



## CPED STAFF REPORT

Prepared for the Heritage Preservation Commission

HPC Agenda Item #3

July 22, 2014

### HERITAGE PRESERVATION APPLICATION SUMMARY

<i>Property Location:</i>	n/a
<i>Project Name:</i>	Proposed Conservation District Ordinance
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<i>Applicant:</i>	n/a
<i>Project Contact:</i>	John Smoley, Ph.D.
<i>Ward:</i>	n/a
<i>Neighborhood:</i>	n/a
<i>Request:</i>	Review of an Amendment to Minneapolis Code of Ordinances (MCO) chapter 599, Heritage Preservation Regulations, to Permit the Creation of Conservation Districts

### SUMMARY

#### BACKGROUND

In 2012 Councilmember Gordon introduced an amendment to our municipal code to permit the creation of conservation districts in response to public requests to protect character-defining features in neighborhoods in a way that's more prescriptive than the Zoning Code but less prescriptive than historic district design guidelines.

#### PUBLIC COMMENTS

The ordinance is the product of 1 ½ years of staff work with a twenty-member technical advisory team which included Heritage Preservation Commission (HPC) Commissioner Linda Mack. Comments from members of the public have been solicited, primarily through two public meetings held on November 14, 2012, and January 28, 2014. Apart from these meetings and two previous briefings at HPC public meetings, staff also participated in a February 25, 2014, Neighborhood Community Engagement Commission meeting; a March 28, 2014, Center for Urban and Regional Affairs/University District Alliance forum, and a June 26, 2014, City Planning Commission Committee of the Whole meeting.

### ANALYSIS

A copy of the draft ordinance is attached, with proposed additions to the existing Heritage Preservation Regulations underlined, and deletions stricken out. The vast majority of the changes occur in the new conservation district article added to the end of the ordinance, but related changes, and code clean-up items, occur throughout the ordinance. A sheet bearing proposed application form details is also attached. The initial ordinance would only establish the framework for districts. It would not actually designate any districts. Such designations, as well as the development of conservation district design guidelines, would occur at a later date when districts are nominated.

The proposal ordinance fulfills the following Comprehensive Plan policy:

**Conservation Districts**

In addition to regular maintenance and adherence to the zoning code, other tools exist to preserve neighborhood character. A Conservation District is a zoning or preservation tool used to help communities protect certain characteristics in their neighborhood. They concentrate on protecting such things as architecture styles, densities of the area, heights of structures, and setback guidelines. The scope and size of conservation districts may vary; and the regulations of the district may affect design elements, structure size, building demolition, and land use. While Minneapolis currently does not have conservation districts, this tool can be effective for preserving neighborhood character.

**Policy 8.8: Preserve neighborhood character by preserving the quality of the built environment.**

8.8.1 Preserve and maintain the character and quality of residential neighborhoods with regulatory tools such as the zoning code and housing maintenance code.

8.8.2 In addition to local designation, develop other preservation tools, like conservation districts, to preserve the historic character of neighborhoods and landscapes.

In accordance with this policy, the proposed ordinance will create an alternative way to protect some of the cohesive characteristics found in a number of the city's neighborhoods, including some of Minneapolis' more than 55 potential historic districts and more than 500 potential historic landmarks.

The following is a summary of major ordinance provisions.

The majority of properties in conservation districts must embody notable attributes common to the district, including scale, architecture, landscape design, development patterns, and engineering (historical significance criterion #4 and 5, plus scale).

The ordinance is intended to facilitate grass-roots conservation efforts. Conservation district establishment can only be initiated by property owners in a proposed district. To apply for conservation district establishment, at least one-third or more of the property owners in a given area must agree.

Following the drafting of proposed design guidelines, two-thirds of property owners in a given district must consent to the proposed district before the HPC may consider recommending the City Council formally establish the district. Proposed development will not incur additional regulations until Council formally establishes the district (i.e., there is no interim protection).

Design guidelines are limited to regulating some or all exterior elements solely for the purpose of perpetuating and proliferating the district's notable attributes. With this focus on conserving visual character, rather than preserving historic building materials, the ordinance permits demolitions of properties that contribute to a district's character once the Planning Director or Heritage Preservation Commission verifies that proposed new construction onsite is consistent with the district's design guidelines. Design guidelines may not be written in a way to prohibit uses permitted by the Zoning Code, but they may regulate building bulk in a more restrictive way to conserve the district's notable attributes. For example, a conservation district notable for its one-story Ranch-style residences with generous setbacks could justifiably possess design guidelines requiring new residences be designed in the Ranch style, be limited to one story in height, and possess greater setbacks than the Zoning Code minimums. The guidelines could not be written in a way designed to prohibit a multi-family dwelling

from being constructed, but the dwelling's architectural style, setbacks, and height could be more restrictive than what would be allowed by the Zoning Code.

Districts may occur anywhere but must be contiguous and include at least one complete block face with two or more principal buildings; or be centered upon the intersection of two or more streets, with all corner lots included in the district.

The State Historic Preservation Office (SHPO) has expressed their support for the proposal (Attachment C). In response to concerns about inappropriate application of the proposed ordinance, staff has drafted additional ordinance language that requires the Heritage Preservation Commission conduct a review of all applications and direct the Planning Director to prepare design guidelines if they are warranted. The proposal mirrors the method the HPC uses to review Landmark and historic district nomination applications. In the interest of ensuring the HPC review the same ordinance text reviewed by the CPC CoW and SHPO, the proposed ordinance (Attachment A) does not incorporate this language (Attachment D.)

In addition to public comment and Technical Advisory Team input, these recommendations are the result of extensive studies of best practices in other communities, to include a 1991 report prepared by Carol Zellie of Landscape Research for the St. Paul Heritage Preservation Commission and a 2010 report published by the Center for Urban and Regional Affairs at the University of Minnesota. In addition to the many issues studied in these reports, staff researched best practices in a number of communities, to include Minnesota's three communities with architectural conservation district ordinances: Stillwater, Red Wing, and Hastings.

Particular scrutiny was given to distinguishing historic districts from conservation districts, in the interest of preventing the de-incentivization of historic districts. Staff generally found few objective distinctions between the two district types, in terms of identification, and the more streamlined review process generally associated with conservation districts appeared to create a strong preference for conservation district, rather than historic district, designation among property owners. For example, conservation districts appear to serve as disincentives to historic district designation in two of three Minnesota communities: Stillwater and Red Wing. Both have experienced resistance to "upgrading" conservation districts to historic districts. That has not been the case in Hastings. One key factor appears to be that demolitions in conservation districts are not reviewed in Hastings. Only with historic district designation are demolitions, along with new construction and alterations, scrutinized.

## RECOMMENDATIONS

### **Recommendation of the Department of Community Planning and Economic Development:**

The Department of Community Planning and Economic Development recommends that the Heritage Preservation Commission and City Council adopt staff findings and **adopt** the proposed amendment to Minneapolis Code of Ordinances (MCO) chapter 599, Heritage Preservation Regulations, as indicated in the attached ordinance.

## ATTACHMENTS

- A. Proposed Amendment to Minneapolis Code of Ordinances (MCO) Chapter 599, Heritage Preservation Regulations
- B. Proposed Application Form Details
- C. Letter from the State Historic Preservation Office
- D. An Amendment to the Current Proposal