

ARTICLE VI. HERITAGE PRESERVATION*

DIVISION 1. GENERALLY

Sec. 34-456. 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:

Certificate of appropriateness means that document provided by the heritage preservation commission which evidences approval of activities proposed for a heritage preservation site.

Heritage preservation site means any area, place, building, structure, land, significant landscaping, building interior, district, adjacent property or other object which has been so designated pursuant to this article. The downtown historic district is considered individually and in its entirety as a heritage preservation site.

(Code 1986, § 250:05; Ord. No. 844, 6-19-2006)

Cross reference—Definitions generally, § 1-2.

Sec. 34-457. Declaration of public policy and purpose.

The city council declares as a matter of public policy that the preservation, protection, perpetuation and use of areas, places, buildings, structures, and other objects having special historical interest or value is a public necessity and is required in the interest of the health, safety, welfare and prosperity of the people. The purpose of this article is to:

- (1) Safeguard the heritage of the city 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 to residents, visitors and tourists and serve as a support and stimulus to business and industry;
- (3) Foster civic pride in the beauty and notable accomplishments of the past; and

*State law reference—Municipal heritage preservation, Minn. Stat. § 471.193.

- (4) Promote the preservation and continued use of historic sites and structures for the education and general welfare of the people of the city.

(Code 1986, § 250:00)

Sec. 34-458. Northfield Downtown Historic District.

There has been created a Northfield Downtown Historic District ("downtown historic district") which has been registered with the federal government and certified by the state. The boundaries of such district shall be as shown on a map on file in the community development department.

(Ord. No. 844, 6-19-2006)

Sec. 34-459. Certificate of appropriateness.

(a) No activity designated in section 34-460(b) shall occur on a heritage preservation site without having first received a certificate of appropriateness issued by the heritage preservation commission. All supporting documents relating to the certificate of appropriateness (plans, photos, etc.) shall be kept on file at City Hall. Activity initiated or completed without the consent of the heritage preservation commission and the city as required shall be considered to be in violation of this article.

(b) Upon citing any violation of this article, the heritage preservation commission shall initiate actions necessary to resolve the violation. If a violation cannot be resolved with the cooperation of the affected parties, the heritage preservation commission shall initiate the following procedures:

- (1) A written notice of violation will be provided to the owner or designated representative of the heritage preservation site. The notice shall specify the nature of the violation and possible means for rectifying the violation.
- (2) The notice shall be issued by registered mail or hand delivered, receipt requested, to the owner or designated representative of the heritage preservation site. Upon receipt of the notice of violation, ten days

will be allowed to rectify the violation to the satisfaction of the heritage preservation commission.

- (3) If the violation is not rectified to the satisfaction of the heritage preservation commission as required, the city may proceed to prosecute the matter as a misdemeanor punishable by fine, imprisonment or both in accordance with state laws.

(Code 1986, § 250:25(4); Ord. No. 844, 6-19-2006)

Sec. 34-460. Review prior to issuance of building permits.

(a) Review by the heritage preservation commission. The heritage preservation commission shall review all activities described in subsection (b) below which are proposed for a heritage preservation site within the city. The heritage preservation commission shall review activities in accordance with this article and bylaws as adopted by the heritage preservation commission and with the Downtown Preservation Design Guidelines.

- (1) To initiate review by the heritage preservation commission, the owner or designated representative of a heritage preservation site shall prepare and submit a site plan application and/or sign permit application to the city detailing all proposed activities. Upon receipt of the application and a fee which shall be established by the city council by resolution from time to time, the proposed activities shall be considered by the heritage preservation commission. To facilitate approval of the application, the applicant shall have considered the following, and prepared documentation on each for review, prior to submitting the application:
 - a. Historic photographs of the building;
 - b. Drawings and notations that describe the proposed work, clearly identifying and dimensioning each element and feature, its location, size, material, and color;
 - c. Paint type and color. Paint may be either oil based, acrylic latex, factory applied, or epoxy coatings, as is appropriate for the material applied to,

with assurance to the commission that careful preparations will be made for proper adhesion and durability. Colors shall be similar to those used during the era when the building was constructed (earth tones, greens, dark reds, pale yellows, and browns, were popular in the latter half of the 19th century; lighter shades predominated in later decades). Bright or unusual colors shall be avoided.

- (2) Following review of the site plan or sign permit application, the heritage preservation commission shall forward its conditions and directives and certificate of appropriateness to the building official as necessary and other persons interested or affected by the proposal at the discretion of the heritage preservation commission. The building official shall deny any building permit application for work proposed on a heritage preservation site which has not been first considered by the heritage preservation commission or which is inconsistent with conditions or directives issued by the heritage preservation commission in the certificate of appropriateness.
- (3) If the owner or designated representative of a heritage preservation site objects to the conditions or directives issued by the heritage preservation commission, an appeal may be made to the city council. In considering an appeal, the city council will review all information generated relative to the proposed project and thereafter issue a decision by resolution of the city council.
- (b) Types of activity to be reviewed by the heritage preservation commission are as follows:
 - (1) Remodel, repair, or change in any manner that will alter the exterior appearance of an existing building or site including painting, signage, awnings, significant landscaping and permanent interior remodeling which affects the exterior appearance;

- (2) New construction including the expansion or enlargement of an existing building or site;
- (3) Moving of buildings;
- (4) Demolition in whole or part; or
- (5) Public improvement projects which directly or indirectly affect a heritage preservation site.

(Code 1986, § 250:25(1), (2); Ord. No. 844, 6-19-2006)

Secs. 34-461—34-485. Reserved.

DIVISION 2. HERITAGE PRESERVATION COMMISSION*

Sec. 34-486. Established.

There is created and established a heritage preservation commission.

(Code 1986, § 250:10(1); Ord. No. 844, 6-19-2006)

State law reference—Heritage preservation commission authorized, Minn. Stat. § 471.193, subd. 2.

Sec. 34-487. Members.

(a) The heritage preservation commission shall consist of nine voting members, eight of whom shall be appointed by the mayor, with the advice and consent of the city council, and, one of whom shall be appointed by the Northfield Historical Society. Any member appointed to serve on the heritage preservation commission shall have a demonstrated interest and/or expertise in historic preservation. At least two members must be professionals in a field related to preservation (architecture, history, planning, design, construction, law, and so forth).

(b) All appointments shall be made for a term of three years. Members shall serve without compensation and shall continue to hold office until their successors have been appointed and qualified.

(Code 1986, § 250:10(1), (2); Ord. No. 597, 12-7-1992; Ord. No. 844, 6-19-2006)

***Charter reference**—Boards and commissions, § 3.2.

Cross reference—Boards and commissions, § 2-281 et seq.

Sec. 34-488. Organization.

(a) The heritage preservation commission shall elect from its members such officers as it may deem necessary.

(b) The heritage preservation commission shall have the power to designate and appoint from its members various committees and subcommittees. The chair of the commission may ask city staff to contact at least two members of the commission who shall have authority to review and issue certificates of appropriateness on behalf of the commission in instances where the full commission will not have a regular meeting reasonably soon after an application is received and where the proposed activity will have a minor impact on the downtown historic district, which shall include most sign review.

(c) The heritage preservation commission shall make such bylaws as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this article, which are not inconsistent with the laws of the city and the state.

(d) The heritage preservation commission shall make an annual report, containing a statement of its activities and plans, to the state historic preservation office and the city council.

(Code 1986, § 250:10(3); Ord. No. 844, 6-19-2006)

Sec. 34-489. Meetings.

All meetings of the heritage preservation commission shall be scheduled and conducted in compliance with bylaws as established by the commission and with other applicable laws.

(Code 1986, § 250:25(3); Ord. No. 844, 6-19-2006)

State law reference—Public meetings required, Minn. Stat. § 130.01.

Sec. 34-490. Program assistance.

To accomplish the intent and purpose of this article, the city shall provide the heritage preservation commission with staff support, including employees of the library staff acquainted with the historical archives and files, to perform the duties prescribed under this article.

(Code 1986, § 250:10(4))

Sec. 34-491. Additional powers and duties.

(a) The heritage preservation commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the city which the heritage preservation commission, on the basis of information available or presented to it, has reason to believe are significant to the cultural, social, economic, political, or architectural history of the city.

(b) Following designation of a heritage preservation site, the heritage preservation commission shall act as a resource and in an advisory capacity to the owner of the property regarding preservation, restoration, and rehabilitation activities. Heritage preservation commission activity in this regard shall include participation in the planning and implementation of activities within the downtown historic district and other sites which have been designated as heritage preservation sites.

(c) The heritage preservation commission shall work for the continuing education of the citizens of the city with respect to the city's civic and architectural heritage. This continuing education may include public meetings or publications. It shall keep current and public a register of designated heritage preservation sites along with the plans and programs that pertain to them.

(d) The heritage preservation commission may recommend to the city the acceptance of gifts and contributions to be made to the city and to assist the city staff in the preparation of applications for grant funds to be made through the city for the purpose of heritage preservation. Any contributions or gifts will be expended in the manner provided through the city's fiscal policy.

(e) The heritage preservation commission shall establish and monitor an archive policy that would encourage the collection of all city planning and development records, documents, studies, models, maps, plans and drawings. This may be entered into the public library historical archives as a permanent record of city history and development.

(f) At the discretion of the heritage preservation commission, public hearings may be initiated to solicit public input regarding proposed activities to a heritage preservation site.

(Code 1986, § 250:20; Ord. No. 844, 6-19-2006)

Secs. 34-492—34-515. Reserved.**DIVISION 3. HERITAGE PRESERVATION
SITE DESIGNATION****Sec. 34-516. Reports.**

The city council, upon request of the heritage preservation commission, may direct the city staff to prepare studies which catalog buildings, land, areas, districts, or other objects to be considered for designation as a heritage preservation site. (Code 1986, § 250:15(1); Ord. No. 844, 6-19-2006)

Sec. 34-517. Criteria.

The heritage preservation commission shall recommend to the city council areas, buildings, districts, or objects to be designated heritage preservation sites. In considering the designation of heritage preservation sites, the commission shall apply the following stated criteria for evaluation and other applicable criteria that may be established by the Secretary of the Interior from time to time:

Criteria for evaluation. The quality of significance in American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association, and:

- (1) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (2) That are associated with the lives of persons significant in our past; or
- (3) That embody the distinctive characteristics of a type, period, or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (4) That have yielded, or may be likely to yield, information important in prehistory or history; or

- (5) That have a unique location or singular physical characteristics representing established and familiar aspects of a view, vista, site, area or district in the city. (Code 1986, § 250:15(2); Ord. No. 844, 6-19-2006)

Sec. 34-518. Intracity communication.

The heritage preservation commission shall establish and maintain communications with other city boards and commissions and others interested in or affected by a heritage preservation site designation. (Code 1986, § 250:15(3); Ord. No. 844, 6-19-2006)

Sec. 34-519. Findings and recommendations.

The heritage preservation commission shall determine if a proposed heritage preservation site is eligible for preservation as determined by the criteria established by this article and applicable Secretary of the Interior standards, and current procedure as recommended by the state historic preservation office. (Code 1986, § 250:15(4); Ord. No. 844, 6-19-2006)

Sec. 34-520. Council designation, hearings.

The city council, upon recommendation of the heritage preservation commission, may by resolution designate a heritage preservation site. Prior to such designation the city council may request review and recommendation by the planning commission for the designation's conformance with the comprehensive plan, and the council shall hold a public hearing, notice of which shall have been published in the official newspaper at least ten days prior to the date of the hearing and mailed notice sent to the owner of property which is proposed to be designated a heritage preservation site and to all owners of property lying within 350 feet of a proposed heritage preservation site. The council shall adopt findings in support of any decision to designate a heritage preservation site. (Code 1986, § 250:15(5); Ord. No. 844, 6-19-2006)

Sec. 34-521. Communication with state historical society.

Prior to designating a proposed heritage preservation site, the heritage preservation commission shall forward information concerning the

proposed designation to the state historical society for comment within 60 days. The decision of the heritage preservation commission and city council shall be sent to the state historical society in accordance with applicable state statutes.
(Code 1986, § 250:15(6); Ord. No. 844, 6-19-2006)

Sec. 34-522. Acquisition of property.

The heritage preservation commission may recommend to the city council that certain property eligible for designation as a heritage preservation site be acquired by gift, by negotiation, or other legal means as provided in applicable state statutes.
(Code 1986, § 250:15(7); Ord. No. 844, 6-19-2006)

Secs. 34-523—34-550. Reserved.