

ORDINANCE NO. \_\_\_\_

AN ORDINANCE AMENDING SECTION 19B.14 and  
19B.15 OF CHAPTER 19B OF THE ROCHESTER  
CODE OF ORDINANCES RELATING TO HERITAGE  
PRESERVATION

THE COMMON COUNCIL OF THE CITY OF ROCHESTER ORDAINS:

Section 1. Sections 19B.14 and 19B.15 Chapter 19B of the Rochester Code of Ordinances are hereby amended to read as follows:

19B.14. Designation of Potential Landmark Property. Subdivision 1. The Commission shall compile a list of other properties that may have not met the criteria for Landmark Property designation but have historic or potentially historic significance within the City and may be considered eligible for Landmark designation at a future date. All such properties shall be designated as Potential Landmark Property in the Inventory. ~~A property owner of a Potential Landmark Property is encouraged to meet proactively with the Commission before undertaking development plans to receive preliminary feedback on appropriate development and benefits.~~

Subd. 2. To be eligible for designation on the Inventory as a Potential Landmark Property, the individual Building, Site, Structure or Object, or a collection thereof, must have a demonstrated quality of significance as determined by the criteria provided in section 19B.08, subd. 2. The Commission shall determine if the property should be designated as a Potential Landmark Property based on the designation criteria.

Subd. 3. ~~The property owner, the Commission, the Council, or any member of the general public~~ the Council, or the Commission may consider may file an application for designation of a Building, Contributing Building, District, Site, Structure or Object as a Potential Landmark Property on the Inventory. Any person may petition the Commission for a Building, Site, Structure or Object be considered as a Potential Landmark Property by filing out an application and paying a fee as set by Council Resolution. The ~~Upon receipt and payment,~~ the application shall be submitted to the Assigned Staff for review and

recommendation and placed on a Commission meeting agenda. The application for the designation of a ~~property or collection of properties~~ Building, Site, Structure or Object shall include the following:

- A. The applicable information required by this section;
- B. Site or Landmark District boundary map;
- C. Property or district description including narrative text photographs or other graphic materials that document its physical characteristics; and,
- D. Written description of how the property meets the criteria for designation.

~~19B.15. 60-Day Negotiation Period.~~ Potential Landmark Property Protection Period.  
Subdivision 1. The purpose of the Potential Landmark Property Protection Period is to protect the potential landmark property from alteration or demolition while the City makes a determination if the property should be designated as a Landmark Property or as part of a Landmark District. ~~60-Day negotiation period is meet with the property owner to discuss the Heritage Preservation Program and benefits that the property may be eligible to receive upon designation as a Designated Property.~~ If the owner of a Potential Landmark Property objects to the designation as a Potential Landmark Property and submits a land use application, or a demolition application, the City shall have up to 60 days to make a decision regarding the designation of the property. ~~a negotiation period of up to 60 days shall be initiated.~~ The 60 negotiation period The Potential Landmark Property Protection Period may be extended an additional 30 days upon a ~~resolution adopted~~ approval by the Council, or longer if mutually acceptable to both the Council and the property owner. Nothing herein shall prevent the City from reviewing any land use application or building permit affecting the subject property during the Potential Landmark Property Protection Period ~~60-day negotiation period.~~

Subd. 2. Within the Potential Landmark Property Protection Period ~~60-day negotiation period~~ the following shall occur:

- A. ~~The Assigned Staff Person or other City staff shall offer to meet with the property owner to discuss the Heritage Preservation Program and benefits that the property may be eligible to receive upon~~ if it meets the criteria for designation as a Landmark Property.
- B. The Commission shall meet and make a recommendation pursuant to Section 19B.08 of this Chapter to Council to proceed with designating the property as a Landmark Property or as part of a Landmark District or to allow the land use

application or demolition application to continue.

- ~~C. The Assigned Staff shall meet with the Commission regarding the proposed application and the nature of the property. The property owner shall be provided notice of this meeting. The Commission shall review appropriate context papers to evaluate the Integrity of the property under consideration and shall provide Council with an assessment of the property's conformance with the designation criteria. When any benefits are requested by the property owner, the Commission shall also evaluate how the designation, and any development that is concurrently proposed, meets the policy objectives for the Historic Preservation Program.~~
- ~~D. The Assigned Staff shall confer with the Council regarding the proposed application and the nature of the property, the staff's and the Commission's assessment of its historic significance, and the effects of the application. The property owner shall be provided notice of this meeting.~~
- ~~E. The Assigned Staff will negotiate with the property owner to reach a mutually acceptable agreement for the preservation of the property in exchange for the benefits made available to the property owner. The Council shall consider the appropriateness and availability of incentives, and shall also seek to be equitable in the incentives awarded through the negotiation process. The monetary value of incentives being requested shall be defined to the extent possible. When incentives are agreed upon as part of the negotiation, the Council shall require that the property be a Landmark Property or carry other restrictions as determined by the Council.~~
- ~~F. If upon the passage of 60 days or any extension thereof, the City and the property owner have failed to reach a mutually acceptable agreement, affected land use applications shall proceed to be processed as applications without further delay. The Council, or the property owner, may choose to terminate negotiations at any time.~~

~~Subd. 3. This section is intended to be consistent with Minn. Stat. §15.99.~~

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF  
ROCHESTER, MINNESOTA, THIS \_\_\_\_\_4th \_\_\_\_\_ February

ATTEST: *Cristina Bleyer*  
CITY CLERK

*Randy Staver*  
PRESIDENT OF SAID COMMON COUNCIL

APPROVED THIS \_\_\_\_\_



*Kim Norton*  
MAYOR OF SAID CITY

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