

Historic Preservation Ordinance

Bill No. 02-04

Ordinance No. 04-01

Introduced by: Alan Frazier

AN ORDINANCE ESTABLISHING HISTORIC SITES AND DISTRICTS AND
OTHER REGULATIONS RESPECTING THE USE OF HISTORIC PROPERTY AND
DISTRICTS WITHIN THE TOWN OF AUGUSTA, AND ESTABLISHING A
HISTORIC PRESERVATION COMMITTEE TO REVIEW DECISIONS
RESPECTING SAID REGULATIONS

Be it ordained by the Board of Trustees of the Town of Augusta that:

Ordinance 04-01 superceding Ordinance 00-02 of the Town of Augusta, Missouri is hereby adopted.

Whereas, the Town of Augusta was originally settled 1820, established 1836, incorporated 1855;

Whereas, the protection of the historic and architectural character of the Town of Augusta is necessary for the promotion of its economic development.

Now, therefore, be it ordained by the Board of Trustees of the Town of Augusta that the following Historic Preservation Ordinance be adopted.

Section I: General Provisions

A. Purpose

The purpose of this ordinance is to promote the educational, cultural, economic, and general welfare of the community by:

1. Providing a mechanism to identify and preserve the distinctive historic and architectural characteristics of Augusta;
2. To encourage and facilitate public knowledge, understanding, and appreciation of Augusta's historic past and unique sense of place;
3. To enhance property values and to increase economic and financial benefits to Augusta and it's inhabitants through the exploration of financial incentives for preservation.
4. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment.

B. Definitions

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Unless specifically defined below, words or phrases in this ordinance shall be interpreted so as to give this ordinance its most reasonable application.

1. Alteration – Any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; and clearing grading or other modification of an area, site, or landscape that changes its current condition.
2. Area – A specific geographic division of the Town of Augusta.
3. Zoning Board of Adjustment – The board established pursuant to Zoning Ordinance 93-01 Section 8.010.
4. Certificate of Appropriateness – A certificate issued by the Historic Preservation Commission (HPC) indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic district.
5. Certificate of Economic Hardship – A certificate issued by the HPC indicating its approval of an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.
6. Construction – The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
7. Cultural Resources – Districts, buildings, sites, structures, objects and evidence of some importance to a culture, a subculture, or a community for scientific, engineering, art tradition, religious or other reasons, significant in providing resource and environmental data necessary for the study and interpretation of past life ways and for interpreting human behavior as determined by the HPC.
8. Demolition – Any act or process which destroys in part or in whole a Landmark or a structure within a Historic District, or which threatens to destroy a potentially significant property or structure and includes but is not limited to demolition by neglect.
9. Design Guideline – A standard of appropriate activity that will preserve the historic, prehistoric, architectural, scenic or aesthetic character of a landmark or historic district.
10. Exterior Architectural Appearance - The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.
11. Historic District – An area designated as a “historic district” by ordinance of the Board of Trustees which may include individual Landmarks, as well as other properties or structures which, while not of such historic and or architectural significance to be designated as Landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the Historic District.
12. HPC – Members of the Historic Preservation Commission.
13. Historic Significance – Character, interest of value as part of the development, heritage, or culture of the community, county, state or country; as the location of

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an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.

14. Landmark – A property or structure designated as a “Landmark” by ordinance of the Town of Augusta, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the Town of Augusta.
15. Minimum Maintenance - The minimum regulations governing the conditions and maintenance of all existing structures, as set out in the BOCA Basic National Existing Structures Code, First Edition (1984), as published by the BOCA Building Officials & Code Administrators International, Inc., and adopted by reference, with certain amendments thereto by the Board of Trustees of the Town of Augusta, Missouri, as such existing structures code shall be amended from time to time by the Town of Augusta.
16. Ordinary Maintenance – Any work for which a building permit is not required by municipal ordinance, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as may be practical, to its condition prior to the deterioration, decay or damage, and does not involve change of materials nor of form.
17. Owner of Record – The person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.
18. Public Improvement Project – An action by the Town of Augusta or any of its departments or agencies in involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure servicing commercial, residential, recreational or industrial development; or any undertakings affecting Town parks or Town owned structures.
19. Removal – Any relocation of a structure, object or artifact on its site or to another site.
20. Repair – Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.
21. Secretary of the Interior’s Standards – The Secretary of the Interior’s Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties. The Standards are codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133).
22. Site – The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens,

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groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.

23. Structure – Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.
24. Survey – The systematic analysis and data collection by the HPC to determine the historic, cultural, and/or scenic significance of buildings, sites, structures, areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

Section II: Historic Preservation Commission

A. Composition of Historic Preservation Commission

The Historic Preservation Commission (HPC) shall consist of at least five (5) members, residents of the Augusta Community, all of whom shall be appointed by the Chairman of the Board of Trustees. In addition, a member of the Board of Trustees and of the Planning and Zoning Commission shall be appointed to serve on the Commission. All Commission members must have a demonstrated interest, competence or knowledge in historic preservation.

B. Terms

The terms of office of the members of the HPC shall be for three (3) years, excepting that the membership of the first HPC appointed shall serve respectively for terms of two (2) for one (1) year; two (2) for two (2) years; and three (3) for three (3) years. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within 60 days. The HPC shall hold at least four (4) meetings per year.

C. Officers

Officers shall consist of a chairman and a vice-chairman elected by the HPC who shall each serve a term of one (1) year and shall be eligible for re-election. The chairman shall preside over meetings. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, a temporary chairman shall be elected by those present. The members of the HPC shall have the following duties:

1. Take minutes of each HPC meeting.
2. Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the HPC.

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3. Give notice as provided herein by law for all public hearings conducted by the HPC.
4. Advise the Chairman of the Board of Trustees of vacancies in the HPC.
5. Submit to the Board of Trustees a complete record of the proceedings before the HPC on any matter requiring the Board of Trustees consideration.

D. Meetings

A quorum shall consist of three (3) members. All decisions or actions of the HPC shall be made by a majority vote of these members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the HPC at the beginning of each calendar year or at any time upon the call of the chairman, but no less than once each quarter. Public notice of all meetings shall be posted in conformance with standard Town policy and RSMO Section 610.020. No member of the HPC shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member. No action shall be taken by the HPC that could in any manner deprive or restrict the owner of property in its use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at public meeting of the HPC, as provided herein. The chairman, and in his absence, the acting chairman, may administer oaths and require the attendance of witnesses. All meetings of the HPC shall be open to the public except as allowed by State law. The HPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be public record. All HPC rules of procedure, designation criteria, design guidelines and forms shall be available to the public.

E. Funding

The HPC shall submit their annual budget by 1 July of each year to be incorporated into the Town's general budget.

F. Compensation

The members shall serve without compensation but shall be reimbursed for expenses they incur while on commission business.

G. Powers and Duties

The HPC shall have the following powers and duties:

1. To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this chapter and the Revised Statutes of the State of Missouri;

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2. To conduct an ongoing survey for the identification of historically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or town; and to maintain the research information in an inventory accessible to the public;
3. To investigate, and recommend to the Zoning Commission and to the Board of Trustees the adoption of ordinances designating for protection properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks";
4. To investigate and recommend to the Zoning Commission and to the Board of Trustees the adoption of ordinances designating for protection of areas as having special cultural, historic, archaeological, community or architectural value as "Historic Districts";
5. To keep a register of all properties and structures which have been designated as Landmarks or Historic Districts, including all information required for each designation;
6. To confer recognition upon the owners of Landmarks and property or structures within Historic Districts by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one Landmark or Historic District to another.
7. To advise and assist owners of Landmarks and property or structures within Historic Districts on physical and financial aspects of preservation, renovation, rehabilitation, and reuse.
8. To nominate Landmarks and Historic Districts to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;
9. To inform and educate the citizens of the Town of Augusta concerning the historic, archaeological and architectural heritage of the Town through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the Town, HPC, or other appropriate parties.
10. To hold public hearings and to review applications for construction, alteration, removal or demolition affecting proposed or designated Landmarks or structures within Historic Districts and issue Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
11. To hold public hearings on each proposed nomination of a Landmark and of a Historic District and on the guidelines developed for each nomination;
12. To request the Building Inspector to issue a notification to delay any construction, alteration, removal or demolition undertaken without a Certificate of Appropriateness or until work methods inappropriate for Historic Districts or Landmarks are rectified;
13. To review all applications for demolition permits within the corporate limits of the Town to determine impact to significant cultural resources, including those

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not yet nominated as Landmarks or as contributing properties within an Historic District;

14. To review applications for Certificate of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied.
15. To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of Landmarks or property and structures within Historic Districts;
16. To review the Zoning Ordinance and recommend to the Zoning Commission and the Board of Trustees any amendments appropriate for the protection and use of structures within Historic Districts or Landmarks;
17. To administer on behalf of the Town of Augusta any property of historical significance or full or partial interest in real property, including easements, that the Town of Augusta may have or accept as a gift or otherwise, upon approval by the Board of Trustees;
18. To accept and administer on behalf of the Town of Augusta, upon approval of the Board of Trustees such gifts, grants, and money as may be appropriate for the purposes of this ordinance;
19. To call upon available Town staff members as well as other experts for technical advice;
20. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time;
21. To testify before all boards and commissions, including the Zoning Commission, on any matter affecting historically, culturally and architecturally significant property, structures, sites and areas;
22. To make recommendation to the Board of Trustees concerning budgetary appropriations to further the general purposes of this ordinance;
23. To develop a preservation component in the Master Plan of the Town of Augusta and to recommend it to the Zoning Commission and to the Board of Trustees;
24. To periodically review the Augusta Zoning Ordinance and to recommend to the Zoning Commission and the Board of Trustees any amendments appropriate for the protection and continued use of Landmarks or property, sites and structures within Historic Districts; and
25. To undertake any other action or activity necessary or appropriate to the implementation of this ordinance.

Section III: Surveys and Research

The HPC shall undertake an ongoing survey and research effort in the Town of Augusta to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural or aesthetic importance, interest or value, and shall maintain an inventory of that information. Before the HPC shall on its own initiative nominate any Landmark or District for designation, it shall develop a plan and schedule for conducting a comprehensive survey of the Town of Augusta to identify significant resources. As

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part of the survey, the HPC shall review and evaluate any prior surveys and studies and compile appropriate descriptions, facts, and photographs. The HPC shall systematically identify potential Landmarks and Historic Districts and adopt procedures to nominate them based upon Criteria for Consideration of Nomination.

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

Section IV: Nomination of Landmarks and Historic Districts

A. General

Nominations shall be made to the HPC on a form prepared by it and may be submitted by a member of the HPC and owner of record of the nominated property or structure. Nominations, within seven (7) days of receipt, require a notification of intent to nominate to be given to the owner of record of the nominated property.

B. Criteria for Consideration of Nomination

The HPC shall, upon investigation, make a determination as to whether a nominated property, structure, site, area or district meets one or more of the following criteria, based on Criteria for Evaluation for the National Register of Historic Places:

1. Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;
2. Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
3. Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;
4. Its location as a site of a significant local, county, state, or national event;
5. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
6. Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
7. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
8. Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
9. Its embodiment of design elements that make it structurally or architecturally innovative;
10. Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or Town;

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11. Its character as a particularly fine or unique example of a utilitarian structure, including but not limited to farmhouses, gas stations, or other commercial structures, with a high level of integrity or architectural significance;
12. Its suitability for preservations or restoration; and
13. Its potential to yield information important to history and prehistory;

Any structure, property, or area that meets one or more of the above criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

C. Public Hearing on Landmarks and Historic Districts

Upon receipt of a completed nomination of a Landmark or Historic District, the HPC shall schedule a public hearing to solicit input and comment on the proposed nomination and guidelines for Certificates of Appropriateness.

D. Report and Recommendation of HPC

The HPC shall within forty-five (45) calendar days from receipt of a completed nomination adopt by resolution a recommendation that the nominated Landmark or Historic District does or does not meet the Criteria for Consideration of Nomination (Section IV Part B) in this ordinance. The resolution shall be accompanied by a report to the Zoning Commission containing 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 Consideration of Nomination (Section IV Part B);
2. Explanation of the integrity or lack of integrity of the nominated Landmark or Historic District;

In the case of a nominated Landmark found to meet the Criteria for Consideration of Nomination (Section IV Part B):

1. The significant exterior architectural features of the nominated Landmark that should be protected;
2. The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of this ordinance;
3. Archaeological significance and recommendations for interpretation and protection.

In the case of a nominated Historic District found to meet the Criteria for Consideration of Nomination (Section IV Part B):

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1. The types of significant exterior architectural features of the structures within the nominated Historic District that should be protected;
2. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of this ordinance;
3. The type and significance of historic and prehistoric archaeological sites within the nominated Historic District;
4. Proposals for design guidelines of HPC review of Certificates of Appropriateness within the nominated Landmark or Historic District;
5. The relationship of the nominated Landmark or Historic District to the ongoing effort of the HPC to identify and nominate all potential cultural resources that meet the Criteria for Consideration of Nomination (Section IV Part B);
6. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size and parking regulations necessary or appropriate to the preservation of the nominated Landmark or Historic District, including recommendations for buffer zones to protect and preserve visual integrity;
7. A map showing the location of the nominated Landmark and/or the boundaries of the nominated Historic District.

The recommendations and report of the HPC shall be sent to the Zoning Commission within seven (7) days following the vote on the resolution and shall be available to the public.

E. Notification of Nomination

The Zoning Commission shall schedule and hold a hearing on the nomination following receipt of a report and recommendation from the HPC that a nominated Landmark or Historic District does or does not meet the Criteria for Consideration of Nomination (Section IV Part B). Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be given to the owner(s) of record and to the nominators.

F. Public Hearing

Oral or written testimony concerning the significance of the nominated Landmark or Historic District shall be taken at the public hearing from any person. The HPC may present expert testimony or present its own evidence regarding the compliance of the nominated Landmark or Historic District with the Criteria for Consideration of Nomination (Section IV Part B). The owner of any nominated Landmark or of any property within a nominated Historic District shall be allowed reasonable opportunity to present evidence regarding significance and shall be afforded the right of representation by counsel and reasonable opportunity to cross-examine expert witnesses. The hearing shall be closed upon completion of testimony.

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G. Determination by Zoning Commission

Within sixty (60) calendar days following close of the public hearing the Zoning Commission shall make a determination upon the evidence whether the nominated Landmark or Historic District does or does not meet the Criteria for Consideration of Nomination (Section IV Part B). Such a determination shall be made upon a motion and vote of the Zoning Commission.

H. Notification of Determination

Notice of the determination of the Zoning Commission shall be given to the owner of record of a nominated Landmark and all property owners within a nominated Historic District and to the nominator.

I. Appeal

A determination by the Zoning Commission that the nominated Landmark or Historic District does not meet the Criteria for Consideration of Nomination (Section IV Part B) shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act provided, however, that the nominator or any owner of the nominated Landmark or of property within the nominated Historic District, may file an appeal to the Zoning Board of Adjustment.

J. Action by Board of Trustees

The Board of Trustees shall, within sixty (60) calendar days after receiving the recommendation that the nominated Landmark of Historic District be designated, either reject the recommendation by formal resolution or designate the Landmark or Historic District by an ordinance. Any resolution or ordinance shall be accompanied by a written statement explaining the reasons for the action of the Board of Trustees. The Town Clerk shall provide written notification of the action of the Board of Trustees to the nominator and the owner(s) of record of the nominated Landmark or of all property within a nominated Historic District. The notice shall include a copy of the designation ordinance or resolution passed by the Board of Trustees and shall be sent within seven (7) days of the Board of Trustees action. A copy of each designation ordinance shall be given to the HPC and Zoning Commission.

K. Interim Control

No building permit shall be issued by the Building Inspector for alteration, construction, demolition, or removal of a nominated Landmark or of any property or structure within a nominated Historic District from the date of the meeting of the HPC at which a nomination form is first presented until the final disposition of the nomination by the Board of Trustees unless such alteration, removal, or demolition is

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authorized by formal resolution of the Board of Trustees as necessary for public health, welfare, or safety. In no event shall the delay be for more than one hundred eighty (180) days.

L. Amendment and Rescission of Designation

Designation may be amended or rescinded upon petition to the HPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

Section V: Applications for Certificates of Appropriateness

A Certificate of Appropriateness shall be required before the following actions affecting the significance of any Landmark or any structure within a Historic District may be undertaken:

1. Any construction, alteration, or removal requiring a building permit from the Town of Augusta;
2. Any demolition in whole or in part requiring a demolition permit from the Town of Augusta;
3. Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the Landmark or Historic District;
4. Any construction, alteration or removal involving earth disturbing activities that might affect archaeological resources;
5. Any actions to correct a violation of minimum maintenance standard.

Applications for a Certificate of Appropriateness shall include accompanying plans and specifications affecting the significance of a designated Landmark or of a property within a designated Historic District; and applications for demolition permits shall include plans and specifications for the contemplated use of the property. Applications for building and demolition permits shall be forwarded to the HPC within seven (7) days following receipt of the application. A building or demolition permit shall not be issued until a Certificate of Appropriateness has been issued by the HPC. Any applicant may request a meeting with the HPC before the application is reviewed by the HPC or during the review of the application. Application for review of construction, alteration, demolition, or removal not requiring a building permit for which a Certificate of Appropriateness is required shall be made on a form prepared by the HPC. The HPC shall consider the completed application at its next regular meeting.

A. Warning Letter

Whenever the HPC has reason to believe that an action for which a Certificate of Appropriateness is required has been initiated, or is about to be initiated, or that a

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violation of the conditions of a permit has occurred, it shall request that the Building Inspector make every reasonable effort to contact the owners, occupants, contractor or subcontractor and inform them of proper procedures. If the HPC determines that a delay is necessary, it shall request the Building Inspector to send a copy of the Warning Letter by certified mail return receipt requested to the owners, occupant, contractors and subcontractors, and notify them of the process of applying for a Certificate of Appropriateness. A copy of the proper application form shall be included in the notice. If necessary, a second or subsequent Warning Letter may be issued for the same project.

Section VI: Approval by the Historic Preservation Commission

The HPC shall review the application for a building or demolition permit or for a Certificate of Appropriateness within forty-five (45) days of receipt of the application. Written notice of the approval or denial of the application for a Certificate of 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 an approval.

A Certificate of Appropriateness shall become void unless construction is commenced within six months of date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen months and are renewable. If the project is not completed according to the guidelines provided in the Certificate of Appropriateness, the project shall be deemed in violation of this ordinance.

A. Denial of a Certificate of Appropriateness

A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The HPC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HPC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the owner and the HPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the HPC.

Section VII: Review of Public Improvement and Land Acquisition Projects

Public improvement and land acquisition projects by the Town of Augusta or any of its departments or agencies shall be reviewed by the HPC in the following manner:

1. The HPC shall review and comment upon any public improvement project proposed by the Town of Augusta or any of its agencies or departments within any historic

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district, on the site of or within two hundred (200) feet of any Landmarks, or within two hundred (200) feet of any boundary of a Historic District. A completed preliminary design for a public improvement project shall be sent to the HPC simultaneously with its submission to the Board of Trustees for approval. The HPC shall have at least thirty (30) days to complete its review and report to the Board of Trustees, except when it is deemed necessary to accelerate the design review process, the Board of Trustees may specify a time less than thirty (30) days within which the HPC shall complete its review and report to the Board of Trustees.

2. The HPC shall review and comment upon any proposed acquisition of a Landmark or of land or buildings within a Historic District by the Town of Augusta or any of its agencies or departments. The Board of Trustees shall, at the earliest possible date that will not interfere with acquisition negotiations, send the HPC information concerning the location, size, purchase price, current use, and proposed use of the land or building to be acquired, and specify the date by which the HPC shall report to the Board of Trustees.
3. The HPC shall review the public improvement or land acquisition projects to determine its effect upon the historic or architectural character of the Landmark or Historic District and report to the Board of Trustees within any time specified by the Board of Trustees but not to exceed forty-five (45) days. The report by the HPC shall include any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic or architectural character of the Landmark or Historic District. The Board of Trustees shall take no final action on the preliminary design or land acquisition until it has received and reviewed the report of the HPC.

Section VIII: Standards for Review

In considering an application for a building or demolition permit or for a Certificate of Appropriateness, the HPC shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design guidelines in the ordinance designating the Landmark or Historic District. Applications, standards for review and design guidelines shall be available to the public.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding

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conjectural features or architectural elements from other buildings, shall not be undertaken.

4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be distributed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

Section IX: Design Guidelines

Design guidelines for applying the criteria for review of Certificates of Appropriateness shall, at a minimum, consider the following architectural criteria:

1. Height – The height of any proposed alteration or construction should be compatible with the style and character of the Landmark and with surrounding structures within a Historic District.
2. Proportions of Window and Doors – The proportions and relationships between doors and windows should be compatible with the architectural style and character of the Landmark and with surrounding structures within a Historic District.

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3. Relationship of Building Masses and Spaces – The set back and relationship of a structure within a Historic District to the open space between it and adjoining structures should be compatible.
4. Roof Shape – The design of the roof should be compatible with the architectural style and characteristics of the Landmark and with surrounding structures within a Historic District.
5. Landscaping – Landscaping should be compatible with the architectural character and appearance of the Landmark and of surrounding structures and landscapes in Historic Districts.
6. Scale – The scale of the structure after alteration, construction, or partial demolition should be compatible with its architectural style and character and with surrounding structures in a Historic District.
7. Directional Expression – Facades in Historic Districts should blend with other structures with regard to directional expression. Structures in a Historic District should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a Landmark after alteration, construction, or partial demolition should be compatible with its original architectural style and character.
8. Architectural Details – Architectural details including materials, colors, and textures should be treated so as to make a Landmark compatible with its original architectural style and character and to preserve and enhance the architectural style or character of a Landmark or Historic District.
9. Signage – The character of signs should be in keeping with the historic architectural character of a Landmark or Historic District. Character of a sign includes the number, size, area, scale, location, type, (e.g., off-site advertising signs and on-site business signs), letter size or style, and intensity and type of illumination.
10. Minimum Maintenance – Significant features should be kept in a condition of good repair and maintenance. All structural and mechanical systems should be maintained in a condition and state of repair that will prevent decay, deterioration or damage to significant features, or otherwise adversely affect the historic or architectural character of structures within a Historic District.

Section X: Certificate of Economic Hardship

Application for a certificate of economic hardship shall be made on a form prepared by the HPC only after a certificate of appropriateness has been denied. The HPC shall schedule a public hearing concerning the application and provide public notice and individual notice to the applicant, owners of record, and owners adjacent to the property

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and any person may testify at the hearing concerning economic hardship. All testimony, objections thereto and rulings at such public hearing shall be taken down by a reporter employed by the Town for that purpose, or, if electronic tape recording equipment is available, by such electronic means. The HPC may solicit expert testimony or require that the applicant make submissions concerning any or all of the following information before it makes a determination on the application.

1. An 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 HPC for changes necessary for the issuance of a certificate of appropriateness;
2. A report from a licensed engineer or architect 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, alterations, demolition or removal, after any changes recommended by the HPC, 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.

Section XI: Maintenance of Historic Properties

A. Ordinary Maintenance Exclusion

Nothing in the section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this ordinance.

B. Definition of Ordinary Maintenance

Any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure or any part thereof and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration, decay or damage.

C. Minimum Maintenance Requirement

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All Landmarks or Historic Districts designated by Town ordinance shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:

1. The deterioration of exterior walls or other vertical supports;
2. The deterioration of roofs or other horizontal members;
3. The deterioration of external chimneys;
4. The deterioration or crumbling of plasters or mortar;
5. The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
6. The peeling of paint, rotting, holes, and other forms of decay;
7. The lack of maintenance of surrounding environment, e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping;
8. The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified by the Building Inspector. The notice shall specify each item in the property or Landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall have thirty (30) days from the receipt of notice to comply with the minimum maintenance requirements. The HPC, for good cause shown, may extend the thirty (30) day period. If after the original thirty (30) day period or any extension granted the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property may be in violation of this section and punished in accordance with this ordinance.

Section XII: Review of Applications for Zoning Amendments, Special Use Permits and Variances

Applications for zoning amendments, special use permits, or variances for a Landmark or structures within a Historic District shall be referred to the HPC by the Zoning Commission. The HPC may review these applications using any format, which it deems appropriate provided, however, that the applicant shall be notified of the time and place of such review and shall be given the opportunity to appear and be heard. Within fifteen

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(15) days after receipt of said application, the HPC shall forward its comments to the Zoning Commission for their consideration in reviewing the application.

Section XIII: Appeals

If the HPC denies an application for a Certificate of Appropriateness, the HPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within six (6) months, the applicant may file an appeal with the Zoning Board of Appeals. In acting upon the appeal a variance from the strict interpretation of this ordinance may be granted when such will not materially affect the health or safety of the applicant and general public.

Section XIV: Public Safety Exclusion

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Building Inspector, and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity, or by an Act of God or by the public enemy, to such an extent that in the opinion of the aforesaid department or departments it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

Section XV: Fees and Penalties

The Board of Trustees shall establish an appropriate system of processing fees for the review of nominations and Certificates of Appropriateness.

It shall be unlawful for any person to undertake or cause an alteration, construction, demolition or removal of any nominated or designated Landmark or structure within a nominated or designated Historic District without a Certificate of Appropriateness.

It shall be unlawful to not maintain designated Landmarks or structures within designated Historic Districts within the minimum maintenance requirements of this ordinance.

Any person convicted of violating the provisions of this ordinance shall be punished by a fine no greater than Five Hundred Dollars (\$500.00) or confinement in the town jail for a period not to exceed sixty (60) days, or both fine and confinement. Each day each violation shall continue to exist shall constitute a separate violation.

SECTION XVI: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION XVII: This ordinance shall be in full force and effect from and after its passage and approval.

Passed: 7/19/04
ATTEST: William [Signature] Clerk
Thomas E. Deahl
Chairman of the Board of Trustees
Town of Augusta, Missouri

Approved: _____
ATTEST: William [Signature] Clerk
Thomas E. Deahl
Chairman of the Board of Trustees
Town of Augusta, Missouri

SUMMARY

Historic Preservation

- First house to be certified for the National Historic Register was the Staudinger House (Cafe Bella) in 1992
- The Town of Augusta appropriated \$10,000 to Missouri Preservation specialist Mary Stirtz to survey the town of Augusta for preservation purposes.
- May 1994, State approval was voted by the Advisory Council on Historic Preservation, Missouri Department of Natural Resources at its May meeting in Poplar Bluff, for 3 historic districts in Augusta (ANN, July 1994). August approval is expected for 7 individual Augusta properties.
- In September 1994 the state approvals for certification of Augusta properties were forwarded by the Mo. National Historic Register office to the national office for 3 districts, 8 structures. (ANN, September 94)
- Nov. 1999, Bill proposed that owners of structures on the Historical Register would be asked to **consult** with an advisory committee before undertaking alterations. The committee of informed specialists would explain the standards by which the National Historic Register accepted the structure and how those could be maintained during alterations (ANN Jan 2000)
- Mar 2000, Second reading of Bill 000-1, Historic Structure Ordinance
- Apr 2000, Historic Structure Ordinance (00-2) passed (ANN May 2000)
- July 2004 - Ordinance 02-04 replaces 00-2