

Florence Township Heritage Preservation Commission Ordinance

AN ORDINANCE RELATING TO THE **FLORENCE TOWNSHIP HERITAGE PRESERVATION COMMISSION**; AND AMENDING IN ITS ENTIRETY THAT ORDINANCE ESTABLISHING THE OLD FRONTENAC HERITAGE PRESERVATION COMMISSION ADOPTED SEPTEMBER 14, 1989 AND ITS SUBSEQUENT AMENDMENTS.

The Town Board of Supervisors of Florence Township, Goodhue County, Minnesota, does ordain:

Section 1. The ordinance establishing the Old Frontenac Heritage Preservation Commission adopted September 14, 1989, and subsequently amended, is amended in its entirety to read as follows:

ARTICLE 1. GENERAL PROVISIONS

Section 1.00 POLICY: The Board finds that the historical and cultural heritage of Florence Township is among its most important assets. Therefore, the purpose of this ordinance is to endorse and clarify the responsibilities of the Florence Township Heritage Preservation Commission, hereafter referred to the Heritage Preservation Commission or HPC, in order to promote the recognition, preservation, protection of historic districts, historic properties, historic landscapes, public park lands, and historic resources; to implement the policies of the Florence Township comprehensive plan; to further educational and cultural enrichment; to promote the general welfare of the township.

Section 1.01 ESTABLISHMENT OF COMMISSION: Pursuant to Minnesota Statutes Section 471.193, there is hereby established a Florence Township Heritage Preservation Commission (HPC) to preserve and protect the historic resources of Florence Township. The HPC is a continuance and expansion of the Old Frontenac Historic Preservation Commission (OFHPC) as adopted by Florence Township ordinance adopted September 14, 1989 and all subsequent amendments thereto. All OFHPC members are hereby members of the HPC to serve their appointed terms until their respective scheduled expirations.

Section 1.02 HERITAGE PRESERVATION PROPERTIES: The previously designated Heritage Preservation Property, known as the Old Frontenac Historic District, is hereby preserved and is as described below:

All of Section 12, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

Government Lot 1 of Section 1, Township 112 North Range 13 West, Goodhue County, Minnesota

AND

That part of Government Lot 3 of Section 2, Township 112 North, Range 13 West, Goodhue County, Minnesota, lying east of the west 1200.00 feet thereof

AND

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The East Half of the Northeast Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

The East Half of the Southeast Quarter, Section 11, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

Government Lot 5 of Section 2, Township 112 North, Range 13 West, Goodhue County, Minnesota

AND

That part of the Southwest Quarter of the Southeast Quarter of Section 2, Township 112 North, Range 13 West, Goodhue County, Minnesota, and that part of Government Lot 4 of said Section 2, which lies easterly of the following described line:

Beginning at the northeasterly corner of the west 1200.00 feet of said Government Lot 4; thence southwesterly to the southwest corner of the Southwest Quarter of the Southeast Quarter of said Section 2, and there terminating

AND

That part of the West Half of Northeast Quarter of Section 11, Township 112 North, Range 13 West, Goodhue County Minnesota, and that part of the West Half of the Southeast Quarter of Section 11 which lies easterly of the following described line:

Beginning at the northwest corner of the West Half of the Northeast Quarter of said Section 11; thence southeasterly to the southeast corner of the West Half of the Southeast Quarter of said Section 11 and there terminating.

Section 1.03 COMMISSION MEMBERS: Commission members must be persons with demonstrated interest in historic preservation and must reside within Florence Township. The Commission shall comprise seven members. In addition thereto, the Town Board shall appoint one member of the Goodhue County Historical Society and one of the Supervisors of Florence Township as ex-officio members of the commission. The Goodhue County Historical Society member of the Commission need not reside within Florence Township.

Section 1.04 APPOINTMENTS: TERM OF OFFICE: Any elector living in Florence Township may apply in writing to the Town Board for appointment to the Commission. Public notice that appointments are to be made and of the procedure for submitting applications must be published in the official newspaper of the Township at least 20 days prior to the making of appointments. The Board of Supervisors shall appoint Commission members to serve three-year terms. The ex-officio members shall each be appointed to serve a one-year term. If a vacancy occurs, the Board of Supervisors shall appoint a successor to serve the remainder of the term. Members and ex-officio members will serve without compensation and shall continue to hold office until their successors have been appointed and qualified.

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Section 1.05 DEFINITIONS: As used herein “Heritage Preservation Property” shall mean any building, structure, site, object, public lands, or district which has been duly designated a Heritage Preservation Property pursuant to Section 2.00 of this ordinance.

ARTICLE II. POWERS, DUTIES, PROCEDURE: The Commission shall have the following powers:

Section 2.00 POWERS: The Commission shall have the following powers:

(1) To recommend to the Town Board that buildings, structures, sites, objects, public lands, and districts be designated or described for heritage preservation in Florence Township designated historic districts and properties.

A. In considering the designation of Heritage Preservation Properties, the Commission shall apply the following criteria:

1a) Its character, interest or value as part of the development, heritage or cultural characteristics of Florence Township, Goodhue County, Minnesota, or the United States.

2a) Its location as a site, or contributing element in proximity to a site of a significant historic event or process.

3a) Its embodiment of distinguishing characteristics of architectural style, period, form or treatment.

4a) Its identification with a person or persons who significantly contributed to the culture and development of Florence Township.

5a) Its embodiment of elements of architectural design, detail, materials, or craftsmanship that represents distinctive architectural innovation.

6a) Its unique location of singular physical characteristics representing an established and familiar aspect of a view, vista, site, area or district in Florence Township.

B. In considering the designation of Heritage Preservation Properties the Commission shall follow the following procedure:

1b) Planning Commission Review: The Heritage Preservation Commission shall advise the Township Planning Commission of the proposed designation of a Heritage Preservation Property including boundaries and a program for the preservation, restoration or rehabilitation of the property, and secure from the Township Planning Commission its opinion and recommendations as to any planning

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considerations which may be relevant to the proposed designation, together with its recommendation of approval, rejection or modification of the proposed designation. The said recommendation shall become part of the official record concerning the proposed designation and shall be submitted by the Heritage Preservation Commission along with its recommendations concerning the proposed designation to the Town Board. The Heritage Preservation Commission may make such modifications, changes and alterations concerning the proposed designation as it deems necessary in consideration of the recommendations of the Township Planning Commission.

2b) State Historical Society Communication. A copy of the Heritage Preservation Commission's proposed designation of a Heritage Preservation Property, including boundaries, and a program for the preservation, restoration or rehabilitation of the property shall be sent to the State Historical Society in accordance with Minnesota Statutes Annotated Section 471.193. Subd. 6.

3b) Findings and Recommendations. The Heritage Preservation Commission shall determine if the proposed Heritage Preservation Property is eligible for preservation as determined by the criteria specified in sub-paragraph A of this section. The Commission shall transmit to the Town Board its recommendations and proposed program for the Heritage Preservation Property.

4b) Town Board Designation, Hearings. The Town Board, upon request of the Heritage Preservation Commission, may by resolution designate a Heritage Preservation Property. Prior to such designation the Town Board shall hold a public hearing, notice of which shall have been published in the official newspaper of the township at least 20 days prior to the date of the hearing, and notice of the hearing shall be sent to all owners of property which is proposed to be designated a Heritage Preservation Property and to all property owners abutting the boundary of the area to be designated a Heritage Preservation Property.

5b) Acquisition. The Heritage Preservation Commission may recommend to the Town Board, after review and comment by the Township Planning Commission, that certain property eligible for designation as a Heritage Preservation Property be acquired by gift, by negotiation, or other legal means as provided for in Chapter 117 of Minnesota Statutes.

- (2) To solicit gifts and contributions to be made to the Commission and to assist in the preparation of application for grant funds to be made to the Commission for the purpose of heritage preservation.

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- (3) To recommend guidelines to the Town Board for utilization of Heritage Preservation Properties.
- (4) To make recommendations to the Town Board regarding applications to the National Register.
- (5) To recommend to the Town Board rules governing construction, alteration, demolition, and use, and the adoption of other measures appropriate for the preservation, protection, and perpetuation of designated Heritage Preservation Properties.
- (6) To recommend to the Town Board the acquisition by purchase, gift, or bequest, of a fee or lesser interest, including preservation restrictions, in Heritage Preservation Properties and adjacent or associated lands.
- (7) To recommend to the Town Board the use of its power of eminent domain to maintain or preserve Heritage Preservation Properties and adjacent or associated lands.
- (8) To recommend to the Town Board use variances within Florence Township from the terms of the Goodhue County and Florence Township zoning ordinances.
- (9) To recommend to the Town Board the removal of blighting influences, including signs, unsightly structures, and debris incompatible with the physical well being of Heritage Preservation Properties.
- (10) To review and make recommendations to the Town Board regarding issuance of all building permits, conditional use permits or variances for Heritage Preservation Properties and to hold public hearings thereon if the Commission deems it necessary. The Township zoning administrator shall send a copy of every building permit application, conditional use application or variance application for property for Heritage Preservation Properties to the Commission for recommendation. Among other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:
 - (a) In the case of a proposed alteration or addition to an existing building, whether or not such alteration or addition will materially impair the architectural or historic value of the building, considering the existing exterior appearance, building dimensions, roof style, type of building materials, ornamentation, road setback, and color;
 - (b) In the case of the proposed demolition of a building, the architectural and historic value of the building, the effect on surrounding buildings, the effect of any new proposed construction on the surrounding buildings, and the economic value or usefulness

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of the building as it now exists, on in an altered or modified condition compatible with the surrounding structures;

- (c) In the case of a new building, whether or not such building will materially impair the architectural or historic value of the adjacent Historic Preservation Properties within Florence Township.
 - (d) The Commission shall base its findings on the Secretary of the Interior's Standards for Historic Preservation Projects as well as specific design guidelines established by the Commission for the designated Heritage Preservation Property.
- (11) To recommend guidelines to the Town Board for utilization, management, maintenance, and alteration of Heritage Preservation Public Land Properties. To review and make recommendations to the Town Board regarding issuance of all public land alteration or maintenance permits, conditional use permits or variances for Heritage Preservation Public Land Properties and to hold public hearings thereon if the Commission deems it necessary. The Township zoning administrator shall send a copy of every Public Land permit application, conditional use application or variance application for Public Land for Heritage Preservation Properties to the Commission for recommendation. Among other things, the Commission, before approving such permit variance, shall first consider and make findings of fact regarding the following:
- (a) In the case of a proposed alteration or addition to Public Land, whether or not such alteration will materially impair the natural beauty, use, or historic value of the Public Land, considering the existing appearance, dimensions, effect on neighboring properties, use by residents, and any other environmental effects;
 - (b) In the case of the proposed demolition or alteration of any asset on Public Land, the natural and historic value of the asset, the effect on properties, the effect of any new proposed construction on the surrounding properties, and the economic value or usefulness of the Public Land as it now exists, on in an altered or modified condition compatible with the surrounding properties;
 - (c) In the case of a new asset on Public Land, whether or not such asset will materially impair the architectural or historic value of the adjacent Historic Preservation Properties within Florence Township.
 - (d) In all cases, the proposed alteration or addition must be in compliance with all applicable county, township, and historic district regulations. Any and all exceptions to these regulations must be reviewed by the Commission and approved by the Township Supervisors, Goodhue County Land Use, and any other jurisdiction (e.g. DNR, Army Corps of Engineers) that may apply. A written

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copy of such variance to regulations must be published and available in the Commission Design Guidelines to be administrated by the Commission and the Township Board of Supervisors.

(12)The Commission shall base its findings on the Secretary of the Interior's Standards for Historic Preservation Projects as well as specific design guidelines established by the Commission for the designated Heritage Preservation Property

After review, the Commission shall report its findings of fact and its recommendations in writing to the Town Board without undue delay. Upon receipt of such report, the Town Board shall meet and consider the report of the Commission. It the Board approves the report of the Commission, the Clerk shall send the report of the Commission to the County Planning Commission with a notation thereon of the Board's approval of the report and recommendation.

Section 2.01 SPECIAL PUBLIC HEARINGS. Business shall be conducted by the Commission at regularly scheduled public meetings as prescribed in its bylaws and the Minnesota Open Meeting Law. When the Commission deems an issue to be of significant public concern the Commission may call for a Special Public Hearing. A notice of the time, place and purpose of the hearing shall be published in the official newspaper of the Township at least 10 days before the date of the hearing, to each owner of affected property and property situated wholly or partly within 350 feet of the property to which the application for permit or variance relate. For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona fide attempt to comply with this section has been made.

Section 3. EFFECTIVE DATE. This ordinance shall take effect and be in force from and after its official publication. A copy of the ordinance can be obtained by contacting the Clerk of Florence Township.

Passed and adopted by the Board of Supervisors of Florence Township, Goodhue County, Minnesota, this ____ day of _____ 2006

Clay Ruggles, Chairman

ATTEST: