

# Building, Demolition, and Relocation Permits; Special Requirement Permits For Historic Structures



Public Review [PC/ZAP Discussion Draft](#) January ~~September~~ 2017 City of Austin Land Development Code

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## 23-7 A-1010 Jurisdiction

- (A) This chapter applies to property in the ~~City's~~city's zoning jurisdiction.
- (B) The provisions of this chapter relating to plumbing, electric, and mechanical permits apply to structures connected to the City's electric and water and wastewater utilities.

## ~~23-7A~~

## ~~23-7~~ A-1020 Notice to Historic Preservation Officer

- (A) ~~The Building Official must notify the Historic Preservation Officer before issuing a permit for a structure over 50 years old.~~

## ~~23-7~~ A-1030 Historic Landmarks ~~And~~ Contributing Structures ~~In~~ Local Historic Districts

- (A) ~~The Building Official~~building official may not issue a building, demolition, or relocation permit unless the requirements of Article 23-7D-~~1020~~ (Special ~~Permit~~ Requirements ~~For~~ Historic Structures) have been satisfied, ~~\_~~ if applicable.

A person may not change, restore, remove, or demolish an exterior architectural feature~~—, accessory structure, or site feature~~ of a designated historic landmark, a structure for which a ~~landmark~~ designation is pending under Section 23-7D-~~1030,~~ ~~or~~1020 (Pending Historic Zoning Designations), a contributing structure in a local historic district (historic area combining district) or National Register historic district, or a structure confirmed by the City Historic Preservation Office as contributing to a pending local historic district unless the

- (B) ~~\_~~ requirements of Article 23-7D-~~1020~~ (Special ~~Permit~~ Requirements For Historic Structures) have been satisfied.

**23-7 A-1040 Permit Inspections**

(A) Once the required permits are obtained, it is the responsibility of the permit holder to obtain all the required inspections as per Chapter 23-11 (Technical Codes).



- ~~(A)~~(B) The Building Official may require additional inspections if the Building Official determines that one or more hazardous conditions exist. An inspection under this subsection must be performed by an inspector approved by the Building Official.
- (C) The Building Official shall ensure that inspections are accomplished in accordance with the technical codes adopted by the city of Austin.

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## ~~23-7 B-1010 Building Permit Requirement~~Requirements

- (A) Unless a technical code exempts an activity from its permitting requirements, a person may not perform the following activities ~~unless the person~~without first ~~obtains~~obtaining the appropriate permit from the Building Official:
- ~~(B)(1)~~ (1) An activity regulated by Chapter 23-11 (Technical Codes), Division 23-11B-1 (Building Code), Division 23-11B-4 (Electrical Code), Division 23-11B-5 (Mechanical Code), Division 23-11B-6 (Plumbing Code), or Division 23-11B-11 (Residential Code);
  - ~~(2)~~ (2) ~~constructing~~Constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining under a person's control;
  - ~~(3)~~ (3) ~~Erecting, moving, or structurally altering or repairing an outdoor sign;~~
  - ~~(4)~~ (4) ~~Constructing~~ or structurally altering a pier or other structure in or along the shores of:
    - (a) Lake Austin below an elevation of 504.9 feet above mean sea level;
    - (b) Lady Bird Lake below an elevation of 435.0 feet above mean sea level; or
    - (c) Lake Walter E. Long ~~Long~~ below an elevation of 554.5 feet above mean sea level;
  - ~~(2)(5)~~ (5) ~~altering~~Altering the shoreline or bed of Lake Austin, Lady Bird, or Lake Walter E. Long by filling or dredging; or
  - ~~(3)~~ (3) ~~constructing, altering, or repairing a sidewalk, curb, gutter, or driveway approach on property under a person's control or in public right-of-way adjoining property under a person's control;~~

~~(4) erecting, moving, or structurally altering or repairing an outdoor sign; or~~  
~~(5)(6) causing~~Causing or permitting the activities described in this section to occur.

~~(C)(B)~~ Except as provided in Article 23-7D-1020 (Special Permit Requirements ~~For~~for Historic Structures), a permit may be issued for a demolition or removal of any part of a structure.

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~~(C) A demolition permit is not required to demolish all or part of an interior wall, floor, or ceiling.~~

~~(D) A building permit is required for a relocated building to be placed on its new site.~~

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**23-7      B-1020   Existing Buildings**

~~(A)~~ Work performed on all existing buildings must comply with the requirements of ~~Division 23-11B-1 (the Building Code)~~.

~~(A) 23-7B-1030 Building, Chapter 23-11 (Technical Codes). Proposed changes to buildings forty (40) or more years of age will be reviewed by the City Historic Preservation Office and Demolition Permits Generally may be subject to the provisions in Article 23-7D (Special Permit Requirements for Historic Structures).~~

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## 23-7 B-1030 Limited Building Permit

- (A) The ~~Building Official~~building official may issue a limited building permit to authorize construction of a portion of a building, structure, or building service equipment before the plans and specifications for the entire project have been submitted or approved if the applicant files information and detailed statements describing the activity to be performed and the ~~Building Official~~building official determines that the activity complies with this title.
- (B) The permittee under a limited building permit proceeds with construction at the permittee's risk. A limited building permit does not guarantee that a permit for the entire building or structure will be approved. A permittee does not acquire vested rights under a permit issued under this section.
- (C) The ~~Building Official~~building official shall provide a permittee with written documentation stating that the permittee does not acquire vested rights under a limited building permit.

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## 23-7 B-1040 Licensed Contractor ~~Required~~Requirements

Unless state law or the technical codes exempt an activity from the permitting or licensing requirements, the following activity must be performed by a licensed contractor:

- (1) ~~activity~~Activity for which a plumbing, electrical, solar, or mechanical permit is required; and
- (2) ~~activity~~Activity for which a sidewalk, curb, gutter, or driveway approach permit is required.

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## 23-7 B-1050 Asbestos Survey ~~Required For~~Requirements for Certain Permits

- (A) Any development or demolition activity must comply with applicable provisions of the Texas Department of State Health Services Asbestos Program.

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## 23-7 B-1060 Construction ~~And~~and Demolition Materials Diversion ~~Required~~Requirements

- Except as provided in Subsection (D), each ~~person that applies~~applicant for a building permit ~~or~~ demolition permit for activities described in Subsection (C) must ~~acknowledge the~~

~~(A) person's need to~~ comply with this Section and ~~\_\_~~Chapter 15-6, Article 9  
(Construction and Demolition ~~Materials~~Material Diversion Program) before a  
building or demolition permit is issued.

(B) This section is applicable in the City's zoning jurisdiction.

(C) ~~Except as provided in Subsection (D), construction~~Construction and demolition  
materials diversion is required ~~\_for-~~

construction

- (1) ~~Construction~~ projects that exceed 5,000 square feet of new, added, or remodeled floor area; and
  - (2) ~~beginning~~Beginning October 1, 2019, commercial and multifamily projects that ~~require~~required a demolition permit-
- (D) Construction and demolition materials diversion is not required for the following activities:
- (1) ~~projects~~Construction for which only mechanical, electrical, or plumbing permits are required; or



~~(6)(2)~~ work for which a building or demolition permit is not required.

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## 23-7B-2010 Permit Application

~~An applicant for~~A person wishing to obtain a building permit must submit an application on a form prescribed by the Building Official. The application must include the information required in Division 23-~~11B-1~~ (Building Code) and Building Criteria Manual.

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## 23-7B-2020 Departmental Review

The Building Official shall submit each application for a building permit to the appropriate ~~City~~city departments for review. Each department shall determine whether an application complies with its regulations ~~enforced by the department and shall, then~~ provide its determination to the Building Official.

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## 23-7 B-2030 Review Periods

The Building Official shall approve or disapprove an application for the following permits by the deadlines adopted by administrative rule.

Type of permit~~:-~~

- ~~(1) Commercial buildings, new construction~~
- ~~(2) Commercial buildings, remodeling and finish-outs~~
- ~~(3) Residential, new construction~~
- ~~(4) Residential, remodeling of a complyingconforming structure~~

- (5) Residential, remodeling ~~of~~ for additions to a non-complying nonconforming structure;
- (6) Sign, other than a nonconforming off-premise sign;
- (7) Replacement of nonconforming off-premise sign;
- (8) Repair of nonconforming off-premise sign;
- (9) Demolition; ~~and~~
- (10) Relocation;

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## 23-7B-2040 Verification ~~Of~~ Utility Service

When an applicant files an application for a building permit, the applicant must submit verification ~~in the manner prescribed by the Building Official~~ that utilities for the proposed development are available, in the manner prescribed by the Building Official.

# Division 23-7B-3: ~~Building~~Demolition Permit Issuance, Appeal, Expiration, and Extension

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### ~~23-7~~ ~~B-3010~~ Expiration ~~And~~ ~~and~~ Extension ~~Of~~ ~~of~~ Demolition Permit

- (A) Except as provided in Subsection (C) of this section, a demolition permit expires if:
  - (1) ~~work~~Work authorized by the permit does not begin within two years from the date the permit is issued, except as provided in Subsection (C); or
  - (2) ~~the demolition~~Demolition is not complete within six months from the date work begins.
- (B) The Building Official may grant a single one-year extension of a demolition permit if the permittee requests the extension before the permit expires. An extension must be requested in writing, but does not require an application.
- (C) If a demolition permit expires after work has begun, a subsequent demolition permit issued for the same structure expires if the work is not complete within six months or a lesser time if required by the ~~building official~~Building Official based on public health and safety.
- (D) An active demolition permit does not prevent expiration of a site plan under Division 23- 6C-1 (Expiration).

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### ~~23-7 B-4010 Building Permit Inspections~~

- ~~(F) Once the required permits are obtained, it is the responsibility of the contractor to obtain all the required inspections as per Chapter 25-12.~~
- ~~(G)(D) The building official may require additional inspections if the Building Official determines that a hazardous condition exists. An inspection under this subsection must be performed by an inspector approved by the Building Official.~~



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# Article 23-7C: Relocation Permits

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## ~~23-7~~ ~~C-1010~~ ~~Relocation Permit Requirement~~ ~~Requirements~~

- (A) Except as provided in Subsection (B), a person must obtain a relocation permit to move a building regulated by this title from one site to another or along public ~~right-of-way~~ right-of-way. ~~A building permit is also required for relocated buildings to be placed on the new site.~~
- (B) A relocation permit is not required to move a building that:
- ~~is~~ is specifically designed and constructed to be portable;
  - ~~has~~ Has a loaded height of not more than 14 feet and a loaded width of not more than 14 feet;
- ~~(3)(C) is relocated~~ A relocation permit is required to move a building on the same site.

## ~~23-7C~~

## ~~23-7~~ ~~C-1020~~ ~~Permit Application~~

- (A) A person must submit an application on ~~the appropriate~~ a form prescribed by the Building Official.

23-7

## C-1030 Departmental Review

(A) The Building Official shall submit each application for a relocation permit to ~~affected~~the appropriate city departments for review. The departments shall provide the ~~building official~~Building Official with a recommendation on issuance of the \_ permit.

~~(A)~~The applicant may amend the application if it is ~~-disapproved-~~

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### ~~23-7C-1040 Inspection~~

~~(B) The Building Official shall ensure that inspections are accomplished in accordance with and resubmit it through the technical codes adopted by the City same process.~~

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## ~~23-1123-7~~ C-10501040 Permit Issuance

The Building Official shall issue a relocation permit if the Building Official determines that:

- (1) ~~the~~The proposed relocation complies with all applicable regulations;
- (2) ~~the~~The applicant has paid all required fees and deposits; and

(A)

(3) ~~The~~the applicant has obtained all required building permits.

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~~23-7C-1060 Permits May Not Be Transferred~~1050 Transferability

A permittee may not transfer or attempt to transfer a permit or right granted under this division unless the new moving contractor meets the qualifications of Division 23-7C-2- (Relocation Requirements).



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### 23-7 ~~23-7C-2010~~ Moving Contractor ~~Required~~ Requirements

~~(A) A building may be moved only by a moving contractor who is bonded and insured in accordance with City rules.~~

~~(B) The Building Official may deny a permit application submitted by a mover who knowingly and repeatedly violates the provisions of this title.~~

### 23-7 C-2020 ~~Cutting~~ Removing Trees ~~During~~ Relocation

A permittee may not ~~cut or trim~~ remove, or impact in a way that constitutes removal, a tree or shrub located on or over:

- ~~a~~ public right-of-way or public land without written permission from the City Arborist; or
- ~~private~~ Private property without written permission of the ~~applicant~~ owner or person in control of the property ~~and, as well as written permission from the~~ City Arborist for protected trees as defined in ~~25-8~~ Article 23-3C (Urban Forest Protection and Replenishment).

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# Division 23-7D-1: Historic Structures

## Generally Overview

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### 23-7 D-1010 ~~Certificate Of Appropriateness Required~~Definitions

~~(A)(1) \_\_\_\_\_ A Certificate of Appropriateness is issued by the City approving work on, relocation of, or~~ **ALTERATION** ~~means any exterior change, demolition of, or modification to a historic landmark; or to a contributing structure property located within a local historic area (HD) combining district or National Register historic district.~~

~~(A) Until a person obtains a certificate of appropriateness from the Historic Landmark Commission or the Historic Preservation Officer, the person may not:~~

~~(i) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a designated historic landmark or a contributing structure within a locally designated historic district, whether or not a building or demolition permit is required, and including but not limited to the replacement of windows, doors, exterior siding materials, installation of shutters or exterior lighting, or the replacement of roof materials; or~~

~~(ii) change, restore, rehabilitate, alter, remove, or demolish an exterior architectural or site feature of a structure for which a designation is pending under Section 23-7D-1030 (Pendency Of Designation).~~

~~(A) The Historic Preservation Officer may administratively approve certain applications~~

~~for a Certificate of Appropriateness, including projects which consist of:~~

- ~~(0) ordinary repair or maintenance that does not involve changes in architectural and historical value, style, or general design;~~
- ~~(0) an accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site, unless a variance or waiver is requested; or~~
- ~~(0) changes to the exterior paint color of a historic landmark; or~~
- ~~(0) an application for work that does not visually affect the historic character of the structure or site from an adjacent public street, and is limited to the construction of:
  - ~~(-) a ground-floor, one-story rear addition or rear outbuilding~~
  - ~~(-) a two-story rear addition to a two-story building, so long as the addition is not visible from an adjacent public street; or~~~~



- (2) **ARCHITECTURAL FEATURE** means an architectural element, which alone or as part of a pattern, embodies the style, design, or general arrangement of the exterior of a building or structure, including but not limited to the kind, color, and texture of building materials, and style and type of windows, doors, lights, porches, and signs.
- (3) **CONTRIBUTING STRUCTURE** means a building, structure, site, feature, or object within a local or National Register historic district that contributes to the historic character of the district, was built during the district's period of significance, and retains its appearance from that time. Contributing structures are designated by the ordinance creating the local historic district or the National Register historic district nomination. In the absence of a determination of whether a structure is contributing, the Historic Preservation Officer may make that determination. The Historic Preservation Officer may also change the status of whether a building is contributing to the historic district if the appearance of the building has changed over time, or the building is now 50 years of age if, at the time of the original designation, the building did not qualify as contributing because of its age. An altered building may still qualify as contributing to a district if the alterations have not significantly affected its historic appearance. A building that was moved into a district at least 50 years ago may also be contributing to the historic district.
- (4) **DEMOLITION BY NEGLECT** means lack of maintenance of any building or structure designated or pending designation as a historic landmark or any building or structure that contributes to a local or National Register historic district, which results in deterioration and threatens the preservation of the structure (see Section 23-7E-1020 Duty to Preserve and Repair).
- (5) **HISTORIC AREA COMBINING DISTRICT** means a district approved by the Council through an ordinance that contains a geographically definable area possessing

- ~~(-)~~ a pool, deck, fence, back porch enclosure, or other minor feature which does not affect the historic context or character of the property.
- ~~(0)~~ signage which conforms to any applicable sign design standards for the property.
- ~~(D)(A)~~ A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
  - the structure is a designated historic landmark or contributing structure within any locally designated historic district; or
- ~~(1)~~ a designation is pending under Section 23-7D-1030 (Pendency Of Designation).

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### ~~23-7~~ ~~D-1020~~ ~~Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites~~

~~In this section “National Register Historic District” particular architectural, cultural, and/or historic importance or significance. A historic area combining district must consist, at a minimum, of one block-face. Typically referred to as a local historic district. Properties in a historic area combining district (local historic district) are zoned HD.~~

- ~~(6)~~ **HISTORIC INTEGRITY** means the ability of a property to convey its significance. Integrity may be impaired by changes to the location, setting, design, materials, workmanship, association, and feeling of a property.
- ~~(7)~~ **HISTORIC LANDMARK** means a property approved by the Council through an ordinance that identifies a single property possessing particular architectural, cultural, and/or historic importance or significance. Historic landmarks are zoned H.
- ~~(8)~~ **LOCAL HISTORIC DISTRICT** is the common term used to refer to a historic area (HD) combining district.
- ~~(A)(9)~~ **NATIONAL REGISTER HISTORIC DISTRICT** means an area designated in the Federal Register under the National Historic Preservation Act of 1966, as amended, for which maps depicting the area are available for inspection by the public ~~online and~~ at the Planning and Zoning Department.
- ~~(10)~~ **OWNER OR PROPERTY OWNER** means the record owner of a property or an agent of the property owner.

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### ~~23-7~~ ~~D-1020~~ ~~Pending Historic Zoning Designations~~

- ~~(A)~~ A building, structure, or site is pending historic designation if designation as a historic landmark is pending or the building, structure, or site is confirmed by the Historic Preservation Officer to be contributing to a pending local historic district. A building, demolition, or relocation permit issued for a building, structure, or site in these named circumstances is void.
- ~~(A)(B)~~ A designation is pending under Subsection (A) on the occurrence of the earliest of the following:
  - ~~(1)~~ Two members of the Historic Landmark Commission direct the Historic Preservation Officer in writing, or with a valid vote of the Historic Landmark Commission at a public meeting, to place the building, structure, or site on the Historic Landmark Commission’s agenda for consideration of its eligibility for landmark designation as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD

Overlay Zones); or

(2) A Historic Landmark Commission agenda is posted that includes the Commission's consideration of whether the building, structure, or site is eligible for designation as a historic landmark under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones); or

(3) A Historic Landmark Commission agenda is posted that includes the Commission's consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.

(C) A written order or valid vote of the Historic Landmark Commission under Section (B)(1) must address:

(1) Whether the building, structure, or site is eligible for historic zoning under Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones);

- (2) Whether permits intended for structural stabilization or retention of integrity, as defined by Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones), may be issued to maintain the building, structure, or site's eligibility during historic zoning proceedings; and
- (3) Whether the building, structure, or site's eligibility for historic zoning would be compromised by the issuance of any proposed building, demolition, or relocation permit.
- ~~(B)~~ (D) A designation is no longer pending if:
  - (1) The Historic Landmark Commission issues a Certificate of Appropriateness for the work proposed in the application, or approves the demolition, relocation, or building permit, as applicable;
  - (2) The Historic Landmark Commission does not recommend historic zoning designation by the 75th day after the date of the first Historic Landmark Commission meeting at which the application is included as an action item on the agenda; or
  - (3) The Historic Landmark Commission recommends denial of historic zoning designation for the building, structure, or site; or
  - (4) The Council makes a final decision not to designate the structure as a historic landmark.
- (E) The Historic Preservation Officer shall provide the Building Official with a copy of each written order and agenda described in Subsection (B) within 7 calendar days. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.
- (F) An applicant or owner under this section may appeal the Historic Landmark Commission action under this section to the appropriate land use commission consistent with the requirements of Article 23-21 (Appeals).

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## **23-8 D-1030 Certificate of Appropriateness Requirements**

- (A) A Certificate of Appropriateness is the written approval of the Historic Landmark Commission or the Historic Preservation Office for work on, relocation of, or demolition of a historic landmark or contributing structure within a local historic district.
- ~~(B)~~ Except as provided in Subsection (C), this section applies to a building, structure, or site that is:
  - ~~(1) located in~~ Designated as a historic landmark;
  - (2) A contributing property within a local historic district;
  - ~~(1)(3)~~ (3) A contributing property within a National Register Historic District historic district;
  - ~~(2) listed in a professionally prepared survey of historic structures approved by the historic preservation officer;~~
  - ~~(3) individually~~ Individually listed in the National Register of Historic Places;
  - ~~(4) designated as Properties, a Recorded~~ Registered Texas Historic Landmark, a State Archeological Antiquities Landmark, or a National Historic Landmark;
  - ~~(5) designated as a historic landmark (H) combining district;~~
  - ~~(6) located within a historic area (HD) combining district; or~~

~~(7)(5)~~ \_\_\_\_\_ determined~~Determined~~ by the Historic Preservation Officer to ~~have met~~ meet criteria for designation criteria under as a historic landmark as defined in Subsection ~~(C-2)~~ 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).

- (C) This section does not apply to a structure if the Historic Preservation Officer determines that the structure:
- (D) ~~This section does not apply to a structure if the Historic Preservation Officer determines that the structure:~~

is

- (1) Is less than 50 years old, unless the building has extraordinary importance, as defined by National Register Bulletin 22 (1998);
  - (2) ~~does~~ Does not retain historic integrity; and
  - ~~(2)(3)~~ Does not meet at least two of the criteria for designation as a historic landmark as prescribed by Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).  
~~(H) combining district prescribed by Section 25-2-352(A)(3)(b) (Historic Designation Criteria); and~~
- ~~(E)~~ is A Certificate of Appropriateness is required for the following proposals to historic landmarks, contributing properties within local historic districts, and structures for which a designation is pending under Section 23-7D-1020 (Pending Historic Zoning Designations):
- (1) Demolition;
  - (2) Relocation; and
  - (3) The following project types, unless exempted in Section 23-7D-1040 (Administrative Approval of Certain Applications),
    - (a) All exterior work requiring a building and/or demolition permit;
    - (b) All exterior work not requiring a building and/or demolition permit, including but not limited to the replacement of doors, windows, siding, and roof materials; and
    - (c) Site work.
- ~~(E)~~ (F) A criminal penalty for a violation of this section applies only to a person who has actual or constructive notice that:
- (1) ~~a contributing~~ The structure is a historic landmark or contributing structure within a local historic district; or
  - (2) A designation is pending under Section 23-7D-1020 (Pending Historic Zoning Designations).

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## **23-7 D-1040 Administrative Approval of Certain Applications**

- (A) For historic landmarks, the Historic Preservation Officer may administratively approve applications for Certificates of Appropriateness that consist of:
- (1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;
  - (2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;
  - (3) Changes to the exterior paint color;
  - (4) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property and is limited to the construction of:
    - (a) A one-story rear outbuilding;
    - (b) A pool, deck, fence, back porch enclosure, or other minor feature that does not affect the historic context or character of the property; and
  - (5) Signage that conforms to any applicable sign design standards for the property.

- (B) For contributing properties located within a local historic district, the Historic Preservation Officer may administratively approve applications for Certificates of Appropriateness that consist of:
- (1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;
  - (2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;
  - (3) Work that does not visually affect the historic character of the structure or site from the principal street frontage of the property and is limited to the construction of:
    - (a) A ground-floor, one-story rear addition;
    - (b) A one-story rear outbuilding;
    - (c) A pool, deck, fence, back porch enclosure, or other minor feature that does not affect the historic context or character of the property;
    - (d) Rear addition of up to two stories to a two-story building, if the addition is not visible from the principal street frontage; or
    - (e) A one-story ADU located behind the principal structure, if the ADU is not visible from the principal street frontage;
  - (4) That does not adversely affect the historic character of the structure or site from the principal street frontage of the property and complies with all applicable design standards for the district; and
  - (5) Signage that conforms to any applicable sign design standards for the property.
- (C) For contributing properties located within a National Register historic district, the Historic Preservation Officer may administratively approve applications for projects that consist of:
- (1) Minor repair or maintenance work that does not involve changes to architectural and historical value, style, or general design;
  - (2) An accurate restoration or reconstruction of a documented missing historic architectural element of the structure or site;
  - (3) A ground-floor, one-story rear addition;
  - (4) A rear outbuilding, including a one-story ADU;
  - (5) Construction of a rear addition up to two stories to a two-story building or structure if the addition is not visible from the principal street frontage of the property;
  - (6) Construction of an ADU up to two stories behind a two-story house, if the ADU is not visible from the principal street frontage of the property;
  - (7) Construction of a pool, deck, fence, back porch enclosure, or other minor feature that does not affect the historic context or character of the property; or
  - (8) Demolition, relocation, and building permits for properties determined non-contributing to the historic character of a National Register Historic District or in a historic area (HA) combining district.

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**23-7 D-1050 Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, and Sites**

(A) This section refers to buildings 50 years or older and contributing structures and historic landmarks as defined in Section 23-7D-1010 (Definitions).

~~(E)~~(B) When the Building Official receives an application requesting a building permit, relocation permit, or demolition permit for a structure to which this section applies, the Building Official shall immediately:

(1) ~~notify~~Notify the Historic Preservation Officer; and

~~(1)~~uponUpon receipt of notification by the ~~historic preservation officer~~Historic Preservation Officer that the application ~~will~~ be placed upon the Historic Landmark Commission's agenda, the Building Official



- (2) shall post a sign on the site and notify property owners, residents, and registered neighborhood associations in accordance with Division 23-2C-5 (Notice of Application and Administrative Decisions).
- ~~(F)~~(C) The Historic Landmark Commission shall hold a public hearing on an application described in Subsection (D) within 60 days of receipt of a complete application.
- ~~(G)~~(D) The Building Official shall not issue a building permit, relocation permit, or demolition permit for a structure to which this section applies until the ~~earlier~~earliest of the following:
- (1) ~~the date the~~The Historic Landmark Commission makes a decision not to ~~initiate~~recommend a historic zoning designation case regarding the - structure; or
  - ~~(1) the~~The date on which the Historic Landmark Commission approves an application for ~~a certificate~~Certificate of ~~appropriateness,~~or Appropriateness, approves an application for ~~a~~ demolition or relocation, or
  - ~~(2)~~ makes a recommendation on a building permit in a National Register ~~Historic District,~~ historic district; or
  - ~~(2)~~(3) For structures not contributing to a local historic district, the expiration of 75 days after the date of the first Historic Landmark Commission meeting at which the application is posted on the agenda; ~~or~~
  - ~~(3)~~For structures contributing to a local or National Register historic district or a pending local historic district, the expiration of 180 days after receipt of a complete application ~~for total demolition of a contributing structure within a National Register Historic District or a pending historic area (HD) combining district.~~
  - ~~(4)~~ Need another expiration date for National Register Historic District that will not impact local Historic District applications in process.
- ~~(H)~~(E) If the Historic Landmark Commission makes a decision to initiate a historic zoning designation case, a designation becomes pending on the structure under Section 23-7D- ~~1030 (Pendancy of Designation,~~ 1020 (Pending Historic Zoning Designations).
- ~~(I)~~The Historic Preservation Officer may administratively approve applications for ~~each of the following~~:
- ~~(2)~~(F) Building permits for minor projects on properties located within a National Register Historic District are permittedproject types noted in only the following situations: Section 23-7D-1030 (Certificate of Appropriateness Requirements).
- ~~(-)~~ construction of a one-story ground-floor rear addition or rear outbuilding;
  - ~~(-)~~ construction of a two-story rear addition to a two-story building or structure if the addition is not visible from an adjacent public street; or
  - ~~(-)~~ construction of a pool, deck, fence, back porch enclosure, or other minor feature which does not affect the historic context or character of the property.
- ~~(O)~~ Demolition, relocation, or building permits for properties determined non-contributing to the historic character of a National Register Historic District.
- ~~(M)~~(G) The Building Official may not release a demolition or relocation permit for a building or structure deemed contributing to a local or National Register ~~Historic District or a historic area (HD) combining~~ district until the Historic

Landmark Commission has reviewed and made recommendations on the application for a ~~building permit for new construction of a primary structure for~~ the site, ~~unless the~~ This requirement may be waived if the Building Official determines that demolition or relocation is necessary for ~~reasons related to~~ public safety.

~~23-7 D-1030 Pendency Of Designation~~

~~(H) A building, structure, or site is subject to this article if a designation as a historic landmark is pending. A permit issued for a building, structure, or site while a designation as a historic landmark is pending is void.~~

~~(I)(G) A designation is pending under Subsection (A) on the occurrence of the earliest of the following:~~

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**23-7 D-2010 Action on a Certificate of Appropriateness**

~~(A) If the Historic Landmark Commission direct the determines that the proposed work will not adversely affect a significant architectural or historic feature or the historic context of the landmark (H) or contributing structure within a local historic preservation officer in writing or a valid vote of district (HD):~~

~~(1) The Building Official shall provide the certificate to the applicant within 5 days of receiving the certificate from the Historic Preservation Officer.~~

~~(1)(B) If the Historic Landmark Commission at a public meeting to place the building, structure, or site on the Historic Landmark Commission's agenda for consideration of whether the building, structure, determines that the proposed work will adversely affect or site should be designated as a destroy a significant architectural or historic landmark; or feature or the historic context of the landmark or contributing structure within a local historic district:~~

~~(0) aThe Historic Landmark Commission agenda is posted that includes the Historic Landmark Commission's consideration of whether the building, structure, or site should be designated as a historic landmark.~~

~~(0) a Historic Landmark Commission agenda is posted that includes the Historic Landmark Commission's consideration of an application for a demolition, relocation, or building permit concerning the building, structure, or site.~~

~~(L) A written order issued by a member of the Historic Landmark Commission or a valid vote of the Historic Landmark Commission under Section (B-1) must address:~~

~~(0) whether the structure should be considered for historic zoning;~~

~~(0) whether the status quo of the structure should be maintained pending historic zoning proceedings; and~~

~~(0) whether, if the status quo is not maintained pending historic zoning proceedings, the zoning of the structure as historic may become moot.~~

~~(P)(H) A designation is no longer pending if:~~

~~(1) the Historic Landmark Commission issues a certificate of appropriateness for the work proposed in the application, or releases the applicant's demolition, relocation, or building permit, as applicable;~~

~~(2)(1) \_\_\_\_\_ the Historic Landmark Commission does not make a final decision on whether to recommend designation of the structure as a historic landmark by the 75th shall, not later than the 7th day after the date of the first Historic Landmark Commission meeting at which an item is posted on the agenda for action on an application for demolition, relocation, or a building permit; or public hearing, notify the applicant of:~~

~~(2) the Historic Landmark Commission makes a final decision to recommend that the structure not be designated a historic landmark; or~~

~~(2) the Council makes a final decision not to designate the structure as a historic landmark.~~

~~(P) The historic preservation officer shall provide the Building Official with a copy of each written order, agenda, or preservation plan described in Subsection (B), as promptly as practicable. The failure to do so does not validate a building permit, relocation permit, or demolition permit issued without notice of the written order or agenda.~~

- (a) An applicant or owner entitled to notice under this section may appeal. The denial; and
- (b) The changes to the application that are necessary for approval.
- (C) In making a determination under this section for a contributing structure in a local historic district (HD), the Historic Landmark Commission shall first apply any applicable historic district design standards approved under Subsection 23-4D-7070(G) (Historic Area Ordinance and Preservation Plan Standard), followed by the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).
- (D) In making a determination under this section for landmarked structures for which no approved district design standards are applicable, the Historic Landmark Commission action under this section to Council consistent with the requirements shall apply the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).

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### **23-7 D-2020 Action on an Application for Demolition or Relocation**

~~(A)~~ (A) This section applies to an application for demolition or relocation under Section 23-7D-2030 ~~(Appeal 1050~~ (Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, and Sites).

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### **23-7 ~~D-1040 Notice To Historic Preservation Officer Regarding Certain Permits And Site Plans~~**

(B) The Historic Landmark Commission shall initiate historic zoning if it determines that the building meets the requirements for a historic landmark as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).

(C) The Historic Landmark Commission shall approve the application for demolition or relocation to the Building Official if it determines that the property does not meet the requirements for a historic landmark as defined in Subsection 23-4D-9090(D) (Designation Criteria for H and HD Overlay Zones).

(D) The Building Official ~~must~~shall notify the applicant not later than the fifth day after the Historic Landmark Commission approves the application is released or initiates historic zoning.

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### **23-7 D-2030 Appeal**

(A) An owner or applicant may appeal an action of the Historic Landmark Commission under Section 23-7D-2010 (Action on a Certificate of Appropriateness) or Section 23-7D-2020 (Action on an Application for Demolition or Relocation) to the Land Use Commission.

(B) An interested party may appeal a decision of the Historic Landmark Commission to demolish a historic landmark or a contributing property to a local historic district to the land use commission.

(C) Notices of appeal must be filed in writing with the Historic Preservation Office within five business days after the date of the decision and must specify the appellant's standing to file the appeal, the case number and address of the subject property, and the specific reason for the appeal.

(D) A decision by the Land Use Commission on an appeal may be appealed to the city council.

(E) Except as provided by Subsection (A), an appeal must be made in accordance with the appeal procedures in Article 23-2I (Appeals).

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### **23-7 D-2040 Changes Prohibited**

(A) Changes to any plans approved by the Historic Landmark Commission or Historic Preservation Officer are prohibited unless the change is approved by the Historic Landmark Commission or the Historic Preservation Officer and the applicant receives a Certificate of Appropriateness for the change.

(B) The procedure for obtaining a Certificate of Appropriateness for a change is the same as for obtaining the initial Certificate of Appropriateness, with the following

exception:

(1) The Historic Preservation Officer may administratively approve the new application for a Certificate of Appropriateness if the proposed changes do not have a substantial impact on the historic character of the building or are minor changes from the Certificate of Appropriateness application approved by the Historic Landmark Commission or the Historic Preservation Officer.

(C) If the applicant does not abide by the plans reviewed and approved by the Historic Landmark Commission and/or the Historic Preservation Office, then the applicant must re-submit for a new determination of appropriateness for any proposed changes to the approved plans.

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### **23-7D-2050 Tolling of Time Limits for Action**

For purposes of the time limits for action in Section 23-7D-1050 (Procedures for Permits and Certificates of Appropriateness Relating to Certain Buildings, Structures, and Sites), 23-7D- 1020 (Pending Historic Zoning Designations), and Section 23-7D-1010 (Action on a Certificate of Appropriateness), a postponement requested or agreed to by the owner or the owner's agent tolls the running of the time limit from the date of the request until the Historic Landmark Commission meeting to which the case has been postponed.

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# **Article 23-7E: Maintenance Requirements**

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**23-7 E-1010 Maintenance**

~~(A)~~ The owner of a building or structure is responsible for the maintenance of the building, structure, and building service equipment. The owner shall:

~~(1)~~ Maintain the building, structure, and building service equipment in a safe and sanitary condition; and

~~(2)~~ Maintain a device or safeguard required by a technical code in the manner required by the technical code under which the device or safeguard was installed.

~~(A)~~~~(B)~~ The Building Official may ~~inspect~~ ~~a permit for a building or structure over 50 years old~~ to determine compliance with this section.

~~D-1050~~  
**23-7**

**E-1020 Duty To Preserve And Repair**

(A) The ~~applicant, owner~~ or other person having legal custody and control of a designated historic landmark or contributing structure in a local ~~historic district~~ or National Register ~~Historic District, historic district~~ shall preserve the ~~historic landmark or contributing structure building~~ against decay and deterioration and shall keep it free from any of the following defects:

(1) ~~parts which~~ Parts that are improperly or inadequately attached so that they may fall and injure persons or property;

(2) ~~deteriorated~~ Deteriorated foundation as defined in the Building Code;

(3) Floor supports that are defective or deteriorated, as defined in the Building Code ~~floor supports, or floor supports~~ that are insufficient to carry the loads imposed;

(4) ~~walls~~ Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed;

(5) ~~ceilings~~ Ceilings, roofs, ceiling or roof supports, or other horizontal members ~~which that~~ sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed;

(6) fireplaces Broken, missing, or rotted roofing materials or roof components;

(6)(7) \_\_\_\_\_ Fireplaces and chimneys ~~which~~that list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed;

deteriorated

- ~~(7)~~(8) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;
- (9) ~~broken~~Defective protection or lack of weather protection for exterior wall and roof coverings, including lack of paint, or weathering due to lack of paint or other protective covering.
- ~~(8)~~(10) Broken, missing, or rotted ~~roofing materials or roof components,~~ window glass, sashes, ~~or~~ frames, ~~or exterior doors or door frames;~~ ~~or~~
- (11) ~~any~~Any other fault, defect, or condition in the structure ~~which~~that renders it structurally unsafe as defined by the Division 23-11B-1 (Building Code); ~~or~~
- ~~(9)~~(12) Any fault, defect, or condition in the structure that allows excessive water infiltration through the building envelope or is not properly sufficiently watertight as to prevent future deterioration or water infiltration.
- (B) The applicant~~owner~~ or other person having legal custody and control of a ~~designated~~ historic landmark or contributing structure in a local ~~historic district~~ or National Register ~~Historic District~~historic district shall, in keeping with the City's minimum housing standards, repair the ~~landmark or structure~~building if it is found to have any of the defects listed in Subsection (A) of this section.
- (C) The applicant~~owner~~ or other person having legal custody and control of a ~~designated~~ historic landmark, ~~or a building, object, site,~~ or contributing structure in a ~~Local Historic District~~local or National Register ~~Historic District~~historic district shall ~~keep~~maintain ~~the property clear of all vermin, weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as~~ as specified under ~~the City Code~~ Chapter 9-1 (Abandoned Property and Vehicles), and Chapter 10-5 (Miscellaneous Public Health Regulations), Articles 2, 3, and 4.

~~—The applicantowner of a residence with a homestead exemption as defined under state law may apply to Councilthe city council for an exemption from thecertain requirements of this section. Council if public safety is not threatened. The city council may grant an exemption onupon a showing of the owner’s financial inability to comply with the requirements~~

~~(D) of this section. An exception under this subsection may be limited in time and may be subject to terms and conditions deemed necessary by Councilthe city council.~~

D-1060

~~23-823-7~~ **E-1030** Demolition ~~Byby~~ Neglect Procedure

~~(A) Demolition by neglect means lack of maintenance of any building or structure designated or pending designation as a historic landmark (H) or any building or structure designated by ordinance as contributing to a historic area (HD) combining district or National Register Historic District, that results in deterioration and threatens the preservation of the structure. This section refers to contributing structures and historic landmarks as defined in Section 23-7D-1010 (Definitions).~~

~~(A)~~ The Historic Preservation Officer

~~(B) The historic preservation officer and the Historic Landmark Commission are authorized —to work with the applicantproperty owner or the property owner’s agent to devise a plan to stabilize, maintain, rehabilitate, and —preserve a structureit subject to this section, and to identify available resources available before taking enforcement actionunder this section.~~

~~(C) Except as provided in Subsection (ED), the following procedures apply to enforcement of this chapter.~~

~~(1) The Historic Landmark Commission or the historic preservation officerHistoric Preservation Officer may initiate an investigation of whether a property is being demolished by neglect.~~

~~(2) Upon initiation of an investigation, the historic preservation officerHistoric Preservation Officer shall, in writing:~~

~~(a) attempt toTo meet with the applicantproperty owner to inspect the structure and discuss the resources available for financing any necessary repairs; and~~

~~(b) askAsk Code Compliance staff to investigate the condition of the structure and prepare a report detailing conditions that affect the long-term preservation of the structure; and~~

prepare



- (c) Prepare a written report for the Historic Landmark Commission on the condition of the structure, and the repairs needed to maintain and stabilize the structure. The ~~historic preservation officer~~Historic Preservation Officer will further report on any meetings and agreements between the ~~historic preservation office~~Historic Preservation Office and the ~~applicant~~property owner to address issues affecting the long-term preservation of the structure, including agreements on ~~the~~ amount of time needed to complete the repairs.
- (3) The Historic Landmark Commission shall review the ~~historic preservation officer's~~Historic Preservation Officer's report and may vote to ~~certify the property as~~initiate a demolition by neglect case on the property.
- (4) If the Historic Landmark Commission ~~certifies the property as~~initiates a demolition by neglect case, the ~~historic preservation officer~~Historic Preservation Officer shall take the following actions:
- (a) Send notice ~~to the applicant or the applicant's agent, by certified mail,~~to the property owner or the property owner's agent, describing the required repairs and specifying:
- (i) ~~that~~That repairs must be started within 60 days; and
- (ii) ~~a~~A date by which repairs must be completed, as determined by the ~~historic preservation officer~~Historic Preservation Officer.
- (b) Meet with the ~~applicant~~property owner or owner's agent within 90 days after the notice is sent, to discuss progress in making repairs and to consider any issues that may delay completion of ~~repairs~~.

~~(9)~~(5) \_\_\_\_\_ The Historic Preservation Officer may refer a demolition by neglect case to the Building and Standards Commission, the City Attorney, or the appropriate ~~City~~city department for enforcement action to prevent demolition by neglect if the ~~applicant~~property owner fails to:

- (a) ~~start~~Start repairs by the deadline set in the notice;
- (b) ~~make~~Make continuous progress toward completion; or
- (c) ~~complete~~Complete repairs by the deadline set in the notice.

~~(10)~~(6) \_\_\_\_\_ The Historic Preservation Officer shall provide notice of a referral under Subsection (B-)(5) of this section to the ~~applicant~~property owner. The ~~applicant~~owner may appeal the ~~historic preservation officer's~~ referral to ~~Council~~the city council.

- (D) If immediate enforcement is necessary to prevent imminent destruction or harm to a designated historic landmark or contributing structure, ~~the in a local~~ historic ~~preservation officer~~district, the Historic Preservation Officer may refer the ~~contributing~~structure ~~or landmark~~ to the appropriate ~~City~~city department ~~to enforce this chapter~~ and to seek correction of any condition prohibited under Section 23-~~7D-1050~~7E-1020 (Duty to Preserve and Repair).

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# **Article 23-7F: Enforcement And and Penalties**

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### **Division 23-7F-1: Enforcement and Penalties**

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## 23-7 F-1010 Enforcement and Penalties

- ~~(A)~~—A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the City in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the applicant's owner's lawful homestead.
- ~~(B)~~~~(A)~~ ~~A person who violates this article commits an offense.~~ An offense under this article is a Class C misdemeanor punishable as provided in Section 1-1-99\_ (Offenses; General Penalty).
- ~~(C)~~~~(B)~~ ~~An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of applicable City technical codes under Chapter 23-11 (Technical Codes).~~
- ~~(D)~~~~(C)~~ ~~If a building, object, site or structure covered by this section is required to be demolished as a public safety hazard and the applicantowner has received two (2) or more notices of violation under SubsectionSection 23-7D-10607E-1030 (Demolition by Neglect Procedure), no application for a permit for a project on the property may be considered for a period of three years from the date of demolition of the structure.~~

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## ~~23-7-D-2010 Action On A Certificate Of Appropriateness~~

~~(A) If the Historic Landmark Commission determines that the proposed work will not adversely affect a significant architectural or historical feature of the designated historic landmark or contributing structure within a historic area (HD) combining district:~~

~~(14) \_\_\_\_\_ the Historic Landmark Commission shall issue a certificate of appropriateness; 7F-1010 \_\_\_\_\_ the Historic Landmark Enforcement and Penalties~~

~~(14) the Historic Landmark Commission shall provide the certificate to the Building Official not later than the 30th day after the date of the public hearing.~~

~~(14) The Building Official shall provide the certificate to the applicant not later than the fifth day after the day the Building Official receives the certificate from the commission.~~

~~(A) If the Historic Landmark Commission determines that the proposed work will adversely affect or destroy a significant architectural or historical feature of the designated historic landmark or contributing structure within a historic area (HD) combining district:~~

~~(14) the Historic Landmark Commission shall notify the Building Official that the application has been disapproved; and~~

~~(14) the Historic Landmark Commission shall, not later than the 30th day after the date of the public hearing notify the applicant of:~~

~~(-) the disapproval; and~~

~~(-) the changes in the application that are necessary for the Historic Landmark Commission's approval.~~

~~(A) In making a determination under this section, the Historic Landmark Commission shall consider the United States Secretary of the Interior's Standards for Rehabilitation, 36 Code of Federal Regulations Section 67.7(b).~~

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## ~~22-6-D-2020 Action On An Application For Demolition Or Relocation~~

~~(-) This section applies to an application for demolition or relocation under Division 23-7D-1020 (Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites).~~



- ~~( ) The Historic Landmark Commission may consider:~~
  - ~~(0) the reasonableness of the cost of restoration or repair;~~
  - ~~(0) the existing or potential usefulness, including economic usefulness, of the building;~~
  - ~~(0) the purpose of preserving the structure as a historic landmark;~~
  - ~~(0) the character of the neighborhood or historic district; and~~
  - ~~(0) other factors the Historic Landmark Commission determines to be appropriate.~~
- ~~( ) The Historic Landmark Commission shall release the application for demolition or relocation to the Building Official if the Historic Landmark Commission determines that:~~
  - ~~(0) the interest of historic preservation will not be adversely affected by the demolition or relocation; or~~
  - ~~(0) the interest of historic preservation can be best served by the removal of the structure to another identified location.~~
- ~~( ) The Building Official shall notify the applicant not later than the fifth day after the certificate is issued.~~

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### ~~23-36~~ ~~D-2030~~ **Appeal**

- ~~( ) An applicant may appeal an action of the Historic Landmark Commission under Division 23-7D-2010 (Action On A Certificate Of Appropriateness) or Division 23-7D-2010 (Action On An Application for Demolition or Relocation). An interested party may appeal a decision of the Historic Landmark Commission to demolish a designated historic landmark.~~
- ~~( ) A decision by the land use commission on an appeal may be appealed to Council.~~
- ~~( ) Except as provided by Subsection (D), an appeal must be made in accordance with the appeal procedures in Chapter 23-1X (Appeals).~~

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### ~~23-4223-8~~ ~~D-2040~~ **Changes Prohibited**

- ~~(A) An applicant cannot deviate from a design that has been approved after the Historic Landmark Commission or Historic Preservation Office review of a National Register Historic District building or demolition permit or after a certificate of appropriateness has been issued for a historic landmark or a contributing structure within a historic area (HD) combining district unless another application is submitted, the change is approved by the Historic Landmark Commission or the Historic Preservation Office, and the applicant receives a certificate of appropriateness for the change.~~
- ~~(B) The procedure for obtaining a certificate of appropriateness for a change is the same as for obtaining the initial certificate of appropriateness.~~

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## ~~23-7D-2050 Tolling Of Time Limits For Action~~

~~For purposes of the time limits for action in Divisions 23-7D-1020 (Building, Demolition, And Relocation Permits And Certificates Of Appropriateness Relating To Certain Buildings, Structures Or Sites), 23-7D-1030 (Pendency of Designation, and 23-7D-2010 (Action On A Certificate Of Appropriateness), a postponement requested or agreed to by the applicant or delegated agent tolls the running of the time limit from the date of the request until the date of the meeting to which the case has been postponed.~~

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