

AN ORDINANCE AMENDING COMPREHENSIVE ZONING ORDINANCE NO. 715 OF THE CITY OF LEE'S SUMMIT, MISSOURI BY ADDING A NEW SECTION ENTITLED "HISTORIC PRESERVATION REGULATIONS AND PROCEDURES".

WHEREAS, the Board of Aldermen of the City of Lee's Summit was presented a proposed Historic Preservation document by the Downtown Revitalization Committee for consideration at its meeting of January 19, 1988, and

WHEREAS, the Planning Commission reviewed the proposed historic preservation document as an amendment to Ordinance No. 715, Comprehensive Zoning Ordinance of the City of Lee's Summit at a public hearing on February 8, 1988 after due public notice in the manner prescribed by law, and then did render a report to the Board of Aldermen containing findings of fact and a recommendation that the proposed preservation document in substantially the form presented, be adopted as an ordinance, and

WHEREAS, due public notice in the manner prescribed by law was given of a public hearing before the Board of Aldermen of said city for April 12, 1988, and

WHEREAS, the Board of Aldermen of said city did hold a public hearing thereon April 12, 1988.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF LEE'S SUMMIT, MISSOURI, as follows:

SECTION 1. That Comprehensive Zoning Ordinance No. 715 is hereby amended by adding Section 320. Historic Preservation Regulations and Procedures to read as follows:

Section 320. HISTORIC PRESERVATION REGULATIONS AND PROCEDURES

A. STATEMENT OF PURPOSE AND INTENT

1. Intent.

It is hereby declared as a matter of public policy that the protection and enhancement of buildings, structure or land improvements of special historic, aesthetic or architectural significance are required in the interest of promoting the educational, cultural, economic and general welfare of the City of Lee's Summit. The purpose of the ordinance is to:

- a. Protect, enhance and perpetuate such buildings, structure or land improvements and districts which represent or reflect elements of the city's cultural, social, economic, political and architectural history;
- b. Safeguard the City's historic, aesthetic and cultural heritage as reflected in such buildings, sites, structure or land improvements and districts;
- c. Foster civic pride in the beauty and accomplishments of the past;
- d. Strengthen the economy of the city;
- e. Promote the use of historic districts and landmarks as educational and cultural resources of the city;
- f. Promote the safety and general welfare of the residents of the City of Lee's Summit; and
- g. Promote the identification, evaluation, protection and interpretation of the prehistoric and historic archaeological site resources within the corporate limits of the city.

B. DEFINITIONS

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

Alteration - Any addition, removal, extension or change in the location of any exterior surface of a main building or accessory building.

Area - A specific geographical division of the City of Lee's Summit.

Board of Aldermen - The Board of Aldermen of the City of Lee's Summit.

Certificate of Appropriateness - Certificate issued by the Historic Preservation Commission.

Commissioners - Members of the Lee's Summit Historic Preservation Commission.

Construction - The act of adding an addition to an existing structure or the erection of a new principle or accessory structure on a lot or property.

Cultural Resources - Districts, sites, structures, and 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 - Any act or process that destroys a landmark or structure within a historic district.

Design Guideline - A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

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

Historic District - An area designated as an "Historic District" by ordinance of the Board of Aldermen and which may contain within definable geographical boundaries one or more landmarks and which may have within its boundaries other properties or structures that while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the landmark or landmarks located within the historic district.

Landmark - A property, site or structure designated as such by ordinance of the Board of Aldermen, pursuant to procedures prescribed herein, that is worthy of rehabilitation, restoration, and/or preservation and interpretation because of its historic, architectural or archacological significance to the City of Lee's Summit.

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

Planning Commission - Commission established by separate ordinance for the purpose of promulgating orderly planning and zoning of Lee's Summit.

Preservation Commission - The Lee's Summit Historic Preservation Commission.

Removal - A relocation of a structure on its site or to another site.

Repair - Any change that is not construction, removal or alteration.

Structure - Anything constructed or erected, which requires location on the ground, or attached to something having a location on the ground, including, but not limited to, advertising signs, billboards, and poster panels, but exclusive of customary fences or boundary or retaining walls.

Site - Any area or location occupied as a residence or utilized by humans for a sufficient length of time to construct features, or deposit a number of artifacts or any place with evidence of past human activity. Sites include, but are not limited to, occupation, location, work areas, evidence of farming or hunting and gathering, burial remains, artifacts and structures of all types.

City Staff - The person or his designee authorized and empowered by the Governing Body having jurisdiction to administer the requirements of these zoning regulations.

C. ESTABLISHMENT OF HISTORIC PRESERVATION COMMISSION.

1. Creation - There is hereby created a Lee's Summit Historic Preservation Commission (hereinafter referred to as the Preservation Commission).

2. Members.

a. Number - The Preservation Commission is to be composed of nine (9) members.

b. Appointment - The Mayor, with the consent and approval of the majority of the members of the Board of Aldermen shall have the power to appoint seven (7) members. The remaining members shall be a member of the Planning Commission appointed by the Chairman of the Planning Commission and an alderman from the City of Lee's Summit appointed by the mayor.

c. Terms - Those members first appointed after the passage of this ordinance shall be appointed for the following terms: three (3) for two (2) years, three (3) for three (3) years, and three (3) for four (4) years. Subsequent appointments shall be for terms of four (4) years. A member may serve consecutive terms.

d. Qualifications - Members should have been residents of Lee's Summit, or business or property owners within the city, for at least one (1) year preceding their appointment and must continue to reside or be business or property owners in the city so long as they serve on the commission. All members should have demonstrated an interest and knowledge of local history, architecture or preservation. No more than two (2) members of the commission shall be nonresidents. In addition, every effort should be made to appoint members with the following additional qualifications:

1) One member should be an architect who has professional experience in restoration or historic preservation.

- 2) One member should be also a member of the Lee's Summit Historical Society.
 - 3) One member should be a homeowner in a historic district or proposed historic district.
 - 4) One member should be a merchant in a historic district or proposed historic district.
- e. Vacancies - Vacancies on the Commission shall be filled within sixty (60) days in the same manner as provided in paragraph b.

D. ORGANIZATION AND AUTHORITY

1. The commission shall elect one of its members chairman. The alderman and the representative from the Planning Commission shall not be eligible for election as chairman of the Preservation Commission.
2. The Preservation Commission shall have power to make whatever rules and guidelines that are necessary for the execution of its duties as set forth in this ordinance. All such rules shall be approved by the Board of Aldermen by resolution before becoming effective.
3. The Preservation Commission shall meet on a periodic basis, at least four (4) times each year, as determined by the commission from time to time and may hold any other special meetings as called by the chairman or a majority of its members. Such meetings shall be open to the public with notice given in accordance with the notice requirements for public meetings.
4. The commission may review amendments, modifications or revisions of this ordinance, or other parts of the Code of Ordinances as they relate to Historic Preservation, and make recommendations for changes therein to the Board of Aldermen.
5. The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determination and decisions. All such material shall be public record.

E. POWER AND DUTIES

1. The Preservation Commission shall act in an advisory capacity to the Board of Aldermen and Planning Commission in carrying out activities required by city ordinances relating to the administration of this article and shall have the following powers and duties:
 - a. To increase public awareness of the value of historic, architectural and cultural preservation by developing and participating in public information programs and by recommending the update of the preservation program;
 - b. To initiate and recommend property and/or properties for proposed designations as a Historic Landmark and/or Historic District and to review and comment on proposed designations;
 - c. To review applications for construction, alteration, or reconstruction for historic landmarks or within a historic district;
 - d. To review proposed changes to buildings, structures, street furniture, city parks, civic areas, public facilities or

environmental features of an historic landmark or within an historic district;

- e. To review applications for demolition permits to demolish buildings or structures within an historic district;
- f. To review applications for special use permits, proposed zoning amendments, or applications for zoning variances, for an historic landmark or within an historic district, and to make recommendations concerning such requests to the Planning Commission or Board of Adjustments;
- g. To initiate from time to time a comprehensive review of the provisions of this article or any part thereof; and
- h. To disseminate to owners or occupants of historic landmarks or within historic districts, or to the general public information concerning the preservation of Historic Landmarks or Historic Districts.
- i. The Preservation Commission may support the nomination to the National Register of Historic Places of local historic landmarks and districts which the commission members believe fill the standards herein set forth and have contributed to the history, architecture and culture of Lee's Summit.

F. DESIGNATION OF HISTORIC DISTRICTS AND LANDMARKS.

1. Preliminary Research.

The Preservation Commission shall establish and maintain a survey and inventory of historic properties in accordance with standards and guidelines established by the Secretary of the Interior's "Standards and Guidelines for Historic Preservation" (36 CFR Part 61). The survey will be compatible with Missouri's statewide Historic Preservation Comprehensive Planning Process. In establishing the foregoing information, the Preservation Commission shall place particular emphasis upon evaluating and incorporating the findings and studies and surveys already completed.

2. Recommendations.

The Preservation Commission shall recommend to the Board of Aldermen the adoption of ordinances designating single structures or sites, portions of structures, groups of structures, landscaped elements, works of art, or integrated combinations thereof having a special historical, archeological or architectural interest or value as landmarks or Historic Districts. Such recommendations shall be accompanied by written reports describing the character and significance of the proposed Landmark or Historic District, outlining its proposed boundaries, and recommending specific criteria and guidelines to preserve its significance. Recommendations should also consider any comprehensive or master plan, zoning requirements, projected public improvements and existing and proposed renewal and development plans applicable to the area to be affected by designation.

3. Designation.

a. Criteria for designation.

A structure or site, portion of a structure, group of structures, landscape element, works of art, or any integrated combination thereof may be designated for preservation if it:

- 1) Has significant character, interest or value, as part of the development, heritage or cultural characteristics of the City, State or Nation; or is associated with the life of a person significant in the past; or
- 2) Exemplifies the cultural, political, economic, social or historical heritage of the community; or
- 3) Portrays the environment in an era of history characterized by a distinct architectural style; or
- 4) By being part of or related to a park or other distinctive area, should be developed to preserve according to plan based on an historic, cultural or architectural motif; or
- 5) Owing to its unique location or singular physical characteristics, represents an established and familiar visual feature of the neighborhood, community or city, or
- 6) Any prehistoric/historic site(s) containing information of archaeological value in that it has produced or can be expected to produce data affecting theories of historic or prehistoric research interest as set forth in the State Historic Preservation Program master plan for cultural resources.

4. Proposed Designation of Property as a Landmark or Historic District To Be Considered as An Application for Amendment for the Zoning District Map and Zoning Ordinance.

A recommendation to designate a specific property and/or properties as a Landmark or Historic District shall be considered an application for amendment of the zoning district map and zoning ordinance as provided in Section 400 of Ordinance No. 715. The fee required under Section 400 shall not be required on considerations for designating a property as a Landmark and/or Historic District by the Preservation Commission until such designation is recommended to the Planning Commission. No fee shall be required where the designation is requested by the City. The provisions of this article shall control over any conflicting provisions in Ordinance No. 715.

5. Notification of Property Owners of Proposed Designation.

A copy of the notice of proposed designation shall be mailed to all owners of record and persons presently in possession of such property.

6. Public Hearing.

After notice as required by law, the Planning Commission shall hold a public hearing on each proposed designation of a Landmark or Historic District in order to obtain the viewpoints of affected property owners, residents and other interested citizens. The hearing shall be conducted in accordance with Section 400 of Ordinance No. 715.

7. Timely Determination.

Within thirty (30) days of the conclusion of the public hearing, the Planning Commission shall make a recommendation containing findings of fact and conclusions of law with respect to the proposed designation in writing. Said recommendation may be for approval, disapproval or approval in part. The recommendation, together with a record of the hearing thereon, shall be forwarded to the Board of Aldermen.

8. Action by the Board of Aldermen.

Upon receipt of the recommendations of the Planning Commission, the Board of Aldermen shall schedule a public hearing on the proposed designation. Following the public hearing, the Board of Aldermen within thirty (30) days may adopt an ordinance approving all or a part of said recommendation or disapproving the recommendation of the proposed designation in its entirety.

9. Notice.

The Board of Aldermen shall cause notice of the time and place of the public hearing to be given as provided by law.

10. Protest.

If an owner of a proposed Landmark or the owners of ten percent (10%) or more of the property proposed to be included in an Historic District, or by the owners of ten percent (10%) or more of the total area, exclusive of streets and alleys, which is located within an area determined by lines drawn parallel to and one hundred and eighty five (185) feet distance from the boundaries of the property proposed to be designated an Historic District, shall file a written protest in affidavit form, with the City Clerk's Office against the designation of the property as a Landmark or Historic District, prior to consideration of an ordinance regarding the proposed designation, then such proposed designation shall not be approved by ordinance except by a three-fourths (3/4) vote of all the members of the Board of Aldermen.

11. Designation Ordinance.

Upon favorable approval by ordinance of a proposed designation by the Board of Aldermen, the Landmark or Historic District shall be classified and designated as an "H" District as provided in paragraph 14 hereof, and the designating ordinance shall prescribe the specific and significant exterior architectural features, and establish specific design guidelines, including minimum maintenance standards, and where appropriate, the proportions of windows and doors, relationship of building masses and spaces, roof shapes, landscaping, signage, guidelines and/or agreements for preservation of archaeological sites and any other criteria or guidelines necessary to accomplish and preserve the particular criteria for designating such property as a Landmark or Historic District.

12. Notification of Approved Designation.

Within fifteen (15) days after adoption of said ordinance by the Board of Aldermen designating property as a Landmark or Historic District, the City Clerk shall send by certified mail to the owner of record of each property so designated or each property within the designated district a copy of the ordinance.

13. Moratorium on Application for Construction, Alteration or Demolition While Designation Pending.

No application for a permit to construct, alter or demolish any structure or other feature in a proposed Landmark or Historic District, filed subsequent to the day that notice of a proposed designation has been first published pursuant to law of an intent to initiate consideration of a designation of a said Landmark or Historic District, shall be scheduled for

public hearings before the Planning Commission or Board of Aldermen; provided, however, if after one hundred twenty (120) days have elapsed from the date of the first publication of notice of a public hearing on said matter, the final action on such designation has not been completed by adoption of an ordinance, the permit application shall be processed pursuant to existing ordinance.

14. "H" Corresponding Zoning District.

An "H" Historic Zoning Designation shall not change the existing zoning designation of the Landmark and/or Historic District. The existing zoning standards for each district are set forth and shall be complied with unless said standards conflict with the provisions of the ordinance designating said Historic District and in the event of a conflict, the provisions of the Historic District Ordinance shall prevail. A Landmark or Historic District shall be designated with an "H" affixed to the current zoning district acronym and illustrated as such on the official zoning district map.

G. CERTIFICATE APPLICATIONS.

1. Certificate of Appropriateness Required.

Before any person may take any of the following actions to a Landmark or to a building, structure or feature of the land located within an historic district, such person must apply to the Preservation Commission for and receive a certificate of appropriateness:

- a. Demolition (subject to the provision of Section H.).
- b. Moving.
- c. Material change in the exterior appearance by additions reconstruction, alterations, or maintenance involving exterior color change.
- d. New construction of a principal building or accessory building within an historic district or on the property of a landmark.
- e. Signs for a landmark or for a building in a district.

2. Review of certificate application.

- a. The City Staff shall provide comments on the application to the Preservation Commission for review within thirty (30) days of receipt of the application.
- b. The Preservation Commission should review the affected area to determine the potential for the presence of historic, architectural or archaeological sites and resources.
- c. The Preservation Commission shall approve, modify, or disapprove the application in whole or in part, or suspend action on it for a period not to exceed sixty (60) days for the purpose of obtaining additional information or documentation.

3. Guidelines for Rehabilitation.

The Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings along with such other guidelines as may be developed by the Commission

and approved by the Board of Aldermen shall be the Commission's general guide concerning Landmarks and older buildings in Historic Districts.

4. Variety of Styles in New Construction.

The Preservation Commission shall consider the following in passing upon the appropriateness of architectural features in new buildings: the extent to which the building or structures would be harmonious with or incongruous to the old and historic aspects of the surroundings. It is not the intent of this consideration to discourage contemporary architectural expression or to encourage the emulation of existing buildings or structures of historic or architectural interest in specific detail. Harmony or incompatibility should be evaluated in terms of the appropriateness of materials, scale, size, height, placement, and use of a new building or structure in relationship to existing buildings and structures and to the setting thereof.

5. Submission of Plans to City Staff.

An applicant requesting approval must submit, as part of the application, proposed plans in sufficient detail for the City Staff and Preservation Commission to have full knowledge of the requested alteration, particularly as to how the proposed action will affect the appearance, materials and architectural design of Landmark, or the buildings, structure of land within an Historic District.

6. Public Hearing on Certificate of Appropriateness Applications.

The Preservation Commission shall hold a public hearing on all applications for Certificates of Appropriateness referred to it after notice given in the same manner as for hearings as established in Section 400 of the Comprehensive Zoning Ordinance.

7. Report on Determination.

A written report of a recommendation on the application by the Preservation Commission shall be forwarded to the applicant and city staff not later than forty five (45) days after receipt of the application by the Preservation Commission. The report must state reasons why a certain recommendation has been made.

8. Appeal.

The decision of the Preservation Commission to deny or limit the terms of an application may be appealed to the Board of Adjustment in accordance with Section 450 of Ordinance No. 715. The Preservation Commission shall then act upon any change or modification by the Board of Adjustment to the decision of the Preservation Commission.

9. Conformance to Certificate Application.

All work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. It shall be the duty of the City Staff to inspect from time to time any work performed pursuant to such certificate to assure such compliance. In the event work is performed not in accordance with such certificate, the City Staff shall issue a stop work order and all work shall cease. No person, firm or corporation shall undertake any work on such project as long as such work order shall continue in effect.

H. DEMOLITION PERMIT APPLICATION

1. Review of Permit for Demolition.

In the case of the proposed demolition of an existing Landmark or building in an Historic District, the Commission shall review such application and consider the following factors:

- a. The city's interest in protecting the public's health, safety, and general welfare.
- b. The detrimental impact upon the historic architectural, cultural, or economic character of the district or community in general.
- c. The structural feasibility of rehabilitation considering both the technological feasibility and the economic feasibility.
- d. The cost of rehabilitation and the remaining economic use of the property if rehabilitated, and the economic impact and hardship upon the owner.
- e. A determination of the potential for occurrence of archaeological sites and resources.

I. SIGN APPLICATION

1. Permit Required.

Irrespective of provisions in any ordinance of the city relating to signs, all signs for a Landmark or buildings in an Historic District must receive a certificate of appropriateness from the Preservation Commission, which shall review the proposed sign in accordance with the following general guidelines. No public hearing shall be required for an application for a certificate of appropriateness for a sign which is otherwise in conformance with the city's sign ordinance. A public hearing shall be required in accordance with provisions for a special use permit for any sign not in conformance with the city's sign ordinance.

2. General.

- a. General sign regulations are included in Section 350 of Ordinance No. 715 of the city.
- b. It is not the intent of these standards to create uniformity of signage or to inhibit creative initiative.
- c. Signs shall be designed and placed so as to appear an integral part of the building design, and to respect neighboring properties and the district in general. Signs shall be designed with appropriateness relative to the services of the establishment served.

3. Recommended Signage.

- a. Signs should be maintained if they are determined to be an original part of a building as it was originally constructed.
- b. Some signs, though not original to a building may have acquired significance by virtue of their age, design, materials and craftsmanship. Such signs should be maintained and preserved.
- c. Some existing signs may not be appropriate, especially if they disguise, obstruct, or detract from significant facade elements.

- d. Wall Signs: Each ground floor occupant in a building shall have no more than one (1) sign oriented to each street on which the premises have frontage. The sign or signs should identify the predominant use of the occupant or identify the building as a whole.
 - 1) Wall signs may extend the entire length of the facade but shall have a total vertical dimension of no more than two feet six inches (2'6").
 - 2) Wall signs shall be mounted no lower than eight feet (8') above the elevation of the ground floor and no higher than the elevation of the second floor.
 - 3) Wall signs may be applied directly on glass show windows or entry doors. These may be located at any point below the elevation of the second floor.
- e. Secondary Wall Signs: Each occupant in a building may have one or more secondary wall signs. These signs should identify occupants on upper floors or those not considered the primary occupants.
 - 1) Each occupant may have not more than one (1) sign applied directly on glass of upper windows. Upper window signs may consist of individual letters not over six inches (6") in height. Total sign dimensions should be no greater than fourteen inches (14") in height.
 - 2) In addition to upper window signs, each occupant may have one (1) ground floor entry sign located at entryway with individual letters painted or located directly on glass, door, plaque or directory.

4. Illumination.

Any sign lighting shall be properly shielded or diffused so as to eliminate glare.

5. Exceptions

The following are appropriate in addition to those signs listed above:

- a. Names of buildings, dates of erection, monumental citations, and commemorative tablets which do not exceed twenty (20) square feet in area when made a permanent integral part of a building.
- b. Educational signs not exceeding ten (10) square feet providing bulletin or poster display space, identifying or explaining local history or other processes.
- c. Signs that have special aesthetic, artistic or historical merit or appropriateness.

6. Projections Beyond Property Line

There should be no projections beyond the property line other than as described below, or as allowed by other Sections of this ordinance:

- a. Sun protection/weather protection devices are permitted only in the form of awnings. Awnings should be of canvas, or of a plainer surface of metal or similar smooth surface. Awnings should be located no higher than sixteen (16) feet and should extend no lower than eight (8) feet. Awnings should be of a color(s) and design that compliments the existing facade and that does not cover or damage significant structural or decorative elements.

b. Individual wall lighting fixtures projecting beyond property lines may be used providing fixtures are consistent with the period or the design of the building facade; the total wattage per fixture is not more than 100 watts; the fixture does not emit glare or harsh bright spots; the fixture is mounted no lower than seven feet six inches (7'6") nor higher than nine feet (9') above the elevation of the ground floor; and the fixture extends from the property line not more than sixteen inches (16"), with no dimensions greater than sixteen inches (16").

c. The Preservation Commission may adopt a standardized sign which may project beyond property lines and which may be used by all property owners or businesses within a district. Such sign shall be no lower than seven feet six inches (7'6") nor higher than ten feet (10') above the elevation of the ground floor, shall extend from the property line not more than three feet (3'), and shall have no dimension greater than three feet (3').

J. SPECIAL USE PERMIT APPLICATION

Applications for special use permits for a Landmark or buildings in a Historic District shall be referred to the Historic Preservation Commission by the city staff. The Preservation Commission may review these applications using any format which it deems appropriate provided, however, applicant shall be notified of the time and place of such review and shall be given the opportunity to participate. Within fifteen (15) days after receipt of said applications, the Historic Preservation Commission shall forward its comments to the city staff for presentation to the Planning Commission for its consideration in reviewing the application.

K. REDEVELOPMENT PLANS

The Preservation Commission may review redevelopment plans involving a Landmark or Historic District and forward recommendations to the Planning Commission. Redevelopment plans adopted by the Board of Aldermen concerning a Landmark or Historic District shall be amendments to the ordinance establishing individual Landmarks or Historic Districts.

L. EXCLUSIONS

1. Ordinary Maintenance Exclusion.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of any exterior element of any building or structure. Ordinary maintenance shall be defined as work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration or decay of or damage to a structure and to restore the same to its condition prior to the occurrence of such deterioration, decay, or damage.

2. Public Safety Exclusion.

This ordinance shall not be construed to prevent the construction, reconstruction, alteration or demolition of any such elements which the authorized municipal officers shall certify as required by public safety.

M. FEES, CHARGES, AND EXPENSES

The Board of Aldermen shall establish a schedule of fees, charges, and expenses for processing applications and other

matters pertaining to the ordinance, and may be altered or amended only by the Board. No certificates shall be issued unless or until such costs, charges, fees or expenses proscribed in this ordinance have been paid in full, nor shall any action be taken or proceedings before the Board, unless or until fees have been paid in full.

N. VIOLATION AND PENALTY

1. In case any building or structure is erected, constructed, reconstructed, moved or altered, converted or maintained, or any building, structure or land is used in violation of the provisions of this ordinance, the city staff on behalf of the city, in addition to other remedies, may institute any appropriate action or proceedings to prevent such unlawful erection, construction, reconstruction, moving, demolition, alteration, conversion, maintenance or use, to restrain, correct or abate such violation and to prevent the occupancy of said building, structure or land, or to prevent any unlawful act, conduct, business or use in or about such premises. Such regulations shall be enforced by an officer of the city authorized to issue building permits, who is empowered to cause any building, structure, place or premises to be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provisions of the regulations made under authority of this ordinance.
2. The owner or general agent of a building or premises where a violation of any provision of said ordinance has been committed, threatened or shall exist, or the lessee or tenant of an entire building or entire premises where such violation has been committed, threatened or shall exist, or the owner, general agent, lessee or tenant of any part of the building or premises in which such violation has been committed or shall exist, or the general agent, architect, builder, contractor or any other person who commits, threatens or takes part or assists in such violation, or who maintains any building or premises in which any such violations shall exist shall be punished in accordance to Section 470 of Ordinance No. 715.
3. It shall be unlawful for any such person, who has been served with an order to correct any such violation, to fail to comply with said order within ten (10) days after such service or to continue to violate any provision of this ordinance or regulations made under authority of this ordinance.

O. APPEAL PROVISION

Any person or persons jointly or severally aggrieved by a decision of the city staff may appeal such decision to the Board of Adjustment in accordance with Section 450 of Ordinance No. 715.

SECTION 2. This ordinance shall be in full force and effect from and after its passage and approval.

PASSED by the Board of Aldermen of the City of Lee's Summit, Missouri and approved by the Mayor of said city this 19th day of April, 1988.

[Signature]
Mayor

ATTEST:

[Signature]
City Clerk

APPROVED this 19th day of April, 1988.

ATTEST:

W. T. J. Jones
Mayor

Bonnie Batarce
City Clerk

APPROVED AS TO FORM:

W. L. Martin
City Attorney