

Chapter 402. Historic Preservation Overlay District

Section 402.030. Definitions.

[R.O. 2012 §402.030; Ord. No. 90-4-4 §1, 4-16-1989]

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

ALTERATION

Any act or process that changes one (1) or more of the exterior architectural features of a structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure.

AREA

A specific geographic division of the City of Excelsior Springs.

CERTIFICATE OF APPROPRIATENESS

A design permit issued by the Building Inspector, indicating approval of the 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 on a building that would destroy, alter, or remove significant exterior architectural features or construction element.

COMMISSIONERS

Members of the Excelsior Springs Historic Preservation Commission (ESHPC).

CONSTRUCTION

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

COUNCIL

The City Council of the City of Excelsior Springs.

DEMOLITION

Any act or process which destroys in part or in whole a Landmark or structure within a Historic District, or which threatens to destroy a Landmark or a structure within a Historic District by failure to maintain it in a good condition of good repair and maintenance.

DESIGN GUIDELINE

A general guide of appropriate activity that will preserve the historic and architectural character of a structure or areas.

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 materials and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.

HISTORIC DISTRICT

An area designated as a "Historic District" by the City Council and which may contain within definable geographic boundaries one (1) or more Landmarks and which may have within its boundaries 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 of the Landmark or Landmarks located within the Historic District.

LANDMARK

A property or structure designated as a "Landmark" by the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, and preservation because of its historic and/or architectural significance to the City of Excelsior Springs.

OWNER OF RECORD

The person, corporation or other legal entity listed as the owner on the records of the County Record of Deeds.

ESHPC COMMISSION

The Excelsior Springs Historic Preservation Commission.

PUBLIC IMPROVEMENT PROJECT

An action by the City of Excelsior Springs or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, or other portions of the public infrastructure servicing commercial, residential, or industrial development.

REMOVAL

Any relocation of a structure on its site or to another site.

REPAIR

Any change that is not construction, removal or alteration.

STOP WORK ORDER

An order of the City Council or Building Official 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, satellite dishes, supporting towers, and swimming pools.

Section 402.040. Composition of Historic Preservation Commission.

[R.O. 2012 §402.040; Ord. No. 90-4-4 §1, 4-16-1989]

The Excelsior Springs Historic Preservation Commission shall consist of seven (7) members, residents of Excelsior Springs, all of whom shall be appointed by the Mayor and approved by the City Council. The Mayor shall make every reasonable effort to appoint persons with a demonstrated interest in the history or architecture of the City of Excelsior Springs, including a registered architect or engineer, a person having at least five (5) years experience in construction, a person having at least five (5) years experience in real estate, a historian living in the community at least twenty (20) years, and three (3) individuals chosen from the citizens at large with reference to their fitness for such office, and no member of the Municipal Government shall be a member of the Commission.

Section 402.050. Terms.

[R.O. 2012 §402.050; Ord. No. 90-4-4 §1, 4-16-1989]

The terms of office of the members of the ESHPC shall be for three (3) years. Vacancies shall be filled for the unexpired term only. Commissioners serve at the pleasure of the Council.

Section 402.060. Officers.

[R.O. 2012 §402.060; Ord. No. 90-4-4 §1, 4-16-1989]

- A. Officers shall consist of a Chairman, a Vice Chairman, and a Secretary-Treasurer elected by the ESHPC who shall each serve a term of one (1) year and shall be eligible for re-election. The Chairman shall preside over the meetings. In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. If both are absent, the Secretary-Treasurer shall perform the duties of the Chairman. The officers shall assure that the following duties of the ESHPC are performed.
1. Preparation of minutes of each ESHPC meeting;
 2. Publication and distribution of copies of the minutes, reports and decisions of the ESHPC to the member of the ESHPC, Planning Commission, and City Council.
 3. Provision of notice as required herein or by law for all public hearings conducted by the ESHPC.
 4. Notification to the Mayor of vacancies on the ESHPC and expiring terms of members;
 5. Preparation and submission to the City Council of a complete record of the proceedings before the ESHPC on all matters requiring Council consideration.

Section 402.070. Meetings.

[R.O. 2012 §402.070; Ord. No. 90-4-4 §1, 4-16-1989]

A quorum shall consist of at least four (4) members. All decisions or actions of the ESHPC 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 ESHPC at the beginning of each calendar year or at any time upon the call of the Chairman. No member of the ESHPC shall vote on any matter which may materially or apparently affect the property, income or business interest of that member. No action shall be

taken by the Commission which could in any manner deprive or restrict the owner of a 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 ESHPC, as provided herein. All meetings of the ESHPC shall be open to the public. The ESHPC 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, forwarded to the Council, ESHPC, and shall be a public record.

Section 402.080. Powers and Duties.

[R.O. 2012 §402.080; Ord. No. 90-4-4 §1, 4-16-1989; Ord. No. 94-12-2 §I, 12-19-1994]

A. The ESHPC shall have the following powers and duties:

1. To adopt its own procedural regulations.
2. To conduct an ongoing survey to identify historically and architecturally significant properties, structures 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 Planning and Zoning Commission and to the City Council the designation of properties or structures having special historic, community or architectural value as "Landmarks".
4. To investigate, and recommend the Planning and Zoning Commission and to the City Council the designation of areas 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.
6. To confer recognition upon the owners of Landmarks or 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 National Register of Historic Places, and to review and comment on any National Register nominations submitted to the ESHPC upon request of the Mayor or City Council.
9. To inform and educate the citizens of Excelsior Springs concerning the historic and architectural heritage of the City by publishing appropriate maps, newsletters, brochures and pamphlets, and by holding programs and seminars.
10. The ESHPC to review applications for Certificates of Appropriateness, construction, alteration, removal or demolition affecting designated Landmarks or structures within Historic Districts. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be necessary to make decisions.
11. To review stop work orders issued for any construction, alteration, removal or demolition undertaken without a Certificate of Appropriateness.
12. To develop specific design guidelines for the alteration, construction or removal of Landmarks, or property and structures within Historic Districts for approval by the Council.;

13. To review proposed zoning amendments, applications for Special Use Permits or application for zoning variances that affect designated Landmarks and Historic Districts. The Zoning Administrator shall send applications for special use or zoning variances to the ESHP for comment prior to the date of the hearing by the Planning and Zoning Commission, or Board of Zoning Adjustment.
14. To administer on behalf of the City of Excelsior Springs any property, or full or partial interest in real property, including easements, which the City of Excelsior Springs may have or accept as a gift or otherwise, upon authorization and approval by the City Council.
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. Upon request, provide advisory opinion before all boards and commission including the Planning and Zoning Commission and the Board of Zoning Adjustment on any matter that may affect historically and architecturally significant property, structures and areas.
18. To develop a preservation component in the General Plan of the City of Excelsior Springs and to recommend it to the Planning and Zoning Commission and to the City Council.
19. To periodically review the Excelsior Springs Zoning Ordinance and to recommend to the Planning and Zoning Commission and the City Council any amendments appropriate for the structures within Historic Districts.

Section 402.090. Surveys and Research.

[R.O. 2012 §402.090; Ord. No. 90-4-4 §1, 4-16-1989]

- A. The ESHP Commission shall undertake an ongoing survey and research effort in the City of Excelsior Springs to identify neighborhoods, areas, sites, structures, and objects which have historic, community, architectural, or aesthetic importance, interest, or value. As part of the survey, the ESHP Commission may review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts, and photographs. Before the ESHP Commission shall on its own initiative nominate any Landmark or District it shall first develop a plan and schedule for completing a survey of the City of Excelsior Springs to identify potential Landmarks or Districts. The ESHP Commission shall then systematically identify potential Landmarks and Districts and adopt procedures to nominate them individually or in groups based upon the following criteria:
 1. The potential Landmarks or Districts in one (1) identifiable neighborhood or distinct geographical area of the City of Excelsior Springs.
 2. The potential Landmarks or Districts associated with a particular person, event or historical period;
 3. The potential Landmarks or Districts of a particular architectural style or school, or a particular architect, engineer, builder, designer, or craftsman.
 4. Such other criteria as approved by the Planning Commission and Council to assure systematic survey and nomination of all potential Landmarks and Districts within the City of Excelsior Springs.

Section 402.100. Nomination of Landmarks and Historic Districts.

[R.O. 2012 §402.100; Ord. No. 90-4-4 §1, 4-16-1989]

Nominations shall be made to the ESHP Commission on a form prepared by it and may be submitted by a member of the ESHP Commission; owner of record of the nominated property or structure; or City Council.

Section 402.110. Criteria for Consideration of Nomination.

[R.O. 2012 §402.110; Ord. No. 90-4-4 §1, 4-16-1989]

- A. The ESHP Commission shall, upon such investigation as it deems necessary, make a determinations as to whether a nominated property, structure or area meets one (1) or more of the following criteria.
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 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 style valuable of 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 which renders it architecturally significant;
 7. Its embodiment of design elements that make it structurally or architecturally innovative;
 8. Its unique location or singular physical characteristics that makes it an established or familiar visual feature;
 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; and/or
 10. Its suitability for preservation or restoration.
Any structure, property, or area that meets one (1) or more of the ESHPC above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

Section 402.120. Application of This Chapter to Historic District or Landmark.

[R.O. 2012 §402.120; Ord. No. 90-4-4 §1, 4-16-1989]

A nomination of a Landmark or District shall be considered an application for amendment of the Official Zoning Map of the City of Excelsior Springs provided in Section **404.090** of the Zoning Ordinances of the City of Excelsior Springs. All procedures as provided in said Section and by State Law shall be followed by the Planning and Zoning Commission and City Council. The fee required under Section **404.030** shall not be required upon nomination by the ESHP Commission. The Planning and Zoning Commission may consider Zoning

Amendment Application by others all as provided by Section **404.090**.

Section 402.130. Notification of Nomination.

[R.O. 2012 §402.130; Ord. No. 90-4-4 §1, 4-16-1989]

The Planning and Zoning Commission shall schedule and hold a public hearing for all nominations. The hearing shall be scheduled, held and conducted in the same manner as other hearings to consider application for zoning map amendments or ordinance amendments.

Notice of date, time, place, and purpose of the public hearing and a copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominator, as well as to property owners adjoining the nominated Landmark or Historic District at least fifteen (15) days prior to the date of the hearing. Notice shall also be published in a newspaper having general circulation in the City of Excelsior Springs. The notice shall state the street address and legal description of a nominated Landmark and the boundaries of a nominated Historic District.

Section 402.140. Certificate of Appropriateness.

[R.O. 2012 §402.140; Ord. No. 90-4-4 §1, 4-16-1989]

- A. A Certificate of Appropriateness shall be required before the following actions affecting the exterior architectural appearance of any Landmark or property within a Historic District may be undertaken:
1. Any construction, alteration or removal requiring a building permit from the City of Excelsior Springs.
 2. Any demolition in whole or in part requiring a permit from the City of Excelsior Springs.
 3. Any violation of a minimum maintenance standard, or construction, alteration, demolition or removal affecting a significant exterior architectural feature or features.
 4. Any construction, alteration, removal, or demolition in whole or in part proposed by the City of Excelsior Springs or any of its agencies or departments for a Landmark or a structure within a Historic District and affecting a significant exterior architectural feature, structure, or district.
 5. 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 Excelsior Springs, i.e., Fire Department, Police.

Section 402.150. Application for Certificates of Appropriateness.

[R.O. 2012 §402.150; Ord. No. 90-4-4 §1, 4-16-1989; Ord. No. 94-12-2 §I, 12-19-1994; Ord. No. 14-07-05 §15, 7-21-2014]

Application fees shall be as specified in the Schedule of Fees, Title I, Appendix A. No application for a building permit or demolition permit affecting the exterior architectural appearance of a designated Landmark or of a property within a designated Historic District shall be approved by the Building Inspector until a Certificate of Appropriateness has been issued. Any applicant may request a meeting with the ESHP Commission before or during the review of the application. Application for review of construction, alteration, demolition or removal not requiring a building permit for which a Certificate of Appropriateness is required, including actions necessary to meet minimum maintenance standards,

shall be made on a form prepared by the ESHP Commission and available at the Office of the Building Inspector. The City of Excelsior Springs or any of its agencies or departments shall apply for a Certificate of Appropriateness on a form prepared by the ESHP Commission. Following the filing of an application for a Certificate of Appropriateness, construction, alteration, removal or demolition with the Building Inspector for a landmark or structure within an historic district, the Building Inspector shall forward the application, together with any supplemental materials, to the Chairperson of the Commission for the Commission's review. The Commission shall be prepared to meet with the Building Inspector to review the application and to present its findings and recommendations which shall be in writing within five (5) working days of when the Inspector notifies the Commission of his readiness to proceed with the review or such longer period of time as is mutually agreeable between the Commission and the Building Inspector. The applicant shall be notified of the scheduled meeting to review the application and shall be invited to attend. The Building Inspector shall incorporate the Commission's recommendations into his/her review of whether to grant, deny or condition Certificates of Appropriateness. The Building Inspector shall have the ultimate authority to grant, deny or condition Certificates of Appropriateness, construction, alteration, removal or demolition affecting designated landmarks or structures within historic districts. The Board of Zoning Adjustment shall hear appeals of denial from the applicants.

Section 402.160. Determination by Building Inspector.

[R.O. 2012 §402.160; Ord. No. 90-4-4 §1, 4-16-1989]

Determinations will be based on the standards and guidelines set forth in Sections **402.190** and **402.200**. The Building Inspector shall review the application for a building or demolition permit or for a Certificate of Appropriateness. The Certificate of Appropriateness shall be issued or denied within no more than forty-five (45) days of receipt of the application with issuance being automatic if the Building Inspector fails to act within sixty (60) days of receiving an application. Written notice of approval or denial of the application for Certificate of Appropriateness shall be provided within seven (7) days following the determination, and shall be accompanied by a Certificate of Appropriateness in the case of an approval.

Section 402.170. Denial of a Certificate of Appropriateness.

[R.O. 2012 §402.170; Ord. No. 90-4-4 §1, 4-16-1989]

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for denial. The Building Inspector shall make recommendation to the applicant concerning changes, and the proposed action which would cause the Building Inspector to reconsider the denial, and shall confer with the applicant and attempt to resolve the difference as quickly as possible. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations provided. Projects requiring Certificates of Appropriateness will be monitored as necessary by the Building Inspector to insure compliance with the terms and specifications of Certificates of Appropriateness, Building Permits, and Demolition Permits. If necessary a second Stop Work Order may be issued by the Building Inspector for the same project.

Section 402.180. Review of Public Improvement and Land Acquisition Projects.

[R.O. 2012 §402.180; Ord. No. 90-4-4 §1, 4-16-1989]

- A. Public improvement and land acquisition projects by the City of Excelsior Springs or any of its departments or agencies shall be reviewed by the ESHP Commission in the following manner:

1. The ESHP Commission shall review and comment upon any public improvement project proposed by the City of Excelsior Springs or any of its agencies or departments 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 Community Development Department shall send a completed preliminary design for a public improvement project to the ESHP Commission simultaneously with its submission to the City Council for approval. The ESHP Commission shall have at least thirty (30) days to complete its review and report to the City Council, except when the Community Development Department, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the ESHP Commission shall complete its review and report to the City Council.
2. The ESHP Commission shall review and comment upon any proposed acquisition of a Landmark or of land or buildings within a Historic District by the City of Excelsior Springs or any of its agencies or departments. The Community Development Department shall send a completed preliminary design for a public improvement project to the ESHP Commission simultaneously with its submission to the City Council for approval. The ESHP Commission shall have at least thirty (30) days to complete its review and report to the City Council, except when the Community Development Department, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the ESHP Commission shall complete its review and report to the City Council.
3. The ESHP Commission shall review and comment upon any proposed acquisition of a Landmark or of land or buildings within a Historic District by the City of Excelsior Springs or any of its agencies or departments. The City Council or the Community Development Department shall, at the earliest possible date that will not interfere with acquisition negotiations, send the ESHP Commission information concerning the location, size, purchase price, current use, and proposed use of the land or building to be acquired, and specify the date by which the ESHP Commission shall report to the City Council.
4. The ESHP Commission shall review the public improvement or land acquisition project to determine its effect upon the historic or architectural character of the Landmark or Historic District and report to the City Council within any time specified by the City Council or Community Development Department but not to exceed forty-five (45) days. The report by the ESHP Commission 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.

Section 402.190. Design Guidelines.

[R.O. 2012 §402.190; Ord. No. 90-4-4 §1, 4-16-1989]

- A. The City of Excelsior Springs and the Excelsior Springs Historic Preservation Commission have adopted the following design review guidelines for all Historic Districts and Landmarks in the City. The guidelines are based on the "Secretary of the Interior's Standards and Guidelines for Rehabilitation". The guidelines will be enforced within District or Landmark boundaries under any of the following circumstances:
 1. Construction, alteration or removal requiring a building permit, and which has an impact on the exterior appearance of a structure.
 2. Demolition in whole or in part requiring a permit.
 3. Construction, alteration (including color changes), demolition or removal affecting a significant exterior architectural feature or features.
 4. Construction, alteration, improvement (including color changes), demolition or removal which negatively impacts the significance, appearance, or harmony of adjacent structures, rows of building, streetscapes, or the Historic District as a whole as determined by the ESHP Commission.

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.

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 decisions 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.

- B. *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. 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 neighboring structures.
- C. *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 (1st) floor facade should be compatible with the upper floor(s).
- D. *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.
- E. *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 Excelsior Springs, and if the building is worthy of preservation by virtue of its integrity, originality, craftsmanship or age, relocation may be considered as an alternative.
- F. *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.
- G. *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.

- H. *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 is discouraged.
- I. *Porches.* Porches, Porticos, Stoops, Entryways, Loading Docks, and Exterior Stairways: Such elements shall be of scale, design, material, and color which complement the existing facade 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.
- J. *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, 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.
- K. *Mechanical Equipment And Weather Protection Devices.* Mechanical and weather protection devices shall be placed and installed in a manner which is unobtrusive.
- L. *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 and 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.
- M. *Vacant Lots, Alleys, 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.
- N. *Sign Applications.* Application for sign permits in or immediately adjacent to a Landmark or Historic District are reviewed under the existing procedures of the sign ordinance administered by the Zoning Administrator. The Historic Preservation Commission may make recommendations to the Zoning Administrator concerning the conformance of a sign with the character of a Landmark or Historic District.

[1] *Note — Ord. no. 2010-10-2-2, adopted February 16, 2010, adopted additional design guidelines for the Hall of Waters Historic District, which are on file in the city offices, and were adopted and approved for use in administering ch. 402 including the issuance or denial of certificate of appropriateness as required under section 402.140.*

Section 402.200. Standards for Review.

[R.O. 2012 §402.200; Ord. No. 90-4-4 §1, 4-16-1989]

- A. In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the Building Inspector 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 original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historical material or distinctive architectural feature should be avoided when possible.
3. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
5. Distinctive stylistic features or examples of skilled craftsmanship which 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 new material should match the materials being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features, substantiated by historic, 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 with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials should not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties and for new construction shall not be discouraged when such alterations, additions, or new construction does not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material, and character of the property, neighborhood or environment.