

Chapter 2 Administration

DIVISION 3. HERITAGE PRESERVATION COMMISSION*

Sec. 2-150. Established; members.

There is hereby created and established a city heritage preservation commission which shall consist of no more than nine (9), but no fewer than five (5) members. One (1) shall be appointed directly by the Afton Historical Society and the other members shall be appointed by the City Council. Any member appointed to serve on the preservation commission shall have a demonstrated interest and/or expertise in historic preservation. At least two members must be professional in a field related to preservation (architecture, history, planning, design, construction, law, and so forth). (Code 1982, § 308.000(3)1; Res. No. 1997-16, § 3, 6-17-97; Ord. 1997-51, 1/16/01; Ord. 2005-4, 4/19/05; Ord. 12-2010, 12/21/10)

Sec. 2-151. Terms of office.

All appointments to the commission shall be made for a term of three years. Members may be reappointed for consecutive terms. Members shall serve without compensation and continue to hold office until their successors have been appointed and qualified. (Code 1982, § 308.000(3)2; Res. No. 1997-16, § 3, 6-17-97; Ord. 12/2010, 12/21/10)

Sec. 2-152. Organization.

The commission, when formed, shall elect from its members such officers as it may deem necessary. The commission shall have the power to designate and appoint from its members various committees. The commission shall make such bylaws as it may deem advisable and necessary for the conduct of its affairs, for the purpose of carrying out the intent of this Article, which are not inconsistent with the laws of the city and the state. The commission shall make an annual report, containing a statement of its activities and plans to the City Council. The Heritage Preservation Commission shall also function as the design and review committee, of which the duties of the committee are specified in section 12-142 (g). (Ord. 2006-02, 6/6/06)

Sec. 2-153. Program assistance.

To accomplish the intent and purpose of this Article the city shall provide the commission with staff support to perform the duties prescribed under this Article.

Sec. 2-154. Designation of heritage preservation sites.

(a) *Reports.* The City Council, upon request of the commission, may direct the city staff or commission to prepare studies which catalog buildings, land, areas, districts, or other objects to be considered for designation as a heritage preservation site.

(b) *Criteria.* The commission shall recommend to the City Council areas, buildings, districts or objects to be designated heritage preservation sites. In considering the designation of heritage preservation sites the commission shall apply the following stated criteria and other applicable criteria that may be established by the secretary of the interior from time to time:

- (1) Its character, interest or value as part of the development, heritage or cultural characteristics of the city, state, or the United States.
- (2) Its location as a site, or contributing element in proximity to a site of a significant historic event or process.
- (3) Its embodiment of distinguishing characteristics of architectural style, period, form or treatment.
- (4) Its identification with a person or persons who significantly contributed to the culture and development of the city.
- (5) Its embodiment of elements of architectural design, detail, materials, or craftsmanship which represents distinctive architectural innovation.
- (6) Its unique location or singular physical characteristics representing an established and familiar aspect of view, vista, site, area, or district in the city.

***Cross reference** – Heritage preservation, § 12-1526 et seq

Sec. 2-155. Owner consent.

No heritage preservation site shall be designated by the heritage preservation commission without the consent of the property owner.

Sec. 2-156. Intra-city communication.

The heritage preservation commission shall establish and maintain communications with the planning commission and others interested in or affected by a heritage preservation site designation.
(Code 1982, § 308.000(6); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-157. Findings and recommendations.

The heritage preservation commission shall determine if a proposed heritage preservation site is eligible for preservation as determined by the criteria specified by this Article and applicable secretary of the interior standards, and current procedure as recommended by the state historic preservation office and if the heritage preservation commission recommends to the City Council that the site be recommended for heritage preservation site designation.
(Code 1982, § 308.000(7); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-158. Council designation, hearings.

The City Council, upon the request of the heritage preservation commission, may by resolution designate a heritage preservation site. Prior to such designation the City Council shall hold a public hearing, notice of which shall have been published in a newspaper of general circulation at least ten days prior to the date of the hearing, and mailed notice of the hearing sent to the owner of property which is proposed to be designated a heritage preservation site and to all owners of property lying immediately adjacent to the proposed heritage preservation site.
(Code 1982, § 308.000(8); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-159. Communication with state historical society.

Prior to designating a proposed heritage preservation site, the commission shall forward information concerning the proposed designation to the state historical society for comment within 60 days. The decision of the heritage preservation commission and City Council shall be sent to the state historical society in accordance with M.S.A. § 471.193, subd. 5.
(Code 1982, § 308.000(9); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-160. Acquisition.

The heritage preservation commission may recommend to the City Council that certain property eligible for designation as a heritage preservation site be acquired by gift, by negotiation, or other legal means.
(Code 1982, § 308.000(10); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-161. Additional powers and duties of the commission.

The commission shall have the following powers and duties in addition to those otherwise specified in this Article:

- (1) The commission shall conduct a continuing survey of all areas, places, buildings, structures, or objects in the city which the commission, on the basis of information available or presented to it, has reason to believe are significant to cultural, social, economic, political, or architectural history of the city.
- (2) Following designation of a heritage preservation site, the commission shall act as a resource and in an advisory capacity to owners of such properties regarding preservation, restoration and rehabilitation activities. Commission activity in this regard shall include participation in the planning and implementation of activities within the downtown historic district and designated adjacent properties and other local heritage preservation sites.
- (3) The commission shall work for the continuing education of the citizens of the city with respect to the civic and architectural heritage of the city. It shall keep current and public a register of all properties which have been designated heritage preservation sites, along with the plans and programs that pertain to them.
- (4) With prior approval of the City Council, the commission may have authority to accept gifts and contributions to be made to the city and to assist the city staff in the preparation of applications for grant funds to be made by the city

for the purpose of heritage preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of the city.

(5) The commission shall on a continuing basis collect and review all records and studies, to be entered into the historical museum as a permanent record of city history and development.

(6) At the discretion of the commission, public hearings may be initiated to solicit public input regarding proposed activities to a heritage preservation site.

(Code 1982, § 308.000(11); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-162. Review of permits.

The commission shall review all activities which are proposed for a heritage preservation site within the city. The commission shall review activities in accordance with this Article and bylaws as adopted by the commission.

(1) To initiate review by the commission, the owner or designated representative of a heritage preservation site shall prepare and submit plans to the city detailing all proposed activities. Upon receipt of such plans and refundable fee in accordance with the bylaws established by the commission, the proposed activities shall be considered by the commission.

(2) Following review of the proposed activities and detailed plans and application of the design review guidelines, the commission shall forward its recommendation and certificate of approval to the building official as necessary and other persons interested or affected by the proposal at the discretion of the commission. The building official shall deny any building permit application for work proposed on a heritage preservation site which has not been first considered by the commission or is inconsistent with recommendations made by the commission.

(3) If the owner or designated representative of a heritage preservation site objects to the recommendations made by the commission, an appeal may be made to the City Council. In considering an appeal, the City Council will review all information generated relative to the proposed project and thereafter issue a decision by resolution of the City Council.

(Code 1982, § 308.000(12); Res. No. 1997-16, § 3, 6-17-97)

Sec. 2-163. Meetings.

All meetings of the commission shall be scheduled and conducted in compliance with the Minnesota Open Meeting Law and bylaws as established by the commission.

(Code 1982, § 308.000(13)2; Res. No. 1997-16, § 3, 6-17-97)

Secs. 2-164, 2-165. Reserved.

(Ord. 2-2005, 5/15/05; Ord. 12-2006, 10/17/06; Ord. 5-2008, 2/19/08; Ord. 11-2010, 12/21/10)