

NICOLLET COUNTY

HISTORIC  
PRESERVATION

ORDINANCE

EST.

2011

# NICOLLET COUNTY HISTORIC PRESERVATION ORDINANCE

## Section 1 Intent and Purpose

101.1 The Nicollet County Historic Preservation Ordinance has been developed to preserve and promote the natural beauty and distinctive historic character of Nicollet County, which are so intimately connected with the history and life of Nicollet County and is adopted for the purpose of:

1. To promote the educational, cultural, economic and general welfare of the public through the recognition, enhancement, and perpetuation of sites and areas of historical and cultural significance.
2. To safeguard the county's historic, aesthetic, and cultural heritage by encouraging the preservation of sites of historic and cultural significance.
3. To stabilize and improve property values.
4. To foster pride in the legacy of beauty and achievements of the past.
5. To protect and enhance the county's attractions to tourists and visitors and the support and stimulus to business thereby provided.
6. To strengthen the economy of the county.
7. To promote the use of sites and areas of historic and cultural significance as places for education, pleasure, and welfare of the people of the county.

## Section 2 Title, Repeals

201.1 This Ordinance shall be known, cited, and referred to as the Nicollet County Historic Preservation Ordinance and will be referred to herein as **THIS ORDINANCE**.

## Section 3 Jurisdiction

301.1 The jurisdiction of This Ordinance shall apply to all areas of Nicollet County outside of incorporated municipalities.

**Section 4 Interpretation**

401.1 This Ordinance, shall at a minimum, promote and protect the public health, safety, and general welfare. Where the provisions of This Ordinance impose greater restrictions than those of any statute, ordinance, or regulations, the provisions of This Ordinance shall be controlling. Where the provisions of any statute, ordinance or regulation impose greater restrictions than This Ordinance, the provisions of such statute, other ordinance or regulation shall be controlling.

## **Section 5      Definitions**

501.1 For the purpose of This Ordinance, the following terms shall have the meaning given to them in this section. To the extent a term is used in This Ordinance is not defined in this section, the term shall have the meaning given in the Nicollet County Zoning Ordinance.

1. Certificate of Historic Appropriateness – A document given to an applicant upon determination by the Commission that a property/structure is found to be in conformity with the requirements of This Ordinance.
2. Commission – The “Commission” shall be known as the “Nicollet County Historic Preservation Commission (HPC)” as established hereinafter.
3. County Board – Nicollet County Board of Commissioners.
4. Director – The Nicollet County Environmental Services Director.
5. Historic Preservation Property – An area, place, building, structure, lands, district, or other object which has been duly designated Historic Preservation Property pursuant to This Ordinance.
6. Historic Site - A parcel of land or an area that is associated with events that have made a significant contribution to the broad patterns of county history, or is associated with the lives of persons significant in the county’s past, or embodies the distinctive characteristics of a type, period, or method of construction, or that represents a work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction, or has yielded or may be likely to yield, information important in prehistory or history.
7. Repair – A necessary need by a sudden natural occurrence or sudden unforeseen and uncontrollable act of another that does not impact the designation.

**Section 6 Powers and Duties of the Commission**

601.1 Provide information for the purpose of historic preservation designation to the Nicollet County Planning and Nicollet County Board of Commissioners.

601.2 This hereby creates an advisory commission to be known as the Nicollet County Historic Preservation Commission (HPC) which shall consist of three (3) members appointed by the Nicollet County Board of Commissioners. They shall be appointed for terms of three (3), three (3) year terms.

- A. One (1) Member from the Nicollet County Planning and Zoning Advisory Commission.
- B. One (1) Member from the Nicollet County Historical Society.
- C. One (1) Member of the General Public.

All members shall have demonstrated interest or expertise in historic preservation and the heritage of Nicollet County

The members of the Commission shall choose from among themselves a person to act as chairperson who shall serve a period of one (1) year, unless re-elected, providing however, that no person shall serve as chairperson for more than three (3) consecutive years. All members of the Commission shall serve without pay.

Said Commission shall meet at least once a month if necessary, or more frequently, as required to carry out the intent of the This Ordinance. The Environmental Services Department shall provide staff members to serve as ex-officio members to assist the Commission in performing its duties.

To provide for continuity on the Commission, staggered terms shall be established using the following procedure:

- A. One such member shall be appointed for a term of one (1) year and one (1) member shall be appointed for a term of two (2) years. After the initial staggered terms have been established, all members shall serve three (3) year terms. A member may serve for three (3) consecutive terms only, totaling nine (9) years.

601.3 The Commission shall recommend to the County Board areas, places, buildings, structures, lands, districts, or objects to be designated as a Historic Preservation site. In considering a recommendation for the designation of Historic Preservation site, the Commission shall apply the following criteria:

- i. The character, interest, or value as part of the development, heritage, or cultural characteristics of Nicollet County, State of Minnesota, or the United States.

- ii. The location as a site of a significant historic event.
- iii. The identification with a person or persons who significantly contributed to the culture and development of Nicollet County.
- iv. The embodiment of distinguishing characteristics of an architectural style, period, form or treatment.
- v. The identification as work of an architect or master builder whose individual work has influenced the development of Nicollet County.
- vi. The embodiment of elements of architectural design, detail, material, or craftsmanship which represent a significant architectural innovation.
- vii. The unique location, scale or other physical characteristics representation an established and familiar visual feature of a neighborhood, a district, the community, or Nicollet County.

#### 601.4 Additional Powers and Duties of the Commission

1. The Commission may work for the continuing education of the citizens of Nicollet County with respect to the civic and architectural heritage of the County. It shall keep current a public register of designated and proposed Historic Preservation Properties and area along with the plans and programs that pertain to them.
2. The Commission may recommend that the County accept gifts and contributions and the County staff assist in the preparation of applications for grant funds for the purpose of Preservation. Any contributions or gifts will be expended in the manner provided through the fiscal policy of Nicollet County.
3. The Commission may make no application to the National Register or to the State of Minnesota for the designation of historic site or district.
4. The offices of the Nicollet County Environmental Services and Nicollet County Historical Society shall be designated for at least one copy of all requests, reports, and recommendations.

## **Section 7      Application**

701.1 Any person may nominate a specific area, place, building, structure, land, district, or object outside the municipal boundaries for designation. The request shall be submitted to the Nicollet County Environmental Services Director in writing and upon the official application. Upon receipt of the nomination, the director shall call a meeting of the committee and act on the nomination.

Requests must include a description of the area (township(s), range(s), and section(s) and a narrative describing the historic value of the area, place, building, structure, land, district, or object in addition to the application. The Commission will make a recommendation to the Nicollet County Board of Commissioners regarding Requests for Historic Site Designation.

Prior to the Commission recommending to the Board of Commissioners any area, place, building, structure, land, district, or object for designation as a Historic Preservation site, a public hearing shall be held in accordance with law, to seek the recommendations of all concerned citizens. Prior to such hearing, the Commission shall cause to be published once in the official newspaper, notice of the hearing in accordance with state law.

The Commission shall determine whether the proposed Historic Preservation site is eligible for Designation as determined by the criteria specified in 601.3 of This Ordinance, and if the Commission recommends to the Board of Commissioners that the property be designated for historic preservation, the Commission shall forward to the Board of Commissioners with its recommendation all accompanying documentation.

The Board of Commissioners, upon the recommendation of the Commission may by ordinance designate it as a Historic Preservation site. The designation shall be recorded on the property in the office of the Nicollet County Recorder.

In the event the designation of the area, place, building, structure, land, district, or object no longer meets the criteria listed in section 601.3, the County Board shall have the authority to revoke the designation.

No application for a denied Request for Designation shall be resubmitted for a period of one (1) year from the date of denial.

**Section 8 Enforcement, Violations, Remedies and Penalties**

801.1 Enforcement of This Ordinance shall be done in accordance with the process and procedures established in Section 8 of the Nicollet County Zoning Ordinance.

Severability: Should any section or provision of This Ordinance be decided by a court of this state to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

Dated this 10th day of May, 2011

  
James S. Stenson, Chair  
Nicollet County Board of Commissioners

ATTEST:

  
  
Robert Podhradsky  
Clerk to the Board

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