

Mayor and Council Communication

DATE: 12/17/19

M&C FILE NUMBER: M&C 19-0398

LOG NAME: 06TEXT AMENDMENT TO SECTION 7-109

SUBJECT

Adopt Ordinance Amending Chapter 7 "Buildings", Article IV "Minimum Building Standards Code", Section 7-109 "Preservation of Historic Properties" to Clarify the Types of Historic Properties Subject to Substandard Review Under this Section (ALL COUNCIL DISTRICTS)

RECOMMENDATION:

It is recommended that the City Council adopt the attached ordinance amending Chapter 7 "Buildings", Article IV "Minimum Building Standards Code", Section 7-109 "Preservation of Historic Properties" to clarify the types of historic properties subject to substandard review under this Section.

DISCUSSION:

The purpose of this action is to align Section 7-109 of the Minimum Building Standards Code with the Historic Preservation Ordinance and *Secretary of the Interior's Standards for the Treatment of Historic Properties* in regards to non-contributing structures.

Chapter 7, Article 4 of the City Code, also known as The Minimum Building Standards Code, establishes minimum standards for the continued use and occupancy of building and structures within the City of Fort Worth. As part of the Minimum Building Standards Code, Section 7-109 allows for additional authority on the part of the Historic and Cultural Landmarks Commission ("HCLC") to preserve substandard buildings as historic properties. It does so by requiring a hearing before the HCLC as to whether the condition of the historic building can be reasonably rehabilitated prior to the case being heard by the Building Standards Commission ("BSC") or municipal court. The purpose of Section 7-109 of the City Code is to provide additional authority for the HCLC to preserve substandard buildings as historic properties by determining whether a building can be reasonably rehabilitated to remain as a property contributing to the City of Fort Worth's historic heritage.

The *Secretary of the Interior's Standards for the Treatment of Historic Properties* and the Historic Preservation Ordinance are to be applied in the consideration of applications affecting historic properties within the City of Fort Worth. Rehabilitation is a specifically defined treatment in the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and the Historic Preservation Ordinance and are to be applied in the consideration of applications affecting historic properties within the City of Fort Worth. Rehabilitation of historic properties involves the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features that convey its historical, cultural, or architectural values.

A building, site, structure, or object that does not possess historical, cultural, or architectural values, is defined as non-contributing by both the *Secretary of the Interior's Standards for the Treatment of Historic Properties* and the Historic Preservation Ordinance. Such properties do not possess historical, cultural, or architectural values. Thus, they cannot be rehabilitated under the specific treatment of "rehabilitation" in the *Secretary of the Interior's Standards for the Treatment of Historic Properties* or the Historic Preservation Ordinance.

Non-contributing properties in historic districts that cannot be rehabilitated will still require a certificate of appropriateness (COA) from the Historic Preservation Officer for any applications requesting demolition. In order to provide a more timely and efficient process for the abatement of substandard and nuisance structures, it is necessary to exempt such non-contributing structures from consideration under Section 7-109. This will result in a timelier and more efficient process for the abatement of nuisance structure conditions as it will allow for a more streamlined approach for reviewing and authorizing demolition of non-contributing structures in a historic district with the continued oversight of the Historic Preservation Officer.

A Form 1295 is not required because: This M&C does not request approval of a contract with a business entity.

FISCAL INFORMATION / CERTIFICATION:

The Director of Finance certifies that approval of these recommendations will have no material effect on City funds.

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