

Chapter 18.50

DEMOLITION OF STRUCTURES

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18.50.010 Purpose. (a) The "small town" quality and feel of the town are heavily shaped by the attributes, integrity, historical character and design scale of existing residential and commercial neighborhoods. The preservation, enhancement and continued use of structures with historic, architectural, cultural and/or aesthetic importance is essential in retaining this community character.

(b) The town council, after considering citizen and professional input, as necessary, should decide whether a structure may be removed from the neighborhood fabric of Ross. When demolition of a structure is appropriate because of a lack of historic, architectural, cultural and aesthetic value, the replacement structure must be sensitive to existing neighborhood character and qualities. Demolition activity itself should be designed to minimize disturbances and hazard to the neighborhood and community.

(c) This chapter establishes procedures for the review of proposed demolitions and construction of replacement structures necessary to meet this purpose. (Ord. 513 §1(part), 1993).

18.50.020 Chapter application. (a) No dwelling unit, carriage house, commercial or institutional building on any lot within the town shall be demolished until a demolition permit is approved by the Ross town council. A demolition permit for exterior demolition shall be required for the demolition of more than twenty-five percent of the floor area of a structure or for the demolition of more than one thousand square feet of floor area, whichever is smaller. A demolition permit shall be required for any project resulting in the alteration of more than twenty-five percent of the exterior walls or exterior wall coverings of a residence, as determined by the town planner.

(b) This requirement for a demolition permit does not apply to accessory structures not used for dwelling purposes, including but not limited to swimming pools, decks, fences, garages and cabanas. Interior remodels or alterations involving no exterior demolition are not regulated by this chapter. (Ord. 544 (part), 1999; Ord. 513 §1(part), 1993).

18.50.030 Submittal requirements. (a) Demolition permit applications to allow demolition activity shall be filed with the planning department on forms prepared by the town planner. A fee as set by the town council shall be provided.

(b) Every demolition permit application shall include standard submittal requirements as prepared by the town planner. Applications must include information necessary to allow the

town council to review the building replacing the demolished structure, including, but not limited to, building elevations, sections, floor plans and site plans. All drawings and plans shall show both existing and proposed elevations and clearly identify all new construction and label all materials as new or existing. An extensive termite, dry rot damage report shall be prepared, as required by the town planner or town council, which shall not only identify areas of damage but shall explore to determine the full extent of the damage, both exposed and concealed. Complete photos and a videotape of the structure's exterior shall be provided. A project manager, hired by the Town at the applicant's expense, shall monitor demolition/construction activity as deemed necessary by the town building official. Additional information may be required by the planner or town council.

(c) Independent evaluation and report by an architect specializing in historic preservation, historical resources or a similar field may be required by the town planner or council. This consultant will be selected by the town and retained at the applicant's expense. (Ord. 534 (part), 1996; Ord. 513 §1(part), 1993).

18.50.040 Hearing. Demolition permit applications will be heard by the town council at a public meeting. The town council will review the application at its next available meeting following a determination by the town planner that the application is complete. The town clerk will mail written notice at least ten calendar days prior to the hearing to the applicant and to all owners of property within three hundred feet from the exterior boundaries of the project site. (Ord. 513 §1(part), 1993).

18.50.050 Approval--Special conditions. The town council may place conditions of approval on the demolition and redevelopment of the site as necessary to meet the purpose of this chapter and to make the findings of Section 18.50.060. (Ord. 513 §1(part), 1993).

18.50.060 Findings. (a) The town council may approve or conditionally approve any application upon making the following findings:

(1) The demolition will not remove from the neighborhood or town, nor adversely affect, a building of historical, architectural, cultural or aesthetic value. The demolition will not adversely affect nor diminish the character or qualities of the site, the neighborhood or the community.

(2) The proposed redevelopment of the site protects the attributes, integrity, historical character and design scale of the neighborhood and preserves the "small town" qualities and feeling of the town.

(3) The project is consistent with the Ross general plan and zoning ordinance.

(4) The project will not, under the circumstances of the particular case, be detrimental to the health, safety or general welfare of persons residing or working in the neighborhood and will not be detrimental to the public welfare or injurious to property or improvements in the neighborhood.

(b) The town council shall deny any project for which it cannot make the findings required in this section. (Ord. 513 §1(part), 1993).

18.50.065 Project reducing housing stock. Projects reducing the number of housing units in the town, whether involving the demolition of a single unit with no replacement unit or the demolition of multiple units with fewer replacement units, are discouraged; nonetheless, such projects may be approved if the council makes findings that the project is consistent with the neighborhood and town character and that the project is consistent with the Ross general plan. (Ord. 543-1 (part), 1998).

18.50.070 Denial of incomplete or inactive applications. Consistent with state law, the town planner may administratively deny without prejudice any application which remains incomplete or inactive for a period of greater than ninety days or is continued at the applicant's request for more than sixty days. (Ord. 513 §1(part), 1993).

18.50.080 Noncompliance. Failure to comply in any respect with the conditions or approved plans constitutes grounds for the town to immediately stop work related to the noncompliance until the matter is resolved. Such violation will be subject to the enforcement penalties and procedures of Chapter 18.64 of this code. (Ord. 513 §1 (part), 1993).

18.50.090 Emergency situations. (a) An emergency demolition permit may be issued by the town building official prior to council approval of a demolition permit when a structure is determined by the building official, after consultation with the town planner, to pose an immediate threat to public health, safety and welfare and no other alternative means exist to permanently or temporarily prevent, restrain, correct or abate the threat. The extent of demolition activity shall be limited to the minimum amount necessary to abate the urgency situation. The building official and town planner may condition such emergency demolition as necessary to provide compliance with this chapter.

(b) Neither the failure to perform normal maintenance and repairs, nor willful or negligent acts by the owner, shall be grounds for issuance of an emergency demolition permit. (Ord. 513 §1(part), 1993).

18.50.100 Transferability. A demolition permit may not be transferred from the owner to whom it has been issued to successive owners of the property. Demolition permit approval shall lapse and become null and void upon transfer of property ownership. (Ord. 513 §1(part), 1993).

18.50.110 Expiration. (a) Failure to secure a building permit for the demolition activity and/or cause demolition to commence will cause demolition permit approval to expire one year from the date of approval without further notice. The town council may grant an extension of time of up to one year from the expiration date upon determining that the findings made in the original approval remain valid. An application for an extension of time must be filed with the planning department prior to the original expiration date.

(b) In no case shall a building permit to allow the demolition activity regulated by this chapter be granted by the town prior to the applicant also filing for and receiving a building permit for the replacement structure from the town building department.

A second extension of up to one year may be granted upon submittal of a request prior to the expiration of the first extension if the council determines that the original findings remain valid. (Ord. 575 (part), 2003; Ord. 561 (part), 2001; Ord. 534 (part), 1996; Ord. 513 §1(part), 1993).