

Research on Historic District Regulations of Peer Cities

City	Code Link	Who to Appeal HPC decision to?	Does City own land in Historic District?	Has City been issued a COA in the past?
Albert Lea	Code	Council	Yes	Yes
Carver	Code	Council		
Chaska	Code & City Code	Council		
Faribault	Code	Council	Yes	Yes
Hastings	Code	Council	Yes	Yes
Red Wing	Code	Council		
Stillwater	Code	Council	Yes	Yes

Select Code Excerpts:

Albert Lea:

“(b)A certificate of appropriateness shall not be required for the following activities: (1) Painting. (2) Interior remodeling when such work does not, in any way, alter the exterior character of a structure. (3) Use or change in use of a structure. (4) Emergency repairs of a temporary nature to structures affected by fire, vehicle damage, vandalism, wind storm, or the like. Such approval shall be limited to repairs necessary to make the structure wind-tight, waterproof, and free from unauthorized entry. Unless approved by the commission, temporary repairs shall extend for a period not to exceed one hundred twenty (120) days. If required, all final repairs shall be reviewed pursuant to subsection (c) of this section. In emergency situations where immediate repair is needed to protect the safety of the structure and its inhabitants, the building official may approve temporary or limited repair without prior heritage preservation commission action. In the case of a permit issued pursuant to this section, the building official shall immediately notify the heritage preservation commission of his action and specify the facts or conditions constituting the emergency situation. (5) Maintenance or reconstruction where any exterior surface materials are to be replaced with identical materials; where such replacement materials will be installed to the original configuration; and where such activity will affect no more than ten (10) percent of the total exterior surface area of the structure.”

“(e) Appeal to city council. The permit applicant may appeal the commission's order and decision to the city council. Such appeal shall be made within fifteen (15) working days of the commission's order. In considering the appeal, the council shall follow the appeal procedures outlined in subsection (d)(1) of this section. Notice of the council's hearing date shall be given to the commission. Following the consideration of all oral and written comments, the council may, by a majority vote, adopt a resolution approving the permit. A copy of the council's order shall be given to the applicant and building official.”

Carver:

“Sec. 2-371. - Emergency repair.

In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the city manager or city building official may approve the repair without prior commission action. In the case of an emergency repair permit issued pursuant to this section, the city clerk shall immediately notify the commission of its action and specify the facts or condition constituting the emergency situation.”

“Sec. 2-370. - Appeal to the city council.

(a)Any person aggrieved by a decision of the commission or city staff relative to a certificate of appropriateness shall have a right to appeal such order and decision to the city council, if appealed within ten business days of the date of the commission's order and decision or the city staff's decision.(b)The appeal shall be deemed perfected upon receipt by the city clerk of a notice of appeal and statement setting the grounds for the appeal. The city clerk or building official shall transmit a copy of the notice of appeal and statement to the city council and a copy to the commission. The city council may overturn the commission's order and decision by a majority vote of the city council. The commission, in any written order denying an application, shall advise the applicant of the applicant's right to appeal to the city council and shall include this section in all such orders.”

Chaska:

“13.24.120 Emergency Repair

In emergency situations where immediate repair is needed to protect the safety of a building or structure and its inhabitants, the Director of Planning and Building Official may approve the repair without prior Commission action. In the case of an emergency repair permit issued pursuant to this section, the Director of Planning shall notify the Commission of the action and specify the facts or conditions constituting the emergency situation.”

“13.24.090 Appeals To The City Council

All decisions of the Heritage Preservation Commission (amended by Ordinance No. 792 in October of 2006) shall be final subject to appeal to the City Council. Any affected party may initiate appeals by filing the appeal with the Director of Planning. All appeals shall be filed within ten (10) working days of the date of the Commission's order and decision. A copy of the notice of appeal and statement setting forth the grounds for the appeal shall be transmitted to City Council and a copy sent to the Commission. City Council may overturn the Commission's order and decision by a majority vote of all members of the City Council. The Commission, in any written order denying a permit application, shall advise the applicant of the applicant's right to appeal to the City Council and shall include this section in all such orders.”

Faribault

“(D) Exemptions. A building permit and certificate of appropriateness shall not be required for the following activities: (1) Ordinary maintenance or repair of any exterior architectural feature to correct deterioration, decay, or damage, or to sustain the existing form, and that does not involve a material change in design, material, or outer appearance of the structure, (2) Change in paint color. (3) Work conducted entirely within the interior of the building and which has no effect on exterior architectural features. (4) Any physical improvements within and adjacent to public rights-of-way, provided that the Heritage Preservation Commission is notified and given an opportunity to comment on any improvements being ordered by the City Council.”

“Sec. 13-360. - Appeals.

Any person adversely affected by any determination made by the Heritage Preservation Commission relative to the issuance or denial of a certificate of appropriateness may appeal such determination to the City Council. Any such appeal must be filed within fifteen (15) days after the issuance of the determination.”

Hastings

“Emergency Repair. In emergency situations where immediate repair is needed to protect the safety of the structure or its inhabitants, the Building Official may approve temporary or limited repair without the consent of the Heritage Preservation Commission. In cases of a permit issued pursuant to this section, the Building Official shall immediately notify the Heritage Preservation Commission of its action and specify the facts or conditions constituting the emergency situation.”

“Denial Of Certificate Of Approval. The Commission shall provide written findings of facts for the grounds of denial of the application for certificate of approval. The applicant shall be provided with a written statement of the grounds of denial and be provided with the procedures for appealing the decision to deny the certificate of approval. The applicant or any party aggrieved by the decision of the Heritage Preservation Commission shall, within 10 business days of the date of the Heritage Preservation Commission’s order and decision, have a right to appeal the order and decision to the City Council. The request for an appeal shall be made by delivering to the City Clerk a notice of appeal and statement of reasons setting forth the grounds for the appeal. The City Clerk shall transmit the notice of appeal and statement to the City Council and the Heritage Preservation Commission. The Heritage Preservation Commission, in any written order denying a permit application, shall advise the applicant of this right to appeal to the City Council and include this section in all the orders. Appeals on the grounds of economic hardship will be considered by City Council under the procedures and guidelines adopted by City Council.”

Red Wing

“In the case of public improvements, the Commission shall review all plans for curb and gutter, street, or utility reconstruction and comment to the City Council on the effects of said improvements within 30 days of notification of the project. No construction or reconstruction of a public improvement shall commence until said comment has been made to the City Council or 30 days has elapsed since the Commission was notified of the project. Review shall not be required for routine maintenance, repair, or emergency work such as street patching, street overlays, driveway installations, boulevard tree planting, accessibility ramp improvements, utility repairs, sidewalk repair, or sidewalk replacement.”

“Any individual having a legal interest in property affected by the Commission’s decision shall, within 30 days after the date of said decision, have the right to appeal such decision to the Council for review.”

Stillwater

“Emergency repair. In emergencies where immediate repair is needed to protect the life, health or safety of the structure and its inhabitants, the building official, in consultation with the HPC staff liaison, may approve the repair to the extent necessary to protect life, health or safety without prior commission action. Additional work shall require a design permit. In the case of a design permit issued under this subdivision or any emergency repair affecting a heritage preservation site, the building official shall immediately notify the commission of its action and specify the facts or conditions constituting the emergency.”

“(6) Appeals. The design permit applicant or any party aggrieved by the community development department's or HPC's decision shall have a right to appeal such order and decision to the city council as follows: (a) Filing. Appeals from a decision of the community development department or HPC shall be made in writing and shall state the reasons for the appeal. The appeal, accompanied by the appropriate fee, must be received by the city clerk not later than ten calendar days following the date of action from which the appeal is being taken, unless otherwise specified in this [Code,] Section 31-217. (b) Stay, pending appeal. The receipt of a written appeal will stay all action and approvals or permits which may have been granted, pending the decision of the city council.”