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CHAPTER 16

HERITAGE PRESERVATION

SECTION 16.01. PURPOSE. The Council hereby declares that as a matter of public policy the preservation, protection, perpetuation, promotion and use of areas, places, Buildings, Structures, lands, Districts and other objects having a special historical, architectural, archaeological or aesthetic interest or value is a public necessity, and is required in the interest of the health, prosperity, safety and welfare of the people. To this end, the Commission is created and charged with the stewardship of Red Wing's heritage. The purpose of this Chapter is to:

1. Safeguard the heritage of the City of Red Wing by preserving properties which reflect elements of the City's cultural, social, economic, political, visual, or architectural history;
2. Protect and enhance the City of Red Wing's appeal and attraction to residents, visitors, and tourists, while enhancing its economic viability through the protection and promotion of its unique character as related to its history and heritage;
3. Enhance the visual and aesthetic character, diversity and interest of the City of Red Wing;
4. Foster civic pride in the beauty and notable accomplishments of the past;
5. Promote the preservation and continued use of historic properties for the education and general welfare of the people of the City of Red Wing; and
6. Provide educational opportunities on heritage preservation, act in an advisory capacity to its citizens, accept gifts and contributions for heritage preservation, and coordinate activities with various related groups.

SECTION 16.02. DEFINITIONS. The following terms, as used in this Chapter, shall have the meanings stated:

1. "Archaeological Site" – a geographic location containing the relics, artifacts and other cultural aspects of life associated with ancient peoples.

2. "Building" – any Structure, either temporary or permanent, having a roof supported by columns or walls, and intended for the shelter or enclosure of persons, animals, chattels or property of any kind.
3. "Commission" – the City of Red Wing Heritage Preservation Commission.
4. "Contributing Building/Structure" – a Building/Structure which has undergone significant alterations but still retains many of its original architectural details and continues to contribute to the architectural character of its District.
5. "District" – a geographically definable area, urban or rural, possessing a significant concentration of linkage of sites, Buildings, Structures or objects unified by past events or aesthetically by plan or physical development.
6. "Heritage Preservation Designation" – an official action by the Council which proclaims a Heritage Preservation Site located within the limits of Red Wing to be worth preserving. Designated Buildings, Structures or Districts are protected from alteration or destruction through permit review by the Commission.
7. "Heritage Preservation Site" – any area, place, Building, Structure, land, District, or other object, which has been duly designated as a Heritage Preservation Site pursuant to this ordinance.
8. "Intrusive Building/Structure" – a Building/Structure which does not contribute to the architectural character of its District; this includes Buildings/Structures that are less than 50 years old, and Buildings/Structures that have been so extensively altered that they no longer contribute to the architectural character of its District.
9. "Local Historic Districts" – a District, as designated by the City Council, having special or unique historical, architectural, archaeological or aesthetic interest or value, which merits protection and preservation. And, which said protection and preservation is deemed best accomplished through a full design review process.
10. "National Trust for Historic Preservation" – a non-profit educational organization chartered by Congress to encourage public participation in the preservation of Districts, sites, Buildings, Structures and objects significant in American History and architecture.
11. "National Register for Historic Places" – the nation's official list of properties worthy of preservation designated by the United States

Department of Interior, National Park Service. Nominations of properties within Minnesota to this list are made through the auspices of the State Historic Preservation Officer, Minnesota Historical Society.

12. "Neighborhood Conservation District" – a District, as designated by the City Council, having special or unique historical, architectural, archaeological or aesthetic interest or value, which merits protection, conservation and preservation. And, which said protection, conservation and preservation is deemed best accomplished through limited design review and emphasizing public education, incentives, and minimizing direct governmental regulation.
13. "Pivotal Building/Structure" – a Building/Structure that retains the highest degree of its original workmanship and architectural style and has the most significant impact on the architectural character of its District; or a Building/Structure that is historically significant for its association with an important figure or event in local, State, or American history.
14. "Structure" – anything constructed or erected the use of, which requires location on the ground or attachment to something having location on the ground.

SECTION 16.03. HERITAGE PRESERVATION COMMISSION.

Subd. 1. Establishment and Composition. A Heritage Preservation Commission is hereby established. The Commission shall be composed of seven members, one of whom must be a designated representative of the Goodhue County Historical Society, if available, pursuant to Minnesota Statutes, Section 471.193, Subd. 5. Members of the Commission shall have a demonstrated interest and competence or knowledge in historic preservation.

Subd. 2. Powers and Duties. The Commission shall perform such duties as the Council may direct and shall recommend to the Council Buildings, Structures, lands, archaeological sites, areas or Districts to be designated or described for Heritage Preservation, as follows:

- A. The Commission shall direct the Planning Director or designee in cooperation with required consultants to prepare studies which would catalogue Buildings, Structures, land areas or Districts to be considered for Heritage Preservation.
- B. All Heritage Preservation Sites previously designated by the City of Red Wing shall continue their designation under this Chapter unless the Commission specifically finds that any such sites do not meet the

designation criteria provided in this Subdivision. The designation criteria shall include the following:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the City of Red Wing;
 2. Its location as a site of a significant historic event;
 3. Its identification with a person or persons who significantly contributed to the culture and development of the City; Its embodiment of distinguishing characteristics of an architectural style, period, form or treatment;
 4. The identification as work of an architectural or master builder whose individual work has influenced the development of the City of Red Wing;
 5. Its embodiment of elements of architectural design, detail, material, or craftsmanship, which represents a significant architectural innovation; and
 6. Its unique location, scale or other physical characteristics representing an established and familiar visual feature of a neighborhood, a District, the community, or the City of Red Wing.
- C. If the Commission recommends a proposed site be designated as a Heritage Preservation Site, the Commission shall transmit to the Advisory Planning Commission its recommendation, including boundaries, and the proposed program for preservation of the Site. The Commission's recommendation shall determine if the designation is classified as a Local Historic District or as a Neighborhood Conservation District. The Commission shall request from the Advisory Planning Commission its comments on the proposed designation as a Heritage Preservation Site relative to the City Zoning Code and Comprehensive Plan of the City of Red Wing, and any other valid City planning considerations relevant to the proposed designation. The Advisory Planning Commission's comments shall become part of the official record concerning the proposed designation, as it deems necessary. In addition, in accordance with Minnesota Statutes, Section 471.193, the Commission shall send to the Minnesota Historical Society/State Historic Preservation Office any proposed program for preservation of the Heritage Preservation Site. The Commission may make such modifications concerning the proposed designation as it deems necessary in consideration of the comments of the Minnesota Historical Society/State Historic Preservation Office.

- D. The Commission shall review the comments of the Advisory Planning Commission and, prior to making its recommendations to the Council, the Commission shall hold a public hearing and seek the recommendations of all concerned citizens. Prior to such hearing, the Commission shall cause to be published in the City's official newspaper a notice of the hearing at least 10 days prior to the date of the hearing, and notice of the hearing shall be mailed at least 10 days before the day of the hearing to all owners of record of the property or properties proposed to be designated as a Heritage Preservation Site and to all owners of property situated wholly or partly within 350 feet of the Heritage Preservation Site. The Commission may make such modifications concerning the proposed designation, as it deems necessary in consideration of the comments of the citizens.
- E. The City Council, upon the request of the Commission, may, by ordinance, designate a Heritage Preservation Site. Such an ordinance shall require a majority vote of all members of the City Council to be effective.
- F. For each Heritage Preservation Site recommended to the City Council, a proposed program for rehabilitation and preservation shall be created. The United States Secretary of the Interior Standards for Treatment of Historic Properties shall be among the standards used to create such a program. For any site within the Downtown Historic District, the Red Wing Downtown Guidelines will also be used as a standard of guidance.
- G. The Commission shall make no application to any historic register without the consent of the property owner and the Council.
- H. The Commission shall have the authority to solicit gifts and contributions to be made to the City and to assist in the preparation of applications for grant funds or for the purpose of heritage preservation programs or projects.

Subd. 3. Building and Sign Permits.

- A. The Building Inspector shall issue no Building permit for exterior or interior building improvements that changes the exterior appearance of a building for any property or District that has been designated as a Heritage Preservation Site until such time as the applicant has received a Certificate of Appropriateness from the Commission pursuant to Section 16.04.
- B. The Planning Director or designee shall issue no sign permit for any property or District that has been designated as a Heritage Preservation

Site until such time as the applicant has received a Certificate of Appropriateness from the Commission pursuant to Section 16.04.

- C. The Building Inspector shall issue no permit for demolition, Building additions, or new construction in a Neighborhood Conservation District, until such time as the applicant has received a Certificate of Appropriateness from the Commission pursuant to Section 16.04.
- D. In the event a Certificate of Appropriateness is not granted, the Commission shall inform the applicant, in writing, of the procedure for appeal of the Commission's decision.

Subd. 4. Decisions of Commission.

- A. In the case that the Commission has made the necessary findings that Buildings, Structures, lands, areas or Districts cannot be preserved without acquisition, the Commission shall recommend to the Council that the property in question be acquired by gift, by negotiation or by eminent domain as provided for in Chapter 117 of Minnesota Statutes.
- B. The Commission may also recommend to the Council variations of use from those permitted by the Zoning Chapter which are comparable to the improvements on the property and to other properties in the area when the Commission finds that such variances are necessary to alleviate financial hardship placed upon the owner of designated properties by orders of the Commission.

Subd. 5. Recording of Designated Areas. The City Clerk shall record with the Goodhue County Recorder the legal description of all Buildings, Structures, lands, areas or Districts designated for historical preservation by the Council.

SECTION 16.04. DESIGN GUIDELINES FOR LOCAL HISTORIC DISTRICTS.

Subd. 1. No sign permit or Building permit for exterior modifications or interior structural changes that would impact any future exterior renovation to any Building, Structure, or landscape, located within a local historic District, shall be issued, until such time as the applicant has submitted a design review application to the Heritage Preservation Committee and received a Certificate of Appropriateness. Said design review application shall be on a form prescribed by the Commission. In the event a Certificate of Appropriateness is not granted, the applicant may appeal the decision of the Commission to the Council.

Subd. 2. When reviewing design applications for a Certificate of Appropriateness, the Commission shall make its findings based upon the following guidelines and criteria:

- A. A completed design review application form available from the City Planning Director or designee.
- B. Adherence to the Secretary of Interior's General Standards for Historic Preservation Projects as amended:
 - 1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the Building, Structure or site and its environment, or to use a property for its originally intended purpose. The Commission may require written economic, architectural, and/or Building use justifications for proposed uses which would alter the compatibility of the Building/Structure or use with surrounding Buildings or Structures.
 - 2. The distinguishing original qualities or character of a Building, Structure, or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features shall be avoided whenever possible.
 - 3. All Buildings, Structures, and sites shall be recognized as products of their own time. Proposed alterations which have no historical basis and which seek to create an appearance from an earlier era shall be avoided whenever possible.
 - 4. Changes which may have taken place in the course of time are evidence of the history and development of a Building, Structure, or site and its environment. If significant, these changes shall be left intact whenever possible.
 - 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a Building, Structure, or site, shall be retained if at all possible.
 - 6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historical, physical, or pictorial evidence, rather than on conjectural designs or the availability of different architectural elements from other Buildings or Structures.

7. The surface cleaning of Buildings or Structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic Building materials shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any acquisition, protection, stabilization, preservation, rehabilitation, restoration, or reconstruction project.
9. Contemporary design for alterations and additions to existing properties shall be discouraged when such alterations and additions destroy significant historic, architectural, or cultural material and such design is not compatible with the size, scale, color, material, and character of the property, neighborhood, or environment.
10. Wherever possible, new additions or alterations to Buildings or Structures approved by the Commission shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the Building or Structure would be unimpaired.
11. The original exterior walls or surfaces of historically significant Buildings and Structures shall be retained to the maximum extent possible. In no case shall more than 25 percent of the original exterior walls or surfaces be destroyed, removed, or covered.

Subd. 3. The applicant for a Certificate of Appropriateness shall identify the Proposal as one of Six Classifications of Work: (1) Minor Face-Lift; (2) Major Face-Lift; (3) Restoration; (4) Major Rehabilitation; (5) New Construction; and (6) Signage. In all of the six classifications, the applicant shall attach the following information (listed below) to the design review application form: (1) current photograph; (2) scaled elevation of side(s) of Building or Structure to be modified; (3) paint chips; (4) narrative of work to be done and how the work relates to the architectural history of the Building or Structure (A history of the Building is available from the City Planning office, City Library, and/or the Goodhue County Historical Museum); and (5) Building material samples.

A. Minor Face-Lift.

1. A minor face-lift is defined as work that does not significantly alter, but rather, enhances the historic or original exterior appearance of the Building or Structure. This may include refinishing, repair, painting, and general maintenance.

2. The Commission encourages the use of materials similar to those used in the original construction, wherever possible. Synthetic and non-similar materials may be allowed only when replacement of similar materials is not feasible.
3. Wherever possible, new additions or alterations to Buildings or Structures shall be done in such a manner that if they were to be removed in the future, the essential form and integrity of the original Building or Structure would not be destroyed. The Commission will not approve sandblasting or chemical treatment that would damage the Building or Structure. The Commission will not approve the removal of cornices, painting of unpainted masonry, alterations to existing historic or original openings for windows and doorways and changes to other significant architectural detail.

B. Major Face-Lift.

1. A major exterior wall face-lift shall not destroy the distinguishing qualities or character of the property and its environment. It shall enhance the existing size, scale, color, material, and character of the exterior historic features of the Building or Structure.
2. The requirements for Building or Structure modification outlined under minor face-lift also apply to major face-lift. The removal or alteration of any historic material or architectural features shall be minimized, consistent with the proposed use.
3. Change of an intrusive Building or Structure shall be encouraged if such design is compatible to the size, scale, color, material, and character of the neighborhood or adjacent Buildings or Structures.

C. Restoration.

1. Restoration is defined as the act or process of accurately recovering the original form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
2. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, new synthetic material shall match the material being replaced in design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of original features, substantiated by physical or pictorial evidence from the local District survey information rather

than on conjectural designs or the availability of different architectural features from other Buildings or Structures.

3. The requirements outlined under major facelift also apply to restoration.

D. Major Rehabilitation.

1. Major rehabilitation is defined as the act or process of returning a property to a state of utility (both interior and exterior) through repair or alteration which makes possible an efficient contemporary use while preserving those portions or features of the property which are significant to its historical, architectural, and cultural values.
2. The requirements outlined under restoration also apply to major rehabilitation.

E. New Construction. New construction with designs which are architecturally significant and durable shall be encouraged. Contemporary design for new Buildings or Structures in old neighborhoods and additions to existing Buildings, Structures or landscaping shall be encouraged if such design is compatible with the size, scale, color, material, and character of the neighborhood and adjacent Buildings or Structures. New retail Buildings or Structures shall have window and doorway openings compatible with adjacent Buildings or Structures in the District.

F. Signage. Signage shall be designed to enhance and complement the historic character of Buildings and Structures within the District. Prior to issuance of a sign permit for a new sign or the replacement of an existing sign, the applicant shall complete a design review application. The Commission shall review said application and issue a Certificate of Appropriateness provided the following guidelines are met:

1. Compliance. All sign permits for property within the local historic Districts shall comply both with the requirements of this Chapter and the Zoning Chapter.
2. Sign and Placement. Signs shall be positioned so they are an integral design feature of the Building or Structure which means that signs shall help define and enhance the architectural features of the Building or Structure and shall be placed so that they do not destroy architectural details, such as but not limited to, stone arches, glass transom panels, or decorative brickwork. Signs may be placed only in the horizontal lintel "sign space" above the store front windows, or within window glass, attached to awnings, or in areas where signs

were historically attached. In addition to the maximum sign sizes and placement which are controlled by the Zoning Chapter, the following rule shall be followed: Awning signs may be placed on the side panels, front drop, or awning valance but shall not extend vertically or horizontally beyond the limits of an awning and shall not exceed 40 percent of the surface area of the side panel, front drop, or valance of the awning.

3. Colors. Sign colors shall blend with the Building or Structure facade to which the sign is attached and be compatible with the property's use. No more than two colors shall be used for sign lettering.
4. Message. The sign message shall be legible and relate to the nature of the use. These requirements may be accomplished through the use of words, pictures, names, symbols, and logos.
5. Lettering. Lettering styles shall be legible and relate to the character of the property's use. In addition, a sign shall contain no more than two lettering styles; and lettering shall occupy no more than 60 percent of the sign's total area and capital letters shall be no more than 75 percent of the height of the sign background.
6. Illumination. External illumination of signs is permitted. Illumination may be incandescent or fluorescent but shall emit a continuous white light that prevents direct light from shining onto the street. Exposed neon lighted signs may be appropriate to the historic District provided they meet the other requirements of this Section. The use of internally lit signs, such as but not limited to, backlit plastic, is not permitted. Exceptions to this guideline shall be allowed for the following: public service time and/or temperature signs; theater signage.
7. Freestanding Signs. All freestanding signs which comply with the requirements of the Zoning Chapter shall be located, sized, and landscaped so that they do not obscure the view of historic properties.
8. Historic Projecting Signs. A sign may project more than 18 inches from the Building or Structure onto public rights-of-way if it meets all of the following criteria:
 - (a) Historic projecting signs are only allowed within designated local historic Districts and after application and approval of a design review application.

- (b) There shall be no more than one historic projecting sign per storefront business with a street entrance except that retail malls shall be allowed one historic projecting sign per major public entrance. There shall be no more than two historic projecting signs located within any 20 foot block frontage on the same side of the street.
- (c) A historic projecting sign shall be considered secondary to other signage on the Building or Structure. The maximum allowable size of each sign shall be six square feet per sign face. Historic projecting signs set perpendicular to the Building or Structure wall shall be double faced and allowed up to 12 square feet for both sides. Historic projecting signs shall present the same image on each side so public view is a consistent view and no plain backs are in public view. Three dimensional object signs shall not exceed two square feet at their largest cross section.
- (d) No historic projecting sign shall have a width greater than four square feet.
- (e) Historic projecting signs shall not extend more than five feet beyond the wall of the Building or Structure. Such signs shall not be closer than six inches from the wall of the Building/Structure to which it is attached.
- (f) No part of the historic projecting sign and supports shall be less than eight feet above grade nor higher than two-thirds of the height of the Building or Structure to which it is attached or 15 feet above grade, whichever is higher.
- (g) All projecting signs and brackets shall be securely fastened to the Building or Structure.
- (h) Supporting brackets shall be designed to be compatible to the sign and bolted whenever possible into masonry joints in order to avoid damaging brick or other stonework.
- (i) Historic projecting signs shall be designed so that they are compatible with the architecture of the local historic District that the sign is located within and shall be compatible with the architectural style and character of the Building or Structure to which the sign is attached. Well-designed contemporary signs, which symbolize the services offered, are encouraged. Allowed historic projecting signs shall be designed to be legible, related to the character of the property's use, and be constructed of

compatible material to the Building or Structure such as wood, iron, or steel.

- (j) No historic projecting sign shall be erected, placed or mounted in such a manner as to interfere with any exit, fire escape or window of any Building or Structure, nor shall any historic projecting sign interfere with, block, cover or overlap an architectural feature of the Building or Structure, such as: cornices, window trims, lintels, and decorative brick, stone, inlays, or other similar architectural ornamentation.
 - (k) No historic projecting sign or sign structures shall have any nails, tacks, wires, or sharp metal edges protruding therefrom.
9. A-Frame/Swinger/Sandwich Signs. A-Frame style signs shall be permitted provided they meet the following regulations:
- (a) Such signs shall be no larger than 10 square feet in sign area per side.
 - (b) Such signs shall not be higher than forty-eight (48) inches (4 feet) or wider than thirty (30) inches (2-1/2 feet).
 - (c) Such signs shall only be displayed during business hours.
 - (d) Such signs may be placed on private property or on the public sidewalk near the place of business but must provide at least sixty (60) inches (5 feet) of clearance on the sidewalk for pedestrian movement.
 - (e) Only one such sign shall be allowed per Zoned Lot.
 - (f) Such signs shall complement and enhance the architectural qualities of the Building or Structure and shall be compatible and consistent with the façade of the Building or Structure and other permanent signage on the Building or Structure.

Subd. 4. The Commission shall make findings of fact prior to approving a Certificate of Appropriateness. These findings shall include:

- A. In the case of a proposed alteration or addition to an existing Building or Structure, that such alteration or addition will not materially impair the architectural or historic value of the Building or Structure; the Commission shall make written findings considering the existing Buildings or Structures and existing exterior appearance, Building

height, Building width, depth, or other dimensions, roof style, type of Building materials, ornamentation, paving, setback and color.

- B. In the case of the proposed demolition of a Building or Structure, prior to approval of such demolition the Commission shall make written findings on the following: architectural and historical merit of the Building or Structure, the effect on surrounding Buildings or Structures, the effect of any new proposed construction on the remainder of the Building or Structure, in case of partial demolition, and on surrounding Buildings or Structures; the economic value or usefulness of the Building or Structure as it now exists; or if altered or modified, in comparison with the value or usefulness of any proposed Structure designated to replace the present Building(s) or Structure(s).
- C. In the case of a proposed new Building or Structure, that such Building or Structure will not in itself, or by reason of its location or the site, materially impair the architectural or historic value of Buildings or Structures or adjacent sites in the immediate vicinity within the Local Historic District.
- D. The Commission shall compare the proposal with an equivalent pivotal Building or Structure of similar architectural style that is located within the same local historic District.

Subd. 5. The applicant shall pay to the City design review fees as outlined in the City fee ordinance.

Subd. 6. Amortization - Removal of Nonconforming Signs. Any sign which is not in conformity with the provisions of this Chapter shall be amortized and removed from the Heritage Preservation District by March 1, 1996, and continuance of such a sign shall thereafter be unlawful and subject to all penalties imposed by this Chapter and City Code, and the City may exercise any and all remedies available to it, including civil remedies to compel its removal. Until removed, all signs shall be kept in good repair; however, if major repair is required, the sign shall be removed from the Heritage Preservation District. Major repair includes but is not limited to replacement or covering of more than 25 percent of the surface area of the sign or replacement of a structural, major electrical or supporting part.

Subd. 7. If no action upon the design review application submitted to the Commission has been taken at the expiration of 60 days from the date submitted, the Certificate of Appropriateness shall be deemed to be issued.

Subd. 8. Upon issuance of a Certificate of Appropriateness, the Planning Director or designee shall furnish the applicant and the Building Inspector with a copy of the Certificate. In the event the Commission denies the issuance of

a Certificate of Appropriateness, the Planning Director or designee shall furnish the applicant and the Building Inspector with a copy of recommendations for changes necessary to be made before the Commission will reconsider the application. Said Certificate or recommendations shall be dated as of the date on which the Commission reached its decision on said application and shall be sent to the address of the applicant as shown on the application.

Subd. 9. Any individual having a legal interest in property affected by the Commission's decision shall, within 30 days after the date of said decision, have a right to appeal such decision to the Council for review.

SECTION 16.05. DESIGN GUIDELINES FOR NEIGHBORHOOD CONSERVATION DISTRICTS.

Subd. 1. Definitions. The following terms, as used in this Section, shall have the meanings stated:

1. "Directional Expression of a Building/Structure" – that the structural shape, placement of openings, and architectural details provide for a predominantly vertical, horizontal, or non-directional character to the major elevations of a Building or Structure.
2. "Major Elevation" – those portions of a Building or Structure which are visible from the abutting public streets.
3. "Subordinated or Minor Elevation" – those portions of a Building or Structure which are not major elevations.

Subd. 2. Application Required.

- A. No Certificate of Appropriateness for demolition, Building additions, or new construction for any Building, Structure, or landscape located within a Neighborhood Conservation District shall be issued until such time as the applicant has submitted a design review application to, and said application has been reviewed and approved by, the Commission. No application shall be accepted unless completed in full and accompanied by any additional information as may reasonably be required by the Commission. Review by the Commission shall not be required for the demolition of Buildings or Structures that have been damaged by fire, a natural disaster, or other similar event and which has been determined to be a total loss by the Planning Director, or designee after consultation with the City's Building Official and the property owner. In the case of a proposed demolition requiring a Certificate of Appropriateness, a mandatory 120-day waiting period from the date the application is accepted shall be in effect before demolition may begin.

- B. Design review applications shall be on a form prescribed by the Commission, and available from the City Planner or Building Inspector. Review by the Commission shall not be required for accessory structures and garages which have been determined to have no special or unique historic characteristics. The Commission shall conduct surveys in all Neighborhood Conservation Districts for the purpose of identifying and inventorying said special or unique accessory structures and garages.

Subd. 3. The Commission shall make findings of fact prior to approving a Certificate of Appropriateness. These findings shall include:

- A. In the case of proposed demolition of a Building or Structure: i) the architectural and historic merit of the Building/Structure; ii) the effect of demolition on surrounding Buildings and Structures; iii) if a partial demolition, the effect of the proposed demolition on the remainder of the Building/Structure; and iv) the economic value or usefulness of the Building or Structure as it currently exists, compared with the economic value or usefulness of the proposed Building or Structure.
- B. In the case of additions and new construction, Certificates of Appropriateness for additions to subordinated or minor elevations and new construction of accessory structures and garages shall be issued without review by the Commission. The Commission shall review applications relating to major elevations and new construction of principal Buildings or Structures for compatibility of said addition or new construction with standard characteristics found within the Neighborhood Conservation District. Said standard characteristics shall be established for the following:
- Building/Structure height
 - mass of Building/Structure
 - volume
 - scale of adjacent Buildings/Structures
 - roof lines
 - site setbacks
 - proportion of door and window openings
 - directional expression of Buildings/Structures
- C. In the case of public improvements, the Commission shall review all plans for curb and gutter, street, or utility reconstruction and comment to the City Council on the effects of said improvements within 30 days of notification of the project. No construction or reconstruction of a public improvement shall commence until said comment has been made to the City Council or 30 days has elapsed since the Commission was notified of the project. Review shall not be required for routine maintenance,

repair, or emergency work such as street patching, street overlays, driveway installations, boulevard tree planting, accessibility ramp improvements, utility repairs, sidewalk repair, or sidewalk replacement.

Subd. 4. Standards For Issuance. A Certificate of Appropriateness shall not be issued until the Commission determines that the project proposed in the design review application complies with Section 16.04, Subdivision 2B.

Subd. 5. If no action upon the design review application submitted to the Commission has been taken at the expiration of 60 days from the date the application is accepted, the Certificate of Appropriateness shall be deemed to be issued.

Subd. 6. Upon acceptance by the City of a design review application for demolition, signs shall be posted on all proposed demolition sites indicating the following:

- A. The Building/Structure to be demolished;
- B. The future plans for the site;
- C. That a 120-day waiting period, from the date the application is accepted, is in effect before demolition may begin; and
- D. The actions taken to mitigate the adverse impacts of demolition.

Subd. 7. Upon issuance of a Certificate of Appropriateness, the Planning Director or designee shall furnish the applicant and the Building Inspector with a copy thereof. In the event the Commission denies the issuance of a Certificate of Appropriateness, the Planning Director or designee shall furnish the applicant and the Building Inspector with a copy of recommendations for changes necessary to be made before the Commission will reconsider the application. Said Certificate or recommendations shall be dated as of the date the Commission reached its decision on said application and shall be sent to the address of the applicant as shown on the application.

Subd. 8. Any individual having a legal interest in property affected by the Commission's decision pursuant to Subdivision 3 of this Section shall, within 30 days after the date of said decision, have a right to appeal such decision to the Council for review.

(CODIFIER'S NOTE: Heritage Preservation Districts appear in Chapter 25.)

SECTION 16.06. VIOLATION A MISDEMEANOR. Every person violates a section, subdivision, paragraph or provision of this Chapter when he performs an act thereby prohibited or declared unlawful, or fails to act when such

failure is thereby prohibited or declared unlawful, and upon conviction thereof, shall be punished as for a misdemeanor except as otherwise stated in specific provisions hereof.