

CHAPTER 20. HERITAGE PRESERVATION REGULATIONS

ARTICLE I. Regulations.

Section 20.1. Purpose.

This Ordinance is adopted for the purpose of protecting the historic and aesthetic qualities of the City by preserving, rehabilitating or restoring, when reasonable, buildings or structures which constitute or reflect distinctive features of the architectural or historical resources of the City and thereby promoting the public welfare and preserving the cultural heritage of the City.

Section 20.2. Definitions.

- (a) Historically Significant Building or Structure means any building or structure or portion of a building or structure currently on or in the future listed on the National Historic Register or located in a designated local Heritage Preservation District, a local Heritage Preservation Site, or any structure located in the Historic Downtown Core District (as identified in Article II of this chapter) that was constructed in 1935 or prior.
- (b) Commission means the Heritage Preservation Commission.
- (c) Demolition means the complete dismantling, removing, razing or destruction of a building; also, for purposes of this Article, physically removing a building from its original foundation.

Section 20.3. Permits Required.

No building or structure may be demolished without obtaining a demolition permit. An application for a demolition permit must be filed with the City Building Official.

For historically significant buildings or structures, the Building Official must forward a copy of each demolition permit application to the Commission for review according to this article.

Any person receiving such a permit may conduct the demolition of the building as authorized under such permit only in compliance with the terms of the permit and only before the permit expires.

Section 20-4. Demolition Plan Review for Historically Significant Properties.

- (a) Within thirty (30) days after a determination that the building is historically significant, the applicant for the demolition permit must submit three (3) copies of a demolition plan to the Heritage Preservation Commission staff. The demolition plan shall include the following information:
 - (1) A map showing the location of the building or structure to be demolished on its property and with reference to neighboring properties;
 - (2) A legal description of the property and owner of record;
 - (3) Photographs of all building elevations;

- (4) A description of the building or structure or portion of the building or structure to be demolished;
 - (5) The reason for the proposed demolition and data supporting the reason, including where applicable, data sufficient to establish any economic justification for demolition;
 - (6) Proposed plans and a schedule for reuse of the property on which the building or structure to be demolished is located;
 - (7) Relation of the demolition and future site to the comprehensive plan and zoning requirements;
 - (8) A description of alternatives to demolition;
 - (9) Evidence that the building or structure has been advertised for sale for restoration or reuse and that sale for restoration or reuse is not economically feasible.
 - (10) Any available architectural drawings.
 - (11) A history of the building and date of construction, based on appropriate historical resources, such as deeds, map, etc.
- (b) The Commission shall hold a public hearing on the pending application according to the requirements for public hearings as found in the zoning chapter of the City Code. The Commission shall consider the architectural and historic merit of the building, the effect of demolition on surrounding buildings, and the effect of any new proposed construction on the remainder of the buildings and surrounding buildings.
- (c) After a public hearing and review of the application material, the Commission shall recommend approval of the demolition permit upon finding that the owner has made a reasonable effort to sell or preserve the structure and there is no feasible alternative to demolition. If the Commission finds that there is a feasible alternative to demotion, the Commission shall recommend denial of the demolition permit.
- (d) Upon recommendation of the Commission, the City Council shall consider the request and approve or deny the demolition permit. Such action shall take place within sixty (60) days after receipt and acceptance of the information required to be submitted under Section 20-4(a).

Section 20-5.

Emergency Demolition.

If a historically significant building or structure poses an immediate threat to health or safety due to its deteriorated condition, the owner of the building or structure may request issuance of an emergency demolition permit. If the Building Official finds that the condition of the building or structure poses a serious and imminent threat to public health and safety and that there is no reasonable alternative to immediate demolition, the Building Official may issue an emergency demolition permit.

Section 20-6.

Expiration.

Any demolition permit that is issued pursuant to an application subject to this Article shall expire one hundred eighty (180) days after the permit is issued if the work authorized by such permit has not commenced.

Section 20-7. Waiver.

In cases of hardship, any person aggrieved by the requirements of this Article may apply to the City Council for waiver of all or a portion of the applicable restrictions. A waiver may be granted where the City Council finds substantial hardship caused by the restrictions of this Article and finds the waiver will not unduly affect the purposes for which the Article was enacted.

Section 20-8. Amendment to this Chapter.

- (a) Request for Amendment. An amendment to this Chapter may be initiated by a City resident, the Heritage Preservation Commission or the City Council.
- (b) Review of Proposed Amendment. Proposed amendments shall be reviewed by the Heritage Preservation Commission prior to presentation to the City Council for final consideration.

Section 20-9. Injunction.

In addition to any other relief provided by this Ordinance, the City Attorney may apply to a Court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this Ordinance. This application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

Section 20-10. Enforceability and Violations.

Unless expressly provided otherwise, any person or entity violating any provisions of the City Code, including this Chapter, any rule or regulations adopted in pursuance of any such provision, or any other order lawfully enforcing the City Code or this Chapter, may be charged with a petty misdemeanor or misdemeanor. The term "petty misdemeanor and misdemeanor" are defined in Minnesota Statutes Section 609.02, as amended. In addition to seeking prosecution of a violation as a petty misdemeanor or misdemeanor, the City may separately, or in conjunction with the prosecution, bring an action for specific performance to enforce any provisions of the City Code, including this Chapter, any rule or regulation adopted in pursuance of such provision, or any order lawfully enforcing the City Code, including this Chapter.

Sections 20-11 thru 20-39. Reserved.