 10 of the City Charter.

7.

This ordinance shall become effective 10 days after final passage and approval by the City Council of the City of Victoria, Texas.

PASSED FIRST READING, this the 5th day of October, 2010.

AYES: 6

NAYS: 1

ABSTENTIONS: 0

PASSED SECOND READING, this the 19TH day of OCTOBER, 2010.

AYES: 4

NAYS: 1

ABSTENTIONS: 0

PASSED THIRD READING, this the 19TH day of OCTOBER, 2010.

AYES: 4

NAYS: 1

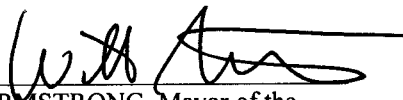
ABSTENTIONS: 0

APPROVED AND ADOPTED, this the 19TH day of OCTOBER, 2010.

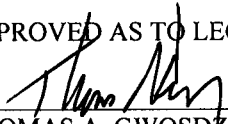


ATTEST:


SCARLET SWOBODA, City Secretary


WILL ARMSTRONG, Mayor of the
City of Victoria, Texas

APPROVED AS TO LEGAL FORM:


THOMAS A. GWOSDZ, City Attorney

Distribution: Legal Department
Development Services

Copies Sent: OCTOBER 20, 2010