



Subject: Demolition Approval – **Substitute Version**
Legistar File ID # [86649](#)
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On February 17, the Plan Commission will be considering proposed changes to the City’s Demolition review process. As summarized below, a “Substitute” ordinance has been sponsored which proposes some modifications to the [originally proposed ordinance](#).

Overview of Substitute

In response to questions and feedback related to the proposed changes to the Demolition Approval process, a substitute version of the ordinance has been sponsored for review and discussion at the Plan Commission meeting on February 17.

The proposed substitute includes the following:

1. Updates to the purpose statement to include a statement about the value of historic preservation and ensure that the statement does not unintentionally suggest that accommodating growth is a greater priority than historic preservation.
2. Provide a number of other clarifications throughout the proposed ordinance, including:
 - That the Building Inspection Division’s authority to approve demolitions prior to Landmarks review is limited to buildings that are an imminent danger to the public (see proposed MGO 28.185(5)(a)).
 - That the Plan Commission will not only receive but also consider the application, submitted materials, report from the City’s Preservation Planner, and report from the Landmarks Commission regarding a building’s historic value (see proposed MGO 28.185(6)(b)).
 - More clearly articulate how to read/use the two proposed standards of approval for the Plan Commission, versus the potential factors the Commission may use in the course of finding standard #2 to be met (see proposed MGO 28.185(6)(c)).
 - Adds a new sub header within the Landmarks Ordinance to make it clearer that the Landmarks Commission’s value review applies to all proposed demolitions, not just those within historic districts (see header proceeding proposed new section MGO 41.28).
 - More explicitly state how certain types of historic findings would apply within the proposed Historic Value Categories – including for individual buildings in the National Register of Historic Places and sites with archaeology (see proposed MGO 41.28 (2)).

Additional Background on Proposed 86649

The primary purpose for this ordinance update was to respond to requests from policymakers to make more demolition approvals administrative and to clarify the standards used to determine if a demolition should be

approved. This ordinance exists so that the city has a process to weigh the historic value of buildings proposed for demolition; the proposed changes are not intended to remove this process, nor to ensure that a particular outcome results from this process (i.e. approval or denial of a demolition request).

Both the original and substitute ordinances incorporate feedback from a 2024 discussion with the Plan Commission that indicated support for an administrative approval process for non-historic demolition requests following Landmarks Commission review. Since updates that were made to the Demolition code in late 2021, approximately three-quarters of the buildings approved to be demolished were found to have no historic value.

In order to ensure there is clarity in the future about what will be considered non-historic for these purposes, and what types of requests will continue to be reviewed by the Plan Commission, the proposed ordinance codifies a similar categorization for historic value determinations to what is used by the Landmarks Commission today. More information about this was outlined in the [staff memo](#). While there have been some specific questions about how this new process will work, much of the feedback received has been supportive of creating this administrative pathway. Additionally, at their February 10, 2025 meeting, the Landmarks Commission was supportive of the portion of this proposed ordinance related to the creation of MGO 41.28, with a revision to clarify that sites and properties with historic value not impacted by the removal of a building under Category C is largely about sites with archaeology.

As this proposed ordinance creates a new pathway for non-historic demolitions to proceed, it narrows the focus for the Plan Commission's review to only those properties that have been found to have historic value. When the demolition process was last discussed by the Commission, staff received feedback that the approval standards could be clarified to better reflect the key questions that the Commission weighs when it considers demolitions—particularly about a property's historic value and relationship to implementation of adopted plans.

As noted in the [staff memo](#), the proposed ordinance also updates the standards the Plan Commission uses to review demolition applications that would continue to be referred to it by removing administrative checklist items and clarifying the Commission's approval standards. For example, while the proposed approval standards do not require the Commission's consideration of tree protection/pruning/removal, approval of reuse/recycling plans, and building moving procedures, these processes will remain unchanged due to their incorporation in either the required demolition application material section of the proposed ordinance, or are required by other existing sections of MGO. The proposed ordinance retains the other considerations that the existing approval standards ask the Plan Commission to review, but seeks to clarify how that information is considered by the Commission.

These changes have prompted questions and concerns from some interested in ensuring the ordinance's ability to promote preservation is not weakened. It is staff's perspective that the central issues the Commission considers in their review of demolitions are not impacted, but hopefully clarified. The feedback we have heard has highlighted certain ways that we can improve the clarity of this proposed ordinance for those purposes and informed the contents of the substitution outlined above. However, some feedback, if incorporated, could have the effect of changing outcomes. If policymakers wish for this ordinance to be more influential on whether demolitions with historic value are approved or denied, specific direction should be offered to staff.