

outline is defined and used in this document

TITLE IV. LAND USE

CHAPTER 400: CITY PLANNING AND ZONING

COMMISSION

SECTION 400.010: ZONING COMMISSION—CREATION

There is hereby created in the City of Pasadena Hills a Zoning Commission. (R.O. 2009 §400.010; Ord. No. 69 §1, 10-9-53)

**SECTION 400.020: PLANNING AND ZONING
COMMISSION—MEMBERSHIP—TERMS—
VACANCY—REMOVAL**

The Planning and Zoning Commission of the City shall consist of seven (7) members, including the Mayor, a member of the Board of Aldermen selected by the Board, the City Engineer or similar City Official and four (4) citizens appointed by the Mayor and approved by the Board of Aldermen. All citizen members of the Commission shall serve without compensation. The term of each of the citizen members shall be for four (4) years, except that the terms of the citizen members first (1st) appointed shall be for varying periods so that succeeding terms will be staggered. Any vacancy in a membership shall be filled for the unexpired term by appointment as aforesaid. The Board of Aldermen may remove any citizen member for cause stated in writing and after public hearing. (R.O. 2009 §400.020)

**SECTION 400.030: PLANNING AND ZONING
COMMISSION—OFFICERS, RULES AND
RECORDS**

The Planning and Zoning Commission shall elect its Chairman and Secretary from among the citizen members. The term of Chairman and Secretary shall be for one (1) year with eligibility for re-election. The Planning and Zoning Commission shall hold regular meetings and special meetings as they provide for by rule and shall adopt rules for the transaction of business and keep a record of its proceedings. These records shall be public records. The Planning and Zoning Commission shall appoint the employees and staff necessary for its work and may contract with City planners and other professional persons for the services that it requires. The expenditures of the Planning and Zoning Commission, exclusive of grants and gifts, shall be within the amounts appropriated for the purpose by the Board of Aldermen. (R.O. 2009 §400.030)

[The next page is 591]

CHAPTER 405: ZONING REGULATIONS

ARTICLE I. GENERAL PROVISIONS

SECTION 405.010: DEFINITIONS

For the purposes of this Chapter, certain terms and words are herewith defined as follows: Words used in the present tense include the future; words in the singular number include the plural and words in the plural number include the singular; the word "*building*" includes the word "*structure*", and the word "*shall*" is mandatory and not directory.

ACCESSORY BUILDING: A subordinate building or portion of the main building, the use of which is incidental to that of the main building.

BASEMENT: A story partly underground and having at least one-half (1/2) of its height above the average level of the adjoining ground. A basement shall be counted as a story for the purpose of height measurement if subdivided and used for dwelling or business purposes.

BOARDING HOUSE: A dwelling or a building where, for compensation pursuant to previous arrangement, meals or lodging and meals are provided for one (1) or more persons.

BUILDING: Any structure designed or intended for the support, enclosure, shelter or protection of persons, animals, chattels or property.

BUILDING, HEIGHT OF: The vertical distance measured from the average elevation of the finished grade adjoining the building to the highest point of a roof surface, if a flat roof; to the deck line of masoned roofs; and to the mean height level between eaves and ridge for gable, hip and gambrel roofs.

CELLAR: A story having more than one-half (1/2) of its height below the average level of the adjoining ground. A cellar shall not be counted as a story for purposes of height measurements.

DISTRICT: One (1) or more sections of the City of Pasadena Hills for which the regulations governing the height, area and use of the buildings and premises are the same.

DWELLING: Any building or portion thereof which is designed for and used exclusively for residential purposes.

DWELLING, MULTIPLE-FAMILY: A building having accommodations for and occupied exclusively by more than (2) families.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one (1) family.

DWELLING, TWO-FAMILY: A building having accommodations for and occupied exclusively by two (2) families.

FAMILY: One (1) or more persons related by blood or marriage occupying a premises and living as a single non-profit housekeeping unit.

FRONT YARD: A yard extending across the front of the lot between the inner side yard lines and measured between:

1. The front line of the lot and front lines of the building, and
2. The front line of the lot and the nearest line of any porch or paved terrace.

FRONTAGE: All the property abutting on one (1) side of a street or place between two (2) intersecting streets or places (crossing or terminating) measured along the line of the street or place or, if the street or place be dead-end street, then all the property abutting on one (1) side between an intersecting street or place and the dead end of the street or place.

GARAGE, PRIVATE: Any accessory building housing automobiles which are the property of and for the private use of the occupants of the lot on which the private garage is located.

GARAGE, PUBLIC: Any premises, except those described as a private garage, used for the storage or care of automobiles.

GROUP HOME FOR FOSTER CARE: Any private residence licensed by the Division of Family Services or Department of Mental Health to provide foster care to one (1) or more but less than seven (7) children who are unrelated to either foster parent by blood, marriage or adoption; subject to occupancy limitations for the particular dwelling.

GROUP HOME FOR MENTALLY OR PHYSICALLY HANDICAPPED: Any home in which eight (8) or fewer mentally or physically handicapped persons reside and may include two (2) additional persons acting as houseparents or guardians who need not be related to each other or to any of the mentally or physically handicapped persons residing in the home; subject to occupancy limitations for the particular dwelling.

LODGING OR ROOMING HOUSE: A dwelling or a building where lodging is provided by prearrangement for a definite period, for compensation, for one (1) or more persons.

LOT: Land occupied or to be occupied by a building and its accessory buildings together with such open spaces as are required under this Chapter.

LOT LINES: The line bounding a lot as defined herein.

NON-CONFORMING BUILDINGS: A building that does not conform to the regulations of the district in which it is situated.

NON-CONFORMING USE: A building or land occupied by a use that does not conform to the regulation of the use district in which it is situated.

PARKING SPACE: A surfaced area enclosed in the main building or in an accessory building or unenclosed, sufficient in size to store one (1) standard automobile, exclusive of the driveway connecting the parking space with a street.

PLACE: An open unoccupied space other than a street or alley permanently reserved as the principal means of access to abutting property.

REAR YARD: A yard extending across the full width of the lot and measured between the rear line of the lot and the rear of the building or any attached porch or deck.

SIDE YARD: A yard between the building and the side line of the lot and extending from the street line to the rear yard.

STORY: That portion of a building included between the surface of any floor and the surface of the floor next above it or, if there be no floor above it, then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two (2) opposite exterior walls are not more than two (2) feet above the floor of such story.

STREET: A public or private roadway which affords the principal means of access to abutting property.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

STRUCTURE: Anything constructed or erected, the use of which requires more or less permanent location on the ground or attachment to something having a permanent location on the ground and includes the word building.

YARD: An open space on the same lot with a building unoccupied and unobstructed from the ground upward except for the ordinary projection of eaves, buttresses, chimneys and ornamental features or as otherwise provided herein. (R.O. 2009 §405.010; Ord. No. 73 §1, 6-1-54; Ord. No. 478 §1, 2-13-96)

SECTION 405.020:

DESIGNATION OF DISTRICTS

In order to regulate and restrict the location and the use of buildings, dwellings, structures and the land for residential, schools or other purposes, to regulate and restrict the height, number of stories, size of buildings and other structures, the size of yards and other open spaces, and the density of population, the City of Pasadena Hills is hereby divided into three (3) districts which shall be known as:

1. "A" Single-Family Residence District.
2. "B" Two-Family and Multiple-Family Residence District.
3. "C" Neighborhood Shopping District. (R.O. 2009 §405.020; Ord. No. 73 §2, 6-1-54)

SECTION 405.030:

DISTRICT MAP

The City of Pasadena Hills is hereby divided into three (3) districts aforesaid and the boundaries of
[The next page is 591]

such districts are shown upon the map which is on file in the City offices and made a part of this Chapter, being designated as the "District Map" and said map and all the notations, references and other information shown thereon shall be as much a part of this Chapter as if the matters and information set forth by said map were all fully described herein. (R.O. 2009 §405.030; Ord. No. 73 §2, 6-1-54)

SECTION 405.040: ANNEXED TERRITORY

All territory hereafter annexed to the City of Pasadena Hills shall be in the "A" District until changed by ordinance. (R.O. 2009 §405.040; Ord. No. 73 §2, 6-1-54)

SECTION 405.050: COMPLIANCE WITH THE REGULATIONS

Except as hereinafter provided:

1. No building shall be erected, converted, enlarged, reconstructed or structurally altered nor shall any building or premises be used for any purpose other than is permitted in the district in which such building or premises is located.
2. No building shall be erected, converted, enlarged, reconstructed or structurally altered to exceed the height limit herein established for the district in which such building is located.
3. No lot area shall be so reduced or diminished that the yard or open spaces shall be smaller than prescribed by this Chapter, nor shall the density of population be increased in any manner except in conformity with the area regulations hereby established for the district in which such building is located.
4. No building shall hereafter be erected, converted, enlarged, reconstructed or structurally altered unless located on a lot as herein defined and in no case shall there be more than one (1) main building on one (1) lot except as hereinafter specified. (R.O. 2009 §405.050; Ord. No. 73 §2, 6-1-54)

ARTICLE II. DISTRICT REGULATIONS

SECTION 405.060: "A" SINGLE-FAMILY RESIDENCE DISTRICT

A. *Use Regulations.* In the "A" Single-Family Residence District, no building or land shall be used and no building shall be hereafter erected, converted or structurally altered unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Single-family dwellings.
2. Group homes for foster care and group homes for mentally or physically handicapped. No group home shall be located within two thousand five hundred (2,500) feet of another group home. The exterior appearance of the home and property shall be in reasonable conformance

with the general neighborhood standards. Group homes shall be eleemosynary or not-for-profit in nature.

3. Parks, playgrounds and City owned or operated facilities approved by the Board of Aldermen, dedicated to the use of the residents of the City of Pasadena Hills.
4. Public schools having no rooms regularly used for housing or sleeping purposes.
5. Accessory buildings and uses customarily incident to the above uses and not involving the conduct of a business.

B. *Height And Area Regulations.* In the "A" Single-Family Residence District, the height of buildings, minimum dimensions of yards and the minimum lot area per family shall be as follows:

1. *Height.* No building hereafter erected, converted, enlarged, reconstructed or structurally altered shall exceed two and one-half (2½) stories with a maximum height of forty (40) feet nor shall a building be less than one and one-half (1½) stories; provided however, that the height of a school may be increased to three (3) stories with a maximum height of forty-five (45) feet if the building is located at least seventy-five (75) feet from any lot line.
2. *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet, except that where forty percent (40%) or more of the houses built on the same block on any street are developed with buildings that have a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing buildings. Provided further, where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided however, that the buildable width of such a lot need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet.
3. *Side yard.* There shall be a side yard on each side of a building having a width of not less than five (5) feet.
4. *Rear yard.* There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot provided such rear yard need not exceed thirty-five (35) feet, but it shall not be less than twenty-five (25) feet.
5. *Lot area.* In the "A" Single-Family Residence District, every single-family dwelling shall provide a lot area of not less than five thousand (5,000) square feet and an average width of not less than fifty (50) feet.

C. *Off-Street Parking.* There shall be sufficient parking spaces provided to accommodate all vehicles owned by or under the control of those living in the dwelling unit upon the lot occupied by the dwelling unit, but not less than one (1) parking space for each dwelling unit. (R.O. 2009 §405.060; Ord. No. 73 §3, 6-1-54; Ord. No. 127 §1, 1-13-69; Ord. No. 502 §1, 4-8-97)

SECTION 405.070:

**"B" TWO-FAMILY AND MULTIPLE-FAMILY
RESIDENCE DISTRICT**

A. *Use Regulations.* In the "B" Two-Family and Multiple-Family Residence District, no building or

[The next page is 591]

land shall be used and no building shall be hereafter erected, converted, enlarged, reconstructed or structurally altered unless otherwise provided in this Chapter, except for one (1) or more of the following uses:

1. Any use permitted in the "A" Single-Family District.
2. Two-family dwellings.
3. Multiple-family dwelling, but not including rooming or boarding houses.
4. Accessory buildings and uses customarily incident to the above uses and not involving the conduct of a business.

B. *Height And Area Regulations.* In the "B" Two-Family and Multiple-Family Residence District, the height of buildings, minimum dimensions of yards and the minimum lot area per family shall be as follows:

1. *Height.* No building hereafter erected, converted, enlarged, reconstructed or structurally altered shall exceed two and one-half (2½) stories with a maximum height of forty (40) feet nor shall a building be less than one and one-half (1½) stories high.
2. *Front yard.* There shall be a front yard having a depth of not less than twenty-five (25) feet, except that where forty percent (40%) or more of the houses built on the same block on any street are developed with buildings that have a front yard greater in depth than herein required, new buildings shall not be erected closer to the street than the front yard so established by the existing building. Provided further, where a lot is located at the intersection of two (2) or more streets, there shall be a front yard on each street side of a corner lot; provided however, that the buildable width of such a lot need not be reduced to less than thirty-five (35) feet, except where necessary to provide a yard along the side street with a depth of not less than five (5) feet.
3. *Side yard.* There shall be a side yard on each side of a building having a width of not less than five (5) feet.
4. *Rear yard.* There shall be a rear yard having a depth of not less than twenty percent (20%) of the lot provided such rear yard need not exceed thirty-five (35) feet, but it shall not be less than twenty-five (25) feet.
5. *Lot area.* In the "B" Two-Family and Multiple-Family Residence District, all dwellings hereafter erected, enlarged, converted or reconstructed or structurally altered shall be located upon lots containing the following areas:
 - a. A lot on which there is erected a single-family dwelling shall contain an area of not less than five thousand (5,000) square feet per family and an average width of not less than fifty (50) feet.
 - b. A lot on which there is erected a two-family dwelling shall contain an area of not less than two thousand (2,000) square feet per family and an average width of not less than fifty (50) feet.

- c. A lot on which there is erected a multiple-family dwelling shall contain an area of not less than two thousand (2,000) square feet per family and an average width of not less than fifty (50) feet.
- C. *Off-Street Parking.* There shall be sufficient parking spaces provided to accommodate all vehicles owned by or under the control of those living in the dwelling units upon the lot occupied by the dwelling unit, but not less than one (1) parking space for each dwelling unit. (R.O. 2009 §405.070; Ord. No. 73 §4, 6-1-54; Ord. No. 127 §1, 1-13-69)

SECTION 405.080:

"C" NEIGHBORHOOD SHOPPING DISTRICT

- A. *Use Regulations.* In the "C" Neighborhood Shopping District, no building or land shall be used and no building shall be hereafter erected, converted, enlarged, reconstructed or structurally altered unless provided in this Chapter, except for one (1) of the following uses:
- 1. Parks and City owned or operated facilities approved by the Board of Aldermen, dedicated to the use of the residents of the City of Pasadena Hills.
 - 2. Restaurant with inside table service only, where authorized by a special use permit as required in Section 405.085.
 - 3. Offices.
 - 4. Stores or shops for the conduct of any retail business or personal service where only new merchandise and goods are sold at retail directly to the ultimate consumer, with inside service only, where authorized by a special use permit as required in Section 405.085.

Not more than one (1) use shall be permitted in each building.

- B. *Height And Area Regulations.* In the "C" Neighborhood Shopping District, the height of buildings, the minimum dimensions of yards and the minimum lot area per family shall be as follows:
- 1. *Height.* No building hereafter erected, converted, enlarged, reconstructed or structurally altered shall exceed two and one-half (2½) stories or thirty-five (35) feet in height, nor less than one and one-half (1½) stories high.
 - 2. *Front yard.* There shall be a front yard of ten (10) feet.
 - 3. *Side yard.* The side yard requirements for dwellings are the same as those for the "B" Two-Family and Multiple-Family Residence District. Where a lot is used for any of the commercial purposes permitted in this Section, a side yard is not required.
 - 4. *Rear yard.* The rear yard requirements for dwellings are the same as those in the "B" Two-Family and Multiple-Family Residence District. In all other cases there shall be a rear yard having a depth of not less than twenty (20) feet.
 - 5. *Lot area.* When a lot is improved with a single-family, two-family, multiple-family dwelling, the lot area per family is the same as those required in the "B" Two-Family and Multiple-Family Residence District.

[The next page is 591]

[The next page is 591]

C. *Off-Street Parking.* Parking space shall be provided as follows:

Where any structure is erected, constructed, converted or reconstructed for any of the business purposes permitted in this Section, parking space shall be provided on the same lot as the building in the ratio of not less than one (1) parking space for each two hundred (200) square feet of floor space in the building which is used for commercial purposes. (R.O. 2009 §405.080; Ord. No. 73 §5, 6-1-54; Ord. No. 605 §§1–2, 11-14-00)

SECTION 405.085:**SPECIAL USE PERMITS**

A. *Generally.* The Board of Aldermen may, by special use permit after public hearing, authorize under such conditions as it may determine the location of any of the following buildings or uses or an increase in their height in a district from which they are prohibited or limited by this Article:

1. Restaurant with inside table service only;
2. Stores or shops for the conduct of any retail business or personal service where only new merchandise and goods are sold at retail directly to the ultimate consumer, with inside service only.

B. *Procedures.*

1. Before issuance of any special use permit for any buildings or uses, the Board of Aldermen shall refer the proposed application to the Planning and Zoning Commission, which Commission shall be given forty-five (45) days in which to make a report regarding the effect of such proposed building or use upon the character of the neighborhood, traffic conditions, public utility facilities and other matters pertaining to the general welfare. No action shall be taken upon any application for a proposed building or use above referred to until and unless the report of the Planning and Zoning Commission has been filed. Provided however, that if no report is received from the Planning and Zoning Commission within forty-five (45) days, it shall be assumed that approval of the application has been given by said Commission.
2. If the Board of Aldermen finds and determines that issuance of a special permit for the proposed use will not:
 - a. Have an adverse impact on the character of nearby neighborhoods;
 - b. Cause service levels and traffic movements on nearby streets to deteriorate;
 - c. Present a burden on public utilities or emergency services;
 - d. Cause noise, light or odors that interfere with the peaceful use and enjoyment of nearby properties; or
 - e. In any other reasonably foreseeable manner adversely impact existing or permitted uses of public facilities or private property in the community,

the Board may issue a special use permit for the proposed activity and may also condition the

issuance and continuation of the permit upon such reasonable conditions pertaining to the

[The next page is 591]

operation of the activity and location, appearance and/or landscaping of structures and the property upon which the permitted activity is to take place as may be appropriate. The applicant shall have the burden of proof that the proposed activity and the use and design of the property and structures will satisfy all criteria listed above. (R.O. 2009 §405.085; Ord. No. 605 §3, 11-14-00)

ARTICLE III. SIGN REGULATIONS

SECTION 405.090: PERMITTED SIGNS IN ALL DISTRICTS

A. In all districts, the following classes of signs are permitted in accordance with the regulations set forth in this Section.

B. *Non-Flashing, Non-Illuminating Accessory Business Signs.*

1. *Name plates and identification signs.*

- a. For single- and two-family dwellings, there shall be not more than one (1) name plate, not exceeding one (1) square foot in area, for each dwelling unit indicating the name or address of the occupant or a permitted occupation.
- b. For multiple-family dwellings and for buildings other than dwellings, a single identification sign, not exceeding ten (10) square feet in area and indicating only the name and address of the building and the name of the management thereof, may be displayed.
- c. No sign shall project higher than one (1) story or twenty (20) feet above curb level, whichever is lower.
- d. In the "C" Neighborhood Shopping District, bulletin boards and signs not exceeding ten (10) square feet in area, appertaining to the lease, hire and sale of a building or premises or to advertisement of the business or any product sold on the premises are permitted; provided however, that any such advertising sign shall be attached to the front of the building and shall not project beyond the building for a distance of more than twelve (12) inches; and further provided that only non-flashing, non-illuminated signs shall be permitted; however, spotlighted signs approved by the Board of Aldermen shall be permitted.

2. *Realty information signs.* All realty information signs shall be limited to "For Sale", "For Rent" or "For Lease" signs, and they shall conform to the following specifications and limitations.

- a. Not more than one (1) realty information sign for each street frontage may be placed on any zoning lot.
- b. Only the following information may be displayed on any information sign:
 - (1) Whether the property is "For Sale", "For Rent" or "For Lease".

- (2) Name, address and telephone number of agent or owner.
 - (3) Information concerning appointments required for inspection.
 - (4) No "Sold" or "Open" or similar signs whatsoever should be displayed upon any premises zoned for residential use.
- c. No realty information sign may be placed on or project on any public right-of-way.
 - d. No realty signs provided for in any residential zoning districts may exceed five (5) square feet in outline area and the top of any freestanding sign may not project higher than three (3) feet above the adjacent ground elevation. In the multiple-family dwelling zone ("B"), the realty information signs on premises used for multiple-family dwellings may not exceed ten (10) square feet in outline area. Such signs may be either freestanding or attached to an apartment identification sign permitted under this Section.
 - e. The City administrative forces shall notify any realty company or any person or persons, whose names appear on any sign located upon any premises zoned for residential use which sign is in violation of this Section, that the sign does not conform to this Section, and twenty-four (24) hours thereafter the City administrative or Police forces shall confiscate such non-conforming sign and remove it to the City Hall, where it shall remain for a period of thirty (30) days, and if not claimed by the person or company whose name appears thereon, such sign shall be destroyed. The notice provided for in this Subparagraph may be by certified mail to the owner of the premises where said non-conforming sign appears or the real estate agent or company whose name appears on the sign or by posting a notice that such sign does not conform to this Section at a conspicuous place on the zoning lot where the sign is located.
3. *Signs accessory to parking areas.*
 - a. Signs designating entrances or exits to or from a parking area and limited to one (1) sign for each exit or entrance and to a maximum size of three (3) square feet each shall be permitted. One (1) sign per parking area designating the conditions of use or identity of such parking area and limited to a maximum size of eight (8) feet shall be permitted; provided that on a corner lot, two (2) such signs, one (1) facing each street, shall be permitted.
 - b. No sign shall project higher than seven (7) feet above curb level.
- C. *Non-Flashing, Accessory Business Signs.*
 1. *Church bulletins.*
 - a. There shall be not more than one (1) sign per lot except that on a corner lot, two (2) signs, one (1) facing each street, shall be permitted. No sign shall exceed eighteen (18) square feet in area and not closer than eight (8) feet to any other zoning lot.
 - b. No sign shall project beyond the property line into the public way.

- c. No sign shall project higher than one (1) story or twenty (20) feet above the curb level, whichever is lower. (R.O. 2009 §405.090; Ord. No. 127 §2, 1-13-69; Ord. No. 605 §§4-5, 11-14-00)

ARTICLE IV. NON-CONFORMING USES AND BUILDINGS

SECTION 405.100: NON-CONFORMING USES

- A. Any buildings that were lawfully constructed prior to June 1, 1954, may continue to be used, even though such building does not conform to the provisions of this Chapter, but may not be expanded or altered other than in conformity with the provisions of this Chapter.
- B. The lawful use of the land existing prior to June 1, 1954, may be continued, although such use does not conform to the provisions of this Chapter; unless such use shall be discontinued for a period of six (6) months or more, in which case the property may only be used thereafter in conformity with this Chapter.
- C. Nothing in this Chapter shall prevent the restoration of a building destroyed to the extent of not more than seventy-five percent (75%) of its reasonable value by fire, explosion or other casualty or act of God or the public enemy, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction. (R.O. 2009 §405.100; Ord. No. 73 §6, 6-1-54)

ARTICLE V. BOARD OF ADJUSTMENT

SECTION 405.110: ESTABLISHMENT OF BOARD—COMPOSITION

- A. Board of Adjustment is hereby established. The word "*Board*", when used in this Article, shall be construed to mean the Board of Adjustment. The Board shall consist of five (5) residents appointed by the Mayor and approved by the Board of Aldermen. The term of office of the members of the Board of Adjustment shall be for five (5) years, excepting that the five (5) members first (1st) appointed shall serve respectively for terms of one (1) year; two (2) years; three (3) years; four (4) years; and five (5) years each. Vacancies shall be filled for the unexpired term only. Members shall be removable for cause by the Mayor and the Board of Aldermen upon written charges and after public hearing.
- B. The Board shall elect its own Chairman and Vice Chairman who shall serve for one (1) year. The Board shall adopt from time to time such rules and regulations as it may deem necessary to carry into effect the provisions of this Chapter.
- C. *Alternate Members.* Three (3) alternate members may be appointed by the Mayor and approved by the Board of Aldermen to serve in the absence or disqualification of the regular members. The terms of office of the alternate members shall be five (5) years, except that the three (3) alternate members first (1st) appointed shall serve respectively for terms of one (1) year, three (3) years and five (5) years. Vacancies shall be filled for the unexpired term only. Alternate members shall be

removable for cause by the Mayor and the Board of Aldermen upon written charges and after public

[The next page is 591]

hearing. Alternate members shall be called upon to serve in the absence or disqualification of the regular members on a rotation basis. (R.O. 2009 §405.110; Ord. No. 73 §8, 6-1-54; Ord. No. 543 §1, 6-9-98)

SECTION 405.120:**MEETINGS**

Meetings of the Board shall be held at the call of the Chairman and at such other times as the Board may determine. Such Chairman, or in his/her absence the Acting Chairman, may administer oaths and compel the attendance of witnesses. All meetings of the Board shall be open to the public. The Board shall keep minutes of its proceedings, showing the vote of each member upon each question or if absent or failing to vote, indicating such fact and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board and shall be a public record. All testimony, objections thereto and rulings thereon shall be taken down by a reporter employed by the Board for this purpose. (R.O. 2009 §405.120; Ord. No. 73 §8, 6-1-54)

SECTION 405.130:**APPEALS****A. *Appeals of Administrative Decisions.***

1. Appeals to the Board of Adjustment may be taken by any aggrieved person, by any neighborhood organization as defined in Section 32.105, RSMo., representing such person, or by any officer, department, board or bureau of the City affected by any decision of the administrative officer.
2. An appeal shall be taken within ten (10) days of the date that the decision appealed from was made by filing with the officer from whom the appeal is taken and with the City Clerk a notice of appeal specifying the grounds thereof. Such appeal shall be in writing on forms provided by the City; no appeal shall be accepted unless it is accompanied by the appropriate filing fee and a fee covering the cost of publication of the notice of public hearing.
3. The officer from whom the appeal is taken shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the officer from whom the appeal is taken certifies to the Board of Adjustment after the notice of appeal shall have been filed with him/her that by reason of facts stated in the certificate a stay would, in his/her opinion, cause immediate peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Board of Adjustment or by a court of record on application or notice to the officer from whom the appeal is taken and on due cause shown.
4. In acting upon such appeals, the Board may reverse or affirm wholly or partly, or may modify the order, requirement, decision or determination appealed from and may make such order, requirement, decision or determination as ought to be made and to that end shall have all of the powers of the officer from whom the appeal is taken.

B. *Variances.* A written application for variance, on forms provided by the Board of Adjustment, and the appropriate filing fee and publication fee are required for requesting a variance from the Board

of Adjustment. In addition, each applicant shall submit the following information or documentation at the same time as the application is submitted:

1. The applicant shall submit a statement, in writing, justifying the variance required; indicating specifically the enforcement provisions of the Zoning Regulations from which the variance is requested, and outlining in detail the manner in which it is believed that this application will meet the requirements for a variance.
 2. The applicant shall submit a sketch, in duplicate, drawn to scale and showing the lot or lots included in the application; the structures existing thereon; and the structures contemplated necessitating the variance requested. All appropriate dimensions and any other information which would be helpful to the Board of Adjustment in consideration of the application shall be included.
 3. Any other information or documentation requested by the Board of Adjustment.
- C. *Generally.* The Board of Adjustment shall fix a reasonable time for the hearing of the appeal, give public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any party may appear in person or by agent or by attorney. (R.O. 2009 §405.130; Ord. No. 73 §8, 6-1-54; Ord. No. 885 §1, 6-14-10)

SECTION 405.140:

JURISDICTION

- A. The Board shall have the following powers and it shall be its duty:
1. To hear and decide appeals where it is alleged there is an error in any order, requirement, decision or determination made by an administrative official in the enforcement of this Chapter.
 2. To hear and decide all matters referred to it or upon which it is required to pass under such ordinance.
 3. Where there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of this Chapter, to vary or modify the application of any of the regulations or provisions of this Chapter so that the spirit of the ordinance shall be observed, public safety and welfare secured and substantial justice done.
 4. A request for variance may be granted, upon a finding by the Board of Adjustment that all of the following conditions have been met. The Board of Adjustment shall make a determination on each condition, and the finding shall be entered in the record.
 - a. The variance requested arises from such condition which is unique to the property in question and which is not ordinarily found in the same zone or district; and is not created by an action or actions of the property owner or applicant.
 - b. The variance requested is not based in any way on the financial considerations of the applicant.
 - c. The variance is necessary because the enforcement of the requirements of this Chapter will

A. *In General.* No vacant land shall be occupied or used, except for lawn, and no buildings and/or

[The next page is 591]

accessory buildings hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Commissioner.

- B. *Certificate Of Occupancy For A Building.* Application, processing and issuance of an occupancy certificate for any building shall be in accord with the provisions of Section 510.185 of this Code of Ordinances.
- C. *Certificate Of Occupancy For Land.*
1. Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided shall be applied for before any such land shall be occupied or used. A certificate of occupancy shall be issued within seven (7) days after the application has been made, provided such use is in conformity with the provisions of these regulations.
 2. Certificate of occupancy shall state that the proposed use of the land complies with all of the health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the City Clerk and copies shall be furnished, on request, to any person having a proprietary or tenancy interest in the land affected. No fee shall be charged for a certificate of occupancy of land. (R.O. 2009 §405.160; Ord. No. 73 §9, 6-1-54; Ord. No. 488 §1, 8-28-96)

SECTION 405.170:**PLATS**

All applications for a certificate of occupancy shall be accompanied by a drawing or plat, in duplicate, showing the lot plan, the location of the building on the lot, accurate dimensions of buildings and lot, architectural plans and specifications, and such other information as may be necessary to provide for the enforcement of these regulations. Plans and specifications shall bear the name and seal of a registered professional architect or engineer in good standing registered under the laws of the State of Missouri. In the case of property not platted of record, all drawings or plats shall be based upon a survey executed and the original copy of such applications and plats shall be kept in the office of the Building Commissioner. (R.O. 2009 §405.170; Ord. No. 73 §10, 6-1-54)

SECTION 405.180:**INTERPRETATION, PURPOSE AND CONFLICT**

In interpreting and applying the provisions of this Chapter, they shall be held to be the minimum requirements for the promotion of the public safety, health, convenience, comfort, prosperity or general welfare. It is not intended by this Chapter to interfere with or abrogate or annul any easements, covenants or other agreements between parties, provided however, that where this Chapter imposes a greater restriction upon the use of buildings and/or premises or upon height of buildings or requires larger open spaces than are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements between parties, the provisions of this Chapter shall govern. (R.O. 2009 §405.180; Ord. No. 73 §11, 6-1-54)

SECTION 405.190:**CHANGES AND AMENDMENTS**

The Board of Aldermen may from time to time, on its own motion or on petition, after at least fifteen (15) days' public notice and hearings as provided by law, amend, supplement or change,

[The next page is 591]

modify or repeal the boundaries or regulations herein or subsequently established after submitting same to the Zoning Commission for its recommendations and report. In case, however, of a protest against such changes duly signed and acknowledged by the owners of thirty percent (30%) or more, either of the area of the land (exclusive of streets and alleys) included in such proposed change or within an area determined by lines drawn parallel to and one hundred eighty-five (185) feet distant from the boundaries of the district proposed to be changed, such amendment shall not become effective except by the favorable vote of two-thirds ($\frac{2}{3}$) of all the members of the Board of Aldermen. (R.O. 2009 §405.190; Ord. No. 73 §12, 6-1-54)

ARTICLE VII. ENFORCEMENT

SECTION 405.200: ENFORCEMENT

It shall be the duty of the Building Commissioner to enforce this Chapter. Appeal from the decision of the Building Commissioner may be made to the Board of Adjustment as provided in Article V. (R.O. 2009 §405.200; Ord. No. 73 §15, 6-1-54)

SECTION 405.210: VIOLATION AND PENALTY

The owner or agent of a building or premises in or upon which a violation of any provision of this Chapter has been committed or shall exist; or the lessee or tenant of an entire building or entire premises in or upon which a violation has been committed or shall exist; or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist; or the agent, architect, building contractor or any other person who commits, takes part or assists in any violation or who maintains any building or premises in or upon which such violation shall exist shall be guilty of a misdemeanor punishable by a fine of not less than ten dollars (\$10.00) and not more than one hundred dollars (\$100.00) for each and every day that such violation continues, but if the offense be willful, on conviction thereof the punishment shall be a fine of not less than one hundred dollars (\$100.00) nor more than two hundred fifty dollars (\$250.00) for each and every day that such violation shall continue or by imprisonment for ten (10) days for each and every day such violation shall continue, or by both such fine and imprisonment in the discretion of the court. Any such person having been served with an order to remove any such violation, failing to comply with said order within ten (10) days after such notice or continuing to violate any provision of the regulations made under authority of this Chapter in the respect named in such order shall also be subject to a civil penalty of two hundred fifty dollars (\$250.00). (R.O. 2009 §405.210; Ord. No. 73 §15, 6-1-54)

CHAPTER 410: FLOOD REGULATIONS

SECTION 410.010: REVIEW OF BUILDING PERMIT APPLICATIONS—FLOOD HAZARD LOCATIONS

The Building Commissioner shall review all building permit applications to determine if the site of proposed construction is reasonably safe from flooding and to make recommendations for construction in all locations which have flood hazards. (R.O. 2009 §410.010; Ord. No. 196 §1, 2-13-77)

SECTION 410.020: PROPOSED CONSTRUCTION OR IMPROVEMENT TO MEET CERTAIN REQUIREMENTS

The Building Commissioner in reviewing all applications for construction in flood hazard locations within the City shall require that any such proposed construction or substantial improvement must:

1. Be designed and anchored to prevent the flotation, collapse or lateral movement of the structure or portions of the structure due to flooding.
2. Use construction materials and utility equipment that are resistant to flood damage.
3. Use construction methods and practices that will minimize flood damage. (R.O. 2009 §410.020; Ord. No. 196 §2, 2-13-77)

SECTION 410.030: PROPOSED SUBDIVISIONS—FINDINGS OF FACT

The Board of Aldermen of the City in reviewing all subdivision applications shall make findings of fact and determine if:

1. All such proposed developments are consistent with the need to minimize flood damage.
2. Adequate drainage is provided so as to reduce exposure to flood hazards.
3. All public utilities and facilities are located so as to minimize or eliminate flood damage.
4. New water and sewer systems shall be constructed to eliminate or minimize infiltration; moreover, on-site waste disposal systems will be designed to avoid impairment. (R.O. 2009 §410.030; Ord. No. 196 §3, 2-13-77)

SECTION 410.040: DESIGNATION OF FLOOD HAZARD BOUNDARY MAPS

The Board of Aldermen of the City of Pasadena Hills hereby designates flood hazard boundary

[The next page is 591]

map(s) most recently adopted by the Federal Emergency Management Agency, and amendments, as the Official Maps delineating certain zones with relative degrees of flood hazard. (R.O. 2009 §410.040; Ord. No. 196 §4, 2-13-77)

[The next page is 591]

[The next page is 591]

**CHAPTER 415: HISTORIC DISTRICTS AND
HISTORIC LANDMARKS**

SECTION 415.010: GENERAL PROVISIONS

- A. *Purpose.* The purpose of this Chapter 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, archaeological and architectural characteristics of Pasadena Hills, which represent elements of the City's cultural, social, economic, political and architectural history;
 2. Fostering civic pride in the beauty and noble accomplishments of the past as represented in the Pasadena Hills' landmarks and historic districts;
 3. Conserving and improving the value of property designated within historic districts;
 4. Providing for economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
 5. Protecting and enhancing the quality of life within the City for all existing residents, future renters and home buyers and visitors and thereby supporting and promoting business, service-oriented commerce and industry and providing economic benefit to the City;
 6. Fostering and encouraging preservation, restoration and rehabilitation of the historic structures, areas and neighborhoods and thereby preventing future urban blight in the surrounding areas of Pasadena Hills;
 7. Promoting the use of historic districts and landmarks for the education, pleasure and welfare of the people of the City; and
 8. Promoting the identification, evaluation, protection and interrelation of the prehistoric and historic archaeological resources within the incorporated limits of the City.
- B. *Definitions.* Unless specifically defined below, words or phrases in this Chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this Chapter its most reasonable application.

ALTERATION: Any act or process that changes one (1) 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.

AREA: A specific geographic division of the City of Pasadena Hills.

BOARD OF ADJUSTMENT: The Board established pursuant to Article V of Chapter 405 of this Code.

CERTIFICATE OF APPROPRIATENESS: A certificate issued by the Historic Preservation

[The next page is 591]

Commission (HPC) indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic district.

CERTIFICATE OF ECONOMIC HARDSHIP: A certificate issued by the HPC authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.

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.

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 lifeways and for interpreting human behavior.

DEMOLITION: Any act or process which destroys in part or in whole a landmark or a structure within a historic district or which threatens to destroy a landmark or a structure within a historic district or which destroys or threatens to destroy a potentially significant property or structure by failure to maintain it in a condition of good repair and maintenance.

DESIGN GUIDELINE: A standard of appropriate activity that will preserve the historic, prehistoric, architectural, scenic and/or aesthetic character of a landmark or historic district.

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.

HISTORIC DISTRICT: An area designated as a "historic district" 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, contribute to the overall visual characteristics and historical significance of the historic district.

HISTORIC SIGNIFICANCE: Character, interest or value as part of the development, heritage or culture of the community, County, State or country; as the location of 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.

HPC: The Historic Preservation Commission.

LANDMARK: A property or structure designated as a "landmark", pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural and/or archaeological significance to the City of Pasadena Hills.

MINIMUM MAINTENANCE: The minimum regulations governing the conditions and maintenance of all existing structures as set forth in the Building Code of the City.

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,

[The next page is 591]

to its condition prior to the occurrence of such deterioration, decay or damage and does not involve change of materials nor of form.

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

PUBLIC IMPROVEMENT PROJECT: An action by the City of Pasadena Hills or any of its departments or agencies 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 City parks or City owned structures.

REMOVAL: Any relocation of a structure, object or artifact on its site or to another site.

REPAIR: Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.

SECRETARY OF THE INTERIOR'S STANDARDS: The Secretary of the Interior's Standards for the Treatment of Historic Properties, which 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).

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

STOP WORK ORDER: An order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required and notifying the owner, occupant, contractor or subcontractor of the application process for a certificate of appropriateness.

STRUCTURE: Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

SURVEY: The systematic gathering of information on the architectural, historic, scenic and archaeological 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. (R.O. 2009 §415.010; Ord. No. 619 §1, 6-19-01)

SECTION 415.020:

HISTORIC PRESERVATION COMMISSION

- A. *Composition.* The Historic Preservation Commission (HPC) shall consist of five (5) members who are residents of the City, and all of whom shall be appointed by the Mayor with the consent of a majority of the Board of Aldermen. In addition, the Mayor with the consent of a majority of the

Board of Aldermen shall appoint a member of the Board of Aldermen and a member of the Planning and Zoning Commission to serve as liaisons to their respective bodies. The liaison members shall not vote and shall not hold office. All Commission members must have a demonstrated interest, competence or knowledge in historic preservation. To the extent available in the community, the HPC shall include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, curation, conservation, landscape architecture, law, real estate brokerage, banking, history or other fields related to historic preservation and residents of historic districts or potential historic districts.

- 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 (1st) HPC appointed shall serve respectively for terms of one (1) for one (1) year; two (2) for two (2) years; and two (2) for three (3) years. Vacancies shall be filled for the unexpired term only. Action to fill vacancies shall be initiated within sixty (60) days. The HPC shall hold at least four (4) meetings per year and any member of the HPC who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year shall thereby automatically vacate the membership.
- 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; but no member shall serve as Chairman for more than two (2) consecutive years. The liaison representatives shall not be eligible for office. 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, those present shall elect a temporary Chairman. The Chairman shall appoint the Secretary of the HPC, who 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;
 3. Give notice as provided herein by law for all public hearings conducted by the HPC;
 4. Advise the Mayor of vacancies on the HPC and expiring terms of members; and
 5. Prepare to submit to the Board of Aldermen a complete record of the proceedings before the HPC on any matter requiring Board consideration.
- D. *Meeting.* A quorum shall consist of three (3) voting members. All decisions or actions of the HPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists. Meetings shall be held at regularly scheduled times to be established by resolution of the 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 City policy and Section 610.020, RSMo. 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. The HPC shall take no action 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/her 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 City ordinance

and 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 immediately filed in the office of the City Clerk and shall be public record. All HPC rules of procedure, designation criteria, design guidelines and forms shall be available to the public at the office of the City Clerk.

- E. *Funding.* The Board of Aldermen shall annually appropriate funds, within the budget limitations, for the operation of the HPC. The HPC may, with the consent of the Board of Aldermen, apply for, receive or expend any Federal, State or private grant, grant-in-aid, gift or bequest in furtherance of the general purposes of this Chapter.
- F. *Compensation.* The members shall serve without compensation, unless otherwise determined by the Board of Aldermen, 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 procedural regulations, provided that such regulations are consistent with the Municipal Code of the City and the Revised Statutes of the State of Missouri;
 2. To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political or architectural history of the nation, State or City; and to maintain the research information in an inventory accessible to the public (except for archaeological site locations which shall be restricted);
 3. To investigate and recommend to the Planning and Zoning Commission and to the Board of Aldermen 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 Planning and Zoning Commission and the Board of Aldermen the adoption of ordinances designating for protection 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 to another;
 7. To advise and assist owners of landmarks and property or structures within historic districts on physical and financial aspects of preservation, renovation, rehabilitation and reuse and on procedures for inclusion on the National Register of Historic Places;
 8. To nominate landmarks and historic districts to the Pasadena Hills Historic Register and 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 City of Pasadena Hills concerning the historic,
- [The next page is 591]

archaeological and architectural heritage of the City through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the City, the 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 or deny 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 on the guidelines developed for each nomination;
12. To request the Building Commissioner or his/her designee to issue stop work orders for any construction, alteration, removal or demolition undertaken without a certificate of appropriateness or that violates the conditions of a certificate;
13. To review all applications for demolition permits within the corporate limits of the City to determine impact to significant cultural resources, including those not yet nominated as landmarks or as contributing properties within a historic district;
14. To consider applications for, and issue or deny, certificates 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 proposed zoning amendments, applications for special use permits or applications for zoning variances that affect proposed or designated landmarks or historic districts and make a report to the appropriate City reviewing body as designated in this Code;
17. To administer on behalf of the City of Pasadena Hills any property of historical significance or full or partial interest in real property, including easements, that the City of Pasadena Hills may have or accept as a gift or otherwise, upon prior approval by the Board of Aldermen;
18. To accept and administer on behalf of the City of Pasadena Hills, upon prior approval of the Board of Aldermen, such gifts, grants and money as may be appropriate for the purposes of this Chapter. Such money may be expended for publishing maps and brochures or for hiring staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the HPC and the purposes of this Chapter;
19. To call upon available City staff members as well as other experts for technical advice, upon the prior approval of the Board of Aldermen;
20. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time upon the prior approval of the Board of Aldermen;
21. To testify before all boards and commissions, including the Planning and Zoning Commission

and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;

22. To make recommendations to the Board of Aldermen concerning budgetary appropriations to further the general purposes of this Chapter;
23. To develop a preservation component in the Master Plan of the City of Pasadena Hills, if such a plan exists, and to recommend it to the Planning and Zoning Commission and to the Board of Aldermen;
24. To periodically review the Pasadena Hills Zoning Code and to recommend to the Planning and Zoning Commission and the Board of Aldermen 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 implement its powers and duties or to implement the purpose of this Chapter. (R.O. 2009 §415.020; Ord. No. 619 §1, 6-19-01)

SECTION 415.030:**SURVEYS AND RESEARCH**

- A. The HPC shall undertake an ongoing survey and research effort in the City of Pasadena Hills 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 for designation, it shall develop a plan and schedule for conducting a comprehensive survey of the City of Pasadena Hills to identify significant resources. As part of the survey, the HPC shall review and evaluate any prior surveys and studies by any unit of government or private organization 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 the following criteria:
 1. The potential landmarks and historic districts in one (1) identifiable neighborhood or distinct geographical area of the City of Pasadena Hills;
 2. The potential landmarks and historic districts associated with a particular person, event or historical period;
 3. The potential landmarks and historic districts of a particular architectural style or school or of a particular architect, engineer, builder, designer or craftsman;
 4. The potential landmarks containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;
 5. Such other criteria as the HPC may adopt to assure systematic survey and nomination of all potential landmarks and historic districts within the City of Pasadena Hills.
- B. All inventory material shall be in conformance with standards and guidelines for cultural resource inventory as established by the State Historic Preservation Office. (R.O. 2009 §415.030; Ord. No. 619 §1, 6-19-01)

SECTION 415.040: 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, owner of record of the nominated property or structure or the Board of Aldermen. Nominations shall be turned in to the City Clerk who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the office of the City Clerk.
- B. *Criteria For Consideration Of Nomination.* The HPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one (1) 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 City;
 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 preservation or restoration; and
 13. Its potential to yield information important to history and prehistory.

[The next page is 591]

[The next page is 591]

Any structure, property or area that meets one (1) 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 in proper form consider the nomination and adopt a recommendation to the Planning and Zoning Commission that the nominated landmark or historic district does or does not meet the criteria for designation in Subsection (B) of this Section. The recommendation shall be accompanied by a report to the Planning and 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 designation; and
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 designation:

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 Chapter; and
3. Archaeological significance and recommendations for interpretation and protection.

In the case of a nominated historic district found to meet the criteria for designation:

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 Chapter;
 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 designation;
 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
- [The next page is 591]

or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity; and

7. A map showing the location of the nominated landmark or the boundaries of the nominated historic district.

The recommendations and report of the HPC shall be sent to the Planning and Zoning Commission within seven (7) days following the vote on the recommendation and shall be available to the public in the office of the City Clerk.

- E. *Notification Of Nomination.* The Planning and 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 designation. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for Zoning Map amendments or Municipal Code amendments. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be made according to City Code and State law and shall be sent by regular mail and certified mail, return receipt requested, 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 concerning the nomination. 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 a nomination set forth in Subsection (B) of this Section. 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.
- G. *Determination By Planning And Zoning Commission.* Within sixty (60) calendar days following close of the public hearing, the Planning and Zoning Commission shall make a determination upon the evidence whether the nominated landmark or historic district does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning and Zoning Commission and shall be accompanied by a report stating the findings of the Planning and Zoning Commission concerning the relationship between the criteria for designation in Subsection (B) of this Section and the nominated landmark or historic district and all other information required by this Chapter.
- H. *Notification Of Determination.* Notice of the determination of the Planning and Zoning Commission, including a copy of the report, shall be sent by regular mail and certified mail, return receipt requested, to the owner(s) of record of a nominated landmark and of all property within a nominated historic district and to the nominator within seven (7) days following adoption of the determination. Within seven (7) days following a determination by the Planning and Zoning Commission that the nominated landmark or historic district does meet the criteria for designation, a copy of the determination and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the Board of Aldermen.
- I. *Appeal.* Determination by the Planning and Zoning Commission that the nominated landmark or historic district does not meet the criteria for designation 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 within thirty (30) days after the postmarked date of the notice of the determination file with the City Clerk a written appeal to the Board of Aldermen.

- J. *Action By Board Of Aldermen.* The Board of Aldermen shall, within sixty (60) calendar days after receiving the recommendation that the nominated landmark or historic district be designated or receiving a written appeal, either reject the recommendation or written appeal or approve the recommendation and designate the landmark or historic district. The Board of Aldermen shall first hold a public hearing and provide notice and take testimony in the same manner as provided in Subsection (F) of this Section. Any approval or rejection shall include an explanation of the reasons for the Board's action. The City Clerk shall provide written notification of the action of the Board of Aldermen by regular mail and certified mail, return receipt requested, to the nominator, the appellant, 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 any designation ordinance passed by the Board of Aldermen and shall be sent within seven (7) days of the Board of Aldermen action. The City Clerk shall also give notice including copy of any designation ordinance to the HPC, Planning and Zoning Commission and Building Commissioner or his/her designee.

- K. *The Designation Ordinance.* Upon designation, the landmark or historic district shall be classified as "District H–Historic", and the designating ordinance shall prescribe the significant features; the types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations. The official Zoning Map of the City of Pasadena Hills shall be amended to show the location of the "District H–Historic" as an overlay zone.

- L. *Interim Control.* No building permit shall be issued by the Building Commissioner or his/her designee 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 Aldermen unless such alteration, removal or demolition is authorized by action of the Board of Aldermen as necessary for public health, welfare or safety. In no event shall the delay be for more than one hundred eighty (180) days.

- M. *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. (R.O. 2009 §415.040; Ord. No. 619 §1, 6-19-09)

SECTION 415.050:

CERTIFICATES OF APPROPRIATENESS

- A. *When Required.* 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 City of Pasadena Hills;
 2. Any demolition in whole or in part requiring a demolition permit from the City of Pasadena

Hills;

[The next page is 591]

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; and
 5. Any actions to correct a violation of a minimum maintenance standard.
- B. *Applications.* 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. The Building Commissioner or his/her designee shall forward applications for building and demolition permits 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 and available at the office of the City Clerk. The HPC shall consider the completed application at its next regular meeting.
- C. *Review.* The HPC shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the permit within forty-five (45) days of receipt of the application.
- D. *Notice.* The HPC shall provide written notice of the approval or denial of the application for a certificate of appropriateness to the applicant and the Building Commissioner or his/her designee within seven (7) days following the determination along with a certificate of appropriateness in the case of an approval.
- E. *Approval.* A certificate of appropriateness shall become void unless construction is commenced within six (6) months of date of issuance. Certificates of appropriateness shall be issued for a period of eighteen (18) 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 Chapter.
- F. *Denial.* 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.
- G. *Stop Work Order.* 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 violation of the conditions of a permit has occurred, it shall request that the Building Commissioner or his/her designee make every reasonable effort to contact the owners, occupants, contractor or subcontractor and inform them of proper procedures. If the HPC determines that a stop work order is necessary to halt an action, it shall request the Building Commissioner or his/her designee to post the stop work order on the property and send a copy of the stop work order by certified mail, return receipt

requested, to the owners, occupants, contractors and subcontractors and notify them of the 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 (2nd) or subsequent stop work order may be issued for the same project.

H. *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 principle by the Secretary of the Interior's Standards, 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 in the office of the City Clerk for distribution 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 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 disturbed, 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.

I. *Design Guidelines.* Design guidelines for applying the criteria for review of certificates of appropriateness shall, at a minimum, consider the following architectural criteria:

[The next page is 591]

[The next page is 591]

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 in a historic district.
2. *Proportions of windows 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.
3. *Relationship of building masses and spaces.* The setback 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 character of the landmark and with surrounding structures in 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.
11. *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 with the City Clerk a written appeal to the Board of Adjustment. In acting upon the appeal, the Board may grant a variance from the strict interpretation of this Chapter when such will not materially affect the health or safety of the applicant and general public. (R.O. 2009 §415.050; Ord. No. 619 §1, 6-19-01)

[The next page is 591]

1. Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the 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, alteration, 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; and
4. In the case of a proposed demolition, an estimate from a licensed engineer, 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. (R.O. 2009 §415.070; Ord. No. 619 §1, 6-19-01)

SECTION 415.080:

MAINTENANCE OF HISTORIC PROPERTIES

- A. *Ordinary Maintenance Exclusion.* Nothing in this Section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in the Building Code of the City.
- 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.* All buildings and structures designate by City ordinance as "H" shall be preserved against decay and deterioration and free from certain structural defects in the following manner by the owner thereof who 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, roof 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 Building Commissioner or his/her designee shall notify the owner of the property. The notice shall be by regular mail and by certified mail, return receipt requested, and shall specify each item in the property or landmark that fails to meet minimum maintenance requirements. The owner of the property shall have thirty (30) days from the receipt of notice to comply with the minimum maintenance requirements. The Building Commissioner or his/her designee, for good cause shown, may extend the thirty (30) day period. If, after the original thirty (30) day period or any extension granted by the Building Commissioner or his/her designee, the owner of the property should fail to meet the minimum maintenance requirements, the owner of the property shall be in violation of this Section and punished in accordance with Section 100.220. (R.O. 2009 §415.080; Ord. No. 619 §1, 6-19-01)

SECTION 415.090: 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 at least fifteen (15) days prior to the date of the public hearing set by the Planning and Zoning Commission or the Board of Adjustment. The HPC may review these applications using any format which it deems appropriate, provided however, 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 (15) days after receipt of said application, the HPC shall forward its comments to the Planning and Zoning Commission or Board of Adjustment for consideration in reviewing the application. (R.O. 2009 §415.090; Ord. No. 619 §1, 6-19-01)

SECTION 415.100: PUBLIC SAFETY EXCLUSION

None of the provisions of this Chapter shall be construed to prevent any measures of construction, alteration or demolition necessary to correct or abate the unsafe or dangerous condition of any structure, other feature or part thereof, where such condition has been declared unsafe or dangerous by the Building Commissioner or his/her designee, and where the proposed measures have been declared necessary 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 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. (R.O. 2009 §415.100; Ord. No. 619 §1, 6-19-01)

SECTION 415.110: FEE AND PENALTIES

- A. The Board of Aldermen shall establish an appropriate system of processing fees for the review of nominations and certificates of appropriateness.
- B. 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.

- C. It shall be unlawful to not maintain designated landmarks or structures within designated historic districts within the minimum maintenance requirements of this Chapter.
- D. Any person convicted of violating the provisions of this Chapter shall be punished by a fine in accordance with the provisions of Section 100.220 of this Code. Each day each violation shall continue to exist shall constitute a separate violation. (R.O. 2009 §415.110; Ord. No. 619 §1, 6-19-01)