

Ordinance 82-5

AN ORDINANCE ESTABLISHING AN HERITAGE PRESERVATION ZONING DISTRICT

THE CITY OF FARIBAULT ORDAINS:

Section 1. Appendix C - Zoning Subdivision 20 is hereby amended with the addition of the following:

"HPD" - Heritage Preservation District

(a) Purpose

A district to provide for the preservation of the building, lands, areas and districts which possess historical or architectural significance and promote the educational, cultural and general welfare of the residents of the City, and therefore, designation of a special district zoning classification is hereby established.

(b) Affirmation of Existing Zoning

The transfer of land to the H.P.D. - Heritage Preservation District shall not change or affect, in any way, the uses allowed on and the restrictions and requirements then or thereafter applicable to the land under any other zoning classification in which the land is then or thereafter located, all which shall continue to apply, but the additional restrictions of the H.P.D. - Heritage Preservation District, shall also apply to such land once transferred to said district.

(c) Procedure for Establishing District

The City Council shall not consider the designation of any parcel of land as H.P.D. - Heritage Preservation District, until it receives the recommendation of the Planning Commission accompanied by the report of the Heritage Preservation Commission, or until sixty (60) days have elapsed for the date of request from the City Council to the Planning Commission and Heritage Preservation Commission without a recommendation of the Planning Commission. In considering the designation of any parcel or land as H.P.D. - Heritage Preservation District, the zoning ordinance amendment procedures as prescribed by Subdivision 23 of the zoning ordinance shall be applied.

(d) Filing of Transfer

After the transfer of any property to the H.P.D. - Heritage Preservation District, the City Administrator shall file a certified copy of the amendment to this ordinance making such transfer with the office of the Register of Deeds or the Register of Titles, whichever office is appropriate, but failure to so file shall not affect the validity of such transfer or the application of the provisions of this ordinance to such property.

(e) Permit Required for Certain Work

A building permit shall be required under and pursuant to this ordinance before any of the following work is done on or to any land within a H.P.D. - Heritage Preservation District or in, or to any improvements thereon:

- (1) any remodeling, repairing or altering that will change in any manner the exterior appearance of a building, not including painting;
- (2) moving a building;
- (3) destroying a building in whole or in part;
- (4) construction of new building or addition to an existing structure;
- (5) construction of new walks, fences, parking facilities and swimming pools, if adjacent or within view of public right-of-ways.

Physical improvements within and to public right-of-ways are exempt from the review provisions of this ordinance. However, the Heritage Preservation Commission is to be notified and given an opportunity to respond to any improvements to be ordered undertaken by the City Council.

Any work for which a building permit is granted pursuant to this ordinance shall be subject to all other requirements, including other permits required, for such work under other ordinances of the City.

(f) Procedure for Obtaining Building Permit

- (1) Application with Building Official. A building permit applicant shall be an owner of the land or building upon which the work is to be done. The permit applicant shall make application for the permit required by paragraph (d) hereof with the Building Official on forms provided by the city.
- (2) Submission to and Recommendations of Building Officials and Heritage Preservation Commission. The Building Official shall submit the application, with all required information to the Heritage Preservation Commission immediately upon receipt. The Building Official shall file his report and recommendation on the application to the Planning Commission and the Heritage Preservation Commission. The Heritage Preservation Commission shall schedule a meeting and shall make its recommendation to the Building Official to approve or disapprove of the issuance of the permit within fourteen (14) days from the date in which the application for building permit was received from the Building Official. If the Heritage Preservation Commission does not make its recommendation by written report given to the Building Official within fourteen (14) days from said date, the Heritage Preservation Commission shall be deemed to have approved of the issuance of the permit.
- (3) Issuance of Permit. The Building Official shall issue the permit only upon receipt of the approval of the Heritage Preservation Commission authorizing issuance of the permit, or if he receives no notice of disapproval from the Heritage Preservation Commission denying issuance of the building permit within fourteen (14) days after submission by the Building Official.
- (4) Denial of Permit; Approval. If the Heritage Preservation Commission disapproves of the issuance of the building permit within a fourteen (14) day period, set out in subparagraph (2) above, the Building Official shall not issue the permit to the applicant. In such event the applicant shall have the right to appeal to the City Council, serving the Board of Appeals. The Building Official shall issue upon request of such applicant, a copy of his report and that of the Heritage Preservation Commission with respect to the application, including their respective recommendations, if any, of changes necessary to be made for approval of applicant's permit request.
- (5) Hearing and Order by City Council Serving as Board of Appeals. The procedures for hearings and orders by the Board of Appeals on appeals made pursuant to this ordinance shall be the same as for other appeals under and pursuant to Subdivision 24 of the Zoning Ordinance except that notice of the hearing shall be given in the same manner as a request for variance, and shall also be given to the Heritage Preservation Commission and the Planning Commission.

(g) Criteria used in designation of H.P.D. - Heritage Preservation District

(1) Standards

Prior to the designation or amendment of designation of any landmark, building, site or parcel, architectural conservation area as "H.P.D." - Heritage Preservation District, standards in the form of policy guidelines shall be developed and submitted for review by the Heritage Preservation Commission to the Planning Commission and the City Council. Such standards in the form of policy guidelines shall be approved and formally adopted by resolution of the City Council.

(2) Preparation of Report on Proposed Designation

Prior to the designation or amendment of designation of any landmark, landmark district, architectural conservation district or protection area, an investigation and report on the historical and architectural significance of the structures, sites or objects to be designated shall be made to the Heritage Preservation Commission. Such report will also attempt to provide an indication of the economic status of the property or properties under consideration for designation by providing such information as assessed value, recent real estate transactions or other appropriate data. The report shall also recommend the boundaries of any proposed landmark, landmark district, architectural conservation district or protection area and recommend standards to be adopted by carrying out its regulatory functions provided under this ordinance. All recommendations shall be made in consideration of any master plan, zoning requirements, projected public improvements and existing and proposed renewal and development plans applicable to the section of the city to be affected by the designation or amendment of designation. The report shall be filed with the Planning Commission for their review. Under the procedures established in the Subdivision 23 and within this subdivision, the Planning Commission's report and the Heritage Preservation Commission's report shall be forwarded to the City Council for review.

(h) Criteria used in Authorization and Review of Building Permits

(i) Standards

Prior to the review of any building permits as required by the designation of a parcel of land as H.P.D. - Heritage Preservation District, the Heritage Preservation Commission shall promulgate and formulate criteria and standards in the form of policy guidelines by which the applications for building permits are to be measured. Such criteria and standards in the form of policy guidelines shall be submitted to the Planning Commission for review and recommendation and approved and formally adopted by resolution of the City Council.

(2) Consideration of Building Permit

The approval or denial of a building permit required for review under the terms of this subdivision shall include a statement to be entered into the official minutes of the Heritage Preservation Commission and/or the City Council serving as the Board of Appeals, as to the consistency and appropriateness of the applicant's building permit application with adopted city policy guidelines. In case of the denial by the Heritage Preservation Commission the commission shall state the reasons for such denial in writing and transmit the written statement to the applicant. The written statement shall also contain suggestions of the Commission in regard to appropriateness within the zone of the property in question.

(i) Information Necessary for Application of Building Permits

(1) Prior to the review of any building permits as required by the designation of a parcel of land as H.P.D. - Heritage Preservation District, the Heritage Preservation Commission shall formulate and promulgate criteria to be used by the Building Official to advise applicants of the information and data needed to review their application for a building permit. The criteria shall identify classifications or types of building permits and establish the information such as photographs, drawings, paint chips, material samples, specifications, history, etc. which must be submitted by the applicant upon application for a building permit. Such criteria, in the form of policy guidelines shall be submitted to the Planning Commission for review and recommendation, and approved and formally adopted by resolution of the City Council.

(2) Submission of information by applicant.

Prior to the submission by the Building Official of any application for building permit, the Building Official must receive from the applicant all information deemed necessary for review. The fourteen (14) day review period as established in Section (f)(2) of this ordinance shall not commence until said information deemed necessary within the terms of the establishment and adopted city policy guidelines.

Section 2. Appendix C - Zoning Subdivision 6(a) is hereby amended as follows:

(5) Special districts:

(a) "FSD" - Flood and Storm Drainage District

- 1) "FW" - Floodway Zone.
- 2) "FF" - Flood Fringe Zone.
- 3) "SW" - Stormwater Zone.

(b) "R-M" - Residential - Mobile Home District.

(c) "HPD" - Heritage Preservation District.

Section 3. This ordinance shall become effective thirty (30) days after its passage and publication.

First Reading: April 13, 1982

Second Reading: April 27, 1982

Gary A. Kindeth
Mayor

ATTEST:

Robert H. Yochum
City Administrator