

SECTION

18

HISTORIC PRESERVATION OVERLAY DISTRICT (HP)

Sections:

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Section 18-1. Application

18-1.01 This section shall apply to all designated historically and architecturally significant structures and properties and their environs that are located within the City limits. This section also may apply to new construction within the City limits where such construction may affect designated historically and architecturally significant structures, properties and districts.

18-1.02 The purpose of this section is to promote the educational, cultural, economic, and general welfare of Raytown by:

1. Providing a mechanism to identify and conserve the distinctive historic and architectural characteristics and other historic resources of the City that 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 as represented in the City's landmarks, historic districts, and historic resources;
3. Conserving and improving the value of property in and around designated landmarks, historic districts and within Raytown;
4. Enhancing the attractiveness of the City to residents, current and prospective home owners, visitors and shoppers, and

thereby supporting and promoting business, commerce, industry and providing economic benefit to the City;

5. Fostering and encouraging preservation, restoration, and rehabilitation of structures, areas, and neighborhoods;
6. Fostering and encouraging the studying, interpreting and publicizing of historic resources;
7. Fostering and encouraging the studying, interpreting and publicizing of historical archeological work and information.

18-1.03 This overlay district may be placed over any underlying district. The use regulations, parking regulations, signage regulations and height, area and yard regulations of the underlying district will apply if approved by the Planning Commission and Board of Aldermen.

Section 18-2. Surveys and Inventory

18-2.01 The Planning Commission may survey the City to identify neighborhoods, areas, sites, structures and objects that have historic, community or architectural importance, interest or value. The Planning Commission may nominate for designation as landmarks or historic districts by a rezoning into this overlay district those properties already listed on the National Register of Historic Places, the Missouri Register of Historic Places, any property nominated on the initiative of the owner of that property and any property nominated on the Planning Commission's own initiative.

18-2.02 Inventory: Once the designation process has begun with rezonings into this overlay district, the Planning Commission shall maintain a detailed inventory of designated landmarks and historic districts. The inventory shall be maintained in a form compatible with the current Missouri Historic Resources Inventory Form and with the state comprehensive historic preservation planning process.

Section 18-3. Landmark and Historic District Regulations

18-3.01 All rezonings into this overlay district shall constitute a Raytown Register of Historic Places. The register shall include the following:

1. A list of all sites, structures and objects designated as landmarks pursuant to this section.

2. A description of the boundaries of each area designated as a historic district pursuant to this section.

18-3.02 Landmarks and historic districts may include any:

1. Exterior of a structure or part thereof;
2. Property or part thereof;
3. Interior, or any portion thereof, of a structure, provided it is customarily open or accessible to the public, or to which the public is customarily invited, and the owner consents to such designation. Owners' protest of such designation cannot be overridden by the commission or the Board of Aldermen;
4. Abutting property or part thereof used as and constituting part of the premises on which another landmark is situated;
or,
5. Landscape feature or aggregate of landscape features.

18-3.03 Historic districts may include two (2) or more structures and/or properties. Individual buildings, sites, structures and objects within an historic district shall be classified and designated on the register. Individual buildings, sites, structures and objects shall be classified as:

1. Key contributing;
2. Contributing;
3. Noncontributing.

18-3.04 Nomination of a site, structure or object for designation as a landmark or of an area for designation as an historic district may be made only by application, which shall contain such information as deemed necessary by the Planning Commission. Applications shall be treated as applications for rezoning of property into the historic preservation overlay district. Application may be made by resolution of the Board of Aldermen or Planning Commission, in the case of a landmark, by owner(s) of record of the nominated property or structure or in the case of an historic district, by ten percent (10%) or more of the owner(s) of record of property in a proposed historic district. The commission shall make all reasonable efforts to secure the approval and

written consent of the owner(s) before nominating a site, structure or object as a landmark or as a part of an historic district.

18-3.05 The following criteria shall be used to determine whether a nominated site, structure, object or area shall be rezoned into the historic preservation overlay district.

1. Its character, interest or value as part of the development, heritage or cultural characteristics of the community, county, state or nation;
2. Its location as a site of a significant local, county, state or national event;
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state or nation;
4. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction or use of indigenous materials;
5. Its identification as a work of a master builder, designer, architect or landscape architect whose individual work has influenced the development of the community, county, state or nation;
6. Its embodiment of elements of design, detailing, materials or craftsmanship that render it architecturally significant;
7. Its embodiment of design elements that make it structurally or architecturally innovative;
8. Its unique location or singular physical 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.

18-3.06 In addition to all other notice requirements of these regulations, the area of notification of rezoning into the historic preservation overlay district shall be at least two hundred fifty (250) feet.

18-3.07 Following a public hearing, the Planning Commission shall adopt by resolution a recommendation to be submitted to the Board of Aldermen for either (a) recommending a rezoning into the historic preservation overlay district, thereby designating a landmark or historic district; (b) recommending that no rezoning into the historic preservation overlay district take place, thereby not designating a landmark or historic district; or, (c) not to make a recommendation. The Planning Commission shall give the Board of Aldermen the following information:

1. Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation as set forth in these regulations;
2. Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
3. In the case of a nominated landmark found to meet the criteria for designation:
 - a. The significant exterior architectural features of the nominated landmark that should be protected; and,
 - b. The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that cannot be undertaken without obtaining a certificate of appropriateness.
4. 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 that should be protected;
 - b. The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that cannot be undertaken without obtaining a certificate of appropriateness;
 - c. A list of all key contributing, contributing and noncontributing sites, structures and objects within the historic district.

5. Proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district.

18-3.08 The following steps shall be taken after the any designation by the Board of Aldermen:

1. The Planning Commission shall forward notice of designation of any landmark or historic district approved by the Board of Aldermen to the Missouri Department of Natural Resources.
2. Within seven (7) days after approval of such an ordinance, the Director of Community Development shall notify in writing the owner of each structure or property designated as a landmark or included within a historic district. The notice shall outline the results of such designation.
3. The Director of Community Development shall cause to be recorded in a timely manner at the Jackson County, Missouri Register of Deeds a record of any designation of a landmark, historic district, environs, amendment of such designation or rescission of such a designation.

Section 18-4. Designation Protest Procedures

18-4.01 A protest of any rezoning into the historic preservation overlay district for the purpose of landmark nomination may be submitted any time prior to completion of the Planning Commission's public hearing on the nomination. The protest shall be executed in writing by the owner(s) of record of the nominated landmark.

1. Should a properly executed and valid protest be submitted for a property classified as significant, the commission shall immediately terminate the nomination process for that property. However, such action shall have no bearing on subsequent nominations of the same property; or,
2. The Planning Commission may recommend that the nomination be classified as highly significant only by a three-fourths (3/4) favorable vote. To designate the nomination as highly significant, the Planning Commission must make the following findings on the evidence presented at the public hearing on the nomination:
 - a. That the nomination is highly significant, pursuant to the definition set forth in these regulations;
 - b. The structure or building is fifty (50) years old or older;
 - c. The structure is of a significant or unique architectural style or characteristic, and few, if any, other such structures remain in the City; or the structure is associated with a major event that is a significant part of the history of the City, county, state or nation and few, if any, other such associated structures remain; or the structure is substantially associated with a person or persons of major significance to the City, county, state, or nation and that few, if any, other such structures remain that are primarily associated with the persons or persons;
 - d. The structure or building has been surveyed by the Director of Community Development or other preservation specialist, and recommended for designation as highly significant, which survey and recommendation shall be made part of the public record;
 - e. The building or structure shall have a reasonable use to the owner(s), and it is probable that the building or structure shall be physically maintained;
 - f. The structural integrity and major architectural components have been substantially preserved;
 - g. That the proposed property meets the spirit of the criteria for either the Missouri or National Register.

3. Upon recommendation of a nomination as highly significant by the Planning Commission, the nomination shall be forwarded to the Board of Aldermen. Such property may be designated a landmark only by a three-fourths (3/4) favorable vote by the Board of Aldermen.

18-4.02 The consent of a majority of the owners and the owners of a majority of the total area within a proposed historic preservation overlay district for the purpose of designating a historic district shall be required for the City to designate a historic district. Owners of a property within a proposed district shall be given sixty (60) days within which to file written consents or objections to the inclusion of their property in the proposed district. The sixty (60)-day period shall commence upon the publication of the notice of the public hearing before the commission. Owners of property shall be entitled to one (1) vote for each taxable property of which they are the owner of record as acknowledged by the records of the register of deeds of Jackson County, Missouri. If any property owners fail to respond as set forth herein, they shall be deemed to have consented to the inclusion of their property in the proposed district.

If a majority of the owners or the owners of a majority, fifty-one (51) percent or more, of the total area within a proposed historic district file a written protest against the inclusion of their property in the proposed historic district, then the Board of Aldermen shall deny the application nominating the area as a historic district.

If twenty (20) percent of the owners or the owners of twenty (20) percent of the total area within a proposed historic district file a written protest against the inclusion of their property in the proposed historic district, then the Board of Aldermen may adopt an ordinance designating the proposed area as an historic district only upon the affirmative vote of three-fourths (3/4) of all the members of the Board of Aldermen.

18-4.03 Action on building or demolition permit applications shall not be delayed if the building or demolition permit was submitted prior to the submittal of a pertinent landmark or historic district application. Action on a building or demolition permit application to the City for a nominated landmark shall be delayed until final action has been taken on such nomination. Action on a demolition permit application for a key contributing or contributing structure or object within a nominated historic district shall be delayed until final action has been taken on such nomination. There shall be no interim controls on noncontributory buildings, sites, structures and objects within a nominated historic district or on the environs of a nominated landmark or district. Interim

controls shall not extend beyond one hundred and twenty (120) days from date of filing the application in any situation. Exception shall be made when such alteration, removal or demolition is authorized by formal resolution of the Board of Aldermen as necessary for public health, welfare or safety.

Section 18-5. Certificate of Appropriateness

18-5.01 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 or their environs may be taken:

1. Any exterior construction, alteration or removal requiring a building permit from the City.
2. Any demolition in whole or in part requiring a demolition permit from the City.
3. Any construction, alteration, demolition or removal affecting a significant exterior architectural or historical feature as specified in the ordinance designating the landmark or historic district. However, such requirement shall not apply:
 - a. To the environs of a designated landmark or historic area;
 - b. To such repairs and preventive measures as are minimally required to prevent additional loss or harm to the structure resulting from damage to the structure by accident or natural causes.

18-5.02 The Planning Commission shall review the application for a certificate of appropriateness and issue or deny the certificate of appropriateness within forty-five (45) days of receipt of the application. Written notice of the appropriateness shall be provided the applicant within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of approval.

18-5.03 Any person dissatisfied with a determination by the Planning Commission concerning a certificate of appropriateness may file an appeal to the Board of Aldermen within fifteen (15) days of the date of notification of that determination. The Board of Aldermen must act on this request within thirty (30) days of receipt and must hold a public hearing on the appeal.

18-5.04 An application for a certificate of appropriateness shall be evaluated on a sliding scale, depending upon the designation of the building, structure, site or object in question. The certificate shall be evaluated on the following criteria:

1. Most careful scrutiny and consideration shall be given to applications for designated landmarks;
2. Slightly less scrutiny shall be applied to properties designated as key contributory within an historic district;
3. Properties designated contributory within an historic district shall receive a decreasing scale of evaluation upon application;
4. The least stringent evaluation is applied to noncontributory properties and the environs area of a landmark or historic district.

18-5.05 In considering an application for a certificate of appropriateness, the commission shall be guided by the following general standards in addition to any design criteria in these regulations and in the ordinance designating the landmark or historic district:

1. Every reasonable effort shall be made to provide a compatible use for a property that requires minimal alteration of the building, structure, site or object 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 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 that seek to create an earlier appearance shall be discouraged.
4. Changes that 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 that characterize a building, structure or site shall be treated with sensitivity.
6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material 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 material shall not be undertaken.
8. Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do 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 environs.

18-5.06 The commission shall prepare and adopt specific design criteria as it deems necessary to supplement the provisions of these regulations for the review of certificates of appropriateness.

18-5.07 Demolition in whole or in part of individual landmarks or any key contributory or contributory structure within a historic district shall not be permitted unless a structure has been substantially damaged through fire or deterioration, and if there is reasonable proof that it would not be economically or physically feasible to rehabilitate. Other exceptions may be allowed if a structure does not possess the integrity, originality, craftsmanship, age or historical significance to merit preservation.

18-5.08 The following requirements shall be followed in the review of any proposed certificate of appropriateness:

1. Existing characteristic features such as trees, walls, stairs, paving materials, fencing, walkways and other similar structures or site features that reflect the landmark or historic district's history and development shall be retained.
2. Landscaping should be appropriate to the scale and the unique features of the landmark or historic district.
3. Accessory structures within the boundaries of a designated landmark site shall be appropriate to and compatible with the architectural features of the primary landmark structure. Structures accessory to noncontributory buildings within a designated historic district shall be so designated as to not detract from the historical or architectural character of the district.

Section 18-6. Certificate of Economic Hardship

18-6.01 A certificate of economic hardship serves as an alternative to a certificate of appropriateness whenever a certificate of appropriateness would otherwise be required. The purpose of the certificate of economic hardship is to provide relief where the application of this chapter would otherwise impose undue hardship.

18-6.02 The Planning Commission may solicit expert testimony or request that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination on the application:

1. Estimate of the cost of the proposed construction, alteration, demolition or removal, and an estimate of any additional cost that would be incurred to comply with the recommendations of the commission for changes necessary for the issuance of a certificate of appropriateness.
2. A report from a qualified or bonded person with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
3. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the commission; and, in the case of a

proposed demolition, after renovation of the existing property for continued use.

4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
5. If the property is income-producing, the annual gross income from the property for the previous two (2) years; itemized operating and maintenance expenses for the previous two (2) years; and depreciation deduction and annual cash flow before and after debt service, if any, during the same period.
6. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two (2) years.
7. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with the purchase, financing or ownership of the property.
8. Any listing of the property for sale or rent, price asked and offers received, if any, within the previous two (2) years.
9. Assessed value of the property according to the two (2) most recent assessments.
10. Real estate taxes for the previous two (2) years.
11. Form of ownership or operation of the property, whether sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture or other.
12. Any other information considered necessary by the commission to make a determination as to whether the property does yield or may yield a reasonable return to the owners.

18-6.03 Any person dissatisfied with a determination by the Planning Commission concerning a certificate of economic hardship may file an appeal to the Board of Aldermen within fifteen (15) days of the date of notification of that determination. The Board of Aldermen must act on this request within thirty (30) days of receipt and must hold a public hearing on the matter.

