

Bill No. 2024-11 -F

Ord. No. 2024-11

**AN ORDINANCE AMENDING CHAPTER 415 AND 405 OF  
THE CITY CODE REGARDING HISTORIC BUILDINGS.**

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**BE IT ORDAINED** by the Board of Aldermen of the City of Fayette, Missouri as follows:

**SECTION ONE.** The City Code Section 415.420 (A) is hereby amended by repealing said section and enacting one new section in lieu thereof to read as follows:

**415.420 Certificate Of Appropriateness — When Required.**

- A. A certificate of appropriateness shall be applied for may be requested, before the following actions affecting the exterior architectural appearance of any landmark or any structure within a historic district may be undertaken:
1. Any construction, alteration or removal requiring a building permit from the City of Fayette.
  2. Any demolition in whole or in part requiring a demolition permit from the City of Fayette.
  3. Any construction, alteration, demolition or removal affecting a significant exterior architectural feature or appearance as specified in the ordinance designating the landmark or historic district.
  4. Any construction, alteration or removal involving earth-disturbing activities that might affect archaeological resources.
  5. Any actions to correct a violation of a minimum maintenance standard.
- B. The owner shall not be bound by the terms of the Certificate of Appropriateness. In determining whether or not to issue a Certificate of Appropriateness in this district, the FHPC shall be guided by Design Guidelines for the Courthouse Square Historic District. Such Guidelines are attached to this Chapter as Appendix 405 A. The City Clerk shall maintain a copy of the guidelines at City Hall and a copy shall be published on the City Web site.

**SECTION TWO: The City Code, Chapter 415, is hereby amended by repealing Section 415.450 and enacting one new section in lieu thereof, to read as follows:**

Section 415.450 Hearing and Determination By The Historic Preservation

**Commission.**

**[R.O. 2013 § 415.450; R.O. 2005 § 23-344; Ord. No. 00-23 § 2]**

The FHPC may 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.

The FHPC shall conduct a hearing prior to making its decision. At the hearing, the applicant will be entitled to be present and present evidence. The applicant may, but is not required, to be represented by an attorney. The applicant may call witnesses.

The FHPC shall discuss and vote on the application in an open session. The application will be considered approved if a majority of the members present vote in favor of the approval. In making its decision, the FHPC shall rely on the design guidelines for the particular zone. The FHPC may not consider factors not related to design or appearance.

Written notice of the approval or denial of the application for a certificate of appropriateness shall be provided to the applicant and the City Administrator within seven (7) days following the determination and shall be accompanied by a certificate of appropriateness in the case of an approval.

If the FHPC fails to act on the application within forty-five (45) days the application shall be considered approved.

The FHPC shall review an application for a demolition permit in any designated Historic District and issue or deny the permit within forty-five days of receipt of the application.

- i. If the FHPC denies approval to demolish a building, such building may not be demolished for a period of ninety (90) days following the FHPC ruling.
- ii. A building may be demolished without a permit from the FHPC if it has been determined by the Building Inspector to qualify under Section 415.510 of this Code.

**SECTION THREE: The City Code, Chapter 405, is hereby amended by adding one new section to read as follows:**

Section 405.310 Historic Overlay Districts

- B. Historic Overlay Districts may be created as provided in Chapter 415
- C. Courthouse Square Historic Overlay District.

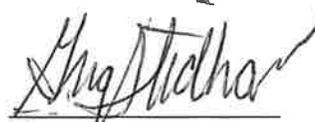
1. Permitted uses. All permitted uses allowed in the underlying zoning district shall be allowed.
2. Conditional Uses. All approved conditional uses in the underlying zoning district shall be allowed.

**SECTION FOUR: Effective Date.**

This ordinance shall be in full force and effect from and after the date of its passage and approval and shall remain in effect until amended or repealed by the Board of Aldermen.

Read Twice and approved by Roll Call Vote

Dated this 12 day of NOVEMBER, 2024.

  
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Mayor

Attest:

  
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City Clerk