

## DEMOLITION DELAY ORDINANCE - SUMMARY OF CURRENT CODE PROVISIONS AND PROPOSED AMENDMENTS

### Current Code

### 12/17/14 Proposed Amendments

### Proposed Revisions to 12/17/14

#### **Notice of Demolition**

1. Posted on property for 30 days
2. Sent to recognized organizations
3. Sent to Portland Development Commission

#### **Notice of Demolition**

1. Not posted
2. Mailed to all properties within 150 feet of the site to be demolished
3. Mailed to recognized organizations

#### **Notice of Demolition**

- [same as 12/17/14 proposal]
- [same as 12/17/14 proposal]
3. Mailed to recognized organizations, the Architectural Heritage Center and Restore Oregon

#### **Demolition Delay**

1. Initial 35 day delay

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#### **Demolition Delay**

- [same as 12/17/14 proposal]

#### **Extension of demolition delay period**

1. By: recognized organization
2. Time of extension: 120 days
3. Criteria for seeking extension:
  - in writing
  - on forms provided by BDS
  - submitted by last day of 35 day delay

#### **Extension of demolition delay period**

1. By: recognized organization or any interested party
2. Time of extension: 30 days
3. Criteria for seeking extension:
  - in writing
  - on forms provided by BDS
  - submitted by last day of 35 day delay
  - signed by both property owner/agent and authorized recognized association representative or any interested party

#### **Extension of delay period**

1. By recognized organization or any interested party
2. Time of extension: 60 days, for a total maximum delay of 95 days
3. Criteria for seeking extension:
  - in writing
  - on forms provided by BDS
  - submitted by last day of 35 day delay

- request must be accompanied by request for an appeal with an appeal fee or fee waiver

**Appeal of extension**

- applicant for demolition may submit appeal
- appeal to Code Hearings Officer
  
- applicant's burden to show that recognized organization has not made good faith effort to work with applicant to move the structure; find a purchaser for the site; or agree on an alternative proposal

**Appeal of extension**

- none

**Appeal of extension**

- recognized organization or any interested party may appeal
  - appeal to Code Hearings Officer through BDS
  - appellant has burden to show it is actively pursuing an alternative to demolition by demonstrating:
    - a. the requesting party has contacted the property owner/representative to request a meeting via certified mail
    - b. the property has significance to the neighborhood, as demonstrated by architectural significance, the age and condition of the structure or other factors
    - c. the requesting party has a plan to save the structure
    - d. the requesting party has reasonable potential to consummate the plan by providing pro-forma budget and evidence of funds on hand or fund raising plan sufficient to meet the financial requirements of the budget
- if Code Hearings Officer finds all of the criteria have been met, the HO may grant an extension of up to 60 additional days from the date the initial 35 day delay expired
  
- if Code Hearings Officer finds the criteria have not been met, BDS may issue the permit immediately upon receipt of the decision, provided all other requirements for issuing the permit have been met

- if Code Hearings Officer has not rendered a decision within the 60 day extension period, the permit may be issued any time after the 60 days have elapsed since the end of the 35-day notice period

- the delay period cannot exceed 95 days if all other requirements have been satisfied for permit issuance

**Exception to Notice and Delay**

1. If application for demolition of single family residential structure is accompanied by an application for a building permit for a replacement single family residence

**Exception to Notice and Delay**

1. None

**Extension to Notice and Delay**

1. None