

2013-Or-____

**AN ORDINANCE
of the
CITY OF
MINNEAPOLIS**

By Lilligren

**Amending Title 23, Chapter 599 of the Minneapolis Code of Ordinances
relating to Heritage Preservation: Heritage Preservation Regulations.**

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 599.50(b) of the above-entitled ordinance be amended to read as follows:

599.50. Scope of regulations.

(b) *Emergency exception.* Nothing in this chapter shall prevent the emergency alteration or other modification necessary to correct the unsafe or dangerous condition of any structure or other feature, where the ~~director of inspections~~ building official certifies to the planning director that such condition has been declared unsafe or dangerous and the proposed measures have been determined necessary to correct the condition without delay. However, only such work that is necessary to correct the unsafe or dangerous condition may be performed. The extent of such work shall be determined in consultation with the planning director who may recommend to the ~~director of inspections~~ building official that the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items be made a condition of such emergency alteration or modification. The planning director shall report to the commission not less than once per month all emergency alterations or other modifications certified to the planning director in the preceding month, the reasons for such emergency, and the nature and extent of the alteration or modification performed.

Section 2. That Section 599.110 of the above-entitled ordinance be amended to read as follows:

599.110. Definitions. Unless otherwise expressly stated, or unless the context clearly indicates a different meaning, the words and phrases in the following list of definitions shall, for the purposes of this chapter, have the meanings indicated. All words and phrases not defined shall have their common meaning.

Alteration. Any construction, addition, demolition, relocation or material change affecting the exterior of a landmark, property in an historic district or nominated property under interim protection, or the designated or nominated interior of any building, that the planning director has determined is not a minor alteration. Examples may include, but are not limited to, the following:

- (1) Destruction of any structure, in whole or in part.

- (2) Addition to a structure or moving the location of a structure.
- (3) Addition of a structure.
- (4) Changes to or replacement of architectural details or visual characteristics such as doors, door frames and openings, windows, window frames and openings, siding, shutters, railings, walls, steps, porches, balconies, or other ornamentation.
- (5) Changes to surface materials, color and texture, including painting an unpainted masonry surface such as brick, concrete, stone or stucco, or sandblasting or other abrasive cleaning of a masonry surface.
- (6) Changes to or replacement of roofing materials.
- (7) Addition or removal of signs and awnings, or changes to or replacement of existing signs and awnings.
- (8) Changes to or replacement of landscaping or natural features that are inconsistent with the historic qualities of the property.
- (9) Disturbance of archaeological sites or areas.

Building official. The individual designated by the director of the department of community planning and economic development to serve as the city's building official pursuant to Minnesota Statutes, Section 326B.133.

Certificate of appropriateness. A certificate issued by the planning director evidencing the review and authorization by the commission of plans for alteration of a landmark, property in an historic district or nominated property under interim protection.

Certificate of no change. A certificate issued by the planning director evidencing the review and authorization by the planning director of plans for minor alteration of a landmark, property in an historic district or nominated property under interim protection.

City council. The City Council of the City of Minneapolis.

Commission. The Heritage Preservation Commission of the City of Minneapolis.

Cultural resource. An item, fixture, property, collection of properties, or place that is believed to have historical, cultural, architectural, archaeological or engineering integrity and significance.

Demolition. The act of moving or razing a building including the removal or enclosure of sixty (60) percent or more of the structure.

Designation study. A study and report prepared to document the historical, cultural, architectural, archaeological or engineering significance of a property.

Design guidelines. Specific design criteria adopted by the commission for landmarks and historic districts to be used in reviewing applications for certificates of appropriateness and certificates of no change.

Destruction. The removal, damage or enclosure of architectural, mechanical or landscape features, including, but not limited to, the removal of the primary façade(s), character defining façade(s), or the removal of the roof of the structure for the purpose of raising the overall height of the building or roof, that may have an adverse effect on the historical integrity and significance of a property.

~~*Director of inspections.* The Director of the City of Minneapolis Inspections Division or his or her authorized representative.~~

Historic district. All property within a defined area designated as an historic district by the city council because of the historical, cultural, architectural, archaeological or engineering significance of the district, or designated as an historic district by state law.

Historic resource. A property that is believed to have historical, cultural, architectural, archaeological or engineering significance and to meet at least one of the criteria for designation as a landmark or historic district as provided in this chapter.

Historic variance. Departure from the literal requirements of the zoning regulations governing a landmark or property in an historic district where strict adherence would cause undue hardship due to special conditions or circumstances unique to a site.

Integrity. The authenticity of a landmark, historic district, nominated property under interim protection or historic resource evidenced by its location, design, setting, materials, workmanship, feeling or association.

Interim protection. Protection from destruction or alteration given to a nominated property following the commission's decision to commence a designation study.

Landmark. Any property, or any interior of a building, designated as a landmark by the city council because of its historical, cultural, architectural, archaeological or engineering significance.

Minor alteration. An alteration that the planning director has determined does not affect the integrity of a landmark, historic district or nominated property under interim protection. Examples may include, but are not limited to, changes that the planning director has determined are not significant, and changes that reproduce the existing design and that are executed with the same type of materials and methods as existing if available, or with visually similar materials if the original materials are not available.

Nominated property. A property that has been nominated for designation as a landmark or historic district, pursuant to the requirements of this chapter.

Planning director. ~~The Director of the Minneapolis City Planning Department or his or her authorized representative~~ department of community planning and economic development or their designee.

Potential Historic District. A collection of property that is believed to have historical, cultural, architectural, archaeological or engineering significance and to meet at least one (1) of the criteria for designation as an historic district as provided in this chapter.

Property. Any land, building, structure or object, surface or subsurface area, natural or landscape feature.

Receiving site. The zoning lot on which transferred floor area is to be developed, pursuant to the requirements of this chapter.

Sending site. The zoning lot containing a landmark or located within an historic district, and from which undeveloped floor area is to be transferred, pursuant to the requirements of this chapter.

Significance. The authenticity of a landmark, historic district, nominated property under interim protection or historic resource evidenced by association with significant events or with periods that exemplify broad patterns of cultural, political, economic or social history; association with the lives of significant persons or groups; because it contains or is associated with distinctive elements of city or neighborhood identity; embodiment of the distinctive characteristics of an architectural or engineering type or style, or method of construction; its exemplification of a landscape design or development pattern distinguished by innovation, rarity, uniqueness or quality of design or detail; exemplification as a work of master builders, engineers, designers, artists, craftsmen or architects; because it has yielded, or may be likely to yield, information important in prehistory or history.

Structure. Anything constructed or erected with a more or less fixed location on or in the ground or in or over a body of water. A structure shall include, but not be limited to, buildings, fences, walls, signs, canopies, decks, patios, antennae, piers, bridges, docks and any objects or things permanently attached to the structure.

The Secretary of the Interior's Standards. The most recent standards for the treatment of historic properties established by the National Park Service, United States Department of the Interior.

Transfer of development rights. The conveyance of undeveloped floor area from one zoning lot to another zoning lot, pursuant to the requirements of this chapter.

Zoning administrator. The individual designated by the director of the department of community planning and economic development to serve as the city's zoning administrator or their authorized representative.

Section 3. That Section 599.120(b) of the above-entitled ordinance be amended to read as follows:

599.120(b) Heritage preservation commission.

(b) *Jurisdiction and authority.* The commission shall have the following powers and duties in connection with the administration of this chapter:

- (1) To interpret and administer the provisions of this chapter.

- (2) To adopt and administer rules and regulations relating to the administration of this chapter.
- (3) To direct the commencement of designation studies, as authorized by this chapter.
- (4) To hear and make recommendations to the city council on the proposed designation of landmarks and historic districts.
- (5) To hear and decide applications for certificate of appropriateness.
- (6) To hear and decide applications for demolition of historic resources.
- (7) To hear and decide appeals from decisions of the planning director, ~~director of inspections~~ building official, or other official, as authorized by this chapter.
- (8) To hear and make recommendations to the city council on proposed historic variances.
- (9) To hear and make recommendations to the city council on proposed transfers of development rights.
- (10) To adopt design guidelines for landmarks and historic districts, and to revise design guidelines as necessary.
- (11) To review and make recommendations to the city council on proposed amendments to the zoning code.
- (12) To make recommendations to the city council on proposed amendments to this chapter.
- (13) To inform and educate the citizens of Minneapolis concerning the historical, cultural, architectural, archaeological or engineering heritage of the city.
- (14) To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts and historic resources.
- (15) To make recommendations to the city council that designated properties or historic resources be acquired by purchase, gift or by eminent domain.
- (16) To take such other actions as are reasonable and necessary for the administration and enforcement of this chapter.

Section 4. That Section 599.140 of the above-entitled ordinance be amended to read as follows:

599.140. ~~Director of inspections~~ Building official. The ~~director of inspections~~ building official shall have the power and duty to enforce this chapter by commencement of appropriate administrative and legal remedies, including but not limited to issuance of citation or written orders, or reference to the city attorney for issuance of a formal complaint.

Section 5. That Section 599.180 of the above-entitled ordinance be amended to read as follows:

599.180. Appeals of decisions of the planning director. All findings and decisions of the planning director, ~~director of inspections~~ building official, or other official involved in the administration or the enforcement of these heritage preservation regulations shall be final subject to appeal to the heritage preservation commission, except that appeal of a decision of ~~the director of inspections~~ involving a violation of Title 5 of the Minneapolis Code of Ordinances, Building Code, or Title 12 of the Minneapolis Code of Ordinances, Housing, shall be as provided in the written order. Appeals may be initiated by any affected person by filing the appeal with the planning director on a form approved by the planning director and shall be accompanied by all required supporting information, as specified in section 599.160, and fees as specified in section 599.175. All appeals shall be filed within ten (10) calendar days of the date of the decision. Timely filing of an appeal shall stay all proceedings in the action appealed. No action shall be taken by any person to alter the property in any manner until after a final decision has been made by the heritage preservation commission, unless the planning director certifies to the commission, with service of a copy to the applicant, that a stay would cause imminent peril to life or property, in which case the proceedings shall not be stayed. The commission shall hold a public hearing on each complete application for an appeal as provided in section 599.170. All findings and decisions of the commission concerning appeals shall be final, subject to appeal to the city council as specified in section 599.190.

Section 6. That Section 599.360(a) of the above-entitled ordinance be amended to read as follows:

599.360. Certificate of appropriateness conditions and guarantees. (a) *In general.* Following commission approval of an application, the applicant shall receive a signed certificate of appropriateness and approved plans stamped by the planning director. The applicant shall produce such certificate of appropriateness and plans to the ~~inspections department~~ of community planning and economic development before a building permit or demolition permit may be issued. The signed certificate of appropriateness and stamped plans shall be available for inspection on the construction-site together with any ~~inspections department~~ permits.

Section 7. That Section 599.430(a) of the above-entitled ordinance be amended to read as follows:

599.430. Certificate of no change conditions and guarantees. (a) *In general.* After planning director approval, the applicant shall receive a signed certificate of no change and approved plans stamped by the planning director. The applicant shall produce such certificate of no change and plans to the ~~inspections department~~ of community planning and economic development before a building permit may be issued. The signed certificate of no change and stamped plans shall be available for inspection on the construction-site together with any ~~inspections department~~ permits.

Section 8. That Section 599.680 of the above-entitled ordinance be amended to read as follows:

599.680. Complaints regarding violations. The ~~director of inspections~~ building official shall have the authority to investigate any complaint alleging a violation of this chapter or the conditions of any approval granted pursuant to this chapter, and to take such action as is

warranted in accordance with the procedures set forth herein and with all other applicable regulations.

Section 9. That Section 599.690 of the above-entitled ordinance be amended to read as follows:

599.690. Procedures upon discovery of violations. (a) *In general.* The ~~director of inspections~~ building official, in consultation with the planning director, shall provide a written notice to the property owner or to any person responsible for such violation, identifying the property in question, indicating the nature of the violation, and ordering the action necessary to correct it, including a reasonable time period to remedy the violation. Where the violation involves work being done contrary to the provisions of this chapter, the ~~director of inspections~~ building official may order the work stopped. No further work shall be undertaken while a stop-work order is in effect.

(b) *Appeals to commission.* Where the violation involves a condition of approval granted pursuant to this chapter, or an unauthorized alteration or minor alteration of a landmark, property in an historic district, nominated property under interim protection or historic resource, or other provision of this chapter except a violation of Title 5 of the Minneapolis Code of Ordinances, Building Code, or Title 12 of the Minneapolis Code of Ordinances, Housing, the written notice shall advise that the ~~director of inspection's~~ building official's order may be appealed to the commission in accordance with the provisions of section 599.180.