

ORDINANCE D-2338-16

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
AMENDING CHAPTER 7, ARTICLE 3, SECTION 7-27 OF THE CARMEL CITY CODE**

Synopsis: Creates a 60 day waiting period for a demolition permit if the structure that is to be demolished has been designated as an “Outstanding,” “Contributing” or “Notable” structure by the Carmel Historic Preservation Commission’s Historic Architecture Survey.

WHEREAS, the Common Council of the City of Carmel (the “Council”) is the city legislative body and is authorized by Indiana law to adopt ordinances and resolutions concerning the general public welfare of the residents of the City of Carmel (the “City”);

WHEREAS, the Council believes it is important to create a mechanism within the City to notify the public about demolition requests that may affect historic structures;

WHEREAS, the Council wants to ensure that the public has sufficient notice regarding demolition requests by a property owner to afford citizens an opportunity to consider and determine alternatives to demolition of historic structures; and

WHEREAS, the sole intent and purpose of this ordinance is to give the Carmel Historic Preservation Commission sufficient time to notify the owner of the historic value of the property, and to seek alternatives to demolition by offering the structure to the public in the hope that a person or organization will be found that is interested in relocating it to a property where it can be preserved.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Carmel, Indiana, as follows:

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Chapter 7, Article 3, Section 7-27 of the Carmel City Code shall be and the same is hereby amended to read as follows:

“§ 7-27 Demolitions.

(a) No structure located within the corporate limits of the City shall be demolished, either in whole or in part, without an approved Improvement Location Permit (“ILP”).

(b) An ILP may only be issued for the demolition of a structure which is designated as “Contributing,” “Outstanding” or “Notable” in the Carmel Historic Preservation Commission’s Historic Architecture Survey, the results of which were officially recognized by the City in CC 11-03-14-04, after the following process has been completed:

- (1) Within three (3) business days of receiving an application for an ILP that includes the demolition of a structure that is designated "Contributing," "Outstanding" or "Notable," the Director shall give the Carmel Historic Preservation Commission (the "Commission") notice of the application. The notice must be delivered to the Commission Chairperson or the Commission's designee via email or regular mail. The notice to the Commission shall include the name, address and phone number of the owner of the structure that is to be demolished.
- (2) The property owner or permit applicant shall not proceed with demolition for a period of not less than sixty (60) days from the date of notice to the Commission.
- (3) The owner/applicant shall, upon submission of ILP application, place upon the property where the structure is located a public notice sign in plain view from the street, indicating the intent for demolition. Said notice shall include the phone number of the Director and the website of the Commission, and shall be in such form as approved by the Commission. The Director shall notify the Commission of the name and phone number of any individual making inquiry of the structure.
- (4) Upon receiving notice from the Director of an ILP application to demolish a Contributing, Outstanding or Notable structure, the Commission shall respond to the Director within fifteen (15) days if it determines that the structure should be evaluated for structural integrity with regard to moving to a new location. The Commission shall notify the Director within thirty (30) days if the Commission will proceed with efforts to relocate the structure.
- (5) If it is determined the structure can be relocated, the Director shall advertise the structure to the public via newspaper, social media and any other means of communication for a period of thirty (30) days with the purpose to find a party interested and qualified to relocate the structure.
- (6) If there is no interested and qualified party to relocate the structure, the ILP may be issued at the end of the sixty (60) day period.
- (7) The sixty (60) day waiting period for demolition may be waived by the Commission if an architect or professional engineer familiar with historic structures makes a finding that the structure must be demolished immediately based upon a danger to public health, welfare, or safety, or upon a finding that the structure has been substantially destroyed by fire, weather or other causes. Any such finding shall be filed with the Director, who shall have it placed upon the Commission's next available agenda for action.
- (8) The ILP may be issued by the Director and the demolition may take place only after the expiration the sixty (60) day waiting period, except as provided above. The Commission shall have no authority to prevent the issuance of the ILP after the sixty (60) day waiting period. The Director may, at his sole discretion, extend the initial 60 day waiting period for the ILP for up to thirty (30) days."

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Section 3. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 4. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor and such publication as is required by law.

PASSED by the Common Council of the City of Carmel, Indiana, this 6th day of Feb., 2016, by a vote of 7 ayes and 0 nays.

COMMON COUNCIL FOR THE CITY OF CARMEL



Ronald E. Carter, President



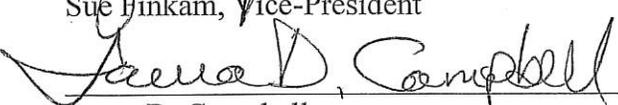
Kevin D. Rider



Sue Finkam, Vice-President



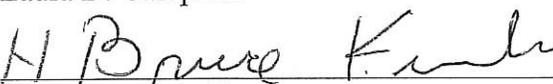
Tony Green



Laura D. Campbell



Jeff Wortell

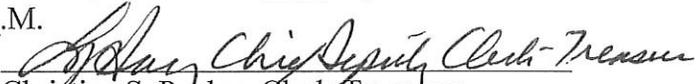


H. Bruce Kimball

ATTEST:

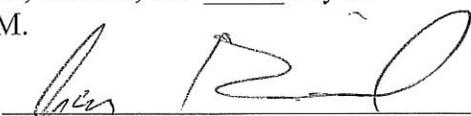

Christine S. Pauley, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this 7th day of February, 2016, at 5:00 P.M.



Christine S. Pauley, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this 7th day of February 2016, at 5:20 P.M.



James Brainard, Mayor

ATTEST:


Christine S. Pauley, Clerk-Treasurer

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