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Chapter 420

Historic Preservation

Editor's Note — Ord. no. 09-012 §1, adopted April 6, 2009, repealed title IV in its entirety. See editor's note at ch. 400 for information on former ordinances.

Section 420.010 **Purpose.**

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. The purpose of this Chapter is to promote the protection and enhancement of buildings, structures or land improvements of special historic, aesthetic or architectural significance which are required in the interest of promoting the educational, cultural, economic and general welfare of the City of Ozark, Missouri, by:
1. Protecting, enhancing and perpetuating such buildings, structures or land improvements and landmarks which represent or reflect elements of the City's cultural, social, economic, political and architectural history.
 2. Safeguarding the City's historic, aesthetic and cultural heritage as reflected in such buildings, sites, structures or land improvements and landmarks.
 3. Providing a mechanism to identify and preserve the distinctive archaeological, historical and architectural characteristics of Ozark which represent elements of the City's cultural, social, economic, political and architectural history.
 4. Fostering civic pride in the beauty and noble accomplishments of the past as represented in Ozark landmarks and historic districts.
 5. Conserving and improving the value of property or areas designated as landmarks or within historic districts.
 6. Protecting and enhancing the attractiveness of the City to home buyers, tourists, visitors and shoppers; and thereby supporting and promoting business, commerce, industry and providing economic benefit to the City.
 7. Fostering and encouraging preservation, restoration and rehabilitation of structures, areas and neighborhoods.
 8. Providing economic development by preserving and enhancing the environmental quality and property values of neighborhoods and the community at large.
 9. Promoting the use of historic landmarks for the education, pleasure and welfare of the people.
 10. Providing economic benefits to encourage business and residential owners to locate and invest in historically significant structures.

Section 420.020 **Definitions.**

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

As used in this Chapter, the following terms shall have these prescribed meanings:

ALTERATION

Any act or process that changes one (1) or more exterior historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, repair or removal of any structure.

BOARD OF ALDERMEN

The Board of Aldermen of the City of Ozark, Missouri.

CERTIFICATE OF APPROPRIATENESS

A certificate issued by the Ozark Historic Preservation Commission authorizing an alteration, construction, repair, removal or demolition of a landmark or structure within a historic district or to historic properties.

CERTIFICATE OF NO EFFECT

A certificate approved and issued by the Department of Planning and Development stating that the proposed work within the historic district or to historic properties will have no adverse effect on the historic character of the structure, property or district.

COMMISSIONERS

Members of the Ozark Historic Preservation Commission.

CONSTRUCTION

The act of adding to an existing structure or the erection of a new principal or accessory structure on a lot or property.

CULTURAL RESOURCES

Districts, sites, structures and 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 lifeway 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 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 and architectural character of a landmark or historic district which includes construction, alteration, improvement (including color changes) demolition, or removal.

EXTERIOR ARCHITECTURAL APPEARANCE

The architectural character and general composition of the exterior of a structure including, but not

limited to, the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures and signs.

HISTORIC DISTRICT

An area designated as a "historic district" by ordinance of the Board of Aldermen and which may contain within definable geographic boundaries one (1) or more landmarks and which may have within its boundaries other properties or structures which, while not of such historical and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

LANDMARK

A property or structure designated as a "landmark" by ordinance of the Board of Aldermen, pursuant to the procedures prescribed herein, which is worthy of rehabilitation, restoration and preservation because of its archaeological, historical, cultural and/or architectural significance to the City of Ozark.

LANDSCAPE

Any element or component of outdoor open space including, but not limited to signs, fences, walls, retaining walls, gates, sidewalks, walkways, driveways, parking lots, patios, terraces, decks, vegetation and plantings taller than three (3) feet, outdoor furniture, exterior light standards, fountains, statuary, detached signs and other such elements.

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.

OWNER OF RECORD

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

PRESERVATION COMMISSION

Ozark Historical Preservation Commission (OHPC).

PUBLIC IMPROVEMENT PROJECT

An action by the City of Ozark or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping or other portions of the public infrastructure servicing commercial, residential or industrial development.

REMOVAL

Any relocation of a structure on its site or to another site.

REPAIR

Any change that is not construction, removal, or alteration.

SECRETARY OF INTERIOR'S STANDARDS

The Secretary of Interior's Standards for the Treatment of Historic Properties are treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration, or reconstruction of historic properties. The 2017 Standards are codified as 36 CFR Part 68 of the Federal Register.

SIGN

Any device visible from a public place that displays either commercial or non-commercial messages by means of graphic presentation of alphabetic or pictorial symbols or representations.

SIGNIFICANT PROPERTIES

Significant properties are generally those that meet the National Park Service's National Register criteria for evaluation of historic properties (U.S. DOI, National Park Service's National Register Bulletin 15, also available on line at the City website). A structure contributing to the historic significance of a site or district is one that by location, design, setting, materials, workmanship, feeling and association adds to the site's or district's sense of time and place and historical development. A structure not contributing to the historic significance of a site or district is one that detracts from the site's or district's sense of time and place and historical development; or one where the integrity of the original design or individual architectural features or spaces have been irretrievably lost; or one where physical deterioration and/or structural damage has made it not reasonably feasible to rehabilitate the building. Ordinarily, structures that have been built within the past fifty (50) years will not be considered unless a strong justification concerning their historical or architectural merit is given or the historical attributes of the district are considered to be less than fifty (50) years old.

SITE

Any area or location occupied as a residence or utilized by humans for a sufficient length of time to construct features or deposit a number of artifacts or any place with evidence of past human activity. Sites include, but are not limited to, occupation, location, work areas, evidence of farming or hunting and gathering, burial remains, artifacts and structures of all types.

STOP WORK ORDER

An order issued by the City Building Official 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 worth of preservation.

Section 420.030 **Historic Preservation Commission.**

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. *Composition Of Historic Preservation Commission.* The Ozark Historic Preservation Commission shall consist of at least five (5) and no more than nine (9) members, the members to be residents of the City of Ozark, all of whom shall be appointed by the Mayor with approval of the Board of Aldermen. The Mayor and Board of Aldermen shall make every effort to appoint persons with a demonstrated interest, competence, or knowledge in the historic preservation of the City of Ozark. To the extent available, the Preservation Commission shall include professional members representing such disciplines as archaeologist, architecture, licensed building contractor, real estate developer, historian or history instructor, historical society members, and residents of historic districts. **[Ord. No. 15-030, §1, 6-15-2015]**
- B. *Terms and Attendance.* The term of office of the appointed members of the Preservation Commission shall be for five (5) years, accepting that the membership of the first (1st) Preservation Commission appointed shall serve respectively for the following terms: three (3) for one (1) year; three (3) for two (2) years; and three (3) for three (3) years. Action shall be initiated to fill vacancies within sixty (60) days and for the unexpired term only. A member may serve consecutive terms. Any member who acquires three (3) absences in any twelve (12) month period of time shall automatically forfeit his/her term on the Commission and the Mayor shall fill the vacated seat for the balance of the term as set forth above. The Preservation Commission shall meet as necessary, on a quarterly basis at minimum. **[Ord. No. 15-030 §2, 6-15-2015]**
- C. *Compensation.* The members shall serve without compensation, but shall be reimbursed for expenses they incur while on Commission business in accordance with standard City policies concerning reimbursement.
- D. *Officers.* Officers shall consist of a Chairman, Vice Chairman and Secretary elected by the Preservation Commission, who shall serve a term of one (1) year and shall be eligible for re-election. The Chairman shall preside over meetings. In the absence of the Chairman, the Vice Chairman shall perform the duties of the Chairman. In the absence of the Chairman, the Vice Chairman the Secretary shall perform the duties of the Chairman. If all three are absent, a temporary Chairman shall be elected by those present. The officers shall assure that the following duties of the Preservation Commission are performed:
1. Preparation of minutes of each Preservation Commission meeting and hearing.
 2. Publication and distribution of copies of the minutes, reports and decisions of the Preservation Commission to the members of the Preservation Commission. Copies of the minutes, reports and decisions of the Preservation Commission are available to the public at City Hall.
 3. Provision of notice as required herein or by law for all public hearings conducted by the Preservation Commission.
 4. Notification to the City Clerk of vacancies on the Preservation Commission and expiring terms of members.
 5. Preparation and submission to the Board of Aldermen of a complete record and votes of the proceedings before the Preservation Commission on any matter requiring Board of Aldermen consideration.
- E. *Meetings.* All decisions or actions of the Preservation Commission shall be made by a majority vote of those members present and voting at any meeting where a quorum exists; a quorum shall consist of at least three (3), four (4) or five (5) members depending upon the total composition of the appointed Commission. **[Ord. No. 15-030 §3, 6-15-2015]**

- F. *Powers And Duties.* The Preservation Commission shall act in an advisory capacity to the Board of Aldermen in carrying out activities required by City ordinances relating to the administration of this Chapter and shall have the following powers and duties:
1. To adopt rules of procedure and have them available to the public.
 2. To conduct ongoing survey and research to identify and document buildings, structures, objects, sites and districts that are of historic, archaeological, architectural, engineering, cultural or scenic significance to the City;
 3. To recommend to the Board of Aldermen designation of significant historic properties as historic landmarks and historic districts, to prepare documentation supporting such nomination, and to maintain a register of designated landmarks and districts, and of significant historical, architectural and archaeological properties;
 4. To recommend to the Board of Aldermen the establishment of regulations, guidelines and policies to preserve the integrity and ambience of designated landmarks and districts. The Commission shall have the authority to review ordinary maintenance as deemed appropriate, new construction, alterations, removals, and demolitions proposed within the boundaries of a landmark or district, including review of plans for vacant lots and non-historic buildings and structures within the historic district;
 5. To provide technical assistance to owners of older and historic, architectural, archaeological, cultural and scenic properties concerning the preservation and maintenance of the property;
 6. To recommend to the Board of Aldermen programs and policies and economic incentives to encourage the preservation of significant historic landmarks and districts;
 7. To prepare a comprehensive historic preservation plan, or a preservation element to a master plan, to integrate the preservation program into the local government for planning and zoning for land use, building and fire codes, special use permits, community revitalization, and heritage tourism;
 8. To participate in the conduct of land use, urban renewal and other City activities affecting landmarks, and districts; and
 9. To acquire by purchase, gift or bequest, fee title or lesser interest, including preservation restriction or easements, in designated properties and adjacent of associated lands which are important for the preservation and use of the designated properties.
 10. To review and comment on all proposed nominations to the National Register of Historic Places for properties within the City of Ozark's jurisdiction, and within 60 days of receiving the nominations inform the Missouri SHPO and the property owner(s) of the separate opinions of both the local commission and the chief elected official as to whether or not the nominated properties meet the criteria of the National Register;
- G. *Funding.* The Commission 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. It is specifically understood that the Commission is not a separate political subdivision of the City of Ozark and in receiving or expending any of the foregoing funds will follow all applicable procedures contained in this Code.

Section 420.040 Surveys and Research.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

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

Section 420.050 Nomination of Landmarks and Historic Districts.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. *General.* Nominations shall be submitted to the Preservation Commission on approved forms. Nominations may be submitted by any person or agency with the full consent and written approval of the owner(s) of record of a subject property or, in the case of a district, a simple majority of the owners of record of the subject properties. Nomination forms and criteria for nomination will be available on the official City of Ozark website and/or at the Planning and Development Department.
- B. *Declaration of Eligibility.* The Preservation Commission may through its surveys and research identify architecturally significant properties, areas, landmarks and structures and notify property owners of their eligibility for nomination as a landmark or district. The Commission shall maintain a register of significant undesignated properties and distribute said register to appropriate agencies and bodies.
- C. *Recommendations.* After review of nomination by the Planning and Zoning Commission (if nomination is for a single structure only and not an entire parcel, therefore not requiring supplemental zoning designation, then nomination can be reviewed by Planning and Development Department and then forwarded on to the Board of Aldermen for consideration. If supplemental zoning designation is required, the nomination must be presented to the Planning and Zoning Commission [see Section **420.090**: Action by Planning and Zoning Commission]). In forwarding a nomination to the Board of Aldermen, the Preservation Commission and Planning and Development Department and/or the Planning and Zoning Commission (as prescribed) shall recommend to the Board of Aldermen the adoption of ordinances designating single structures or sites, portions of structures, groups of structures, landscaped elements, works of art or integrated combinations thereof having a special historical, archaeological architectural interest or value as landmarks or historic districts. Such recommendations shall be accompanied by written reports describing the character and significance of the proposed landmark or historic district, outlining its proposed boundaries and recommending specific criteria and guidelines to preserve its significance. Recommendations should also consider any comprehensive or master plan, zoning requirements, projected public improvements and existing and proposed renewal and development plans applicable to the area to be affected by designation.
- D. *Criteria for Consideration of Nomination.* The Commission shall conduct 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.

Any structure, property, or area that meets one (1) or more of the above criteria shall also have a sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

Section 420.060 Relationship to Chapter 405.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

Provision of this Chapter shall take precedence over any conflicting provisions in Chapter 405 of the Code.

Section 420.070 Notification of Nomination and Public Hearing.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

The Preservation Commission shall schedule and hold a meeting on the nomination as to whether or not a nominated landmark or historic district meets the criteria for designation. The meeting shall be scheduled, held and conducted to receive the viewpoints of affected property owners, residents and other interested citizens. Notice of the date, time, place and purpose of the meeting and copy of the completed nomination form shall be sent by regular mail to the owner(s) of record and to the nominators, unless such owner(s) or the Preservation Commission is the nominator.

Section 420.080 Timely Determination.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. Within thirty (30) days of the conclusion of the public hearing, the Preservation Commission shall make a recommendation as to whether or not the nominated landmark or historic district meets the criteria for designation in Section **420.050(D)**. Said recommendation may be for approval, disapproval or approval in part and together with a report shall contain 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.
 2. Explanation of the integrity or lack of integrity of the nominated landmark or historic district.
 3. In the case of a nominated landmark or historic district found to meet the criteria for designation:
 - a. The significant exterior architectural features of the nominated landmark that should be protected.
 - b. The types of construction, alteration, demolition and removal, other than those requiring a building or demolition permit, which should be reviewed for a certificate of appropriateness.
 4. A review of proposed design guidelines for applying the criteria for review of certificates of appropriateness to the nominated landmark or historic district.
 5. A map showing the location of the nominated landmark or the boundaries of the nominated historic district.
- B. The recommendation and report of the Preservation Commission shall be sent to the Planning and Zoning Commission within seven (7) days following the vote on the resolution and shall be available to the public at the office of the City Clerk.

Section 420.090 Action by Planning and Zoning Commission.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. Upon receipt of the Preservation Commission's recommendation and report, the Planning and Zoning Commission shall review each proposed landmark or historic district for historic zoning designation. Within thirty (30) days of the Planning and Zoning Commission's review, it shall make a recommendation with respect to the proposed "H" designation. The recommendation, together with a record of the proceedings, shall be forwarded to the Board of Aldermen.
- B. An "H" historic zoning designation shall be regarded as a supplemental zoning designation and shall not affect in any way the underlying zoning designation as provided in Chapter **405** of the City Code. Such supplemental zoning designation does not apply when the nomination is for individual structures only, but only when an entire parcel is included in the historic designation. The existing zoning standards for each district are set forth and shall be complied with unless said standards conflict with the provisions of the ordinance designating said landmark or historic district and in the event of a conflict, provisions of the historic district ordinance shall prevail. A landmark or historic district shall be designated with an "H" affixed to the current zoning district acronym and illustrated as such on the official Zoning District Map.

Section 420.100 Notification of Determination.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

Notice of the recommendation of the Planning and Zoning Commission, including a copy of the report of the Preservation Commission, shall be sent by regular mail to the owners of record of a nominated landmark and owners of all property within a nominated historic district, to the nominator and to the Board of Aldermen within seven (7) days following action by the Planning and Zoning Commission as required by Section **420.090**.

Section 420.110 Action by the Board of Aldermen.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. The Board of Aldermen shall hold a public hearing before enacting an ordinance and provide notice in the manner as provided in Section **420.100**.
- B. After the public hearing, the City Clerk shall provide written notification of the action of the Board of Aldermen by regular mail to the nominator, the owner(s) of record of the nominated landmark or historic district. The notice shall include a copy of the designation ordinance if passed by the Board of Aldermen and shall be sent within fifteen (15) days of the action. A copy of each designation ordinance shall be sent to the Preservation Commission and the City Planning and Zoning Commission and the City Building Official. If so designated, the landmark or historic district shall receive the supplemental classification "H" for historic structure of district and the designating ordinance shall prescribe the legal description of the property or properties and the significant architectural, historical or archaeological features that qualify the landmark for designation. A copy of the designating ordinance shall also be recorded with the Christian County Recorder of Deeds. Upon adoption of a designating ordinance by the Board of Aldermen, the Historic Preservation Commission shall provide, at its expense, a permanent plaque of appropriate design, dimensions and materials denoting the designation as an historic structure or landmark and cause such plaque to be attached to the structure in an appropriate location. Such plaques shall also be required for all historic structures or landmarks in any designated historic district. Said plaques shall conform fully with the provisions of Section **420.210** of this Chapter.

Section 420.120 Interim Control.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

No building permit shall be issued by the City of Ozark 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 Preservation Commission at which a nomination form is first presented until the final disposition of the nomination by the Board of Aldermen, unless such alteration, removal or demolition is authorized by formal resolution of the Board of Aldermen as necessary for public health, welfare or safety; provided however, that in no event shall the delay occasioned by this Section be for more than one hundred eighty (180) days.

Section 420.130 Amendment or Rescission of Designation.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

A designation may be amended or rescinded upon petition to the Board of Aldermen by the Preservation Commission or the property owner and compliance with the same procedure and according to the same criteria set forth herein for designation.

Section 420.140 Certificate of Appropriateness Required.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

A certificate of appropriateness shall be required before the following actions, affecting either the exterior architectural appearance or any features defined in the ordinance designating any landmark or

property within a historic district, may be undertaken:

1. Any exterior construction, alteration, removal, repair or demolition, in whole or in part, requiring a permit for the City of Ozark.
2. Construction, alteration, removal, repair, or demolition, in whole or in part, not requiring a permit, but affecting an exterior architectural feature as specified in the ordinance designating the landmark or historic district.

**Section 420.150 Certificate of Appropriateness (COA) and Certificate of No Effect (CNE).
[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]**

A. Certificate of Appropriateness (COA) Process

1. The applicant shall submit a completed application form for a COA with all supporting documentation and appropriate fees.
2. Staff shall prepare a COA report for the Preservation Commission agenda along with supporting documentation and staff recommendation.
3. The Preservation Commission shall conduct the public information meeting and approve, modify, or disapprove the application, in whole or in part, or suspend action on it for a period not to exceed forty-five (45) days for the purpose of obtaining additional information or documentation.
4. The Preservation Commission shall review all applications based on the Standards for Review and Design Guidelines per this chapter.
5. If the COA is approved by the Preservation Commission, staff will notify the applicant with a letter stating the reasons for the approval and issue the COA within seven (7) days.
6. The applicant shall post the approved COA along with the building permit, if required, on the premises while the work is in progress and until the work is completed. Once the work is completed, the applicant shall contact the City for approval.
7. If the COA is denied in whole or in part, staff will notify the applicant stating the basis for the Preservation Commission's decision within seven (7) days. A denial of a COA shall be accompanied by a written statement of the reasons for the denial. The Preservation Commission shall make recommendations to the applicant concerning changes, if any, in the proposed action which would cause the Preservation Commission to reconsider its denial and shall confer with the applicant to resolve as quickly as possible the differences between the owner and the Preservation Commission. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendations of the Preservation Commission, as guided by the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.
8. If the Preservation Commission denies an application for a certificate of appropriateness, the applicant 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 specifying the grounds thereof. In acting upon the appeal, the Board of Aldermen may grant a variance from the strict interpretation of this Chapter when such will not materially affect the health or safety of the applicant and the general public.

B. Certificate of No Effect (CNE) Process.

1. If determined by City Staff that a COA is not required, the applicant may make application for CNE accompanied by the supporting documentation and an appropriate fee in an amount established from time to time by ordinance of the Board of Alderman and on file in the office of the City Clerk.
2. City Staff shall review the application for completeness and issue the CNE provided:
 - a. It is determined the proposed work is clearly identified as having no effect on the historic character of the structure, property or district, and is in accord with adopted design guidelines.
 - b. Proposed work is compatible with the adopted design review guidelines established for and pertinent to landmark or the historic district in which the property is located.
 - c. The repair of deteriorated features is the first priority. If replacement is necessary, the applicant must match the visual qualities of the old or original feature using materials, colors, installation and design matching the original historic features.
 - d. Any proposed work will protect and preserve archaeological resources on the site in question.
 - e. The alterations, additions and new construction are designed and implemented in a manner that are compatible with the size, scale, color, material, and character of the historic buildings.
 - f. The proposed work will not diminish, eliminate or adversely affect the historic and architectural character of the subject property (Landmark) or its effect on the historic district.
 - g. The proposed work, when at any time thereafter may be removed, will not diminish, eliminate or adversely affect the historic and architectural character of the subject property or its effect on the historic district.
3. If the CNE is approved, the applicant may apply for a building permit if one is required.
4. If denied or determined not to be the appropriate application, City Staff shall refer the application to the Preservation Commission for consideration as a Certificate of Appropriateness (COA).

C. Guidelines for Rehabilitation. Design Guidelines shall be the criteria developed to identify design concerns for rehabilitating historically designated properties, and to preserve the property's historic and architectural character. The design guidelines shall be used as the basis for review of property rehabilitation of Landmarks and Historic Districts.

D. Conformance to Certificate of No Effect (CNE) or Certificate of Appropriateness (COA) application. All work performed pursuant to the issuance of a CNE or COA shall conform to the requirements of the certificate. The applicant shall inform City Staff when the work subject to the CNE or COA is complete. It shall be the duty of City Staff to inspect any work performed in accordance with the CNE or COA to insure compliance. In the event work is not performed in compliance with the CNE or COA, City Staff shall issue a stop work order and all work shall cease until the appropriate CNE or COA is granted. If the property owner does not respond to the stop work order, a notice of

violation shall be issued and action shall be taken to gain compliance. No person, firm or corporation shall undertake any work on a project as long as the stop work order is in effect.

- E. Plan Changes.** No changes shall be made to the approved plans of a project after issuance of a CNE or COA without resubmittal of a revised CNE or COA plan to the Preservation Commission or staff as appropriate for their review and approval. Review of the amended plans shall be in the same manner as originally approved.
- F. A COA or CNE shall become void unless construction is commenced within six (6) months of the date of issuance. Certificates shall be issued for a period of eighteen (18) months and are renewable. Any person who fails to complete a project according to the guidelines provided in the certificates shall be deemed in violation of this Chapter.

Section 420.190 Standards for Review.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. In considering an application for a building or demolition permit or for a certificate of appropriateness, the Preservation Commission shall be guided by the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings and other State and Federal guidelines as appropriate, in addition to any design guidelines in the ordinance designating the landmark or historic district.
1. Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment or to use a property for its originally intended purpose.
 2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 4. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right and this significance shall be recognized and respected.
 5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 6. Deteriorated architectural features shall be repaired, rather than replaced, whenever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplication of features substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.
 7. The surface cleaning of structures shall be undertaken with gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building material shall not be undertaken.
 8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project.

9. Contemporary design for alterations and additions to existing properties and for new construction may be permitted when such alterations, additions or new construction do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property neighborhood or environment.
10. Whenever possible, new additions or alterations to structures shall be done in such a manner that, if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.
11. In conducting a review, the Preservation Commission may consider economic hardship and other factors that may affect an owner's ability to undertake and complete rehabilitation or other work under consideration.

Section 420.200 Design Guidelines.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. Design guidelines for review of applications for certificates shall, at a minimum, include the following architectural criteria (more detailed and illustrated design guidelines are available on the City of Ozark website or from the Planning and Development Department):
 1. *Architectural details.* Architectural details including materials, colors and textures should be treated so as to make a landmark compatible with its original character or significant architectural style and preserve and enhance the landmark or historic district.
 2. *Directional expression.* Facades should blend with other structures with regard to directional expression. Structures 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.
 3. *Height.* The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures.
 4. *Landscaping.* Landscaping should be compatible with the architectural character and appearance of the landmark surrounding structures and landscapes.
 5. *Mechanical equipment.* Installation of mechanical equipment on the roof, when necessary, so that it is minimally visible to preserve the building's historic character and setting. Equipment shall be located at the rear of the building when possible and shall not be visible from the street in front of the building or visually dominant from any other street.
 6. *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.
 7. *Relationship of building masses and spaces.* The relationship of a structure to the open space between it and adjoining structures should be compatible.
 8. *Roof shape.* The design of the roof should be compatible with the architectural style and character of the surrounding structures.
 9. *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.

Section 420.210 **Signs.**

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. *Purpose and Intent.* The design, size, number, and placement of signs contribute to the overall environment of the buildings, streetscape, and historic district. These sign regulations are specifically designated to ensure compatibility and vehicular and pedestrian scale. Public interest is served in ensuring that signs are well designed, carefully placed and properly maintained in accordance with the overall desired character of any historic district, landmark, or property.

It is not the intent of these standards to create uniformity of signage or to inhibit creative initiative.

No sign shall be attached to any utility pole, public light standard, trees, rocks, natural features, fences, fence posts, fence railing, benches, flower boxes, perimeter or privacy walls, accessory structures, trash enclosures and any other public facility located within the public right-of-way.

- B. *Sign Content.* The content of signs is not regulated by this ordinance, and the content of the message to be conveyed shall not be considered in making decisions pursuant to this ordinance.
- C. *General Provisions.* It shall be unlawful to erect, alter, or remove, any sign in the area governed by this ordinance unless a Certificate of Appropriateness is granted by the Preservation Commission, except as may be authorized by the Planning and Development Department pursuant to the authority of this Ordinance.
- D. *Buildings with Multiple Tenants or Uses.* A master sign plan may be considered for a multi-use or multi-tenant building. This plan shall be submitted and approved by the Preservation Commission. The plan shall indicate how all signage will be consistent or well-coordinated in terms of lighting, colors, fonts, composition of materials, location in relation to the building and proportions. Upon approval of a master sign plan, the Planning and Development Department shall be authorized to issue sign permits (upon application) for individual signs upon being deemed consistent with the approved master signage plan, without the need to obtain a Certificate of Appropriateness.
- E. *Master Sign Plans.* Any sign permit application if consistent with an approved uniform sign plan, is exempt from individual approval by the Preservation Commission, and the Planning and Development Office is authorized to issue sign permits after application, provided they are consistent with the uniform sign plan.
- F. *Administrative Approval.* The Planning and Development Office may use the criteria established in this section as a basis for administrative approval. In addition, those same criteria may be referenced in the administrative decision as a basis to approve, conditionally approve, or disapprove sign permits.
- G. *Specific Criteria for Signs.* In addition to criteria specified for Certificates of Appropriateness by the Ozark Historic Preservation Ordinance, the Preservation Commission may consider the following criteria, which are specifically applicable to signs:
1. The size, scale and design of the sign shall be compatible with the size scale and design of the property, building, or site upon which it is to be located.
 2. Signs shall be designed and placed so as to appear an integral part of the building design; not to obscure any significant architectural features of the building, property or site.

3. Signs shall be designed and placed to respect neighboring properties and the district in general.
4. Signs shall be designed with the appropriateness relative to the services of the establishment served.
5. Sign installation shall not irreparably damage any cornice, ornament or similar architectural detail and shall be the least damaging method feasible for the property, building or site.
6. Signs should be maintained if they are determined to be an original part of a building as it was originally constructed.
7. Signs that are not original to a building, may have acquired significance by virtue of their age, design, materials and craftsmanship. Such signs should be maintained and preserved.
8. Existing signs may not be appropriate due to disguising, obstructing or detracting from the significant façade elements. Existing signs shall be reviewed by the Preservation Commission before any repairs, alterations or replacement.
9. Existing non-conforming signs are allowed to remain in their existing unaltered state if they are in sound condition. Non-conforming signs may be reviewed by the Preservation Commission before any maintenance, repairs, alterations or replacement are completed to determine actions to bring sign into compliance.
10. All sign attachments shall be designed in such a way that the smallest possible amount of a building's historic fabric is damaged. This includes mounting sign attachments on brick buildings through the masonry joints, rather than through the masonry itself.

H. Design Requirements

1. *Proportionality* - Signs shall be sized in proportion to the building. Notwithstanding the maximum areas allowed under the terms of this ordinance, an individual sign may be disapproved if it is found to be excessive or non-proportional in relation to the building on which it is placed or which it serves.
2. *Sign Materials*
 - a. Exposed surfaces of signs must be constructed of or appear to be constructed of metal, glass, stone, concrete, brick, cloth, or wood, or similar approved materials. If synthetic materials are authorized, they shall have the same finished appearance as the materials specified in this paragraph.
 - b. Plastic substrate, plywood or unfinished wood are not appropriate materials for signs and shall not be permitted.
3. *Professional Fabrication* - Hand-written, hand-painted, hand-made or other unprofessionally fabricated signs may not be approved for use.
4. *Shape* - Signs should typically be square or rectangular; provided, however, this shall not prevent the Historic Preservation Commission from approving individual signs that may be circular or some other shape, or shaped like a particular object (e.g., a sign in the shape of a shoe for a shoe store).

5. *Illumination of Exterior Signs*

- a. Internally illuminated signs, and internally illuminated awnings are not appropriate and shall not be permitted.
- b. Neon lighting is not permitted.
- c. No animated, flashing or electronically changeable copy signs shall be permitted.
- d. No colored lights shall be used.
- e. If signs are illuminated, they shall be externally lit. Lighting directed toward a sign shall be shielded or recessed so that it illuminates only the face of the sign and does not shine directly into a public right-of-way or sidewalk.
- f. Individual wall-lighting fixtures projecting beyond property lines may be used providing fixtures are consistent with the period or the design of the building façade; the total wattage per fixture is no more than one hundred (100) watts; the fixture does not emit glare or harsh bright spots; the fixture is mounted no lower than seven (7) feet six (7) inches nor higher than nine (9) feet about the elevation of the ground floor; and the fixture extends from the property line not more than sixteen (16) inches, with no dimensions greater than sixteen (16) inches.

I. *Wall Signs*

1. Wall signs shall be mounted flush against the façade of the building. No sign shall be permitted that protrudes more than six (6) inches from the façade, unless approved by the Preservation Commission.
2. Wall signs should be located on flat, unadorned parts of the building façade, above the storefront windows and transom. The appropriate location for wall signage on buildings with more than one story shall be in the lintel space, which separates the storefront from the upper floor. Often a “signboard” area is provided. If the building façade or storefront has a lintel strip or signboard, the wall sign should be placed directly on it. Wall signs should be centered horizontally on the façade. Signs should not exceed two and one-half (2.5) feet in height.
3. Each business is allowed one (1) wall signs per leasable commercial space.
4. Wall signs, individually or in total allowed, shall not exceed more than thirty (30) percent of the wall area (excluding window areas) on which they are displayed or one and one-half (1.5) square feet per linear feet of leased building frontage of the business or establishment, whichever is greater.

J. *Canopy and Awning Signs.*

1. Storefront awnings should be positioned both above the display window and below the transom window(s), or above both the display and transom windows but below the signboard area, cornice, or spandrel, where these architectural features exist. Signs should be silk-screened or sewn onto the awning fabric, and they should be placed on the valance of the awning. Signs on canopies should be located on the primary face or top edge (or front-angled or sloped part) of canopies.

2. Canopy signs shall have a ground clearance of no less than eight feet above the lowest ground elevation.
3. Canopy signs shall cover no more than sixty-five (65) percent of the area of the side faces (awning flaps) of the canopy and no more than forty (40) percent of the front (or front-angled or sloped) face of the canopy.

K. Window Signs.

1. Window signs may be displayed on or in display windows on the ground floor. Window signs in upper façade windows are generally not encouraged and should be justified by the applicant.
2. When window signage is provided, painting is recommended. Applied vinyl letters are discouraged but may be approved by the Preservation Commission.
3. No window advertising sign shall not extend from one window to another.
4. In no case shall any window sign be installed above the level of second floor windows.
5. Window signs shall not exceed 25 percent of the total window area of the business or establishment, or 32 square feet total of window signage for any single business or establishment, whichever is greater.
6. The number of window signs for any individual business or establishment is not limited by this ordinance but limitations may be imposed via the certificate of appropriateness.
7. Internally lit window signs are acceptable, but shall be approved by the Preservation Commission. Signs shall be 32 square inches or less and shall count toward the maximum percentage allowed.

L. Door Signs.

1. Signs on doors should be located on or in the glazing of the doors. Painting of letters is preferred. Vinyl letters are discouraged but permitted.
2. There shall be no more than two (2) door signs for any individual business or establishments.
3. The maximum area shall not exceed 50% of the total window area.

M. Projecting Signs.

1. Projecting signs are permissible but the Preservation Commission may restrict them if other alternatives (wall, window, door, and awning) signs are also present or proposed. If a projected sign is authorized, it shall meet the specifications of this section.
2. Projecting signs are typically placed near the entry door.
3. Projecting signs shall project perpendicularly from the building.
4. Projecting signs shall be secured in place with a frame mount assembly.

5. Projecting signs do not necessarily have to be entirely stationary; they may suspend from an awning or similar type structure or be affixed to a bracket-mount to the building or structure in a manner where the sign face sways; such motion shall not make a swing sign a prohibited animated sign.
6. Any sign that is suspended from the underside of a canopy (including awnings), shall be located perpendicular to the wall surface of a building.
7. All projecting signs shall have a ground clearance of no less than seven feet six inches (7'-6") and shall not be more than ten (10) feet above the elevation of the ground floor.
8. Such signs shall project no more than thirty-six (36) inches from the building face.
9. Projecting signs shall be limited to one (1) per business or establishment.
10. No project sign shall exceed an area of nine (9) square feet per sign face.
11. Projecting signs shall not be illuminated.

N. Display Boards.

1. One display board shall be permitted per establishment, subject to compliance with the provisions of this Section.
2. Moveable display boards, when displayed within a window on the ground floor shall not count as window signs in terms of maximum allowable window sign area.
3. Display boards that are permanently placed on a wall (e.g., a wall-mounted display box) shall count as wall signs in terms of maximum allowable wall sign area, but they shall not be counted in terms of the maximum number of wall signs allowed.
4. Display boards shall not exceed an area of four (4) square feet per sign face.

O. Permanent Principle Use Ground Signs.

1. Ground signs, except historical designation markers, shall only be permitted in the front yard of properties containing a detached, single-family residence that has been converted to office, institutional, retail, service, commercial use, and/or a commercially designed building with an appropriate landscaped front yard area.
2. The maximum height of any ground sign, which may be permitted pursuant to this ordinance shall be six (6) feet.
3. Ground signs and all supporting elements shall be compatible with the building, property, and/or surroundings.
4. No ground sign shall exceed an area of thirty-two (32) square feet per sign face.

P. A-Frame Signs

1. Movable sandwich signs, also called A-frame signs, may be used in the historic district or at a historic landmark property, limited to one per business or establishments.

2. Such sign(s) which shall be temporarily placed on the ground in front of the business, may only be used during hours the business is open, and shall be removed from the ground when the business or establishment is not open to the public.
3. No such sign shall exceed a height of four (4) feet above the ground.
4. No such sign shall exceed an area of six (6) square feet per sign face.
5. Signs on a public right-of-way/sidewalk shall be required to maintain thirty-two (32) inches of sidewalk clearance for disabled accessibility (per ANSI 117.1 (2003)). No such sign shall obstruct pedestrian traffic or impede maintenance and/or snow or ice removal.

Q. Exceptions - The following are allowed in addition to those signs listed above:

1. Historic markers denoting building names, dates of erection, monumental citations and commemorative tablets which do not exceed twenty (20) square feet in area when made a permanent integral part of a building and made of cast metal or other durable materials. They should be located at eye level and should be positioned near a building entrance or another area of high visibility.
2. Signs that have special aesthetic, artistic or historical merit or appropriateness.
3. *Grand opening signs (no permit required)*. Signs temporarily displayed to advertise grand openings shall be allowed for non-residential uses in a residential district and for all commercial, subject to the following limitations:
 - a. Such signs shall be limited to one (1) sign per street front.
 - b. Such grand opening banner signs shall be displayed not more than thirty (30) consecutive days, to allow time for permanent signage to be erected.
 - c. The total area of all such signs shall not exceed thirty-two (32) square feet of area.

R. Temporary Signs. One temporary unlighted ground sign or wall sign per lot or per property frontage, is permitted during the time when a space, unit, building, or land is for sale, rent, or lease, not exceeding six square feet of area, nor a height of six feet if placed on the ground.

S. Banners (permit required). Signs temporarily displayed shall be allowed for non-residential uses in a residential district, and for all commercial, office warehouse and industrial districts subject to the following limitations:

- a. Such signs shall be limited to one (1) sign per street front.
- b. Such banner signs shall be displayed not more than thirty (30) consecutive days and not more than ninety (90) days per calendar year
- c. No sign shall be displayed without obtaining a new permit before each display period.
- d. The total area of all such signs shall not exceed thirty-two (32) square feet of area.

Section 420.220 **Maintenance of Historic Properties.**
[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. *Minimum Maintenance Requirement.* All buildings and structures designated 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 or such other person or persons who may have the legal custody and control thereof. The owner or other person having legal custody and control thereof shall repair such building if it is found to have any of the following defects:
1. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.
 2. Deteriorated or inadequate foundation.
 3. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety.
 4. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration.
 5. Members of walls, partitions or other vertical support that are of insufficient size to carry imposed loads with safety.
 6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split or buckle due to defective material or deterioration.
 7. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety.
 8. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration.
 9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.
 10. Deteriorated, crumbling or loose plaster.
 11. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors.
 12. Defective or lack of weather protection for exterior wall coverings, including lack of paint or weathering due to lack of paint or other protective coating.
 13. Any fault or defect in the building which renders the same structurally unsafe or not properly water-tight.
- B. *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 City Building Official or the Fire Department, and where the proposed measures have been declared necessary, by such department or departments, to correct the said condition; provided however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this Section. In the event any structure or other feature shall be damaged by fire or other calamity or by 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.

- C. If minimum maintenance is not being performed, the owner of the property or other person having legal custody thereof shall be notified by the City of Ozark. The notice shall be by certified mail and shall specify each item in the property or landmark that fails to meet minimum maintenance requirements. The owner or other person having legal custody of the property shall have thirty (30) days from the receipt of notice to comply with the minimum maintenance requirements. The City of Ozark, 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 City of Ozark the owner or person having legal custody of the property should fail to meet the minimum maintenance requirements, the owner or person having legal custody of the property shall be in violation of this Section and punished in accordance with Section 420.260(1).

Section 420.230 Review of Applications for Zoning Amendments, Special Use Permits and Variances.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

Applications for zoning amendments, special use permits or variances for a landmark or buildings in a historic district shall be referred to the Historic Preservation Commission by the City staff. The Preservation Commission may review these applications. 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 ten (10) days after receipt of said application, the Historic Preservation Commission shall forward its comments to the City staff for presentation to the Planning and Zoning Commission and/or Board of Aldermen for their consideration in reviewing the application.

Section 420.250 Review of Public Improvements and City Proposed Projects.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. Public improvements by the City of Ozark or any of its departments or agencies shall be reviewed by the Preservation Commission if they fall within one hundred eighty-five (185) feet of any landmark or any boundary of a historic district. When a City of Ozark project is proposed for a landmark or a structure within a historic district affecting an exterior architectural feature, whether on public or private property, it shall be brought to the Ozark Historic Preservation Commission during the design phase for review.
- B. The Preservation Commission shall review and comment on said proposed projects by the City of Ozark during the first available Preservation Commission meeting. The Preservation Commission shall make all comments during this meeting and Staff shall submit these Preservation Commission's comments to the appropriate City Department(s) for consideration. The City Administrator, if necessary, can accelerate the final project approval so that it does not impede completion of the project.

Section 420.260 Fees and Penalties.

[Ord. No. 09-012 §1, 4-6-2009; Ord. No. 12-040 §1, 11-19-2012]

- A. The Board of Aldermen shall establish an appropriate system of processing fees for the review of nominations and certificates of appropriateness.
 - 1. It shall be unlawful for any person to undertake or cause an alteration, construction, demolition or removal of any nominated or designated property or landmark or property within a nominated

designated historic district without a certificate of appropriateness. Penalties are established according to the provisions of the general penalty sections of this Code

2. It shall be unlawful to not maintain designated property or landmarks or property within a designated historic district within the minimum maintenance requirements of Section **420.220** of this Chapter.
3. If any Section, Subsection, sentence, clause, phrase or portion of this Chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining hereof.

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