

**Amended Bill No. 4802, an Ordinance Amending Sections 130.140 through 130.220 of Article IV of Chapter 130 of Title I of the Code of Ordinances of the City of Wentzville, Missouri Regarding the Downtown Committee and Sections 425.010 through 425.140 of Chapter 425 of the Code of Ordinances Regarding Historic Districts and Historic Landmarks**

**WHEREAS**, Article IV of Chapter 130 of Title 1 of the Code of Ordinances of the City of Wentzville, Missouri (the "City"), sets forth the duties, powers and roles of the Downtown Committee; and

**WHEREAS**, Chapter 425 of Title 4 of the Code of Ordinances of the City addresses historic districts and historic landmarks within the City; and

**WHEREAS**, the Board of Aldermen of the City of Wentzville has determined that it is in the best interest of the City and its residents to amend the following sections of the Code of Ordinances to enhance clarity, streamline processes with current practices and maintain compliance with Certified Local Government standards for the Downtown Committee and regarding the historic districts and landmarks within the City.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI, AS FOLLOWS:**

**Section 1:** Sections 130.140, 130.150, 130.160, 130.170, 130.180, 130.190, 130.200, 130.210 and 130.220 of Article IV of Chapter 130 of Title One of the Code of Ordinances of the City of Wentzville regarding the Downtown Committee are hereby repealed and new Sections 130.140, 130.150, 130.160, 130.170, 130.180, 130.190, 130.200, 130.210 and 130.220 of Article IV of Chapter 130 of Title One of the Code of Ordinances are hereby adopted in lieu thereof to read as follows:

**ARTICLE IV. - DOWNTOWN COMMITTEE**

**Sec. 130.140. - Purpose.**

(a) The board of aldermen has created a downtown committee that shall both serve as an advisory committee for advising and making recommendations to the board of aldermen as to transforming the city's downtown area into a community destination point while striving to protect, enhance, and revitalize the city's historical heritage, and as the committee charged with:

- (1) Fostering and encouraging preservation, restoration, and rehabilitation of the historic structures, areas and neighborhoods, and thereby preventing future urban blight
- (2) Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the people citizens of the city; and
- (3) Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city as contemplated by this Code pertaining to historic districts and landmarks.

(b) The downtown committee shall be responsible for such other duties as directed by the board of aldermen consistent with its purposes to promote the downtown part of the city.

**Sec. 130.150. - Composition; appointment; term.**

(a) The downtown committee shall consist of seven (7) voting members, one of whom shall be a representative of the Wentzville Historical Society, and the remaining six (6) of whom shall be citizens of the city who are not elected officials of the city, There shall be one (1) regular non-voting aldermanic liaison on the committee. The city shall provide for the appointment of one (1) or more alternate non-voting alderman liaison members, provided, however, any currently elected alderman may serve as such alternate liaison member when scheduling so requires. The city shall also appoint up to two (2) alternate citizen members to the downtown committee. Members shall be appointed by the mayor, subject to approval by a majority of the board of aldermen. The aldermanic liaisons (regular and alternate) shall be appointed annually by the mayor and approved by the board of aldermen. The other members shall serve for a term of three years or until their successors are appointed and qualified; except that members first appointed shall be appointed for such terms that the terms of not more than two of the members who are not aldermen shall expire annually thereafter. The board of alderman representatives shall serve in an ex-officio capacity and shall not be a voting member of the downtown committee.

(b) To the extent available in the community, all committee members must have a demonstrated interest, competence or knowledge in historic preservation. To the extent available in the community, the downtown committee should include professional members representing such disciplines as architecture, architectural history, prehistoric and historic archaeology, planning, urban design, cultural geography, cultural anthropology, folklore, landscape architecture, law, real estate brokerage, banking, history or other fields related to historic preservation, and residents or business owners in historic districts or potential historic districts. The members shall serve without compensation.

**Sec. 130.160. - Vacancies.**

Any vacancy on the downtown committee shall be filled for the unexpired term in the same manner as the original appointment. A vacancy shall be declared to exist whenever a downtown committee member fails to attend at least three downtown committee meetings without reasonable cause or excuse in one (1) calendar year, as determined by the rules of procedure of the downtown committee. Vacancies shall be filled within 60 days of the creation of a vacancy. Members of the downtown committee shall serve without pay.

**Sec. 130.170. - Quorum.**

A quorum for conducting business at meetings of the downtown committee shall consist of a simple majority of the filled committee positions. All decisions or actions of the downtown committee shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.

**Sec. 130.180. - Recommendations.**

The board of aldermen may from time to time solicit the recommendations of the downtown committee with regard to the redevelopment and preservation of the city's downtown area.

**Sec. 130.190. - Officers.**

Officers shall consist of a chairperson and a vice-chairperson elected by the downtown committee who shall each serve a term of one year and shall be eligible for re-election. The

chairperson shall preside over meetings. In the absence of the chairperson, the vice-chairperson shall perform the duties of the chairperson. If both are absent, a temporary chairperson shall be elected by those present. The secretary of the downtown committee shall be appointed by the city and shall have the following duties:

- (1) Take minutes of each downtown committee meeting;
- (2) Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the downtown committee;
- (3) Advise the mayor of vacancies on the downtown committee and expiring terms of members; and
- (4) Prepare to submit to the board of aldermen a complete record of the proceedings before the downtown committee on any matter requiring board of aldermen consideration.

**Sec. 130.200. - Meetings.**

- (a) Meetings shall be held at regularly scheduled times to be established by resolution of the downtown committee at the beginning of each calendar year or at any time upon the call of the chairperson, but no less than once each quarter. Public notice of all meetings shall be posted in conformance with standard city policy and RSMo 610.020 . All meetings of the downtown committee shall be open to the public, except as allowed by state law.
- (b) No member of the downtown committee shall vote on any matter that may materially or apparently affect the property, income, or business interest of that member.
- (c) No action shall be taken by the downtown committee 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 a public meeting of the downtown committee.
- (d) The chairperson, and in their absence, vice-chairperson, may administer oaths and require the attendance of witnesses.
- (e) The downtown committee shall keep minutes of its proceedings, showing the vote, 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.
- (f) All downtown committee rules of procedure, designation criteria, design guidelines and forms shall be available to the public at the office of the city clerk.

**Sec. 130.210. - Funding.**

The board of aldermen shall annually appropriate funds, within the budget limitations, for the operation of the downtown committee. The downtown committee 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 article and this Code.

**Sec. 130.220. - Powers and duties.**

The downtown committee shall have the following powers and duties:

- (1) To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this chapter and city and state law;
- (2) To advise and make recommendations to the board of aldermen as to transforming downtown Wentzville into a community destination point while striving to protect, enhance, and revitalize the city's historical heritage;
- (3) To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas within the city's historic downtown zoning districts 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);
- (4) To investigate and recommend to the planning and zoning commission and to the board of aldermen the adoption of ordinances designed for the protection of properties or structures within the city's historic downtown zoning districts having special cultural, historic, archaeological, community or architectural value as landmarks;
- (5) To investigate and recommend to the planning and zoning commission and the board of aldermen the adoption of ordinances designed for the protection of areas within the city's historic downtown zoning districts as having special cultural, historic, archaeological, community or architectural value as historic districts;
- (6) 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;
- (7) To confer recognition upon the owners of landmarks and property or structures within historic districts by means of certificates, plaques, or markers; and to make recommendations for the design and implementation of specific markings of the streets and routes leading from one landmark or historic district to another;
- (8) 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;
- (9) To nominate designated properties as historic landmarks and certified local historic districts for addition to the state and national historic registries and to review and comment on any nominations to the national register of historic places;
- (10) To inform and educate the citizens of the city concerning the historic, archaeological and architectural heritage of the city through publication or sponsorship of maps, newsletters, brochures, pamphlets, programs and seminars by the city, the downtown committee, or other appropriate parties;
- (11) To review applications for construction, alteration, removal or demolition affecting designated historic landmarks or structures within certified local historic districts and issue or deny certificates of appropriateness for such actions. Where the downtown committee recommends denying a certificate of appropriateness, the applicant may appeal to the board of aldermen;
- (12) To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of designated historic landmarks or

properties and structures within certified local historic districts;

(13) To review proposed zoning amendments, applications for conditional use permits, or applications for zoning variances that affect designated historic landmarks or certified local historic districts;

(14) To administer on behalf of the city any full or partial interest in real property, including easements, for property of historic significance within the city's historic downtown zoning districts that the city may have or accept as a gift or otherwise, upon approval by the board of aldermen;

(15) To accept and administer on behalf of the city, upon approval of the board of aldermen, such gifts, grants, and money as may be appropriate for the purposes of this article and this Code. Such money may be expended for publishing maps and brochures, or for hiring staff persons or consultants, or performing other functions for carrying out the duties and powers of the downtown committee and the purposes of this article and this Code;

(16) To call upon available city staff members as well as other experts for technical advice;

(17) To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time, when the budget allows;

(18) 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;

(19) To make requests to the board of aldermen concerning budgetary appropriations to further the general purposes of this article and this Code;

(20) To develop a preservation component in the comprehensive plan of the city and to recommend it to the planning and zoning commission and to the board of aldermen;

(21) To periodically review the city zoning and subdivision regulations and to recommend to the planning and zoning commission and the board of aldermen any amendments appropriate for the protection and continued use of designated historic landmarks or property, sites and structures within certified local historic districts;

(22) To advise and make recommendations to the board of aldermen as to transforming downtown Wentzville into a community destination point while striving to protect, enhance and revitalize the city's historical heritage; and

(23) To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to implementation of the purpose of this article and this Code.

**Section 2:** Sections 425.010, 425.020, 425.030, 425.040, 425.050, 425.060, 425.070, 425.080, 425.090, 425.100, 425.110, 425.120, 425.130 and 425.140 of Chapter 425 Title 4 of the Code of Ordinances of the City of Wentzville regarding the Historic Districts and Historic Landmarks are hereby repealed and new 425.010, 425.020, 425.030, 425.040, 425.050, 425.060, 425.070, 425.080, 425.090, 425.100, 425.110, 425.120, 425.130 and 425.140 of Chapter 425 Title 4 of the Code of Ordinances are hereby adopted in lieu thereof to read as follows:

## CHAPTER 425. - HISTORIC DISTRICT AND HISTORIC LANDMARKS

### Sec. 425.010. - 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 the city 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 community's landmarks and historic districts;
- (3) Conserving and improving the value of property designated as landmarks or within historic districts;
- (4) Providing economic benefits to encourage business and residential owners to locate and invest in historically significant properties;
- (5) Protecting and enhancing the attractiveness of the city to homebuyers, tourists, visitors, and shoppers, and thereby supporting and promoting business, commerce and industry, and providing economic benefit to the city;
- (6) Fostering and encouraging preservation, restoration, and rehabilitation of historic structures, areas and neighborhoods, and thereby preventing future urban blight;
- (7) Promoting the use of historic districts and landmarks for the education, pleasure, and welfare of the citizens of the community;
- (8) Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city.

### Sec. 425.020. - Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alteration means any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place 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 means a specific geographic division of the city.

Board of adjustment means the city board of adjustment established pursuant to this Code.

Certificate of appropriateness means a certificate issued by the downtown committee (downtown economic development and historic preservation committee) 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 means a certificate issued by the downtown committee authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.

Construction means law 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 means 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 means 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 means a standard of appropriate activity that will preserve the historic, prehistoric, architectural, scenic or aesthetic character of a landmark or historic district.

Downtown committee means the downtown committee as established pursuant to sections 130.140 through 130.170, which committee was previously known as the downtown economic development and historic preservation committee.

Exterior architectural appearance means 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 means an area designated as a "historic district" by ordinance of the city that is located within the city's historic downtown zoning districts, which may include individual landmarks, as well as other properties or structures which, while not of such historic or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the historic district.

Historic significance means 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.

Landmark means a property or structure designated as a "landmark" by ordinance of the city, pursuant to procedures prescribed herein, that is located in the city's historic downtown zoning districts and that is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the city.

Minimum maintenance means the minimum regulations governing the conditions and maintenance of all existing structures, as set out in the International Existing Building Code, as adopted by the International Code Council, Inc., and as adopted by reference, with certain amendments thereto by the city, as such existing structures code shall be amended from time to time by the city.

Ordinary maintenance means any work for which a building permit is not required by municipal

ordinance, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as may be practical, to its condition prior to the occurrence of such deterioration, decay or damage, and does not involve change of materials nor of form.

Owner of record means the person, corporation or other legal entity listed as owner on the records of the county recorder of deeds.

Public improvement project means an action by the city 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 means any relocation of a structure, object or artifact on its site, or to another site.

Repair means 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 means the Secretary of the Interior's Standards for the Treatment of Historic Properties or 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 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133).

Site means 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 means 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 means 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 following: buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

Survey means 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 identifying landmarks or districts worthy of preservation.

**Sec. 425.030. - Surveys and research.**

(a) The downtown committee shall undertake an ongoing survey and research effort in the city 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 downtown committee shall on its own initiative nominate any district for designation, it shall develop a plan and schedule for conducting a comprehensive survey of the city to identify significant resources. As part of the survey, the downtown committee 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 downtown committee 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 identifiable neighborhood or distinct geographical area of the city;
  - (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 and historic districts containing historic and prehistoric archaeological resources with the potential to contribute to the understanding of historic and prehistoric cultures;
  - (5) Such other criteria as may be adopted by the downtown committee to insure systematic survey and nomination of all potential landmarks and historic districts within the city.
- (b) All inventory material shall be in conformance with standards and guidelines for cultural resource inventory as established by the state historic preservation office.

**Sec. 425.040. - Nomination of landmarks and historic districts.**

- (a) General. Nominations for a historic landmark may be made to the downtown committee on a form prepared by it and may be submitted by the downtown committee or the owners of record of the nominated property or structure. Nominations for a historic district may be made to the downtown committee on a form prepared by it and may be submitted by the downtown committee or the owners of record of the nominated properties within the proposed district. Nominations shall be turned in to the city clerk, who will within seven days of receipt mail a notification of intent to nominate to the owners 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 downtown committee may, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or district meets one or more of the following criteria, based on criteria for evaluation for the National Register of Historic Places:
- (1) Its character, interest, or value as part of the development, heritage, or cultural characteristics of the community, county, state or country;
  - (2) Its overall setting and harmony as a collection of buildings, structures, objects where the overall collection forms a unit;
  - (3) Its potential to be returned to an accurate historic appearance regardless of alterations or insensitive treatment that can be demonstrated to be reversible;

- (4) Its location as a site of a significant local, county, state, or national event;
- (5) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or country;
- (6) Its embodiment of distinguishing characteristics of an architectural type valuable for the study of a period, type, method of construction, or use of indigenous materials;
- (7) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or country;
- (8) Its embodiment of elements of design, detailing, materials, or craftsmanship that render it architecturally significant;
- (9) Its embodiment of design elements that make it structurally or architecturally innovative;
- (10) Its unique location or singular physical characteristic that make it an established or familiar visual feature of the neighborhood, community, or 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 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) Recommendations on landmarks and historic districts. Upon receipt of a completed nomination of a landmark or historic district, the downtown committee may recommend and comment on the proposed nomination and guidelines for a certificate of appropriateness.

(d) Report and recommendation of downtown committee. The downtown committee shall within 60 calendar days from receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated landmark or historic district does or does not meet the criteria for designation in this section. The resolution 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.

(2) Explanation of the integrity or lack of integrity of the nominated landmark or historic district.

(e) Criteria. The following criteria should be considered by the downtown committee when considering a nominated landmark or district:

(1) In the case of a nominated landmark found to meet the criteria for designation:

- a. The significant exterior architectural features of the nominated landmark that should be protected;
- b. 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;
- c. Archaeological significance and recommendations for interpretation and protection; and
- d. The written consent of the owners of record of such property to be designated as a historic landmark.

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

- a. The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;
- b. The types of alterations and demolitions that should be reviewed for appropriateness pursuant to the provisions of this chapter;
- c. The type and significance of historic and prehistoric archaeological sites within the nominated historic district;
- d. Proposals for design guidelines of downtown committee review of certificates of appropriateness within the nominated landmark or historic district;
- e. The relationship of the nominated landmark or historic district to the ongoing effort of the downtown committee to identify and nominate all potential cultural resources that meet the criteria for designation;
- f. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated landmark or historic district, including recommendations for buffer zones to protect and preserve visual integrity;
- g. The absence of the written objection of 50 percent or more of the property owners of record within the proposed historic district; and
- h. A map showing the location of the nominated landmark or the boundaries of the nominated historic district.

The recommendations and report of the downtown committee shall be sent to the planning and zoning commission within 14 days following the vote on the resolution and shall be available to the public in the office of the city clerk.

- (f) 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 downtown committee 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 amendments to the planning and zoning provisions of this Code. Notice of the date, time, place and purpose of the meeting and a copy of the completed nomination form shall be sent by regular mail to the

owners of record.

(g) 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 downtown committee 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 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.

(h) Determination by planning and zoning commission. Within 60 calendar days following the closure 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 this section and the nominated landmark or historic district and all other information required by this chapter.

(i) 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 to the owner of record of a nominated landmark and of all property within a nominated historic district within 14 days following adoption of the resolution. Within 14 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 resolution and report accompanied by a recommendation that the nominated landmark or historic district be designated shall be sent to the board of aldermen.

(j) Appeal. There are two distinct appeal options in the event the planning and zoning commission determines that a nominated landmark or historic district does not meet the criteria for designation under this chapter. First, such determination by the planning and zoning commission shall be deemed a final administrative decision reviewable under the state Administrative Procedure and Review Act, RSMo Ch. 536 . Secondly, the nominator or any owner of a nominated landmark or of property within a nominated historic district, may within 30 days after the postmarked date of the notice of the determination by the planning and zoning commission file with the city clerk a written appeal to the board of aldermen.

(k) Action by the board of aldermen. The board of aldermen shall, within 60 calendar days after receiving a recommendation that a nominated landmark or historic district be designated as such according to subsection (i) of this section or receiving a written appeal according to subsection (j) of this section, either reject the recommendation or written appeal by formal resolution or designate the landmark or historic district by an ordinance. The board of aldermen shall hold a public hearing before enacting the ordinance and provide notice and take testimony in the same manner as provided in section 405.1100. Any ordinance shall be accompanied by a written statement, which may be contained in the ordinance itself, explaining the reasons for action of the board of aldermen. The city clerk shall provide written notification of action of the board of aldermen by regular mail to the nominator, the appellant, if any, and the owners of record of the nominated landmark or of all property within a nominated historic district. The notice shall include a copy of the designation ordinance or resolution passed by the board of aldermen and shall be sent within seven days of the board of aldermen action. A copy of each

designation ordinance shall be sent to the downtown committee, planning and zoning commission and the community development department.

(l) The designation ordinance. Upon designation, the landmark or historic district shall be classified as a "HP Historic Preservation Overlay District," 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 regulations; minimum dwelling size; floor area; lot size; sign regulations; and parking regulations. The official zoning map of the city shall be amended to show the location of the "HP Historic Preservation Overlay District" as an overlay zone.

(m) Interim control. No building permit shall be issued by the building official 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 downtown committee 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. In no event shall the delay be for more than 180 days.

(n) Amendment and rescission of designation. Designation may be amended or rescinded upon petition to the downtown committee and compliance with the same procedure and according to the same criteria set forth herein for designation.

**Sec. 425.050. - Applications for a certificate of appropriateness.**

(a) Certificates of appropriateness. A certificate of appropriateness shall be required before the following actions affecting the significance of any landmark or any structure within a historic district may be undertaken:

(1) Any construction, alteration, or removal requiring a building permit from the city;

(2) Any demolition in whole or in part requiring a demolition permit from the city;

(3) Any construction, alteration, demolition, or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the landmark or historic district;

(4) Any construction, alteration or removal involving earth disturbing activities that might affect archaeological resources;

(5) Any actions to correct a violation of a minimum maintenance standard.

(b) Application. Applications for a certificate of appropriateness shall include accompanying plans and specifications affecting the significance of a designated landmark or of a property within a designated historic district; and applications for demolition permits shall include plans and specifications for the contemplated use of the property. Applications for building and demolition permits shall be forwarded by the community development department to the downtown committee within 14 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 downtown committee. Any applicant may request a meeting with the downtown committee

before the application is formally reviewed by the downtown committee. 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 downtown committee and available at the community development department. The downtown committee shall consider the completed application at its next regular meeting.

(c) Stop work order. Whenever the downtown committee 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 community development department make every reasonable effort to contact the owners, occupants, contractor or subcontractor and inform them of proper procedures. If the downtown committee determines that a stop work order is necessary to halt an action, it shall request the community development department to 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 or subsequent stop work order may be issued for the same project.

**Sec. 425.060. - Determination by the downtown committee.**

(a) Approval of a certificate of appropriateness.

(1) The downtown committee shall review the application for a building or demolition permit or for a certificate of appropriateness and issue or deny the permit within 60 days of receipt of the application. Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant and the community development department within seven days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.

(2) A certificate of appropriateness shall become void unless construction is commenced within six months of date of issuance. Certificates of appropriateness shall be issued for a period of 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.

(b) Denial of a certificate of appropriateness. A denial of a certificate of appropriateness shall be accompanied by a statement of the reasons for the denial. The downtown committee shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the downtown committee 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 downtown committee. The applicant may resubmit an amended application or reapply for a building or demolition permit that takes into consideration the recommendation of the downtown committee.

**Sec. 425.070. - Standards for review.**

In considering an application for a building or demolition permit for a designated landmark or structure within a designated certified local government historic district or for a certificate of appropriateness, the downtown committee shall be guided in principle by the secretary of the interior's standards, as follows, in addition to any design guidelines in this chapter designating the landmark or historic district. Applications, standards for review and design guidelines shall

be available in the community development department 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, is 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 are 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 is 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.

**Sec. 425.080. - Design guidelines.**

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

- (1) Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures 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.

**Sec. 425.090. - Certificate of economic hardship.**

Application for a certificate of economic hardship shall be made on a form prepared by the downtown committee only after a certificate of appropriateness has been denied. The downtown committee may review the application and provide comment to the planning and zoning commission and board of aldermen, in the same manner as in section 425.040, and any person may testify at the hearing concerning economic hardship. All testimony, objections thereto and rulings at such meetings of the downtown committee shall be taken down by the secretary of the downtown committee, or, if electronic tape recording equipment is available, by such electronic means. The downtown committee may solicit expert testimony or request that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a recommendation on the application:

(1) Estimate of the cost of the proposed construction, alteration, demolition or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the downtown committee for changes necessary for the issuance of a certificate of appropriateness;

- (2) Information 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 downtown committee, and, in the case of a proposed demolition, after renovation of the existing property for continued use;
- (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure.

**Sec. 425.100. - Maintenance of historic properties.**

- (a) Ordinary maintenance exclusion. Nothing in the section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure.
- (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 designated by the city as "HP" Historic Preservation Overlay District shall be preserved against decay and deterioration and free from certain structural defects in the following manner, by the owner thereof or such other person or persons who may have the legal custody and control thereof shall repair such building if it is found to have any of the following defects:
  - (1) The deterioration of exterior walls or other vertical supports;
  - (2) The deterioration of roofs or other horizontal members;
  - (3) The deterioration of external chimneys;
  - (4) The deterioration or crumbling of plaster or mortar;
  - (5) The deterioration or ineffective waterproofing of exterior walls, roofs, and foundations, including broken windows or doors;
  - (6) The peeling of paint, rotting holes, and other forms of decay;
  - (7) The lack of maintenance of surrounding environment (e.g., fences, gates, sidewalks, steps, signs, accessory structures, and landscaping);
  - (8) The deterioration of any feature so as to create or permit the creation of any hazardous or unsafe condition or conditions.

If minimum maintenance is not being performed, the owner of the property or other person having legal custody thereof shall be notified by the community development department. 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 30 days from the receipt of notice to comply with the minimum maintenance requirements. The downtown committee, for good cause shown, may extend the

30-day period. If after the original 30-day period or any extension granted by the city 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 100.190.

**Sec. 425.110. - Review of applications for zoning amendments, conditional use permits and variances.**

Applications for zoning amendments, conditional use permits, or variances for a designated landmark or structure within an "HP" Historic Preservation Overlay District shall be referred to the downtown committee by the community development department at least 21 days prior to the date of the public hearing set by the planning and zoning commission or the board of adjustment. The downtown committee may review these applications using any format which it deems appropriate; provided, however, that the applicant shall be notified of the time and place of such review and shall be given the opportunity to appear and be heard. Within 15 days after receipt of the application, the downtown committee shall forward its comments to the community development department for presentation to the planning and zoning commission or board of adjustment for their consideration in reviewing the application.

**Sec. 425.120. - Appeals.**

If the downtown committee denies an application for a certificate of appropriateness, the downtown committee may work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within three months, the applicant may file with the city clerk a written appeal to the board of adjustment. In acting upon the appeal, the board of adjustment may grant a variance from the strict interpretation of this chapter when such is in conformance with the criteria established for the granting of a variance.

**Sec. 425.130. - 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 official, and where the proposed measures have been declared necessary, by such department or departments, to correct the 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 department or departments it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

**Sec. 425.140. - Fees 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 is 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 is 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 no greater than the general penalty established by the city pursuant to section 100.190 and consistent with any state law requirements pertaining to penalties for municipal court violations. Each day each violation shall continue to exist shall constitute a separate violation.

**Section 3:** The portions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found by a court of competent jurisdiction to be invalid, the remaining portions of this Ordinance shall be deemed valid, unless the court finds the valid portions of this Ordinance are so essential and inseparably connected with and dependent upon the void portion that it cannot be presumed that the governing body of the City has enacted the valid portions without the invalid ones, or unless the court finds that the valid portions standing alone are incomplete and are incapable of being executed in accordance with the legislative intent. All prior resolutions or ordinances in conflict herewith shall be and are hereby repealed.

**Section 4:** This Ordinance shall be in full force and effect from and after its passage by the Board of Aldermen and approval by the Mayor.

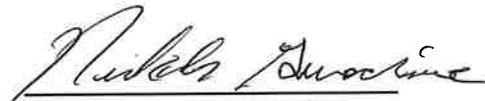
READ TWO TIMES AND PASSED BY THE BOARD OF ALDERMEN OF THE CITY OF WENTZVILLE, MISSOURI THIS 9 DAY OF April, 2025.

  
Mayor, Nickolas Guccione

Attest:

  
City Clerk, Kathryn Bowman

APPROVED BY THE MAYOR OF THE CITY OF WENTZVILLE, MISSOURI THIS 10 DAY OF April, 2025.

  
Mayor, Nickolas Guccione

Attest:

  
City Clerk, Kathryn Bowman

Approved as to Form:

  
Attorney

