

Chapter 405. Zoning Regulations

ARTICLE XVI. "H-1" Historic Preservation District

Division 1. General Provisions

Section 405.340. Purpose.

[Ord. No. 1825, 5-13-1991]

A.

The purpose of this Article is to promote the protection and enhancement of buildings, structures or land improvements of special historic, aesthetic or architectural significance in the interest of promoting the educational, cultural, economic and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of Harrisonville which represent elements of the City's cultural, social, economic, political and architectural history;

2. Safeguarding the City's historic, aesthetic and cultural heritage as reflected in such buildings, sites, structures or land improvements and landmarks;

3. Fostering civic pride in the beauty and noble accomplishments of the past, as represented in Harrisonville's landmarks and historic districts;

4. Promoting the use of a historic district as an educational and cultural resource of the City;

5. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors and shoppers thereby supporting and promoting business, commerce, industry and economic benefit to the City;

6. Conserving and improving the value of property or areas designated as within historic districts; and

7. Encouraging preservation, restoration and rehabilitation of structures, areas and neighborhoods thereby preventing future blight.

Section 405.345. Definitions Relating To Article XVI.

[Ord. No. 1825, 5-13-1991]

Unless specifically defined below, words or phrases in this Article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Article 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 section of the City of Harrisonville.

BOARD OF ALDERMEN

The Board of Aldermen of the City of Harrisonville.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Harrisonville Historic Preservation Commission authorizing an alteration, construction, removal or demolition affecting a defined feature described and delimited in the designation of a historic site or district.

COMMISSIONERS

Members of the Harrisonville Historic Preservation Commission.

CONSTRUCTION

The act of adding 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 by failure to maintain it in a condition of good repair and maintenance.

DESIGN GUIDELINES

A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

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 and signs.

HISTORIC DISTRICT

An area designated as a "historic district" by ordinance of the Board of Aldermen and which may contain within definable geographical boundaries one (1) or more landmarks and which may have within its boundaries other properties or structures which, while not of such historic 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 ordinance of the Board of Aldermen, pursuant to the procedures described herein, which is worthy of rehabilitation, restoration and preservation because of its historic and/or architectural significance to the City of Harrisonville.

OWNER OF RECORD

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

PRESERVATION COMMISSION

The Harrisonville Historical Preservation Commission.

PUBLIC IMPROVEMENT PROJECT

An action by the City of Harrisonville 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 Harrisonville Historical Preservation Commission 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.

Division 2. Historic Preservation Commission

Section 405.350. Composition of Historic Preservation Commission.

[Ord. No. 1825, 5-13-1991; Ord. No. 3437, 5-7-2018]

The Harrisonville Historic Preservation Commission shall consist of seven (7) members who are residents of Harrisonville plus one (1) alternate who is the Board of Aldermen liaison for the HPC, all of whom shall be appointed by the Mayor and approved by the Board of Aldermen. Every effort shall be made to appoint persons with a demonstrated interest in the historical preservation of the City of Harrisonville. To the extent available, the Commission shall include professional members representing such disciplines as architecture, law, real estate, history, construction or any other field related to historic preservation. A quorum shall consist of four (4) members. Members must attend seventy-five percent (75%) of the meetings or not miss more than three (3) consecutive regularly scheduled meetings. The alternate must attend at least four (4) meetings a year, one (1) in each quarter. Failure to meet these requirements could be cause for removal by the Mayor and Board of Aldermen.

Section 405.355. Terms.

[Ord. No. 1825, 5-13-1991]

The terms of office of the members shall be for three (3) years, except the terms of the first (1st) appointed Commission shall be one (1) Commissioner shall serve for one (1) year, two (2) for two (2) years and two (2) for three (3) years. Vacancies shall be filled for the unexpired term only. The term set forth herein shall not be construed as preventing a member from serving more than one (1) consecutive term. Vacancies, to include expired terms, shall be filled in the manner stated herein within sixty (60) days.

Section 405.360. Officers.

[Ord. No. 1825, 5-13-1991]

A.

Officers shall consist of a Chairman, Vice Chairman and Secretary elected by the Preservation Commission and shall serve a term of one (1) year and shall be eligible for re-election. 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 officers of the Preservation Commission shall assure that the following duties of the Commission are performed:

1. Preparation of minutes of each Harrisonville Preservation Commission meeting;
2. Publication and distribution of copies of the minutes, reports and decisions of the Commission to other Commission members;
3. Provisions of notice as required herein or by law for all public hearings conducted by the Commission;
4. Notification to the Mayor of vacancies on the Commission and expiring terms of members;
5. Preparation and submission to the Board of Aldermen of a complete record and votes of the proceedings before the Preservation Commission on any matter requiring Board consideration; and
6. Each Commission member attends one (1) informational or educational meeting during the first (1st) year of their term of office approved or conducted by the State Historic Preservation Officer pertinent to historic preservation.

Section 405.365. Meetings.

[Ord. No. 1825, 5-13-1991]

All decisions or actions of the Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Five (5) members shall constitute a quorum. Meetings shall be held at regularly scheduled times to be established by resolution of the Preservation Commission, but not less than quarterly, of each calendar year or at any time upon the call of the Commission Chairman. No member of the Preservation Commission 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 the opportunity to be heard at public meeting of the Harrisonville Historic Preservation Commission as provided herein. All meetings of the Preservation Commission shall be open to the public. The Commission shall keep minutes of its proceedings, showing the vote, indicating such fact and shall be immediately filed with Harrisonville City offices and be a public record.

Section 405.370. Powers and Duties.

[Ord. No. 1825, 5-13-1991]

A.

The Preservation Commission shall act in an advisory capacity to the Board of Aldermen and the Planning and Zoning Commission in carrying out activities required by the City ordinances relating to the administration of this Article and shall have the following powers and duties:

1. To adopt its own procedural regulations;

2. To initiate and recommend property and/or properties for proposed designations as a historic landmark and/or historic district;
3. To review applications for construction, alteration or reconstruction of landmarks or structures within a historic district and make recommendations concerning such applications to Planning and Zoning Commission and the Board of Aldermen;
4. To review proposed changes to buildings, structures, street furniture, City parks, civic areas, public facilities or environmental features of a historic landmark or within a historic district and make recommendations concerning such to the Planning and Zoning Commission and the Board of Aldermen;
5. To review applications for demolition permits to demolish buildings or structures designated as landmarks or those within a historic district and make recommendations concerning such to the Planning and Zoning Commission and the Board of Aldermen;
6. To review applications for special use permits, proposed zoning amendments or applications for zoning variances for a historic landmark or within a historic district and to make recommendations concerning such requests to the Planning and Zoning Commission or Board of Adjustment as indicated by the nature of the request;
7. To initiate from time to time a comprehensive review of the provisions of this Article or any part thereof;
8. To disseminate to owners or occupants of landmarks or within historic districts or to the general public information concerning the preservation of landmarks or historic districts; and
9. To support the nomination to the National Register of Historic Places of local history landmarks and districts which the Commission members believe fill the standards herein set forth and have contributed to the history, architecture and culture of Harrisonville.

Division 3. Designation of Historic Districts and Landmarks

Section 405.375. Preliminary Research.

[Ord. No. 1825, 5-13-1991]

The Preservation Commission shall establish and maintain a survey and inventory of historic properties in accordance with standards and guidelines established by the Secretary of Interior's "Standards and Guidelines for Historic Preservation" (36 CFR Part 61). The survey will be compatible with Missouri's statewide Preservation Comprehensive Planning Process. In establishing the foregoing information, the Preservation Commission shall place particular emphasis on evaluating and incorporating the findings and studies the surveys already completed.

Section 405.380. Criteria For Designation of Landmarks and Historic Districts.

[Ord. No. 1825, 5-13-1991]

A.

A structure or site, portion of a structure, group of structures, landscape element, work of art or an integrated combination thereof may be designated for preservation if it:

1. Has significant character, interest or value as part of the development, heritage or cultural characteristics of the City, State or nation; or is associated with the life of a person significant in the past;

2. Exemplifies the cultural, political, economic, social or historical heritage of the community;
3. Portrays the environment and area of history characterized by a distinct architectural style;
4. By being part of or related to a park or other distinctive area, should be developed to preserve according to the plan based on a historic, cultural or architectural motive;
5. Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or City;
6. Any prehistoric/historic site containing information of archaeological value in that it has produced or can be expected to produce data affecting series of historic or prehistoric research interest as set forth in the State Historic Preservation Program master plan for cultural resources.

Section 405.385. Nominations of Landmarks.

[Ord. No. 1825, 5-13-1991]

Nominations of landmarks in historic districts shall be made to the Harrisonville Historic Preservation Commission on a form prepared by it and may be submitted by a member of the Commission, owner of record of the nominated property or structure or the Board of Aldermen of the City of Harrisonville.

Division 4. Procedure For Designation of Property As A Landmark or Historic District

Section 405.390. Recommendation To Designate Specific Property.

[Ord. No. 1825, 5-13-1991]

A recommendation to designate a specific property and/or properties as a landmark or historic district shall be considered an application for amendment of a Zoning District Map and Zoning Ordinance as provided in Section [405.630](#) of the Harrisonville Zoning Ordinance. All procedures as provided in said Section and by State law shall be followed by the Planning and Zoning Commission and the Board of Aldermen. The fee required under Article [XXIII](#) shall not be required upon initial considerations for designating a property as a landmark and/or historical district. The Planning and Zoning Commission may consider zoning amendment application by others all as provided by Article [XXIII](#). The provisions of this Article shall control over any conflicting provisions in Section [405.630](#).

Section 405.395. Notification of Nomination and Public Hearing.

[Ord. No. 1825, 5-13-1991]

The Preservation Commission shall schedule and hold a public meeting on the nomination as to whether or not a nominated landmark or historic district meets 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 and to receive the viewpoints of affected property owners, residences and other interested citizens. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be in the same manner as all public hearings concerning zoning matters to the owners of record, adjoining property owners and to the nominators; and notice shall also be published in a newspaper having general circulation in the City of Harrisonville.

Section 405.400. Interim Control.

[Ord. No. 1825, 5-13-1991]

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 Historic Preservation Commission 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 formal resolution of the Board of Aldermen as necessary for public health, welfare or safety. In no event shall the delay be more than one hundred twenty (120) days.

Section 405.405. Timely Determination.

[Ord. No. 1825, 5-13-1991]

A.

Within forty-five (45) days of the conclusion of the public hearing, the Preservation Commission shall make a recommendation as to whether or not the nominated landmark or historic district meets the criteria for designation under Section [405.380](#). Said recommendation may be for approval, disapproval or approval in part and together with a report which shall contain the following information:

- 1.** An explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation;
- 2.** An explanation of the integrity or lack of integrity of the nominated landmark or historic district; and
- 3.** In case of a nominated landmark or historic district found to meet the criteria for designation, the significant exterior architectural features of the nominated landmark that should be protected and the types of construction, alteration, demolition or removal other than those requiring a demolition permit that should be reviewed for a certificate of appropriateness. The recommendation and report of the Preservation Commission shall be sent to the Board of Aldermen and the Planning and Zoning Commission within seven (7) days following the vote on the resolution and shall be available to the public at Harrisonville City Hall offices.

Section 405.410. Action By Planning and Zoning Commission.

[Ord. No. 1825, 5-13-1991]

A.

Upon receipt of the Preservation Commission's recommendations and report, the Planning and Zoning Commission shall review each proposed landmark or historic district for historic zoning designation and within the thirty (30) days make a recommendation with respect to the proposed "H-1" designation. The recommendation, together with a record of the proceeding, shall be forwarded to the Board of Aldermen. That recommendation shall not be binding on the Board of Aldermen.

B.

A "H-1" historic designation shall be regarded as a supplemental zoning designation and shall not affect in any way the underlying zoning designation as provided in other Articles of the Harrisonville Zoning Ordinance. The existing zoning standards for each district are set forth and

shall be complied with unless such standards conflict with the provisions of the ordinance designating said landmarks or historic district. In the event of a conflict, provisions of the historic district ordinance shall prevail. A landmark or historic district shall be designated with a "H-1" affixed to the current zoning district acronym and illustrated as such on the official Zoning District Map.

Section 405.415. Notification of Determination.

[Ord. No. 1825, 5-13-1991]

Notice of a determination of the Planning and Zoning Commission, including a copy of the report, shall be sent by certified mail to the owners of record of a nominated landmark and by regular mail to the owners of all property within a nominated historic district and to the nominator within seven (7) days following a determination of the Planning and Zoning Commission that the nominated landmark or historic district does or does not meet the criteria for designation. A copy of the resolution and report accompanied by a recommendation concerning the nominated landmark or historic district shall be sent to the Board of Aldermen.

Section 405.420. Action of Board of Aldermen.

[Ord. No. 1825, 5-13-1991]

The Board of Aldermen shall within forty-five (45) days after receiving the recommendation of the Planning and Zoning Commission concerning the nominated landmark or historic district either accept or reject the recommendation of the Planning and Zoning Commission. If the Board wishes to designate a landmark or district, it shall do so by ordinance. The Board of Aldermen shall hold a public hearing before enacting the resolution or ordinance and provide notice and take testimony in the same manner as provided in the Harrisonville Zoning Ordinance. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action by the Board of Aldermen. The City Clerk shall provide written notification of the action of the Board of Aldermen by regular mail to the nominator and the owners 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 and shall be sent within seven (7) days of the Board of Aldermen action. A copy of each designation ordinance shall be sent to the Historic Preservation Commission, the Planning and Zoning Commission and the Codes Enforcement Department of the City of Harrisonville. A determination by the Board of Aldermen shall be a final and administrative decision as that term is defined in Chapter 536, RSMo.

Section 405.425. Designation Ordinance.

[Ord. No. 1825, 5-13-1991]

Upon designation, the landmark or historic district shall be classified as a "District "H-1" Historic District". The official Zoning Map of the City of Harrisonville shall be amended to show the location of the "District "H-1" Historic District".

Division 5. Certificates of Appropriateness

Section 405.430. Certificate of Appropriateness.

[Ord. No. 1825, 5-13-1991]

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 Harrisonville;
2. Any demolition in whole or in part requiring a permit from the City of Harrisonville;
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 Harrisonville or any of its agencies or departments for a landmark or a structure within a historic district and affecting a significant exterior architectural feature or features.

Section 405.435. Applications For Certificate of Appropriateness.

[Ord. No. 1825, 5-13-1991]

No application for a building or demolition permit affecting the exterior or architectural appearance of a designated landmark or property within a designated historical district shall be granted by the City until approved by the Preservation Commission. An applicant may request a meeting with the Preservation Commission before or during the review of the application. Application for review of construction, 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 Codes Enforcement Department of the City of Harrisonville and available at the office of the Codes Enforcement Department of the City of Harrisonville. Applicants may be required to submit plans, drawings, elevations, specifications and other information as may be requested by the Preservation Commission. The Preservation Commission shall consider the completed application at its next regular meeting. The Preservation Commission may call a specific meeting to review routine application for certificate of appropriateness when delay to the next regular meeting would create an unnecessary inconvenience to the applicant.

Section 405.440. Stop Work Order.

[Ord. No. 1825, 5-13-1991]

Whenever the Historic Preservation Commission has a reason to believe an action for which a certificate of appropriateness is required has been initiated or is about to be initiated, it shall make every reasonable effort to contact the owners, occupants, contractors or subcontractors and inform them of the application for certificate of appropriateness process. If the Historic Preservation Commission determines that a stop work order is necessary to halt an action that requires a certificate of appropriateness, it shall deliver or send a copy of the stop work order by certified mail return receipt requested to the owners, occupants, contractors and subcontractors and notify them of the certificate of appropriateness process. A copy of the proper application form shall be included in the notice. A copy of the stop work order shall be sent to the Codes

Enforcement Director of the City of Harrisonville, who shall be responsible for monitoring said situation and citing those in violation of this Article.

Section 405.445. Determination By Historic Preservation Commission.

[Ord. No. 1825, 5-13-1991]

A.

The Historic Preservation Commission shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the certificate of appropriateness within no more than forty-five (45) days of receipt of the application. Determination will be based on the standards and guidelines set forth in this Article. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided the applicant and the Codes Enforcement Department of the City of Harrisonville within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in case of approval.

B.

The certificate of appropriateness shall become void unless construction is commenced within six (6) months of the date of issuance. Any person who does not complete a project according to the guidelines provided in the certificate of appropriateness shall be deemed in violation of this Article.

Section 405.450. Denial of Certificate of Appropriateness.

[Ord. No. 1825, 5-13-1991]

A denial of the certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The Historic Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action which would cause the Commission to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant and the Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the Commission. Projects requiring certificates of appropriateness will be monitored as necessary by the Commission or its designated representatives to insure compliance of the terms and specifications of the certificate of appropriateness, building permits and demolition permits. If necessary, a second (2nd) stop work order may be issued by the Commission for the same project.

Section 405.455. Standards For Review.

[Ord. No. 1825, 5-13-1991]

A.

In considering an application for a building or demolition permit for a certificate of appropriateness, the Historic Preservation Commission shall be guided by the following general standards in addition to any design guidelines in the ordinance designating the landmark or historic district:

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 the use of the 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 historic 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 rank and this significance should 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, whenever possible. In the event replacement is necessary, the new material shall match the material being replaced in composition, design, color, texture and other visual qualities. Repairs 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. Cleaning methods that will damage the historic building shall not be undertaken.
8. Contemporary design for alteration and additions to existing properties and for new construction may be permitted when such alterations, additions or new construction do not destroy significant historical or architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property neighborhood and environment.
9. Whenever possible, new additions or alterations to structures shall be done in a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
10. New buildings do not need to duplicate older styles of architecture, but must be compatible with the architecture within the district. However, the 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.
11. The Commission may consider economic hardship and other factors that may affect an owner's ability to undertake or complete rehabilitation or other work under consideration.

Division 6. Design Guidelines

Section 405.460. Design Guidelines.

[Ord. No. 1825, 5-13-1991]

A.

The City of Harrisonville and the Harrisonville Historic Preservation Commission have adopted the following design and review guidelines for all historic districts and landmarks of the City.

The guidelines will be enforce 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 or architectural feature or features.
4. Construction, alteration improvement (including color changes), demolition or removal which negatively impacts the significant appearance or harmony of adjacent structures, rows of buildings, streetscapes or the historic district as a whole as determined by the Historic Preservation Commission. Design guideline architectural criteria:

- a. Height of any proposed alteration or construction should be compatible with style and character of the surrounding structures.
- b. Windows and doors relationships and proportions should be compatible with the architectural style and character of the district or landmark and surrounding structures.
- c. The relationship of a structure to the open space between it and adjoining structures should be compatible.
- d. Roof shape and design should be compatible with the character of the district or landmark and surrounding structures.
- e. Landscaping should be compatible with the architectural style and character of the district or landmark or surrounding structures.
- f. The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures.
- g. Facades should blend with other structures with regard to directional expression. Structures should be compatible with the dominant historical or vertical expression of a landmark after alteration, construction or partial demolition and should be compatible with its original architectural style and character.
- h. Architectural details, including materials, colors and textures, should be treated so as to make a landmark compatible with its original character or significant architectural style and to preserve and enhance the landmark or historic district.

Division 7. Maintenance of Properties

Section 405.465. Maintenance of Historic Properties.

[Ord. No. 1825, 5-13-1991]

A.

Ordinary Maintenance Exclusion. Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure designated as a landmark or within a historic preservation district.

B.

Definition Of Ordinary Maintenance. Any work for which a building permit is not required by law, where the purpose and the affect of such work is to correct any deterioration or decay 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.

C.

Minimum Maintenance Requirement. All buildings and structures designated by the City ordinance as "H-1" 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 legal custody and control thereof. The owner or other person having legal custody thereof shall repair such building if it is found to have any of the following defects:

1. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
2. Deteriorated or inadequate foundation.
3. Defective or deteriorated flooring or flooring supports or floor supports of insufficient size to carry imposed loads with safety.
4. Members of walls, partitions or other vertical support that split, lean, list or buckle due to defective material or deterioration.
5. Members of walls, partitions or other vertical supports that are insufficient size to carry imposed loads with safety.
6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
8. Fireplace or chimneys which list, bulge or settle due to defective material or deterioration.
9. Fireplace or chimneys which are of insufficient size or strength to carry imposed loads with safety.
10. Deteriorated, crumbling or loose plaster.
11. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or walls, including broken windows or doors.
12. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other protective coating.
13. Any fault or defect in a building which renders the same structurally unsafe or not properly watertight.

D.

Public Safety Exclusion. 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 Codes Enforcement Department of the City of Harrisonville 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 an act of God or by public enemy to such an extent that, in the opinion of the aforesaid department, it cannot reasonably be repaired or restored, it may be removed in conformity with normal permit procedures and applicable laws.

E.

If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified thereof by the Preservation Commission. The notice shall be by certified mail and shall specify each item in the property or landmark that fails

to meet with minimum maintenance requirements. The owner or other person having custody of the property shall have thirty (30) days from the receipt of the notice to comply with minimum maintenance requirements. The Preservation Commission, for good cause shown, may grant an additional extension of thirty (30) days. If, after the original thirty (30) day period or any extension granted, 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 subject to the punishment set forth in this Chapter.

Division 8. Appeals

Section 405.470. Appeals.

[Ord. No. 1825, 5-13-1991]

If the Preservation Commission denies an application for a certificate of appropriateness, the applicant may, within thirty (30) days after the post-marked date of the notice of the determination, file with the City Clerk a written appeal to the Harrisonville Board of Aldermen specifying the grounds thereof. In acting on the appeal, the Board of Aldermen 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 the general public.

Division 9. Fees and Penalties

Section 405.475. Fees and Penalties.

[Ord. No. 1825, 5-13-1991]

The Harrisonville Preservation Commission may establish an appropriate system of processing fees for review of nominations and certificates of appropriateness. An application must be filed through City of Harrisonville City Hall. Any person who undertakes or causes an alteration, construction, demolition or removal of nominated or designated landmark or property within a nominated or designated historic district without a certificate of appropriateness shall be guilty of a misdemeanor and upon conviction thereof shall be punished in accordance with the penalties set forth in the Harrisonville Code of Ordinances. Every person who violates this Chapter concerning the maintenance of a structure within a historic district shall be guilty of a misdemeanor and upon conviction thereof shall be punishable in accordance with the penalties set forth in the Harrisonville Code of Ordinances.