



CITY OF JACKSON
HISTORIC PRESERVATION COMMISSION AGENDA
Wednesday, July 02, 2025 at 6:00 PM
Jackson Civic Center, 381 East Deerwood Drive

AGENDA

Regular Members	Marybeth Neiderkorn, <i>Chair</i>	Alternate Members
T. Wayne Lewis		Vacant Position
Carole Baugh		Vacant Position
Sara Appel		

David Reiminger, Assigned Alderman

Larry Miller, *Staff Liaison*

APPROVAL OF MINUTES

PUBLIC HEARINGS

NEW BUSINESS

1. Election of the Chair for the 2025-2026 year.

OLD BUSINESS

2. Review the SHPO response to the proposed changes to the Historic Preservation Chapter 64 of the City of Jackson Ordinances.
3. Review the City Attorney's comments on the proposed changes to Chapter 65.

ADJOURNMENT

This agenda was posted at City Hall on June 30, 2025 at 12:00 PM.

From: [Dial, Andrew](#)
To: mbniederkorn@capecounty.us; lmiller@jacksonmo.org
Subject: HP Ordinance Review
Date: Tuesday, June 17, 2025 3:58:48 PM
Attachments: [250617 Ordinance Review.pdf](#)

Dear Larry and Marybeth,

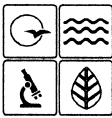
Thank you for submitting the draft changes to Jackson's historic preservation ordinance to SHPO for our review. Attached please find my review of these changes. I found that the removal of design review from the ordinance would not be in line with the guidelines for participation in Missouri's CLG program.

In our phone call last week, you stated that the review requirement created a difficulty in filling the HPC membership as people perceived the HPC's role to be primarily negative. Below are some recommendations and notes from our conversation.

- Other CLGs have tempered the review requirement.
 - Washington has mandatory review but voluntary compliance. The HPC is thus an advisory body offering assistance rather than a review body regulating property owners.
 - Columbia created two historic property designations: a [Most Notable Properties program](#) which is honorary and a Landmarks program which has binding design review. Property owners can choose their designation based whether they need acknowledgement or protection.
- [Wildwood](#) created youth commissioner positions on their HPC. They are non-voting members.
- Workshops and trainings can also be a way to generate positive energy in the preservation community. Our office can conduct historic tax credit workshops for property owners upon request. Other CLGs have used our [HPF grant money](#) to hire the [Belvedere School](#) to conduct hands-on training workshops. Other CLGs have also used our grant funds to send commissioners and city staff to national conferences such as the National Alliance of Preservation Commissioners, Main Street, and the National Trust for Historic Preservation.
- Our HPF grant money can also be used to fund architectural surveys or nominations to the National Register of Historic Places. This would make more property owners eligible for historic tax credits.

Yours,

Andrew Dial
Community Services Section Chief
Missouri State Historic Preservation Office
Phone: 573-751-7958
Email: andrew.dial@dnr.mo.gov



**CERTIFIED LOCAL GOVERNMENT (CLG)
ORDINANCE REVIEW (PAGE 1 OF 4)**

Have you ever served on active duty in the Armed Forces of the United States and separated from such service under conditions other than dishonorable?

☐ YES ☐ NO

RESET

CERTIFIED LOCAL GOVERNMENT BACKGROUND AND CONTACT INFORMATION

CERTIFIED LOCAL GOVERNMENT NAME

Jackson

DATE CERTIFIED BY NPS

7/10/2018

DATE OF LAST ORDINANCE REVIEW (IF APPLICABLE)

NAME OF THE HISTORIC PRESERVATION COMMISSION

OFFICIAL CLG CONTACT PERSON

Larry Miller

ADDRESS

101 Court St

CITY

Jackson

STATE

MO

ZIP

63755

TELEPHONE NUMBER WITH AREA CODE

(573) 243-2300

FAX NUMBER WITH AREA CODE

EMAIL

lmiller@jacksonmo.org

Starred items are minimum required local preservation ordinance provisions as identified in item III.A.1 of *Guidelines for Participation in Missouri's Certified Local Government Program*. Local governments must also comply with all unstarred items in order to successfully participate in the CLG program. Ideally, provisions for meeting these requirements should be included in the local ordinance, however, they can be contained within appropriate bylaws, rules of procedure, adopted resolutions, other local legislation, or the certification agreement between the SHPO and the local government.

REQUIREMENT

1. ☒ YES ☐ NO

*Statement of Purpose.

ORDER REFERENCE NUMBER

COMMENTS

2. ☒ YES ☐ NO

*Establishment of Commission with grant of powers.

ORDER REFERENCE NUMBER

COMMENTS

3. ☒ YES ☐ NO

No fewer than five (5) members.

ORDER REFERENCE NUMBER

64-3

COMMENTS

4. ☒ YES ☐ NO

Members possess demonstrated interest, competence, or knowledge in historic preservation.

ORDER REFERENCE NUMBER

64-3

COMMENTS

5. ☒ YES ☐ NO

Professional members in historic preservation or related disciplines (architecture, architectural history, history, archaeology, planning urban design, cultural geography).

ORDER REFERENCE NUMBER

64-3

COMMENTS

6. ☒ YES ☐ NO

Members appointed by CLG's highest elected official

ORDER REFERENCE NUMBER

64-3

COMMENTS

7. ☒ YES ☐ NO

Terms of office no less than two (2) year duration.

ORDER REFERENCE NUMBER

64-4

COMMENTS

8. ☒ YES ☐ NO

Terms of office staggered.

ORDER REFERENCE NUMBER

64-4

COMMENTS

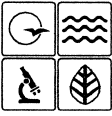
This is implied by language which creates staggered terms for the first HPC; it is not directly stated for subsequent HPCs.



MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS
CERTIFIED LOCAL GOVERNMENT (CLG)
ORDINANCE REVIEW (PAGE 2 OF 4)

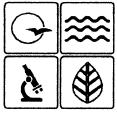
Item 2.

REQUIREMENT		
9. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Action initiated within 60 days to fill vacancies.	ORDER REFERENCE NUMBER 64-4
COMMENTS		
10. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Meetings held at least four (4) times per year.	ORDER REFERENCE NUMBER 64-4
COMMENTS		
11. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Meetings held at regular intervals.	ORDER REFERENCE NUMBER 64-6
COMMENTS		
12. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Meetings open to public; public announcement prior to meeting.	ORDER REFERENCE NUMBER 64-6
COMMENTS		
13. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Recording of minutes; available to public.	ORDER REFERENCE NUMBER 64-6
COMMENTS		
14. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Adoption of rules of procedure; available to the public.	ORDER REFERENCE NUMBER 64-6
COMMENTS		
15. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Ongoing survey effort.	ORDER REFERENCE NUMBER 64-9
COMMENTS		
16. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	*Procedures for designation of districts.	ORDER REFERENCE NUMBER Article II
COMMENTS		
17. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	*Procedures for designation of landmarks.	ORDER REFERENCE NUMBER Article II
COMMENTS		
18. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Standards and criteria for designation.	ORDER REFERENCE NUMBER 64-18
COMMENTS		
19. <input type="checkbox"/> YES <input type="checkbox"/> NO	Consistency with National Register Criteria (encouraged, not required).	ORDER REFERENCE NUMBER
COMMENTS		
20. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Designation criteria available to the public.	ORDER REFERENCE NUMBER 64-18
COMMENTS		
Available in the ordinance		
21. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	*Definition of actions reviewed by commission (alteration, relocation, demolition, new construction).	ORDER REFERENCE NUMBER
COMMENTS		
Limited to recognition. This is not compatible with the requirements.		



REQUIREMENT

22. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	*Standards and guidelines for review of above actions.	ORDER REFERENCE NUMBER
COMMENTS		
23. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Consistency with the Secretary of the Interior's "Standards for Rehabilitation" (suggested, not a requirement).	ORDER REFERENCE NUMBER 64-70
COMMENTS		
24. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	Review standards available to the public.	ORDER REFERENCE NUMBER 64-70
COMMENTS		
In the ordinance		
25. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	*Specific time frames for review.	ORDER REFERENCE NUMBER
COMMENTS		
26. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	*Procedures for appeals of reviews.	ORDER REFERENCE NUMBER
COMMENTS		
27. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Written notification of commission decisions to interested parties.	ORDER REFERENCE NUMBER
COMMENTS		
28. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Notification includes specific reasons for decision.	ORDER REFERENCE NUMBER
COMMENTS		
29. <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	HPC review and comment on National Register nominations.	ORDER REFERENCE NUMBER 64-8
COMMENTS		
30. <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	Mayor/highest elected official reviews and comments on National Register nominations.	ORDER REFERENCE NUMBER
COMMENTS		
Not listed in the ordinance.		



MISSOURI DEPARTMENT OF NATURAL RESOURCES
DIVISION OF STATE PARKS
**CERTIFIED LOCAL GOVERNMENT (CLG)
ORDINANCE REVIEW (PAGE 4 OF 4)**

Item 2.

SUMMARY

This draft ordinance removes the HPC's capacity to review actions affecting designated properties. It eliminates all references to the Certificate of Appropriateness and the CoA procedure. The design guidelines are retained but without a review process to utilize them. The only review capacity left under this ordinance is, per Section 64-70, the recognition of a property.

This elimination of review capacity does not conform to the Guidelines for Participation in Missouri's Certified Local Government Program Article III (B)(10)(b) "The commission shall be responsible for....reviewing all alterations, relocation, demolition, new construction, or other actions affecting designated properties under the jurisdiction of the CLG." All of Missouri's CLGs need to have, at minimum, the capacity to review actions which affect designated historic properties.

The HPF Grants Manual Chapter 9 (J)(c) requires the chief elected official to comment on National Register nominations. This could be put in the ordinance.

Other changes which do not affect the city's CLG status:

- Removal of alternates (I presume this is due to difficulty finding members)
- Change from only residents on the commission to non-residents who own property in the city. This is practiced by other CLGs.
- Addition of a secretary position and gender-neutral ("chairman" to "chair")
- Addition of option for virtual meetings.
- Addition to remove members who attend less than 50% of meetings per year

MEETS MINIMUM REQUIREMENTS? ☐ YES ☒ NO

SEND QUESTIONS OR COMMENTS TO:

MISSOURI DEPARTMENT OF NATURAL RESOURCES
STATE HISTORIC PRESERVATION OFFICE
ATTN: CLG COORDINATOR
P.O. BOX 176
JEFFERSON CITY, MO 65102-0176

FOR OFFICE USE ONLY

REPORT PREPARED BY Andrew Dial	DATE OF REVIEW 6/11/25
TITLE OF PREPARER Community Services Coordinator	MEETS MINIMUM REQUIREMENTS <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO

Chapter 64 - HISTORIC PRESERVATION

ARTICLE I. - GENERAL PROVISIONS

Sec. 64-1. - Purpose.

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing a mechanism to identify and preserve the distinctive historic, archaeological, and architectural characteristics of the city which represent elements of the city's cultural, social, economic, political, and architectural history;
- (2) Fostering civic pride in the beauty and accomplishments of the past as represented in the city's landmarks and historic districts;
- (3) Conserving and improving the value of property designated as landmarks or within historic districts;
- (4) Protecting and enhancing the attractiveness of the city to homebuyers, tourists, visitors, and shoppers and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the city;
- (5) Fostering and encouraging preservation through guidance and support of, restoration, and rehabilitation of the historic structures, areas, and neighborhoods and thereby preventing future urban blight.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-2. - Definitions.

For the purposes of this chapter, certain words and terms used herein are defined as follows:

Alteration. Any act or process that changes one or more exterior architectural features of a structure, including but not limited to the erection, construction, reconstruction, or removal of any significant feature.

Area. A specific geographic division of the City of Jackson.

Board of adjustment. The board established pursuant to chapter 65.

Board of aldermen. The Board of Aldermen of the City of Jackson, Missouri.

~~*Certificate of appropriateness.* A certificate issued by the historic preservation commission (HPC) indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a historic district. A certificate will be denied for any work that would destroy, alter, or remove any significant architectural feature or construction element.~~

Construction. The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolition. Any act or process which destroys in part or in whole a landmark or a structure within a historic district, or which threatens to destroy a landmark or a structure within a historic district, or which destroys or threatens to destroy a potentially significant property or structure by failure to maintain it in a condition of good repair and maintenance.

1 *Design guideline.* A standard of appropriate activity that will preserve the historic and
2 architectural character of a landmark or historic district.

3 *Exterior architectural appearance.* The architectural character and general composition of the
4 exterior of a structure including but not limited to the kind, color, and texture of the building
5 material and the type, design, and character of all windows, doors, light fixtures, signs, and
6 appurtenant elements.

7 *Historic district.* An area designated as a "historic district" by ordinance of the board of aldermen
8 which may include within definable geographic boundaries one (1) or more landmarks and
9 which may have within its boundaries other properties or structures which, while not of such
10 historic and/or architectural significance to be designated as landmarks, nevertheless contribute
11 to the overall visual characteristics of the historic district.

12 *HPC.* Members of the historic preservation commission.

13 *Historic significance.* Character, interest, or value as part of the development, heritage, or
14 culture of the community, county, state, or country; as the location of an important local, county,
15 state, or national event; or through identification with a person or persons who made an
16 important contribution to the development of the community, county, state, or country.

17 *Integrity.* Structural soundness, in relation to structural ability to be maintained or rehabilitated.

18 *Landmark.* A property or structure designated as a "landmark" by ordinance of the board of
19 aldermen, pursuant to procedures prescribed herein, which is worthy of rehabilitation,
20 restoration, interpretation, and preservation because of its historic and/or architectural
21 significance to the City of Jackson.

22 *Minimum maintenance.* The minimum regulations governing the conditions and maintenance of
23 all existing structures as adopted by the City of Jackson.

24 *Owner of record.* The person, corporation, or other legal entity listed as owner on the records of
25 the county recorder of deeds.

26 *Public improvement project.* An action by the City of Jackson or any of its departments or
27 agencies involving major modification or replacement of streets, sidewalks, curbs, street lights,
28 street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure
29 servicing commercial, residential, recreational, or industrial development; or any undertakings
30 affecting city-owned structures.

31 *Removal.* Any relocation of a structure, object, or artifact on its site or to another site.

32 *Repair.* Any change that is not construction, alteration, demolition, or removal and is necessary
33 or useful for continuing normal maintenance and upkeep.

34 *Site.* The traditional, documented, or legendary location of an event, occurrence, action, or
35 structure significant in the life or lives of a person, persons, groups, or tribe, or any place with
36 evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds,
37 occupation and work areas, evidence of farming or hunting and gathering, battlefields,
38 settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines,
39 or significant trees or other plant life.

~~Stop work order. An order directing an owner, occupant, contractor, or subcontractor to halt an action for which a certificate of appropriateness is required and notifying the owner, occupant, contractor, or subcontractor of the application process for a certificate of appropriateness.~~

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

Survey. The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-3. - Historic preservation commission established.

The historic preservation commission (HPC) shall consist of five (5) members, who are residents of or own property in the City of Jackson, all of whom shall be appointed by the mayor and approved by the board of aldermen. ~~Two (2) alternate members may be appointed to serve in the absence or disqualification of the regular members.~~ In addition, a member of the board of aldermen shall be appointed to serve as liaison. The mayor shall appoint persons with a demonstrated interest in the historical preservation of the City of Jackson. To the extent available in the community, the HPC shall include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, law, real estate brokerage, banking, history or other fields related to historic preservation, and residents of historic districts or landmarks or potential historic districts or landmarks. An exception is one (1) member of the commission, upon demonstration of professional architectural or preservation knowledge, may be permitted to be a non-resident.

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 19-59, § 1, 9-4-19)

Sec. 64-4. - Terms of commissioners.

The terms of office of for the all members and alternates of the HPC shall be periods for of three (3) years, except that, of the membership of the first HPC first appointed, shall serve respectively for terms of one (1) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Members and alternates may be reappointed to consecutive terms. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within sixty (60) days. The HPC shall hold at least four (4) meetings per year and any member of the HPC who fails to attend at least fifty (50) percent of all meetings, regular and special, in any calendar year may be removed from membership. — How removed?

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 19-59, § 2, 9-4-19)

Sec. 64-5. - Officers of commission.

Officers shall consist of a chairman, and a vice-chairman, and a secretary/treasurer elected by the HPC who shall each serve a term of one (1) year and shall be eligible for reelection. ~~The chairman and vice-chairman may not be alternate members.~~ The chairman shall preside over

meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary/treasurer combines the responsibilities of record-keeping and financial oversight. During the month of January of each year the HPC shall furnish the board of aldermen an annual report covering all of its actions during the previous calendar year.

The ~~staff of the~~ HPC shall be appointed by the city and shall have the following duties:

- (1) Take minutes of each HPC meeting;
- (1) Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the HPC;
- (2) Give notice as provided herein by law for all public hearings conducted by the HPC;
- (3) Advise the mayor of vacancies on the HPC and expiring terms of members; and
- (4) Prepare to submit to the board of aldermen a complete record of the proceedings before the HPC on any matter requiring board of aldermen consideration.

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 19-59, § 3, 9-4-19)

Sec. 64-6. - Meetings of commission.

A quorum shall consist of three (3) of the members. All decisions or actions of the HPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times, with the option of joining via electronic modalities, to be established by resolution of the HPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than once each quarter.

The HPC shall hold at least four (4) meetings per year and any member of the HPC who fails to attend at least fifty (50) percent of all meetings, regular and special, in any calendar year may be removed from membership. Public notice of all meetings shall be posted in conformance with

standard city policy and RSMo § 610.020. No member of the HPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.

No action shall be taken by the HPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the HPC as provided herein. The chairman, and in his their absence the acting chairman, may administer oaths and require the attendance of witnesses. All meetings of the HPC shall be open to the public except as allowed by state law. The HPC secretary/treasurer shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be public record. All HPC rules of procedure, designation criteria, design guidelines, and forms shall be available to the public at the office of the city clerk.

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 18-14, § 1, 3-19-18)

Sec. 64-7. - Funding and compensation of historic preservation commission.

The board of aldermen shall annually appropriate funds, within the budget limitations, for the operation of the HPC. The HPC may, with the consent of the board of aldermen, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this chapter. The members shall serve without compensation.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-8. - Powers and duties.

The HPC shall have the following powers and duties:

- (1) To adopt its own procedural regulations, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;
- (2) To conduct an ongoing survey for the identification of historically and architecturally significant properties, structures, sites, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or city.
- (3) To investigate and recommend to the board of aldermen the designation of properties or structures having special historic, community, or architectural value as "landmarks;"
- (4) To investigate and recommend to the board of aldermen the designation of areas as having special historic, community, or architectural value as "historic districts;"
- (5) To keep a register of all properties and structures which have been designated as landmarks or historic districts, including all information required for each designation, to be stored in the office of the city clerk;
- (6) To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one (1) landmark or historic district to another;
- (7) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (8) To nominate landmarks and historic districts to the City of Jackson Historic Register and to review and comment on any nominations to the National Register of Historic Places;
- (9) To inform and educate the citizens of the City of Jackson concerning the historic, archaeological, and architectural heritage of the city through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs, and seminars;
- ~~(10) To review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;~~
- ~~(11) To request the building official to issue stop work orders for any construction, alteration, removal, or demolition undertaken without a certificate of appropriateness or to stop work that violates the conditions of a certificate;~~
- ~~(12) To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;~~
- (13) To review and make recommendation regarding proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks or historic districts;
- (14) To administer on behalf of the City of Jackson any property of historical significance or full or partial interest in real property, including easements, that the City of Jackson may have or accept as a gift or otherwise upon approval by the board of aldermen;
- (15) To call upon available city staff members as well as other experts for technical advice;
- (16) To retain such specialists or consultants, upon approval of the board of aldermen, or to appoint such citizen advisory committees as may be required from time to time;

- (17) To testify before all boards and commissions, including the board of aldermen and board of adjustment, on any matter affecting historically and architecturally significant property, structures, sites, and areas;
- (18) To make recommendations to the board of aldermen concerning budgetary appropriations to further the general purposes of this chapter;
- (19) To periodically review the City of Jackson zoning ordinance and to recommend to the planning and zoning commission and board of aldermen any amendments appropriate for structures within historic districts.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-9. - Inventory of potential historic districts, sites, structures, and objects.

The HPC shall undertake an ongoing survey and research effort in the City of Jackson to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural, or aesthetic importance, interest, or value and shall maintain an inventory of that information. As part of the survey, the HPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The survey shall be stored in the office of the city clerk. The HPC shall systematically identify potential landmarks and historic districts and adopt procedures to nominate them based upon the following criteria:

- (1) The potential landmarks and historic districts in one (1) identifiable neighborhood or distinct geographical area of the City of Jackson;
- (2) The potential landmarks and historic districts associated with a particular person, event, or historical period;
- (3) The potential landmarks and historic districts of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
- (4) Such other criteria as may be adopted by the HPC to assure systematic survey and nomination of all potential landmarks and historic districts within the City of Jackson.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-10—64-15. - Reserved.

ARTICLE II. - DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

Sec. 64-16. - Nomination of landmarks and historic districts.

- (a) Nominations shall be made to the HPC on a form prepared by it and may be submitted by the HPC, by the owner(s) of record of the nominated landmark property or structure, by over fifty (50) percent of the owners of property of a nominated historic district, or by the board of aldermen. The date of receipt by the HPC is hereby established as the first meeting date at which the nomination form is presented.
- (b) Nominations shall be turned in to the building official who will, within seven (7) days of receipt, mail a notification of intent to nominate to the owner of record of the nominated property and schedule the item on the agenda for the next available regular HPC meeting. Nominations shall be submitted at least fourteen (14) days prior to the meeting date of the HPC.
- (c) Forms and criteria for nomination will be available at the office of the building official.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-17. - Fees for nomination.

There shall be no fee for nomination.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-18. - Criteria for consideration of nomination.

The HPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area, or district meets one (1) or more of the following criteria and is at least fifty (50) years old:

- (1) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;
- (2) Its location as a site of a significant local, county, state, or national event;
- (3) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
- (4) Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (5) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
- (6) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (7) Its embodiment of design elements that make it structurally or architecturally innovative;
- (8) Its unique location or singular physical characteristic that makes it an established or familiar visual feature of the neighborhood, community, or city;
- (9) Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- (10) Its age of at least fifty (50) years;
- (11) Its suitability for preservation or restoration.

Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-19. - Public hearing on landmarks and historic districts.

- (a) Upon receipt of a completed nomination of a landmark or historic district, the HPC shall schedule a public hearing to solicit input and comment on the proposed nomination and any additional design guidelines for certificates of appropriateness for the nominated property.
- (b) Notice of the date, time, place, and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators and to the owners of all property adjoining the nominated landmark or historic district.

- (c) Notice of the hearing shall be published at least fifteen (15) days prior to the date of the hearing in a newspaper having general circulation in the City of Jackson. The notice shall state the street address or legal description of a nominated landmark or the boundaries of a nominated historic district.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-20. - Report and recommendation of HPC.

The HPC shall within sixty (60) calendar days from receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in section 64-18 of this chapter. The resolution shall be accompanied by a report to the board of aldermen containing the following information:

- (1) Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- (2) Explanation of the integrity or lack of integrity of the nominated landmark or historic district.

In the case of a nominated landmark found to meet the criteria for designation:

- (1) The significant exterior architectural or other features of the nominated landmark that should be protected;
- (2) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of article V of this chapter;
- (3) In the case of archeological or historic sites, the archaeological or historic significance and recommendations for interpretation and protection.

In the case of a nominated historic district found to meet the criteria for designation:

- (1) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;
- (2) The type and significance of historic sites within the nominated historic district;
- (3) Proposals for any additional design guidelines of HPC review of certificates of appropriateness within the nominated landmark or historic district;
- (4) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum or maximum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity;
- (5) A map showing the location of the nominated landmark and/or the boundaries of the nominated historic district.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-21. - Notification of historic preservation commission determination.

Notice of the determination of the HPC including a copy of the report shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated historic district and to the nominator within seven (7) days following adoption of the resolution. Within seven (7) days following a determination by the HPC that the nominated landmark or

historic district does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the board of aldermen and shall be available to the public in the office of the building and planning department.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-22. - Appeal of historic preservation commission determination.

A determination by the HPC that the nominated landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district may within thirty (30) days after the postmarked date of the notice of the determination file with the city clerk a written appeal to the board of aldermen.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-23. - Action by board of aldermen.

The board of aldermen shall, within sixty (60) calendar days after receiving the recommendation that the nominated landmark or historic district be designated or after receiving a written appeal, either reject the recommendation or written appeal or designate the landmark or historic district by an ordinance. The board of aldermen may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in section 64-19. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action of the board of aldermen. Written notification of the action of the board of aldermen shall be provided by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the board of aldermen. A copy of each designation ordinance shall be sent to the HPC and the building official.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-24. - Designation ordinance.

Upon designation, the landmark or historic district shall be classified as a "district H-historic" and the designating ordinance shall prescribe the significant features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; any design guidelines beyond those specified in this chapter for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations. The official zoning map of the City of Jackson shall be amended to show the location of the "district H-historic" as an overlay zone.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-25. - Interim control.

No building permit shall be issued for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the

date of the meeting of the HPC at which a nomination form is first presented until the final disposition of the nomination by the board of aldermen unless such alteration, removal, or demolition is authorized by the board of aldermen as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-26. - Amendment and rescission of designation.

Designation may be amended or rescinded by ordinance upon petition to the HPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-27—64-34. - Reserved.

ARTICLE III. ~~CERTIFICATE OF APPROPRIATENESS~~

~~Sec. 64-35. Certificate of appropriateness required.~~

~~A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or any structure within a historic district may be undertaken:~~

- ~~(1) Any construction, alteration, or removal which has an impact on the exterior appearance of a structure;~~
- ~~(2) Any signage on the property, on the exterior of the building, or visible from the exterior of the building;~~
- ~~(3) Demolition in whole or in part affecting the exterior appearance of a structure;~~
- ~~(4) Construction, alteration, improvement (including color changes), demolition, or removal affecting a significant exterior architectural feature or features;~~
- ~~(5) Construction, alteration, improvement (including color changes), demolition, or removal;~~
- ~~(6) Any actions to correct a violation of a minimum maintenance standard;~~
- ~~(7) The provisions of a certificate of appropriateness shall be waived in the event of an emergency situation as determined by the building inspector or emergency personnel of the City of Jackson, i.e., fire department, police.~~

~~(Ord. No. 17-07, § 1, 1-23-17)~~

~~Sec. 64-36. Application for certificate of appropriateness.~~

~~An application for a certificate of appropriateness shall include the following information:~~

- ~~(1) Completed application form;~~
- ~~(2) Photographs of the existing conditions;~~
- ~~(3) Scaled drawings of proposed changes;~~
- ~~(4) List of proposed materials with dimensions;~~
- ~~(5) As necessary for review, manufacturer's literatures, material samples, site map, and a structural report;~~
- ~~(6) Applications for demolition shall include plans and specifications for the contemplated use of the property;~~

a structure is designated as a "landmark." Are you saying the HPC has no control over that structure even though it has been designated as a landmark?

(7) Any other information deemed necessary to conduct a thorough analysis of the application.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-37. No building or demolition permit without certificate of appropriateness.~~

A building or demolition permit shall not be issued until a certificate of appropriateness has been issued by the HPC. Any applicant may request a meeting with the HPC before the application is reviewed by the HPC or during the review of the application.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-38. Certificate of appropriateness when building or demolition permit not required.~~

Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the HPC and available at the office of the building and planning department. The HPC shall consider the completed application at its next regular meeting.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-39. Determination of historic preservation commission.~~

The HPC shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the permit within forty-five (45) days of receipt of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant and the building official within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval. Approval or denial shall be based on conformance with the guidelines in article V of this chapter and any additional guidelines established in the chapter designating the landmark or historic district.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-40. Denial of a certificate of appropriateness.~~

A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The HPC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HPC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the HPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the HPC.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-41. Review of public projects.~~

The HPC shall review and comment upon any public improvement project proposed which creates a visible change within any historic district, on the site of or within two hundred (200) feet of any landmark, or within two hundred (200) feet of any boundary of a historic district. The department of public works shall send a preliminary design for a public improvement project to

the HPC simultaneously with its submission to the board of aldermen for approval. The HPC shall have at least thirty (30) days to complete its review and report to the board of aldermen, except when the department of public works, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the HPC shall complete its review and report to the board of aldermen.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-42. Review of public land/building acquisition.

The HPC shall review and comment upon any proposed acquisition of a landmark or of land or buildings within a historic district by the City of Jackson or any of its agencies or departments. The board of aldermen or the department of public works shall, at the earliest possible date that will not interfere with acquisition negotiations, send the HPC information concerning the location, size, current use, and proposed use of the land or building to be acquired and specify the date by which the HPC shall report to the board of aldermen.

The HPC shall review the public improvement or land acquisition projects to determine its effect upon the historic or architectural character of the landmark or historic district and shall report to the board of aldermen within any time specified by the board of aldermen but not to exceed forty five (45) days. The report by the HPC shall include any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic or architectural character of the landmark or historic district.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-43. Other permits required.

Issuance of a certificate of appropriateness by the HPC does not constitute or imply approval of any other permit or approval which may be required for the development, rehabilitation, or restoration.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-44. Expiration.

A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of two (2) years. Upon expiration, a new certificate of appropriateness will be required by following the same procedure used to obtain the original certificate.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-45. Stop work order.

Whenever the HPC has reason to believe that an action for which a certificate of appropriateness is required has been initiated, or is about to be initiated, or that a violation of the conditions of a permit has occurred, it shall request that the building official make every reasonable effort to contact the owners, occupants, contractor, or subcontractor and inform them of proper procedures. If the HPC determines that a stop work order is necessary to halt an action, it shall request the building official to send a copy of the stop work order by certified mail to the owners, occupants, and contractor on-site and include notification of the process of

applying for a certificate of appropriateness. A copy of the proper application form shall be included in the notice. When contact cannot be made, a copy of the stop work order shall also be posted on the site.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-46. Violation of certificate of appropriateness.~~

If the project is not completed according to the guidelines provided in the certificate of appropriateness, the project shall be deemed in violation of this chapter and shall be subject to the penalties set forth in article VIII of this chapter.

(Ord. No. 17-07, § 1, 1-23-17)

~~Secs. 64-47—64-60. Reserved.~~

~~ARTICLE IV. PROJECTS NOT REQUIRING HPC REVIEW AND APPROVAL~~

~~Sec. 64-61. Specific projects not requiring HPC review.~~

The specific alterations listed below are eligible under the following conditions without review by the historic preservation commission when they comply with the guidelines of this chapter:

ALTERATION ITEM AND SPECIFIC CONDITIONS:
Windows: repair or replacement with like color, material, kind, and design
Doors, including garage doors in view of a public right-of-way or public access: repair or replacement of like color, material, size, and design
Glass: replacement of like material, size, and design. Does not include tinting of previously non-tinted windows
Storm windows or doors: repair or replacement with like color, material, size, and design
Window or door screen: replacement of like color, material, size, and design
Shutters: repair or replacement with like color, material, size, and design
Awnings or canopies: repair or replacement with like color, material, size, and design
Roof: replacement of like color, material, style, and design
Siding: replacement of like color, material, and design
Foundation: repair of like style, material, and design
Retaining wall: repair or replacement of like style, material, and design
Walkways, paths, driveways
Patios
Parking areas
Handicapped facilities
Repair of asbestos siding or roofing which does not substantially change visible appearance
Mechanical systems
Gutters and downspouts of a color and style to blend unobtrusively with the building
Swimming pools, spas not visible from public right-of-way
Fences: repair with like color, material, and style
Restoration/rehabilitation of original features and/or materials when like kind only

(Ord. No. 17-07, § 1, 1-23-17)

~~Secs. 64-6235—64-69. - Reserved.~~

ARTICLE VIII. - STANDARDS FOR REVIEW AND DESIGN GUIDELINES

Sec. 64-70. - General standards for review.

In considering an application for recognition a building or demolition permit or for a certificate of appropriateness, the HPC shall be guided by the following general standards in addition to the design review guidelines:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing historic qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) All buildings, structures, and sites shall be recognized as products of their own time. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the material shall match the materials being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by documentary, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken using the gentlest means possible. Sandblasting and other cleaning methods that will damage historic materials shall not be used.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, material, and character of the property, neighborhood, or environment.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-71. - Design guidelines.

The purpose of the guidelines is to encourage preservation of intact significant structures, restoration of significant structures that have already undergone insensitive alterations, and new construction that is sensitive to the existing environment. These guidelines are derived from the Secretary of the Interior's Standards for Rehabilitation as they pertain to exterior building features, structures, and other visible features of a property. The guidelines are not intended to inhibit change, new construction, or new architectural styles as long as such changes complement the existing buildings and streetscapes. Design review for all structures within a district and all individual landmarks will be based on the same set of guidelines. However,

structures possessing a greater degree of integrity, originality, craftsmanship, and historic significance may have the guidelines more stringently applied than those with lesser significance as determined by the historic preservation commission.

- (1) *New buildings and additions to existing buildings.* New buildings do not need to duplicate older styles of architecture but must be compatible with the architecture within the district in which they are located. However, their scale, placement on lots, and street setback must conform with the scale, placement, and setback of adjacent structures, especially in the context of rows of buildings and streetscapes. Styles of architecture will be controlled only to insure that their exterior design, materials, and color are in harmony with the surrounding structures within the historic district.
- (2) *Alterations.* Alterations affecting the exterior of a structure shall preserve all significant original exterior elements including building materials, doors, windows, and decorative elements. In some cases, exterior elements which are not original, but which have acquired significance by virtue of their age or craftsmanship, shall also be preserved. Alterations shall restore a structure's original elements, materials, and appearance if economically or physically feasible. Alterations which disguise or sheath original elements and materials will not be permitted. Storefronts and commercial building facades shall be treated as a whole. The first floor facade should be compatible with the upper floor(s).
- (3) *Demolition.* Demolition in whole or in part of individual landmarks or any structure within a historic district is not permitted. Exceptions are allowed only if a structure has been substantially damaged through fire or deterioration and if there is reasonable proof that it would be not economically or physically feasible to rehabilitate. Other exceptions may be allowed if a structure does not possess the integrity, originality, craftsmanship, and age to merit preservation. Demolition of past additions which have disguised or sheathed original elements or facades are encouraged as long as the intention is to restore such elements or facades.
- (4) *Relocation of buildings.* Structures shall not be removed from their original site. Exceptions will be allowed only if there is substantial evidence that it would not be practical or economical to utilize the building on its present site. If a building lies in the path of a public improvement project involving the City of Jackson and if the building is worthy of preservation by virtue of its integrity, originality, craftsmanship, or age, relocation may be considered as an alternative.
- (5) *Exterior walls.* A structure's original walls, including masonry, siding, sheathing materials, and exposed foundations shall be maintained and preserved. Walls, siding, and sheathing materials which may not be original but which have acquired significance by virtue of age of craftsmanship shall also be maintained and preserved. Such walls, siding, and sheathing materials shall not be altered, covered, or disguised by new building materials, siding, stucco, or paint. Restoration of original wall, siding, and sheathing materials is encouraged. Removal of false facades which cover or disguise original walls and materials is encouraged. If walls, siding, and sheathing are to be painted, the colors chosen shall harmonize with neighboring structures. The use of colors chosen from a palette of colors popular at the time of construction of the building is encouraged.
- (6) *Decorative and character defining elements.* Original decorative and character defining elements and decorative elements which may not be original but which have acquired

significance by virtue of their historic significance or craftsmanship shall be restored, maintained, and preserved. Such elements include, but are not limited to, moldings, trimwork, cornices, brackets, posts, columns, towers, steeples, finials, porches, porticos, verandas, parapet walls, bay windows, oriel windows, patterned siding, decorative window sashes, architraves, door surrounds, balustrades, dormers, roof overhangs, soffits, and other significant elements which define the character, period, and style of a building. Colors applied to these elements shall harmonize with adjacent or neighboring structures. The use of colors chosen from a palette of colors popular at the time of construction of the building is encouraged.

- (7) *Doors and windows.* Original doors and windows shall not be replaced unless there is substantial evidence that they are no longer serviceable or cannot be restored. If it is necessary to expand openings, it shall be accomplished in a manner which respects and complements the surrounding building elements, materials, and colors. In general, existing openings shall not be covered or relocated. If additional entryways or service doors become necessary, they shall be located and designed in a sensitive manner. Restoration of original entryways which may have been covered, altered, or removed over time is encouraged. Replacement doors and windows which imitate earlier inappropriate styles are discouraged. For new buildings within a historic district, the proportions and relationships between doors and windows should be compatible with the architectural style and character of surrounding historic structures within the district.
- (8) *Porches, porticos, stoops, entryways, loading docks and exterior stairways.* Such elements shall be of scale, design, material, and color which complement the existing façade and its individual elements. Loading docks and other service entrances shall be located inconspicuously and should be considered a part of a building's overall design scheme.
- (9) *Roofs.* Roof lines and shapes shall not be altered. Visible roofing materials shall be compatible with other building elements and materials in terms of colors, materials, and texture. The use of roofing materials appropriate to the style and period of the building is encouraged. The use of roofing materials which reflect an earlier or later style or period is discouraged. For new buildings in a historic district, the design of the roof should be compatible with surrounding structures in the district.
- (10) *Mechanical equipment and weather protection devices.* Mechanical and weather protection devices shall be placed and installed in a manner which is unobtrusive.
- (11) *Fences, sidewalks, decorative dividers, and walls.* Fences and decorative walls shall be placed and scaled in a manner which does not cover, block, or damage significant building facades or elements. Such elements shall be of a style or period which corresponds with the style or period of the building or buildings which they serve. Original fences, walls, and sidewalks or fences, walls, sidewalks, and trees which have acquired significance by virtue of their age or craftsmanship shall not be removed or destroyed and shall be maintained and preserved.
- (12) *Vacant lots, alleys, driveways and parking areas.* Parking lots, driveways, and other spaces between and around buildings shall be designed and maintained in a manner which does not detract from neighboring buildings and facades. Garbage dumpsters, bollards, loading docks, and other similar fixtures shall be structurally and cosmetically maintained and shall be placed in a manner which is as inconspicuous as possible.

(13) *Signs.* The character of signs, including those placed on or viewed through windows or doors, shall reflect the historic architectural character of the landmark or historic district. Character of a sign includes the number, size, area, scale, location, type, letter size or style, and intensity and type of illumination. Internally lit cabinet signs shall be prohibited unless it can be demonstrated that the design is appropriate to the character of the landmark or district. All other sign requirements shall be in conformance with the zoning code regulations for signage.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-72—64-79. - Reserved.

ARTICLE VI IV. - MAINTENANCE OF HISTORIC PROPERTIES

Sec. 64-80. - Minimum maintenance requirement.

Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration, or damage to significant features or otherwise adversely affect the historic or architectural character of structures within a historic district. All buildings and structures designated by city ordinance as "H" shall be preserved against decay and deterioration and free from certain structural defects in the following manner by the owner thereof or such other person or persons who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of external plasters or mortar;
- (5) The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The peeling of paint, rotting, holes, and other forms of decay;
- (7) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-81. - Ordinary maintenance exclusion.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in article IV and article V of this chapter with like kind color, material, and style.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-82. - Definition of ordinary maintenance.

Any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof

and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-83. - Violation of minimum maintenance.

If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified by the building official. The notice shall be by certified mail and shall specify each item in the property or landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall have thirty (30) days from the receipt of notice to comply with the minimum maintenance requirements. The HPC, for good cause shown, may extend the thirty-day period. If after the original thirty-day period or any extension granted by the building official the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this section and punished in accordance with article VIII of this chapter.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-84. - Dangerous condition, where declared.

None of the provisions of this chapter shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof where such condition has been declared unsafe or dangerous by the building official and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity or by act of God or by the public enemy to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-85—64-94. - Reserved.

ARTICLE VII. — APPEALS

~~Sec. 64-95. — Appeal.~~

~~If the HPC denies an application for a certificate of appropriateness, the HPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within six (6) months, the applicant may file with the city clerk a written appeal to the board of adjustment. In acting upon the appeal, the board may grant a variance from the strict interpretation of this chapter when such will not materially affect the health or safety of the applicant and general public.~~

~~(1) If an appeal of the denial of a certificate of appropriateness is based solely upon economic hardship, proof of hardship shall be the burden of the property owner.~~

(2) ~~Reversal of a denial of a certificate of appropriateness based solely upon economic hardship shall not be approved unless the applicant presents clear and convincing evidence that may include the following criteria: Any deterioration or damage cited to establish hardship shall not be due to the present owner's willful act, neglect, or inattention to maintenance and repairs. Evidence showing that the owner or applicant failed to maintain or protect the property, or performed or permitted any acts to the detriment of the property, may be used as a basis to reject allegations of hardship.~~

~~(Ord. No. 17-07, § 1, 1-23-17)~~

Secs. 64-95—64-105. - Reserved.

ARTICLE VIII. - PENALTY FOR VIOLATION

Sec. 64-106. - Penalty for violation.

- (a) It shall be unlawful for any person to undertake or cause an alteration, construction, demolition, or removal of any nominated or designated landmark or structure within a nominated or designated historic district without a certificate of appropriateness.
- (b) It shall be unlawful to not maintain designated landmarks or structures within designated historic districts not meeting the minimum maintenance requirements of section 64-80 through section 64-82 of this chapter.
- (c) Any person who violates the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding sixty (60) days, or both fine and confinement. Each day each violation shall continue to exist shall constitute a separate violation.

~~(Ord. No. 17-07, § 1, 1-23-17)~~

*I thought
this was deleted?*

Chapter 64 - HISTORIC PRESERVATION

ARTICLE I. - GENERAL PROVISIONS

Sec. 64-1. - Purpose.

The purpose of this article is to promote the educational, cultural, economic, and general welfare of the community by:

- (1) Providing a mechanism to identify and preserve the distinctive historic, archaeological, and architectural characteristics of the city which represent elements of the city's cultural, social, economic, political, and architectural history;
- (2) Fostering civic pride in the beauty and accomplishments of the past as represented in the city's landmarks and historic districts;
- (3) Conserving and improving the value of property designated as landmarks or within historic districts;
- (4) Protecting and enhancing the attractiveness of the city to homebuyers, tourists, visitors, and shoppers and thereby supporting and promoting business, commerce, industry, and providing economic benefit to the city;
- (5) Fostering and encouraging preservation through guidance and support of, restoration, and rehabilitation of the historic structures, areas, and neighborhoods and thereby preventing future urban blight.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-2. - Definitions.

For the purposes of this chapter, certain words and terms used herein are defined as follows:

Alteration. Any act or process that changes one or more exterior architectural features of a structure, including but not limited to the erection, construction, reconstruction, or removal of any significant feature.

Area. A specific geographic division of the City of Jackson.

Board of adjustment. The board established pursuant to chapter 65.

Board of aldermen. The Board of Aldermen of the City of Jackson, Missouri.

~~*Certificate of appropriateness.* A certificate issued by the historic preservation commission (HPC) indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within a historic district. A certificate will be denied for any work that would destroy, alter, or remove any significant architectural feature or construction element.~~

Construction. The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.

Demolition. Any act or process which destroys in part or in whole a landmark or a structure within a historic district, or which threatens to destroy a landmark or a structure within a historic district, or which destroys or threatens to destroy a potentially significant property or structure by failure to maintain it in a condition of good repair and maintenance.

1 *Design guideline.* A standard of appropriate activity that will preserve the historic and
2 architectural character of a landmark or historic district.

3 *Exterior architectural appearance.* The architectural character and general composition of the
4 exterior of a structure including but not limited to the kind, color, and texture of the building
5 material and the type, design, and character of all windows, doors, light fixtures, signs, and
6 appurtenant elements.

7 *Historic district.* An area designated as a "historic district" by ordinance of the board of aldermen
8 which may include within definable geographic boundaries one (1) or more landmarks and
9 which may have within its boundaries other properties or structures which, while not of such
10 historic and/or architectural significance to be designated as landmarks, nevertheless contribute
11 to the overall visual characteristics of the historic district.

12 *HPC.* Members of the historic preservation commission.

13 *Historic significance.* Character, interest, or value as part of the development, heritage, or
14 culture of the community, county, state, or country; as the location of an important local, county,
15 state, or national event; or through identification with a person or persons who made an
16 important contribution to the development of the community, county, state, or country.

17 *Integrity.* Structural soundness, in relation to structural ability to be maintained or rehabilitated.

18 *Landmark.* A property or structure designated as a "landmark" by ordinance of the board of
19 aldermen, pursuant to procedures prescribed herein, which is worthy of rehabilitation,
20 restoration, interpretation, and preservation because of its historic and/or architectural
21 significance to the City of Jackson.

22 *Minimum maintenance.* The minimum regulations governing the conditions and maintenance of
23 all existing structures as adopted by the City of Jackson.

24 *Owner of record.* The person, corporation, or other legal entity listed as owner on the records of
25 the county recorder of deeds.

26 *Public improvement project.* An action by the City of Jackson or any of its departments or
27 agencies involving major modification or replacement of streets, sidewalks, curbs, street lights,
28 street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure
29 servicing commercial, residential, recreational, or industrial development; or any undertakings
30 affecting city-owned structures.

31 *Removal.* Any relocation of a structure, object, or artifact on its site or to another site.

32 *Repair.* Any change that is not construction, alteration, demolition, or removal and is necessary
33 or useful for continuing normal maintenance and upkeep.

34 *Site.* The traditional, documented, or legendary location of an event, occurrence, action, or
35 structure significant in the life or lives of a person, persons, groups, or tribe, or any place with
36 evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds,
37 occupation and work areas, evidence of farming or hunting and gathering, battlefields,
38 settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines,
39 or significant trees or other plant life.

~~Stop work order. An order directing an owner, occupant, contractor, or subcontractor to halt an action for which a certificate of appropriateness is required and notifying the owner, occupant, contractor, or subcontractor of the application process for a certificate of appropriateness.~~

Structure. Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

Survey. The systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-3. - Historic preservation commission established.

The historic preservation commission (HPC) shall consist of five (5) members, who are residents of or own property in the City of Jackson, all of whom shall be appointed by the mayor and approved by the board of aldermen. ~~Two (2) alternate members may be appointed to serve in the absence or disqualification of the regular members.~~ In addition, a member of the board of aldermen shall be appointed to serve as liaison. The mayor shall appoint persons with a demonstrated interest in the historical preservation of the City of Jackson. To the extent available in the community, the HPC shall include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, law, real estate brokerage, banking, history or other fields related to historic preservation, and residents of historic districts or landmarks or potential historic districts or landmarks. An exception is one (1) member of the commission, upon demonstration of professional architectural or preservation knowledge, may be permitted to be a non-resident.

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 19-59, § 1, 9-4-19)

Sec. 64-4. - Terms of commissioners.

The terms of office of for the all members and alternates of the HPC shall be periods for of three (3) years, except that, of the membership of the first HPC first appointed, shall serve respectively for terms of one (1) for one (1) year, two (2) for two (2) years, and two (2) for three (3) years. Members and alternates may be reappointed to consecutive terms. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within sixty (60) days. The HPC shall hold at least four (4) meetings per year and any member of the HPC who fails to attend at least fifty (50) percent of all meetings, regular and special, in any calendar year may be removed from membership. — How removed?

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 19-59, § 2, 9-4-19)

Sec. 64-5. - Officers of commission.

Officers shall consist of a chairman, and a vice-chairman, and a secretary/treasurer elected by the HPC who shall each serve a term of one (1) year and shall be eligible for reelection. ~~The chairman and vice-chairman may not be alternate members.~~ The chairman shall preside over

meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The secretary/treasurer combines the responsibilities of record-keeping and financial oversight. During the month of January of each year the HPC shall furnish the board of aldermen an annual report covering all of its actions during the previous calendar year.

The staff of the HPC shall be appointed by the city and shall have the following duties:

- (1) Take minutes of each HPC meeting;
- (1) Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the HPC;
- (2) Give notice as provided herein by law for all public hearings conducted by the HPC;
- (3) Advise the mayor of vacancies on the HPC and expiring terms of members; and
- (4) Prepare to submit to the board of aldermen a complete record of the proceedings before the HPC on any matter requiring board of aldermen consideration.

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 19-59, § 3, 9-4-19)

Sec. 64-6. - Meetings of commission.

A quorum shall consist of three (3) of the members. All decisions or actions of the HPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times, with the option of joining via electronic modalities, to be established by resolution of the HPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than once each quarter.

The HPC shall hold at least four (4) meetings per year and any member of the HPC who fails to attend at least fifty (50) percent of all meetings, regular and special, in any calendar year may be removed from membership.

Public notice of all meetings shall be posted in conformance with standard city policy and RSMo § 610.020. No member of the HPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the HPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the HPC as provided herein. The chairman, and in his their absence the acting chairman, may administer oaths and require the attendance of witnesses. All meetings of the HPC shall be open to the public except as allowed by state law. The HPC secretary/treasurer shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the city clerk and shall be public record. All HPC rules of procedure, designation criteria, design guidelines, and forms shall be available to the public at the office of the city clerk.

(Ord. No. 17-07, § 1, 1-23-17; Ord. No. 18-14, § 1, 3-19-18)

Sec. 64-7. - Funding and compensation of historic preservation commission.

The board of aldermen shall annually appropriate funds, within the budget limitations, for the operation of the HPC. The HPC may, with the consent of the board of aldermen, apply for, receive, or expend any federal, state or private grant, grant-in-aid, gift or bequest, in furtherance of the general purposes of this chapter. The members shall serve without compensation.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-8. - Powers and duties.

The HPC shall have the following powers and duties:

- (1) To adopt its own procedural regulations, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;
- (2) To conduct an ongoing survey for the identification of historically and architecturally significant properties, structures, sites, and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or city.
- (3) To investigate and recommend to the board of aldermen the designation of properties or structures having special historic, community, or architectural value as "landmarks;"
- (4) To investigate and recommend to the board of aldermen the designation of areas as having special historic, community, or architectural value as "historic districts;"
- (5) To keep a register of all properties and structures which have been designated as landmarks or historic districts, including all information required for each designation, to be stored in the office of the city clerk;
- (6) To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one (1) landmark or historic district to another;
- (7) To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
- (8) To nominate landmarks and historic districts to the City of Jackson Historic Register and to review and comment on any nominations to the National Register of Historic Places;
- (9) To inform and educate the citizens of the City of Jackson concerning the historic, archaeological, and architectural heritage of the city through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs, and seminars;
- ~~(10) To review applications for construction, alteration, removal, or demolition affecting proposed or designated landmarks or structures within historic districts and issue or deny certificates of appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;~~
- ~~(11) To request the building official to issue stop work orders for any construction, alteration, removal, or demolition undertaken without a certificate of appropriateness or to stop work that violates the conditions of a certificate;~~
- ~~(12) To develop specific design guidelines for the alteration, construction, or removal of landmarks or property and structures within historic districts;~~
- (13) To review and make recommendation regarding proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated landmarks or historic districts;
- (14) To administer on behalf of the City of Jackson any property of historical significance or full or partial interest in real property, including easements, that the City of Jackson may have or accept as a gift or otherwise upon approval by the board of aldermen;
- (15) To call upon available city staff members as well as other experts for technical advice;
- (16) To retain such specialists or consultants, upon approval of the board of aldermen, or to appoint such citizen advisory committees as may be required from time to time;

- (17) To testify before all boards and commissions, including the board of aldermen and board of adjustment, on any matter affecting historically and architecturally significant property, structures, sites, and areas;
- (18) To make recommendations to the board of aldermen concerning budgetary appropriations to further the general purposes of this chapter;
- (19) To periodically review the City of Jackson zoning ordinance and to recommend to the planning and zoning commission and board of aldermen any amendments appropriate for structures within historic districts.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-9. - Inventory of potential historic districts, sites, structures, and objects.

The HPC shall undertake an ongoing survey and research effort in the City of Jackson to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural, or aesthetic importance, interest, or value and shall maintain an inventory of that information. As part of the survey, the HPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The survey shall be stored in the office of the city clerk. The HPC shall systematically identify potential landmarks and historic districts and adopt procedures to nominate them based upon the following criteria:

- (1) The potential landmarks and historic districts in one (1) identifiable neighborhood or distinct geographical area of the City of Jackson;
- (2) The potential landmarks and historic districts associated with a particular person, event, or historical period;
- (3) The potential landmarks and historic districts of a particular architectural style or school, or of a particular architect, engineer, builder, designer, or craftsman;
- (4) Such other criteria as may be adopted by the HPC to assure systematic survey and nomination of all potential landmarks and historic districts within the City of Jackson.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-10—64-15. - Reserved.

ARTICLE II. - DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

Sec. 64-16. - Nomination of landmarks and historic districts.

- (a) Nominations shall be made to the HPC on a form prepared by it and may be submitted by the HPC, by the owner(s) of record of the nominated landmark property or structure, by over fifty (50) percent of the owners of property of a nominated historic district, or by the board of aldermen. The date of receipt by the HPC is hereby established as the first meeting date at which the nomination form is presented.
- (b) Nominations shall be turned in to the building official who will, within seven (7) days of receipt, mail a notification of intent to nominate to the owner of record of the nominated property and schedule the item on the agenda for the next available regular HPC meeting. Nominations shall be submitted at least fourteen (14) days prior to the meeting date of the HPC.
- (c) Forms and criteria for nomination will be available at the office of the building official.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-17. - Fees for nomination.

There shall be no fee for nomination.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-18. - Criteria for consideration of nomination.

The HPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area, or district meets one (1) or more of the following criteria and is at least fifty (50) years old:

- (1) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state, or country;
- (2) Its location as a site of a significant local, county, state, or national event;
- (3) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
- (4) Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (5) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
- (6) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (7) Its embodiment of design elements that make it structurally or architecturally innovative;
- (8) Its unique location or singular physical characteristic that makes it an established or familiar visual feature of the neighborhood, community, or city;
- (9) Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
- (10) Its age of at least fifty (50) years;
- (11) Its suitability for preservation or restoration.

Any structure, property, or area that meets one (1) or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-19. - Public hearing on landmarks and historic districts.

- (a) Upon receipt of a completed nomination of a landmark or historic district, the HPC shall schedule a public hearing to solicit input and comment on the proposed nomination and any additional design guidelines for certificates of appropriateness for the nominated property.
- (b) Notice of the date, time, place, and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators and to the owners of all property adjoining the nominated landmark or historic district.

- (c) Notice of the hearing shall be published at least fifteen (15) days prior to the date of the hearing in a newspaper having general circulation in the City of Jackson. The notice shall state the street address or legal description of a nominated landmark or the boundaries of a nominated historic district.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-20. - Report and recommendation of HPC.

The HPC shall within sixty (60) calendar days from receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in section 64-18 of this chapter. The resolution shall be accompanied by a report to the board of aldermen containing the following information:

- (1) Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- (2) Explanation of the integrity or lack of integrity of the nominated landmark or historic district.

In the case of a nominated landmark found to meet the criteria for designation:

- (1) The significant exterior architectural or other features of the nominated landmark that should be protected;
- (2) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of article V of this chapter;
- (3) In the case of archeological or historic sites, the archaeological or historic significance and recommendations for interpretation and protection.

In the case of a nominated historic district found to meet the criteria for designation:

- (1) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;
- (2) The type and significance of historic sites within the nominated historic district;
- (3) Proposals for any additional design guidelines of HPC review of certificates of appropriateness within the nominated landmark or historic district;
- (4) Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum or maximum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity;
- (5) A map showing the location of the nominated landmark and/or the boundaries of the nominated historic district.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-21. - Notification of historic preservation commission determination.

Notice of the determination of the HPC including a copy of the report shall be sent by regular mail to the owner of record of a nominated landmark and of all property within a nominated historic district and to the nominator within seven (7) days following adoption of the resolution. Within seven (7) days following a determination by the HPC that the nominated landmark or

historic district does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the board of aldermen and shall be available to the public in the office of the building and planning department.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-22. - Appeal of historic preservation commission determination.

A determination by the HPC that the nominated landmark or historic district does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act provided, however, that the nominator or any owner of the nominated landmark or of property within the nominated historic district may within thirty (30) days after the postmarked date of the notice of the determination file with the city clerk a written appeal to the board of aldermen.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-23. - Action by board of aldermen.

The board of aldermen shall, within sixty (60) calendar days after receiving the recommendation that the nominated landmark or historic district be designated or after receiving a written appeal, either reject the recommendation or written appeal or designate the landmark or historic district by an ordinance. The board of aldermen may hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in section 64-19. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action of the board of aldermen. Written notification of the action of the board of aldermen shall be provided by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the board of aldermen. A copy of each designation ordinance shall be sent to the HPC and the building official.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-24. - Designation ordinance.

Upon designation, the landmark or historic district shall be classified as a "district H-historic" and the designating ordinance shall prescribe the significant features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; any design guidelines beyond those specified in this chapter for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations. The official zoning map of the City of Jackson shall be amended to show the location of the "district H-historic" as an overlay zone.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-25. - Interim control.

No building permit shall be issued for alteration, construction, demolition, or removal of a nominated landmark or of any property or structure within a nominated historic district from the

date of the meeting of the HPC at which a nomination form is first presented until the final disposition of the nomination by the board of aldermen unless such alteration, removal, or demolition is authorized by the board of aldermen as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-26. - Amendment and rescission of designation.

Designation may be amended or rescinded by ordinance upon petition to the HPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-27—64-34. - Reserved.

ARTICLE III. — CERTIFICATE OF APPROPRIATENESS

Sec. 64-35. — Certificate of appropriateness required.

A certificate of appropriateness shall be required before the following actions affecting the exterior architectural appearance of any landmark or any structure within a historic district may be undertaken:

- (1) Any construction, alteration, or removal which has an impact on the exterior appearance of a structure;
- (2) Any signage on the property, on the exterior of the building, or visible from the exterior of the building;
- (3) Demolition in whole or in part affecting the exterior appearance of a structure;
- (4) Construction, alteration, improvement (including color changes), demolition, or removal affecting a significant exterior architectural feature or features;
- (5) Construction, alteration, improvement (including color changes), demolition, or removal;
- (6) Any actions to correct a violation of a minimum maintenance standard;
- (7) The provisions of a certificate of appropriateness shall be waived in the event of an emergency situation as determined by the building inspector or emergency personnel of the City of Jackson, i.e., fire department, police.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-36. — Application for certificate of appropriateness.

An application for a certificate of appropriateness shall include the following information:

- (1) Completed application form;
- (2) Photographs of the existing conditions;
- (3) Scaled drawings of proposed changes;
- (4) List of proposed materials with dimensions;
- (5) As necessary for review, manufacturer's literatures, material samples, site map, and a structural report;
- (6) Applications for demolition shall include plans and specifications for the contemplated use of the property;

a structure is designated as a "landmark." Are you saying the HPC has no control over that structure even though it has been designated as a landmark?

(7) Any other information deemed necessary to conduct a thorough analysis of the application.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-37. No building or demolition permit without certificate of appropriateness.~~

A building or demolition permit shall not be issued until a certificate of appropriateness has been issued by the HPC. Any applicant may request a meeting with the HPC before the application is reviewed by the HPC or during the review of the application.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-38. Certificate of appropriateness when building or demolition permit not required.~~

Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a certificate of appropriateness is required shall be made on a form prepared by the HPC and available at the office of the building and planning department. The HPC shall consider the completed application at its next regular meeting.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-39. Determination of historic preservation commission.~~

The HPC shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the permit within forty-five (45) days of receipt of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant and the building official within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval. Approval or denial shall be based on conformance with the guidelines in article V of this chapter and any additional guidelines established in the chapter designating the landmark or historic district.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-40. Denial of a certificate of appropriateness.~~

A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The HPC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HPC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the HPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the HPC.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-41. Review of public projects.~~

The HPC shall review and comment upon any public improvement project proposed which creates a visible change within any historic district, on the site of or within two hundred (200) feet of any landmark, or within two hundred (200) feet of any boundary of a historic district. The department of public works shall send a preliminary design for a public improvement project to

the HPC simultaneously with its submission to the board of aldermen for approval. The HPC shall have at least thirty (30) days to complete its review and report to the board of aldermen, except when the department of public works, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the HPC shall complete its review and report to the board of aldermen.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-42. Review of public land/building acquisition.

The HPC shall review and comment upon any proposed acquisition of a landmark or of land or buildings within a historic district by the City of Jackson or any of its agencies or departments. The board of aldermen or the department of public works shall, at the earliest possible date that will not interfere with acquisition negotiations, send the HPC information concerning the location, size, current use, and proposed use of the land or building to be acquired and specify the date by which the HPC shall report to the board of aldermen.

The HPC shall review the public improvement or land acquisition projects to determine its effect upon the historic or architectural character of the landmark or historic district and shall report to the board of aldermen within any time specified by the board of aldermen but not to exceed forty five (45) days. The report by the HPC shall include any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic or architectural character of the landmark or historic district.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-43. Other permits required.

Issuance of a certificate of appropriateness by the HPC does not constitute or imply approval of any other permit or approval which may be required for the development, rehabilitation, or restoration.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-44. Expiration.

A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of two (2) years. Upon expiration, a new certificate of appropriateness will be required by following the same procedure used to obtain the original certificate.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-45. Stop work order.

Whenever the HPC has reason to believe that an action for which a certificate of appropriateness is required has been initiated, or is about to be initiated, or that a violation of the conditions of a permit has occurred, it shall request that the building official make every reasonable effort to contact the owners, occupants, contractor, or subcontractor and inform them of proper procedures. If the HPC determines that a stop work order is necessary to halt an action, it shall request the building official to send a copy of the stop work order by certified mail to the owners, occupants, and contractor on-site and include notification of the process of

applying for a certificate of appropriateness. A copy of the proper application form shall be included in the notice. When contact cannot be made, a copy of the stop work order shall also be posted on the site.

(Ord. No. 17-07, § 1, 1-23-17)

~~Sec. 64-46. Violation of certificate of appropriateness.~~

If the project is not completed according to the guidelines provided in the certificate of appropriateness, the project shall be deemed in violation of this chapter and shall be subject to the penalties set forth in article VIII of this chapter.

(Ord. No. 17-07, § 1, 1-23-17)

~~Secs. 64-47—64-60. Reserved.~~

~~ARTICLE IV. PROJECTS NOT REQUIRING HPC REVIEW AND APPROVAL~~

~~Sec. 64-61. Specific projects not requiring HPC review.~~

The specific alterations listed below are eligible under the following conditions without review by the historic preservation commission when they comply with the guidelines of this chapter:

ALTERATION ITEM AND SPECIFIC CONDITIONS:
Windows: repair or replacement with like color, material, kind, and design
Doors, including garage doors in view of a public right-of-way or public access: repair or replacement of like color, material, size, and design
Glass: replacement of like material, size, and design. Does not include tinting of previously non-tinted windows
Storm windows or doors: repair or replacement with like color, material, size, and design
Window or door screen: replacement of like color, material, size, and design
Shutters: repair or replacement with like color, material, size, and design
Awnings or canopies: repair or replacement with like color, material, size, and design
Roof: replacement of like color, material, style, and design
Siding: replacement of like color, material, and design
Foundation: repair of like style, material, and design
Retaining wall: repair or replacement of like style, material, and design
Walkways, paths, driveways
Patios
Parking areas
Handicapped facilities
Repair of asbestos siding or roofing which does not substantially change visible appearance
Mechanical systems
Gutters and downspouts of a color and style to blend unobtrusively with the building
Swimming pools, spas not visible from public right-of-way
Fences: repair with like color, material, and style
Restoration/rehabilitation of original features and/or materials when like kind only

(Ord. No. 17-07, § 1, 1-23-17)

~~Secs. 64-6235—64-69. - Reserved.~~

ARTICLE VIII. - STANDARDS FOR REVIEW AND DESIGN GUIDELINES

Sec. 64-70. - General standards for review.

In considering an application for recognition a building or demolition permit or for a certificate of appropriateness, the HPC shall be guided by the following general standards in addition to the design review guidelines:

- (1) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure, or site and its environment, or to use a property for its originally intended purpose.
- (2) The distinguishing historic qualities or character of a building, structure, or site and its environment shall not be destroyed. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
- (3) All buildings, structures, and sites shall be recognized as products of their own time. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken.
- (4) Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
- (5) Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a building, structure, or site shall be treated with sensitivity.
- (6) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the material shall match the materials being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplication of features, substantiated by documentary, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
- (7) The surface cleaning of structures shall be undertaken using the gentlest means possible. Sandblasting and other cleaning methods that will damage historic materials shall not be used.
- (8) Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
- (9) New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, material, and character of the property, neighborhood, or environment.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-71. - Design guidelines.

The purpose of the guidelines is to encourage preservation of intact significant structures, restoration of significant structures that have already undergone insensitive alterations, and new construction that is sensitive to the existing environment. These guidelines are derived from the Secretary of the Interior's Standards for Rehabilitation as they pertain to exterior building features, structures, and other visible features of a property. The guidelines are not intended to inhibit change, new construction, or new architectural styles as long as such changes complement the existing buildings and streetscapes. Design review for all structures within a district and all individual landmarks will be based on the same set of guidelines. However,

structures possessing a greater degree of integrity, originality, craftsmanship, and historic significance may have the guidelines more stringently applied than those with lesser significance as determined by the historic preservation commission.

- (1) *New buildings and additions to existing buildings.* New buildings do not need to duplicate older styles of architecture but must be compatible with the architecture within the district in which they are located. However, their scale, placement on lots, and street setback must conform with the scale, placement, and setback of adjacent structures, especially in the context of rows of buildings and streetscapes. Styles of architecture will be controlled only to insure that their exterior design, materials, and color are in harmony with the surrounding structures within the historic district.
- (2) *Alterations.* Alterations affecting the exterior of a structure shall preserve all significant original exterior elements including building materials, doors, windows, and decorative elements. In some cases, exterior elements which are not original, but which have acquired significance by virtue of their age or craftsmanship, shall also be preserved. Alterations shall restore a structure's original elements, materials, and appearance if economically or physically feasible. Alterations which disguise or sheath original elements and materials will not be permitted. Storefronts and commercial building facades shall be treated as a whole. The first floor facade should be compatible with the upper floor(s).
- (3) *Demolition.* Demolition in whole or in part of individual landmarks or any structure within a historic district is not permitted. Exceptions are allowed only if a structure has been substantially damaged through fire or deterioration and if there is reasonable proof that it would be not economically or physically feasible to rehabilitate. Other exceptions may be allowed if a structure does not possess the integrity, originality, craftsmanship, and age to merit preservation. Demolition of past additions which have disguised or sheathed original elements or facades are encouraged as long as the intention is to restore such elements or facades.
- (4) *Relocation of buildings.* Structures shall not be removed from their original site. Exceptions will be allowed only if there is substantial evidence that it would not be practical or economical to utilize the building on its present site. If a building lies in the path of a public improvement project involving the City of Jackson and if the building is worthy of preservation by virtue of its integrity, originality, craftsmanship, or age, relocation may be considered as an alternative.
- (5) *Exterior walls.* A structure's original walls, including masonry, siding, sheathing materials, and exposed foundations shall be maintained and preserved. Walls, siding, and sheathing materials which may not be original but which have acquired significance by virtue of age of craftsmanship shall also be maintained and preserved. Such walls, siding, and sheathing materials shall not be altered, covered, or disguised by new building materials, siding, stucco, or paint. Restoration of original wall, siding, and sheathing materials is encouraged. Removal of false facades which cover or disguise original walls and materials is encouraged. If walls, siding, and sheathing are to be painted, the colors chosen shall harmonize with neighboring structures. The use of colors chosen from a palette of colors popular at the time of construction of the building is encouraged.
- (6) *Decorative and character defining elements.* Original decorative and character defining elements and decorative elements which may not be original but which have acquired

significance by virtue of their historic significance or craftsmanship shall be restored, maintained, and preserved. Such elements include, but are not limited to, moldings, trimwork, cornices, brackets, posts, columns, towers, steeples, finials, porches, porticos, verandas, parapet walls, bay windows, oriel windows, patterned siding, decorative window sashes, architraves, door surrounds, balustrades, dormers, roof overhangs, soffits, and other significant elements which define the character, period, and style of a building. Colors applied to these elements shall harmonize with adjacent or neighboring structures. The use of colors chosen from a palette of colors popular at the time of construction of the building is encouraged.

- (7) *Doors and windows.* Original doors and windows shall not be replaced unless there is substantial evidence that they are no longer serviceable or cannot be restored. If it is necessary to expand openings, it shall be accomplished in a manner which respects and complements the surrounding building elements, materials, and colors. In general, existing openings shall not be covered or relocated. If additional entryways or service doors become necessary, they shall be located and designed in a sensitive manner. Restoration of original entryways which may have been covered, altered, or removed over time is encouraged. Replacement doors and windows which imitate earlier inappropriate styles are discouraged. For new buildings within a historic district, the proportions and relationships between doors and windows should be compatible with the architectural style and character of surrounding historic structures within the district.
- (8) *Porches, porticos, stoops, entryways, loading docks and exterior stairways.* Such elements shall be of scale, design, material, and color which complement the existing façade and its individual elements. Loading docks and other service entrances shall be located inconspicuously and should be considered a part of a building's overall design scheme.
- (9) *Roofs.* Roof lines and shapes shall not be altered. Visible roofing materials shall be compatible with other building elements and materials in terms of colors, materials, and texture. The use of roofing materials appropriate to the style and period of the building is encouraged. The use of roofing materials which reflect an earlier or later style or period is discouraged. For new buildings in a historic district, the design of the roof should be compatible with surrounding structures in the district.
- (10) *Mechanical equipment and weather protection devices.* Mechanical and weather protection devices shall be placed and installed in a manner which is unobtrusive.
- (11) *Fences, sidewalks, decorative dividers, and walls.* Fences and decorative walls shall be placed and scaled in a manner which does not cover, block, or damage significant building facades or elements. Such elements shall be of a style or period which corresponds with the style or period of the building or buildings which they serve. Original fences, walls, and sidewalks or fences, walls, sidewalks, and trees which have acquired significance by virtue of their age or craftsmanship shall not be removed or destroyed and shall be maintained and preserved.
- (12) *Vacant lots, alleys, driveways and parking areas.* Parking lots, driveways, and other spaces between and around buildings shall be designed and maintained in a manner which does not detract from neighboring buildings and facades. Garbage dumpsters, bollards, loading docks, and other similar fixtures shall be structurally and cosmetically maintained and shall be placed in a manner which is as inconspicuous as possible.

(13) *Signs.* The character of signs, including those placed on or viewed through windows or doors, shall reflect the historic architectural character of the landmark or historic district. Character of a sign includes the number, size, area, scale, location, type, letter size or style, and intensity and type of illumination. Internally lit cabinet signs shall be prohibited unless it can be demonstrated that the design is appropriate to the character of the landmark or district. All other sign requirements shall be in conformance with the zoning code regulations for signage.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-72—64-79. - Reserved.

ARTICLE VI IV. - MAINTENANCE OF HISTORIC PROPERTIES

Sec. 64-80. - Minimum maintenance requirement.

Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration, or damage to significant features or otherwise adversely affect the historic or architectural character of structures within a historic district. All buildings and structures designated by city ordinance as "H" shall be preserved against decay and deterioration and free from certain structural defects in the following manner by the owner thereof or such other person or persons who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:

- (1) The deterioration of exterior walls or other vertical supports;
- (2) The deterioration of roofs or other horizontal members;
- (3) The deterioration of external chimneys;
- (4) The deterioration or crumbling of external plasters or mortar;
- (5) The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
- (6) The peeling of paint, rotting, holes, and other forms of decay;
- (7) The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
- (8) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-81. - Ordinary maintenance exclusion.

Nothing in this article shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in article IV and article V of this chapter with like kind color, material, and style.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-82. - Definition of ordinary maintenance.

Any work for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof

and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay, or damage.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-83. - Violation of minimum maintenance.

If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified by the building official. The notice shall be by certified mail and shall specify each item in the property or landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall have thirty (30) days from the receipt of notice to comply with the minimum maintenance requirements. The HPC, for good cause shown, may extend the thirty-day period. If after the original thirty-day period or any extension granted by the building official the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this section and punished in accordance with article VIII of this chapter.

(Ord. No. 17-07, § 1, 1-23-17)

Sec. 64-84. - Dangerous condition, where declared.

None of the provisions of this chapter shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof where such condition has been declared unsafe or dangerous by the building official and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity or by act of God or by the public enemy to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

(Ord. No. 17-07, § 1, 1-23-17)

Secs. 64-85—64-94. - Reserved.

ARTICLE VII. — APPEALS

~~Sec. 64-95. — Appeal.~~

~~If the HPC denies an application for a certificate of appropriateness, the HPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within six (6) months, the applicant may file with the city clerk a written appeal to the board of adjustment. In acting upon the appeal, the board may grant a variance from the strict interpretation of this chapter when such will not materially affect the health or safety of the applicant and general public.~~

~~(1) If an appeal of the denial of a certificate of appropriateness is based solely upon economic hardship, proof of hardship shall be the burden of the property owner.~~

(2) ~~Reversal of a denial of a certificate of appropriateness based solely upon economic hardship shall not be approved unless the applicant presents clear and convincing evidence that may include the following criteria: Any deterioration or damage cited to establish hardship shall not be due to the present owner's willful act, neglect, or inattention to maintenance and repairs. Evidence showing that the owner or applicant failed to maintain or protect the property, or performed or permitted any acts to the detriment of the property, may be used as a basis to reject allegations of hardship.~~

~~(Ord. No. 17-07, § 1, 1-23-17)~~

Secs. 64-95—64-105. - Reserved.

ARTICLE VIII. - PENALTY FOR VIOLATION

Sec. 64-106. - Penalty for violation.

- (a) It shall be unlawful for any person to undertake or cause an alteration, construction, demolition, or removal of any nominated or designated landmark or structure within a nominated or designated historic district without a certificate of appropriateness.
- (b) It shall be unlawful to not maintain designated landmarks or structures within designated historic districts not meeting the minimum maintenance requirements of section 64-80 through section 64-82 of this chapter.
- (c) Any person who violates the provisions of this chapter shall, upon conviction, be punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment for a period not exceeding sixty (60) days, or both fine and confinement. Each day each violation shall continue to exist shall constitute a separate violation.

~~(Ord. No. 17-07, § 1, 1-23-17)~~

I thought this was deleted?