

ORDINANCE NO. ____

AN ORDINANCE AMENDING NORTHFIELD CITY CODE, CHAPTER 34 – LAND DEVELOPMENT CODE

THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT (new material is underlined; deleted material is lined out; sections which are not proposed to be amended are omitted; sections which are only proposed to be re-numbered are only set forth below as to their number and title):

SECTION 1. Northfield Code, Chapter 34 – Land Development Code, Article 8. – Development Procedures, Section 8.5.8 – Heritage Preservation Commission's Certificate of Appropriateness, is hereby amended, as follows:

8.5.8 Heritage Preservation Commission's Certificate of Appropriateness.

- (A) **Applicability.** Unless otherwise exempted in Section 7.8.3, Exemptions, or unless otherwise provided in this section, in the H-O district no zoning certificate or building permit for construction, exterior alteration or rehabilitation, moving, or demolition of a building or structure on a city-owned or privately owned heritage preservation site shall be issued until the project has been submitted to, and received approval of a certificate of appropriateness from ~~the heritage preservation commission from either the heritage preservation commission or the city planner~~ subject to the below review procedures. The city planner or the city's planner's designee shall classify proposed work as described below into one of the following two categories, which shall determine the applicable review procedure as provided in clause (C) of this Section:
- (1) Major Work:
 - (i) New construction including the expansion or enlargement of an existing building or site.
 - (ii) Demolition in whole or in part.
 - (iii) Moving of historic buildings, structures, or objects.
 - (iv) Remodeling, exterior alteration or rehabilitation that will change the exterior appearance including painting, signage, awnings.
 - (2) Minor Work (minor alterations in keeping with the integrity of the heritage preservation site and do not impact the overall architectural character):
 - (i) Replacement of windows with same form including pane arrangement, materials and finish.
 - (ii) Siding similar to the existing materials, finish and form.
 - (iii) Ordinary and routine maintenance.
 - (iv) Replacement of roofing materials.
 - (v) Maintenance or reconstruction where any exterior surface materials are to be replaced with historically appropriate identical materials and where such replacement materials will be installed to the original historical configuration.
- (B) **Exemptions.** A certificate of appropriateness shall not be required for the following activities:
- (1) Building permits for work (electrical, interior structural, etc.) on the interior of the structure shall be exempt from the provisions of this section provided that the work for which the building permit is requested will not alter the external appearance or the gross floor area of the structure.
 - (2) This section does not apply to structures required to be demolished in accordance with Minnesota Statutes, Chapter 463, related to hazardous or substandard buildings.

- (3) In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the City Administrator and City Building Official may approve the repair without prior heritage preservation commission action. In the case of an emergency repair permit issued pursuant to this section, the City Administrator or Building Official shall notify the heritage preservation commission of the same and specify the facts or conditions necessitating the emergency repairs.
- (4) Any physical improvements within and adjacent to public rights-of-way, including but not limited to: curb and gutter, street, utility reconstruction; routine maintenance, repair, or emergency work such as street patching; street overlays; driveway installations; boulevard tree planting; accessibility ramp improvements; utility repairs; or sidewalk repair or replacement.
- (C) **Approval Procedure.** For major work as defined in clause (A) of this Section, certificates of appropriateness shall be subject to the Type 3 review procedure as established in Section 8.4.6, Type 3 Review Procedure (Heritage Preservation Commission Decision), except that the heritage preservation commission shall be responsible for review instead of the planning commission. For minor work as defined in clause (A) of this Section, certificate of appropriateness shall be subject to the Type 1 review procedure as established in Section 8.4.4, Type 1 Review Procedure. The city planner is authorized to determine the applicable review procedure for an application as defined in clause (A) of this Section
- (D) **Approval Criteria.** The heritage preservation commission or the city planner, based upon the applicable review procedure for an application, shall consider the following in evaluating an application for a certificate of appropriateness for a zoning certificate and/or building permit. Criterion (1) below must be met and criteria (2) through (5) shall be considered:
- (1) That it fully complies with all applicable requirements of this LDC;
 - (2) That the proposed action is in harmony with the intent of the H-O district;
 - (3) That the proposed action would complement other structures within the H-O district;
 - (4) That the proposed action is consistent with the Downtown Preservation Design Guidelines; and
 - (5) In the case of removal or demolition, that the structure could not be rehabilitated and used for a conforming purpose with reasonable efforts or whether the structure is without substantial historic or architectural significance.
- (E) **Appeals.**
- (1) Appeals of the heritage preservation commission's decision may be made to the ~~zoning board of appeals~~ city council in accordance with this LDC and state law. Any party aggrieved by a decision of the heritage preservation commission may appeal such decision by filing a written notice of appeal with the city clerk no later than ten (10) days after the decision of the heritage preservation commission. If not so filed, the right of appeal shall be deemed waived and the decision of the heritage preservation commission shall be final. Following receipt of the appeal, the city clerk shall schedule a time for the appeal to be heard by the city council, which appeal hearing shall be scheduled within forty-five (45) days of the date of receipt of the notice of appeal by the city clerk. Following hearing the appeal, the city council may in its discretion either affirm, modify and amend, or overrule the heritage preservation commission's decision.
 - (2) An appeal of the city staff's decision on a certificate of appropriateness (minor work) following the Type 1 Review Procedure shall be made to the heritage preservation commission and reviewed in accordance with a Section 8.4.6, Type 3 Review Procedure. Any party aggrieved by city staff's decision on a certificate of appropriateness (minor work) under the Type 1 Review Procedure may appeal such decision by filing a written notice of appeal with the city clerk no later than ten (10) days after the decision of city staff for subsequent consideration by the heritage preservation commission. Subsequent appeals of the decision of the heritage preservation commission shall be made in accordance with clause (E)(1) of this Section
- (F) **City Council Review and Decision.** Notwithstanding the foregoing, any denial of a certificate of appropriateness by the heritage preservation commission of a city government project located upon or

within city-owned property shall be reviewed by the city council within forty-five (45) days of the heritage preservation commission's decision, and the city council, following hearing the appeal, may in its discretion either affirm, modify and amend, or overrule the heritage preservation commission's decision.

SECTION 2: This Ordinance shall take effect thirty days after its publication.

Passed by the City Council of the City of Northfield, Minnesota, this ____ day of _____ 2022.

ATTEST:

City Clerk

Mayor

First Reading	
Second Reading	
Date of Publication	
Date Ordinance takes effect	

VOTE: ____ POWNELL ____ GRABAU ____ NAKASIAN ____ NESS
 ____ PETERSON WHITE ____ REISTER ____ ZUCCOLOTTO