

PLANNING AND ECONOMIC DEVELOPMENT COMMITTEE

13-073-O

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 50 OF THE DULUTH CITY CODE, 1959, AS AMENDED, REGARDING DESIGNATION OF LOCAL HISTORIC LANDMARKS BY THE HERITAGE PRESERVATION COMMISSION.

BY COUNCILORS GARDNER AND HARTMAN:

The city of Duluth does ordain:

Section 1. That Section 50-37.8 of Chapter 50 of the Duluth City Code, 1959, as amended, be amended to read as follows:

50-37.8. Historic resource designation.

A. Application.

~~An application for historic resource designation shall be filed pursuant to Section 50-37.1.B.~~

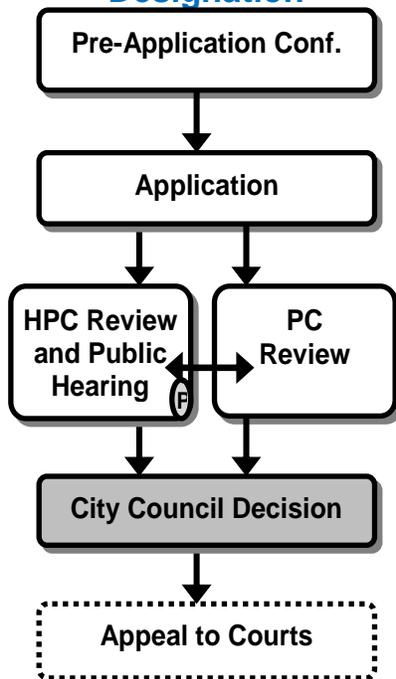
- ~~The heritage preservation commission may, upon its own motion, propose and hear applications to designate a building, structure, site, or object as a local historic landmark. Any property owner or contract purchaser may petition the historic preservation commission to designate their building, structure, site, or object as a local historic landmark;~~
- ~~The application provisions of Section 37.1.B shall apply to the extent they are consistent with subsection 1 above;~~

B. Procedure.

- .Review and recommendation by heritage preservation commission.

The heritage preservation commission shall review the application, submit the application to the planning commission, conduct an investigation and public hearing pursuant to Section 50-37.1.I, with public notice as required by Section 50-37.1.H, make a recommendation to council, and report on the historical, cultural and architectural significance of the buildings, structures, sites or objects proposed for designation. The report shall also attempt to determine the economic status of the property or properties by providing information such as assessed value, recent real estate transactions and other appropriate data. A copy of the report shall be sent to the state historic preservation officer for review and comment in accordance with MSA 471.193. Any comments made by the planning

Historic Resource Designation



(P) Indicates Public Hearing Required

commission and state historic preservation officer regarding a proposed designation must be included in the commission's recommendation to the council;

2. Review and recommendation by planning commission.

The planning commission shall review the application and make a recommendation to the heritage preservation commission and council. In its review and recommendation, the commission shall consider potential effects on the surrounding neighborhood, economics, environment and other planning considerations;

3. Designation by council.

Upon receipt of the report and recommendation of the heritage preservation commission, the council shall make a decision to approve, approve with modifications or deny the designation, in whole or part, based on the criteria in subsection C below. The council action shall be by ordinance;

4. Registration of historic sites.

The city clerk shall record or file with the county recorder the legal description of all properties affected by the council action. The city clerk shall also distribute an official list of all locally designated historic preservation landmarks and districts to the land use supervisor and the state historic preservation officer;

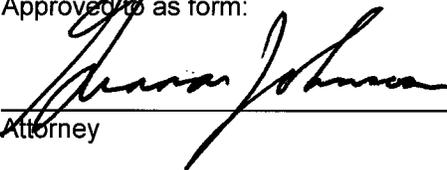
C. Criteria.

Historic preservation landmarks and districts shall only be designated when the property or properties are found to meet one of the following criteria:

1. It has character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or the United States;
2. Its location was a site of a significant historical event;
3. It is identified with a person or persons who significantly contributed to the culture or development of the city, state, or the United States;
4. It embodies a distinguishing characteristic of an architectural type;
5. It is identified as the work of an architect or master builder whose individual work has influenced the development of the city or state;
6. It embodies elements of architectural design, detail, materials or craftsmanship that represents significant architectural innovation;
7. Its unique location or singular physical characteristics represents an established and familiar visual feature of a neighborhood, community or city.

Section 2. That this ordinance shall take effect 30 days after its passage and publication.

Approved as form:



Attorney

PC/PLNG SR:cs 11/15/2013

STATEMENT OF PURPOSE: This ordinance implements revisions to the Unified Development Chapter to allow the heritage preservation commission to submit an application to nominate a property as a city of Duluth local historic landmark without the consent of the property owner. The final decision to make a property a local historic landmark would still rest with the city council.

After the public hearing on November 12, 2013, the Duluth planning commission made a motion to approve the proposed changes of the UDC passed with a vote of 4 yeas, 3 nays and 2 abstentions.

The changes to the UDC are being presented in two ordinances, one for the changes for adaptive reuse of local historic landmarks, and another for changes to the powers of the heritage preservation commission.

Action deadline: Not applicable

PL: 13-145



City of Duluth
Planning Division

411 West First Street • Room 208 • Duluth, Minnesota 55802-1197
218-730-5580 • Fax: 218-730-5904 • www.duluthmn.gov

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MEMORANDUM

DATE: November 5, 2013
TO: Planning Commissioners
FROM: Steven Robertson, Senior Planner
SUBJECT: UDC Text Amendments Related to Historic Preservation

The Planning Division has been asked to present two text amendments to the UDC to promote the historic preservation of structures in Duluth. Two changes are being proposed at a public hearing on November 12, 2013. If the Planning Commission takes action, the proposed amendments would likely be reviewed by the City Council at the November 25 and December 9 City Council meetings.

- 1) Adaptive Reuse. Over the last several months, Planning Staff have discussed the general idea of amending the code to allow for adaptive reuse of historic structures. This would permit some uses, via an Interim Use Permit, in R-1 and R-2 districts that are not currently allowed.
- 2) Historic Preservation Commission designation of historic landmarks. The UDC permits the property owner to submit their property for designation of a historic landmark. The text amendment being proposed would also allow the Historic Preservation Commission to submit an application for historic designation, without the consent of the property owner.