

Chapter 16

HISTORIC PRESERVATION*

* **State Law References:** Municipal heritage preservation, Minn. Stats. § 471.193.

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Sec. 16-1. Purpose and intent; definition.

(a) *Definitions.* The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Heritage preservation site means any area, place, building, structure, lands, districts, or other objects that have been duly designed heritage preservation sites pursuant to this chapter.

(b) *Declaration of public policy and purpose.* The city council declares that the preservation, protection, perpetuation and use of areas, places, buildings, structures and other objects having a special historical, community or aesthetic interest or value is of public value and will promote the health, prosperity, and welfare of the community. The purposes of the heritage preservation committee are to:

- (1) Safeguard the city's heritage by preserving sites and structures which reflect elements of the city's cultural, social, economic, political, visual or architectural history;
- (2) Protect and enhance the city's appeal and attraction;
- (3) Enhance the visual and aesthetic character, diversity and interest of the city;
- (4) Foster civic pride in the beauty and notable accomplishments of the past; and
- (5) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the city's residents.

(Ord. No. 2000-90, § 90.01, 9-5-2000)

Sec. 16-2. Establishment of committee.

The heritage preservation committee shall consist of at least three members who shall be residents of the city, serve without compensation, and be appointed by the city council.

(Ord. No. 2000-90, § 90.02, 9-5-2000; Ord. No. 2007-01, § 1, 4-10-2007)

Sec. 16-3. Designation of heritage preservation sites.

(a) *Criteria.* The historic preservation committee shall recommend areas, buildings, districts or objects to be designated heritage preservation sites. In considering the designation of heritage preservation sites, the committee shall apply the following criteria, where applicable:

- (1) The character, interest or value as part of the development heritage or cultural characteristics of the city, state or county.
- (2) The location as a site of significant historic event.
- (3) The identification with a person who significantly contributed to the city's culture and development.
- (4) The embodiment of distinguishing characteristics of an architectural style, period, form or treatment.
- (5) The identification as work of an architect or master builder whose individual work has influenced the city's development.
- (6) The embodiment of elements of architectural design, detail, materials or craftsmanship that represent a significant architectural innovation.
- (7) The unique location or singular physical characteristics representing an established and familiar visual feature of a neighborhood, community or the city.

(b) *Limitation.* No application may be accepted or considered under this chapter unless the fee simple owner of the subject property signs the application.

(c) *Public hearing.* Prior to the committee recommending to the planning commission or city council any building, district or object for designation as a heritage preservation site, the committee shall first hold a public hearing and seek the recommendations of concerned citizens. Prior to the hearing, the committee shall cause to be published in the city's official newspaper notice of the hearing at least 20 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of the property proposed to be designated a historic preservation site and to all property owners within 300 feet of the boundary of the area to be designated.

(d) *Planning commission review.* If the committee preliminarily determines to recommend approval of an application for a heritage preservation site, it shall first advise the city's planning commission of its proposed recommendation, including boundaries, and any proposed program for the preservation of the site.

- (1) The city planning commission shall give its recommendation of approval, rejection or modification of the proposed designation. The planning commission shall consider:
 - a. The relationship of the proposed heritage preservation designation to the comprehensive plan;
 - b. The effect of the proposed designation upon the surrounding neighborhood; and

c. Any other planning considerations, which may be relevant to the proposed designation.

- (2) The committee may make modifications, changes, and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the city planning commission.

(e) *Findings and recommendations.* Following the committee's public hearing and following review by the planning commission, the committee shall determine whether or not to recommend a proposed site be designated as a heritage preservation site. The committee shall transmit its recommendation to the city council along with any proposed program for site preservation.

(f) *City council designation.* The city council retains sole authority to designate, by ordinance, a site as a heritage preservation site.

(g) *Communications with state historical society.* A copy of the city's designation of a heritage preservation site, including boundaries, and the approved program, if any, for the preservation of a heritage preservation site shall be sent, by the city clerk, to the state historical society.

(h) *Acquisition of property.* The committee may recommend to the city council, after review and comment by the city planning commission, that a certain property eligible for designation as a heritage preservation site be acquired by gift, purchase or negotiation.

(Ord. No. 2000-90, § 90.03, 9-5-2000)

Sec. 16-4. Administration.

(a) *Recording of heritage preservation sites.* The city clerk shall record with the county recorder or registrar of titles any ordinances passed by the city council, along with the legal description of all lands designated as heritage preservation sites.

(b) *Authorization of plaque.* Upon approval of a site as a heritage preservation site, the city shall authorize, but not fund, the posting of an appropriate plaque commemorating the site as a heritage preservation site.

(Ord. No. 2000-90, § 90.04, 9-5-2000)

Sec. 16-5. Zoning exceptions.

The city in ruling upon variance requests shall take the status of a site as a heritage preservation site into consideration. Variances shall be granted for heritage preservation sites from the literal provisions of the provision in question where the strict enforcement would otherwise result in the substantial destruction of the heritage preservation site. The city may not, however, permit as a variance any use that is not permitted under the provisions for the property in the zone where the affected land is located. Additionally, variances shall be granted only to the minimum extent necessary to protect the heritage preservation site. Finally, no variances will be granted unless a program approved by the city council is in place to protect and preserve the heritage preservation site.

(Ord. No. 2000-90, § 90.05, 9-5-2000)

Sec. 16-6. Removal of designation.

The city council, for good cause shown and following a public hearing, may remove, by ordinance, the heritage preservation site designation for any site.
(Ord. No. 2000-90, § 90.06, 9-5-2000)