

# IV.F.

## MEMORANDUM

*J. Herring*  
*7/11/11*



**DATE:** July 11, 2011  
**TO:** Mike Herring, City Administrator  
**FROM:** Aimee Nassif, Planning and Development Services Director  
**RE:** Chesterfield Historical Commission & Landmarks Preservation Committee Structure Recommendation  
**CC:** Mike Geisel, Director of Planning, Public Works and Parks

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Staff has been asked to research the options that exist for the organization, structure, and potential merging of two of the City's historical groups: The Chesterfield Historical Commission (CHC) and the Chesterfield Landmarks Preservation Commission (CLPC). After taking a close look at the mission, goals, work, and membership of each citizen group ***we recommend that the CLPC and CHC merge into a single citizen committee called the "Chesterfield Landmark and Historic Preservation Committee".***

### Background Information

The CHC was created through voice vote of the City Council soon after we incorporated in October of 1988. In the mid to late 1990s members of the CHC spoke before the City Council about the rich history and cultural importance of preservation planning in the City. They felt that the only way to protect and preserve Chesterfield's heritage was if another group could be formed to take on these tasks. The City Council at that time agreed, and the CLPC was soon in the making.

The CLPC was formed in 2001 by Ordinance No. 1719 and is considered to be a statutory committee. A statutory committee is one that was created by legislation and is subsequently codified into the City Code or is required by State Statute. Currently, there are over 20 citizen committees in the City, only 6 of which are statutory. The statutory committees include, but are not limited to: Board of Adjustment, Police Personnel Board, Planning Commission, Architectural Review Board, and the CLPC. While Missouri State Statute provides information relative to historic preservation and planning, the Statute does not require a municipality to have a preservation committee. In fact, Chesterfield is one of only a small handful of local municipalities with a historic preservation committee; in fact we have two.

The first ordinance written which created the CLPC was Ordinance Number 1719. Ordinance Number 1719 was developed under the standards set forth in Chapter 253 of the Missouri State Statute, which is known as the "Local Historic Preservation Act." Over the years the legislation that created the CLPC has been amended and updated and today, the CLPC is governed by the terms and conditions established in City of Chesterfield Ordinance Number 2628.

There are very subtle differences between things such as operation, function, and membership between statutory committees and non-statutory citizen groups. Basically, with a statutory group the requirements, tasks, function, qualifications and procedures are all established through legislation and made part of the City Code. The City also dictates the requirements, tasks, function, qualifications and procedures of non-statutory citizen groups; however it is done through City policy; not legislation. ***The City can oversee and regulate its citizen committees regardless of whether or not the citizen committee is statutory. In fact, City Council's direct oversight of a statutory committee is limited to the constraints of the City Code while a non-statutory committee serves at the discretion of the elected officials.***

In addition, members of statutory committees are recommended for appointment by the Council members of the ward in which they reside and the Mayor then endorses the nomination. Or, a citizen can be nominated directly by the Mayor. Discussion first occurs at a committee of Council meeting, such as Planning and Public Works Committee, where a recommendation is made and forwarded to the full City Council. Statutory Committee appointees must be confirmed by the City Council. For non-statutory citizen committees, the process is not identical, but similar in that the City still determines the membership of the committee. For these types of committees, the Council members of the ward where the person resides nominate the individual to the Mayor. The Mayor then approves the nomination and the individual may begin serving.

### Local CLG Status

The City of Chesterfield is currently certified by the U.S. Department of the Interior's National Park Service and the Missouri Department of Natural Resources' State Historic Preservation Office as a local CLG (Certified Local Government). We are among only 50 Missouri communities with this certification. When the City first applied for this certification, Dan Rothwell, as a member of the CLPC made application for us and the chair of the CLPC maintained our status on behalf of the City each year thereafter.

Being certified as a CLG entitles the City to apply for certain, limited, historic preservation grants. However in the past 11 years as a CLG, the City has never applied for any funding for a historic project. To be clear, there is no requirement that the City be certified as a CLG and any staff member or representative on behalf of the City can keep up to date on the yearly filing and renewal requirements.

Any City Staff member or representative of the City can apply for the CLG and maintain it for the City. The renewal application was due this past December and the Planning and Development Services Division filed on behalf of the City. **Staff can and currently does maintain the CLG on behalf of the City of Chesterfield.** The requirements to maintain our certification include that someone attend yearly training sessions and conferences and that historic education, outreach or historic planning be conducted throughout the year. These requirements can be fulfilled by the work of any individual staff member or citizen committee and currently is.

Please note that there are 5 requirements which must be met in order to maintain the City's CLG status. One of those is, "***the local government shall enforce appropriate state or local legislation for the designation and protection of historic properties.***"

If the CHC and CLPC were to merge into one citizen's advisory committee, we would still fulfill this CLG requirement through our *Landmarks Preservation Area Overlay Ordinance or LPA*. This ordinance, which is now Section 1003.191 of our Zoning Ordinance, was created in 2005 and establishes a procedure for review and approval of certain areas of the City as being designated as landmarks. This Section of the Zoning Ordinance creates the Applicability Criteria, Review Process and Development Standards for this designation. No changes are recommended or proposed for this Section of the Code.

Another requirement to maintain our local CLG is that "***the local government shall establish by state or local law and maintain an adequate and qualified historic preservation review commission.***"

This criterion is currently met through our CLPC ordinance, Ordinance Number 2628. If the CLPC is to merge and the City no longer has a **statutory** historic/landmark preservation committee, this criterion can still be met through Section 1003.191 as described above.

***We recommend that the CHC and CLPC be merged into a single, non-statutory committee called the "Chesterfield Landmark and Historic Preservation Committee" and that all requirements currently established in Ordinance 2628 which governs the CLPC be established and approved through formal City Policy. The City Policy would reference, as current ordinance does, the National Historic Preservation Act of 1966 and Chapter 253 of the Missouri State Statute, which is known as the "Local Historic Preservation Act."***

*City of Chesterfield Policy Recommendation*

Today, there are many tasks and procedures of the CLPC which are established through legislation. These include but are not limited to the following:

1. Conduct an ongoing survey of cultural, historical, educational, archeological sites. (The Department does utilize this list when applications for changes of zoning or site plan review are submitted to the department to identify if any important structures are standing on the site.)
2. Provide recommendation on structures or sites that should be considered for placement on the Chesterfield Historic Register.
3. Provide recommendation on structures or sites that may be appropriate for designation as a Landmarks Preservation Area Overlay.
4. To approve or deny Certificates of Appropriateness after public hearing on said matter.
5. Work with the City on the inclusion of historic and landmark importance in the Comprehensive Plan.
6. Make recommendations to the City Council on award recipients for the Leonard Blake Chesterfield Ancient History Award.
7. There shall be 9 members and 5 alternate members.

In the meanwhile, the CHC operates and functions as a citizen committee. Some of the duties of the CHC include creation of annual calendars, inventory of historic structures and sites, educational and community outreach and the CHC has published a book on Chesterfield's history. The work of the CLPC and CHC overlap in many ways. In addition, almost all of the members of the CLPC are also members of the CHC. ***All of the items which are currently regulated through legislation and are a part of the City Code, can continue to regulate through City Policy.***

If the CHC and CLPC were to merge into a single non-statutory citizen committee, regulating the work, membership, and procedures of the new group would be made easier because the City has more flexibility with a City Policy as opposed to legislation codified in our City Code. If for example we wanted to change the membership or amend one of the duties of the group, it is much easier and quicker to do so through City Policy as opposed to having to amend legislation and then adopt the new legislation into our City Code. ***The City Policy would be drafted by Staff and presented to the City Council for consideration and adoption.*** Staff has taken the initiative to draft a sample committee policy form for your review and consideration.

Both the CHC and CLPC play important roles within the City of Chesterfield. CHC tracks and studies the history of the City and the CLPC provides recommendations on several types of applications to the Planning Commission, City Council and Planning and Development Services Division. Because the majority of the members of the CLPC and CHC is the same and due to the similarities in the goals and objectives for each, combining the CHC and CLPC into one non-statutory committee should be a relatively easy process. In summation, I recommend the following:

***Repeal of Ordinance Number 2628, adoption of a City Policy to incorporate all current items found in city code for the CLPC and elsewhere for the CHC and the possible name for the new committee as the "Chesterfield Landmarks and Historic Preservation Committee".***

Currently, Ordinance Number 2582 states that members of the Planning Commission cannot also serve on another statutory committee but they can serve on a non-statutory committee as a regular member, but not as an officer or chair. Much of the work of the CLPC is to provide recommendations to the Planning Commission on pending development projects and recommends approval to the Planning Commission on rezoning sites to the Landmark Preservation Area designation. **For this reason, I have included language in the Policy for the "Chesterfield Landmarks and Historic Preservation Committee" stating that members of this new historic committee cannot also be current members of the Planning Commission.**

The City's commitment to historical preservation, which this recommendation will maintain, is strong and well-documented, as are the efforts put forth by those who volunteer their time in support of the City's goals. Ultimately, our recommendation is based upon a thorough evaluation of the role/function of both the CHC and the CLPC and reflects our firm belief that the changes described herein will enable the City, its Staff and both the CHC and CLPC to better share knowledge, experiences, education and other resources.

Should you have any questions, please let me know. After your review, it is our intention to forward this memo to the members of the Planning and Public Works Committee and, with that Committee's endorsement, to ultimately forward this to City Council, for final approval.

## Aimee Nassif

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**From:** Aimee Nassif  
**Sent:** Tuesday, July 12, 2011 9:33 AM  
**To:** Mike Geisel; Grier, Derek  
**Cc:** Bruce Geiger; Michael Herring  
**Subject:** RE: CLG grants  
**Attachments:** image001.jpg

Well, another good question for me to take a stab at.....

Chesterfield as you know has a rich history and at the rate that development was once occurring it was crucial to have a committee in place to help us ensure that we were moving forward as a great city while still protecting and preserving our history. Once our old historic buildings and artifacts are gone, as you know, they are gone forever. Collecting information on the City's history, doing community outreach, educating the public on the City's past is a full time job which we did not and do not have a single staff person dedicated for. Also, it is of course always so wonderful to have a group of residents who have lived here for say 30plus years who have access to newspaper clippings, articles, photos, etc etc of the City's past. (I grew up out here, been here since 1971, but my memory is not that great!)

Chesterfield has an area which we call "Historic Chesterfield" which is on the **National Register of Historic Places!** This area of the city (which is the land on Old Chesterfield Rd between Wild Horse and Baxter) also has several individual structures which are recognized on the National Register and have been published in several books.

We have a citizen committee and other cities don't because we (the city council) had the foresight to recognize the need and fill it early in our growth. And in order to practice and continue Historic Planning it was critical. For instance, we seek input/comments from the CLPC on development projects if a historic home or structure is on a project site. We also do historic research on applicable sites during zoning or site plan review presentations to the Planning Commission and City Council. In around 2004 we created the **Landmarks Preservation Area Overlay(LPA)**. This was a zoning overlay district which allowed a property owner to zone to this landmark area and receive certain historic credits or incentives for doing such. It also then makes applying for placement on the National Register easier. In addition, we have our own **Chesterfield Historic Register**. The CLPC works towards finding historic properties which meet certain criteria then they bring those properties to the Planning & Dev Services Division and we work to create background research, reports, and recommendations to the Planning Commission and City Council with the CLPC's assistance. The CLPC also provides comments/is notified of requests for **demolition permits** prior to our release of them in case the property is a historic site so they can talk to the property owner about preserving/protecting any items on the property and to photograph the property for documentation purposes. Up until recently we also had a **Historic Properties Restoration Grant** in which a matching grant of up to \$5,000 was provided to homeowners who have property on the historic register that needed assistance with maintenance/repair of the structure.

There is a lot of collaboration and work with the CLPC and the Planning & Dev Services Department. **This work can all continued to be done if the CLPC and CHC merged.** And, this work does not need to be done with a statutory committee---**it can be a non-statutory citizen committee.**

I would hate to see us (the City) not have a citizen committee to work with. I think continuing to do Historic Planning as described above would be made more difficult. Also, going back to my previous email now, **2 of the requirements to maintain the City's CLG is that the City has local legislation preserving/protecting historic properties AND that the City establish an historic review commission.** If the CLPC and CHC were

no longer affiliated with the city as a citizen committee we would lose our CLG. Also, if we did not have a citizen committee to help review, record, and research properties for the LPA or Historic Register, we would lose our CLG. Because of the coordination of efforts between Staff and the CLPC/CHC it is important for them to be maintained as a citizen committee to ensure our continued working relationship and to ensure that certain standards, procedures and practices are followed .....which can be accomplished through City Policy.

Aimee

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**From:** Mike Geisel  
**Sent:** Tuesday, July 12, 2011 8:15 AM  
**To:** Grier, Derek; Aimee Nassif  
**Cc:** Bruce Geiger; Michael Herring  
**Subject:** RE: CLG grants

Derek:

I'm sure Aimee will give you a more complete explanation, but there is apparently a misconception that they are autonomous now. That is definitely not the case. As a statutory committee, or even as a citizen's committee, they are serving on behalf of the city. They are not autonomous.

If a group of citizens desired to advocate for historic purposes, they could do so. The benefit of the city participating... and in fact the necessity of the City participating, is that there is a requirement for legislation to protect and preserve historic properties. That is our LPA ordinance.

IF, and I only say this in response to your request..... IF the City were to completely dissolve and disavow the CLPC and the CHC, then all those functions could be absorbed and assumed by staff. There is no requirement for a separate body. That route is totally and completely in the hands of Council.

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**From:** Grier, Derek [mailto:Derek.Grier@cassidyurley.com]  
**Sent:** Tuesday, July 12, 2011 8:08 AM  
**To:** Aimee Nassif; Mike Geisel  
**Cc:** Bruce Geiger; Michael Herring  
**Subject:** RE: CLG grants

Aimee,

GREAT summary and clarification, thank you! Issue one, resolved. Excellent!

The second concern I have heard expressed by some of the historic commission members is a desire for autonomy. Do any of you know specific benefits to having the commission a part of the city? Don't get me wrong, I am not on a mission to get rid of the historical commission! However, I am curious to know why other cities choose to support a historical *society*, as opposed to Chesterfield's current structure of having a specific historic commission/committee which is actually a part of the city. Would we benefit, and would the historic commission benefit, by being its own entity completely?

This does not have to be answered today or anytime in the near future, just a thought to consider.

Warmest regards,

Derek Grier

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**From:** Aimee Nassif [mailto:anassif@chesterfield.mo.us]  
**Sent:** Tuesday, July 12, 2011 7:50 AM  
**To:** Mike Geisel; Grier, Derek  
**Cc:** Bruce Geiger; Michael Herring  
**Subject:** RE: CLG grants

Thank you for forwarding this question. I am concerned about all the misunderstanding and misinformation floating around out there about what CLG means so I appreciate the opportunity to (hopefully) clarify things.

CLG means Certified Local Government. The City of Chesterfield is currently certified by the US Dept of the Interior's National Parks Service and the Mo Dept of Natural Resources ' State Historic Preservation Office as a local CLG. There are only about 50 communities in Missouri with this certification. Basically, obtaining this certification is simply bragging rights to show that we (Chesterfield) take historic preservation and historic planning seriously here and it allows the City to seek out CLG grants. These grants range in size and in the over 10 years that the City has been a CLG we have never applied for a single one.

Now, here is where most confusion comes in. The City is a CLG.....not an individual and not a committee. CLG is only for government entities. When the CLPC first formed they suggested to the City that the City should get its certification and offered to do the application and keep up with the requirements on behalf of the City...the City said okay.....and the CLPC maintain the certification by keeping up with the paperwork until last year. In addition, the CLPC asked the City for a small budget each year to attend trainings which is one of the requirements of keeping a CLG current. In addition to allowing Staff to attend these trainings, CLPC also wanted to attend and the at the time City agreed.

Now, for about a year, Staff has been maintaining the CLG status on behalf of the City. Each year we are required to complete a report on our historic work, training and outreach. Anyone can do this and Staff currently, successfully does. This does not in any way affect our ability to apply for a grant if we ever decided to. Some of the requirements are completed by individuals, Staff, or citizen committee (regardless of whether or not it is statutory). For example, community outreach goals are achieved by members of the CHC who do community work at Faust Park. Staff can attend trainings and conferences and we have ordinances in place which allow for the placement of properties on Chesterfield's Historic Register, etc etc.

Chesterfield is not required to be a CLG nor have we received any benefit from being one. However, we do maintain it and this is now done by Staff. The CLPC, over 10 years, started to get the impression that they were the CLG not the City. This is just not the case. So.....in a nutshell if the CLPC and CHC merges has no bearing on whether or not the City decides to continue keeping its CLG status and reap the benefits (if any) from it.

I hope this helps clarify/explain things for you.

Aimee

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**From:** Mike Geisel  
**Sent:** Tuesday, July 12, 2011 7:29 AM  
**To:** Grier, Derek; Aimee Nassif  
**Cc:** Bruce Geiger; Michael Herring  
**Subject:** RE: CLG grants

For what it is worth, the merger or separation of the two committees have NO impact on our ability to obtain CLG grants. The important point is that we are a CLG qualified city, we are, and that we commit to the annual training\education required. That

training\education can be achieved by staff, by resident committee, or other individuals. It has no bearing on our ability to obtain grants. BTW, to my knowledge, in 23 years we have not received one CLG grant.

Aimee may be able to contribute some more information.

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**From:** Grier, Derek [mailto:Derek.Grier@cassidyurley.com]  
**Sent:** Tuesday, July 12, 2011 7:21 AM  
**To:** Mike Geisel; Aimee Nassif  
**Cc:** Bruce Geiger  
**Subject:** FW: CLG grants

Mike and Aimee,

I spoke with Jane Durrell yesterday regarding the Historic and Landmarks Preservation committees yesterday. As a summary, I sent Mayor Geiger my thoughts on the conversation. He suggested I pass on the email to you which includes with a few ideas I had that might be worth looking into further, and perhaps considered in the staff recommendation coming soon. If you have any questions or would like to discuss please let me know.

Thank you,

**Derek Grier**

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**From:** Grier, Derek  
**Sent:** Monday, July 11, 2011 4:15 PM  
**To:** Bruce Geiger  
**Subject:** FW: CLG grants

Mayor,

FYI –Jane Durrell contacted me regarding the Historical Commission and Landmarks Preservation committees. I had the opportunity of hearing her ideas/concerns/opinions. From our conversation, I was able to ascertain that her main objection to the merging of the LP and HC is the ability of the LP to obtain grants from the State. Although the LP has never applied for a grant, they would like to retain their ability to do so in the future. (I believe there is some additional, perhaps emotional, objection to the joining of the two committees, but the grant issue seems to be the only tangible argument for keeping the committees separate).

I have asked her to find out more about the grants, including if the HC could obtain the designation needed to receive grants if the committees merged. I also asked her to do some research on the benefits/downsides of a City having a Historical Society, separate from the City, as opposed to the structure we currently have. You might consider suggesting to Mike Geisel that these issues be addressed in his upcoming recommendation on the future of the committees.

Bottom line, I am trying to get Jane and the other committee members to take a broader picture approach to the issue and consider alternative solutions and ideas. If their main concern in joining the committees is grant status, there may be an amicable solution. Being new to all this, I am trying to take a very objective look at all angles and potential solutions, including considering why other cities choose not to have a historical committee and instead support a historical society.

In any case, I just wanted you to be aware of what I see as positive forward progress. From my conversation with Jane, there may be an opportunity to get some buy-in from the committee members and ultimately get them on board with whatever decision is made (by the Council and Mayor).

I look forward to catching up soon,

**Derek Grier**  
Corporate Services



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**From:** Derek Grier [mailto:[DGrier@chesterfield.mo.us](mailto:DGrier@chesterfield.mo.us)]  
**Sent:** Monday, July 11, 2011 3:43 PM  
**To:** Grier, Derek; [dgrier@griergroupinc.com](mailto:dgrier@griergroupinc.com)  
**Subject:** FW: CLG grants

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**From:** [jane@reachone.com](mailto:jane@reachone.com)  
**Sent:** Monday, July 11, 2011 3:42:06 PM (UTC-06:00) Central Time (US & Canada)  
**To:** [jo.ann.radetic@dnr.mo.gov](mailto:jo.ann.radetic@dnr.mo.gov)  
**Cc:** Derek Grier; [dtoddw@charter.net](mailto:dtoddw@charter.net)  
**Subject:** CLG grants

Hi, Jo Ann, I had an excellent talk with our Chesterfield Historical Commission liaison, Derek Grier, on whom I am copying this e-mail, regarding the pros and cons of merging Chesterfield's parent group, CHC, a non-statutory commission, with the newer one, the Landmarks Preservation Commission, a statutory commission which gained us the CLG status, and thus gained for us the ability to get grant money. I am also copying Todd Williams, our Heritage Foundation Chairman and a member of LPC.

Derek's question is this: Do we have to be a CLG in order to get State preservation grant money? Would there be grants available to the non-statutory Historical Commission? Would there be grants available to the Heritage Foundation of Chesterfield, an organization completely separate from the city and created for the primary purpose of collecting donations and holding fundraisers and then disbursing the money wisely on historical projects? Do other cities' Historical Societies find ways to obtain grant money?

We are concerned about losing this avenue of grants if our CLG status is dissolved. Any other group of ours that might be eligible?

Thanks for your time and help, Jane Durrell, [jane@reachone.com](mailto:jane@reachone.com), 314-469-1439

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**CITY OF CHESTERFIELD  
POLICY STATEMENT**

**SUBJECT**     **Chesterfield Landmarks and  
Historic Preservation Committee**

**DATE**         **7/14/11**

**DATE  
REVISED**

**ISSUED**

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**CHESTERFIELD LANDMARKS AND HISTORIC PRESERVATION  
COMMITTEE**

**Established**

The City of Chesterfield hereby establishes the "Chesterfield Landmarks and Historic Preservation Committee" or "CLHPC"

**Mission**

The purpose of the CLHPC 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 Chesterfield 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 Chesterfield's landmarks and historic Designations;
3. Conserving and improving the value of property designated as landmarks or within historic Designations;
4. Providing for 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 home buyers, 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 the historic structures, areas and neighborhoods, and thereby preventing future urban blight;

7. Promoting the use of historic Designations and landmarks for the education, pleasure, and welfare of the people of the city;
8. Promoting the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological resources within the incorporated limits of the city;
9. Coordinating and managing the acquisition, storage, preservation, and documentation of information and artifacts related to past and living history of the area within the existing City Limits of Chesterfield;
10. Producing historical publications, newspaper articles, web sites, digital media, and public exhibits designed to promote interest in the history of the Chesterfield region and to provide public access to our repository of information and artifacts;
11. Preparation and delivery of activities designed to bring local history alive for the enjoyment and education of our citizens, i.e., lectures, public programs, tours, school and Scouting programs, etc.

### **Membership**

1. Appointments to non-statutory citizen Committees are made by the Mayor with the concurrence of both Councilmembers in whose Ward the individuals reside.
2. Committees are limited to 17 members - 4 from each ward and 1 "At Large", unless otherwise noted.
3. A member of the City Council and of the Planning Commission may be appointed to serve as liaisons. The Council and Planning Commission representatives shall not vote and shall not hold office.

### **Eligibility**

1. Members of the CLHPC shall be residents of the City.
2. No member of the CLHPC shall be a current member of the Chesterfield Planning Commission.

### **Terms**

1. The terms of office shall be for three (3) years.
2. Vacancies shall be filled for the unexpired term only.
3. The CLHPC shall hold at least four (4) meetings per year and any member who fails to attend at least fifty percent (50%) of all meetings,

regular and special, in any calendar year, may thereby vacate the membership as provided by the by-laws or policies established.

4. If a CLHPC member resigns or is removed from the CLHPC, he or she cannot be reappointed by the City Council for a period of two (2) years, unless approved by a super majority (6-2) vote of the City Council.

### **Officers**

1. Officers shall consist of a chairman, a vice-chairman, and a secretary elected by the CLHPC who shall each serve a term of one (1) year and shall be eligible for reelection; but no member shall serve as chairman for more than two (2) consecutive years.
2. The Council and Planning Commission representatives shall not be eligible for office. The chairman shall preside over meetings.
3. In the absence of the chairman, the vice-chairman shall perform the duties of the chairman. If both are absent, those present shall elect a temporary chairman.
4. The secretary of the CLHPC shall have the following duties:
  - a. Take minutes of each CLHPC meeting;
  - b. Be responsible for publication and distribution of copies of the minutes, reports, and decisions to the members of the CLHPC;
  - c. Give notice as provided herein by law for all public hearings conducted by the CLHPC;
  - d. Advise the Mayor of vacancies on the CLHPC and expiring terms of members; and
  - e. Prepare to submit to the Council a complete record of the proceedings before the CLHPC on any matter requiring Council consideration.

### **Meetings**

1. A quorum shall consist of more than half (1/2) of the number of appointed members.
2. All decisions or actions of the CLHPC shall be made by a majority vote of those members present and voting at any meeting where a quorum exists.
3. Meetings shall be held at regularly scheduled times to be established by resolution of the CLHPC at the beginning of each calendar year or at

any time upon the call of the chairman, but no less than four (4) times each year.

4. Meetings shall be held at City Hall unless otherwise authorized by the City Administrator or the Planning and Public Works Committee.
5. Meetings of the CLHPC, regardless of their location, are considered public meetings and therefore agendas shall be posted in accordance with the City of Chesterfield procedures and Sunshine Law requirements.
6. No member of the CLHPC shall vote on any matter that may materially or apparently affect the property, income, or business of that member and shall abide by any other city policies as to conflict of interest.
7. No action shall be taken by the CLHPC that could in any manner deprive or restrict the owner of property in use, modification, maintenance, disposition, or demolition until such owner shall first have had the opportunity to be heard at a public meeting of the CLHPC, as provided herein.
8. No action or vote shall be taken by the CLHPC regarding any property without prior notification and approval from said property owner.
9. The CLHPC shall notify the City Administrator or Staff Liaison of any property they are made aware of which is subject to any application, request, or nomination before any historic or landmark related entity, organization, or commission.
10. The chairman, and in his absence, the acting chairman, may administer oaths and compel the attendance of witnesses.
11. All meetings of the CLHPC shall be open to the public except as allowed by state law.
12. The CLHPC shall keep minutes of its proceedings, showing the vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the Office of the City Clerk and shall be public record.

### **Appropriation of Funds**

The City Council may appropriate funds, within the budget limitations, for the operation of the CLHPC. The CLHPC may, with the consent of the City Council, 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 ordinance.

## **Powers and Duties**

The CLHPC 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 policy and the Revised Statutes of the State of Missouri;
2. To conduct an ongoing survey for the identification of historically, archaeologically and architecturally significant properties, structures, sites and areas that exemplify the cultural, social, economic, political, or architectural history of the nation, state or city; and to maintain the research information in an inventory accessible to the public;
3. To investigate and recommend to the Planning Commission and to the City Council the adoption of ordinances designating properties or structures having special cultural, historic, archaeological, community or architectural value as "Landmarks;"
4. To investigate and recommend to the Planning Commission and the City Council the adoption of ordinances designating areas as having special cultural, historic, archaeological, community, or architectural value as "Historic Designations" for placement on the Chesterfield Historic Register;
5. To keep a register of all properties and structures which have been designated as Landmarks or Historic Designation, including all information required for each designation;
6. To confer recognition upon the owners of Landmarks and property or structures within Historic Designations 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 Designation to another;
7. To advise and assist owners of Landmarks and property or structures within Historic Designations on physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and on procedures for inclusion on the National Register of Historic Places;
8. To nominate Landmarks and Historic Designations to the Chesterfield Historic Register, and to the National Register of Historic Places, and to review and comment on any nominations to the National Register of Historic Places;

9. To inform and educate the citizens of the City of Chesterfield 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 CLHPC, or other appropriate parties;
10. To hold public hearings upon '30 days' notice published by the Department of Planning and Public Works, and to review applications for construction, alteration, removal or demolition affecting proposed or designated landmarks or structures within Historic Designations and issue or deny Certificates of Appropriateness for such actions. Applicants may be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions;
11. To hold public hearings on each proposed nomination of a Landmark and of a Historic Designation and on the guidelines developed for each nomination.
12. To request the Planning and Development Services Director to issue stop work orders for any construction, alteration, removal or demolition undertaken without a Certificate of Appropriateness or to stop work that violates the conditions of a certificate;
13. To review all applications for demolition permits within the corporate limits of the city to determine impact to significant cultural resources, including those not yet nominated as Landmarks or as contributing properties within a Historic Designation;
14. To consider applications for Certificates of Economic Hardship that would allow the performance of work for which a Certificate of Appropriateness has been denied;
15. To develop specific design guidelines based on the Secretary of the Interior's Standards for Rehabilitation for the alteration, construction, or removal of Landmarks or property and structures within Historic Designations;
16. To review applications for proposed zoning amendments, applications for special use permits, or applications for zoning variances that affect proposed or designated Landmarks or Historic Designations.
17. To administer on behalf of the City of Chesterfield any property of historical significance or full or partial interest in real property, including easements, that the City of Chesterfield may have or accept as a gift or otherwise, upon approval by the City Council;
18. To accept and administer on behalf of the City of Chesterfield, upon approval of the Council, such gifts, grants and money as may be appropriate for the purposes of this ordinance. Such money may be

expended for publishing maps and brochures or for hiring of staff persons or consultants or performing other functions for the purpose of carrying out the duties and powers of the CLHPC and the purposes of this policy;

19. To call upon the City Administrator for assistance from available city staff members as well as other experts for technical advice;
20. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time, with the approval of the City Council or Planning & Public Works Committee of Council.
21. To testify before all boards and commissions, including the Planning Commission and the Board of Adjustment, on any matter affecting historically, archaeologically, culturally and architecturally significant property, structures, sites and areas;
22. To make recommendations to the City Council concerning budgetary appropriations to further the general purposes of this ordinance;
23. To work with the city in the development of a preservation component in the Comprehensive Plan of the City of Chesterfield and to recommend it to the Planning Commission and to the City Council;
24. To periodically review the Chesterfield Zoning Ordinance and to recommend to the Planning Commission and the City Council any amendments appropriate for the protection and continued use of Landmarks or property, sites and structures within Historic Designations; and
25. To undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or to the implementation of the purpose of this ordinance. However, any such action shall not be binding upon the City without City Council approval.
26. To make recommendations on applications for Landmark Preservation Area Overlays (or LPA) as required and described in section 1003.191 of the City Code.



**RECOMMENDED BY:**

\_\_\_\_\_ **Department Head**

\_\_\_\_\_ **Date**

**APPROVED BY:**

\_\_\_\_\_ **City Administrator**

\_\_\_\_\_ **Date**

**DRAFT**

# LANGUAGE THAT IS CURRENTLY FOUND IN AND INTENDED TO REMAIN IN CITY CODE AS SECTION 1003.191

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**The purpose of this section of the Chesterfield City Code is to provide an avenue for the identity, promotion, and preservation of Chesterfield’s history for the community. Identifying and protecting certain properties as historic or certain structures as historic, is a benefit to the entire community and provides an educational, cultural and historical benefit to the general public. This Section of the Chesterfield City Code establishes the procedures for CLHPC in assisting the City in its efforts to identify and preserve properties as landmarks and historic designations and for the protection and maintenance of said properties.**

## **Sec. 23-53 Surveys and Research**

- A. The CLHPC shall undertake an ongoing survey and research effort in the City of Chesterfield to identify neighborhoods, areas, sites, structures, and objects that have historic, cultural, archaeological, architectural or aesthetic importance, interest or value.
- B. Before the CLHPC shall on its own initiative nominate any landmark or property for historic designation, it shall develop a plan and schedule for conducting a comprehensive survey of the City of Chesterfield to identify significant resources. As part of the survey, the CLHPC shall review and evaluate any prior surveys and studies by any unit of government or private organization and compile appropriate descriptions, facts and photographs.
- C. The CLHPC shall systematically identify potential Landmarks and Historic Designations and adopt procedures to nominate them based upon the following criteria:
  - 1. The potential Landmarks and Historic Designations in one identifiable neighborhood or distinct geographical area of the City of Chesterfield;
  - 2. The potential Landmarks and Historic Designations associated with a particular person, event or historical period;

3. The potential Landmarks and Historic Designation of a particular architectural style or school, or of a particular architect, engineer, builder, designer or craftsman;
4. The potential Landmarks and Historic Designation 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 CLHPC to assure systematic survey and nomination of all potential Landmarks and Historic Designations within the City of Chesterfield.

### **Sec. 23-54 Landmarks and Historic Designations**

- A. Nominations shall be made to the CLHPC on a form prepared by it and may only be submitted by the owner of record of the nominated property or structure, by a member of the CLHPC, or by elected members of the City Council. Nominations shall be submitted to the City Clerk, who will within seven (7) days of receipt mail a notification of intent to nominate to the owner of record of the nominated property. Forms and criteria for nomination will be available at the Office of the City Clerk.
- B. Criteria for Consideration of Nomination. The CLHPC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated property, structure, site, area or Designation meets one or more of the following criteria:
  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 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 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. Public Hearing on Landmarks and Historic Designations.** Upon receipt of a completed nomination of a Landmark or Historic Designation, the CLHPC shall schedule within thirty (30) days, a public hearing through the Department of Planning and Public Works to solicit input and comment on the proposed nomination and guidelines for Certificates of Appropriateness.

**D. Report and Recommendation.** The CLHPC shall within ninety (90) days from receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated Landmark or Historic Designation does or does not meet the criteria for designation in Section 23-54 of the City Code. The resolution shall be accompanied by a report to the Planning Commission containing the following information:

Explanations of the significance or lack of significance of the nominated Landmark or Historic Designation as it relates to the criteria for designation;

Explanation of the integrity or lack of integrity of the nominated Landmark or Historic Designation;

**In the case of a nominated Landmark found to meet the criteria for designation:**

1. The significant exterior architectural features of the nominated Landmark that should be protected;
2. The types of construction, alteration, demolition and removal other than those requiring a building or demolition permit, that should be reviewed for appropriateness pursuant to the provisions of Section 23-55 through 23-59 of the City Code;
3. Archaeological significance and recommendations for interpretation and protection.

**In the case of a nominated Historic Designation found to meet the criteria for designation:**

1. The types of significant exterior architectural features of the structures within the nominated Historic Designation that should be protected;
2. The types of alterations and demolitions that should be reviewed for appropriateness as described in this policy;
3. The type and significance of historic and prehistoric archaeological sites within the nominated Historic Designation;
4. Proposals for design guidelines of CLHPC's review of Certificates of Appropriateness within the nominated Landmark or Historic Designation;
5. The relationship of the nominated Landmark or Historic Designation to the ongoing effort of the CLHPC to identify and nominate all potential cultural resources that meet the criteria for designation;
6. Recommendations as to appropriate permitted uses, special uses, height and area regulations, minimum dwelling size, floor area, sign regulations, lot size, and parking regulations necessary or appropriate to the preservation of the nominated Landmark or Historic Designation, including recommendations for buffer zones to protect and preserve visual integrity; and
7. A map showing the location of the nominated Landmark and/or the boundaries of the nominated Historic Designation.

- E. **Recommendations and Report.** The recommendations and report of the CLHPC shall be sent to the Planning Commission within seven (7) 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 Commission shall schedule and hold a hearing on the nomination following receipt of a report and recommendation from the CLHPC that a nominated Landmark or Historic Designation meets the criteria for designation. The meeting shall be scheduled, held and conducted in the same manner as other meetings to consider applications for zoning amendments or ordinance amendments. 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 owner(s) of record and to the nominators.
- G. **Public Hearing.** Oral or written testimony concerning the significance of the nominated Landmark or Historic Designation shall be taken at the public hearing before the Planning Commission from any person concerning the nomination. The CLHPC may present expert testimony or present its own evidence regarding the compliance of the nominated Landmark or Historic Designation with the criteria for consideration of a nomination set forth in this policy. The owner of any nominated Landmark or of any property within a nominated Historic Designation 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 Commission.** Within sixty (60) days following close of the public hearing, the Planning Commission shall make a determination upon the evidence whether the nominated Landmark or Historic Designation does or does not meet the criteria for designation. Such a determination shall be made upon a motion and vote of the Planning Commission and shall be accompanied by a report stating the findings of the Planning Commission concerning the relationship between the criteria for designation in this policy and the nominated Landmark or Historic Designation and all other information required by this policy.
- I. **Notification of Determination.** Notice of determination of the Planning 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 Designation and to the nominator within seven (7) days following adoption of the resolution. Within fourteen (14) days following a determination by Planning Commission that the nominated Landmark or Historic Designation does meet the criteria for designation, a copy of the

resolution and report accompanied by a recommendation that the nominated Landmark or Historic Designation be designated shall be sent to the City Council.

- J. **Appeal.** A determination by the Planning Commission that the nominated Landmark or Historic Designation does or does not meet the criteria for designation shall be a final administrative decision reviewable under the Missouri Administrative Procedure and Review Act, unless that the nominator or any owner of the nominated Landmark or Property within the nominated Historic Designation, within fifteen (15) days after the postmarked date of the notice of the determination file with the City Clerk a written appeal to the City Council.
  
- K. **Action by City Council.** The City Council may within thirty (30) days after receiving the recommendation that the nominated Landmark or Historic Designation be designated or receiving a written appeal, either reject the recommendation or written appeal by formal resolution or designate the Landmark or Historic Designation by an ordinance. The City Council may hold a public hearing before enacting the resolution or ordinance and a written statement explaining the reasons for the action of the City Council shall accompany the ordinance. The City Clerk shall provide written notification of the action of the City Council by regular mail to the nominator, the appellant, and the owner(s) of record of the nominated Landmark or of all property within a nominated Historic Designation. The notice shall include a copy of the designation ordinance or resolution passed by the City Council and shall be sent within seven (7) days of the City Council action. A copy of each designation ordinance shall be sent to the CLHPC, Planning Commission, and Director of Planning, Public Works and Parks.
  
- L. **The Designation Ordinance.** Upon designation, the Landmark or Historic Designation shall be classified as a “H—Historic,” and the designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulation; minimum dwelling size; floor area; lot size; sign regulation; and parking regulations, The official zoning map of the City of Chesterfield shall be amended to show the location of the designation “H—Historic” as on overlay zone.
  
- M. **Interim Control.** No Municipal Zoning Authorization shall be issued for alteration, construction, demolition, or removal of a potential Landmark or of any property or structure within a potential Historic Designation unless such alteration, removal or demolition is authorized by formal resolution of

the City Council as necessary for public health, welfare or safety. In no event shall the delay be more than one hundred eighty (180) days.

**N. Amendment and Rescission of Designation.** Designation may be amended or rescinded upon petition to the CLHPC and compliance with the same procedure and according to the same criteria set forth herein for designation.

**Sec. 23-55 Applications for Certificates of Appropriateness.**

1. An application for a Certificate of Appropriateness must be made prior to applying for a demolition permit or a building permit affecting the exterior architectural appearance of any Landmark or any structure within a Historic Designation including but not limited to the following:
  - A. Any construction, alteration, or removal requiring a building permit from the City of Chesterfield;
  - B. Any demolition in whole or in part requiring a demolition permit from the City of Chesterfield;
  - C. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the Landmark or Historic Designation;
  - D. Any construction, alteration or removal involving earth-disturbing activities that might affect archaeological resources; and
  - E. Any actions to correct a violation of a minimum maintenance standard.
2. Applications for a Certificate of Appropriateness shall include accompanying plans and specifications affecting the exterior architectural appearance of a designated Landmark or a property within a designated Historic Designation; and applications for demolition permits shall include plans and specifications for the contemplated use of the property.
3. The Department of Planning and Public Works shall forward applications for building and demolition permits to the CLHPC within seven (7) days following the receipt of the application. A building or demolition permit shall not be issued until the CLHPC has issued a Certificate of Appropriateness. Any applicant may request a meeting with the CLHPC before the application is reviewed by the CLHPC or during the review of the application.



4. 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 CLHPC and available at the Office of the City Clerk. The CLHPC shall consider the completed application at its next regular meeting.

### **Stop Work Order**

1. Whenever the CLHPC 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 Planning and Development Services Director make every reasonable effort to contact the owners, occupants, contractors or subcontractor and inform them of proper procedures.
2. If the CLHPC determines that a stop work order is necessary to halt an action, it shall request the Planning and Development Services Director 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 with the notice. If necessary, a second or subsequent stop work order may be issued for the same project.

### **Sec. 23-56 Determinations by the CLHPC**

1. The CLHPC shall review the application for a building or demolition permit or for a Certificate of Appropriateness and issue or deny the permit within forty-five (45) days of receipt of the application. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant and the Planning and Development Services Director within seven (7) 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 (6) months of the date of issuance. Certificates of Appropriateness shall be issued for a period of eighteen (18) months and are renewable. If the project is not completed according to the guidelines provided in the Certificate of Appropriateness, the project shall be deemed in violation of this ordinance.
3. Denial of a Certificate of Appropriateness. A statement of the reasons for the denial shall accompany a denial of a Certificate of Appropriateness. The CLHPC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the CLHPC 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

CLHPC. The applicant may resubmit an amended application or reapply for a building or demolition permit that complies with the recommendations of the CLHPC.

### **Sec. 23-57 Review of Public Improvement and Land Acquisition Projects**

1. The CLHPC shall review and comment upon any public improvement project proposed by the City of Chesterfield or any of its agencies or departments within any Historic Designation, on the site or within two hundred (200) feet of any Landmark, or within two hundred (200) feet of any boundary of a Historic Designation. The Department of Planning and Public Works shall send a completed preliminary design for a public improvement project that meet these criteria to the CLHPC simultaneous with its submission to the City Council for approval. The CLHPC shall have at least thirty (30) days to complete its review and report to the City Council, except when the Department of Planning and Public Works, if necessary to accelerate the design review process, may specify a time less than thirty (30) days within which the CLHPC shall complete its review and report to the Council.
2. The CLHPC shall review and comment upon any proposed acquisition of a Landmark or of land or buildings within a Historic Designation by the City of Chesterfield or any of its agencies or departments. The City Council or the Department of Planning and Public Works shall, at the earliest possible date that will not interfere with acquisition negotiations, send the CHLPC information concerning the location, size, purchase price, current use, and proposed use of the land or building to be acquired, and specify the date by which the CLHPC shall report to the City Council.
3. The CLHPC shall review the public improvement of land acquisition projects to determine its effect upon the historic, archaeological or architectural character of the Landmark or Historic Designation and report to the City Council within any time specified by the City Council or the Department of Planning and Public Works but not to exceed forty-five (45) days. The report by the CLHPC shall include any recommendations for changes to the preliminary design or land acquisition that will lessen or alleviate any adverse effect of the proposed project upon the historic, archaeological or architectural character of the Landmark or Historic Designation. The City Council shall take into consideration the report of the CLHPC.

### **Sec. 23-58 Standards for Review**

In considering an application for building or demolition permit or for a Certificate of Appropriateness, the CLHPC shall be guided in principal by the Secretary of the Interior's Standards, as follows, in addition to any design

guidelines in the ordinance designating the Landmark or Historic Designation. Applications, standards for review, and design guidelines shall be available in the Office of the City Clerk for distribution to the public.

1. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment.
2. The historic character of the property shall be retained and preserved. The removal of historic materials or alteration of features and spaces that characterize a property shall be avoided.
3. Each property shall be recognized as a physical record of its time, place and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings shall not be undertaken.
4. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved.
5. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a historic property shall be preserved.
6. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature shall match the old in design, color, texture, and other visual qualities, and where possible, materials. Replacement of missing features shall be substantiated by documentary, physical or pictorial evidence.
7. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible.
8. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken.
9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.
10. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential

form and integrity of the historic property and its environment would be unimpaired.

### **Sec. 23-59 Design Guidelines**

Design guidelines for applying the criteria for review of Certificate 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 Designation.
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 Designation.
3. **Relationship of Building Masses and Spaces** – The setback and relationship of a structure within a Historic Designation 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 character and appearance of the Landmark and of surrounding structures in Historic Designations.
5. **Landscaping** – Landscaping should be compatible with the architectural character and appearance of the Landmark and of surrounding structures and landscapes in a Historic Designation.
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 Designation.
7. **Directional Expression** – Facades in Historic Designations should blend with other structures with regard to directional expression. Structures in a Historic Designation should be compatible with the dominant horizontal or vertical expression of the 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 Designation.

9. **Signage** – The character of signs should be in keeping with the historic architectural character of a Landmark or Historic Designation. Character of a sign includes the number, size, area, scale, location, type, (e.g. offsite advertising signs and on-site business signs), letter size or style, and intensity and type of illumination.
10. **Minimum Maintenance** – Significant exterior architectural 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 architectural features, or otherwise adversely affect the historic or architectural character of structures within a Historic Designation.

### **Sec. 23-60 Certificate of Economic Hardship**

Application for a Certificate of Economic Hardship shall be made on a form prepared by the CLHPC only after a Certificate of Appropriateness has been denied. The CLHPC shall schedule a public hearing through the Department of Planning and Public Works concerning the application and provide public notice and individual notice to the applicant, owners of record, and owners adjacent to the property in the same manner as for nominations for Landmarks and Historic Designations, and any person may testify at the hearing concerning economic hardship. All testimony, objections thereto, and rulings at such public hearings shall be recorded by electronic means.

The CLHPC may solicit expert testimony (costs to be approved in Planning and Public Works Committee in advance) or require that the applicant for a certificate of economic hardship make submissions concerning any or all of the following information before it makes a determination 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 CLHPC for changes necessary for the issuance of a Certificate of Appropriateness;
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
3. Estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition or removal; after any changes recommended by the CLHPC and, in the case of a proposed demolition, after renovation of the 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. 23-61 Maintenance of Landmarks Properties**

- A. Ordinary Maintenance Exclusion. Nothing in the section shall be construed to prevent the ordinary maintenance or repair of any exterior elements of any building or structure described in this policy.
- 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 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 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 exterior plasters and mortars;
  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.
- D. If minimum maintenance is not being maintained, the owner of the property or other person having legal custody thereof shall be notified by the Department of Planning and Public Works of the specific conditions

not being met. 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 CLHPC, 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 Department of Planning and Public Works, 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 fees and penalties section of this policy.

### **Sec. 23-62 Review of Applications for Zoning Amendments, Special Use Permits, and Variances**

- A. The Department of Planning and Public Works shall refer applications for zoning amendments, special use permits, and variances for a Landmark or structures within a Historic Designation to the CLHPC. The Department of Planning and Public Works shall send applications for special use or zoning variations to the Commission for comment within fifteen (15) days after the first public hearing by the Planning Commission, or at least seven (7) days before the date of any hearing of the Board of Adjustment.
- B. The CLHPC may review these applications using any format which it deems appropriate, provided, however, that the applicant shall be notified of the time and place of such review and shall be given the opportunity to appear and be heard. Within fifteen (15) days after receipt of said application, the CLHPC shall forward its comments to the Department of Planning and Public Works for presentation to the Planning Commission for their consideration in reviewing the application.

### **Sec. 23-63 Appeals**

If the CLHPC denies an application for Certificate of Appropriateness, the CLHPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within three (3) months, the applicant may file with the City Clerk a written appeal to the Board of Adjustment. In acting upon the appeal, the Board may grant a variance from the strict interpretation of this section of the City Code when such will not materially affect the health or safety of the applicant and general public.

### **Sec. 23-64 Public Safety Exclusion**

None of the provisions of this policy 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 Department of Planning and Public Works, 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.

### **Sec. 23-65 Penalties**

Any person convicted of violating the provisions of this section of the City Code shall be punished by a fine no greater than five hundred dollars (\$500.00) or confinement in the city jail for a period not to exceed sixty (60) days, or both fine and confinement. Each day each violation shall continue to exist shall constitute a separate violation.

It shall be unlawful to not maintain designated landmarks or structures with historic designations within the minimum requirements of this section of the City Code.

### **Sec. 23-66 Review of Applications**

The preliminary approval, pursuant to the City of Chesterfield Zoning Ordinance is granted, subject to all of the ordinances, rules and regulations and the specific conditions as recommended by the Planning Commission in its recommendations to the City Council, which are set out in the Attachment "A", which is attached hereto and made a part of.

### **Definitions**

The terms used and defined below are used for purposes of this city policy only and do not replace or amend terms and definitions found in the City Code.

1. **Alteration** – Any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place and/or structure, including, but not limited to, the erection, construction, reconstruction, or removal of any structure; the expansion or significant modification of agricultural activities; and clearing, grading or other



modifications of an area, site, or landscape that changes its current condition.

2. **Area** – A specific geographic division of the City of Chesterfield.
3. **Certificate of Appropriateness** – A certificate issued by the CLHPC indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within a Historic Designation.
4. **Certificate of Economic Hardship** – A certificate issued by the CLHPC authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.
5. **Construction** – The act of adding an addition to an existing structure or the erection of a new principal or accessory structure on a lot or property.
6. **Cultural Resources** – Designations, 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.
7. **Demolition** – Any act or process which destroys in part or in whole a Landmark or structure within a Historic Designation, or which threatens to destroy a Landmark or structure within a Historic Designation, 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.
8. **Design Guideline** – A standard of appropriate activity that will preserve the historic, architectural, scenic, or aesthetic character of a landmark or historic Designation.
9. **Exterior Architectural Appearance** - The architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs and appurtenant elements.
10. **Historic Designation** – An area designated as Historic or “H” by legislation of the City Council which may include individual Landmarks, as well as other properties or structures which, while not of such historic and or architectural significance to be designated as Landmarks, nevertheless contribute to the overall visual characteristics and historical significance of the City and are placed on the Chesterfield Historic Register.

11. **CLHPC** – the CLHPC is a citizen committee, created and regulated by City Policy, under the authority of Missouri Revised Statute Chapter 253.415
12. **Historic Significance** – Character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.
13. **Landmark** – A property or structure designated as a “Landmark” by ordinance of the City Council, pursuant to procedures prescribed herein, which is worthy of rehabilitation, restoration, interpretation and preservation because of its historic, architectural or archaeological significance to the City.
14. **Minimum Maintenance** – The minimum regulations governing the conditions and maintenance of all existing structures as set forth in the building codes and/or City Code of the City.
15. **Ordinary Maintenance** – Any work for which a building permit is not required by municipal ordinance, where the purpose and effect of such work is to correct any deterioration or decay of, or damage to, a structure or any part thereof and to restore the same, as nearly as may be practical, to its condition prior to the occurrence of such deterioration, decay or damage, and does not involve change of materials nor of form.
16. **Owner of Records** – The person, corporation or other legal entity listed as owner on the records of the St. Louis County Recorder of Deeds.
17. **Public Improvement Project** – An action by the City 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 effecting city parks or city owned structures.
18. **Removal** – Any relocation of a structure, object or artifact on its site or to another site.
19. **Repair** – Any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.

20. **Site** – The traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.
21. **Stop Work Order** – An order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required, and notifying the owner, occupant, contractor or subcontractor of the application process for a certificate of appropriateness.
22. **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.
23. **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 Designations worthy of preservation.