

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 AND, SPECIFICALLY, THE 2006 AMENDMENT EXPANDING THE COMMISSION TO BE THE FLORENCE TOWNSHIP HERITAGE PRESERVATION COMMISSION TO ALIGN WITH THE BOUNDARIES OF THE CERTIFIED LOCAL GOVERNMENT IDENTIFIED AS FLORENCE TOWNSHIP, GOODHUE COUNTY, MINNESOTA.

The Town Board of Supervisors of Florence Township, Goodhue County, Minnesota, does ordain: The ordinance establishing the Old Frontenac Heritage Preservation Commission adopted September 14, 1989, and as amended in 2006 as the Florence Township Heritage Preservation Commission, is amended in 2012 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, 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.

Section 1.02 HERITAGE PRESERVATION PROPERTIES: Two historic districts have been designated within Florence Township and are identified as the Frontenac Historic District (aka Old Frontenac) and the Florence Town Hall Historic District, hereby preserved and is as described below:

FRONTENAC HISTORIC DISTRICT

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

AND

Florence Township Heritage Preservation Commission Ordinance

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

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.

FLORENCE TOWN HALL HISTORIC DISTRICT

Florence Town Hall Historic District is comprised of Lots 8 and 9 of Block 10
of Goodhue County plat 32140 (Frontenac Station). The Goodhue County ID
is R 32.140.0750.

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

Florence Township Heritage Preservation Commission Ordinance

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. The HPC recommends that the Town Board 1) provide public notice that appointments are to be made, and 2) explain the procedure for submitting applications and 3) publish notice regarding the appointments 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. A Commission member may serve two consecutive 3 year terms, and after serving two terms, must retire from the commission, and wait three years to apply to again serve on the commission.

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, PROCEDURES

Section 2.00 POWERS AND DUTIES: The Commission shall have the following powers and duties:

- (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.

Florence Township Heritage Preservation Commission Ordinance

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 and Park Commission Review: The Heritage Preservation Commission shall advise the Township Planning Commission and the Township Park 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 and Township Park Commission their opinions and recommendations as to any planning considerations which may be relevant to the proposed designation, together with their recommendations of approval, rejection or modification of the proposed designation. The said recommendations 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 and the Township Park 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.

Florence Township Heritage Preservation Commission Ordinance

4b) Town Board Designation, Hearings. The HPC suggests that the Town Board, upon request of the Heritage Preservation Commission, may by resolution designate a Heritage Preservation Property. The HPC recommends that prior to such designation the Town Board should 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 and the Township Park 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 HPC and to assist in the preparation of application for grant funds to be made to the HPC for the purpose of heritage preservation.
- (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.

Florence Township Heritage Preservation Commission Ordinance

(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 HPC 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 HPC for recommendation. Among other things, the HPC, 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 of the building as it now exists, on in an altered or modified condition compatible with the surrounding structure;

(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 HPC for the designated Heritage Preservation Property.

Section 2.01 PROCEDURES

(1) After review, the HPC 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 HPC. If the Board approves the report of the HPC, the Clerk shall send the report of the HPC to the County Planning Commission with a notation thereon of the Board's approval of the report and recommendation.

(2) Every recommendation of the HPC made to the Town Board shall remain valid for 180 days from the date of the Town Board's approval of the HPC's previous recommendation in question. After 180 days should the previously recommended and approved project remain substantially uncompleted, the HPC requires the commencement of a new approval process, to be initiated by the original applicant, for updated approval by the HPC and recommendation to the town board.

Florence Township Heritage Preservation Commission Ordinance

(3) For HPC recommendations made prior to the date of the Town Board Chairman's signature found at the end of these updated ordinances, the HPC's previous recommendation shall remain valid for 180 days from that date. After this 180 day grace period, applications requiring HPC approval must be resubmitted for updated approval.

(4) The HPC will coordinate with the Florence Township Town Board regarding the updating of Township approvals of applications requiring both the recommendation of the HPC, and formal approval of Florence Township, for projects remaining substantially uncompleted 180 days after the prior approval.

Article III. SPECIAL PUBLIC HEARINGS

Section 3.01 SPECIAL PUBLIC HEARINGS: Business shall be conducted by the HPC at regularly scheduled public meetings as prescribed in its bylaws and the Minnesota Open Meeting Law. When the HPC 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.

Florence Township Heritage Preservation Commission Ordinance

Section 3.02 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 _____2012

Mike Blair, Chairman

ATTEST: