

AMENDMENT ORDINANCE 905

THE HERITAGE PRESERVATION COMMISSION ORDINANCE

Section 1 This amendment revises Sections 2-87 to 2-91

DIVISION 4 HERITAGE PRESERVATION COMMISSION (“Commission”)

Section 2-87 Authority for Establishment

There is hereby established for the City a Heritage Preservation Commission as an independent commission to the City Council, as provided in Minnesota Statutes Annotated Sections 471.193 and 138.51.

Section 2-88 Statement of public policy and purpose

The City Council hereby declares as a matter of public policy that the protection, preservation, perpetuation and use of places, areas, buildings, structures and other objects having a special historical, community or aesthetic interest or value is a public necessity and is required in the interest of the people. The purpose of this Chapter is to:

- (a) Safeguard the cultural resources of the City by preserving sites, structures, districts and landmarks which reflect elements of the City's cultural, social, economic, political or architectural history;
- (b) Protect and enhance the City's attractions to residents and visitors;
- (c) Foster civic pride in the beauty and notable achievements of the past;
- (d) Enhance the visual and aesthetic character, diversity and interest of the City; and
- (e) Promote the use and preservation of historic sites and landmarks for the education and general welfare of the people of the City.

Section 2-89 Advisory body

All actions of the Commission shall be in the nature of recommendations to the City Council, and said Commission shall have no final authority with reference to any matters, except as the Council may lawfully delegate authority to it.

Section 2-90 Composition; Appointment; Qualifications; Terms

(a) The Heritage Preservation Commission shall be composed of seven (7) members appointed by the City Council, who shall be residents of the City, and shall be selected to assure that the Commission is representative of the various areas of the City and responsive to the needs of the people.

(b) Commission membership shall be drawn from persons with demonstrated interest and/or expertise in historic preservation. If available in the community, at least two members of the Commission shall be heritage preservation-related professionals (e.g. the professions of history,

architecture, architectural history, archeology, planning, real estate, design, building trades, landscape architecture, or law). A member of the Maplewood Heritage Preservation Commission is required to be a representative to the Ramsey County Historical Society. The City shall pay for the membership of the Commission or designee.

(c) The members of the heritage preservation commission shall serve staggered terms. All appointments shall be assigned by the city council for a term of three years.

Section 2-91 Officers Generally

The chairperson and vice-chairperson of the Commission shall be elected by the Commission at the first meeting in January of each year from among the members of the Commission. The Chairperson shall be responsible for calling and presiding over all meetings and shall be entitled to an equal vote with other members of the Commission. If the Chairperson is unable to attend a meeting, the vice-chairperson shall conduct the meeting.

Section 2-92 Designation of historic sites and landmarks

(a) Procedures: The City Council, upon the request of the Commission, may by resolution designate an historic site, landmark, or district. Prior to such designation, the city council shall hold a public hearing, notice of which shall be published at least ten (10) days prior to the date of the hearing. Notice of the hearing shall also be mailed to all owners of property which is proposed to be designated as an historic site, landmark or district and to all property owners within five hundred (500) feet of the boundary of the area to be designated. Every nomination shall be forwarded to the Minnesota Historical Society for review and comment within sixty (60) days of the Commission's request.

(b) Eligibility criteria: In considering the designation of any area, site, place, district, building or structure in the city as an historic site, landmark, or district the Commission shall consider the following factors with respect to eligibility:

- (1) Its character, interest or value as part of the history or cultural heritage of the City, the State or the United States;
- (2) Its association with persons or events that have made a significant contribution to the cultural heritage of the City;
- (3) Its potential to yield information important in history or prehistory;
- (4) Its embodiment of distinguishing characteristics of architectural type or style, or elements of design, detail materials or craftsmanship; and
- (5) Its unique location or singular physical appearance representing an established or familiar visual feature of a neighborhood or community of the City.

Section 2-93 Alterations to landmarks, sites or districts; review

(a) Review and recommendations generally: The Commission shall review and make recommendations to the Council concerning proposed alterations to an historic site, landmark or district.

(b) Land use permit: Every application for a land use permit which may result in the alteration of a designated historic site, landmark or district in the City shall be reviewed by the Commission; thereafter, the Commission shall make a recommendation and may recommend conditions regarding approval to the City Council concerning the proposed permit.

(c) Other building permits: The Commission shall review and make recommendations to the Council concerning the issuance of building permits to do any of the following in a historic district or State designated historic site:

- (1)** New construction – New building or new addition to an existing building
- (2)** Remodel – Alter, change or modify building or site
- (3)** Move a building – Building or structure moved into the city.
- (4)** Excavation – Dig out materials from the ground.
- (5)** Demolition – Destroy, remove or raze – completely tear down

(d) Factors considered: The Commission, upon receipt of the permit application and plans, shall determine if the work to be performed adversely affects the designated historic site, landmark or district. In determining whether or not there is an adverse effect to the historic site, landmark, or district the Commission shall consider the following factors:

(1) Whether the work will significantly alter the appearance of the building or structure so as to remove the features which distinguish the historic site, landmark or district as a significant cultural resource.

(2) Whether the use of the property will destroy, disturb or endanger a known or suspected archaeological feature site.

(e) Standards and guidelines: The Secretary of the Interior's Standards for the Treatment of Historic Properties (listed below) shall be required basis for permit review decisions.

1. The Comprehensive Plan adopted by the City shall be the authoritative guide to reviewing permits in relation to designated historic sites, landmarks and historic districts.
2. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
3. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
4. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
5. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
6. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.

7. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
8. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
9. Significant archeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
10. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
11. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(f) Appeals: Any party aggrieved by a decision of the Commission shall within ten (10) days of the Commission's action recommending denying the issuance of a building permit within a historic district have a right to appeal such decision to the City Council. The Commission in recommending denial of a building permit shall advise the applicant of his/her right to appeal to the City Council. The aggrieved party shall file with the Building Official a written notice requesting Council review of the action taken by the Commission.

Section 2-94 Maintenance of records and documents

The Commission shall conduct a continuing survey of cultural resources in the City which the Commission has reason to believe are or will be eligible for designation as historic sites, landmarks or districts. The Commission shall also prepare and maintain a Comprehensive map and survey.

(a) Register of Historic Sites and Landmarks: The City shall maintain a register of historic sites and landmarks.

(b) Repository for Documents: The office of the Building Official is designated as the repository for all studies, surveys, reports, programs, and designations of historic sites and landmarks.

Section 2-95 Violation

It shall be a misdemeanor to alter, disturb, deface or materially change the appearance or use of a designated historic site, landmark, or district without a permit.

This Heritage Preservation Commission recommended approval of this ordinance.

This ordinance shall take effect after publishing in the official newspaper. The Maplewood City Council approved this ordinance on June 28, 2010.

Will Rossbach, Mayor

Attest:

Karen Guilfoile, City Clerk