



Roll Call Number

Agenda Item Number

49

Date March 18, 2024

An Ordinance entitled, "AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, amending Sections 58-28, 58-30, 58-31, 58-32, 58-34, 58-35, 58-55, 58-57, 58-58, 58-59, 58-60, 58-61, 58-62, 58-64, 58-65, 58-66, 58-67, 58-70, relating to the elimination of the landmark review board and providing various functions and services under the historic preservation commission and development services department",

(Council Communication No. 24-124)

presented.

Moved by _____ that this ordinance be considered and given first vote for passage. Second by _____.

(First of three required readings)

FORM APPROVED:

/s/ Lisa A. Wieland
Lisa A. Wieland
Assistant City Attorney

COUNCIL ACTION	YEAS	NAYS	PASS	ABSENT
BOESEN				
VOSS				
COLEMAN				
WESTERGAARD				
MANDELBAUM				
GATTO				
TOTAL				
MOTION CARRIED			APPROVED	

CERTIFICATE

I, LAURA BAUMGARTNER, City Clerk of said City hereby certify that at a meeting of the City Council of said City of Des Moines, held on the above date, among other proceedings the above was adopted.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my seal the day and year first above written.

Mayor

City Clerk

ORDINANCE NO. _____

AN ORDINANCE to amend the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, by amending Sections 58-28, 58-30, 58-31, 58-32, 58-34, 58-35, 58-55, 58-57, 58-58, 58-59, 58-60, 58-61, 58-62, 58-64, 58-65, 58-66, 58-67, 58-70, relating to the elimination of the landmark review board and providing various functions and services under the historic preservation commission and development services department.

Be It Ordained by the City Council of the City of Des Moines, Iowa:

Section 1. That the Municipal Code of the City of Des Moines, Iowa, 2000, adopted by Ordinance No. 13,827, passed June 5, 2000, as heretofore amended, is hereby amended, by amending Sections 58-28, 58-30, 58-31, 58-32, 58-34, 58-35, 58-55, 58-57, 58-58, 58-59, 58-60, 58-61, 58-62, 58-64, 58-65, 58-66, 58-67, 58-70, as follows:

Sec. 58-28. Designation criteria.

- (a) For the purpose of this article, a historic district designation may be placed upon any area containing contiguous pieces of real estate under diverse ownership which:
 - (1) Are significant in American history, architecture, archaeology and culture; and
 - (2) Possess integrity of location, design, setting, materials, workmanship, feeling and association; and
 - (3) Are associated with events that have been a significant contribution to the patterns of our history; or
 - (4) Are associated with the lives of persons significant in our past; or
 - (5) Embody the distinctive characteristics of a type, period, or method of construction or represent the work of a master or possess high artistic values or represent a significant and distinguishable entity whose components may lack individual distinction;
 - (6) Have yielded or may be likely to yield information important in prehistory or history.
- (b) Designation of an area as a historic district shall be proposed either by the city council on its own motion or by the filing of a petition with the ~~community development department~~development services department, on a standard form approved by that department, which shall be furnished by that department upon request. Each such petition shall include but not be limited to the following:
 - (1) Signatures of the owners of 51 percent of the total number of parcels of real estate within the proposed district, excluding parcels owned by governmental bodies, provided that each parcel, within the meaning of this subsection, shall constitute a separate parcel for property tax assessment purposes, as shown in the records of the county assessor on the date of the filing of the petition.
 - (2) A vicinity map showing the general location of the proposed district.
 - (3) The legal description of the boundary of the proposed district.

- (4) A statement documenting the area's historical, architectural and cultural significance.
- (5) A plat, at a scale of not more than 400 feet to the inch, showing the existing uses of all properties within the proposed district.
- (c) The ~~community development department~~development services department shall submit a description of the proposed district or the petition describing the proposed district, if a petition has been filed, to the historical division of the state department of cultural affairs for its report and recommendations. If the historical division determines that the proposed district does not meet the requirements of state law for designation as a historic district, no further action shall be taken toward designation of the proposed district. The report and recommendations of the historical division shall be made available for public viewing at the office of the ~~community development department~~development services department.

Sec. 58-30. Historic preservation commission.

- (a) A historic preservation commission is created. The commission shall consist of six at large members and two residents from each designated historic district. At the time of their appointment, each member shall have a demonstrated interest in historic preservation, and at least four of the at large members shall have at least one of the following professional qualifications by education, training or experience: architect, landscape architect, urban planner, structural or civil engineer, historian, architectural historian, sociologist, archeologist, real estate broker, real estate attorney or builder. No appointment of an at-large member shall be effective if it results in the appointment of a third at-large member without the required professional qualifications. As soon as practical, but in any event within one year after their initial appointment to the commission, each person appointed to the commission shall attend at least one training seminar providing training on the duties of a local historic preservation review commission. The chair of the commission shall promptly report to the city council the name of any member of the commission who does not timely satisfy this training requirement. All references in this code to the ~~historic district commission~~historic preservation commission shall be interpreted to refer to the historic preservation commission.
- (b) Each member of the city council other than the mayor may recommend a candidate to fill one of the at large positions on the commission. The mayor may recommend candidates to fill each of the positions required to be held by a resident of a designated historic district. If the recognized neighborhood association for a recognized historic district has provided the city council with a list of at least three qualified candidates, the Mayor shall recommend one of those candidates to fill any position required to be held by a resident of that district. The commission shall endeavor to provide the city council with a list of at least three qualified candidates willing to accept appointment to the commission whenever a vacancy occurs in any at large position, or in any position required to be held by a resident of a specific district when a list of qualified candidates has not been provided by the recognized neighborhood association for that district. Each commission member shall be appointed for a term of three years.
- (c) The commission annually, during December, shall elect a chair and vice chair from among its members. The ~~community development department~~development services

department is hereby designated as the secretary and staff of the commission; and the office of the ~~community-development-department~~development services department shall be the office of the commission.

(d) The meetings of the commission shall be held at the call of the chair and at such other times as the commission or its staff may determine. All meetings of the commission shall be open to the public. The commission shall keep minutes of its proceedings, showing the vote of each member on each question, or if absent and failing to vote, indicating that fact, and shall keep written records of its other official actions, all of which shall be on file in the office of the ~~community-development-department~~development services department and shall be a public record. A majority of the membership of the commission shall be necessary to constitute a quorum.

(e) The commission shall have the following powers and duties:

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(9) The commission may adopt a list of alterations for which a certificate of appropriateness may be administratively granted by the ~~community-development-department~~development services department on behalf of the commission pursuant to section 58-32 of this article.

Sec. 58-31. Certificate of appropriateness required.

(a) No individual or corporation shall undertake the construction of a structure within a historic district or the alteration of any exterior features of a structure within a historic district, nor shall the ~~community-development-department~~development services department issue a building permit for any such proposed construction or alteration, unless a certificate of appropriateness has been granted by the historic preservation commission.

(b) Application for a certificate of appropriateness shall be filed with the ~~community-development-department~~development services department. Each application shall include plans showing the proposed appearance, texture, materials, shapes and sizes of the work to be done and such additional information as deemed necessary by the historic preservation commission. An application may include a plan of preservation and, if a certificate of appropriateness is granted based on such plan, it shall be valid for one year and renewable for one additional year with the approval of the commission. Before an application may be filed with the ~~community-development-department~~development services department, the applicant shall pay to the city treasurer a fee of \$10.00 to be credited to the general fund of the city; provided, however, that if the application is for work also requiring a building permit, the fee shall not be required.

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(e) After reviewing such application for a certificate of appropriateness, the commission shall approve, approve with modification, or disapprove the application, in whole or in part. If an application is approved or approved with modification by the commission, the ~~community-development-department~~development services department shall thereafter issue a certificate of appropriateness. The findings of the commission on each application shall be contained in a written resolution setting forth the full reason for its decision and

the vote of each member participating therein. Such resolution shall be placed on file for public inspection in the office of the ~~community development department~~development services department within five business days after the meeting at which the application was acted upon. A copy of such resolution shall be emailed, mailed or delivered to the applicant.

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- (h) Certificates of appropriateness issued on the basis of approved plans and applications authorize only the construction or alteration set forth in such approved plans and applications and no other construction or alteration. It shall be the duty of the ~~community development department~~development services department to inspect from time to time any work performed pursuant to such a certificate to ensure compliance with the requirements of such certificate, regardless of whether or not a building permit is required for such work. If it is found that such work is not being carried out in accordance with the certificate, the ~~community development department~~development services department shall issue a stop work order. Any construction or alteration at variance with that authorized shall be deemed a violation of this article and shall be punishable as provided in section 58-34 of this article.

Sec. 58-32. Administrative approval of certificate of appropriateness.

- (a) The historic preservation commission may adopt a list of alterations for which a certificate of appropriateness may be administratively granted pursuant to this article, provided that any such list or amendment thereto shall be approved by the city council and shall be published and made available to property owners within each historic district.
- (b) The ~~planning director~~development services director or the director's designee may issue a certificate of appropriateness for any alteration on the approved list which the ~~planning director~~development services director or the director's designee determines may be granted in harmony with the intent and purposes of this article. The certificate of appropriateness shall not be issued until the ~~fifth~~ third day after a notice of intent to issue such certificate is posted in the office of the ~~community development department~~development services department and emailed to the chair and each member of the commission.
- (c) The ~~planning director~~development services director shall not issue a certificate of appropriateness for an alteration if the chair or vice-chair of the commission directs that the application be considered by the commission.
- (d) The decision of the ~~planning director~~development services director to issue a certificate of appropriateness in accordance with this section may be appealed to the city council in the same manner as a decision of the commission.

Sec. 58-34. Enforcement, violations and penalties.

- (a) It shall be the duty of the ~~community development department~~development services department to enforce this article and to bring to the attention of the city council any violations or lack of compliance with this article.

- (b) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this article; to prevent unlawful construction; to recover damages; and to restrain, correct, or abate a violation, and these remedies shall be in addition to the penalties described in section 1-15 of this Code.

Sec. 58-35. Applicability.

This article shall be inapplicable to the construction or alteration of any structure within a historic district where a permit for the performance of such work was issued by the ~~community development department~~development services department prior to the effective date of the ordinance enacted pursuant to this article, including the subject property within the boundaries of such historic district.

Sec. 58-55. ~~Landmark review board~~ / Historic preservation commission.

- (a) The historic preservation commission shall consider the nomination of landmarks and landmark sites and the alteration of landmarks and landmark sites, including both those located within and outside of locally designated historic districts.
- ~~(b) A landmark review board is hereby created to consider the nomination of landmarks and landmark sites and the alteration of landmarks and landmark sites located outside locally designated historic districts. The landmark review board shall consist of the membership of the urban design review board and the membership of the historic preservation commission. The chair and vice chair of the urban design review board shall serve as the chair and vice chair respectively of the landmark review board. The meetings of the landmark review board shall be held at the call of the community development director, or when requested by the chair and a member of the urban design review board and a member of the historic preservation commission. The community development director shall call meetings of the landmark review board as necessary for the board to perform its duties under this article.~~

Sec. 58-57. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Applicant means the party making application for a certificate of appropriateness.

~~*Board* means the landmark review board created by section 58-55.~~

Capable of earning a reasonable return means having the capacity under reasonably efficient and prudent management of earning a reasonable return.

Certificate of appropriateness means a certificate authorizing plans for alterations, construction, removal or demolition of a landmark or an improvement on a landmark site.

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Sec. 58-58. Designation criteria.

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- (c) The ~~landmark review board~~historic preservation commission may adopt specific operating guidelines for landmark and landmark site designations, providing such are in conformity with this article.

Sec. 58-59. Application for designation.

The owner of an improvement or parcel of land seeking landmark or landmark site designation, or a group of persons or association by petition signed by at least fifty eligible electors of the city may request a designation of a landmark or a landmark site by submitting an application for such designation to the ~~community development department~~development services department on a form furnished by the department. The historic preservation commission or city council, in addition, may, on its own motion, initiate proceedings for the designation of a landmark or a landmark site.

Sec. 58-60. Procedures.

- (a) The historic preservation commission shall consider the nomination of landmarks and landmark sites ~~located within historic districts~~, and make a report and recommendation on such nomination to the city plan and zoning commission and city council as provided below. ~~The landmark review board shall consider the nomination of landmarks and landmark sites located outside historic districts and make a report and recommendation on such nomination to the city plan and zoning commission and city council as provided below.~~
- (b) Notice that an application for designation of a landmark or landmark site is being considered shall be given to the owner of the parcel on which the proposed landmark is situated or which is part of the proposed landmark site in accordance with the following:
 - (1) Such notice shall be served by certified mail, addressed to the owner at his or her last known address as such appears in the records of the county treasurer's office, or if there is no name on such records, such notice may be served by regular mail addressed to "owner" at the street address of the property in question.
 - (2) Such owner shall have the right to confer with the historic preservation commission ~~or landmark review board, as applicable~~, prior to final action by the commission ~~or board~~ on the application.
 - (3) The historic preservation commission ~~or landmark review board, as applicable~~, may, in addition, hold the public hearing of the proposed designation by giving notice as required by law.
- (c) After such investigation by the historic preservation commission ~~or landmark review board as is deemed necessary~~, but in no case more than 60 days after the receipt of the complete application, the application for designation shall be recommended for approval or disapproval. Such recommendation shall be in writing ~~and signed by the chair of the historic preservation commission or landmark review board, as applicable~~, and shall state the reasons for recommending approval or disapproval. The recommendation may limit itself to the proposed landmark or landmark site as described in the application or may

- include modifications thereof. Such recommendation shall be forwarded to and filed with the plan and zoning commission, within five days after making such recommendation.
- (d) Upon receipt of such recommendation, the plan and zoning commission shall schedule a public hearing at a specific place, date and time, not more than 30 days after such receipt, by giving notice as required by law.
 - (e) Within 30 days after the public hearing, the plan and zoning commission shall forward such application to the city council, together with the recommendation of the historic preservation commission ~~or landmark review board~~. The plan and zoning commission may adopt the recommendation of the historic preservation commission ~~or landmark review board~~ as its own or may prepare a written recommendation of its own. The plan and zoning commission may limit itself to the proposed landmark or landmark site or may include modifications thereof. If the modification requires an additional public hearing, the plan and zoning commission shall hold such hearing before forwarding the application to the city council.
 - (f) Upon receipt of such recommendation, the council shall schedule a public hearing to consider the recommendation at a specific place, date and time, not more than 30 days after such receipt, by giving notice as required by law.
 - (g) The city council, after public hearing, may approve, approve with modification, or disapprove the recommendation of the plan and zoning commission by a majority vote of its membership. If the plan and zoning commission shall have failed to act within the time limit set forth in this section, the city council may, nevertheless, approve, approve with modification, or disapprove the proposed landmark or landmark site as originally proposed or modified by a majority vote of its membership.

Sec. 58-61. Effect of approval of designation.

- (a) Following a designation of a landmark or landmark site, the city clerk shall immediately file the description of such landmark or landmark site with the ~~community development department~~ development services department and shall thereafter record the description of such landmark or landmark site in the office of the county recorder.
- (b) Any designation made under this article shall be in full force and effect from and after the date of recording.
- (c) A landmark or landmark site designation may be amended or rescinded by the same process as for the designation of a landmark. The historic preservation commission; ~~landmark review board~~; and plan and zoning commission shall have the same powers to recommend disapproval of an amendment or rescission of a designation as a landmark or as a landmark site as they had to recommend disapproval of an original designation as a landmark or as a landmark site.
- (d) If agreed to by the owner, at such time as a landmark or landmark site has been properly recorded, the city council may cause to be prepared and erected on such property, at city expense, a suitable plaque declaring that such property is a landmark or landmark site. Such plaque shall be so placed as to be easily visible to passing pedestrians. If a landmark, the plaque shall state the accepted name of the landmark, the date of its construction, and other information deemed proper by the city council. If a landmark site which is not the site of a landmark building, such plaque shall state the common name of the site and such other information deemed appropriate by the city council.

- (e) In addition to those duties already specified in this article, the historic preservation commission ~~and landmark review board shall individually and collectively:~~
- (1) Actively work for the passage of enabling legislation which would permit the granting of full or partial tax exemptions to properties it has designated under this article in order to encourage landmark owners to assist in carrying out the intent of this article.
 - (2) Work closely with the state historic preservation officer in attempting to include such properties designated as landmark or landmark sites on the National Register of Historic Places.
 - (3) Work for the continuing education of the citizens of the city about the historic heritage of this city and the landmark and landmark sites designated under this article.
 - (4) Solicit funds for the purpose of landmark preservation in the city. Such funds, upon acceptance by the city council, shall be placed in a special city account for such purpose.

Sec. 58-62. Construction, reconstruction, demolition and exterior alteration; certificate of appropriateness.

- (a) No owner or person in charge of a landmark or landmark site shall reconstruct, alter, or demolish all or any part of the exterior of such property or construct any improvement upon such designated property or cause or permit any such work to be performed upon such property until a certificate of appropriateness has been applied for and obtained for such work pursuant to this section. The ~~community—development department~~development services department shall not issue a permit for any such work until a certificate of appropriateness for such work is first obtained.
- (b) The historic preservation commission shall consider applications for the alteration of landmarks and landmark sites located within historic districts, and make a decision on such matters as provided below. The ~~landmark review board~~ historic preservation commission shall consider applications for the alteration of landmarks and landmark sites located outside historic districts and make a ~~report and recommendation on such applications to the city council~~decision as provided below.
- (c) All applications concerning landmarks ~~located within a historic district~~ received before the closing date to be established by the commission, shall be considered by the commission at its next regularly scheduled meeting. ~~All applications concerning landmarks located outside a historic district shall be considered by the landmark review board within 45 days.~~
- (d) In acting upon such application, the commission ~~or the board and city council as applicable,~~ shall consider:
- (1) Design guidelines, standards and criteria developed by the historic preservation commission and approved by the city council, pursuant to subsection 58-30(e)(2) of this Code.
 - (2) Standards for rehabilitation promulgated by the Secretary of the Interior.
 - (3) The comprehensive plan for the city and any adopted urban renewal plan for the area.

- (4) For an application respecting construction, reconstruction or exterior alteration other than on the principal improvement, the proposed work would adversely change, destroy or affect any exterior feature of the improvement upon which such work is being done, or, if it is new construction, it would lack harmony with the landmark site and whether the proposed work would be appropriate for and consistent with the purpose of this article.
 - (5) For an application respecting new construction of principal improvements upon a landmark site, the proposed work would adversely affect the aesthetic quality of the site or lack harmony with the external appearance of other improvements on the site or upon neighboring sites.
 - (6) For an application respecting demolition of all or part of a landmark or an improvement within a landmark site, the condition of the landmark or improvement within a landmark site is determined to be dangerous to life, health or property, and such condition cannot be abated without demolishing such landmark or improvement within a landmark site or part thereof.
- (e) ~~Applications within historic districts. Applications involving the alteration of a landmark or landmark site within a historic district shall be approved, approved with modification or denied by the historic preservation commission.~~
- (1) If an application is approved or approved with modification by the commission, the ~~community development department~~ development services department shall thereafter issue a certificate of appropriateness. The findings of the commission on each application shall be contained in a written resolution setting forth the full reason for its decision and the vote of each member participating therein. Such resolution shall be placed on file for public inspection in the office of the ~~community development department~~ development services department within five business days after the meeting at which the application was acted upon. A copy of such resolution shall be emailed, mailed or delivered to the applicant.
- (2f) Any party aggrieved by any decision of the historic preservation commission may appeal the commission's action to the city council. Such an appeal must be in writing and must be filed with the city clerk no later than ten business days after the filing of the resolution mentioned in subsection (d) of this section, unless the city council waives such ten-day requirement upon a showing of good and sufficient cause. The city council shall fix a reasonable time for a public hearing on the appeal, shall give public notice thereof as well as due notice to the applicant and to the appellant, if different from the applicant, and shall decide the appeal within a reasonable time. At such hearing any party may appear in person or by agent or attorney. In deciding such appeal, the city council shall consider whether the commission has exercised its powers and followed the guidelines established by law and ordinance, and whether the commission's action was patently arbitrary or capricious. A vote of six-sevenths of the membership of the city council shall be required to reverse any decision of the commission.
- (f) ~~Applications outside historic districts. Applications involving the alteration of a landmark or landmark site outside a historic district shall be recommended for approval, approval with modification or denial by the landmark review board. The board shall make a report and recommendation to the city council setting forth the vote of each member participating therein. Upon receipt of the recommendation of the landmark~~

~~review board, the city council shall approve, approve with modifications or deny the application.~~

- (g) If not satisfied with the decision of the city council, any party to the appeal before the council may petition the county district court for a writ of certiorari within 30 days after the council's decision.
- (h) Certificates of appropriateness issued on the basis of approved plans and applications authorize only the construction or alteration set forth in such approved plans and applications and no other construction or alteration. It shall be the duty of the ~~community development department~~ development services department to inspect from time to time any work performed pursuant to such a certificate to ensure compliance with the requirements of such certificate, regardless of whether or not a building permit is required for such work. If it is found that such work is not being carried out in accordance with the certificate, the ~~community development department~~ development services department shall issue a stop work order. Any construction or alteration at variance with that authorized shall be deemed a violation of this article and shall be punishable as provided in section 58-67.

Sec. 58-64. Maintenance and repair.

- (a) Every person in charge of a landmark or other improvement upon a landmark site shall keep in good repair all of the exterior portions of such improvements and all interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions of such improvement to deteriorate, decay or become damaged or otherwise to fall into a state of disrepair. This subsection shall be in addition to all other provisions of law requiring such improvements to be kept in good repair. Such conditions shall be considered dangerous conditions and shall follow the process set forth in section 58-33.
- (b) ~~When a governmental enforcement agency shall order or direct the construction, removal, alteration or demolition of any landmark or of any improvement on a landmark site for the purpose of remedying conditions determined to be dangerous to life, health or property, nothing contained in this article shall be construed as making it unlawful for any person to comply with such order or directions without prior issuance of a certificate of appropriateness pursuant to this article.~~
- (e) Such governmental enforcement agency shall give the historic preservation commission or landmark review board, as applicable, 30 days' prior notice of any proposed order or direction which affects or may affect the exterior appearance of the landmark. The commission or board shall have the power to require that the work not materially change the exterior appearance of the landmark or improvement on the landmark site where the danger of life, health or property may be abated without detracting from the exterior appearance of same.

Sec. 58-65. Extension of time for action.

Whenever, under this article, the historic preservation commission, ~~landmark review board,~~ or the plan and zoning commission is required within a prescribed period of time to make any determination or perform any act in relation to any application for designation or for a

certificate of appropriateness, the applicant may extend such period of time by his or her written consent filed with the ~~community development department~~development services department.

Sec. 58-66. Applicability.

This article shall be inapplicable to the construction, removal, alteration or demolition of any landmark or any improvement on a landmark site where a permit for the performance of such work was issued by the ~~community development department~~development services department prior to the effective date of the recording of such designation or amended or modified designation pursuant to this article.

Sec. 58-67. Enforcement, violations and penalties.

- (a) It shall be the duty of the ~~community development department~~development services department to enforce this article and to bring to the attention of the city council any violations or lack of compliance with this article.
- (b) Appropriate actions and proceedings may be taken by law or in equity to prevent any violation of this article; to prevent unlawful construction; to recover damages; and to restrain, correct or abate a violation, and these remedies shall be in addition to the penalties described in section 1-15 of this Code.

Sec. 58-70. Historic review.

- (a) An application made under section 26-303 for a demolition permit of all or part of a building or structure and an application made under the plumbing code (chapter 26, article XI) for a plumbing permit for the disconnection of sewer service in preparation of such demolition, on property that is not otherwise subject to the requirement of a certificate of appropriateness under sections 58-31 or 58-62, shall be subject to the procedures for historic review set forth in this article.
- (b) The community development director or his designee shall conduct an initial review within ten days of the submittal of the completed application for a demolition permit or related plumbing permit. The community development director shall notify members of the ~~landmark review board~~historic preservation commission of the application for proposed demolition of an entire single-family building that is, or is greater than, 80 years old, an entire building other than single family that is, or is greater than, 50 years old or an entire building that appears to contain features of architectural merit. Following such initial review, issuance of a demolition permit in accordance with section 26-303 and related plumbing permit in accordance with the plumbing code shall be authorized if it is determined that the building or structure proposed for demolition constitutes any of the following:
 - (1) Is a single-family building or structure less than 80 years old or a building or structure other than single-family less than 50 years old and contains no features of architectural merit.
 - (2) Is an imminent threat to the public health or safety.
 - (3) Is limited to a deck, porch, steps, stoops or similar structural element.

- (4) Is limited to a building addition that is less than 80 years old and contains no features of architectural merit.
 - (5) Is a single-family building that is, or is greater than, 80 years old or a building or structure other than single-family that is, or is greater than, 50 years old, contains no features of architectural merit and the community development director has determined it is not historically significant.
- (c) If, following initial review, the community development director has determined that the building or structure proposed for demolition is a single-family building or structure that is, or is greater than, 80 years old or a building or structure other than single-family that is, or is greater than 50 years old and/or contains features of architectural merit, is deemed historically significant but does not meet the criteria for landmark designation set forth in section 58-58, ~~community—development—department~~development services department staff shall be directed to work with the owner of the building or structure to determine, within 30 days, whether any alternatives to demolition are feasible. Such alternatives to be considered may include, but are not limited to, the following:
- (1) Rehabilitation of the building or structure with the assistance of federal or state tax incentives or other private financial assistance.
 - (2) Adapting the building or structure to a viable new use.
 - (3) Finding a new owner who is interested in purchasing, preserving and rehabilitating the building or structure.
 - (4) Incorporating the building or structure into the owner's plans for redevelopment of the site.
 - (5) Assisting the owner in finding an alternative site for its proposed redevelopment.
 - (6) Moving the building or structure to an alternative site.
- If the ~~community—development—department~~development services department staff and the owner of the building or structure do not reach an agreement on a feasible alternative to demolition, then with the guidance of ~~community—development—department~~development services department staff, the owner will be required to document and photograph the exterior and interior of the building or structure and provide the city with a copy of such documentation and photographs. The owner will further be required to salvage for re-use as many fixtures and as much material as possible from the building or structure. Provided that owner has conducted the documentation and salvage to the satisfaction of the community development director, then issuance of a demolition permit in accordance with section 26-303 and related plumbing permit in accordance with the plumbing code shall be authorized.
- (d) If, following initial review, the community development director has determined that the building or structure proposed for demolition is a single-family building or structure that is, or is greater than, 80 years old or a building or structure other than single-family that is, or is greater than 50 years old and/or contains features of architectural merit, is deemed historically significant and meets the criteria for landmark designation set forth in section 58-58, the application for demolition or related plumbing permit shall be referred to the city council for review at a regularly scheduled city council meeting held within 20 days of the date of referral. The owner of the building or structure and, if applicable, any designated legal agent shall be provided notice of the time and location of city council review by certified mail and by regular mail at the addresses provided in the application for demolition permit. At such meeting, the city council will consider oral and

written comments from all interested parties and determine whether or not to refer the application for proposed demolition or related plumbing work to the ~~landmark review board~~historic preservation commission for further study and review. If the city council determines not to refer the application to the ~~historic preservation commission~~landmark review board, then with the guidance of ~~community development department~~development services department staff, the owner will be required to document and photograph the exterior and interior of the building or structure and provide the city with a copy of such documentation and photographs. The owner will further be required to salvage for re-use as many fixtures and as much material as possible from the building or structure. Provided that the owner has conducted the documentation and salvage to the satisfaction of the community development director, then issuance of a demolition permit in accordance with section 26-303 and related plumbing permit in accordance with the plumbing code shall be authorized.

(e) If the application for proposed demolition of the building or structure is referred by the city council to the ~~historic preservation commission~~landmark review board, the ~~historic preservation commission~~landmark review board shall be directed at regularly scheduled and/or special meetings of the ~~historic preservation commission~~board to work with the owner of the building or structure to determine, within 90 days, whether any alternatives to demolition are feasible. Such alternatives to be considered may include, but are not limited to, the following:

- (1) The building or structure can be considered for landmark designation.
- (2) Rehabilitation of the building or structure with the assistance of federal or state tax incentives or other private financial assistance.
- (3) Adapting the building or structure to a viable new use.
- (4) Finding a new owner who is interested in purchasing, preserving and rehabilitating the building or structure.
- (5) Incorporating the building or structure into the owner's plans for redevelopment of the site.
- (6) Assisting the owner in finding an alternative site for its proposed redevelopment.
- (7) Moving the building or structure to an alternative site.

If the ~~historic preservation commission~~landmark review board and the owner of the building or structure do not reach an agreement on a feasible alternative to demolition, then with the guidance of ~~community development department~~development services department staff, the owner will be required to document and photograph the exterior and interior of the building or structure and provide the city with a copy of such documentation and photographs. The owner will further be required to salvage for re-use as many fixtures and as much material as possible from the building or structure. Provided that owner has conducted the documentation and salvage to the satisfaction of the community development director, then issuance of a demolition permit in accordance with section 26-303 and related plumbing permit in accordance with the plumbing code shall be authorized.

Section 2. This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

FORM APPROVED:

Lisa A. Wieland
Assistant City Attorney