

**PROPOSED
for Monday,
August 15, 2022**

ORDINANCE NO. 07-2022

**AN ORDINANCE AMENDING CHAPTER 2, ARTICLE IV OF THE CARVER
CITY CODE REGARDING THE HERITAGE PRESERVATION COMMISSION**

THE CITY COUNCIL OF THE CITY OF CARVER, CARVER COUNTY, MINNESOTA,
DOES ORDAIN:

SECTION 1. Section 2-305 of the Carver City Code is amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 2-305. Enforcement, inspections, and penalties.

- (a) Authorized city employees and contractors shall be provided access at reasonable hours of the day to property designated as a heritage preservation landmark to ensure compliance with this division. If entry to perform such inspections is denied for any reason, the city may obtain an administrative search warrant in accordance with applicable laws and processes.
- (b) In case any property subject to the regulation of this division has a building or structure erected or constructed, reconstructed, altered, repaired, converted, maintained, moved, or subjected to demolition in violation with this division, the city ~~manager may~~, in addition to any other available remedies ~~may~~:
- (1) Institute civil action for injunctive relief to stop, prevent, or abate a violation of this division.
 - (2) Issue a stop work order to prevent a continuing violation of this division.
 - (3) Initiate criminal proceedings, as a violation of any provision of this division is considered a misdemeanor. Violators may be subject to a fine or imprisonment as specified by state statute and each day in which a violation continues to occur shall constitute a separate offense.
 - (4) Refuse to approve or issue city permits and land use applications associated with the violating property while violations are ongoing.
 - (5) Utilize any other remedy that may be available to the city under state or local law.

SECTION 2. Section 2-343 of the Carver City Code is amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 2-343. Standards.

For each property designated as a heritage preservation landmark, the United States Secretary of the Interior's Standards for Rehabilitation shall be the standard used for determining

- (1) Painting, architectural details and other related exterior alterations.
- (2) Additions or deletions of awnings, shutters, canopies, windows, doors, and similar appurtenances.
- (3) Application or use of exterior materials of a different kind, type, color, or texture than those already in use. This provision applies to roofing as well as siding.
- (4) Signs.
- (5) Construction of a new building or auxiliary structure.
- (6) Any addition to or alteration of an existing structure which increases the square footage in the structure or otherwise alters its size, height, contour, or outline.
- (7) Change or alteration of a structure's architectural style.
- (8) Alteration of a roof line.
- (9) Demolition of any structure, in whole or in part. This does not apply to structures required to be demolished in accordance with M.S.A. ch. 463.

SECTION 5. Section 2-369 of the Carver City Code is amended by adding the double-underlined language and deleting the ~~stricken~~ language as follows:

Sec. 2-369. Findings; conditions.

(a) ~~Before~~ At the time of approving or denying any ~~permit or~~ application required under this division, the commission shall make written findings based on the program for preservation of the heritage preservation landmark in regard to the following:

- (1) In the case of a proposed alteration or addition to existing buildings, the commission shall make written findings on how the structure may be architecturally or historically affected. Items to be considered include, but are not limited to, the existing exterior appearance, building height, building width, depth, or other dimensions, roof style, type of building materials, ornamentation, paving and setback.
- (2) In the case of the proposed demolition of a building prior to the approval of demolition, the commission shall make written findings on the following:
 - a. Architectural and historic merit of the building.
 - b. The effect on surrounding buildings.
 - c. The effect on any new proposed construction on the remainder of the building (in case of partial demolition) and on surrounding buildings.

Sec. 2-373. Severability.

If any portion of this division is for any reason held invalid by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

SECTION 8. This ordinance shall take effect and be in force after its passage and publication in accordance with state law.

Adopted by the Carver City Council this ____ day of _____ 2022.

Courtney Johnson, Mayor

Attest:

Vicky Sons-Eiden, City Clerk