

COMMITTEE SUBSTITUTE FOR ORDINANCE NO. 260400

Amending Chapter ~~88~~56 of the Code of Ordinances, the Zoning and Development Code, by Article V, Dangerous buildings or structures, by repealing and replacing Section ~~88-585-0256-539~~, to authorize administrative approval of certificates of appropriateness for orders to repair issued pursuant to Chapters 48 and 56 for historic structures. ~~Permits, to require Historic Preservation Commission review for demolition of historic structures declared dangerous buildings, except in cases of emergency.~~

WHEREAS, vacant and deteriorating buildings pose significant risks to public safety, neighborhood stability, and the long-term vitality of Kansas City communities; and

WHEREAS, the City of Kansas City has a compelling interest in preserving its historic structures, which represent irreplaceable cultural, architectural, and economic assets for the city and its residents; and

~~WHEREAS, property owners who are willing to stabilize and repair historic structures subject to orders to repair issued pursuant to Chapters 48 or 56 may be impeded by the time required to obtain Historic Preservation Commission review prior to commencing such repairs; and~~

WHEREAS, authorizing the city planning and development director or their designee to issue administrative certificates of appropriateness for repairs ordered pursuant to Chapters 48 or 56, subject to compliance with the U.S. Secretary of the Interior's Standards for Rehabilitation and reporting to the Historic Preservation Commission, will expedite the stabilization of historic structures while maintaining appropriate preservation standards; and

WHEREAS, this administrative approval pathway applies solely to orders to repair and does not extend to orders to demolish; and

~~WHEREAS, current provisions of Chapter 56 exempt buildings declared dangerous from Historic Preservation Commission review prior to demolition, potentially incentivizing property owners to allow historic structures to deteriorate until they qualify for demolition without preservation review; and~~

~~WHEREAS, this exemption undermines the City's historic preservation goals and enables a cycle of neglect that contributes to blight, disinvestment, and the permanent loss of historic resources; and~~

WHEREAS, the Kansas City Historic Preservation Commission and Resolution No. 250912 support upstream interventions to prevent historic structures from deteriorating to the point of dangerous-building designation, including mandatory minimum maintenance standards and mothballing requirements; and

~~WHEREAS, limiting the dangerous building demolition exemption to genuine emergencies, where immediate danger to public health, safety, or welfare exists and no reasonable~~

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~~alternative to demolition is available, appropriately balances preservation goals with public safety imperatives; and~~

~~WHEREAS, this amendment is consistent with the KC Spirit Playbook Historic Preservation Community Supported Action to strengthen and streamline the historic preservation ordinance, and with Action #9 to ensure the compatibility of new development and discourage the destruction of sound, older buildings in neighborhoods with a cohesive character requiring Historic Preservation Commission review prior to demolition of historic landmarks and contributing structures within local historic districts, even where a dangerous building declaration has been issued, ensures that all reasonable rehabilitation and stabilization alternatives are considered before irreversible demolition occurs; NOW, THEREFORE,~~

BE IT ORDAINED BY THE CITY COUNCIL OF KANSAS CITY:

Section 1. That Chapter 88, the Zoning and Development Code, is hereby amended by repealing Section 88-585-02, Emergency Repairs, and enacting in lieu thereof a new section of like number and subject matter, to read as follows:

88-585-02 EMERGENCY REPAIRS AND VIOLATIONS OF CHAPTER 48 OR 56

88-585-02-A. If any emergency situation exists, temporary repairs required to prevent imminent damage to a structure may be authorized by the city planning and development director, subject to review by the historic preservation commission.

88-585-02-B. Within 48 hours after the repairs are made, the person making such authorized temporary repairs must notify the city planning and development director. If any work intended to be permanent was performed or is to be performed, a certificate of appropriateness must be obtained in accordance with the procedures of this article.

88-585-02-C. If a structure has been determined to be a dangerous building in an order to repair issued pursuant to chapters 48 or 56 of ~~the~~ **Code of Ordinances**, including but not limited to an order determining such structure is a dangerous building pursuant to section 56-535 of the code, the city planning and development director or their designee may issue a certificate of appropriateness to correct the violations of Chapters 48 or 56 in a manner that is in accordance with the U.S. Secretary of the Interior's Standards for Rehabilitation without prior review and approval of the historic preservation commission. Such approvals will be reported to the historic preservation commission at their next regularly scheduled meeting. This subsection 88-585-02-C shall not apply to orders to demolish and shall not be construed as authorizing the demolition of a structure without prior review by the historic preservation commission.

~~That Chapter 56, Code of Ordinances, is hereby amended by repealing Sec. 56-539, Permits, and enacting a new Section 56-539 to read as follows:~~

~~Sec. 56-539. Permits.~~

~~(a) Building permits must be obtained in accordance with the city's building code.~~

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- ~~(b) No demolition permit shall be issued for any building or structure that is (1) designated as historic on either the U.S. Department of Interior's National Register of Historic Places or the Kansas City Register of Historic Places; or (2) located within a local historic district without prior review and approval by the historic preservation commission, including in cases where such building has been declared a dangerous building pursuant to this article.~~
- ~~(c) The only exemption from the historic preservation review requirement for demolition permits in subsection (b) of this section shall be in cases of emergency, as defined in section 56-540 of this code, where:~~
- ~~(1) The director or the director's authorized representative determines that immediate action is necessary to protect public health, safety, or welfare; and~~
- ~~(2) No reasonable alternative to demolition exists.~~
- ~~(d) In any case where demolition is authorized pursuant to subsection (c), the director or the director's authorized representative shall:~~
- ~~(1) Prepare written findings documenting the emergency condition and the basis for concluding no reasonable alternative to demolition existed; and~~
- ~~(2) Provide such findings to the historic preservation commission within thirty (30) days following the demolition.~~
- ~~(e) It shall be unlawful for any person, other than the owner, to salvage or cause or allow any other person to salvage a building which has been ordered demolished without first obtaining written authorization of the director or the director's authorized representative.~~
- ~~(f) It shall be unlawful for the owner to salvage or cause or allow any other person to salvage a building which has been ordered demolished once the notice to proceed has been issued to the contractor by the department.~~

Approved as to form:

~~Bret Kassen~~Julian Langenkamp
Associate City Attorney

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