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## CONSERVATION DISTRICT PLAN APPLICATION

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This application packet is used to file an application(s) for the establishment of a group of properties as a conservation district. The packet is a tool for gathering information relevant to an application.

**599.710. Purpose.** This article is established to maintain and enhance the visual character, land use, or activity evident in its notable architectural detail, building type, or development pattern by regulating changes to those attributes and adopting design guidelines for properties within a defined area. As part of the city's comprehensive program of historic preservation, it is the intent of this ordinance to promote the use and conservation of notable properties or districts for the education, inspiration, pleasure, and enrichment of its citizens and for the long-term sustainability and vitality of the city. Conservation districts are designed to not only maintain but also expand the roster of buildings, structures, and sites that contribute to the visual character and support the land use and activity of the district. The value of existing and proposed buildings in conservation districts is measured by the extent to which they embody the conservation district's notable visual character and support its land use and activity.

**599.720. Establishment criteria.**

(a) The following criteria shall be considered in determining whether properties are eligible to be in a conservation district:

(1) The district is contiguous and:

- a. includes at least one complete block face with two or more principal buildings; or
- b. is centered upon the intersection of two or more streets, with all corner lots included in the district.

(2) Seventy-five (75) percent of properties embody notable attributes common to the district:

- a. distinctive characteristics of an architectural or engineering type or style, or method of construction; and
- b. a landscape design or development pattern distinguished by quality of design or detail, innovation, rarity, or uniqueness; or which may include scale that creates a cohesive identifiable setting.

**599.730. Initiation of conservation district plan.** Application for initiation of a conservation district plan shall be submitted on an application form approved by the planning director and shall be accompanied by evidence documenting the consent of owners who represent one-third (1/3) or more of all tax parcels, and notification of all owners of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary. The commission shall review all complete applications. If the commission determines that the subject district appears to meet the criteria for establishment contained in section 599.720, the commission may direct the planning director to prepare or cause to be prepared a conservation district plan and design guidelines. Complete applications will be acted upon in the order that they are received, with no more than two applications in 2015 and no more than one application per city sector (north, east, downtown, south, and southwest) processed simultaneously.

**599.740. Design guidelines.**

(a) *In general.* Conservation district design guidelines shall be drafted by the planning director with the active participation of property owners in the proposed district. Design guidelines shall not be adopted or applied so as to prohibit uses allowed by the zoning code. Design guidelines regulating building bulk may be more restrictive than the zoning code when based upon the notable attributes, as identified in the conservation

district's plan. Design guidelines shall be limited to regulating some or all exterior elements solely for the purpose of perpetuating and proliferating the district's notable attributes, as identified in the district's plan. Conservation district design guidelines shall clearly identify all changes requiring review for compliance with this ordinance. Design guidelines may establish that a public hearing is required for the construction of principal and accessory structures or the addition or removal of floor area to existing principal or accessory structures. All other changes shall be reviewed administratively unless those changes require a public hearing review pursuant to the Minneapolis Code of Ordinances.

- (b) *Owner consent.* Prior to heritage preservation commission adoption, but not amendment, guidelines shall be submitted to the planning director, accompanied by evidence documenting the consent of owners who represent two-thirds (2/3) or more of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary to both the establishment of the proposed conservation district and the proposed design guidelines. Evidence of two-thirds (2/3) consent shall be obtained within one (1) year of the date the planning director initiates work upon a conservation district plan application. The planning director, upon written request, may for good cause shown grant up to a six (6) month extension to this time limit. No additional owner consent is required for changes to the design guidelines that the heritage preservation commission adopts during either the initial conservation district and design guideline establishment process or any subsequent conservation district design guideline amendment process.

**599.750. State historic preservation office review.** The planning director shall submit all proposed conservation district establishments, amendments, repeals, and 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.

**599.760. City planning commission review.** The planning director shall submit all proposed conservation district establishments, amendments, repeals, and design guidelines to the city planning commission. City planning commission shall have sixty (60) days from said date of submittal to provide comments to the planning director. In its review, the city planning commission shall consider but not be limited to the following factors:

- (1) The district's eligibility for establishment, as evidenced by its consistency with the establishment criteria.
- (2) The consistency of the proposed conservation district with the city's zoning code and comprehensive plan.
- (3) The effect of the proposed conservation district on the surrounding area.
- (4) The consistency of the proposed conservation district with applicable development plans or development objectives adopted by the city council.
- (5) The consistency of the proposed design guidelines with the establishment criteria.
- (6) The effect of the proposed district on the long-term sustainability and vitality of the city.

**599.770. Heritage preservation commission review.** Following acceptance of a complete plan, the heritage preservation commission shall hold a public hearing to consider the proposed conservation district establishment, amendment, or repeal as provided in section 599.170.

**599.780. Commission recommendation.** Following the public hearing, the heritage preservation commission shall make findings with respect to the proposed conservation district establishment, amendment, or repeal and shall submit the same together with its recommendation to the city council. In making its findings and recommendation, the commission shall consider the establishment criteria contained in section 599.720, the information contained in the plan, the state historic preservation officer's comments, the city planning commission's comments, the planning director's report, and all testimony and evidence received at the public hearing relating to the conservation district establishment, amendment, or repeal.

**599.790. City council decision.** The city council shall make the final decision on the establishment, amendment, or repeal of all conservation districts.

**599.800. Adoption.** The heritage preservation commission shall adopt conservation district design guidelines concurrent with the review of conservation district plans.

## CONSERVATION DISTRICT PLAN APPLICATION REQUIREMENTS CHECKLIST

**Staff will accept only complete applications that include all of the items listed below. If any of the items are missing at the time of submittal, the application will be deemed incomplete and staff will not accept the application. Please be aware that supplemental information may also be requested during the evaluation and hearing process.**

	Pre-application meeting.
	Completed Application Worksheet.
	Correct fees paid (checks payable to Minneapolis Finance Department ).
	Evidence documenting the consent of owners who represent one-third (1/3) or more of all tax parcels, and notification of all owners of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary (see affidavit and forms attached).
	A plat map identifying the boundaries of the proposed conservation district.
	A list of all owners of record of property within the boundaries of the proposed conservation district, as identified in the records of the Hennepin County, with evidence documenting the consent of owners who represent one third or more of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary.
	A written description of the proposed district’s design characteristics and a property-by-property inventory, to include a photograph of each, that identifies how not less than seventy-five (75) percent of the properties meet the conservation district establishment criteria identified in section 599.720. One paper copy and one electronic copy (on a flash drive or compact disc) must be submitted.
	The name, address, and phone number of a designated representative of the potential district, who has the authority to withdraw the application at any time.
	A statement addressing why a zoning amendment or historic district designation would not be as appropriate as the establishment of a conservation district.
	A list of all property owners and mailing labels. These must be purchased from Hennepin County Taxpayer Services Division, A-600 Government Center, 4th Avenue S. Please contact Hennepin County in advance to request the list and labels (they are not available the same day they are requested). Phone: 612-348-5910. Submit all enclosures received from Hennepin County: <ol style="list-style-type: none"> <li>1. Map showing subject property, with map.</li> <li>2. Mailing labels.</li> <li>3. List of property owners.</li> </ol>
	Copy of a letter or email, sent to the applicable neighborhood group(s) and city council office, explaining the proposed project. The letter must contain the following information: <ol style="list-style-type: none"> <li>1. Description of the project.</li> <li>2. Applications that the applicant is aware are needed for the project.</li> <li>3. Addresses of the properties for which approval is sought.</li> <li>4. Applicant’s name, address, telephone number, and e-mail address, if available.</li> </ol>

### FEES

APPLICATION TYPE	FEE (DOLLARS)
Conservation District Plan Application	350
Publication	25

**AFFIDAVIT**

Date: \_\_\_\_\_

To Whom It May Concern:

RE: \_\_\_\_\_ (proposed conservation district name)

This affidavit is to verify that I or my authorized representative did notify all owners of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary, in accordance with Heritage Preservation regulations section 599.730.

SIGNATURE: \_\_\_\_\_

ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

SUBSCRIBED AND SWORN TO BEFORE ME

THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_\_

NOTARY PUBLIC HENNEPIN COUNTY, MINNESOTA

SIGNATURE: \_\_\_\_\_

## CONSERVATION DISTRICT APPLICATION WORKSHEET

<b>Applicant/Designated Representative</b> <i>This person will be the primary contact for staff</i>	Name	
	Mailing Address Including City, State and Zip Code	
	Phone Number	
	Email	
<b>Name of Proposed Conservation District with General Boundary Description</b>		

I certify that the information which I have supplied in submitting this application is correct and accurate to the best of my knowledge. When I submit this application, I authorize the Department of Community Planning and Economic Development to process the application.

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Applicant/Designated Representative's name and signature

Date

- Must be signed and dated by the applicant before the application(s) will be processed.
- Applications received after 3:30 p.m. will be processed as received on the following business day.
- Community Planning and Economic Development staff may identify additional applications upon further analysis of the proposed project.

**CONSENT PETITION FOR CONSERVATION DISTRICT PLAN INITIATION –  
FORM A**

We the undersigned have reviewed the application of \_\_\_\_\_ (name of applicant/designated representative) to **STUDY** the property described in the conservation district plan application for \_\_\_\_\_ (proposed conservation district name) which includes the following addresses (below). We understand that the petitioner seeks to initiate a conservation district plan, and that such application must be accompanied by evidence documenting the consent of owners who represent one-third (1/3) or more of all tax parcels excluding streets and alleys, within the proposed conservation district boundary. We understand that, should the plan be initiated, conservation district design guidelines shall be drafted by the planning director with the active participation of property owners in the proposed district. We understand that, prior to heritage preservation commission adoption, the applicant/designated representative will have to provide evidence documenting the consent of owners who represent two-thirds (2/3) or more of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary to both the establishment of the proposed conservation district and the proposed design guidelines.

***If the property is not owned by an individual, all owners or a duly authorized agent for the owner(s) must sign (Form C).***

***When properties are owned by corporations, government agencies, cooperatives, schools, churches or other types of entities, an affidavit will be required that indicates that the person signing the consent petition is authorized to do so on behalf of the owner entity (Form D). This affidavit must be notarized.***

***Affidavits will also be required any time the person signing the consent petition is not the person listed as the owner on the Hennepin Co. list of property owners. This affidavit must be notarized.***

NOTE:

*To ensure legibility, petitioners are encouraged to complete the Address and Property ID boxes using the fillable PDF form after obtaining the list of property owners.*

PRINT AND SIGN NAME	ADDRESS	PROPERTY ID NO.
Print: Signature:		
Print: Signature:		
Print: Signature:		
Print: Signature:		

PRINT AND SIGN NAME	ADDRESS	PROPERTY ID NO.
Print: Signature:		
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**CONSENT PETITION FOR CONSERVATION DISTRICT PLAN ESTABLISHMENT-  
FORM B**

We the undersigned have reviewed the application of \_\_\_\_\_ (name of applicant/designated representative) to **ESTABLISH** the \_\_\_\_\_ conservation district encompassing the following addresses (below). We understand that, prior to heritage preservation commission adoption, the applicant/designated representative has to provide evidence documenting the consent of owners who represent two-thirds (2/3) or more of all tax parcels, excluding streets and alleys, within the proposed conservation district boundary to both the establishment of the proposed conservation district and the proposed design guidelines. We also consent to the design guidelines dated \_\_\_\_\_.

***If the property is not owned by an individual, all owners or a duly authorized agent for the owner(s) must sign (Form C).***

***When properties are owned by corporations, government agencies, cooperatives, schools, churches or other types of entities, an affidavit will be required that indicates that the person signing the consent petition is authorized to do so on behalf of the owner entity (Form D). This affidavit must be notarized.***

***Affidavits will also be required any time the person signing the consent petition is not the person listed as the owner on the Hennepin Co. list of property owners. This affidavit must be notarized.***

**NOTE:**

*To ensure legibility, petitioners are encouraged to complete the Address and Property ID boxes using the fillable PDF form after obtaining the list of property owners.*

PRINT AND SIGN NAME	ADDRESS	PROPERTY ID NO.
Print: Signature:		
Print: Signature:		
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PRINT AND SIGN NAME	ADDRESS	PROPERTY ID NO.
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**AFFIDAVIT RELATED TO CONSERVATION DISTRICT REQUEST–  
FORM C**

**Required when the Person Signing the Consent Petition is Not the Person(s) Listed as Owner(s) of the Property from Which Consent is Sought**

Your affiant(s), \_\_\_\_\_ (print name(s)), being duly sworn, affirm(s) as follows:

I am authorized thereby to consent, and do so consent, on behalf of the following property,  
\_\_\_\_\_ (property address), \_\_\_\_\_ (property ID number). Circle  
all that apply):

- I consent to the proposed conservation district plan application.
- I consent to the proposed conservation district **ESTABLISHMENT** and **DESIGN GUIDELINES**, which will govern alterations to properties within the district.

I am authorized to provide this consent because (include information regarding power of attorney, change of ownership, or other basis for your authority to consent):

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If there has been a change of ownership, please attach supporting documentation.

\_\_\_\_\_  
Affiant’s signature

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_

\_\_\_\_\_  
Affiant’s signature

Notary Public:  
County of:  
My commission expires:

**AFFIDAVIT RELATED TO CONSERVATION DISTRICT REQUEST –  
FORM D**

**Required when the Owner of Property from Which Consent is Sought is a Corporation or Similar Entity**

Your affiant(s), \_\_\_\_\_ (print name(s)), being duly sworn, affirm(s) as follows:

I am the \_\_\_\_\_ (title or position) of \_\_\_\_\_ (name of owner entity).

I am authorized thereby to consent, and do so consent, on behalf of the following property,

\_\_\_\_\_ (property address), \_\_\_\_\_ (property ID number). Circle all that apply):

- I consent to the proposed conservation district plan application.
- I consent to the proposed conservation district **ESTABLISHMENT** and **DESIGN GUIDELINES**, which will govern alterations to properties within the district.

If there has been a change of ownership, please attach supporting documentation.

\_\_\_\_\_  
Affiant's signature

Subscribed and sworn to before me this \_\_\_\_ day  
of \_\_\_\_\_

\_\_\_\_\_  
Affiant's signature

Notary Public:

County of:

My commission expires: