

Heritage Preservation Advisory Board Guidelines

Authorization of Heritage Preservation

Section 2-130 of the Buffalo Code of Ordinances authorizes the Buffalo Heritage Preservation Advisory Board (HPAB) to create, expand and maintain a City Register of districts, sites, buildings, structures, and objects significant in Local and American history, architecture, archeology, engineering, and culture. The regulations herein set forth the procedural requirements for listing properties on the City of Buffalo Heritage Register.

Properties are added to the City of Buffalo Register through the Historic Preservation Nomination Form and submitted to the Heritage Preservation Advisory Board and Planning Commission for recommendation and approval by the City Council.

City Register

The City Register is an authoritative guide to be used by local governments, private organizations, and citizens to identify Buffalo's cultural heritage resources and to indicate properties that should be considered for preservation and protection from destruction. The listing of private property on the City Register does not prohibit any actions which may otherwise be taken by the property owner with respect to the property. However, a listing in the City Register does make properties eligible for consideration of City funding for heritage preservation.

The City Register was designed to be - and is administered as - a planning tool. City-led projects having a *direct* effect on a listed property shall provide the HPAB a reasonable opportunity to comment on the perceived impact to the listed property. Having complied with this procedural requirement, the City may adopt any course of action it believes is appropriate. While comments received from the HPAB must be integrated into the decision-making process, final decisions shall rest with the City Council.

Definitions

1. ***Building***: A building is a structure created to shelter any form of human activity, such as a house, barn, church, hotel, or similar structure. Building may refer to a historically related complex such as a courthouse and jail, or a house and barn.
2. ***Chair of the Heritage Preservation Advisory Board***: The Chair of the HPAB is the official designated by the City Council or the majority of voting members of the board who is responsible for coordinating all HPAB activities.

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3. ***Chief elected local official:*** A chief elected local official is the elected head of the local political jurisdiction in which the property is located.
4. ***Determination of eligibility:*** A determination of eligibility is a decision by the Buffalo Heritage Advisory Board, Planning Commission, and City Council that a district, site, building, structure, or object meets the City criteria of evaluation for the City Register. A determination of eligibility does not make a property eligible for such benefits as grants, loans, or tax incentives that a listing on the National Register may provide.
5. ***District:*** A district is a geographically definable area, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development. A district may also comprise individual elements separated geographically but linked by association or history.
6. ***Keeper of the City Register of Heritage Places:*** The Keeper is the Heritage Preservation Advisory Board who has been delegated the authority by the City Council to list properties for the City Register.
7. ***Multiple Resource Format submission:*** A Multiple Resource Format submission for nominating properties to the City Register includes all or a defined portion of the cultural resources identified in a specified geographical area.
8. ***Nominate:*** To nominate is to propose that a district, site, building, structure, or object be listed in the City Register of Heritage Places by preparing a nomination form, with accompanying maps and photographs which adequately document the property and are technically and professionally correct and sufficient.
9. ***Object:*** An object is a material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
10. ***Owner or owners:*** The term “owner or owners” indicates those individuals, partnerships, corporations, or public agencies holding fee simple title to property. Owner or owners does not include individuals, partnerships, corporations, or public agencies holding easements or less than fee interests (including leaseholds) of any nature.
11. ***Site:*** A site is the location of a significant event, a prehistoric or historic occupation or activity, or a building / structure, whether standing, ruined, or vanished, where the location itself maintains historical or archeological value regardless of the assessed financial value of any existing structure.

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12. **Structure:** A structure is a work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale.
13. **Thematic Group Format submission:** A Thematic Group Format submission for nominating properties to the City Register includes a finite group of resources related to one another in a clearly distinguishable way. They may be related to a single historic person, event, or developmental force; of one building type or use or designed by a single architect; of a single archeological site form or related to a particular set of archeological research problems.

Criteria for Nomination

The criteria applied to evaluate properties for the City Register are listed below and shall be used in evaluating properties for nomination to the Register by the HPAB in reviewing nominations and evaluating the eligibility of properties for the City Register.

The quality of significance in local and American history, architecture, archeology, engineering, and culture is present in districts, sites, buildings, structures, and objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association are considered alongside the following criteria:

1. Property has character, interest, or value as part of the development of the heritage of the cultural characteristics of the city of Buffalo, state of Minnesota, or the greater United States
2. Property location is a site of a historic event deemed significant by the Heritage Preservation Advisory Board
3. Property identifies with a person(s) who significantly contributed to the culture and development of the city in the view of the Heritage Preservation Advisory Board
4. Property embodies distinguishing characteristics of an architectural style, period, form, or treatment
5. Property identifies as the work of an architect, master building, or engineer, whose individual work has influenced the development of the city, in the view of the Heritage Preservation Advisory Board
6. Property embodies elements of architectural design, detail, material, or craftsmanship which represents a significant architectural innovation
7. Property has a unique location or singular physical characteristic representing an established and familiar feature of a neighborhood community for the city

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In most instances, cemeteries, birthplaces, or graves of historical figures; properties owned by religious institutions or used for religious purposes; structures that have been moved from their original locations; reconstructed historic buildings; properties primarily commemorative in nature; and properties that have achieved significance within the past 50 years shall not be considered eligible for the City Register. However, such properties will qualify if they are integral parts of heritage districts if they fall within the following categories:

1. A religious property deriving primary significance from architectural or artistic distinction, or historical importance in the view of the Heritage Preservation Advisory Board
2. A building or structure removed from its original location, but which is significant primarily for architectural value, or is the surviving structure directly associated with a historic person or event
3. A birthplace or grave of a historical figure of outstanding importance if there is no appropriate site or building directly associated with their productive life
4. A cemetery which derives its primary significance from graves of persons of transcendent importance, from age, distinctive design features, or association with historic events
5. A reconstructed building when accurately executed in a suitable environment and presented in a dignified manner as part of a restoration master plan, and when no other building or structure with the same association has survived
6. A property primarily commemorative in intent if design, age, tradition, or symbolic value has invested it with its own exceptional significance
7. A property achieving significance within the past 50 years if it is of exceptional importance in the view of the Heritage Preservation Advisory Board

Nomination Forms and Information Collection

All nominations to the City's Heritage Preservation Register are to be made on a standard Heritage Preservation Nomination Form provided upon request or found on the City website. For archival reasons, no other forms, photocopied or otherwise, will be accepted. As this nomination form is a legal document, all references for historical, architectural, and archeological data upon which the protections for listed and eligible properties are based off of this document. The nominating authority certifies that the nomination is adequately documented and technically and professionally correct and sufficient upon nomination. All nomination forms must:

1. Be accompanied by continuation sheets (where necessary) alongside maps and photographs.

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2. Be “adequately documented” and “technically and professionally correct and sufficient.” Descriptions and statements of significance must be prepared in accord with standards generally accepted by academic historians, architectural historians, and archeologists.

Nomination Process

The Heritage Preservation Advisory Board (HPAB) is responsible for identifying and nominating eligible properties to the City Register. Nomination forms are reviewed and prepared under the supervision of City of Buffalo staff. The formal process for nomination is as follows:

1. The HPAB either receives a Nomination Form from a member of the public or reviews a submission by a member of the Board. The deadline for submission of a Form will be the 3rd Friday of the month preceding the HPAB meeting.
2. Upon a review by the HPAB, the Board will determine whether the subject site or object meets the criteria noted above. If additional information is needed for the HPAB’s review, the Board will hold the application for a period not to exceed 60 days.
3. The HPAB will provide notice of the intent to nominate a property and solicit written comments. All notices shall follow the process prescribed below.
4. The HPAB will host a Public Hearing on the nomination and determine whether the subject nomination meets the criteria for evaluation and placement on the City Register.
5. Upon a favorable recommendation by the HPAB, the application will proceed to the Planning Commission.
6. The Planning Commission will review the application and HPAB’s recommendation to ensure that it complies with the Zoning Code and Comprehensive Plan.
7. Upon a recommendation by the Planning Commission, the application will proceed to the Council for final review, approval, and placement on the City Register of Heritage Places.

Notice Requirements

As a part of the nomination process, the Heritage Preservation Advisory Board is required to notify in writing the property owner(s) of the HPAB’s intent to bring the nomination before the City Council. The HPAB’s notice will also give owners of private property an opportunity to concur in or object to an intent to list the parcel on the City Register.

The City is responsible for notifying only those owners who have a legal stake in the property under nomination, and where there is more than one owner listed for a given parcel, each separate owner shall be notified. The City shall send the written notification at least 30 days

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before the HPAB meeting where the application will be reviewed. The list of owners shall be obtained from either official land recordation records, tax records, or the County's online GIS platform. The notice shall give all owner(s) at least 30 days to submit written comments and concur or object in writing to the nomination of the subject parcel. The City Register nomination shall be on file with the City during the comment period and made available at a City-owned location of reasonable access to all affected property owners prior to the HPAB meeting to allow for submission of written comments regarding the nomination. The commenting period will be suspended upon the application's review and recommendation by the HPAB. All comments and statements of objection received by the HPAB are submitted with a nomination.

Objection to City Register Listing

Upon notification, any owner or owners of a private parcel who wish to object shall submit to the Heritage Preservation Advisory Board a statement certifying that the party is the sole or partial owner of the private property and objects to the listing. In nominations with multiple ownership of a single private property or of a larger heritage district, the property will not be listed if a simple majority of the owners object to a listing in writing. Upon receipt of objections for a heritage district or single private parcel with multiple owners, it is the responsibility of the HPAB to ascertain whether a majority of owners of private property have objected. Each owner of a private parcel in a pre-defined heritage district has one vote regardless of how many properties they may have a legal stake in within the district.

Nomination Appeal

Any person or local government may appeal the HPAB's refusal to nominate a property that they believe meet the City Register criteria for evaluation. Any such appeal shall include a copy of the nomination form and documentation previously submitted to the HPAB and an explanation of why the applicant is submitting the appeal in accordance with this section and shall include pertinent correspondence from the HPAB. The HPAB will respond to the appellant with a written explanation either denying or sustaining the appeal within 30 days of receipt. If the appeal is sustained, the HPAB will review the application to ensure completeness and provide a positive recommendation for the application to the Planning Commission and, eventually, the City Council.

The decision of the HPAB is the final administrative action on such appeals.

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Changes and Revisions to Properties Listed in the City Register

Objects or homes listed in the City Register should be moved from their historical location only when there is no feasible alternative for preservation. When a property is moved, every effort should be made to reestablish its historic orientation, immediate setting, and general environment.

If it is proposed that a property listed in the City Register be moved and a homeowner wishes the property to remain in the City Register during and after the move, the homeowner shall submit documentation to the HPAB prior to the move that states:

1. The reasons for the move.
2. The effect on the property's historical integrity.
3. The new setting and general environment of the proposed site, including evidence that the proposed site does not possess historical or archeological significance that would be adversely affected by the intrusion of the property.
4. Photographs showing the proposed location.

Any such proposal with respect to the new location within HPAB's jurisdiction shall follow normal review procedures. Once the property is moved, the homeowner shall submit to the HPAB for review:

1. A letter notifying the HPAB of the date the property was moved.
2. Photographs of the property on its new site.
3. Revised maps, including a U.S.G.S. map.
4. Acreage.
5. Verbal boundary description.

The HPAB shall respond to a properly-documented submittal within 30 days of receipt with the final decision on whether the property will remain in the City Register. If the HPAB approves the move, the property will remain in the City Register during and after the move unless the integrity of the property is in some unforeseen manner destroyed. If not approved by the HPAB, the property will be automatically deleted from the City Register when moved.

If a property on the City Register has already been moved and the HPAB wishes to have the structure reentered in the City Register in its new location, it must be nominated again on new forms which should discuss:

1. The reasons for the move.
2. The effect on the property's historical integrity.

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3. The new setting and general environment, including evidence that the new site does not possess historical or archeological significance that would be adversely affected by intrusion of the property.
4. New photographs, acreage, verbal boundary description and a U.S.G.S. map showing the structure at its new location must be sent along with the revised nomination form.

Removing properties from the City Register

Grounds for removing properties from the City Register are as follows:

1. The property has ceased to meet the criteria for listing in the City Register because the qualities which caused it to be listed originally have been lost or destroyed, or such qualities were lost subsequent to nomination and prior to listing
2. Additional information shows that the property does not meet the City Register criteria for evaluation
3. Error in professional judgment as to whether the property meets the criteria for evaluation; or pre-judicial procedural error in the nomination or listing process
 - a. Properties removed from the City Register for procedural error shall be reconsidered for listing by the HPAB after correction of any errors by the entity that originally nominated the property, or by the HPAB, as appropriate.

Any person or organization may petition in writing for removal of a property or object from the City Register by setting forth the reasons the property should be removed on the grounds established above. With respect to nominations determined eligible for the City Register because the owners of private property object to listing, anyone may petition for reconsideration of whether or not the property meets the criteria for evaluation using these procedures.

Petitions for removal of a property / object on the City Register submitted by persons or local governments shall include a list of the owner(s). In such cases, the HPAB shall notify the affected owner(s) to give them an opportunity to comment. All comments and opinions shall be submitted with the petition.

The HPAB shall respond in writing within 30 days of receipt to petitions for removal of property from the City Register with the HPAB's official stance on the petition.