



Jackson County Missouri

Jackson County Courthouse
415 E. 12th Street, 2nd floor
Kansas City, Missouri 64106
(816)881-3242

Legislation Details (With Text)

File #: 3764 **Version:** 1 **Name:** Enacting Chapter 94, Jackson County Code, 1984
Type: Ordinance **Status:** Passed
File created: 5/1/2006 **In control:** Finance and Audit Committee
On agenda: 5/1/2006 **Final action:** 7/10/2006
Title: AN ORDINANCE enacting Chapter 94, Jackson County Code, 1984, relating to archaeological and architectural cultural resources.
Sponsors: Dennis Waits, Scott Burnett, Dan Tarwater III, Henry C. Rizzo, Fred Arbanas, Rhonda Shoemaker, Robert Stringfield, Bob Spence, Eugene Standifer Jr.
Indexes: CHAPTER 94, JACKSON COUNTY CODE
Code sections:
Attachments:

Date	Ver.	Action By	Action	Result
7/10/2006	0	Finance and Audit Committee		
7/10/2006	1	County Legislature	perfect substitute	Pass
7/10/2006	1	County Legislature	suspend the rules to consider final passage	Pass
7/10/2006	1	County Legislature	Consent Agenda	Pass
7/10/2006	1	County Legislature	Consent Agenda	
7/10/2006	1	County Legislature	adopt	Pass
6/27/2006	0	County Legislature	Go To 8th Perfection	Pass
6/26/2006	0	Finance and Audit Committee		
6/20/2006	0	County Legislature	Go To 7th Perfection	Pass
6/19/2006	0	Finance and Audit Committee		
6/13/2006	0	County Legislature	Go To 6th Perfection	Pass
6/12/2006	0	Finance and Audit Committee		
6/6/2006	0	County Legislature	Go To 5th Perfection	Pass
6/5/2006	0	Finance and Audit Committee		
6/2/2006	0	County Legislature	Go To 4th Perfection	Pass
5/22/2006	0	Finance and Audit Committee		
5/16/2006	0	County Legislature	Go To 3rd Perfection	Pass
5/15/2006	0	Finance and Audit Committee		
5/10/2006	0	County Legislature	Go To 2nd Perfection	Pass
5/9/2006	0	Finance and Audit Committee		
5/5/2006	0	County Legislature	Go To 1st Perfection	Pass
5/1/2006	0	County Legislature	assign to committee	

**Finance and Audit Committee
Substitute
July 10, 2006**

IN THE COUNTY LEGISLATURE OF JACKSON COUNTY, MISSOURI

AN ORDINANCE enacting Chapter 94, Jackson County Code, 1984, relating to archaeological and architectural cultural resources.

ORDINANCE # 3764, May 1, 2006

INTRODUCED BY Dennis Waits, Scott Burnett, Dan Tarwater, Henry C. Rizzo, Fred Arbanas, Rhonda L. Shoemaker, Robert A. Stringfield, and Eugene Standifer, Jr., County Legislators

WHEREAS, Jackson County enjoys a unique pre-history and history of national significance; and,

WHEREAS, the County has many cultural resources -- buildings, structures, objects, sites, districts, and scenic and cultural landscapes that embody a sense of time and place unique to the County and exemplify and reflect the cultural, social, economic, political, architectural, engineering and/or archaeological history of the nation, the State of Missouri, and the County; and,

WHEREAS, the County owns and manages significant architectural, archaeological, historic, and cultural resources, a large number of which are located in the County's extensive park system, as well as numerous cultural landscapes, buildings, and sites of historic significance, including the Independence Square Courthouse listed in the National Register of Historic Places and the historic 1933-1934 Kansas City, Missouri Courthouse; and,

WHEREAS, these resources merit and require consistent oversight and protection; and,

WHEREAS, movements and shifts of population, normal access and use by the public, and the changes in residential, commercial, recreational, and other public uses may threaten areas, landscapes, places, buildings, structures, sites, works of art, and other objects having special historic, community, architectural, archaeological, or aesthetic importance, interest, or value and whose preservation and continued utilization are necessary and desirable for the enjoyment, by the citizens of the County and others, of the history and beauty of the County; and,

WHEREAS, the identification, evaluation, and protection of archaeological, historic, and cultural resources will assist the County and its citizens in the acquisition of federal funding and grants and compliance with federal law as it relates to protection of cultural resources; and,

WHEREAS, the County wishes to foster pride in the beauty and noble accomplishments of the past as represented in the County's historic and cultural resources; and,

WHEREAS, the protection of the cultural, historic, archaeological, and architectural character and resources of the County is necessary for the promotion of its economic development; and,

WHEREAS, the County wishes to honor and commemorate the contribution of Jane Fifield Flynn to the protection of local, regional, state, and nationally significant historic resources through the enactment of this ordinance; now therefore,

BE IT ORDAINED by the County Legislature of Jackson County, Missouri as follows:

Section A. Enacting Clause.

Chapter 94, Jackson County Code, 1984, is hereby enacted, consisting of twelve new sections, to be known as sections 9400., 9401., 9402., 9403., 9404., 9405., 9406., 9407., 9408., 9409., 9410., and 9411., to read as follows:

CHAPTER 94
HISTORIC AND CULTURAL RESOURCES

9400. General Provisions.

9400.1 Purpose. The purpose of this chapter is to promote the educational, cultural, economic, and general welfare of the County by:

- a. Providing a mechanism to identify, evaluate and preserve the significant historic, archaeological, cultural, and architectural resources owned by the County that represent elements of the nation's, states, and county's cultural, social, economic, political, and architectural history;
- b. Fostering civic pride in and an understanding of the diversity of cultures and the accomplishments of the past as represented in the county's cultural resources;
- c. Providing consistent and appropriate preservation activities and interpretation of cultural resources owned by the county;
- d. Protecting and enhancing the attractiveness of the county to tourists, visitors, and investors, thereby supporting and promoting business, commerce and industry, and providing economic benefit to the county;
- e. Fostering and encouraging preservation, restoration, and rehabilitation of historic Cultural Landscapes, places, Buildings, Structures, Sites, Districts, Objects, and works of art owned by the County having

special historic, architectural, archaeological, or aesthetic importance, interest, or value; and

- f. Promoting the identification, evaluation, protection, and interpretation of prehistoric and historic archaeological resources.

9400.2 Definitions.

Unless specifically defined below, words and phrases in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

Alteration - Any act or process that changes or destroys one or more historic architectural or physical features of a Building, Structure, Area, Site, Landscape, or Object including, but not limited to, the Ground Disturbance, Construction, reconstruction, Demolition, or Removal of any Building, Structure, or Object and/or the clearing, grading, or other modification of an Area, Site, or Landscape that changes its current condition.

Archaeology - The scientific study of material remains (such as fossil relics, artifacts, and monuments) of past human life and activities and of the culture of a people including excavated material as well as above-ground resources.

Area - The particular extent of a geographic space or surface, or one that serves a special function, such as a contiguous cultural geographic area that possess the same or similar traits or that shares a dominant cultural orientation.

Artifact - Something created by humans, usually for a practical purpose that remains from a particular historical period; an Object or part of an Object created in the past.

Best Management Practices Handbook - A concise reference book/manual capable of being conveniently carried, providing information and instruction on the Maintenance and conservation treatment and management of historic Buildings, Cultural Landscapes, Sites, Structures, and Objects including the historic Furnishings and Fixtures they contain, in accordance with accepted Preservation and conservation treatments established by the National

Park Service.

Building- A constructed enclosure such as a house, barn, church, hotel, or similar construction created principally to shelter any form of human activity. The term may also be used to refer to a historically and functionally-related unit such as a courthouse and jail or a house and barn.

Certificate of Appropriateness - A certificate issued by the HRC indicating its approval of plans for Alteration, Construction, Removal, or Demolition of a property owned by the County listed in the National Register of Historic Places and/or a historically and culturally significant Landmark, Historic District, or Historic Resource owned by the County and designated by the County Legislature for listing in the Jackson County Register of Historic Resources.

Characteristic - A prominent or distinctive aspect, quality, or feature of a Cultural Resource or group of resources that contributes significantly to its physical character and defines its cultural and historical associations with events, people, patterns of events, or ability to provide information about past activities or cultures.

Construction - The act of adding an addition to an existing Structure or the erection of a new principal or accessory Structure.

Contributing Resource - A Cultural Landscape, Site, Building, Structure, or Object contributing to the Historic Significance of a Site or District which, by location, design, setting, materials, workmanship, feeling of a specific period of time, or association with significant events or pattern of events in local, state, and national history, adds to the Site's or District's sense of time and place and historical development. While such a Landscape, Site, Building, Structure, or Object by itself may not meet the definition of "Significant Property," it contributes to a larger grouping because of its scale, design, craftsmanship, materials, or location and retains sufficient historic characteristics and qualities or has the potential to make a positive and compatible contribution to the Historic Character and appearance of a defined area, thus reflecting its historic associations.

County - Jackson County, Missouri.

County Executive - The County Executive of Jackson County, Missouri.

County Legislature- The County Legislature of Jackson County, Missouri.

Cultural Landscape - A geographic Area including designed, vernacular, and naturally occurring elements and resources (including the wildlife or domestic animals therein) associated with a historic event or pattern of events, activity, or person, or exhibiting other cultural or aesthetic values. Cultural Landscapes include Historic Sites, natural Landscape Features, Historic Designed Landscapes, Historic Vernacular Landscapes, and ethnographic Landscapes.

Cultural Resource - A Cultural Landscape, District, Building, Site, Structure, Object or other evidence that is significant in local, state and/or American history, architecture, archaeology, or culture, and is of some importance to a culture, subculture, or community for scientific, engineering, art tradition, religious, or other reasons significant in providing resource and environmental data necessary for the study and interpretation of past life ways and for interpreting human behavior.

Database - A collection of information organized for easy and quick search and retrieval utilizing a computer and information management computer software. A Database is structured to facilitate the storage, retrieval, modification, and deletion of data in conjunction with various data-processing operations.

Demolition - Any act or process that removes or destroys in part or in whole a Historic or Cultural Resource or that threatens to destroy such a resource by failure to maintain it in a condition of good Repair and Maintenance.

Design Guidelines - Criteria developed by the HRC to identify standards of appropriate activity, including design concerns that will preserve the Historic, prehistoric, architectural, scenic, or aesthetic Character of Historic and Cultural Resources owned by the County in accordance with their level of significance and in accordance with the *Secretary of the Interior's Standards and Guidelines for Historic Properties* and accepted museum and Cultural Resource management practices. Design Guidelines are part of the ordinance designating a property as a Landmark or District listed in the Jackson County Register of Historic Resources approved by the County

Legislature.

District - A geographically definable Area with a significant concentration of Cultural or Historic Resources. See also Historic District.

Feature - A prominent or distinctive aspect, quality, or characteristic of a Historic or Cultural Resource that contributes significantly to its physical character.

Fixture - Something that is fixed or attached (as to a Building) as a permanent appendage or as a structural component.

Furnishing - An item of moveable equipment or furniture that is necessary, useful, and/or desirable in outfitting an Area for occupancy and/or use.

Ground Disturbance - Excavation activity that has the potential to adversely impact buried Artifacts and archaeological sites. In areas of known archaeological occurrence, Ground Disturbance should be kept to a minimum consistent with research objectives and with preserving archeological sites for future scientific investigation.

Historic and Cultural Resources Inventory - A listing of Historic and Cultural Resources that retain levels of Historic Significance and Integrity and which includes information regarding their condition, location, history, and areas of significance.

Historic Character - The sum of all visual aspects, Features, materials, and spaces associated with a Historic or Cultural Resource's history.

Historic Designed Landscape - A Landscape that was consciously designed or laid out by a Landscape architect, master gardener, architect, engineer, or horticulturist according to design principles, or the work of an amateur gardener working in a recognized Style or tradition of Landscape design. The Landscape may be significant for association(s) with a significant person, trend, or event in Landscape architecture or for illustrating an important

development in the theory and practice of Landscape architecture. Aesthetic values play a significant role in designed Landscapes and include parks, campuses, and estates.

Historic District - A geographically definable Area with a significant concentration of Buildings, Structures, Sites, spaces, or Objects unified by past events, physical development, design, setting, materials, workmanship, sense of cohesiveness, or related historical and aesthetic associations. A Historic District may include individual Landmarks, as well as other properties and Historic Resources which, while not of such historic, archaeological and/or architectural significance to be designated as individual Landmarks, nevertheless contribute to the overall characteristics and Historic Significance of the Historic District and meet the criteria for listing in the National Register of Historic Places defined by the National Park Service.

Historic Museum - A museum Building or Site whose Buildings, Structures, Landscape Features, Artifacts, and Objects are of Historic cultural, archaeological, and/or architectural Significance and whose interpretation relates primarily to the Building/Site's architecture, Artifacts, and history.

Historic Preservation Manager - The Historic Preservation Manager of Jackson County, Missouri, provided for in section 9401. of this chapter.

Historic Resource - A Cultural Landscape, District, Site, Building, Structure, Object, or Artifact that is worthy of Rehabilitation, Restoration, interpretation, and/or Preservation because of its Historic architectural, aesthetic, or archaeological Significance to the County.

Historic Significance - Importance or value in American history, architecture, archaeology, engineering, and culture present in Cultural Landscapes, Districts, Sites, Buildings, Structures, and Objects that possess integrity of location, design, setting, materials, workmanship, feeling, and association with a distinct period of time and that are associated with events that have made a significant contribution to the broad patterns of history; and/or that are associated with the lives of persons significant in the past; and/or that embody the distinctive Characteristics of a type, period, or method of Construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual

distinction; and/or that have yielded, or may be likely to yield, information important in prehistory or history.

Historic Site - A Landscape or Area significant for its association with a historic event, activity, or person in accordance with the Secretary of the Interior's criteria for evaluating and determining significance of Cultural Resources.

Historic Vernacular Landscape - A Landscape that evolved through use by the people whose activities or occupancy shaped it. Through social or cultural attitudes of an individual, family, or community, a Landscape reflects the physical biological and cultural character of everyday lives. Function plays a significant role in a Historic Vernacular Landscapes.

HRC - See Jane Fifiield Flynn Historic Resources Commission.

Independence Square Courthouse - The historic courthouse located on the Independence, Missouri, commercial square at 111 West Lexington Avenue. The Independence Square Courthouse was renovated *circa* 1932 under the direction of County Court Judge Harry S. Truman and is listed in the National Register of Historic Places.

Integrity - The authenticity of a property's historic identity, evinced by the survival of physical characteristics that existed during the property's historic or prehistoric period. The seven qualities of Integrity as defined by the National Park Service, Department of the Interior's National Register Program are location, setting, feeling, association, design, workmanship, and materials.

Inventory - An itemized list of assets, property, resources; the act or process of taking an Inventory. See also Historic and Cultural Resource Inventory.

Jackson County Register of Historic Resources - A listing of Cultural Landscapes, Sites, Districts, Buildings, Structures, and Objects of Historic Significance, owned by the County and designated by the County Legislature, such action requiring protection under adopted Design Guidelines.

Jane Fifiield Flynn Historic Resources Commission (HRC) - A governmental body appointed by the County Executive comprised of residents and professionals residing in the County to oversee the management and preservation of Cultural Resources owned by the County.

Kansas City Courthouse - The Jackson County Courthouse erected in 1933-1934 at 415 East 12th Street, Kansas City, Missouri, under the supervision of the Jackson County Court's presiding judge, Harry S. Truman.

Landmark - A property, Building, or Structure owned by the County and designated as a "Landmark" by ordinance of the County Legislature pursuant to procedures prescribed in this chapter that is worthy of Rehabilitation, Restoration, interpretation, and/or Preservation because of its Historic, architectural, or archaeological Significance to the County and/or the nation.

Landscape - The landforms <<http://www.m-w.com/dictionary/landforms>> of a region in the aggregate; a geographic Area including designed, vernacular, and naturally occurring elements and resources (including the wildlife or domestic animals therein).

Maintenance - Any work, the purpose and effect of which is to correct any deterioration or decay of, or damage to a Building, Structure, or Object, 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 that does not involve change of materials or of form.

National Register of Historic Places - The United States' official list of Cultural Resources worthy of Preservation. Authorized under the National Historic Preservation Act of 1966, the National Register is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect our Historic and archeological Resources. Properties listed in the National Register include Districts, Sites, Buildings, Structures, and Objects that are significant in American history, architecture, archeology, engineering, and culture. The National Park Service, which is part of the U.S. Department of the Interior, administers the National Register program.

Object - The term is used to distinguish from Buildings and Structures those man-made items that are created solely for artistic purposes such as sculpture or are small in scale and simply constructed. While it may be functional in nature (such as an Artifact, Furnishing, or Fixture), its design, materials, and craftsmanship reflects the era of its manufacture. Although an Object may be, by nature or design, movable, it was created for and is associated with a specific setting or environment.

Preservation - The act or process of applying measures to sustain the existing form, Integrity, and material by saving from destruction or deterioration old and historic Cultural Landscapes, Sites, Structures, Buildings, and Objects, including archaeological, architectural, Historic, and Cultural Resources. Preservation may include stabilization work where necessary, as well as ongoing Maintenance of the historic materials.

Public Improvement Project - An action by the County or any of its departments or agencies involving major Construction, modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure or any undertakings affecting County parks or County-owned Cultural Landscapes, Buildings, Structures, Sites, and/or Objects.

Reconstruction - The act or process of reproducing by new Construction the exact form and detail of a vanished Building, Structure, or Object or part thereof, as it appeared at a specific period of time.

Rehabilitation - The act or process of returning a property to a state of utility through Repair or Alteration which makes possible an efficient contemporary use while preserving those portions or Features of the property which are significant to its historical, architectural, and cultural values.

Removal - Any relocation of a Structure, Object, or Artifact on its Site or to another Site.

Renovation - Modernization of an old Building or Structure that may produce inappropriate Alterations or eliminate important Features and details.

Repair - Any change that is not Construction, Alteration, Demolition, or Removal and is necessary or useful for continuing normal Maintenance and upkeep.

Restoration - The act or process of accurately recovering the form and detail of a property and its setting as it appeared at a particular period of time by means of the Removal of later work, or by the replacement or Repair of missing earlier work.

Secretary of the Interior's Standards - The "Secretary of the Interior's Standards and Guidelines for the Treatment of Historic Properties" are a set of treatment standards and guidelines for the Preservation, Restoration, Rehabilitation, and Reconstruction of historic properties designed to assist owners in making sound historic Preservation decisions for the Preservation, Rehabilitation, Restoration, or Reconstruction of historic properties. The Standards are codified as 36 CFR Part 68 in the July 12, 1995, *Federal Register* (Vol. 60, No. 133).

Section 106 - The provision of the National Historic Preservation Act of 1966, as amended, that requires a federal agency upon the initiation of any undertaking (i.e., purchase, lease, sale, grant, permit, etc.), to make a determination of the effect of the project on a property listed in or eligible for listing in the National Register of Historic Places. This determination includes, among other things, a mandated public participation process involving local governments.

Significant Property - A property that is determined eligible for the National Register of Historic Places using the Secretary of the Interior's Criteria for Evaluation (36 CFR Part 60). Significance is present in Cultural Landscapes, Districts, Buildings, Structures, and Objects that possess Integrity of location, design, setting, materials, workmanship, feeling, and association.

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. See Historic Site.

Stabilization - The act or process of applying measures designed to re-establish a weather resistant enclosure

and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists.

Stop Work Order - An order of the County Executive directing an owner, occupant, or County department, employee, agency, 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. A Stop Work Order is also issued to stop work that is being done contrary to the provisions of a Certificate of Appropriateness.

Structure - Anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of, the foregoing: Buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools. The term "Structure" is used to distinguish from Buildings those functional constructions made usually for purposes other than human shelter.

Style - A type of architecture or design treatment distinguished by special Characteristics of Structure and ornament and often related in time; also a general quality of distinctive character.

Survey - The systematic gathering of information on the architectural, Historic, scenic, cultural, and archaeological Significance of Buildings, Sites, Structures, Areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying Historic and Cultural Resources for Preservation.

9401. Historic Preservation Manager.

The County shall employ or retain the services of a Preservation professional to serve as Historic Preservation Manager.

9401.1 Historic Preservation Manager, Qualifications.

The Historic Preservation Manager shall possess the following qualifications:

- a. Federal qualification as a "preservation professional" as set forth under the guidelines established in the Federal Register, Part V, Department of Interior, National Park Service, 36 CFR Part 61, Procedures for Approving State and Local Government Historic Preservation Programs: Final Rule; and,

- b. Academic training and experience in all of the following areas: Preservation planning, Historic Resource Inventories and Surveys, registration in the National Register of Historic Places, preparation and administration of Design Guidelines for historic properties, development and administration of local Preservation ordinances, and facilitation and compliance with Section 106 of the National Preservation Act.

9401.2 Historic Preservation Manger, Duties.

The duties of the Historic Preservation Manger shall be to assist and facilitate the HRC in the execution and management of its delegated powers and duties as defined in this chapter. The Historic Preservation Manager shall serve as the executive secretary to and custodian of records for the HRC.

9402. Jane Fifield Flynn Historic Resources Commission (HRC).

There is hereby established the Jane Fifield Flynn Historic Resources Commission (HRC) which shall have such power and duties as are set forth in this chapter.

9402.1 Composition. The HRC shall consist of seven (7) voting members, all residents of the County. All voting members shall be appointed by the County Executive. One (1) voting member shall be a member of the board of directors of the Jackson County Historical Society. One (1) other voting member shall be a member of the board of directors of the Historic Kansas City Foundation. All voting members shall have a demonstrated interest, and competence or knowledge in the history of the County and basic historic Preservation standards. A minimum of four (4) members shall be professionals in such disciplines as architecture, architectural history, archaeology, engineering, historic Preservation planning, cultural anthropology, museum science, landscape architecture, history, government, and social studies. In addition to the seven voting members, the HRC shall include the County's director of parks and recreation or his/her staff designee, the director of public works or his/her staff designee, the director of facilities management or his/her staff designee, and a member of the County Legislature to be appointed by the chair of the County Legislature, all of whom shall serve *ex officio* without vote.

9402.2 Terms. The terms of office of the members of the HRC shall be four years, except that the voting

members of the first HRC shall serve the following terms: one (1) for one (1) year; two (2) for two (2) years; two (2) for three (3) years; and two (2) for four (4) years. Vacancies shall be filled for the remainder of the unexpired term only. The HRC shall hold at least four (4) meetings per year and any member of the HRC who fails to attend at least fifty percent (50%) of all meetings, regular and special, in any calendar year, shall thereby automatically forfeit office, unless excused by vote of a majority of the HRC.

9402.3 Officers. Officers of the HRC shall consist of a chair appointed by the County Executive and a vice-chair elected by the HRC. The chair shall preside over meetings. In the absence of the chair, the vice-chair shall perform the duties of the chair. If both are absent, a temporary chair shall be elected by those present. The Historic Preservation Manager shall serve as executive secretary for the HRC and shall have the following duties:

- a. Recording minutes of each HRC meeting;
- b. Publishing and distributing copies of the minutes, reports, and decisions to the members of the HRC;
- c. Giving notice as provided herein by law for all public meetings and hearings conducted by the HRC;
- d. Advising the County Executive of vacancies on HRC and expiring terms of members; and
- e. Preparing and forwarding to the clerk of the County Legislature a complete record of the proceedings before the HRC of any matter requiring the County Legislature's consideration.

9402.4 Meetings. A quorum of the HRC shall consist of four (4) voting members, except that, if there are two or more vacancies among the voting members of the HRC, a quorum shall consist of three (3) voting members. All decisions or actions of the HRC shall be made by a majority vote of those members present and voting at any meeting where a quorum is present. Meetings shall be held at regularly scheduled times to be established by vote of the HRC at the beginning of each calendar year or at any

time upon the call of the chair, three voting and/or *ex officio* members, or the County Executive, but not less than once each quarter. Public notice of all meetings shall be given in conformance with the Missouri Open Meetings Law and this code. The chair, and in his/her absence, the acting chair, may administer oaths. All meetings of the HRC shall be open to the public except as permitted by law. The HRC shall keep minutes of its proceedings showing the vote of each member, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the clerk of the County Legislature and shall be public record. All HRC rules of procedure, designation criteria, Design Guidelines, and forms shall be available to the public at the office of the Historic Preservation Manager.

9402.5 Funding. The county legislature shall annually appropriate funds, within budgetary limitations, for the operation of the HRC. The HRC may, with the consent of the county executive, apply for and receive any federal, state, or private grant, grant-in-aid, gift, or bequest, in furtherance of the general purposes of this chapter.

9402.6 Compensation. The voting members of the HRC shall be compensated at the rate of \$100 per meeting and may be reimbursed for pre-approved expenses they incur while on HRC business.

9402.7 Conflict of Interest. No member of the HRC shall participate in the discussion of or vote on any matter that may materially or apparently affect any property, income, or business interest of that member, any relative of that member within the fourth degree of consanguinity or affinity, or any organization represented by that member.

9402.8 Powers and Duties. The HRC shall have the following powers and duties:

- a. To adopt its own by-laws and procedural regulations, provided that such regulations are consistent with this code, the Jackson County Home Rule Charter, and the Revised Statutes of the State of Missouri;
- b. To inform and educate the citizens of the County concerning the historic, archaeological, and architectural heritage of the County through publication or sponsorship of maps, newsletters, brochures, pamphlets,

- programs, and seminars conducted by the County, the HRC, and/or other appropriate entities;
- c. To issue citations and proclamations in recognition of contributions to Preservation of the County's unique history and to celebrate Preservation of that history;
 - d. To conduct an ongoing Survey of County property to identify and evaluate historically, archaeologically, and architecturally significant Cultural Landscapes, Districts, Sites, Buildings, Structures, and Objects that exemplify the cultural, social, economic, political, or architectural history of the nation, state, or County, and to maintain the research information in an Inventory accessible to the public (except for archaeological Site locations, which may be restricted from public disclosure as authorized by law);
 - e. To investigate and recommend to the County Legislature the adoption of ordinances relating to the application for designation to the National Register of Historic Places of Sites, Landscapes, Districts, Buildings, Structures, and Objects owned by the County having significant cultural, historic, archaeological, or architectural value;
 - f. To investigate and recommend to the County Legislature the adoption of ordinances designating to the Jackson County Register of Historic Resources, Sites, Landscapes, Districts, Buildings, Structures, and Objects owned by the County having significant cultural, historic, archaeological, or architectural value as Landmarks, Historic Districts, or Historic or Cultural Resources and to hold public hearings on each proposed designation of a Landmark, Historic Districts, or Historic or Cultural Resources to the Jackson County Register of Historic Resources and on the guidelines developed for each nomination;
 - g. To maintain the Jackson County Register of Historic Resources listing all properties which have been designated as Landmarks, Historic Districts, or Historic or Cultural Resources, including all information required for each designation;
 - h. To review County plans for Construction, Alteration, Ground Disturbance, Removal, or Demolition affecting Buildings, Structures, Sites, Areas, Cultural and natural Landscapes, and Objects at least fifty years in age owned by the County, and advise the County Executive of any adverse impact and suggested mitigation

strategies; department directors shall be required to submit plans, drawings, elevations, specifications, and other information as may be necessary to make decisions to the Historic Preservation Manager;

- i. To request the County Executive 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;
- j. To review applications for a Certificate of Appropriateness for Construction, Alteration, Ground Disturbance, Removal, or Demolition affecting Historic or Cultural Resources owned by the County that are listed in the National Register of Historic Places and/or the Jackson County Register of Historic Resources prepared by the Historic Preservation Manager in consultation with and behalf of County departments;
- k. Beginning with the Independence Square Courthouse and the Kansas City, Missouri County Courthouse, to develop specific guidelines based on the Secretary of the Interior's Standards and Guidelines for the treatment of Historic or Cultural Resources owned by the County listed in the National Register of Historic Places and/or in the Jackson County Register of Historic Resources; such guidelines include preparation of Best Management Practices Handbooks that include standards and guidelines for designated Historic and Cultural Resources including treatment and Preservation plans for archaeological resources, Sites, and Cultural Landscapes, and guidelines for Preservation, Restoration, Rehabilitation, and/or Renovation, cyclical Maintenance, and ordinary Maintenance of Historic Museums, Historic Districts, Buildings, Structures, and Objects including recommended decorative treatments for historic interior architectural elements and spaces, Furnishings, and Fixtures;
- l. To oversee and ensure the proper acquisition, annual Inventory, Maintenance, and security of historic Artifacts, including historic Furnishings and Fixtures, owned by the County;
- m. To assist in the public participation process mandated in Section 106 of the National Preservation Act of 1966, as amended, as part of the County's role as a governmental agency in the Section 106 compliance

process;

- n. To supervise the administration and protection on behalf of the County of any property of Historic Significance or of full or partial interest in real property, including easements, that the County may have or may accept as a gift or otherwise, upon approval by the County Legislature;
- o. To accept and administer on behalf of the County, upon approval by the County Legislature, such gifts, grants, and money as may be appropriate for the purposes of this chapter; such money may be expended for publishing maps and brochures, or for hiring staff persons or consultants, or performing other functions for the purpose of carrying out the duties and powers of the HRC and the purposes of this chapter;
- p. To recommend applications for grants and other incentives to protect properties of Historic Significance;
- q. To call upon available County staff members as well as other experts for technical advice;
- r. To retain such specialists or consultants or to appoint such citizen advisory committees as may be required from time to time to meet the intent of this chapter;
- s. To testify before all boards, commissions, and legislative committees on any matter affecting properties of Historic, archaeological, cultural, and architectural Significance and Cultural Resources;
- t. To make recommendations to the County Executive concerning budgetary appropriations to further the general purposes of this chapter; and
- u. 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 chapter.

9403. Survey, Identification, and Evaluation of Historic and Cultural Resources.

9403.1 General. The HRC shall undertake a prioritized and ongoing Survey effort to identify Cultural Landscapes, Sites, Districts, Buildings, Structures, and Objects owned by the County that have historic, cultural, archaeological, and/or architectural value, and shall maintain an Inventory of that information.

9403.2 Survey Plan. Prior to the HRC, on its own initiative, nominating any Landmark Historic District, or Historic or Cultural Resource, for designation to the Jackson County Register of Historic Places, it shall develop a plan and schedule for conducting a comprehensive Survey to identify significant Historic and Cultural Resources owned by the County. As part of the development of the Survey plan, the HRC shall initiate a literature search to obtain copies of prior Surveys, Cultural Resource studies, archival and Artifact collections records, and Inventories of Furnishings and Fixtures. The HRC shall also initiate the design of a Database to serve as a central Historic and Cultural Resource Inventory containing appropriately compiled descriptions, locations, historical information, and photographs of these resources. The Survey plan shall prioritize recordation in the Database of previously identified and catalogued resources as well as historic Furnishings and Fixtures associated with the Independence Square Courthouse and the Kansas City Courthouse, prior to initiating a Survey of unidentified resources.

9403.3 Survey Components.

a. Inventory and Securing of Historic Courthouse Furnishings and Fixtures.

As the first priority in establishing an Historic and Cultural Resources Inventory, the HRC shall as its first act initiate an Inventory of all the Furnishings and Fixtures in storage or in use in the Independence Square Courthouse and the Kansas City Courthouse that have associations with the 1930s construction of the two courthouses under the direction of Judge Harry S. Truman. The Inventory process shall include on-site inspections of all County-owned properties to identify any other Furnishings and/or Fixtures from this era that are currently stored or in use at other County locations.

i. All such Furnishings and Fixtures shall be entered into the Historic and Cultural Resources Inventory registration system and Database that include, at a minimum, the assignment and application of an Inventory number on each Furnishing/Fixture and a corresponding entry of the Inventory into the cataloguing system; a brief description of the item; a notation of the item's current location, which shall

also be designated on a site sketch map; and a photograph(s) of the resource in its current location. Fixtures that are permanently attached to the Buildings shall remain in place and their Maintenance and care guidelines shall be noted in the Best Management Practices Handbook for that Building. With the exceptions noted below, all historic courthouse Furnishings shall be removed under the supervision of a curatorial professional approved by the HRC and supervised by the Jackson County Historical Society, if authorized by contract, and relocated to a central storage area that meets standard museum storage criteria.

ii. Inventoried historic Furnishings and Fixtures may remain in either the Independence Square Courthouse or the Kansas City Courthouse and will be noted in the Best Management Practices Handbook for that Building, when such Furnishing or Fixture is:

- A) Part of a public display or museum collection;
- B) Located in a public reception area;
- C) Located in the office of an elected and/or appointed official; and/or
- D) Located in a courtroom or judge's chambers.

iii. A listing of all Fixtures and Furnishings in the Independence Square Courthouse and the Kansas City Courthouse shall be provided to the County's department of facilities management for each building and the director of facilities management shall be responsible for their care and security. All elected and appointed officials will sign a receipt for use of the Furnishings in their offices.

iv. No Furnishing or Fixture may be removed from its assigned location in a courthouse without the approval of the HRC. The exception to this provision is the removal of historic Furnishings and Fixtures to storage areas under the supervision of the Jackson County Historical Society, if authorized by contract. The change in location will be noted and dated in the Inventory catalogue and associated records.

v. If authorized by contract, the Jackson County Historical Society will Inventory all Furnishings and Fixtures annually. With the approval of the HRC, loans of historical Furnishings to elected and/or

appointed officials will be renewed. After all Furnishings have been inventoried, the Jackson County Historical Society will file an annual report with the HRC, County Executive, and clerk of the County Legislature, and make recommendations for the care, use, and Preservation of the Furnishings and Fixtures.

b. Inventory of Archaeological Resources.

The Historic and Cultural Resources Inventory of archaeological resources located on County-owned land will include the individual Site reports maintained by the University of Missouri Columbia (Archaeological Survey of Missouri, Museum Support Center) and the Cultural Resource management reports maintained by the State Historic Preservation Officer (Missouri Department of Natural Resources).

c. Inventory of Historic and Cultural Resources Located at Museum and Interpretive Sites.

The HRC and the supervisor of the Heritage Museums and Programs Division of the County's Parks and Recreation Department shall develop and implement a plan to integrate all existing Inventories, catalogue, and accession records of Buildings, Structures, Objects, Furnishings, Fixtures, and Artifacts associated with, located within, and in the management jurisdiction of the Parks and Recreation Department into the Historic and Cultural Resources Inventory managed by the HRC.

9403.4 Standards. All Inventory processes shall be in conformance with the standards and guidelines for Historic and Cultural Resources Inventory as established by the National Park Service and the Missouri State Historic Preservation Office, as well as accepted Cultural Resource management and museum standards.

9404. Jackson County Register of Historic Resources.

In order to protect and preserve the Historic and Cultural Resources owned by the County, there is hereby established the Jackson County Register of Historic Resources.

9404.1 Initial Destination, Existing Sites Listed in the National Register of Historic Places.

Due to their listing in the National Register of Historic Places, the following properties owned by the County are hereby entered into the Jackson County Register of Historic Places:

- a. Independence Square Courthouse;

- b. Fort Osage National Historic Site;
- c. Fort Osage Historic District;
- d. Fort Osage Archaeological District;
- e. Missouri archaeological sites 23JA45, 23JA73, and 23JA74; and
- f. Cave Spring Site.

9404.2 Initial Designation, New Sites.

Due to their Historic and Cultural Significance the following properties owned by the County are hereby entered into the Jackson County Register of Historic Places:

- a. Kansas City Courthouse and Community Justice Building;
- b. Missouri Town 1855;
- c. Portions of the Louis and Clark Trail, the Santa Fe Trail, and the Oregon and California trails located on County land and identified as such by the National Park Service; and
- d. Missouri archaeological sites located on County lands identified as meeting or having the potential to meet criterion D of the National Register of Historic Places.

9404.3 HRC, Duties.

The HRC shall recommend protective Preservation activities for specific groups, types, and collections of significant Historic and Cultural Resources through management policy recommendations and/or through designation to the Jackson County Register of Historic Resources.

9404.4 Disposition of Historic and Cultural Resources, Procedure.

No item listed in the Historic and Cultural Resources Inventory or any part of the collections of museums owned by the County, or any Furnishing or Fixture associated with properties owned by the County listed in the National Register of Historic Places and/or the Jackson County Register of Historic Resources, may be disposed of or conveyed (whether by sale, trade, permanent loan, or gift) by any terms without review and recommendation by the HRC to the County Executive.

9404.5 Landmarks, Historic Districts, and Historic Resources, Nomination to the Jackson County Register of Historic Resources.

a. General. Nominations of resources owned by the County shall be made to the HRC on a form prepared by it and may be submitted by the Historic Preservation Manager, a member of the HRC, a department director, a citizen, the County Executive, or the County Legislature. Forms and criteria for nomination to the Jackson County Register of Historic Places will be available at the office of the Historic Preservation Manager and, once completed, shall be submitted to the Historic Preservation Manager.

b. Nomination, Criteria for Consideration. The HRC shall, upon such investigation as it deems necessary, make a determination as to whether a nominated Cultural Landscape, Area, District, Building, Structure, Site, or Object meets one or more of the following criteria:

i. The resource's historic Integrity and associations with events that have made a significant contribution to the broad patterns of the history of the County, state and/or nation;

ii. The resource's historic Integrity and associations with the lives of persons significant in the County's, state's and/or nation's past;

iii. The resource's embodiment of the distinctive characteristic of a type, period, or method of construction that possess high artistic values; 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 nation; or that represents a significant and distinguishable entity whose components may lack individual distinction;

iv. The resource has yielded or may be likely to yield information important in prehistory or history; and

- v. Any Cultural Landscape, District, Site, Building, Structure, or Object that meets one or more of the above criteria shall also have sufficient historic and/or architectural Integrity based on the presence of a majority of the following conditions:
 - A. Location: The resource is located in the place where it was constructed or where it has significant associations;
 - B. Design: The combination of elements that create the form, plan, space, Structure, and Style of a resource;
 - C. Setting: The physical environment of a Historic Resource remains much as it did during the period when the resource had significant association with an event, pattern of events, or person;
 - D. Materials: The physical elements that were combined or deposited during a particular period of time and in a particular pattern or configuration to form a Historic Resource;
 - E. Workmanship: The physical evidence of the crafts of a particular culture or people during any given period in history or prehistory;
 - F. Feeling: The property's expression of the aesthetic or historic sense of a particular period of time; and
 - G. Associations: The direct link between an important historic event or person and a historic property.
- c. Public Hearing. Upon receipt of a completed nomination of a Landmark, Historic District, or Historic or Cultural Resource, the HRC shall schedule a public hearing to solicit input and comment on the

nomination and guidelines for Certificate of Appropriateness.

d. Report and Recommendation of HRC. The HRC shall within forty-five (45) calendar days from its receipt of a completed nomination in proper form adopt by resolution a recommendation that the nominated Landmark, Historic District, or Historic or Cultural Resource does or does not meet the criteria for designation as outlined in this chapter. The recommendation shall be accompanied by a report to the County Executive containing the following information:

- i. Explanation of the significance or lack of significance of the nominated Landmark, Historic District, or Historic or Cultural Resource as it relates to the criteria for designation; and
- ii. Explanation of the Integrity or lack of Integrity of the nominated Landmark, Historic District, or Historic or Cultural Resource.

e. Landmark, Report and Recommendation.

In the case of a nominated Landmark found to meet the criteria for designation, the HRC's report shall contain the following information:

tx1728

- i. The significant Features of the nominated Landmark that should be protected;
- ii. The types of Construction, Alteration, Demolition, and Removal, in addition to those requiring a Building or Demolition permit, that should be reviewed for appropriateness pursuant to this chapter;
- iii. Archaeological significance and recommendations for interpretation and protection;
- iv. The relationship of the nominated Landmark to the ongoing effort of the HRC to identify and nominate all potential Cultural Resources that meet the criteria for designation;

- v. 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, including recommendations for buffer zones to protect and preserve visual Integrity;

- vi. A map showing the location of the nominated Landmark, except in the case of an archeological Landmark no map shall be provided and the location shall be identified in a general area and referenced by its assigned number listed with the University of Missouri and the State Historic Preservation Officer.

- f. Historic District, Report and Recommendation.

In the case of a nominated Historic District found to meet the criteria for designation, the HRC's report should contain the following information:

- i. The types of significant physical, architectural and/or cultural Features within the nominated Historic District that should be protected;

- ii. The types of Alterations and Demolitions that should be reviewed for appropriateness pursuant to the provisions of this chapter;

- iii. The type and significance of historic and prehistoric archaeological Sites within the nominated Historic District;

- iv. Proposals for design guidelines of HRC review of Certificates of Appropriateness within the nominated Historic District;

- v. The relationship of the nominated Historic District to the ongoing effort of the HRC to identify and nominate all potential Cultural Resources that meet the criteria for designation;

- vi. Recommendations as to appropriate permitted Ground Disturbances, 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 Historic District, including recommendations for buffer zones to protect and preserve visual Integrity; and
- vii. A map showing the location of the boundaries of the nominated Historic District, except that, for archaeological districts, no map shall be provided and the location shall be identified in a general area, referenced by its assigned number listed with the University of Missouri and the State Historic Preservation Officer.

g. Historic Resource, Report and Recommendation.

In the case of a nominated Historic Resource found to meet the criteria for designation, the HRC's report shall contain the following information:

- i. The types of significant physical Features and characteristics that should be protected; and
- ii. The types of treatments and/or Alterations that should be reviewed for appropriateness pursuant to the provisions of this chapter;
- iii. Proposals for design guidelines of HRC review of Certificates of Appropriateness;
- iv. The relationship of the nominated Historic Resource to the ongoing effort of the HRC to identify and nominate all potential Cultural Resources that meet the criteria for designation;
- v. Recommendations as to appropriate permitted Ground Disturbances, Alterations, uses, special uses, and/or protective measures necessary or appropriate to the preservation of the nominated Historic Resource, including recommendations for actions to protect and preserve historic Integrity; and
- vi. A map of the site, site plan, and building showing the location of the nominated Historic Resource.

h. Report and Recommendation, Submission.

The HRC's report and recommendations shall be submitted to the County executive within seven (7) days following the vote on the resolution and shall be available to the public in the office of the Historic Preservation Manager.

i. Nomination, County Legislature's Procedure.

The County Executive shall, within fourteen days of its receipt, forward to the County Legislature the HRC's report and recommendation, together with the County Executive's recommendation as to appropriate action. The County Legislature shall take up at a regular or special meeting the nomination following receipt of a report and recommendation from the County Executive that a nominated Landmark, Historic District, or Historic or Cultural Resource 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 ordinances. The clerk of the County Legislature shall provide notice of the date, time, place, and purpose of the meeting and a copy of the completed nomination form by regular mail to the nominators and to the applicable department director.

j. Public Hearing.

The County Legislature may conduct a public hearing at which it shall receive oral or written testimony concerning the significance of the nominated Landmark, Historic District, or Historic or Cultural Resource from any person. The HRC may present expert testimony or its own evidence regarding the compliance of the nominated Landmark, Historic District, or Historic or Cultural Resource with the criteria for consideration of a nomination set forth in this chapter. The appropriate department director responsible for the management of the nominated Landmark, Historic District, or Historic or Cultural Resource, shall be allowed to present evidence regarding Historic/Cultural Significance. The hearing shall be closed upon completion of testimony.

k. Determination by the County Legislature Affecting Nominated Resources.

Within sixty (60) calendar days following the County Legislature's receipt of the nomination or the close of

the public hearing, whichever is later, the County Legislature shall make a determination upon the evidence whether the nominated Landmark, Historic District, or Historic or Cultural Resource does or does not meet the criteria for designation. Such a determination shall be made by ordinance of the County Legislature and shall be accompanied by a report stating the findings of the County Legislature concerning the relationship between the criteria for designation referenced in this chapter and the nominated Landmark, Historic District, or Historic or Cultural Resource, and all other information required by this chapter. Upon adoption of the ordinance, the nominated property shall be listed in the Jackson County Register of Historic Places.

I. Determination by the County Legislature Affecting Nominated Resources.

Notice.

The clerk of the County Legislature shall provide notice of the determination of the County Legislature, including a copy of the report, by regular mail to the nominator, the chairman of the HRC, and the appropriate department director responsible for management of a nominated Landmark, Historic District, or Historic or Cultural Resource, within seven (7) days following the adoption of the ordinance.

m. Interim Control.

After the date of the meeting of the HRC at which a nomination form is first presented, no Alteration, Construction, Disturbance, Demolition, or Removal of a nominated Landmark or of any property or Structure within a nominated Historic District or Historic Resource shall occur until the final disposition of the nomination by the County Legislature unless such Disturbance, Alteration, Removal, or Demolition is authorized by formal resolution of the County Legislature as necessary for public health, welfare, or safety. In no event shall the delay be for more than ninety (90) days.

n. Designation, Amendment or Rescission.

Designation to the Jackson County Register of Historic Resources may be amended or rescinded upon petition to the HRC and compliance with the same procedure and according to the same criteria set forth in this chapter.

9405. Certificate of Appropriateness, Application.

9405.1 Certificate of Appropriateness, Actions Requiring. A Certificate of Appropriateness shall be required before the following actions affecting the significance of any Landmark, Historic District, or Historic or Cultural Resource listed in the Jackson County Register of Historic Resources may be undertaken:

- a. Any Ground Disturbance, Construction, Alteration, or Removal other than that required for ordinary Maintenance;
- b. Any Demolition in whole or in part;
- c. Any Construction, Alteration, Demolition, or Removal affecting a significant exterior architectural Feature or characteristic as specified in the ordinance designating the Landmark, Historic District, or Historic or Cultural Resource; or
- d. Any Construction, Alteration, or Removal involving earth disturbing activities that might affect archaeological resources.

9405.2 Applicant Information. Applications for a Certificate of Appropriateness shall be submitted to the Historic Preservation Manager and shall include accompanying plans and specifications for changes or Ground Disturbances affecting the significance of a designated Landmark, Building, Structure, Site, Area, or Object within a designated Historic District, or of a Historic or Cultural Resource. Applications for Demolition, in whole or in part, shall include plans and specifications for the contemplated new use of the property Site. The Historic Preservation Manager shall forward applications for Building and Demolition permits to the HRC within seven (7) days following receipt of the final application. Any applicant may request a meeting with the HRC before the application is reviewed by the HRC or during the review of the application. The HRC shall consider the completed application within forty-five (45) days of its receipt.

9405.3 Stop Work Order. Whenever the HRC has reason to believe that an action for which a Certificate of Appropriateness is required has been initiated or is about to be initiated, it may request the County Executive to issue a Stop Work Order and concurrently notify the department director responsible for the management of the designated Landmark, Historic District, or Historic or Cultural Resource of the process for applying for a Certificate of Appropriateness. A copy of the proper application form shall be included in the notice to the department director.

9405.4 Determination by the HRC. The HRC shall review the application for a Certificate of Appropriateness and issue or deny the certificate within forty-five (45) days of receipt of the application. Written notice of the approval or denial of the application for a Certificate of Appropriateness shall be provided the applicant within seven (7) days following the HRC's determination and, in the case of an approval, shall be accompanied by a Certificate of Appropriateness..

9405.5 Time Period of Effect. A Certificate of Appropriateness shall become void unless the approved project 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 chapter.

9405.6 Certificate of Appropriateness, Denial. A denial of a Certificate of Appropriateness shall be accompanied by a statement of the reasons for the denial. The HRC shall make recommendations to the applicant concerning changes, if any, in the proposed action that would cause the HRC to reconsider its denial and shall confer with the applicant and attempt to resolve as quickly as possible the differences between the applicant's needs and the requirements of this chapter. The applicant may resubmit an amended application that takes into consideration the recommendations of the HRC.

9406. Public Improvements Impacting Cultural Resources.

The HRC shall review and provide comment to the County Executive upon any public improvement project proposed by the County or any of its agencies or departments located within two hundred (200) feet of any Historic or Cultural

Resource listed in the National Register of Historic Places or the Jackson County Register of Historic Resources. In addition, the HRC shall review and comment on County plans for Ground Disturbance, Construction, Alteration, Removal, or Demolition affecting known archaeological Sites, Historic Sites, and Historic Museums. The responsible County department or agency shall submit a schematic preliminary project description and design for any public improvement project, other than ordinary Maintenance, to the Historic Preservation Manager and, if the Historic Preservation Manager determines that there is a potential adverse effect on significant Historic or Cultural Resources, shall submit a final design that provides suggestions for mitigation of the adverse effect to be considered by the HRC in issuing a Certificate of Appropriateness. In an instance where no adverse impact on significant Historic or Cultural Resources has been found by the Historic Preservation Manager, the Historic Preservation Manager shall provide a written report to the HRC within ten (10) days of the receipt of the final design. The Historic Preservation Manager shall file a record of the submittal of the final design and related correspondence to the clerk of the County Legislature. (Ord. 3764, Eff. 07/17/06)

9407. Conveyance, Lease, Loan, or Use by the County of Historic Properties.

The HRC shall review and comment upon any proposed conveyance, lease, or loan by the County of property (including Furnishings and Fixtures thereof), listed in the Jackson County Register of Historic Resources or the National Register of Historic Places, or on the official Inventory of resources. The County Executive shall, at the earliest possible date that will not interfere with the proposed transaction, send the HRC information concerning the location, size, current use, and proposed use of the resource to be conveyed. The HRC shall hold a public hearing to determine the effect of conveyance or use upon the historic, archaeological, or architectural character of the Landmark, Historic District, or Historic or Cultural Resource, and report to the County Executive and County Legislature within any time specified by the County Executive, but not to exceed forty-five (45) days. The report by the HRC shall include any recommendations for restrictions, easements, covenants, or other measures that will lessen or alleviate any adverse effect of the proposed conveyance or use upon the Historic, archaeological, or architectural Character of the property. Neither the County Legislature nor the County Executive shall take any final action on the transfer of ownership prior to receiving and reviewing the report of the HRC.

9408. Standards and Guidelines for Review.

9408.1 Design Guidelines. In implementing the Secretary of the Interior's Standards for designated Landmarks and

Districts listed in the Jackson County Register of Historic Resources, the HRC shall develop guidelines for the future treatment and protection of each Landmark, Historic District, and Historic and Cultural Resource as part of the designation ordinance and address specifically whether they are guidelines for Preservation, Restoration, Rehabilitation, or Reconstruction, and identify the character-defining elements that communicate a feeling of the time period of significance and significant cultural associations. These guidelines shall be used in considering an application for a Certificate of Appropriateness.

9408.2 Secretary of the Interior's Standards for the Treatment of Historic Properties.

In considering an application for a Certificate of Appropriateness, the HRC shall be guided in principle by following standards which are based on the Secretary of the Interior's Standards for the Treatment of Historic Properties:

- a. Each Landmark, Historic District, and Historic and Cultural Resource shall be used for its historic purpose or be placed in a new use that requires minimal change to its defining characteristics, its historic associations, and its environment;
- b. The historic character of a Landmark, Historic District, or Historic or Cultural Resource shall be retained and preserved; the removal of historic materials or Alteration of Features, characteristics, and/or spaces that characterize a property shall be avoided;
- c. Each Landmark, Historic District, and Historic and Cultural Resource shall be recognized as a physical record of its time, place, and use; changes that create a false sense of historical development shall not be undertaken;
- d. Changes that have acquired Historic Significance in their own right shall be retained and preserved;
- e. Distinctive Features, finishes, and Construction techniques or examples of craftsmanship that characterize a Landmark, Historic District, or Historic or Cultural Resource shall be preserved;
- f. Deteriorated historic Features shall be repaired rather than replaced; where the severity of

deerioration requires replacement of a distinctive Feature, the new Feature shall match the original 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;

- g. 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;
- h. Significant archaeological resources affected by a project shall be protected and preserved; if such resources must be disturbed, mitigation measures shall be undertaken;
- i. Alterations or new Construction shall not destroy historic materials that characterize a Landmark, Historic District, or Historic or Cultural Resource; the new work shall be differentiated from the old and shall be compatible with the original features and materials; and
- j. 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.

9408.3 Applications and Design Guidelines Forms. Applications, standards for review, and design guidelines shall be available in the office of the Historic Preservation Manager.

9409. Appeal of Denial of a Certificate of Appropriateness.

If the HRC denies an application for a Certificate of Appropriateness, the HRC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If agreement cannot be reached within forty-five (45) days of the date of the denial, the applicant may file a written appeal with the County Executive. In acting upon the appeal, the County Executive may grant a variance if convinced that the HRC has failed to correctly apply the Secretary of the Interior Standards and Guidelines and that the proposed activities will not materially affect the health or safety of the applicant or general public. The County Executive shall notify the County Legislature of the action taken on any such

appeal.

9410. Maintenance and Repair of Historic Properties listed in the Jackson County Register of Historic Resources.

Nothing in this chapter shall be construed to prevent ordinary Maintenance or Repair that does not change the visual appearance of a Landmark, Historic District, or Historic or Cultural Resource, or result in the loss of historic material.

9411. Public Safety Exclusion.

No provision of this chapter shall be construed to prevent any measure of Construction, Alteration, or Demolition necessary to correct or abate the unsafe or dangerous condition of any Structure or other Feature or part thereof, where such condition has been declared unsafe or dangerous by a licensed professional engineer and where proposed measures have been declared necessary by the director of any County department or agency responsible for the County-owned Building, to correct the said condition. However, only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any Structure or other Feature shall be damaged by fire or other calamity, or by an act of God, or by the public enemy, to such an extent that, in the opinion of the County Executive it cannot reasonably be repaired and restored, it may be removed.

Effective Date: This Ordinance shall be effective immediately upon its signature by the County Executive.

APPROVED AS TO FORM:

Chief Deputy County Counselor

County Counselor

I hereby certify that the attached Ordinance, Ordinance # 3764 introduced on May 1, 2006, was duly passed on _____, 2006, by the Jackson County Legislature. The votes thereon were as follows:

Yeas _____

Nays _____

Abstaining _____

Absent _____

This Ordinance is hereby transmitted to the County Executive for her signature.

Date

Mary Jo Spino, Clerk of Legislature

I hereby approve the attached Ordinance # 3764.

Date

Katheryn J. Shields, County Executive