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Ordinance No. 2016-022

City of Minneapolis

File No. 15-01431

By Warsame

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 the definition of Planning director contained in Section 599.110 of the above-entitled ordinance be amended to read as follows:

Section 599.110. Definitions.

Planning director. The director of the ~~representative~~ department of community planning and economic development or their designee.

Section 2. That Section 599.115 of the above-entitled ordinance be amended to read as follows:

Section 599.115. Concurrent review. For the efficient administration of this preservation ordinance, whenever a project or proposal requires more than one (1) application for review by the planning director, heritage preservation commission, city planning commission and the board of adjustment, including but not limited to certificate of appropriateness, certificate ~~of~~ of no change, historic variance, and transfer development rights, all applications shall be processed concurrently. Land use reviews by the zoning administrator, city planning commission, and the board of adjustment shall not be regulated by this section.

Section 3. That Section 599.175 of the above-entitled ordinance be amended to read as follows:

599.175. Fees. (a) *Established.* In recognition of the cost of services performed and work and materials furnished, persons who desire to avail themselves of the privileges granted them under the heritage preservation ordinance shall pay fees in the amount listed in Table 599-1, Fees.

Table 599-1 Fees

Application Type	Fee (Dollars)
Appeal of the ruling of the heritage preservation commission	350.00
Appeal of the ruling of the zoning administrator, planning director, or other official involved in the administration or the enforcement of this preservation ordinance	350.00
Certificate of no change	0.00
Certificate of appropriateness alteration	
0—5,000 sf of lot area	250.00
5,001—9,999 sf of lot area	450.00
10,000—43,559 sf of lot area	750.00
43,560 sf of lot area or more	950.00
Certificate of appropriateness new construction	
0—9,999 sf of lot area	450.00
10,000—43,559 sf of lot area	750.00
43,560 sf of lot area or more	950.00
Conservation certificate administrative review	0.00
Conservation certificate - public hearing review alteration	
0—5,000 sf of lot area	250.00
5,001—9,999 sf of lot area	450.00
10,000—43,559 sf of lot area	750.00
43,560 sf of lot area or more	950.00
Conservation certificate - public hearing review new construction	
0—5,000 sf of lot area	250.00
5,001—9,999 sf of lot area	450.00
10,000—43,559 sf of lot area	750.00
43,560 sf of lot area or more	950.00
Conservation district plan	350.00
Demolition of historic resource	350.00
Historic review letter	150.00
Historic variance	250.00
Transfer of development rights	350.00

(b) *Postage and publication.* For applications requiring notice of a public hearing to affected property owners, the applicant shall pay the cost of first class postage based on the number of property owners to be notified. In addition, for applications requiring publication in a newspaper of general circulation, the applicant shall pay a fee of twenty-five dollars (\$25.00).

(c) *Continuance.* After notification of a public hearing has taken place, a request by the applicant to continue an application to a subsequent public hearing of the heritage preservation commission shall be charged a fee totaling one hundred fifty dollars (\$150.00) when such request is granted. The fee shall be paid prior to the subsequent public hearing.

(d) *Forms and payment of fees.* The zoning administrator shall provide applicants with forms, designating therein the amount of fees to be paid. All fees shall be payable to the city finance officer.

(e) *Refund of fees.*

(1) *Incomplete applications.* If an applicant fails to provide a complete application and the application is withdrawn by the applicant or is deemed withdrawn and returned pursuant to section 599.160(b), the city shall retain the first one hundred dollars (\$100.00) of the total fees paid for the project. Any sum paid over the amount to be retained shall be refunded.

(2) *Complete applications.* If an applicant withdraws a complete application before the scheduled public hearing, or in the case of an application for administrative review, before the application is decided by the planning director or zoning administrator, the city shall retain the first one hundred dollars (\$100.00) of the total fees paid for the project, or such proportion of the fee paid as determined by the costs to the city to process the application up to the time it was withdrawn compared to the costs to completely process the application, whichever is greater. Any sum paid over the amount to be retained shall be refunded. If the scheduled public hearing is held, or if the application is decided by the planning director or the zoning administrator, no fees shall be refunded, whether or not the application is withdrawn, approved or denied.

(3) *Exception.* The city shall refund the total amount of the fees paid for any application that was accepted by the planning director or zoning administrator in error.

Section 4. That Section 599.300 of the above-entitled ordinance be amended to read as follows:

599.300. Design guidelines. The commission shall ~~may~~ adopt design guidelines for landmarks and historic districts. Prior to adoption, the planning director shall submit all proposed design guidelines to the state historic preservation officer for review and comment. The state historic preservation officer shall have sixty (60) days from said date of submittal to provide comments to the planning director.

Section 5. That Section 599.350 of the above-entitled ordinance be amended to read as follows:

599.350. Required findings for certificate of appropriateness.

~~(a) In general.~~ Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings based upon, but not limited to, the following:

~~(1) The alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.~~

~~(2) The alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.~~

~~(3) The alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.~~

~~(4) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.~~

~~(5) The alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

~~(6) The certificate of appropriateness conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan and applicable preservation policies in small area plans adopted by the city council.~~

~~(b) Destruction of any property. Before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make findings that the destruction is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for a reasonable period of time to allow parties interested in preserving the property a reasonable opportunity to act to protect it.~~

~~(c) Adequate consideration of related documents and regulations. Before approving a certificate of appropriateness, and based upon the evidence presented in each application submitted, the commission shall make findings that alterations are proposed in a manner that demonstrates that the applicant has made adequate consideration of the following documents and regulations:~~

~~(1) The description and statement of significance in the original nomination upon which designation of the landmark or historic district was based.~~

~~(2) Where applicable, Title 20 of the Minneapolis Code of Ordinances, Zoning Code, Chapter 530, Site Plan Review.~~

~~(3) The typology of treatments delineated in the Secretary of the Interior's Standards for the Treatment of Historic Properties and the associated guidelines for preserving, rehabilitating, reconstructing, and restoring historic buildings.~~

~~(d) Additional findings for alterations within historic districts. Before approving a certificate of appropriateness that involves alterations to a property within an historic district, the commission shall make findings based upon, but not limited to, the following:~~

~~(1) The alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.~~

~~(2) Granting the certificate of appropriateness will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.~~

~~(3) The certificate of appropriateness will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.~~

(a) The heritage preservation commission shall make each of the following findings before approving a certificate of appropriateness:

(1) The alteration is compatible with the designation of the landmark or historic district, including the period and criteria of significance.

(2) The alteration will ensure the continued integrity of the landmark or historic district.

(3) The alteration is consistent with the applicable design guidelines adopted by the commission.

(4) The alteration is consistent with the applicable recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.

(5) The alteration is consistent with the spirit and intent of the preservation ordinance, the applicable policies of the comprehensive plan, and the applicable preservation policies in small area plans adopted by the city council.

(b) In addition to the findings in subdivision (a) above, before approving a certificate of appropriateness that involves the destruction, in whole or in part, of any landmark, property in an historic district or nominated property under interim protection, the commission shall make the following findings:

(1) The destruction is necessary to correct an unsafe or dangerous condition on the property; or

(2) That there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to:

a. The significance of the property;

b. The integrity of the property; and

c. The economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.

Section 6. That Section 599.420 of the above-entitled ordinance be amended to read as follows:

599.420. Required findings for certificate of no change. ~~(a) In general. Before approving a certificate of no change, and based upon the evidence presented in each application submitted, the planning director shall make findings based upon, but not limited to, the following:~~

~~(1) The minor alteration is compatible with and continues to support the criteria of significance and period of significance for which the landmark or historic district was designated.~~

~~(2) The minor alteration is compatible with and supports the interior and/or exterior designation in which the property was designated.~~

~~(3) The minor alteration is compatible with and will ensure continued integrity of the landmark or historic district for which the district was designated.~~

~~(4) The minor alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the applicable design guidelines adopted by the commission.~~

~~(5) The minor alteration will not materially impair the significance and integrity of the landmark, historic district or nominated property under interim protection as evidenced by the consistency of alterations with the recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.~~

~~(6) The certificate of no change conforms to all applicable regulations of this preservation ordinance and is consistent with the applicable policies of the comprehensive plan.~~

~~(b) Additional findings for alterations within historic districts. Before approving a certificate of no change that involves alterations to a property within an historic district, the commission shall make findings based upon, but not limited to, the following:~~

~~(1) The minor alteration is compatible with and will ensure continued significance and integrity of all contributing properties in the historic district based on the period of significance for which the district was designated.~~

~~(2) Granting the certificate of no change will be in keeping with the spirit and intent of the ordinance and will not negatively alter the essential character of the historic district.~~

~~(3) The certificate of no change will not be injurious to the significance and integrity of other resources in the historic district and will not impede the normal and orderly preservation of surrounding resources as allowed by regulations in the preservation ordinance.~~

The planning director shall make each of the following findings before approving a certificate of no change:

(1) The minor alteration is compatible with the designation of the landmark or historic district, including the period and criteria of significance.

(2) The minor alteration will ensure the continued integrity of the landmark or historic district.

(3) The minor alteration is consistent with the applicable design guidelines adopted by the commission.

(4) The minor alteration is consistent with the applicable recommendations contained in The Secretary of the Interior's Standards for the Treatment of Historic Properties.

(5) The minor alteration is consistent with the spirit and intent of the preservation ordinance, the applicable policies of the comprehensive plan, and the applicable preservation policies in small area plans adopted by the city council.

Section 7. That Section 599.480 of the above-entitled ordinance be amended to read as follows:

599.480. Commission decision. (a) *In general.* If the commission determines that the property is not an historic resource, the commission shall approve the demolition permit. If the commission determines that the property is an historic resource, the commission shall deny the demolition permit and direct the planning director to prepare or cause to be prepared a designation study of the property, as provided in section 599.230, ~~or shall approve the demolition permit as provided in this section unless the applicant meets their burden of proof with regard to subdivision (b) below.~~

~~(b) *Destruction of historic resource.* Before approving the demolition of a property determined to be an historic resource, the commission shall make findings that the demolition is necessary to correct an unsafe or dangerous condition on the property, or that there are no reasonable alternatives to the demolition. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to, the significance of the property, the integrity of the property and the economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses. The commission may delay a final decision for up to one hundred eighty (180) days to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it.~~

(b) *Destruction of historic resource.* Before approving the demolition of a property determined to be an historic resource, the commission shall make the following findings:

(1) The destruction is necessary to correct an unsafe or dangerous condition on the property; or

(2) That there are no reasonable alternatives to the destruction. In determining whether reasonable alternatives exist, the commission shall consider, but not be limited to:

- a. The significance of the property;
- b. The integrity of the property; and
- c. The economic value or usefulness of the existing structure, including its current use, costs of renovation and feasible alternative uses.

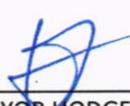
(c) *Mitigation plan.* The commission may require a mitigation plan as a condition of any approval for demolition of an historic resource. Such plan may include the documentation of the property by measured drawings, photographic recording, historical research or other means appropriate to the significance of the property. Such plan also may include the salvage and preservation of specified building materials, architectural details, ornaments, fixtures and similar items for use in restoration elsewhere.

(d) *Demolition delay.* The commission may stay the release of the building, wrecking or demolition permit for up to one hundred eighty (180) days as a condition of approval for a demolition of an historic resource ~~if the resource has been found to contribute to a potential historic district~~ to allow parties interested in preserving the historic resource a reasonable opportunity to act to protect it. The release of the permit may be allowed for emergency exception as required in section 599.50(b).

Notice: 11/6/2015 Intro. & 1st Reading: 11/20/2015 Committee: ZP
 Public Hearing: N/A 2nd Reading & Passage: 3/18/2016 Publication: MAR 26 2016

RECORD OF COUNCIL VOTE				
MEMBER	AYE	NAY	ABSTAIN	ABSENT
REICH	X			
GORDON	X			
FREY	X			
B. JOHNSON	X			
YANG	X			
WARSAME	X			
GOODMAN	X			
GLIDDEN	X			
CANO	X			
BENDER	X			
QUINCY	X			
A. JOHNSON	X			
PALMISANO	X			
DATE:	MAR 18 2016			

APPROVED VETOED



 MAYOR HODGES
MAR 23 2016

 DATE

Certified an official action of the City Council
 ATTEST:



 CITY CLERK

Presented to the Mayor:	MAR 18 2016	Received from the Mayor:	MAR 23 2016
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