

St. Louis City Ordinance 64689

FLOOR SUBSTITUTE

BOARD BILL NO. [99] 54

INTRODUCED BY ALDERMAN PAUL MICHAEL BECKERLE

An ordinance relating to the identification and preservation of Cultural Resources (as herein defined); repealing ordinances 57986, except that part of Section One thereof which is presently codified as Sections 24.16.010 to 24.16.090, inclusive, and Section 24.15.110 of the Revised Code of the City of St. Louis, 1994, Annotated, 59368 and 60390; repealing Ordinance 61366 and that part of Section One of Ordinance 57986 which is presently codified as Sections 24.16.010 to 24.16.090, inclusive, and Section 24.15.110 of the Revised Code of the City of St. Louis, 1994, Annotated, effective January 1, 2000; with definitions of terms; establishing a Preservation Board as part of the Planning and Urban Design Agency established by Ordinance ____ (B.B. 52CS); providing for its organization and powers; continuing the designation of existing historic districts and landmarks; providing procedures for designation of landmarks and historic districts; providing regulation of construction, alteration and demolition in historic districts and landmarks; providing for design review of construction in certain public places and of public property; providing for appeals from the Preservation Board; providing for the designation of preservation review districts; amending ordinance 61366 to provide that it shall be inapplicable to Structures individually listed on the National Register, within National Register Districts or for which National Register designation is pending; providing for the review of applications for demolition permits in certain areas; with administrative provisions, a savings provision, a severability provision and an emergency provision.

WHEREAS, preservation of the City's natural, architectural and cultural heritage is beneficial to the City and its residents; and

WHEREAS, the procedures the City uses to effect such preservation are in need of refinement:

BE IT ORDAINED BY THE CITY OF ST. LOUIS AS FOLLOWS:

PART I - REPEALS, PURPOSE, DEFINITIONS, EXEMPTIONS

SECTION ONE. Repeals. Ordinances 57986, except that part of Section One thereof which is presently codified as Sections 24.16.010 to 24.16.090, inclusive, and Section 24.15.110 of the Revised Code of the City of St. Louis,

1994, Annotated, 59368 and 60390 are repealed. Ordinance 61366 and that part of Section One of Ordinance 57986 which is presently codified as Sections 24.16.010 to 24.16.090, inclusive, and Section 24.15.110 of the Revised Code of the City of St. Louis, 1994, Annotated, are repealed effective January 1, 2000.

SECTION TWO. Purpose.

The intent of this ordinance is to promote the prosperity and general welfare of the public, including particularly the educational and cultural welfare, through:

- A. The protection, enhancement, perpetuation and use of buildings, improvements, parks, sites and natural phenomena as have or may reasonably be expected to have historic or cultural value and significance to the nation, the state or the City;
- B. The stabilization and improvement of the value of property and the equity held by citizens in their property by the enhancement of the beauty, convenience and amenity of neighborhoods, parks, streets, public buildings and monuments, and by the enhancement of civic design;
- C. The increase of economic resources available for the conservation and rehabilitation of neighborhoods and for the abatement of blight by the encouragement and use of public financial assistance and tax benefits available for the reuse of buildings, neighborhoods and public facilities with primary emphasis on making said resources available to City residents, property owners who by virtue of limited income might otherwise be unable to maintain their property, property owners whose property is not producing a reasonable income, and potential investors in property located in the City;
- D. The increase of commerce and prosperity by the protection of the value, convenience, and amenity of property and to promote the tourist trade and civic pride and wider public knowledge and appreciation of the heritage and history of St. Louis.

SECTION THREE. Definitions.

As used in this ordinance, the following terms have the following meanings:

1. **◆Agency Director◆** means the Director of Planning and Urban Design Agency established by Ordinance ____ (B.B. 52CS).

2. ❖Applicant❖ means any person or entity filing an application for a permit required by this ordinance for any action with respect to one or more structures.

3. ❖Comprehensive Plan❖ means a plan for the City adopted pursuant to Section 89.340, RSMo as amended, and Ordinance ____ (B.B. 52CS) or prior ordinance.

4. ❖Contributing❖ means contributing to a possible historic district and important to design of block face and neighborhood.

5. "Cultural Resource" means a site or Improvement that:

a) Has significant character or value as part of the development, heritage or cultural characteristics of the City, state or nation; or

b) Is the site of a significant historic event; or

c) Is the work of a master whose individual work has significantly influenced the development of the City, state or nation; or

d) Contains elements of design, detail, materials or craftsmanship which represent a significant innovation; or

e) Owing to its unique location or singular physical characteristic represents an established and familiar visual feature of a neighborhood, community or the City; or

f) Has yielded, or is likely to yield, according to the best available scholarship, archaeological artifacts important in prehistory or history.

g) Is a work of art located in a public space.

6. ❖Cultural Resources Director❖ means the Cultural Resources Director of the Planning and Urban Design Agency established by Ordinance ____ (B.B. 52CS).

7. ❖Design and Construction Standards❖ means a set or sets of guidelines and regulations, with illustrations where appropriate, which define(s) minimum standards for the alteration or construction of improvements with respect to the appearance of exterior architectural features, and which enumerate(s) particular features that are made subject to that standard.

8. **Exterior Alteration** means any construction, repair, addition or elimination of one or more of the Exterior Architectural Features of an improvement.
9. **Exterior Architectural Feature** means the site topography, landscaping, building setback or building line, and architectural arrangement of such portion of the exterior of any improvement as is open to public view from any street or highway, including but not limited to (1) the kind, color, and texture of the building material of such portion so open to view, (2) the type and design of all windows, doors, lights, signs, porches, walks, cornices, eaves and other fixtures appurtenant to such portion, (3) the location and treatment of any motor vehicle parking space appurtenant to such improvement and so open to view.
10. **High Merit** means contributing as a major structure to an existing or potential City or national historic district; or, deserving of consideration for single site historic or Landmark Site designation.
11. **Historic District** means a geographic area that has a significant historical interest or value as part of the development, heritage or cultural characteristics of the City, state or nation, and that has been designated as an historic district pursuant to the provisions of this ordinance or pursuant to prior ordinance.
12. **Improvement** means any building, structure, parking facility, street, highway, walk, fence, landscaped area, gate, wall, work of art or other object, the use of which requires a location on a parcel of land and which constitutes a physical betterment of, attachment to, or alteration of real property, or any part of such betterment, attachment or alteration.
13. **Landmark** means any natural site or Improvement (including any park, cemetery, street or right of way) that has a significant historical interest or value as part of the development, heritage or cultural characteristics of the City, state or nation, and has been designated as a Landmark pursuant to the provisions of this ordinance or pursuant to prior ordinance.
14. **Landmark Site** means a parcel of land, or any part thereof, on which is situated a Landmark and any abutting parcel or part thereof used as and constituting a part of the premises on which a designated Landmark is situated, and which has been designated as a Landmark Site pursuant to the provisions of this ordinance or pursuant to prior ordinance.

15. **Merit** means contributing to an existing or potential City or national historic district or having a unique architectural style.
16. **National Register** means the Federal National Register of Historic Places.
17. **Office** means the Cultural Resources Office of the Planning and Urban Design Agency established by Ordinance _____ (B.B. 52).
18. **Owner** means any person, corporation or other entity having such right or title to or interest in any land or Improvement so as to be legally entitled, upon obtaining permits required by this ordinance, to perform with respect to such land or Improvement any construction, exterior or structural alteration, demolition or repair.
19. **Planning Commission** means the Planning Commission established by Ordinance _____ (B.B. 52CS).
20. **Preservation Board** means the Preservation Board established by Section Five of this ordinance.
21. **Qualifying** means qualifying for listing on the National Register or for federal, state, local or private incentive programs for rehabilitation or adaptive reuse.
22. **Sound** means that visible portions of exterior walls and roofs appear capable of continuing to support their current loads for six months or more.
23. **Structure** means any building or Improvement of any kind.

SECTION FOUR. Exemptions of certain public improvements and property.

The provisions of this ordinance shall not apply to any Improvement or property owned or controlled by the Board of Directors of the St. Louis Public Library, the Board of Education, the state or the United States government, or formerly owned or controlled by the former Art Museum Board of Control. Such Improvements or property may be designated a Landmark or included in a Landmark Site without need for preparing or filing a Landmark preservation plan or Landmark standards with respect thereto or may be included in an Historic District without need for including such Improvement or property in the Historic District plan and Historic District standards, but the designation or

inclusion shall not subject such Improvements or property to the procedural requirements or controls of this ordinance.

PART II - PRESERVATION BOARD

SECTION FIVE. Preservation Board Established Membership - Continuation of Prior Commission.

A. There is hereby established within the Planning and Urban Design Agency established by Ordinance ____ (B.B. 52CS) a Preservation Board, which shall consist of eight voting members appointed by the Mayor, each of whom shall be a resident of the City and shall have demonstrated interest and ability in the preservation and enhancement of Structures and neighborhoods. Of the eight members appointed by the Mayor, at least two shall be registered architects, one shall be a practicing art or architectural historian, one shall be a practicing landscape architect or planner with experience in urban or civic design, one shall be a licensed real estate broker, one shall be a registered engineer and one shall be a citizen member of the Planning Commission. Two members shall be initially appointed for a term of one year, two for terms of two years each, two for terms of three years each and two for terms of four years each. All members thereafter appointed shall be appointed for terms of four years. In addition to the above, the Chairman of the Public Safety Committee of the Board of Aldermen of the City shall be a voting member of said Preservation Board and shall constitute the ninth (9th) voting member of said Preservation Board, and the only voting member not appointed by the Mayor of the City. Whenever the Chairman of the Committee of Public Safety of the Board of Aldermen of the City of St. Louis is unable or unavailable to attend any meeting of the Preservation Board, he is hereby authorized, in his sole and absolute discretion to appoint some other member of his committee to attend said meeting, which said designated member shall have for purpose of said meeting all of the power of authority of said chairman.

B. The Preservation Board shall be the lawful successor to and, to the extent consistent herewith, assume the duties of the former Heritage and Urban Design Commission of the City. All previously enacted ordinances not hereby repealed referring to the ♦Heritage Commission♦ or ♦Heritage and Urban Design Commission♦ shall, upon the effective date of this ordinance, be deemed to mean the Preservation Board, unless otherwise expressly provided by this ordinance.

C. Until the earlier of August 30, 1999, or until four members of the Preservation Board shall have appointed and qualified, the members of the

former Heritage and Urban Design Commission shall serve as the Preservation Board, and shall conclude matters pending before the Heritage and Urban Design Commission on the day before the effective date of this ordinance, consistent with Section Sixty-Eight hereof.

SECTION SIX. Preservation Board Organization, compensation and removal of members.

A. The Preservation Board shall elect from its members a chairman and vice chairman who shall serve for the duration of the City's fiscal year.

B. The members shall serve on the Preservation Board without compensation.

C. Any member may be removed by the Mayor for reasons of incapacity, malfeasance, neglect of duty, conviction of a felony, or failure to attend three (3) successive regular meetings without cause.

SECTION SEVEN. Preservation Board Powers and duties.

A. The Preservation Board shall be responsible for establishing and articulating policy with respect to historic preservation in the City, and for establishing and articulating standards with respect to the minimum exterior appearance of Improvements within Historic Districts, Landmarks and Landmark Sites as provided in this ordinance in such a manner as to enhance property in the City, encourage property maintenance and promote development consistent with the Comprehensive Plan.

B. The Preservation Board may review and recommend for approval to the Missouri Advisory Council on Historic Preservation all nominations of Structures, districts or sites in the City of St. Louis to the National Register.

C. If necessary to prevent or delay the imminent destruction by demolition or deferred maintenance of a site or Structure, or portions thereof, which is within or part of a designated Landmark, Landmark Site or Historic District, the Preservation Board may deny or delay demolition as provided in this ordinance and may request that the Planning Commission recommend to the Board of Aldermen the passage of an ordinance for the appropriation of private property as provided for in Article XXI of the Charter of the City of St. Louis.

D. Subject to the written approval of the Planning Commission, the Preservation Board shall make and adopt, and may from time to time amend, rules and bylaws governing the conduct of its business and providing for the administration of this ordinance.

E. The Preservation Board shall meet as often as may be required for the conduct of its business, but not less than once each month.

F. The Preservation Board shall have such other duties, powers and responsibilities as are granted under this ordinance or as may be otherwise or hereafter provided or granted to it.

SECTION EIGHT. Fees.

The Preservation Board may assess fees to be collected by the Building Commissioner upon applications for permits where a determination of compliance with standards established under or pursuant to this ordinance or review by the Preservation Board is required, provided that such fees shall not exceed one dollar (\$1.00) per ten thousand dollars (\$10,000.00) of estimated cost of the proposed construction or alteration and shall not in any event be assessed upon permit applications where the estimated cost of construction or alteration is less than ten thousand dollars (\$10,000.00), nor shall such fees exceed a total of \$5,000.00 with respect to any permit application. Such fees shall be in addition to any other fees that the building commissioner is authorized to assess under the building code or any other ordinance. Such fees shall be held in a fund, hereby created, for preservation of important sites and Structures that would otherwise be lost through demolition or lack of maintenance. This fund shall be held by the Comptroller's Office in a special account and may be drawn upon only after the approval of the Preservation Board and the Board of Estimate and Apportionment.

SECTION NINE. Execution of contracts and acceptance of gifts, grants or property.

A. The Agency Director with the approval of the Board of Estimate and Apportionment shall have the power to enter into contracts in furtherance of the purposes of this ordinance, provided that with respect to any contract requiring the appropriation of money by the City, an appropriation has been made authorizing payment therefor. All such contracts shall be executed in the name of the City and shall be signed by the Agency Director and the Comptroller.

B. The Agency Director upon the recommendation of the Preservation Board is authorized to accept gifts, contributions and grants for the furtherance of the purposes of this ordinance on behalf of the Preservation Board and in the name of the City. Such gifts, contributions and grants shall be used solely for the purposes indicated, and if in the form of money, shall be deposited into a special account by the Comptroller. The Comptroller shall draw warrants on said account only for the purposes of carrying out the terms and conditions of the gift, contribution or grant.

PART III - GENERAL PROVISIONS

SECTION TEN. Existing historic districts and Landmarks.

A. Neither this ordinance, nor the repeal by this ordinance of Ordinance 57986, shall be construed to invalidate, discontinue or detract from the designation of any Historic District or Landmark or Landmark Site made prior to the effective date of this ordinance pursuant to Ordinance 57986 or any other previous ordinance of the City.

B. All Historic Districts designated as such pursuant to Ordinance 57986 or any other previous ordinance of the City and existing within the City on the effective date of this ordinance shall from such effective date be deemed Historic Districts under this ordinance, and subject to the controls and provisions of this ordinance. The development plan incorporated in the ordinance designating the particular Historic District and the standards contained in or appended to such plan shall be deemed to be the Historic District plan and Historic District standards applicable to such Historic District for purposes of reviewing applications for permits required under Sections Thirty-Nine through Fifty of this ordinance for the construction, demolition or alteration of Improvements within the Historic District. Within four years from the effective date of this ordinance, the Preservation Board shall review the plan and standards applicable to each such Historic District and shall recommend to the Planning Commission and the Board of Aldermen such revisions as may be necessary or convenient to bring such plan and standards into conformance with the provisions of this ordinance, but such revisions shall not become effective until and unless approved by Planning Commission and by ordinance. The recommended revisions shall take into account changes in circumstances or conditions of or affecting the Historic District, the intent of this ordinance, and the significant features or characteristics of the Historic District that were the basis of the original Historic District designation.

C. All Landmarks designated as such pursuant to Ordinance 57986 or any other previous ordinance of the City and existing within the City on the effective date of this ordinance shall from such effective date be deemed to be Landmarks under this ordinance and shall be subject to the controls and provisions of this ordinance. Within two years from the effective date of this ordinance, the Preservation Board shall prepare and recommend to the Planning Commission and the Board of Aldermen a Landmark preservation plan and Landmark standards in conformance with this ordinance for each such Landmark subject to the controls and provisions of this ordinance. In preparing such plan and standards, the Preservation Board shall consider the advice and comments of the Board of Public Service, the Owner(s) of record, and other interested parties. Such plan and standards shall not become effective until and unless approved by the Planning Commission and by ordinance. Until Landmark standards have been approved for a particular Landmark, all applications for permits pursuant to Sections Thirty-Nine through Fifty with respect to such Landmark shall be automatically referred to the Cultural Resources Director for review by the Preservation Board or the Cultural Resources Director (as provided by the rules of the Preservation Board); in reviewing the application, the Preservation Board or Cultural Resources Director shall consider whether the proposed work would adversely affect the characteristics of the Landmark which were the basis for its designation as a Landmark, whether there have been changes in the circumstances or conditions in or affecting the Landmark since its designation, and other relevant considerations, such as the availability of economically feasible alternatives to the proposed work.

SECTION ELEVEN. Maintenance of register of designations and public docket of heritage appeals. The Cultural Resources Office shall maintain for the City a register of all Landmark, Landmark Site and Historic District designations and shall periodically transmit an updated copy of such register to the building commissioner and to the Agency Director, together with a map or maps of the City showing the location and extent of all Improvements, sites and Historic Districts so designated. The Preservation Board shall maintain for each ward a public docket of requests for appeals from staff decisions, which docket shall identify the nature and location of the proposed construction or alteration and the name and address of the Applicant for permit and appellant. Such docket shall be prepared each month and shall be available for public inspection in the office of the Preservation Board. A copy of such docket shall be transmitted to the building commissioner and each member of the Preservation Board not less than ten (10) days prior to consideration by the Preservation Board of any appeal.

SECTION TWELVE. Waiver of certain building and maintenance standards. Insofar as they are applicable to a Landmark, Landmark Site or Improvement in an Historic District, any provision of the building, housing maintenance and fire prevention codes of the City or of the minimum nonresidential standards law, may be varied or waived, on application, by the building commissioner or, with respect to the fire prevention code, by the fire marshal, provided that the construction or alteration as contemplated will provide substantially equivalent safety and assurance of public health as would be otherwise required by such provisions.

SECTION THIRTEEN. Amendment or removal of designations.

A. From time to time, an overriding public need or interest may be served by the removal or amendment of any Landmark or Landmark Site or Historic District designation or portion thereof. In such event, any interested citizen or Owner of property within the Historic District, Landmark or Landmark Site or any interested public agency may file a petition with the Preservation Board requesting amendment or removal of specified sites or Improvements from the register of designated sites and districts. Such petitions shall be made in such manner as the Preservation Board shall prescribe.

B. Upon receipt of such a petition for amendment or removal of designation, the Preservation Board shall have sixty (60) days to consider the petition, to solicit public comment and to ascertain the nature of the overriding public need or interest. In considering the petition, the Preservation Board may:

1. Recommend approval of the petition;
2. Recommend approval of the petition with such modifications or conditions as the Preservation Board shall deem appropriate;
3. Recommend disapproval of the petition.

If such a petition is recommended for approval, with or without conditions or modifications, then the Preservation Board shall cause to be prepared a bill providing for the desired amendments or for removal of sites or Improvements from the register of designated Landmarks and Historic Districts in accordance with the approved petition and shall transmit a copy thereof to the petitioner, the mayor, the Planning Commission, and the clerk of the Board of Aldermen, together with recommendations of the Preservation Board.

If the Preservation Board recommends disapproval of the petition, the Preservation Board shall state its reasons therefor and the alternatives to the proposed amendment or removal of sites or Improvements from the register of designated Landmarks and Historic Districts and shall forward a copy thereof to the petitioner, the Planning Commission, the mayor and the clerk of the Board of Aldermen.

C. After a bill for removal or amendment of a Landmark, Landmark Site or Historic District designation or portion thereof is introduced in the Board of Aldermen and assigned to the Board of Aldermen's appropriate standing committee, said bill shall not be voted on by the Board of Aldermen until a public hearing is held by the committee. Notice of the hearing shall be given by publication and placards in a manner substantially similar to that provided in Sections Twenty-Six and Thirty-Six of this ordinance for original designations. Upon passage by the Board of Aldermen and approval by the mayor of any bill amending a designation or removing sites or Improvements from the register of Landmarks or Historic Districts, the clerk of the Board of Aldermen shall forthwith file a copy of the approved ordinance with the recorder of deeds, the Board of Aldermen, the building commissioner, and the Planning and Urban Design Agency.

SECTION FOURTEEN. Permit granting for demolition.

Except where immediate demolition is necessary in order to protect the public safety, the building commissioner shall give forty-five days' prior notice to the Cultural Resources Director of the building commissioner's intent to grant a permit for demolition of an Improvement within a Historic District, and if the Preservation Board or Cultural Resources Director notifies the building commissioner within such forty-five day period that demolition of the Improvement would violate the Historic District standards or the Historic District plan for the Historic District in which the Improvement is situated, the building commissioner shall deny the application for permit. Any person aggrieved by such denial may appeal such denial to the Preservation Board pursuant to Section Forty-Four of this ordinance. Where immediate demolition is necessary in order to protect the public safety, the building Commissioner shall immediately notify the Cultural Resources Director and the chairman of the Preservation Board of his decision.

SECTION FIFTEEN. Consideration of permit application. If the proposed construction, alteration or demolition is not covered by any duly approved Historic District standard for the Historic District in which the Improvement is

situated, the application for permit shall be reviewed pursuant to Section Forty-Two of this ordinance.

PART IV - DESIGNATION OF HISTORIC DISTRICTS & LANDMARKS

SECTION SIXTEEN. Criteria for designation.

An area, site or Improvement may be designated for preservation as an Historic District or as a Landmark and/or Landmark Site if it is a Cultural Resource or an area containing Cultural resources or properties Contributing, in the aggregate, to make the area a Cultural Resource.

PART IVA - DESIGNATION OF HISTORIC DISTRICTS

SECTION SEVENTEEN. Generally - Historic District Designation.

A. Notwithstanding its present zoning designation, an area together with the Improvements therein may be designated an Historic District by ordinance provided that the Preservation Board and the Planning Commission finds that the area meets one or more of the criteria for designation set out in Section Sixteen.

B. An area may be submitted for designation as an Historic District as set forth in Sections Eighteen through Twenty-Seven.

SECTION EIGHTEEN. Petition filing requirements - Historic District Designation. An area may be submitted for designation as an Historic District in the following manner: A petition shall be filed in the Office of the Preservation Board on such forms and in such manner as the Preservation Board may prescribe. Such petition may be initiated by the Preservation Board or any member thereof, or by the alderman within whose ward the proposed district is situated or by the Owners of ten percent or more of the square footage area (measured on the ground, exclusive of streets and alleys) included within the proposed district. The staff of the Cultural Resources Office shall cooperate with the petitioner in the preparation of the petition and shall, upon the petitioner's request, furnish data, reports, maps, graphics and other information and assistance necessary for the preparation of such petition. Each such petition shall include but not be limited to:

A. A general location map and legal description of the proposed Historic District by metes and bounds or other legal description that readily identifies the area;

B. A statement documenting the area's historic, architectural, cultural, archaeological or aesthetic significance, together with an architectural survey map that evaluates the significance of each Improvement and/or topographic feature within the proposed Historic District. The statement shall describe the current economic condition of the proposed Historic District and shall describe the advantages to residents and to the City which may be anticipated as a consequence of designation;

C. A plat at a scale of not more than 300 feet to the inch indicating the existing uses of all properties within the proposed Historic District;

D. A general plan for the area indicating all planned or proposed (public or private) restoration, development and demolition within the proposed Historic District;

E. Proposed Historic District standards to be applied within the district including, but not limited to, Design and Construction Standards for building facades, setbacks, height, scale, material, color and texture, trim, roof design and landscaping; standards for the design details of all fences, streets and drives, street furniture, signs and landscape materials; and standards for demolition of Improvements within the district;

F. A statement of amendments (if any) to the existing zoning classification and boundaries necessary to conform to the proposed plan.

SECTION NINETEEN. Distribution and review of petition - Historic District Designation.

A. Within five days after a petition for designation of an Historic District has been filed as provided in Section Eighteen, the Preservation Board shall transmit to the Planning Commission and to the Board of Public Service copies of the petition together with all exhibits and documents appurtenant thereto.

B. Within forty five (45) days after such transmittal, the Planning Commission and the Board of Public Service shall review the petition and shall transmit to the Preservation Board such advice and recommendations as they may deem

appropriate and as shall describe the degree to which the petition advances the physical development of the City.

C. If the Planning Commission, after conducting a public hearing on the petition, notifies the Preservation Board that it disapproves the petition, the Preservation Board shall terminate its proceedings on the petition.

SECTION TWENTY. Public hearing on petition - Historic District Designation.

Within ninety (90) days after the filing of the petition, the Preservation Board shall hold a public hearing regarding the petition for designation.

SECTION TWENTY-ONE. Notice of public hearing - Historic District Designation.

A. The Preservation Board shall give public notice of such hearing at least fifteen (15) days prior to the date of the hearing by publication of notice in a daily newspaper of general circulation in the City. At least ten (10) days prior to the public hearing, the Preservation Board shall cause a placard containing the words, "Proposed Historic District In This Block" to be printed in large type and erected at each end of every block in which a district is proposed. Such placards shall also have prominently displayed and firmly attached thereto a copy of the notice which appears in the daily newspaper.

B. To the extent practicable, the Preservation Board may mail written notice of such hearing to the Owner of each property located within the proposed Historic District at least fifteen (15) days prior to the date of hearing. For this purpose, the Preservation Board may consult the current City tax lists or other current and readily available City lists of property Owners, and notice deposited in the United States mail to the person or persons listed as the Owner or taxpayer in any such records at the address listed in such records shall be deemed notice to the Owner for purposes of compliance with this subsection. The failure to give or receive notice pursuant to this subsection shall not affect the validity of the Preservation Board's proceedings.

C. The notices for publication and mailing shall contain a clear description of the location of the area proposed for designation as an Historic District, and a statement of the purpose, date, time and place of the hearing and that property Owners affected thereby, or others interested therein, may appear at such hearing to be heard.

SECTION TWENTY-TWO. Expression of views by interested parties - Historic District Designation. All interested parties shall be afforded at the public hearing a reasonable opportunity to express their views respecting the proposed district.

SECTION TWENTY-THREE. Determination - Historic District Designation.

A. After review and consideration of the petition, recommendations of the Board of Public Service and the Planning Commission and comments received from property Owners and other interested parties, the Preservation Board shall:

1. Approve the petition as submitted; or
2. Approve the petition with such modifications or conditions as the Preservation Board shall deem appropriate; or
3. Disapprove the petition.

B. Such determination shall be in writing and shall be made within sixty (60) days after the public hearing on the petition unless the Preservation Board shall vote to extend such time period to permit additional studies or reports to be completed or for other good and proper cause. The Preservation Board shall promptly notify the petitioner, the mayor, the Planning Commission, the Board of Public Service and the clerk of the Board of Aldermen of the Preservation Board's determination.

SECTION TWENTY-FOUR. Preparation of Historic District Designation bill upon approval of petition.

In the event of approval of a petition for designation of an Historic District, the Preservation Board shall cause to be prepared an historic district designation bill with an Historic District plan for the proposed district for consideration by the Board of Aldermen. The bill shall include, but not be limited to, the elements of the petition as described in Section Eighteen. The Historic District plan shall contain Historic District Standards for the regulation of construction and alteration of Exterior Architectural Features within the Historic District and shall provide for the preservation of the significant features or characteristics of

the area which are the basis for the Historic District designation. Within forty five (45) days after the Preservation Board's approval of the petition, a copy of such designation bill together with the Historic District plan shall be transmitted to the petitioner, the clerk of the Board of Aldermen, the Planning Commission and the mayor.

SECTION TWENTY-FIVE. Procedure upon disapproval of petition - Historic District Designation. In the event of disapproval of a petition, the Preservation Board shall state the reasons therefor and possible alternatives thereto and shall forward a copy thereof to the petitioner, the mayor, the Planning Commission, the Board of Public Service and the clerk of the Board of Aldermen.

SECTION TWENTY-SIX. Historic District Designation bill Notice of pendency.

After an Historic District designation bill is introduced in the Board of Aldermen and assigned to the board's appropriate standing committee, such bill shall not be voted on by the board until a public hearing is held by that committee. At least fifteen (15) days prior to the public hearing, the committee shall require the clerk of the Board of Aldermen to cause to be published in a daily newspaper of general circulation in the City, a notice of the pendency of said bill. The notice shall contain a clear description of the location of the area proposed for designation as an Historic District, and the date, time, and place of the hearing at which property Owners affected thereby, or others interested therein, may appear before the aforesaid standing committee to be heard. At least ten days prior to the public hearing, the clerk of the Board of Aldermen shall cause a placard containing the words "Proposed Historic District In This Block" to be printed in large type and erected at each end of every block in which a district is proposed. Such placards shall also have prominently displayed and firmly attached thereto a copy of the notice which appears in the daily newspapers.

SECTION TWENTY-SEVEN. Historic District Designation bill Copy filing.

On passage by the Board of Aldermen and approval by the mayor of an Historic District designation bill, the clerk of the Board of Aldermen shall forthwith file a copy of the Historic District plan with the register and a copy of the ordinance with the recorder of deeds. The Preservation Board shall retain on file in its office a true copy of the Historic District plan as approved by such ordinance, including the Historic District standards for such Historic District, and shall transmit a true copy of the Historic District plan with standards to the Building Commissioner and the Planning and Urban Design Agency.

SECTION TWENTY-EIGHT. Revision of historic district standards.

Not less frequently than every five years after enactment of an Historic District designation ordinance, the Preservation Board shall review and, if appropriate, recommend to the Planning Commission and Board of Aldermen revisions of the Historic District standards included in the ordinance for the regulation of construction and alteration of Exterior Architectural Features within the particular Historic District, but such revised standards shall not become effective until and unless approved by the Planning Commission and by ordinance. Such recommended revisions shall take into account changes in circumstances or conditions of or affecting the Historic District, the intent of this ordinance, and the significant features and characteristics of the district that were the basis of the original Historic District designation. The Preservation Board shall have the authority to adopt supplemental guidelines to explain, illustrate and implement the Historic District standards, provided that such guidelines shall be consistent with the Historic District designation ordinance, the Historic District plan and Historic District standards for such district.

PART IVB - DESIGNATION OF LANDMARKS OR LANDMARK SITES

SECTION TWENTY-NINE. Generally - Landmark/Landmark Site Designation.

A. Notwithstanding its present zoning district designation, any site or Improvement together with the immediately adjacent premises may be designated a Landmark and/or Landmark Site, by ordinance, provided that the Preservation Board finds that the site or Improvement meets one or more of the criteria set out in Section Sixteen.

B. A site or Improvement may be submitted for designation as a Landmark and/or Landmark Site as provided in Sections Thirty through Thirty-Seven.

SECTION THIRTY. Petition filing requirements - Landmark/Landmark Site Designation.

A petition shall be filed in the Office of the Preservation Board on such forms and in such manner as the Preservation Board may prescribe. Such petition may be initiated by the Owner or Owners of the site or Improvement proposed for designation, by the alderman within whose ward the site or Improvement is situated, or by the Cultural Resources Office on behalf of and at the request of the Preservation Board. The staff of the Cultural Resources Office shall

cooperate with the petitioner in the preparation of the petition and shall, upon the petitioner's request, furnish data, reports, graphics and other information and assistance necessary for the preparation of such petition. Each such petition shall include, but not be limited to:

A. A general location map and legal description of the site or Improvement proposed for designation by metes and bounds or other legal description that readily identifies the site or Improvement;

B. A statement documenting the historic, architectural, cultural, archeological or aesthetic significance of the site or Improvement together with an architectural survey map that evaluates the significance of each Improvement and/or topographic feature within the proposed site. The statement shall describe the current economic conditions and environs of the site or Improvement and shall describe the advantages to adjacent property Owners and to the City which may be anticipated as a consequence of designation;

C. A plat at an appropriate scale indicating the existing uses of all Improvements and premises within the proposed site;

D. A general plan for the site or Improvement indicating all planned or proposed (public or private) restoration, development and demolition within the site;

E. Proposed Landmark standards to be applied to the site or Improvement, including, but not limited to, Design and Construction Standards for building facades, setbacks, height, scale, material, color and texture, trim, roof design and landscaping; standards for the design details of all fences, streets and drives, street furniture, signs and landscape materials; and standards for demolition of Exterior Architectural Features;

F. A statement of amendment (if any) to the existing zoning classifications and boundaries necessary to conform to the proposed plan.

SECTION THIRTY-ONE. Distribution and review of petition - Landmark/Landmark Site Designation.

A. Within five (5) days after a petition for designation of a Landmark or Landmark Site has been filed as above provided, the Preservation Board shall transmit copies of the petition together with all exhibits and documents appurtenant thereto to the Planning Commission and the Board of Public

Service, and if the Owner or Owners of record of the site or Improvement are not the petitioner, also to the Owner or Owners of record.

B. Within forty five (45) days after such transmittal, the Planning Commission and the Board of Public Service shall review the petition and shall transmit to the Preservation Board such advice and recommendations as they may deem appropriate and as shall describe the degree to which the petition advances the physical development of the City.

C. If the Planning Commission, after conducting a public hearing on the petition, notifies the Preservation Board that it disapproves the petition, the Preservation Board shall terminate its proceedings on the petition.

SECTION THIRTY-TWO. Hearing on petition - Landmark/Landmark Site Designation.

The Preservation Board shall, prior to making its determination with respect to the petition, permit the Owner of record and any other interested party an opportunity to appear before the Preservation Board and be heard. In its discretion, the Preservation Board may hold a public hearing regarding the proposed designation.

SECTION THIRTY-THREE. Determination - Landmark/Landmark Site Designation.

A. After review and consideration of the petition, recommendations of the Board of Public Service and the Planning Commission, and comments received from the Owner(s) and other interested parties, the Preservation Board shall:

1. Approve the petition as submitted; or
2. Approve the petition with such modifications or conditions as the Preservation Board shall deem appropriate; or
3. Disapprove the petition.

B. Such determination shall be in writing and shall be made within one hundred twenty (120) days after filing of the petition, or if a public hearing is held, then within sixty (60) days after such public hearing; provided that the Preservation Board may vote to extend such time period to permit additional studies or reports to be completed or for other good and proper cause. The Preservation

Board shall promptly notify the petitioner, the mayor, the Planning Commission, the Board of Public Service, the clerk of the Board of Aldermen, and the Owner(s) of record of the Preservation Board's determination.

SECTION THIRTY-FOUR. Preparation of designation bill upon approval of petition - Landmark/Landmark Site Designation.

In the event of approval of a petition for designation of a Landmark and/or Landmark Site, the Preservation Board shall cause to be prepared a Landmark or Landmark Site designation bill with a Landmark preservation plan for consideration by the Board of Aldermen. The designation bill shall include, but not be limited to, the elements of the petition as described in Section Thirty. The Landmark preservation plan shall contain Landmark standards for the regulation of construction and alteration of Exterior Architectural Features of or within the Landmark or Landmark Site and shall provide for the preservation of the significant features or characteristics of the site or Improvement which are the basis for the Landmark designation. Within forty-five (45) days after the Preservation Board's approval of the petition, a copy of such designation bill together with the Landmark preservation plan and Landmark standards shall be transmitted to the clerk of the Board of Aldermen, to the Planning Commission, to the mayor, and to the Owner(s) of record.

SECTION THIRTY-FIVE. Procedure upon disapproval of petition - Landmark/Landmark Site Designation.

In the event of disapproval of the petition, the Preservation Board shall state the reasons therefor and possible alternatives thereto, and shall forward a copy thereof to the petitioner, the Owner(s) of record, the mayor, the Planning Commission, the Board of Public Service and the clerk of the Board of Aldermen.

SECTION THIRTY-SIX. Landmark/Landmark Site Designation bill Notice of pendency.

After a Landmark or Landmark Site designation bill is introduced in the Board of Aldermen and assigned to the board's appropriate standing committee, said bill shall not be voted on by the board until a public hearing is held by the committee. At least fifteen (15) days prior to the public hearing the committee shall require the clerk of the Board of Aldermen to cause to be published in a daily newspaper of general circulation in the City a notice of of the pendency of the designation bill. The notice shall contain a clear description of the location

of the proposed Landmark or Landmark Site and the date, time and place of the hearing at which property Owners affected thereby, or others interested therein, may appear before the aforesaid standing committee to be heard. At least ten (10) days prior to the public hearing the clerk of the Board of Aldermen shall cause a placard containing the words "Proposed Landmark Site in This Block" to be printed in large type and erected at each end of every block in which a site is proposed. Such placards shall also have prominently displayed and firmly attached thereto a copy of the notice which appears in the daily newspapers.

SECTION THIRTY-SEVEN. Landmark/Landmark Site Designation bill Copy filing.

On passage by the Board of Aldermen and approval by the mayor of a Landmark or Landmark Site designation bill, the clerk of the Board of Aldermen shall forthwith file a copy of the Landmark preservation plan with the register and a copy of the ordinance with the recorder of deeds. The Preservation Board shall retain on file in its Office a true copy of the Landmark preservation plan as approved by such ordinance, including the Landmark standards for such Landmark or Landmark Site, and shall transmit a true copy of the Landmark preservation plan with standards to the building commissioner and the Planning and Urban Design Agency. The Cultural Resources Director shall cause to be prepared a notice in recordable form of the designation of the Landmark or Landmark Site and shall cause such notice to be recorded with the recorder of deeds, and the recorder of deeds shall index such notice in the grantor index under the name of the record Owner or Owners of the Landmark or Landmark Site.

SECTION THIRTY-EIGHT. Revision of Landmark standards.

The Preservation Board shall from time to time review and, if appropriate, recommend to the Planning Commission and Board of Aldermen revisions of the Landmark standards for the various Landmarks and Landmark Sites for the regulation of construction and alteration of Exterior Architectural Features of the particular Landmark or Landmark Site, but such revised standards shall not become effective until and unless approved by the Planning Commission and by ordinance. Such recommended revisions shall take into account changes in circumstances or conditions of or affecting the Landmark or Landmark Site, the intent of this ordinance, and the significant features or characteristics of the site or Improvement which were the basis of the Landmark designation. The Preservation Board shall have the authority to adopt supplemental guidelines to explain, illustrate and implement the Landmark standards, provided that such guidelines shall be consistent with the Landmark or Landmark Site designation

ordinance, the Landmark preservation plan and Landmark standards for such Landmark or Landmark Site.

PART V - HISTORIC DISTRICTS AND LANDMARKS - CONSTRUCTION, ALTERATION AND DEMOLITION

SECTION THIRTY-NINE. Permit required when: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site

No Owner or other person shall construct, demolish or alter any designated feature or Exterior Architectural Feature with respect to any Improvement situated within an Historic District, or within or part of a Landmark or Landmark Site, nor shall such person cause or permit any such work to be performed upon such property, unless an application shall have been filed with the building commissioner and a permit obtained therefor from the building commissioner. The building commissioner shall immediately upon receipt of any such application for permit forward a copy of such application to the Cultural Resources Office for review.

SECTION FORTY. Preliminary design review of proposed construction or Exterior Alterations: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site. The Preservation Board may establish procedures for preliminary design review by the Cultural Resources Director and the staff of the Cultural Resources Office of proposed construction or Exterior Alterations where Landmark or Historic District standards may be expected to apply. If, after a preliminary design review as above, an application for permit is received by the building commissioner which conforms to the plans and specifications as approved at the preliminary design review, the building Commissioner may issue the permit.

SECTION FORTY-ONE. Determination of compliance or recommendation required before permit approved: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site. No permit for any such construction, alteration or demolition shall be issued by the building commissioner unless the Cultural Resources Director shall have determined that the proposed work complies with the applicable Historic District or Landmark or Landmark site standards, or the Preservation Board or Cultural Resources Director has recommended that the application for permit be approved.

SECTION FORTY-TWO. Consideration of permit application: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site. If the

proposed construction, alteration or demolition is not covered by any duly approved design standard for the Historic District, Landmark or Landmark Site in which the Improvement is situated, the Cultural Resources Office or the Preservation Board shall review the application for permit, as provided by the rules of the Preservation Board. In making such review, the Preservation Board or Cultural Resources Office, as the case may be, shall consider such application in light of the Historic District plan and Historic District standards with respect to the Historic District, or the Landmark plan and standards, as the case may be, the intent of this ordinance, the effect of such proposed construction, alteration or demolition on the significant features or characteristics of the Historic District or Landmark or Landmark Site which were the basis for the Historic District or Landmark or Landmark Site designation and such other considerations as may be provided by rule of the Preservation Board. The Preservation Board or the Cultural Resources Office, as the case may be, shall forward its determinations or recommendations with respect to the application to the building Commissioner within forty five (45) days from the date of application for permit. The building commissioner shall deny the application for permit if the Preservation Board or the Cultural Resources Office, as the case may be, recommends that the permit be denied or if the Applicant refuses to accept conditions to approval that may be required by the Cultural Resources Office or Preservation Board or by the building Commissioner on direction of the Cultural Resources Office or the Preservation Board.

SECTION FORTY-THREE. Granting or denial of permit application: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

The building commissioner shall in any case grant or deny the application for a permit within fifty (50) days from the date of application.

SECTION FORTY-FOUR. Appeal on actions or determinations: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

Any person aggrieved by, or any officer, department, board, bureau or commission of the City affected by, the action of the building Commissioner with respect to a requested permit based on the Cultural Resources Office's application of the Landmark or Historic District standards to a requested permit or based on the recommendations or determinations by the Preservation Board or Cultural resources Office pursuant to Sections Thirty-Nine through Forty-Three, may appeal the action of the building commissioner to the Preservation Board for review and hearing. Such appeal shall be known as a preservation

appeal and shall be taken within thirty (30) days after the action of the building commissioner by filing a notice of appeal with the Cultural Resources Office specifying the grounds of such appeal.

SECTION FORTY-FIVE. Hearing on filed appeal: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site. Within forty five (45) days after the filing of appeal to the Preservation Board, the Preservation Board shall hold a hearing thereon. The Preservation Board shall hear the recommendations and evidence submitted by the Cultural Resources Office and by any officer, department, board, bureau or commission desiring to be heard thereon and shall permit the appellant and other parties to the appeal an opportunity to appear and be heard by the Preservation Board and to submit evidence. The Preservation Board may permit any other interested person an opportunity to appear and be heard by the Preservation Board. The Preservation Board may continue or adjourn the hearing or schedule additional hearings to permit a full hearing of the appeal. The Preservation Board shall cause all proceedings in a preservation appeal to be suitably recorded and preserved.

SECTION FORTY-SIX. Attempt to reconcile proposed action with applicable standards: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

The Preservation Board shall endeavor to reconcile the construction, alteration or demolition proposed by the Applicant for permit with the applicable Historic District or Landmark standards. If an application for permit is revised or resubmitted in accordance with such a reconciliation, then the building Commissioner shall approve the necessary permit, provided that any conditions for such permit under the building code or other ordinances have otherwise been met.

SECTION FORTY-SEVEN. Consideration of claim that property cannot be put to reasonable beneficial use without approval of proposed work: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

If the Applicant for permit claims that the property involved cannot be put to a reasonable beneficial use without the approval of the proposed construction, alteration or demolition the Applicant shall present evidence at the hearing before the Preservation Board, establishing such claim, and in the case of income producing property, the Applicant shall also present evidence whether the Applicant is able to obtain a reasonable return on the Applicant's investment from the property without the approval of the proposed construction, alteration or demolition. If such a claim is presented, the

Preservation Board shall consider the possibility of preserving the property, including plans for its use in economically productive ways. The Preservation Board may hear evidence thereon at the hearing or may continue the hearing for a reasonable time to permit the preparation and presentation of evidence thereon to the Preservation Board by the Cultural Resources Director, the Cultural Resources Office, or any other person, including members of the Preservation Board. After consideration of the evidence, the Preservation Board shall make a determination whether the property can be put to a reasonable beneficial use without the approval of the proposed work; and in the case of income producing property, the Preservation Board shall also determine whether the Applicant can obtain a reasonable return on its investment from the property without the approval of the proposed work.

SECTION FORTY-EIGHT. Considerations in review of proposed work: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

In its review of the proposed construction, alteration or demolition, the Preservation Board shall consider whether the proposed work would violate the intent of this ordinance and the intent of the applicable Historic District or Landmark or Landmark Site designation ordinance as reflected in the Historic District or Landmark preservation plan, whether the proposed work would adversely affect the characteristics of the district or site which were the basis for the Historic District, Landmark or Landmark Site designation, whether there have been changes in the circumstances or conditions in or affecting the Historic District, Landmark or Landmark Site since its designation, and other relevant considerations, such as the availability of economically feasible alternatives to the proposed work.

SECTION FORTY-NINE. Decision or determination: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

A. Unless there shall have been a reconciliation, the Preservation Board shall reverse or affirm, with or without conditions or modifications, the action of the Building Commissioner with respect to the requested permit or make such order, decision or determination as ought to be made. The Preservation Board shall make its decision within fifty five (55) days after the filing of appeal to the Preservation Board, except that if the Applicant for permit submits evidence in support of a claim that the property cannot be put to a reasonable beneficial use without the approval of the proposed construction, alteration or demolition, the Preservation Board shall have forty five (45) days following completion of the hearing on the preservation appeal to make its decision, including any

determinations required to be made under Section Forty-Seven of this ordinance. The Preservation Board shall promptly notify the parties and the Building Commissioner in writing of its decision.

B. If the Preservation Board determines that the property cannot be put to a reasonable beneficial use without the approval of the proposed construction, alteration or demolition, the Preservation Board shall recommend that the application for permit be granted (subject to applicable building code requirements), except that the Preservation Board may delay the granting by the Building Commissioner of the permit for construction, alteration or demolition for up to one hundred (100) days to pursue alternatives for preserving such property. Such period of delay shall be measured from the date of the Preservation Board's decision of the preservation appeal. The determination to delay the granting of such permit shall require the affirmative vote of at least five of the seven members of the Preservation Board and a finding by the Preservation Board that the proposed construction, alteration or demolition will have a significant adverse effect on the Historic District or the Landmark or Landmark Site. If, during such period of delay, new or additional material information is discovered or becomes available to the Preservation Board relating to the reasonable beneficial use of the property or to alternatives for preserving such property, the Preservation Board may, during such period of delay and upon notice to the parties, reopen the hearing to take additional evidence and may revise its findings or decision based on such evidence.

SECTION FIFTY. Further appeals: Demolition, Construction, Alteration - Historic District or Landmark/Landmark Site.

Any person or persons jointly or severally aggrieved by, or any officer, department, board, bureau or commission of the City affected by, the decision of the Preservation Board upon a preservation appeal may appeal such decision to the Planning Commission for review in accordance with Section Fifty-Three of this ordinance and the Missouri Administrative Procedure Act. The Planning Commission's decision may be further appealed to Circuit Court for review pursuant to the Missouri Administrative Procedure Act.

PART VI - PUBLIC STRUCTURES, MONUMENTS AND FIXTURES

SECTION FIFTY-ONE. Recommendations of Preservation Board regarding public Structures and monuments.

With the prior written approval of the Planning Commission, the Preservation Board shall make recommendations to the Board of Aldermen and to the Board of Public Service regarding the location, design, and decoration of any public building, bridge, fountain, arch, lamppost, stained glass, tablet, statue, gateway, fence, monument or memorial of any kind of a permanent character and location. No such public Structure or monument shall be erected or installed in any public place, or removed, relocated, or altered in any way until the plans therefor have been submitted to the Preservation Board and the recommendations of the Preservation Board, or a majority thereof, have been made to the property authority. Such recommendations must be made within a period of 45 days from submission to the Preservation Board. Failure to make recommendations within that period shall make the decision of the Preservation Board unnecessary.

SECTION FIFTY-TWO. Exterior design review of Structures or fixtures paid for by City or erected upon or extending over public streets, parks, etc.

No construction of any building, arch, gate, fence or other fixture which is to be paid for either wholly or in part by the City from general revenue funds of the City shall be begun unless the exterior design thereof shall have been submitted to the Preservation Board and recommendations made by it, except as herein provided, before the final approval thereof by the officer or other person having authority to contract therefor. The approval of the Preservation Board shall be required in respect to all fixtures or Structures belonging to any person which shall be erected upon or extending over any public street, highway, stream, lake, square, park or other public place within the City, except as provided in this ordinance. In deeds or leases for land made by the City, restrictions may be imposed requiring that the design and location of Structures to be altered or erected thereon shall be first approved by the Preservation Board. Nothing requiring the recommendation or approval of the Preservation Board as provided in this section or Section Fifty-One of this ordinance shall be changed in exterior design or location without its approval; provided, that, in case of dispute, the Board of Public Service shall be the final arbiter and its decision shall prevail. If the Preservation Board fails to act upon any matter submitted to it under this section within 45 days after such submission, its approval of the matter submitted shall be presumed.

PART VII - APPEALS

SECTION FIFTY-THREE. Appeals from decisions of the Preservation Board - Generally.

A. Appeals from decisions of the Preservation Board shall be to the Planning Commission. Notice of an appeal shall be filed in writing with the office of the Planning Commission within 30 days after the decision of the Preservation Board is rendered. Proceedings on appeals before the Planning Commission, and the time for filing of appeals to Circuit Court from decisions of the Commission, shall be governed by the Missouri Administrative Procedure Act, as amended.

B. Except as otherwise herein provided, all appeals to the Planning Commission from decisions of the Preservation Board shall be governed by the following rules.

1. Appeals shall be filed in writing in the office of the Agency Director within 30 days from the date of the decision being appealed.

2. Appellants may file appeals and written arguments and appear in person, by counsel, or by another representative designated in writing.

3. Within thirty (30) days after the filing of an appeal to the Planning Commission, the Planning Commission shall hold a hearing thereon. At such hearing, the Planning Commission shall hear the arguments and evidence submitted by the Cultural Resources Office on behalf of the Preservation Board, or, in the event of the Cultural Resources Officer is the appellant, by another representative of the Preservation Board. The Planning Commission shall also hear the arguments and evidence submitted by the appellant. The Planning Commission may permit any other interested person a reasonable opportunity to appear and be heard on the subject of the appeal. The Planning Commission may continue or adjourn the hearing, or schedule additional sessions of the hearing, to permit a full hearing of the appeal. The Planning Commission shall cause its hearings of appeals to be suitably recorded or transcribed and preserved.

4. The Planning Commission shall issue its decision on an appeal within thirty (30) days after the conclusion of the hearing on the appeal; provided, that if a majority of the Planning Commission finds that the matter is unusually complex or that evidence is unusually extensive, or both, issuance of its decision may be deferred until not later than sixty (60) days after the conclusion of the hearing.

5. The Planning Commission may affirm, reverse or modify the decision of the Preservation Board. The decision of the Planning Commission shall be in writing.

6. No requests for rehearing or reconsideration shall be permitted.
7. The Planning Commission may promulgate written rules, consistent herewith, and with other applicable law, concerning the conduct of appeals to it from decisions of the Preservation Board.

PART VIII - LEGISLATIVE FINDINGS WITH RESPECT TO REVIEW OF CERTAIN DEMOLITIONS

SECTION FIFTY-FOUR. Findings.

The Board of Aldermen of the City finds and declares as follows:

- A. St. Louis contains a stock of residential and commercial buildings which is characterized by certain common architectural styles and quality construction.
- B. This building stock imparts a distinct and distinguished appearance to St. Louis which is of benefit and is attractive to visitors.
- C. Adaptive reuse of residential and commercial buildings in St. Louis has often proved to be an economically feasible and potentially profitable alternative to demolition and should be encouraged.
- D. Evaluation of the economic feasibility and potential profitability of adaptive reuse is a legitimate function of the Preservation Board and Cultural Resources Office.

PART IX - PRESERVATION REVIEW DISTRICTS SECTION FIFTY-FIVE.

Preservation Review Districts may be established by ordinance for areas of the City in which the Board of Aldermen finds, by ordinance, reviews of the effects of demolitions on the area are in the public interest. Prior to adoption of a Preservation Review District ordinance, i) the alderman for the ward in which the proposed district is located shall have requested the Cultural Resources Office and the Preservation Board to assess the architectural and/or cultural quality of the proposed district, and ii) within forty-five (45) days thereafter the Cultural Resources Office and the Preservation Board shall have reported its findings to the Planning Commission and the Board of Aldermen. The Cultural Resources Office and the Preservation Board shall assess the proposed district as having i) high historic district potential; ii) possible historic district potential; iii) low historic district potential; iv) demolitions within the last two years in

excess of the average for similar areas in the City. Districts which are reported as being in categories i), ii) or iv) may be designated Preservation Review Districts. Preservation Review District ordinances may be repealed by ordinance at any time without Cultural Resources Office or Preservation Board action.

SECTION FIFTY-SIX.

No ordinance designating a Preservation Review District shall be adopted until the aldermanic committee to which the bill is assigned shall have conducted a public hearing on the bill. Notice of the hearing shall be given in a newspaper of daily circulation and in the City Journal at least ten days prior to such committee hearing.

SECTION FIFTY-SEVEN. Ordinance 61366, approved June 9, 1989, is hereby amended by adding one new section thereto, to be and to read as follows:

Section Sixteen. On and after the effective date of Ordinance ____ (B.B. #54) the provisions of this ordinance shall not be applicable to applications to demolish structures individually listed on the National Register of Historic Places, within a National Register of Historic Places District or for which National Register of Historic Places designation is pending.

PART X - DEMOLITION REVIEWS

SECTION FIFTY-EIGHT.

Whenever an application is made for a permit to demolish a Structure which is i) individually listed on the National Register, ii) within a National Register District, iii) for which National Register Designation is pending or iv) which is within a Preservation Review District established pursuant to Sections Fifty-Five to Fifty-Six of this ordinance, the building commissioner shall submit a copy of such application to the Cultural Resources Office within three days after said application is received by his Office.

SECTION FIFTY-NINE. Demolition permit Review Approval.

The Cultural Resources Office or Preservation Board shall have forty five working days after receipt of a copy of an application under Section Fifty-Eight to review same as hereinafter provided and advise the Building Commissioner in writing of their decision. Failure to notify the Building Commissioner in

writing by the end of such period of forty five working days shall constitute an approval of such application.

SECTION SIXTY. Demolition permit Photos.

Any Applicant shall submit a 35mm photographic print, 3" x 5" minimum, focused and exposed to show all visible facades, door and window openings and any architectural ornamentation.

SECTION SIXTY-ONE. Demolition permit Preservation Board Decision.

All demolition permit application reviews pursuant to Sections Fifty-Eight to Sixty-Three shall be made by the Preservation Board, which shall either approve or disapprove of all such applications. The Preservation Board may by a duly adopted order or regulation consistent with this chapter, authorize the Cultural Resources Office to make reviews of demolition permit applications. Decisions of the Preservation Board or Cultural Resources Office shall be in writing, shall be mailed to the Applicant immediately upon completion and shall indicate the application by the Preservation Board or Cultural Resources Office of the following criteria, which are listed in order of importance, as the basis for the decision:

A. Redevelopment Plans. Demolitions which would comply with a redevelopment plan previously approved by ordinance shall be approved except in unusual circumstances which shall be expressly noted.

B. Architectural Quality. A Structure's architectural Merit, uniqueness, and/or historic value shall be evaluated and the Structure classified as High Merit, Merit, Qualifying, or non Contributing based upon: Overall style, era, building type, materials, ornamentation, craftsmanship, site planning, and whether it is the work of a significant architect, engineer, or craftsman; and contribution to the streetscape and neighborhood. Demolition of Sound High Merit Structures shall not be approved by the Office. Demolition of Merit or Qualifying Structures shall not be approved except in unusual circumstances which shall be expressly noted.

C. Condition. The Office shall make exterior inspections to determine whether a Structure is Sound. If a Structure or portion thereof proposed to be demolished is obviously not Sound, the application for demolition shall be approved except in unusual circumstances which shall be expressly noted. The remaining or salvageable portion(s) of the Structure shall be evaluated to

determine the extent of reconstruction, rehabilitation or restoration required to obtain a viable Structure.

1. Sound Structures with apparent potential for adaptive reuse, reuse and or resale shall generally not be approved for demolition unless application of criteria in subparagraphs A, D, F or G of this section indicates demolition is appropriate.
2. Structurally attached or groups of buildings. The impact of the proposed demolition on any remaining portion(s) of the building will be evaluated. Viability of walls which would be exposed by demolition and the possibility of diminished value resulting from the partial demolition of a building, or of one or more buildings in a group of buildings, will be considered.

D. Neighborhood Effect and Reuse Potential.

1. Neighborhood Potential: Vacant and vandalized buildings on the block face, the present condition of surrounding buildings, and the current level of repair and maintenance of neighboring buildings shall be considered.
2. Reuse Potential: The potential of the Structure for renovation and reuse, based on similar cases within the City, and the cost and extent of possible renovation shall be evaluated. Structures located within currently well maintained blocks or blocks undergoing upgrading renovation will generally not be approved for demolition.
3. Economic Hardship: The Office shall consider the economic hardship which may be experienced by the present Owner if the application is denied. Such consideration may include, among other things, the estimated cost of demolition, the estimated cost of rehabilitation or reuse, the feasibility of public or private financing, the effect of tax abatement, if applicable, and the potential for economic growth and development in the area.

E. Urban Design. The Office shall evaluate the following urban design factors:

1. The effect of a proposed partial demolition on attached or row buildings.
2. The integrity of the existing block face and whether the proposed demolition will significantly impact the continuity and rhythm of Structures within the block.

3. Proposed demolition of buildings with unique or significant character important to a district, street, block or intersection will be evaluated for impact on the present integrity, rhythm, balance and density on the site, block, intersection or district.

4. The elimination of out of scale or out of character buildings or nonconforming land uses will be considered; however, the fact that a present and original or historic use of a site does not conform to present zoning or land use requirements in no way shall require that such a nonconforming use to be eliminated.

F. Commonly Controlled Property. If a demolition application concerns property adjoining occupied property and if common control of both properties is documented, favorable consideration will generally be given to appropriate reuse proposals. Appropriate uses shall include those allowed under the current zoning classification, reuse for expansion of an existing conforming, commercial or industrial use or a use consistent with a presently conforming, adjoining use group. Potential for substantial expansion of an existing adjacent commercial use will be given due consideration.

G. Accessory Structures. Accessory Structures (garages, sheds, etc.) and ancillary Structures will be processed for immediate resolution. Proposed demolition of frame garages or accessory Structures internal to commercial or industrial sites will, in most cases, be approved unless that Structure demonstrates high significance under the other criteria listed herein, which shall be expressly noted.

SECTION SIXTY-TWO. Application Evaluation Validity of approval or denial.

Approvals or denials of applications hereunder shall be valid only for the Owner shown on the demolition application. Requests or applications for reconsideration shall not be permitted with respect to an application. The Cultural Resources Office may refer any application with respect to which it has been granted review authority to the Preservation Board for initial evaluation and decision hereunder. In performing its evaluation of any application hereunder, the Cultural Resources Office may request further information from an Applicant or Owner, make site visits or photographs, consult or obtain from public or private sources any information pertinent to its evaluation, and may consider the views of Owners of property adjacent to the

Structure, of nonprofit neighborhood associations for the area in which the Structure is located, or of established architectural preservation organizations. Any information so obtained and any communications received by the Preservation Board and Office concerning any application shall be summarized in the Preservation Board or Office's decision.

SECTION SIXTY-THREE. Appeals.

Any Applicant or current Owner of a Structure may appeal an initial decision of the Preservation Board or a decision of the Cultural Resources Office under Sections Fifty-Eight to Sixty-Two to the Preservation Board by filing a written notice of such appeal with the Cultural Resources Office within fifteen days after the date of mailing of such decision by the Cultural Resources Office. The Cultural Resources Office shall immediately refer any application which is the subject of such an appeal, and the Cultural Resources Office's entire file thereon, to the Preservation Board for hearing and resolution, based on the criteria set out in Sections Fifty-Eight to Sixty-Two. Requests or applications to the Preservation Board for reconsideration of any such appeal shall not be permitted. The Preservation Board shall issue its decision on applications appealed under this section by the sixtieth working day following receipt of the application by the Office under Section Fifty-Eight. Any such appeal shall be deemed and conducted as a contested case within the meaning of Chapter 536, RSMo., as amended, and shall be appealable and reviewable as in such chapter provided. The Cultural Resources Office is hereby authorized to appeal any decision of the Preservation Board. Any final decision of the Preservation Board may be appealed to the Planning Commission pursuant to Section Fifty-Three.

SECTION SIXTY-FOUR. Demolition permit approval Effect of prior legal actions.

No demolition permit for properties described in Section Fifty-Eight, except in emergency situations, shall be issued by the Building Commissioner unless it has been approved as provided in Sections Fifty-Nine to Sixty-Four.

PART XI - ADMINISTRATION & ENFORCEMENT

SECTION SIXTY-FIVE. Administration.

The Preservation Board with the prior approval of the Planning Commission may issue regulations consistent with this ordinance to facilitate administration of this ordinance. Copies of any such regulations shall be made available for

the public in the Office of the Preservation Board and furnished to the City Register.

SECTION SIXTY-SIX. Enforcement - Generally.

The Preservation Board and the Cultural Resources Office shall each have the power to enforce this ordinance and to restrain any violation thereof. In addition to other available remedies, the Preservation Board may institute any appropriate action or proceeding in the name of the City to restrain any construction, alteration or demolition in violation of this title, to correct or abate any such violation or otherwise to enforce this title. The City Counselor shall represent the Preservation Board in any such suit at the request of the Preservation Board.

SECTION SIXTY-SEVEN. Penalty for violation - Generally.

Every person convicted of a violation of any provisions of this ordinance shall be subject to the punishment set forth in Section 1.12.010 of the municipal code. Each day that any violation shall continue it shall constitute a separate offense.

SECTION SIXTY-EIGHT. Savings Provision. Any act done or right vested or accrued, or any proceeding, suit or prosecution had or commenced in any cause before the effective date of this ordinance shall not be affected by this ordinance; but every act done, or right vested or accrued, or proceeding, suit or prosecution had or commenced shall remain in full force and effect to all intents and purposes as if prior law had remained in full force and effect. No offense committed and no liability or penalty incurred prior to the effective date of this ordinance, shall be discharged or affected by this ordinance; but prosecutions and suits for such offenses, liabilities or penalties shall be instituted and proceeds with in all respects as if this ordinance had not taken effect.

SECTION SIXTY-NINE. Severability.

The provisions of this ordinance are severable. In the event any provision of this ordinance is determined to be invalid, the remaining provisions shall not be affected thereby.

SECTION SEVENTY. Emergency Provision.

This being an ordinance for the preservation of public peace, health and safety, it is hereby declared to be an emergency measure within the meaning of Section 19 and 20 of Article IV of the Charter of the City of St. Louis and shall become effective immediately upon its approval by the Mayor.

Legislative History				
1ST READING	REF TO COMM	COMMITTEE	COMM SUB	COMM AMEND
05/21/99	05/21/99	HUDZ	06/15/99	
2ND READING	FLOOR AMEND	FLOOR SUB	PERFECTN	PASSAGE
06/18/99			06/18/99	06/25/99
ORDINANCE	VETOED		VETO OVR	
64689				