



## Legislation Text

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**File #:** Ord 18-15, **Version:** 2

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Interim ordinance pursuant to Minn. Stat. § 462.355, Subd. 4, preserving the status quo in the boundaries of the potential Merriam Park Heritage Preservation District pending the completion of a report, recommendation and nomination to place the potential Merriam Park Heritage Preservation District on a register of historic places and possible amendments to the City's official controls for protecting historic properties.

THE COUNCIL OF THE CITY OF SAINT PAUL DOES HEREBY ORDAIN

### Section 1

Interim Ordinance: Statement of Legislative Intent and Findings. The Council of the City of Saint Paul finds that the Historic Sites Survey of Saint Paul and Ramsey County (1983) states, "In 1882, Merriam platted a one hundred and forty acre tract bounded by the Short Line on the north, Dewey Avenue on the East, Marshall Avenue on the south, and Cleveland (then Union) Avenue on the west...It is not surprising, therefore, that the oldest parts of Merriam Park have the largest concentration of 1880s houses in District 13. Unfortunately, a number of the houses have suffered from both lack of maintenance and insensitive alterations, but enough of the original character survives that consideration should be given to establishing a Merriam Park Historic District." (p.129)

The Council further finds that the St. Paul Residential Real Estate Development Context Study (2001) concluded that "This study concludes that the original plats of Hamline, Macalester Merriam Park, St. Anthony Park and Warrendale are strong first candidates for further study as local historic districts. Their significance is based on the planning ideas of the original plat, the strength of the developer's original marketing efforts, and resulting architecture and community character." (p.2) The significance for potential historic district status is further reiterated in the Context Study on page 22 where it states "As noted in the introduction, Hamline, Merriam Park, Macalester Park and Warrendale have been identified as first candidates for study of the planning ideas of their original plat, the strength of original marketing efforts and resulting architecture and community character."

The Council also finds that the National Historic Preservation Act of 1966, 16 U.S.C. § 420 *et. seq.*, ["NHPA,"] has established a strong federal policy favoring the preservation of properties and sites which have been significant in American history and that the NHPA authorizes the Secretary of the Interior to create, maintain, and expand a National Register of Historic Places composed of districts, sites, buildings, structures and objects significant in American history, architecture, archaeology, engineering and culture.

The Council also finds that the state of Minnesota had established a similar policy regarding historic preservation which is more expansive than federal policy towards historic preservation by favoring the preservation of properties possessing historical, architectural, archaeological and aesthetic values which represent and reflect elements of the state's cultural, social, economic, religious, political, architectural and aesthetic heritage through the creation of a State Register of Historic Places under the Minnesota Historic Site Act. [Minn. Stat. §§ 138.661-.669].

The Council notes that Minn. Stat. §471.193, Subd. 1 enables local units of government to engage in comprehensive programs of historic preservation for the purpose of promoting the use and conservation of historical, architectural, archaeological, engineering and cultural heritage sites in the State for the education, inspiration, pleasure and enrichment of all through the creation of local heritage preservation commissions

and, accordingly, the City has declared a policy calling for the preservation, protection, perpetuation, and use of areas, places, buildings, structures and other objects having special historical, community or aesthetic interest or value as a public necessity and in the interest of health, prosperity, safety and welfare of the people, including safeguarding the heritage of the City by preserving sites and structures which reflect elements of the City's cultural, social, economic, political or architectural history and to achieve this policy the City has adopted ordinances pursuant to Minn. Stat. §471.193, Subd. 3, under Leg. Code Chap. 73, to achieve the same.

The Council also finds that the nomination to either the National or State Register of Historic Places or as a City's Heritage Preservation Site, requires an exacting process of data collection, investigation and documentation to assure that a nominated property is eligible for historic designation base upon complete and adequate information regarding the historical significance of property

Further, the Council notes that Minn. Stat. § 473.859, Subd. 2(b) states that the land use chapter of a municipal comprehensive plan "shall contain a protection element... for historic sites." The City's adopted Comprehensive Plan contains a Historic Preservation chapter that calls for the incorporation protection elements. The Council further finds that the City's heritage preservation ordinance presently lacks a process or procedure for demolition delay or interim protection which could provide protection to historic resources during the lengthy designation process for properties which are nominated or eligible for historic designation. However, the Council is informed that a proposed ordinance for ~~demolition delay~~ and interim protection is presently in the public review process for review and adoption by Council in the near future.

The Council therefore finds that during the data collection, investigation and documentation process to determine the historic significance of a nominated property and the actual designation of the property, whether to the National or State Registers of Historic Places or as a City Heritage Preservation Site, that it is in the interest of the health, welfare and safety of the public, as is consistent with the strong statements of federal, state, and local policy to preserve districts, sites, buildings, structures and objects significant in historic, architectural, archaeological, engineering and cultural heritage as well as with the strategies of the Historic Preservation Chapter of the Comprehensive Plan, to enact temporary legislation to provide interim protection to property that has been legitimately identified, as has the potential Merriam Park Heritage Preservation District by the 1983 survey and 2001 context study, as having the potential historic significance to be named to a listing of National, State or City historic places; provided that the City takes the immediate steps necessary to promptly investigate, nominate and include the potential Merriam Park Heritage Preservation District on the National or State Registers of Historic Places, or as a City Heritage Preservation Site, as the case may be, and further provided, pending the receipt of a report and the effective date of any actions taken by the City based upon such a report, regarding the protection of historic sites under the Historic Preservation chapter of the City's Comprehensive Plan.

## Section 2

Interim Ordinance: Moratorium Imposed on the potential Merriam Park Heritage Preservation District as set forth herein. For the purpose of preserving the status quo in the potential Merriam Park Heritage Preservation District, and to safeguard the public's health, welfare and safety pending the investigation, nomination and inclusion of the potential Merriam Park Heritage Preservation District into the National or State Register of Historic Places or as a City Heritage Preservation Site, and pending the preparation of a report regarding the protection of historic sites under the Historic Preservation chapter of the City's Comprehensive Plan and any actions that may be taken by the City as a result of such a report, for a period of time not to exceed ~~twelve~~ nine (12 9) months, as provided in Minn. State. § 462.355, Subd. (4), from the effective date of this ordinance as defined below under Section 4 or until such earlier time as a National or State Register of Historic Places or City Heritage Preservation Site has been determined and declared by the Secretary of the Interior for the Government of the United States, the Minnesota Historical Society or the Council of the City of Saint Paul and any action taken by the City based upon a report regarding the protection of historic sites under the Historic Preservation chapter of the City's Comprehensive Plan, no zoning permits, site plans, lot splits, plat approvals,

~~building or permits or occupancy certificates for the demolition, in whole or part, may be issued by the City for any property appearing on Exhibit 1 which is attached hereto and incorporated herein by reference, unless otherwise provided by this Council. Exhibit 1 lists those properties that were previously surveyed by the City and identified as having potential for designation as a local historic or National Register site within the boundary of the potential Merriam Park Heritage Preservation District which is established at the midpoints of the following intersections: Beginning at Marshall Avenue and Cleveland Avenue North, North along Cleveland to its intersection with the Shortline (Canadian Pacific Railway) railroad tracks, Southeast along the Canadian Pacific Railway tracks to the point immediately north of Dewey Street, South from the Canadian Pacific Railway tracks to Dewey Street and South along Dewey Street to its intersection with Marshall Avenue, West along Marshall Avenue to the original starting point at the intersection of Marshall and Cleveland Avenues, in accordance with the map attached hereto and incorporated herein by reference as Exhibit 2, unless otherwise provided by this Council.~~

### Section 3

~~Interim Ordinance: Moratorium; Written Request for Official Control Approvals, Compliance with Minn. Stat. § 15.99. Until such time as the said report and/or historic designation has been completed and acted upon by the appropriate federal or state official or the City Council, all City departments receiving written requests for lot split or demolition permits ~~official control approvals~~ regarding sites designated in Exhibit 1, to the extent that the same are regulated under this interim ordinance, shall accept complete applications and immediately process them in accordance with the provisions of Minn. Stat. § 15.99, Subd. 2, consistent with the legislative intent expressed under this interim ordinance; ~~provided that a building permit may be issued for work on a site designated in Exhibit 1 which, in the opinion of the City's Historic Preservation Commission or their designee, and the City's building official, that the work proposed under the application will not result in the alteration or impairment to the significance of any historic, architectural, archaeological, engineering or cultural, feature, aspect, element, detail, appearance or thing whatsoever, pending the investigation, nomination and inclusion in the potential Merriam Park Heritage Preservation District as a designated National, State or City historic site and pending the receipt of a report, and the effective date of any action taking by the City based upon such a report, regarding the protection of historic sites under the Historic Preservation chapter of the City's Comprehensive Plan. until the expiration of nine months following the effective date of the interim ordinance or until such earlier time as the Council of the City of Saint Paul has taken action on the recommendations contained in the study and any amendments to the City's official controls including its heritage preservation ordinances~~~~

### Section 4

~~Interim Ordinance: Moratorium, Effective Date. The effective date of the moratorium enacted under this interim ordinance is deemed to be as of the effective date of the Resolution in Council File No. \_\_\_\_\_.~~