

PRESERVATION ORDINANCE TEXT AMENDMENT SUMMARY

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| <i>Initiator:</i> | Council Member Bender |
| <i>Introduction Date:</i> | August 19, 2016 |
| <i>Prepared By:</i> | <u>Lisa Steiner</u> , Senior City Planner, (612) 673-3950 |
| <i>Specific Site:</i> | N/A |
| <i>Ward:</i> | All |
| <i>Neighborhood:</i> | All |
| <i>Intent:</i> | To modify regulations regarding Heritage Preservation Commission membership. |

APPLICABLE SECTION OF TITLE 23: HERITAGE PRESERVATION

- Chapter 599, Heritage Preservation Regulations

BACKGROUND

On August 19, 2016, Council Member Bender introduced the subject matter of an ordinance amending the preservation ordinance to modify regulations regarding Heritage Preservation Commission membership. The current regulations, found in Section 599.120 of the Code of Ordinances, limit commissioners to serving a maximum of three terms consecutively. Each term is three years in length. However, commissioners are allowed to reapply for appointment after one full term. The regulations also specify the interviewers of applicants for appointment to the commission. These limitations have been in place since the heritage preservation chapter was adopted in 2001.

PURPOSE

What is the reason for the amendment?

The amendment has been initiated in order to make the terms and appointments for the three development-related boards and commissions more consistent. The three development-related boards and commissions are the Heritage Preservation Commission, City Planning Commission, and Zoning Board of Adjustment. This amendment would also allow for the retention of experienced and qualified commissioners who wish to remain on the commission for longer than three consecutive terms. The proposed amendment would eliminate the consecutive term limit currently dictated by the code as well as eliminate the prescribed interviewers. These regulations are unique to the Heritage Preservation Commission; neither the City Planning Commission nor the Zoning Board of Adjustment have the limitations of consecutive terms served or the specifications of interviewers.

What problem is the amendment designed to solve?

Due to the current regulations, commissioners are not able to serve longer than three terms consecutively. This leads to a loss of experience and talent on the commission. Additionally, the specification of interviewers is overly prescriptive and unnecessarily incorporated in the ordinance.

What public purpose will be served by the amendment?

The amendment will allow qualified and experienced commissioners to remain on the commission as long as they wish to serve and are reappointed by the City Council.

What problems might the amendment create?

Staff does not anticipate any problems that would be created by the proposed amendment. The Zoning Board of Adjustment and City Planning Commission do not have term limits and have not experienced issues with this. Heritage Preservation Commissioners would still have three-year terms, after which they would need to reapply for reappointment. Eliminating the prescriptive interviewers is not expected to create problems.

TIMELINESS

Is the amendment timely?

The amendment is timely. There are currently two unfilled vacancies on the Heritage Preservation Commission with several commissioners nearing their term limits. In recent years, there has been difficulty in finding and attracting qualified applicants for appointment to the commission.

Is the amendment consistent with practices in surrounding areas?

Staff reviewed a number of other preservation ordinances around the country. Most preservation commissioners serve two or three year terms. Denver and Saint Paul do not have term limits for commissioners, while Madison, Portland, and Seattle do set term limits. The amendment is generally consistent with practices in peer cities.

Are there consequences in denying this amendment?

If this amendment were denied, the consecutive term limits would remain. Commissioners who reach their limit would have to take a one term break prior to applying for reappointment. Additionally, the overly prescriptive requirements for interviewers would remain in place.

COMPREHENSIVE PLAN

The amendment will implement the following applicable policies of *The Minneapolis Plan for Sustainable Growth*:

Heritage Preservation Policy 8.1: Preserve, maintain, and designate districts, landmarks, and historic resources which serve as reminders of the city's architecture, history, and culture.

- 8.1.1 Protect historic resources from modifications that are not sensitive to their historic significance.
- 8.1.2 Require new construction in historic districts to be compatible with the historic fabric.

Heritage Preservation Policy 8.11: Improve and adapt preservation regulations to recognize City goals, current preservation practices, and emerging historical contexts.

This amendment will allow for the retention of qualified and experienced commissioners to serve consecutively without taking a one-term break. The commission is intended to promote the recognition, preservation, protection, and reuse of landmarks, historic districts, conservation districts, and historic resources. The commission achieves this through reviewing preservation applications, adopting design guidelines, making recommendations on designation studies, and through other activities. The commission is vital to the preservation of important resources in the city and experienced, qualified, and talented commissioners are imperative to the success of the commission.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission and City Council adopt staff findings to amend Title 23 of the Minneapolis Code of Ordinances, as follows:

A. Text amendment to modify regulations regarding Heritage Preservation Commission membership.

Recommended motion: **Approve** the text amendment.

Chapter 599 related to Heritage Preservation: *Heritage Preservation Regulations*

ATTACHMENTS

- I. Ordinance amending Chapter 599, Heritage Preservation.

ORDINANCE
By Bender

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 599.120 of the above-entitled ordinance be amended to read as follows:

599.120. Heritage preservation commission. (a) *Establishment.* The heritage preservation commission is established pursuant to the authority granted by Minnesota Statutes sections 138.71 through 138.75, Minnesota Historic District Act of 1971, and Minnesota Statutes section 471.193, Municipal Heritage Preservation. The commission shall perform its duties and exercise its powers as provided therein.

(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.
- (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, building official or other official.
- (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, historic districts, and conservation districts, and to revise design guidelines as necessary.
- (11) To make recommendations to the city council on proposed amendments to this chapter.
- (12) To inform and educate the citizens of Minneapolis concerning the historical, cultural, architectural, archaeological or engineering heritage of the city.
- (13) To seek and identify incentives to encourage both public and private investments in preserving the city's landmarks, historic districts and historic resources.

(14) To make recommendations to the city council that designated properties or historic resources be acquired by purchase, gift or by eminent domain.

(15) To take such other actions as are reasonable and necessary for the administration and enforcement of this chapter.

(16) To review and make recommendations to the city council on proposed conservation district establishment, amendment, and repeal.

(17) To hear and decide applications for conservation certificate public hearing reviews.

(c) *Commission membership.* The commission shall consist of ten (10) members, each of whom shall reside in Minneapolis. Members shall be persons with demonstrated interest, knowledge, ability or expertise in historic preservation, neighborhood revitalization, archaeology, urban planning, history or architecture. One (1) shall be the representative of the mayor. If available, at least two (2) shall be registered architects, at least one (1) shall be a licensed real estate agent or appraiser, at least one (1) shall reside in or own a landmark or property in an historic district, and if available at least one (1) shall be a member of the Hennepin History Museum. All appointments, except the mayor's representative, shall be made by the city council and all appointments shall follow the open appointments process contained in section 14.180 of the Minneapolis Code of Ordinances, and as provided in the rules and procedures of the commission. ~~Applicants for appointment to the commission shall be interviewed by a committee of the planning director and one (1) member of the commission who shall recommend applicants to the city council.~~ Members shall serve for a term of three (3) years, and shall be appointed as the terms of the present members of the commission expire. ~~No member shall serve more than three (3) full terms consecutively. Any member may reapply for appointment after missing one (1) full term.~~

(d) *Public hearings.* The commission shall schedule public hearings not less than once per month. Such public hearings shall be noticed and conducted pursuant to the provisions of section 599.170.

(e) *Rules and procedures.* The commission shall adopt policies and procedures for the conduct of its meetings, the processing of applications, appointments to the commission and any other purposes considered necessary for its proper functioning, and shall select or appoint officers as it deems necessary. Such policies and procedures shall be consistent with this chapter.

(f) *Compensation.* Members of the commission shall be paid at the rate of fifty dollars (\$50.00) for each ~~public~~ official meeting attended with a limitation of four (4) meetings per month.