

AN ORDINANCE AMENDING THE CITY ZONING CODE BY ADDING AN HISTORIC OVERLAY DISTRICT AND HISTORIC LANDMARKS AND SETTING AN EFFECTIVE DATE

WHEREAS, the City of Chillicothe was originally settled in 1837.

WHEREAS, the City of Chillicothe has many buildings, structures, objects, sites, and districts that embody a sense of time and place unique to the City, or which exemplify and reflect the cultural, social, economic, political, architectural, engineering or archaeological history of the nation, the State of Missouri, or the City; and

WHEREAS, movements and shifts of population and the changes in residential, commercial and industrial uses and customs threaten areas, places, structures, sites, works of art and other objects having special historic, community, architectural, archaeological, or aesthetic importance, interest or value and whose preservation and continued utilization are necessary and desirable for the enjoyment, by the citizens of Chillicothe and others, of the history and beauty of said city; and

WHEREAS, the protection of the historic, archaeological and architectural character and resources of the City of Chillicothe is necessary for the promotion of its economic development; and

WHEREAS, the legislature of the State of Missouri has recognized the importance of protecting and preserving places, areas and neighborhoods of historical and cultural importance and significance by empowering cities to adopt regulations and restrictions for the protection of such places and areas, as provided by Chapter 89 and Chapter 253.415 of the Missouri Statutes.

WHEREAS, on November 17, 2017, a notice of a public hearing before the Planning and Zoning Commission of the City was published in the Chillicothe Constitution-Tribune which is the official newspaper of the City in regard to a proposed amendment to the zoning code of the City by adding provisions regarding Historic Districts and Historic Landmarks; and

WHEREAS, on December 4, 2017, the Planning and Zoning Commission of the City held a public hearing on such proposed amendment and designation of property within current C-2 Zone initially within such Historic District; and

WHEREAS, the Planning and Zoning Commission of the City has recommended that the City Council adopt such amendment with certain changes as approved by the Planning and Zoning Commission of the City; and

NOW, THEREFORE, Be It Ordained by the Mayor and Council of the City of Chillicothe, Missouri as follows:

Section 1. The Code of Ordinances of the City of Chillicothe, Missouri is hereby amended by the adoption of Chapter 405, Division 14 Historic Districts and Historic Landmarks to read as follows:

Section I: General provisions

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 buildings, structures, objects, sites, and districts, which represent elements of the city's cultural, social, economic, political, and architectural history;
2. Fostering civic pride in the beauty and noble accomplishments of the past;
3. Conserving and improving the value of property designated as landmarks or within historic districts;
4. Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
5. Protecting and enhancing the attractiveness of the city to home buyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the City;
6. Fostering and encouraging preservation, restoration, and rehabilitation of historic buildings, structures, objects, sites, areas and neighborhoods, and thereby preventing future urban blight;
7. Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the people of the City;
8. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the City.

Definitions. Unless specifically defined below, words or phrases in this ordinance shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this ordinance its most reasonable application.

1. **Alteration** - any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; and clearing, grading or other modification of an area, site, or landscape that changes its current condition.
2. **Area** - A specific geographic division of the City of Chillicothe.
3. **Board of Adjustment** - The board established pursuant to Chapter 405 Article IX.
4. **Building** - A building, such as a house, barn, church, hotel, or similar construction, which is created primarily to shelter any form of human activity.
5. **Certificate of Review** - A certificate issued by the Historic Preservation Commission (HPC) indicating its review of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic district.
6. **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.

7. **Cultural Resources** - Districts, buildings, sites, structures, objects and evidence of some importance to a culture, a subculture, or a community for scientific, engineering, art tradition, religious or other reasons, significant in providing resource and environmental data necessary for the study and interpretation of past lifeways and for interpreting human behavior.
8. **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.
9. **Design Guideline** - A standard of appropriate activity that will preserve the historic, prehistoric, architectural, scenic or aesthetic character of a landmark or historic district.
10. **District** - A district possesses a significant concentration, linkage, or continuity of buildings, structures, objects, and/or sites united historically or aesthetically by plan or physical development.
11. **Exterior Architectural Appearance** - The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.
12. **Historic District** - An area designated as a "historic district" by ordinance of the City Council which may include individual Landmarks, as well as other properties or structures which, while not of such historic and or architectural significance to be designated as Landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the Historic District.
13. **HPC** - Members of the Historic Preservation Commission.
14. **Historic significance** - Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.
15. **Landmark** - A property or structure designated as a "Landmark" by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the City of Chillicothe.
16. **Minimum Maintenance** - The minimum regulations governing the conditions and maintenance of all existing structures, as set out in the 2015 Edition of the International Existing Building Code, as published by the International Code Council, adopted by the City Council of the City of Chillicothe, Missouri, as such existing structures code shall be amended from time to time by the City of Chillicothe.

17. **Object** – Those constructions, and differentiated from buildings or structures, that are primarily artistic in nature or are relatively small in scale and simply constructed.
18. **Ordinary Maintenance** - Any work for which a building permit is not required by municipal ordinance, 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 practical, to its condition prior to the occurrence of such deterioration, decay or damage, and does not involve change of materials nor of form.
19. **Owner of Record** - The person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.
20. **Public Improvement Project** - An action by the City of Chillicothe or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure servicing commercial, residential, recreational or industrial development; or any undertakings affecting city parks or city owned structures.
21. **Removal** - Any relocation of a structure, object or artifact on its site or to another site.
22. **Repair** - Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.
23. **Secretary of the Interior's Standards** – The Secretary of the Interior's Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties. The Standards are codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133). The most current version of The Standards should always be used.
24. **Site** - The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.
25. **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.
26. **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.

Section II: Historic Preservation Commission

Composition of Historic Preservation Commission. The Historic Preservation Commission (HPC) shall consist of five (5) members, residents of the City of Chillicothe, all of whom shall be appointed by the Mayor and approved by the City Council. In addition, a member of the City Council and a member of the Planning and Zoning Board shall serve as ex-officio members, but shall have no vote. A staff member of the City's Codes Enforcement Office shall be appointed by the City Administrator to serve as the City's Staff Liaison to the HPC. All Commission members must have a demonstrated interest, competence or knowledge in historic preservation. 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 potential historic districts.

Terms. The terms of office of the members of the HPC shall be for three years, excepting that the membership of the first HPC appointed shall serve respectively for terms of one for one year; two for two years; and two for three years. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within 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 percent (50%) of all meetings, regular and special, in any calendar year, shall thereby automatically vacate the membership.

Officers. Officers shall consist of a chairman and a vice-chairman elected by the HPC who shall each serve a term of one (1) year and shall be eligible for re-election; but no member shall serve as chairman for more than two (2) consecutive years. The Council and Planning and Zoning Board representatives shall not be eligible for office. 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 of the HPC shall be appointed by the Codes Enforcement Department and shall have the following duties:

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

Meetings. A quorum shall consist of three of the voting 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 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. Public notice of all meetings shall be posted in conformance with standard City policy and RSMO Section 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 the owner's right of use, modification, maintenance, disposition, or demolition. The chairman, and in his 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 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.

Funding. The HPC may, with the consent of the City Council, 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 ordinance.

Compensation. The members shall be compensated at the same monetary rate as members of any other board serving the City of Chillicothe, except that the compensation shall be limited to not more than one meeting per month, and shall be reimbursed for expenses they incur while on board business.

Powers and Duties. The HPC shall have the following powers and duties:

1. To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);
2. To investigate, and recommend to the Planning and Zoning Board and to the City Council the adoption of ordinances designating properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks";
3. To investigate and recommend to the Planning and Zoning Board and the City Council the adoption of ordinances designating areas as having special cultural, historic, archaeological, community or architectural value as "Historic Districts";
4. 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;
5. 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 Landmark or Historic District to another;
6. 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;
7. To nominate Landmarks and Historic Districts to the Chillicothe Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
8. To inform and educate the citizens of the City of Chillicothe concerning the historic, archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the HPC, or other appropriate parties.

9. To review construction, alteration, removal or demolition projects for which a building or demolition permit is required for the exterior façade of the building and which have been referred to the HPC by the Codes Department; which projects may affect proposed or designated Landmarks or structures within Historic Districts; and issue Certificates of Review and recommendations for such actions. Plans, drawings, elevations and specifications (for building permits), photographs and/or other information included as part of the building permit or demolition applications will be provided (as available) to the HPC by the Planning & Zoning Department to allow the HPC to undertake an informed review process;
10. To hold public hearings on each proposed nomination of a Landmark and of a Historic District and on the guidelines developed for each nomination;
11. To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of Landmarks or property and structures within Historic Districts;
12. If referred to the HPC by the City, to review proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated Landmarks or Historic Districts;
13. To administer on behalf of the City of Chillicothe any property of historical significance or full or partial interest in real property, including easements, that the City of Chillicothe may have or accept as a gift or otherwise, upon approval by the City Council;
14. To accept and administer on behalf of the City of Chillicothe, upon approval of the Council, such gifts, grants, and money as may be appropriate for the purposes of this ordinance. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the HPC and the purposes of this ordinance;
15. To call upon available city staff members as well as other experts for technical advice;
16. To retain such specialists or consultants 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 Planning and Zoning Board and the Board of Adjustments on any matter affecting historically, archaeologically, culturally an architecturally significant property, structures, sites and areas;
18. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this ordinance;
19. To develop a preservation component in the Master Plan of the City of Chillicothe and to recommend it to the Planning and Zoning Board and to the City Council;
20. To periodically review the City of Chillicothe Zoning Ordinance and to recommend to the Planning and Zoning Board and the City Council any amendments appropriate for the continued use of Landmarks or property, sites and structures within Historic Districts; and

21. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this ordinance.

Section III: Surveys and Research

The HPC may undertake an ongoing survey and research effort in the City of Chillicothe 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. Before the HPC shall on its own initiative nominate any landmark or district for designation, it shall develop a plan and schedule for conducting a comprehensive survey of the City of Chillicothe to identify significant resources. As part of the survey, the HPC may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. The HPC may 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 identifiable neighborhood or distinct geographical area of the City of Chillicothe;
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. The potential Landmarks and Historic Districts containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;
5. 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 Chillicothe.

All inventory material shall be in conformance with standards and guidelines for cultural resource inventory as established by the State Historic Preservation Office.

Section IV: Nomination of Landmarks and Historic Districts

General. Nominations shall be made to the HPC on a form prepared by it and may be submitted by an owner of record of the nominated property or structure, or a member of the HPC or the City Council **with written consent from the building owner.** Nominations shall be turned in to the City Clerk, who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the Office of the City Clerk.

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, object, site, area or district meets one or more of the following criteria, based on Criteria for Evaluation for the National Register of Historic Places:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;
2. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
3. Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
4. Its location as a site of a significant local, county, state, or national event;
5. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
6. 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;
7. 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;
8. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
9. Its embodiment of design elements that make it structurally or architecturally innovative;
10. Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or city;
11. 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;
12. Its potential to yield information important to history and prehistory.

Any structure, property, or area that meets one 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.

Public Hearing on Landmarks and Historic Districts. Upon receipt of a completed nomination of a Landmark or Historic District, the HPC may schedule a public hearing to solicit input and comment on the proposed nomination.

Report and Recommendation of HPC. The HPC shall within forty-five (45) 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 IV of this ordinance. The resolution shall be accompanied by a report to the Planning and Zoning Board containing the following information:

- a. Explanation of the significance or lack of significance of the nominated Landmark or Historic District as it relates to the criteria for designation;

- b. 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:

- a. The significant exterior architectural features of the nominated Landmark;
- b. Archaeological significance and recommendations for interpretation and protection.

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

- a. The types of significant exterior architectural features of the structures within the nominated Historic District;
- b. The type and significance of historic and prehistoric archaeological sites within the nominated Historic District;
- c. Proposals for design guidelines which will guide HPC recommendations accompanying Certificates of Review within the nominated Landmark or Historic District;
- e. The relationship of the nominated Landmark or Historic District to the ongoing effort of the HPC to identify and nominate all potential cultural resources that meet the criteria for designation;
- f. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum 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;
- g. A map showing the location of the nominated Landmark and/or the boundaries of the nominated Historic District.

The recommendations and report of the HPC regarding Historic Districts shall be sent to the Planning and Zoning Board within seven (7) days following the vote on the resolution and shall be available to the public in the Office of the City Clerk.

Notification of Nomination. The Planning and Zoning Board shall schedule and hold a hearing on the nomination following receipt of a report and recommendation from the HPC that a nominated Historic District does or does not meet the criteria for designation. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for zoning map amendments or ordinance amendments. 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.

Public Hearing. Oral or written testimony concerning the significance of the nominated Landmark or Historic District shall be taken at the public hearing from any person concerning the nomination. The HPC may present expert testimony or present its own evidence regarding the compliance of the nominated Landmark or Historic District with the criteria for consideration of a nomination set forth in Section IV of this ordinance. The owner of any nominated Landmark or of any property within a nominated Historic District shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert

witnesses. The hearing shall be closed upon completion of testimony.

Determination by Planning and Zoning Board. Within sixty (60) calendar days following close of the public hearing, the Planning and Zoning Board shall make a determination upon the evidence whether the nominated Historic District does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning and Zoning Board and shall be accompanied by a report stating the findings of the Planning and Zoning Board concerning the relationship between the criteria for designation in Section IV of this ordinance and the nominated Historic District and all other information required by Section IV of this ordinance.

Notification of Determination. Notice of the determination of the Planning and Zoning Board, including a copy of the report, shall be sent by regular mail to the owner of record 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 Planning and Zoning Board that the nominated Historic District does meet the criteria for designation, a copy of the resolution and report accompanied by a recommendation that the nominated Historic District be designated shall be sent to the City Council.

Action by City Council. The City Council shall, within sixty (60) calendar days after receiving the recommendation that the nominated Landmark or Historic District be designated or rejected, make a final determination regarding the Landmark or Historic District by an ordinance. .

The Designation Ordinance. Upon designation, the Historic District shall be classified as a "District H-Historic", and the designating ordinance shall prescribe the significant features; the types of projects requiring a building or demolition permit that should be reviewed prior to being undertaken; the design guidelines for applying the criteria for a Certificate of Review; 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 Chillicothe shall be amended to show the location of the "District H-Historic" as an overlay zone.

Amendment and Rescission of Designation. Designation may be amended or rescinded upon petition to the HPC and compliance with the same procedure and according to the same criteria set forth herein for designation. Upon the purchase of a property in a locally designated district, the purchaser will have the right to rescind designation status or to apply for designation status.

Section V: Applications for Certificates of Review

A Certificate of Review shall be issued for the following actions affecting the significance of the **exterior facade** of Landmark or structure within a Historic District. **Interior renovations are excluded.**

1. Any construction, alteration, or removal requiring a building permit from the City of Chillicothe;
2. Any demolition in whole or in part requiring a demolition permit from the City of Chillicothe;

Notification of applications received for building and demolition permits for Landmarks or structures within a Historic District shall be forwarded by the Codes Enforcement Office to the HPC within seven (7) days following receipt of a complete application. The Codes Enforcement will share any materials provided by the permit applicant with the HPC so that the HPC may conduct an informed project **review** and make appropriate **recommendations** as to how the project can be completed so that it meets the

Secretary of the Interior's Standards. Shared materials should include, but not necessarily be limited to, project descriptions, current photographs of the building, and project design drawings (for building permit applicants only). Any applicant may request a meeting with the HPC before the application is reviewed by the HPC or during the review of the application. The HPC shall consider the completed application and conduct the design review process, at its next regular meeting. Certificates of Review, accompanied by written recommendations, shall be issued by the HPC within 7 calendar days of the HPC's project review, and given to the Codes Enforcement Department, who will provide a copy to the permit applicant. **Permit applicants are encouraged but not required to be present at the HPC reviews of their projects in order to answer any questions the HPC may have, and to discuss the HPC's recommendations that will accompany the Certificate of Review. No additional paperwork or undue burden besides the building or demolition permit will need to be completed during this process by the building owner.**

Compliance with the HPC recommendations accompanying Certificates of Review will be entirely voluntary on the part of the permit applicant.

Section VI: Determination by the Historic Preservation Commission

The HPC may review the information accompanying an application for a building or demolition permit, and, upon receipt of a complete application, issue a Certificate of Review within thirty (30) days of receipt. Written notice of the Certificate of Review shall be provided to the applicant and the Codes Enforcement Office within seven (7) days following the review and shall be accompanied by a Certificate of Review.

A Certificate of Review shall become void unless construction is commenced or demolition is completed within twelve months of date of issuance. Certificates of Review shall be issued for a period of eighteen months for building permits and are renewable.

All recommendations by the Historic Preservation Commission are voluntary.

Section VII: Standards for Review

In considering a Certificate of Review and recommendations, the HPC shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design guidelines in the ordinance designating the Landmark or Historic District or adopted by separate ordinance. Applications, standards for review and design guidelines shall be available in the Office of the City Clerk for distribution to the public. **These standards are to be used for recommendation purposes by the Historic Preservation Commission and do not bind the property owner in any way.**

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. 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 historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
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, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section VIII: Design Guidelines

Design guidelines for applying the standards for a Certificate of Review shall, at a minimum, consider the following architectural criteria:

1. **Height** - The height of any proposed alteration or construction should be compatible with the style and character of the Landmark and with surrounding structures in a Historic District.
2. **Proportions of Windows and Doors** - The proportions and relationships between doors and windows should be compatible with the architectural style and character of the Landmark and with surrounding structures within a Historic District.
3. **Relationship of Building Masses and Spaces** - The set back and relationship of a structure within a Historic District to the open space between it and adjoining structures should be compatible.
4. **Roof Shape** - The design of the roof should be compatible with the architectural style and character of the Landmark, and with surrounding structures in a Historic District.
5. **Landscaping** - Landscaping should be compatible with the architectural character and appearance of the Landmark and of surrounding structures and landscapes in Historic Districts.

6. **Scale** - The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a Historic District.
7. **Directional Expression** - Facades in Historic Districts should blend with other structures with regard to directional expression. Structures in a Historic District should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a Landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
8. **Architectural Details** - Architectural details including materials, colors, and textures should be treated so as to make a Landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a Landmark or Historic District.
8. **Signage** - The character of signs should be in keeping with the historic architectural character of a Landmark or Historic District. Character of a sign includes the number, size, area, scale, location, type, (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of illumination. **These guidelines are to be used for recommendation purposes by the Historic Preservation Commission and do not bind the property owner in any way.**

Section IX: Maintenance of Historic Properties

Ordinary Maintenance Exclusion. Nothing in the ordinance shall be construed as to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.

Section X: Public Safety Exclusion

None of the provisions of this ordinance 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 Code Enforcement Officer, 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.

Section 2: The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance are valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the City Council would have enacted the valid portions without the invalid one, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent.

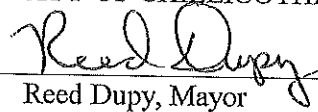
Section 3: This ordinance repeals any prior ordinance or parts of any prior ordinance that might be in conflict herewith.

Section 4. It is the intent of the City Council that this Ordinance be made a part of the City Code and such inclusion shall have the same force and effect as if the ordinance had been included in the original code at the time of its adoption by the City Council.

Section 5: This ordinance shall be in full force and effect from and after the date of its passage and approval.

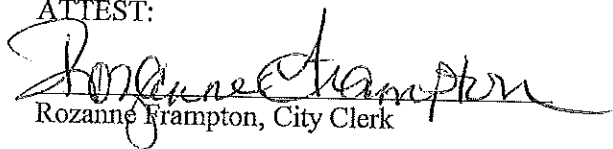
PASSED AND APPROVED THIS 11th DAY OF JUNE, 2018.

CITY OF CHILLCOTHE, MISSOURI



Reed Dupy, Mayor

ATTEST:



Rozanne Frampton, City Clerk