AN ORDINANCE REPEALING CHAPTER 62, HISTORICAL PRESERVATION. FULTON CITY CODE. AND ENACTING A NEW CHAPTER IN LIEU THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FULTON, MISSOURI, AS FOLLOWS:

SECTION ONE: That Chapter 62, Historical Preservation. is hereby repealed and a new Chapter 62, Historical Preservation, is enacted as follows:

ARTICLE I. - IN GENERAL


ARTICLE II. - HISTORIC PRESERVATION COMMISSION

Sec. 62-25. - Definitions.

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

*Alteration* means any act or process that changes one or more historic, architectural or physical features of an area, site, landscape, place 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 modification of an area, site, or landscape that changes its current condition.

*Area* means a specific geographic division of the City of Fulton.

*Board of Adjustment* means the board established pursuant to Chapter 86, Article I, Section 86-1 of the Code of the City of Fulton.

*Certificate of Appropriateness* means a certificate issued by the Fulton Historic Preservation Commission (FHPC) indicating its approval of plans for alteration, construction, removal or demolition of a landmark or of a structure within a historic district.

*Certificate of Economic Hardship* means a certificate issued by the FHPC authorizing an alteration, construction, removal or demolition, even though a certificate of appropriateness has previously been denied.

*Certificate of Review* means a certificate issued by the FHPC indicating its review of plans for alterations, construction, removal or demolition of a landmark or at structure within an historic district.

*Commissioners* means members of the Fulton Historic Preservation Commission (FHPC).

*Construction* means 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.

*Council* means the City of Fulton City Council.

*Cultural Resources* means districts, buildings, sites, structures, objects and evidence of some importance to a culture, a subculture, or a community for scientific, engineering, art tradition, religious or other reasons, significant
in providing resource and environmental data necessary for the study and interpretation of past lifeways and for interpreting human behavior.

Demolition means any act or process which destroys in part or in whole a Landmark or a structure within a Historic District, or which threatens to destroy a Landmark or a structure within a Historic District, or which destroys or threatens to destroy a potentially significant property or structure by failure to maintain it in a condition of good repair and maintenance.

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

Exterior Architectural Appearance means the architectural character and general composition of the exterior of a structure, including but not limited to the kind, color and texture of the building material and the type, design and character of all windows, doors, light fixtures, signs, and appurtenant elements.

Historic District means an area designated as a "historic district" by ordinance of the City 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 Historic District.

Historic significance means character, interest or value as part of the development, heritage, or culture of the community, county, state or country; as the location of an important local, county, state or national event; or through identification with a person or persons who made an important contribution to the development of the community, county, state or country.

Landmark means a property or structure designated as a "Landmark" by ordinance of the City 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 of Fulton.

Minimum Maintenance means the minimum regulations governing the conditions and maintenance of all existing structures, as set out in the 2015 International Existing Building Code as adopted by reference, with certain amendments thereto by the City Council of the City of Fulton, Missouri, as such existing structures code shall be amended from time to time by the City of Fulton.

New Construction means site preparation for, and construction of, entirely new structures and/or significant extensions to existing structures whether or not the site was previously occupied.

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

Owner of Record means the person, corporation or other legal entity listed as owner on the records of the County Recorder of Deeds.

Public Improvement Project means an action by the City of Fulton or any of its departments or agencies involving major modification or replacement of streets, sidewalks, curbs, street lights, street or sidewalk furniture, landscaping, parking, or other portions of the public infrastructure servicing commercial, residential, recreational or industrial development; or any undertakings affecting city parks or city owned structures.

Removal means any relocation of a structure, object or artifact on its site or to another site.
Repair means any change that is not construction, alteration, demolition or removal and is necessary or useful for continuing normal maintenance and upkeep.

Secretary of the Interior's Standards means The Secretary of the Interior's Standards for the Treatment of Historic Properties are sets of treatment standards intended to assist users in making sound historic preservation decisions for the preservation, rehabilitation, restoration or reconstruction of historic properties. The Standards are codified as 36 CFR Part 68 in the July 12, 1995, Federal Register (Vol. 60, No. 133).

Site means the traditional, documented or legendary location of an event, occurrence, action or structure significant in the life or lives of a person, persons, groups, or tribe, or any place with evidence of past human activity. Sites include, but are not limited to, cemeteries, burial grounds, occupation and work areas, evidence of farming or hunting and gathering, battlefields, settlements, estates, gardens, groves, river crossings, routes and trails, caves, quarries, mines or significant trees or other plant life.

Stop Work Order means an order directing an owner, occupant, contractor or subcontractor to halt an action for which a certificate of appropriateness is required, and notifying the owner, occupant, contractor or subcontractor of the application process for a certificate of appropriateness.

Structure means anything constructed or erected, the use of which requires permanent or temporary location on or in the ground, including, but without limiting the generality of the foregoing, buildings, fences, gazebos, advertising signs, billboards, backstops for tennis courts, radio and television antennae and towers, and swimming pools.

Survey means the systematic gathering of information on the architectural, historic, scenic, and archaeological significance of buildings, sites, structures, areas, or landscapes, through visual assessment in the field and historical research for the purpose of identifying landmarks or districts worthy of preservation.

Sec. 62-26. - Establishment; purpose; appointment; qualifications.

(a) There is established a Fulton Historic Preservation Commission (FHPC), the purpose of which shall be to effect the protection, enhancement, perpetuation and use of districts, sites, buildings, structures, and objects which reflect elements of the City of Fulton's historic, cultural, aesthetic, archaeological and architectural heritage.

(b) The FHPC shall endeavor to encourage preservation, restoration and rehabilitation of the City of Fulton's historic structures, districts and neighborhoods.

(c) The commissioners of the FHPC shall be appointed by the Mayor with the consent of the Fulton City Council (the Council), and shall consist of six members, residents of the City of Fulton or Callaway County. Not more than two members shall reside outside the city limits. In addition, a member of the Council and a member of the Planning and Zoning Commission shall serve as ex officio members, but shall have no vote. The President of the FHPC will refrain from voting on all issues unless there is a tie. In case of a tie vote, the President will vote as a tie-breaker.

(d) To the extent feasible and available in the community, the FHPC shall include professional members in historic preservation or related disciplines (history, architecture, architectural history, archaeology, urban/rural and/or landscape design planning, law, real estate, etc.) and all members must have a demonstrated interest, competence, or knowledge of historic preservation.

Sec. 62-27. - Terms of members, removal from office.
(a) The commissioners of the FHPC shall hold office for three-year staggered terms from July 1 following their appointment. The Mayor shall, before July 1 of each year, appoint two commissioners who shall hold office for three years or until their successors are appointed.

(b) Upon the recommendation of the Mayor, a commissioner of the FHPC may be removed by a vote of five members of the Council. A commissioner may also be removed by six votes of the Council independently of the Mayor's approval or recommendation.

(c) Any commissioner who fails to attend three consecutive regular meetings without being formally excused by the FHPC shall forfeit membership.

(d) Upon any membership vacancy, the Mayor shall appoint a new commissioner within 60 days.


(a) Within 15 days after their appointment, the FHPC shall meet and elect one of its members as President and one as Vice-President. The term of the President and Vice-President shall be for one year with eligibility for reelection.

Sec. 62-29. - Meetings.

(a) Within 15 days after their appointment, the FHPC shall meet to establish a regular meeting date, and thereafter shall meet at least quarterly. Special meetings may be called at any time as needed.

(b) The City Clerk or a person designated by the Director of Administration shall be the recording secretary and keep a record of all actions taken at meetings. A copy of the minutes of every meeting of the FHPC shall be delivered to the Council and shall be public record.

Sec. 62-30. - Powers and duties.

The FHPC shall have the following powers and duties:

1. Adopt its own procedural regulations, provided that such regulations are consistent with this chapter, the charter and state law;

2. Provide education to the public on historic preservation;

3. Maintain an inventory of National Register of Historic Places (National Register) documents, Fulton Historic Properties, Fulton Historic Districts, and historic/architectural survey information and make these records accessible to the public. Any restricted National Register nominations or HPF-funded surveys with sensitive information (archaeological nominations for example) will be on file at the SHPO;

4. Review and recommend to The Council the identification of significant historical, architectural and archeological properties, sites, structures or areas as Fulton Historic Districts or as Fulton Historic Properties without attaching to those districts or properties any restrictions for receiving this identification;

5. Confer recognition upon the owners of Fulton Historic Properties or of property or structures within Fulton Historic Districts by means of letters, certificates, plaques or markers;
(6) Make recommendations for the design and implementation of specific markings of the streets and routes for Fulton Historic Districts or Fulton Historic Properties;

(7) Advise and assist owners of Fulton Historic Properties or of property or structures within Fulton Historic Districts on physical and financial aspects of preservation, restoration, rehabilitation and reuse;

(8) Advise and assist interested parties on procedures for inclusion in the National Register;

(9) Review and comment on any National Register nominations submitted to the FHPC. Commission comments will be submitted to the SHPO within the specified timeframe;

(10) Review applications for a Construction Permit for construction, alteration, removal or demolition affecting a Fulton Historic Property's structural integrity or exterior appearance;

(11) Document photographically the historic architectural details of "A Fulton Historic Property" as soon as the FHPC is notified that changes are being considered;

(12) Hold public hearings as necessary;

(13) Interpret and apply the Design Guidelines contained in this Article;

(14) Make recommendations to The City Planning and Zoning Commission or Board of Adjustment as appropriate, prior to any action by Planning and Zoning or the Board of Adjustment;

(15) Periodically review the zoning ordinance and recommend to the Planning and Zoning Commission and the Council any amendments appropriate for the protection and continued use of Fulton Historic Properties or property and structures within the Fulton Historic Districts;

(16) Testify before the Council, Planning and Zoning and the Board of Adjustment on any matter affecting historically, architecturally and archaeologically significant properties, structures and areas;

(17) Periodically make recommendations to the Council and Planning and Zoning on the upgrading of the historic preservation component of the Comprehensive Plan;

(18) Make recommendations to the Director of Administration concerning the application for and use of any federal, state, or private grant: grant-in-aid, gift, or bequest awarded to the city to further the general purposes of this article;

(19) Request technical advice from the Director of Administration, available city staff members as well as other experts;

(20) Promote identification, evaluation and protection of prehistoric and historic archaeological resources within the corporate limits of the city;

(21) 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 maintain the research information in an inventory accessible to the public (except for archaeological site locations, which shall be restricted);

(22) Undertake appropriate action necessary for the implementation of the powers and duties and purpose of this article.
Sec. 62-31. – Fulton Historic Property and Fulton Historic District. Identification of historic properties; Identification of, and addition of historic properties to existing Fulton Historic Districts, and designation of properties earning the title "Fulton Historic Property" or "Fulton Historic District.

(a) Powers of identification and designation. The Council, by formal ordinance and upon the completion of the following process, may identify properties as Fulton Historic Properties and/or for inclusion in a Fulton Historic District: Identification of Fulton Historic Districts and Fulton Historic Properties and designation of properties earning the title "Fulton Historic Property" and "Fulton Historic District" do not require successful nomination to the National Register.

(b) Fulton Historic Property identification.

(1) Criteria to qualify for identification as a Fulton Historic Property. To qualify for identification as a Fulton Historic Property, each property described in the application must meet at least one of the following criteria:

   a. Valuable as part of the heritage or culture of the community;
   b. Site of a significant event;
   c. Identification with a person or persons who made a significant contribution to the development of the community, state or nation;
   d. Distinguishing characteristics of an architectural style or method of construction;
   e. Identification as the work of a master builder, designer, architect or landscape architect whose work has influenced the development of the community, state or nation;
   f. Elements of design, detailing, materials or craftsmanship which render it architecturally significant;
   g. Design elements that make it structurally innovative;
   h. Unique location or physical characteristic that makes it a familiar visual feature of the neighborhood or the community;
   i. Unique example of a utilitarian structure with a high level of integrity or architectural significance; and/or
   j. Suitability for preservation or restoration.

(2) Application procedures for identification as a Fulton Historic Property.

   a. Applications for identification as a Fulton Historic Property may be obtained from the City Clerk or the President of the FHPC.
   b. A completed Application for Identification as a Fulton Historic Property must be submitted to the City Clerk or to the President of the FHPC by the owner(s) of the property for which they seek this identification.

(c) Fulton Historic District identification.

(1) Criteria to qualify for identification as a Fulton Historic District.

   a. At least ten properties lying within the proposed district boundaries must be identified as "Fulton Historic Properties."
   b. A majority of properties lying within the proposed district boundaries must also be identified as "Fulton Historic Properties."
(2) Application procedures for identification as a Fulton Historic District.

a. Applications for identification as a Fulton Historic District may be obtained from the City Clerk or the President of the FHPC.
b. A completed Application for Identification as a Fulton Historic District must be submitted to the City Clerk or to the President of the FHPC by one of the following:
   1. A group of ten or more owners whose properties are located in close proximity to each other and who collectively seek the inclusion of their properties into a Fulton Historic District; or
   2. The FHPC.

(d) Inclusion in a pre-existing Fulton Historic District.

(1) Criteria to qualify for inclusion in a pre-existing Fulton Historic District. To qualify for inclusion in a pre-existing district, a property must be identified as a Fulton Historic Property and must be located in close proximity to a pre-existing Fulton Historic District.

(2) Application procedures for inclusion in a pre-existing historic district.

a. Applications for Inclusion in a pre-existing Fulton Historic District may be obtained from the City Clerk or the President of the FHPC.
b. A completed Application for Inclusion into a Fulton Historic District must be submitted to the City Clerk or to the President of the FHPC by the owner(s) of a property located in close proximity to an already established Fulton Historic District and who wish their property to be added to that district.

(e) Restrictions applying to properties receiving identification as a Fulton Historic Property or lying within an historic district.

No restrictions, either stated or implied, are attached to properties because of their identification as a Fulton Historic Property or because they lie within a Fulton Historic District.

Properties identified as Fulton Historic Properties are subject to non-binding design review for demolition and new construction, including additions, repairs and renovations that change the exterior of the property.

(f) Review of Application(s) seeking identification as a Fulton Historic Property, as a Fulton Historic District, or for inclusion into a pre-existing Fulton Historic District.

1. The President of the FHPC shall add each completed Application to the agenda for review at the next regular meeting, providing that each commissioner shall have at least seven days to review the Application before the meeting.
2. Review of all completed Applications will be concluded within the 30 days following the FHPC meeting at which the Application was first reviewed unless the FHPC concludes that additional information will be necessary before it may make an informed decision. Upon receipt of the last requested additional information, the review will be concluded within 30 days.
3. In its review, the FHPC shall be guided by the criteria set out in section 62-31(b), (c), (d) and (e).
(g) Recommendation of the FHPC relating to identification as a Fulton Historic Property, a Fulton Historic District, or for inclusion in a pre-existing Fulton Historic District.

Upon consideration of the completed Application, the FHPC shall, by majority vote, decide whether to recommend or not recommend approval of the Application to the Council. In case of a tie vote, the President of the FHPC will vote as a tie-breaker.

If the vote is to recommend approval, the President of the FHPC shall notify the property owner(s) and shall submit to the Council the completed Application, plus any additional data considered by the FHPC, together with the vote and the rationale of the FHPC. If the vote is not to recommend approval, the President of the FHPC shall meet with the property owner(s) and shall explain the FHPC's rationale for its decision. If the property owner(s) then wish to ask the Council to reject the recommendation of the FHPC, they may do so. In such case, the property owner(s) shall formally notify the President of the FHPC, in writing, of his/her intent to appeal the recommendation of the FHPC to the Council. Upon receipt of that notification, the President of the FHPC shall submit to the Council the completed Application, plus any additional data considered by the FHPC, together with the vote and the rationale of the FHPC.

The decision of the Council to grant, and thus designate, or to deny, identification as a Fulton Historic Property or as a Fulton Historic District or for inclusion in a Fulton Historic District is final.

The decision of the Council to grant these designations will be conveyed to the relevant property owner(s), The Planning and Zoning Commission, the FHPC, and to the City Planning and Protective Services Director.

Sec. 62-32. - Mandatory Non-Binding Design Review.

This Section shall establish a mandatory non-binding design review for all construction and/or demolition located within Fulton Historic Districts except Westminster Historic District.

The Historic Preservation Design Review Map and all the notations, references and other information shown thereon are a part of this Section and shall have the same force and effect as if such map and all the notations, references and other information shown thereon were fully set forth or described herein, which Historic Preservation Design Review Map is properly attested and is on file with the City Clerk.

(a) Design Review.
   1. Municipal Improvements. City officials charged with design responsibility for any municipal improvement, structure or sign within a historic district shall hold preliminary discussions on the proposed project with the FHPC to obtain its preliminary recommendations with respect to environmental, historic, architectural, aesthetic and design considerations of the project. The FHPC shall review municipal improvements at the planning phase or at any other time it deems necessary to further the purposes of this Section. Any significant deviations from a plan previously reviewed by the FHPC shall be resubmitted to the FHPC for its further review and recommendation.

   The FHPC recommendations on municipal improvements shall not be binding upon the City but shall be considered in the decisions of City officials and the City Council.

   2. Requirement. No person shall begin or substantially change the exterior of any property subject to review under this Section without first undergoing design review by the FHPC and obtaining a certificate of review or in the case of demolition, a waiver as a result of review.

The following activities require a certificate of review by the FHPC:
a. Exterior facade improvements that require a permit on all structures located within the historic preservation design review area; and

b. All new construction to include primary and accessory structures within the National Register Historic Districts on the Historic Preservation Design Review Map and in the historic preservation design review area.

3. *Permits.* No City permit or approval shall be issued for any construction for projects requiring FHPC review without first obtaining design review by the FHPC and obtaining a certificate of review or, in the case of demolition, a waiver as a result of review.

4. *Demolition.* No demolition of any building or structure subject to review under this Section shall begin without first undergoing design review by the FHPC of the proposed replacement construction and obtaining a certificate of review. In the event the applicant has not determined replacement construction, the FHPC, after reviewing the effects of the demolition, issue a waiver of design review prior to demolition provided it finds that the proposed demolition prior to design review would not be detrimental to the purposes of this Section. In the event of a finding by the City of an unsafe condition, an abatement order may be issued by the City without compliance with this Subsection, provided that all reasonable efforts have first been made to preserve and correct unsafe conditions rather than damage or demolish valuable buildings, structures or objects.

5. *Exemptions.* The following activities do not require a certificate of review or review by the FHPC:
   a. Ordinary repair or maintenance (to include painting).
   b. Emergency repairs.
   c. Interior remodeling or interior decoration.
   d. Exterior facade improvements on structures located outside of the historic preservation design review area.
   e. Landscaping
   f. Unenclosed patios
   g. Arbors, pergolas, and gazebos under 100 square feet

6. *Non-Binding Nature of Design Review on Applicant.* The recommendations of the FHPC set forth in a certificate of review shall be advisory only and shall not be binding on the applicant or any other person. The applicant may however, at his/her option, agree to certain binding conditions contained therein in the course of approval of a variance, special use permit or other City approval related to the construction.

(b) *Design Review Application.*

1. *Applications For Design Review.* Applications for design review shall be submitted to the Planning and Engineering Services Department and shall consist of a completed application on a form prescribed by the FHPC, accompanied by a site plan showing the location of the building or buildings, parking, exterior lighting, signs and landscaping; exterior elevations of the front and side with a description of the type and finished color or exterior siding, windows and roofing to be used; detailed drawings of architectural features, signs and trim; and historic and "as is" photographs of the subject building or site and adjacent structures. All diagrams shall be drawn to scale. The FHPC may request additional information necessary for their review and recommendation.
2. Applications for A Special Use Permit. Applications for a special use permit pursuant to Article V or variance pursuant to Article XIII shall submit their plans for review and recommendation to the FHPC at least fifteen (15) days prior to the first hearing scheduled on the proposed development.

3. Optional Pre-application Review. Prior to submitting an application for design review and/or a building permit, any person proposing construction which is subject to review under this Section may submit the plans required in 62-32 (b) in preliminary or sketch form so that the comments and advice of the FHPC may be incorporated into the plans submitted for application. Such pre-application consultations are encouraged to assist owners to achieve the best possible results and to facilitate timely review of the proposal whenever an application is made on the project.

(c) Design Review Process.
   1. Notification and Process. Upon receipt of an application for a permit for construction subject to review under this Section, the Zoning Administrator shall:
      a. Inform the applicant of the review requirements;
      b. Report receipt of the application to the FHPC and forward the application to the commissioners;
      c. Assist the FHPC in considering building, zoning, sign and fire code requirements which may apply to the proposed development; and
      d. Refrain from issuing any such permit until a certificate of review has been obtained.

2. Public Meeting. The FHPC shall set a public meeting time and place as soon as possible to review the application according to the design review standards established pursuant to Section 62-32 (a). The FHPC shall request the applicant to attend the meeting and may request any design professionals assisting the applicant to attend the meeting. If the applicant or the applicant's representative fails to attend the meeting, an alternate meeting shall be scheduled by the FHPC within thirty (30) days of the initial meeting. In such event, the thirty-day review period prescribed in Subsection (5) of this Section shall not commence from the date of the application, but shall instead commence on the date to which the meeting on the subject application is continued. Failure of the applicant or the applicant's representative to attend either the initial or continued meeting set for review of the application shall constitute a failure of the application requirements, and no permits shall be granted by the City on the project unless and until the applicant has reapplied for review and obtained a certificate of review pursuant to this Section.

3. Review. The FHPC may, in the execution of its review, assign any portion of the review of any application to any commissioner or committee of the FHPC, provided that final action to issue a certificate of review shall be made by a majority vote of the commissioners present.

4. Period Of Review. Unless an extension is authorized by the applicant, the FHPC shall complete its review within thirty (30) days of receipt of a complete application. In the event the FHPC fails to issue a certificate of review within such period, a certificate of review shall be deemed to have been issued without recommendation as if the FHPC had so acted.

(d) Design Review Standards and Guidelines.
   a. Architectural Criteria. Design guidelines for review of applications for certificates of review shall, at a minimum, include the following architectural criteria:
1. Height. The height of any proposed alteration or construction should be compatible with the style and character of the landmark and with surrounding structures in a historic district.

2. Proportions of Windows and Doors. The proportions and relationships between doors and windows should be compatible with the architectural style and character of the landmark and with surrounding structures within a historic district.

3. Relationship of Building Masses and Spaces. The relationship of a structure within a historic district to the open space between it and adjoining structures should be compatible.

4. Roof Shape. The design of the roof should be compatible with the architectural style and character of the landmarks and surrounding structures in a historic district.

5. Landscaping. Landscaping should be compatible with the architectural character and appearance of the landmark and of surrounding structures and landscapes in historic districts.

6. Scale. The scale of the structure after alteration, construction or partial demolition should be compatible with its architectural style and character and with surrounding structures in a historic district.

7. Directional Expression. Facades in historic districts should blend with other structures with regard to directional expression. Structures in a historic district should be compatible with the dominant horizontal or vertical expression of surrounding structures. The directional expression of a landmark after alterations, 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 character of significant architectural style and to preserve and enhance the landmark or historic district.

9. Signage. The character of signs should be in keeping with the historic or architectural character of a landmark or historic district. "Character of a sign" includes the number, size, area, scale, location, type (e.g., off-site advertising signs and on-site business signs), letter size or style and intensity and type of illumination.

10. Minimum Maintenance. Significant 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 not adversely affect the historic or architectural character of structures within a historic district.

b. Standards For Review. In its review of proposals which are subject to this chapter the FHPC shall be guided by the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (revised 1983), including, but not necessarily limited to, the following standards for rehabilitation set forth therein:

1. Every reasonable effort shall be made to use a property for its originally intended use or to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment.

2. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal of alteration of any historic material or distinctive architectural features should be avoided when possible.

3. All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
4. Changes which may have taken place in the course of time are evidence of the history and development of a building. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

5. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

6. Distinctive architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by or adjacent to any project.

9. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.

10. Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

c. Added Or Modified Standards And Guidelines. In addition, the FHPC may also from time to time adopt by rule additional or modified standards and guidelines as authorized by the City Council as provided in this Section.

(e) Certificate Of Review.
Whenever the FHPC has completed its review, it shall issue a certificate of review on form prescribed by the FHPC. The certificate of review shall include, but not necessarily be limited to, the following information; the name of the applicant, the date the certificate is issued, the location of the proposed development, a brief narrative description of the development, specific reference to any and all plans submitted by the applicant, whether or not the FHPC finds the proposed development to be contributing to the historic district, and any and all specific design recommendations made by the FHPC on the application.

(f) Effect Of Review On Other Approvals.
   a. Limitations On Certificate. Issuance of a certificate of review by the FHPC does not constitute or imply approval of any other permit or approval which may be required for the construction.
   b. Authority Of Other Bodies. No provision of this Section shall be interpreted as limiting the authority of the hearings body or decision making body to impose conditions as authorized elsewhere in this Title.
   c. Applicability Of Other Provisions Of This Chapter. Properties subject to review pursuant to this Article shall be subject to the provisions set forth in this Section, as well as the bulk use, setback and other provisions of the zoning district in which they are located. Nothing contained in this Section shall be construed to repeal, modify or waive any applicable provisions of State or local laws, rules, regulations or ordinances.
d. **Limitations On Powers of FHPC.** Neither the FHPC nor its members are delegated any executive or legislative power, authority or responsibility.

**SECTION TWO:** That this ordinance shall be in full force and effect after its passage by the Council and approval by the Mayor.

**SECTION THREE:** That the City of Fulton hereby authorizes its codifier, Municipal Code Corporation and its editors to edit and adjust the section numbers contained herein to join uniformly with the layout of the Code of the City of Fulton.

READ THREE TIMES AND PASSED THIS _______ DAY OF ____________________, 2019==20.

_______________________________
Lowe Cannell
President of the Council

APPROVED THIS _______ DAY OF ____________________, 2020.

_______________________________
Lowe Cannell
Mayor

ATTEST:

_______________________________
Courtney L. Crowson, CMC/MRCC
City Clerk