

**ORDINANCE NO. 10016**

**AN ORDINANCE OF THE CITY OF LAWRENCE, KANSAS, REPEALING EXISTING ARTICLE 22 AND ENACTING, IN ITS PLACE, ARTICLE 22 OF THE CODE OF THE CITY OF LAWRENCE, KANSAS, 2018 EDITION, AND AMENDMENTS THERETO, PERTAINING TO THE CITY'S CONSERVATION OF HISTORIC RESOURCES CODE.**

**BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LAWRENCE, KANSAS:**

**SECTION 1.** Existing Chapter 22 of the Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby repealed in its entirety, it being the intent of the Governing Body that Section 2 of this Ordinance supersede it.

**SECTION 2.** The Code of the City of Lawrence, Kansas, 2018 Edition, and amendments thereto, is hereby amended by adding Article 22, which reads as follows:

**CHAPTER XXII. CONSERVATION OF HISTORIC RESOURCES CODE**

<b>Article 1.</b>	<b>General Provisions</b>
<b>Article 2.</b>	<b>Historic Resources Commission</b>
<b>Article 3.</b>	<b>Surveys and Inventory</b>
<b>Article 4.</b>	<b>Landmark and Historic District Regulations</b>
<b>Article 5.</b>	<b>Certificate of Approval</b>
<b>Article 6.</b>	<b>Certificate of Economic Hardship</b>
<b>Article 7.</b>	<b>Public Hearings</b>
<b>Article 8.</b>	<b>Property Owned by Public Agencies</b>
<b>Article 9.</b>	<b>Historic Resources Administrator</b>
<b>Article 10.</b>	<b>Incentives and Easements</b>
<b>Article 11.</b>	<b>Emergency Provisions</b>
<b>Article 12.</b>	<b>Minimum Maintenance Requirement</b>
<b>Article 13.</b>	<b>Fines and Penalties</b>
<b>Article 14.</b>	<b>Definitions</b>

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**ARTICLE 1. GENERAL PROVISIONS**

22-101 **SHORT TITLE.**  
This Chapter shall be known as the Conservation of Historic Resources Code of the City of Lawrence, Kansas.

22-102 **PURPOSE.**  
The purpose of the Conservation of Historic Resources Code is to promote the educational, cultural, economic, and general welfare of the City by:

- (a) Providing a mechanism to identify and to conserve the distinctive historic, cultural, and architectural characteristics and other historic resources of the City, all of which represent essential elements of the City's cultural, social, economic, political, and architectural history.

- (b) Fostering civic pride in the beauty and noble accomplishments of the past as represented in the City's landmarks, historic districts, and historic resources.
- (c) Conserving and improving the value of property in and around designated landmarks and historic districts, as well as within the City.
- (d) Enhancing the attractiveness of the City to residents, current and prospective homeowners, and visitors and shoppers, thereby supporting and promoting business, commerce, industry, and providing economic benefits to the City.
- (e) Fostering and encouraging preservation, restoration, and rehabilitation of structures, properties, neighborhoods, and areas.
- (f) Fostering and encouraging the study, interpretation, and promotion of historic resources.
- (g) Fostering and encouraging the study, interpretation, and promotion of historical archeological work and information.

22-103

**APPLICABILITY.**

The Conservation of Historic Resources Code shall apply to all designated historically, culturally, and architecturally significant sites, structures, objects, and areas -- as well as their context areas -- located within the City.

22-104

**GENERAL RULES OF CONSTRUCTION.**

The language of the Conservation of Historic Resources Code shall be read literally. Regulations are neither more nor less strict than stated. Words shall have their standard dictionary definition unless specifically defined in Article 14 of this Chapter, as amended. Words defined in Article 14 of this Chapter, as amended, shall have the specific meaning ascribed to them therein unless the clear context or usage in the Conservation of Historic Resources Code expressly indicates that another meaning is intended.

(a) Tenses and Usage

- (1) Words used in the singular include the plural. The reverse is also true.
- (2) Words used in the present tense include the future tense. The reverse is also true.
- (3) The words "shall," "will," "shall not," and "may not" are mandatory.
- (4) The word "may" is permissive or discretionary.
- (5) When used with numbers, "Up to x," "Not more than x" and "A maximum of x" are all inclusive of x.

(6) Conjunctions:

- (A) "And" shall be deemed conjunctive and means that all connected items or provisions apply.
- (B) "Or" shall be deemed disjunctive and means that all connected items or provisions may apply singularly or in any combination thereof.

(b) Headings, Illustrations and Text

In case of any difference of meaning or implication between the text of this Conservation of Historic Resources Code and any heading, drawing, table, figure, or illustration, then the text shall control.

(c) References to Other Regulations

All references to City, County, State, or Federal regulations are for informational purposes only and do not constitute a complete or exhaustive list of such regulations. Moreover, such references do not imply any responsibility on the part of the City for the enforcement of any County, State, or Federal regulations.

All references to City, County, State, or Federal regulations are to the most current version and citation of those regulations, unless specifically stated otherwise. Where the referenced regulation has been repealed, then, to the extent that the Conservation of Historic Resources Code requires compliance with that regulation, that requirement shall be rendered null and void and shall have no further force or effect.

(d) Lists and Examples

Unless otherwise specifically noted, lists of items or examples that use "including," "such as," or similar terms are intended only to provide examples. Such examples are not intended, nor should they be construed, to be exhaustive or exclusive.

## **ARTICLE 2. HISTORIC RESOURCES COMMISSION**

22-201

### **HISTORIC RESOURCES COMMISSION.**

- (a) The Historic Resources Commission ("Commission") shall be composed of seven members:
  - (1) Two (2) members, who shall be architects as recognized by the relevant standards of that profession;
  - (2) Two (2) members, who shall be professionals in preservation-related fields, such as architectural historians, archeologists, conservators, historians, landscape architects, or planners, as recognized by the relevant standards of those professions or fields; and

- (3) Three (3) members, who shall be either professionals or lay persons with a demonstrated interest, knowledge, or training in a profession or field closely related to historic preservation, such as history, architecture, landscape architecture, architectural history, cultural anthropology, archeology, planning, real estate, law, finance, a construction trade, urban design, curation, engineering, folklore, museum studies, public history, or geography.
- (b) All members of the Commission shall, at all times, be residents of the City. If a member of the Commission relocates and no longer resides within the City, then that member shall resign or vacate that member's seat on the Commission.
- (c) The Mayor, with the approval of the Governing Body, shall appoint members to the Commission. In addition to complying with subsection (a) hereof, the Mayor shall make every reasonable effort, when appointing persons to the Commission, to appoint persons with a demonstrated interest in historic preservation or the conservation of the historic resources of the City.

22-202

**TERMS; TERM LIMITS; COMPENSATION.**

Members of the Commission shall serve three-year terms, except when appointed to complete an unexpired term. Terms of members of the Commission shall be staggered so that no more than three members' terms shall expire in any one year. No member of the Commission shall serve more than two consecutive full three-year terms. However, terms of less than three years -- e.g., an appointment to complete an expired term -- shall not count toward the term limits. All members of the Commission shall serve without compensation.

22-203

**VACANCIES.**

Vacancies on the Commission shall be filled by appointment by the Mayor, with the approval of the Governing Body. Vacancies shall be filled as soon as may be practicable.

22-204

**OFFICERS.**

Annually, the Commission shall elect one of its members to serve as Chair and one its members to serve as Vice-Chair, each of whom shall serve a one-year term. The Chair and Vice-Chair shall be eligible for re-election, but no member shall serve more than two consecutive terms as Chair. The Chair shall preside at meetings. In the absence of the Chair, the Vice-Chair shall perform the duties of the Chair. If both the Chair and the Vice-Chair are absent, then the members present at a meeting shall elect a Chair *pro tem* to preside at that meeting.

22-205

**SUBCOMMITTEES.**

As necessary, the Commission may establish subcommittees. The Commission shall appoint at least one preservation-related professional to serve on each subcommittee so established.

22-206

**BYLAWS, MEETINGS, AND QUORUM.**

The Commission shall adopt bylaws governing the procedures to be used by the Commission. The bylaws shall establish specific duties and responsibilities of the

Chair and Vice-Chair, the time and place for meetings, rules of order, and other rules governing procedures and operations of the Commission, including procedures for amending the bylaws. A quorum shall be at least four voting members of the Commission. The Commission shall conduct no official business absent a quorum.

22-207

**CONFLICTS OF INTEREST.**

All members of the Commission shall, by abstention, refrain from participating in the decision-making process, including discussing and voting, regarding any item for which that member, that member's employer, or the entity that that member represents on the Commission appears before the Commission and would receive direct financial benefit if the item was approved. All Commission members are subject to the Kansas Conflict of Interest Act of 1970, codified as amended at K.S.A. 75-4301a *et seq.*, and to the City's Ethics Policy.

22-208

**MINUTES.**

The Historic Resources Administrator, or designee, shall prepare minutes of its meetings, which shall be approved by the Commission. The Historic Resources Administrator, or designee, shall forward all approved minutes to the Governing Body.

22-209

**OPEN MEETINGS AND OPEN RECORDS.**

All meetings of the Commission shall be held in compliance with the Kansas Open Meetings Act of 1972, codified as amended at K.S.A. 75-4317 *et seq.*, and its records shall be subject to the Kansas Open Records Act of 1984, codified as amended at K.S.A. 45-215 *et seq.*

22-210

**COMMISSION DUTIES.**

- (a) All of the Commission's powers and duties, as enumerated herein and otherwise provided in this Chapter, are subject to the Governing Body's approval, denial, or modification. All decisions made by the Governing Body on those issues shall be the final decision of the City. Additionally, any and all funding required by the Commission to fulfill its duties hereunder shall first be approved by the Governing Body.
- (b) In addition to other responsibilities specified in this Chapter, the Commission shall:
  - (1) Conduct an ongoing survey to identify historically, culturally, and architecturally significant sites, structures, objects, and areas that exemplify the cultural, social, economic, political, or architectural history of the Nation, Region, State, or City.
  - (2) Investigate and recommend to the Governing Body the adoption of ordinances designating landmarks, sites, structures, and objects, having special historical, cultural, or architectural value.
  - (3) Investigate and recommend to the Governing Body the adoption of ordinances designating, as historic districts, areas having special historic, cultural, or architectural value.

- (4) Maintain a register of all sites, structures, objects, and areas that have been designated as landmarks or historic districts, including all information underlying each designation.
- (5) Determine appropriate historic marker locations and an appropriate system of markers for historic sites, structures, objects, and areas, and make various recommendations to the Governing Body regarding the design, implementation, and installation of specific markers, including markers for historic sites, structures, objects, and areas, including streets and routes that lead from one landmark or historic district to another.
- (6) Advise and assist owners of sites, structures, or objects within the City regarding physical and financial aspects of preservation, renovation, rehabilitation, and reuse, and, as necessary, regarding the procedures for inclusion of such sites, structures, or objects on the State and National Registers of Historic Places.
- (7) Initiate the nomination of landmarks and historic districts to the State and National Registers of Historical Places, and review and comment on nominations to the State and National Registers of Historical Places submitted to the Commission by the Governing Body or the State Historic Preservation Office.
- (8) Inform and educate residents and visitors of the City regarding the historic, cultural, and architectural heritage of the City; such can be achieved by various, diverse methods, such as by producing maps, newsletters, brochures, pamphlets, books, or other appropriate materials, or by holding public programs.
- (9) Hold public hearings and review applications for construction, alteration, removal, or demolition projects affecting proposed or designated landmarks or structures within historic districts, or their context areas, and issue or deny Certificates of Approval or Economic Hardship, as appropriate, for such activities.
- (10) Develop specific design criteria for alteration, construction, or removal of designated landmarks or structures within historic districts, or their context areas.
- (11) Review and comment upon proposed development and land use applications, including zoning amendments, applications for special use permits, applications for variances, proposed subdivisions of property, and proposed development plans that affect proposed or designated landmarks or historic districts, or their context areas. The Director of the Department of Planning and Development Services, or the Director's designee, shall cause copies of all applications for proposed development and land use applications for sites, structures, or objects designated as landmarks and for properties or structures within the area of a designated historic district, or their context areas, to be submitted to the Commission

prior to the date of any hearing conducted by the Lawrence-Douglas County Planning Commission or the Board of Zoning Appeals, and prior to the date of any administrative determination by the City.

- (12) Administer, in behalf of the City -- upon the authorization and approval of such administration by the City -- any full or partial property interests in real property, including easements, that the City may have or may acquire by purchase, gift, dedication, or other means.
- (13) Seek, accept, and administer, in behalf of the City, as approved by the Governing Body, such gifts, grants, and money as may be appropriate for fulfilling the purposes of this Chapter.
- (14) Call upon available City staff members, citizens, and other experts for technical advice, as may be needed.
- (15) Recommend that specialists or consultants be retained or recommend the appointment of such ad hoc citizen advisory committees as may be needed, from time to time, in order for the Commission to fulfill its duties and purposes hereunder.
- (16) Testify before all boards and commissions, including the Governing Body, the Lawrence-Douglas County Planning Commission, or the Board of Zoning Appeals, on any matter affecting historically, culturally, or architecturally significant sites, structures, objects, and areas.
- (17) Develop and periodically review and propose amendments, if needed, to preservation components of the City's comprehensive plan and recommend such amendments to the Governing Body and to the Lawrence-Douglas County Planning Commission.
- (18) Periodically review Chapter 20 of the City Code and recommend to the Governing Body and to the Lawrence-Douglas County Planning Commission any amendments appropriate for the protection, conservation, and continued use of designated landmarks or structures located within designated historic districts, or their context areas.
- (19) Strive to attend an historic preservation-related workshop or seminar each year.
- (20) Review this Chapter at least once every five years and prepare a report to the Governing Body containing at least the following:
  - (A) An assessment of the Commission's progress in preserving the architecturally, culturally, and historically important sites, structures, objects, and areas of the City;

- (B) Analyses of numbers, types, locations, and dispositions of applications for designation of landmarks and historic districts, applications for Certificates of Approval, applications for Certificates of Economic Hardship, appeals, and variances as provided for in this Chapter;
  - (C) An assessment of the Commission's progress and performance in educating the citizenry about the value of historic preservation; and
  - (D) Propose amendments to this Chapter, if any.
- (21) Designate authority to the Historic Resources Administrator, or the Historic Resource Administrator's designee, to approve certain projects that require a Certificate of Approval, as the Commission finds appropriate.
  - (22) Undertake any other action or activity necessary or appropriate for the implementation of powers and duties granted hereunder or the implementation of the purposes of this Chapter.
  - (23) Undertake any other duty or action, consistent with the powers and duties granted hereunder, as may be delegated to it by the Governing Body.

### **ARTICLE 3. SURVEYS AND INVENTORY**

22-301

#### **SURVEYS.**

- (a) The Historic Resources Commission ("Commission") shall, in behalf of the City, strive to identify sites, structures, objects, and areas that have historic, cultural, or architectural importance, interest, or value to the City.
- (b) The Commission shall review and evaluate surveys and studies prepared by any unit of government or by private parties, and compile appropriate descriptions, facts, and photographs. The Commission shall maintain all such surveys and studies in a form that is compatible with the documentation system established by the State Historic Preservation Office.
- (c) The Commission shall:
  - (1) Identify potential landmarks and historic districts as interpreted from survey and study results.
  - (2) Maintain procedures to nominate potential landmarks and historic districts, if appropriate.
  - (3) Use the survey or study information in determining whether or not to issue, under this Chapter, Certificates of Approval or Certificates of Economic Hardship.



22-302

**INVENTORY RECORDS.**

The Commission shall maintain a detailed inventory of all properties identified in surveys and studies. The inventory shall be maintained in a form compatible with the documentation system established by the State Historic Preservation Office and with the State comprehensive historic preservation planning process. All inventory materials shall be deemed open, public records in accordance with the Kansas Open Records Act of 1984, codified as amended at K.S.A. 45-215 *et seq.*, and shall, upon request, be made available to the public.

**ARTICLE 4. LANDMARK AND HISTORIC DISTRICT REGULATIONS**

22-401

**LAWRENCE REGISTER OF HISTORIC PLACES.**

- (a) There is hereby established the Lawrence Register of Historic Places. The register shall include the following:
  - (1) A list of all sites, structures, objects, or areas designated as landmarks or historic districts pursuant to this Chapter.
  - (2) A description of the boundaries of each such site, structure, object, or area designated as a landmark or an historic district pursuant to this Chapter.
  - (3) For each such designated landmark and historic district, the findings made, in accordance with Section 22-407 of this Article, as amended, by the Commission.
- (b) The boundaries of designated landmarks and historic districts, and their context areas, shall be recorded on a map or maps of designated landmarks and historic districts. In the case where uncertainties arise regarding the intended boundaries on a map, then the boundaries shall be construed to follow:
  - (1) City limits, township, section, or quarter section;
  - (2) Center lines of streets, alleys, or public rights of way;
  - (3) Lot lines, parcel boundaries, or property lines;
  - (4) Center lines of the main tracks of railroad lines;
  - (5) Center lines of creeks, streams, rivers, or drainage channels; or
  - (6) Specific distances from a street line or other physical feature when so indicated on a map.
- (c) The Lawrence Register of Historic Places and the map(s) of designated landmarks and historic districts, including all notations, symbols, dimensions, and references shown thereon, are adopted herein, are incorporated into this Chapter by reference, and shall be deemed to be a part of this Chapter as if set forth in full.

- (d) The Lawrence Register of Historic Places and the map(s) of designated landmarks and historic districts shall be made available for public inspection, during office hours, at the Offices of the City's Department of Planning and Development Services.
- (e) Amendments to the Lawrence Register of Historic Places and map(s) shall be made by ordinance passed by the Governing Body and shall likewise be made available for public inspection, during office hours, at the Offices of the City's Department of Planning and Development Services.
- (f) Designated landmarks and historic districts may include any:
  - (1) Property, or any part thereof.
  - (2) Exterior of a structure, or any part thereof.
  - (3) Interior of a structure, or any part thereof, provided it is customarily open or accessible to the public, or to which the public is customarily invited, and the owner consents to such designation.
  - (4) Landscape feature or aggregate of landscape features.
- (g) Designated historic districts may include two or more structures or properties. Individual sites, structures, and objects within a designated historic district shall be classified and designated on the Lawrence Register of Historic Places. Individual sites, structures, and objects within a designated historic district shall be classified either as:
  - (1) Contributing; or
  - (2) Noncontributing.

22-402

**LANDMARKS.**

All sites, structures, and objects listed in the Lawrence Register of Historic Places, and any amendments thereto, as landmarks, as defined in this Chapter, are hereby designated as historic landmarks of the City. The Lawrence Register of Historic Places is adopted and incorporated into this Section by reference as if set forth in full. All ordinances making such designations, including any provision, limitations, exclusions, and requirements of such ordinances, are also adopted and incorporated herein as if set forth in full.

22-403

**HISTORIC DISTRICTS.**

All areas listed in the Lawrence Register of Historic Places, and any amendments thereto, as historic districts, as defined in this Chapter, are hereby designated as historic districts of the City. The Lawrence Register of Historic Places is adopted and incorporated into this Section by reference as if set forth in full. All ordinances making such designations, including any provision, limitations, exclusions, and requirements of such ordinances, are also adopted and incorporated herein as if set forth in full.

**NOMINATION OF LANDMARKS AND HISTORIC DISTRICTS.**

- (a) Nomination of a site, structure, or object for designation as a landmark or of an area for designation as an historic district may only be made by application. Application may be made by a resolution of the Governing Body or the Historic Resources Commission ("Commission"); or, in the case of a landmark, by the owner or owners of record of the nominated site, structure, or object; or, in the case of an historic district, by the owner or owners of record of properties within the nominated area.
  - (1) For all applications, other than those submitted by the Governing Body or the Commission, the party or parties seeking to submit an application for the nomination of a landmark or an historic district, shall, at least seven days in advance of submitting such application, participate in a pre-application meeting with the Historic Resources Administrator.
- (b) Before nominating a site, structure, or object as a landmark or an area as an historic district, the Commission shall first make all reasonable efforts to secure the approval and written consent of the owner or owners of the proposed landmark or all owners of record of real property within the proposed historic district. If the owner or owners of record protest the nomination of a landmark or if 51% of the owners of record of real property within any nominated historic district protest the nomination of an historic district, then the application for nomination may proceed only as permitted by Sections 22-410 and 22-411 of this Article, as amended.
- (c) At a minimum, any application for the nomination of a site, structure, or object as a landmark or any area as an historic district shall include:
  - (1) For any landmark, the address and legal description of the real property or properties upon which the nominated site, structure, or object is located and, for any historic district, the addresses and legal descriptions of all real properties located within the nominated historic district.
  - (2) A list of all owners of record -- certified by the County Clerk -- of all real properties located within the 250-foot context area of the nominated landmark or historic area, as measured from the boundaries of the real property upon which the nominated landmark is located or the boundaries of the nominated historic district.
  - (3) A history of the nominated site, structure, object, or area (including sites, structures, or objects located within that area), including the development of the context area.
  - (4) An architectural description of any site, structure, or object nominated as a landmark, or architectural descriptions of all sites, structures, or objects located within an area nominated as an historic district.

- (5) Photographs of the site, structure, or object nominated as a landmark, or photographs of sites, structures, and objects located within the area nominated as an historic district.

22-405

**PROCEDURES UPON SUBMISSION OF AN APPLICATION FOR NOMINATION OF LANDMARK OR HISTORIC DISTRICT.**

The following procedures shall apply upon receipt of a complete application, as determined by the Historic Resources Administrator, for the nomination of a site, structure, or object for designation as a landmark, or for the nomination of an area for designation as an historic district:

- (a) Upon the determination that an application for the nomination of a landmark or an historic district is complete, the Historic Resources Administrator shall schedule a public hearing, to be conducted by the Commission, on that application. The public hearing shall be held no earlier than thirty days following the receipt of a complete application, as determined by the Historic Resources Administrator. The public hearing may be held at any regular or special meeting of the Commission.
  - (1) For all applications for the nomination of an area as an historic district, the Historic Resources Administrator shall hold an informational meeting for all interested parties at least seven days prior to the public hearing before the Commission. At that informational meeting, the Historic Resources Administrator shall present to those interested persons a summary of the staff report and such other information as the Historic Resources Administrator deems relevant.
- (b) The Historic Resources Administrator shall publish, in the official newspaper of the City, a notice of the public hearing. The notice shall specify the time and place of the hearing, the subject matter of the hearing, and invite all interested parties to appear and to be heard. The notice shall be published at least fourteen (14) days in advance of the public hearing.
  - (1) In addition to the foregoing, if the public hearing involves a proposed historic district, then the notice shall also specify the time and place of the informational meeting that will be held by the Historic Resources Administrator. It shall provide further the following notices:
    - (A) Owners of record of real property within the proposed historic district shall have fourteen (14) days from the date of the Commission determination within which to file with the City Clerk a written consent or protest to the inclusion of their real property within the proposed historic district. Any owner who fails to file a written consent or protest will be deemed to have consented to the inclusion of their real property within the historic district.

- (B) A copy of the staff report regarding the proposed historic district will be made available for public inspection at the Office of the Department of Planning and Development Services at least seven days preceding the public hearing before the Commission.
- (c) At the time of publication of the public notice in the official newspaper of the City, the Historic Resources Administrator shall also cause a copy of the public notice to be served as follows:
  - (1) By first class mail to all owners of real property upon which a site, structure, or object is nominated for designation as a landmark by the owner and to all owners of real property located within an area where the area is nominated for designation as an historic district by an owner or owners of real property within that area.
  - (2) By first class mail to all owners of real property upon which a site, structure, or object is nominated for designation as a landmark by a non-owner and to all owners of real property located within an area where the area is nominated for designation as an historic district by a non-owner.
  - (3) When a site, structure, or object is nominated for designation as a landmark without the owner's or owners' consent, then notice of the hearing shall be mailed to that owner or to those owners by certified mail, return receipt requested.
  - (4) By first class mail to the owners of record of all real property located within 250 feet of the boundaries of the real property upon which a proposed landmark is located and within 250 feet of the boundaries of the proposed historic district.
  - (5) By first class mail or electronic delivery to all persons and organizations that have submitted to the Historic Resources Administrator, within the preceding year, a request to receive such notices and to all registered neighborhood associations, the boundaries of which include or are contiguous to the subject property .
  - (6) Failure of any person to receive notice under this subsection -- absent a showing that no such notice was mailed or mailed in a timely manner -- shall not invalidate any action by the Commission on the nomination of a landmark or historic district.
- (d) Prior to each hearing before the Commission under this section, the Historic Resources Administrator shall prepare a staff report. The staff report shall be made available to the public at the Offices of the Department of Planning and Development Services and on the City's website at least seven days in advance of the public hearing before the Commission. The staff report shall contain a legal description of the real property containing the proposed landmark or the historic district, the date of the public hearing

date and its location, the name of the applicant, the name of the owner or owners of the subject property or properties, the applicable designation criteria, and any other information deemed relevant by the Historic Resources Administrator.

22-406

**PUBLIC HEARING BEFORE THE HISTORIC RESOURCES COMMISSION.**

- (a) The public hearing before the Commission may be adjourned from time to time. The Commission may, as necessary, continue the public hearing to gather additional information. Comments shall also be received from owners of the subject property and from all other parties who have an interest in the proceedings. At the conclusion of the public hearing, the Commission shall, upon a majority vote of the members voting, make those recommendations that, based on findings, the Commission deems appropriate.
- (b) Following the conclusion of the public hearing, the Commission shall adopt, by resolution, to be forwarded to the Governing Body: a recommendation that the application for nomination be approved; a recommendation that the application for nomination be disapproved; or, no recommendation regarding the application for nomination. The resolution shall be accompanied by a report to the Governing Body containing, at a minimum, the following information:
  - (1) Explanation of the significance or lack of significance of the nominated landmark or historic district as it relates to the criteria for designation established in Section 22-407 of this Article, as amended.
  - (2) Explanation of the integrity or lack of integrity of the nominated landmark or historic district;
  - (3) In the case of a nominated landmark found to meet the criteria for designation:
    - (A) The significant exterior/interior architectural features of the nominated landmark that should be protected; and,
    - (B) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that cannot be undertaken without first obtaining a Certificate of Approval.
  - (4) In the case of a nominated historic district found to meet the criteria for designation:
    - (A) The types of significant exterior architectural features of the structures within the nominated historic district that should be protected;

- (B) The types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit, that cannot be undertaken without first obtaining a Certificate of Approval;
  - (C) A list and map of contributing and noncontributing sites, structures, and objects within the historic district.
- (5) Proposed design guidelines for applying the criteria for review of Certificates of Approval to the nominated landmark or historic district.
  - (6) The relationship of the nominated landmark or historic district to the ongoing efforts of the Commission to identify and to nominate all potential sites, structures, objects, or areas that meet the criteria for designation.
  - (7) A map showing the location of the nominated landmark or the boundaries of the nominated historic district.

22-407

**CRITERIA FOR DESIGNATION.**

- (a) The Commission shall consider each nomination and shall, after such investigation as it deems necessary, make a determination as to whether a nominated site, structure, object, or area qualifies for designation in the Lawrence Register of Historic Places, either as a landmark or as an historic district, applying one or more of the following criteria:
  - (1) Whether the nominated site, structure, object, or area is associated with events that have made a contribution to the broad patterns of the City's history.
  - (2) Whether the nominated site, structure, object, or area is associated with the lives of significant persons from the City's past;
  - (3) Whether the nominated site, structure, object, or area is associated with the City's culture or a cultural location of the City.
  - (4) Whether the nominated site, structure, object, or area embodies the distinctive characteristics of a type, period, or method of construction, illustrates the work of a master, possesses high artistic value, represents a significant and distinguishable entity whose components may lack individual distinction or architecture, or exemplifies vernacular architecture.
  - (5) Whether the nominated site, structure, object, or area is located on property that yields, or may likely yield, information important in prehistory or history.

- (b) Any site, structure, object, or area that meets one or more of the above-listed criteria shall also have sufficient integrity of location, design, materials, and workmanship to make it worthy of preservation or restoration.

22-408

**PUBLIC HEARING BEFORE THE GOVERNING BODY.**

- (a) After the Commission forwards its recommendation regarding the application for the nomination of a landmark or historic district to the Governing Body, the Governing Body shall conduct a public hearing and consider the application. The public hearing shall be held no earlier than 15 days after the date of the Commission's recommendation. The public hearing may be conducted at any regular or special meeting of the Governing Body.
- (b) The Governing Body shall review the recommendation of the Commission *de novo*. By a majority vote of the members voting, the Governing Body may approve the recommendation, may disapprove the recommendation, or may remand the matter to the Commission for further study and recommendation. If the Governing Body remands the matter to the Commission, then it shall state the purpose of the remand and shall provide specific direction to the Commission as to what issues it wants considered or reconsidered and what questions it wants answered.
- (c) If the decision of the Governing Body, whether approving or disapproving the recommendation of the Commission, involves approval of the application for the nomination of a landmark or historic district, then the Governing Body shall pass an ordinance designating the nominated site, structure, or object as a landmark or an area as an historic district in the Lawrence Register of Historical Places, adopting the findings of the Commission or making its own findings on the application. The Governing Body may, at its discretion, also authorize the submission of an application to nominate the landmark or historic district for listing on the National Register of Historic Places.
- (d) If the Governing Body denies an application for the nomination of a site, structure, or object as a landmark either for its lack of significance as it relates to the criteria for designation established at Section 22-407 of this Article, as amended, or for its integrity, then subsequent nomination attempts shall not occur until the earlier of the passing of 365 days or a change in ownership of the site, structure, or object. If the Governing Body denies an application for the nomination of an area as an historic district either for its lack of significance as it relates to the criteria for designation established at Section 22-407 of this Article, as amended, or for its integrity, then subsequent nomination attempts shall not occur until either 365 days have passed or there is a substantial reconfiguration, as determined by the Commission, of the proposed historic district.



22-409

**NOTICE OF DESIGNATION.**

- (a) If the Governing Body designates a landmark or historic district for inclusion in the Lawrence Register of Historic Places, then the Historic Resources Administrator shall forward notice of that designation to the State Historic Preservation Office for consideration for the Register of Historic Kansas Places.
- (b) Within ten days of the Governing Body's ordinance designating a landmark or historic district for inclusion in the Lawrence Register of Historic Places, the Historic Resources Administrator shall notify, in writing, the owner of each site, structure, object, or property designated as a landmark or located within an area designated as an historic district. The notice shall outline the results of such designation. The Historic Resources Administrator shall, as soon as practicable, notify the Department of Planning and Development Services of the designation.
- (c) The Historic Resources Administrator shall also cause to be recorded, in a timely manner, in the Office of the Register of Deeds for Douglas County, Kansas, a record, including the pertinent ordinance, of any designation of a landmark or an historic district, the amendment of such designation, or the rescission of such designation.
- (d) The designation of a landmark or an historic district for inclusion in the Lawrence Register of Historic Places shall in no way alter or affect the uses that may be permitted by any existing zoning classification or district of the designated properties. Any desire to change permitted uses shall require the filing of an application requesting a zoning change as provided by Chapter 20 of the City Code, as amended.

22-410

**DESIGNATION OF LANDMARK PROTEST PROCEDURES.**

- (a) Any record owner of real property containing a site, structure, or object that the Commission has recommended to the Governing Body be designated as a landmark for inclusion in the City's Register of Historic Places may submit, within 14 days of the Commission's decision, a protest of that recommendation. The protest must be brought by a record owner of the real property containing the site, structure or object, must be in writing, and must be submitted in timely fashion to the Department of Planning and Development Services.
- (b) If a valid and timely protest is filed, then the Governing Body has two options:
  - (1) The Governing Body may, by a super-majority vote (2/3 of the membership of the Governing Body), find and determine that the nomination be classified as highly significant and designate the site, structure, or object as a landmark for inclusion in the Lawrence Register of Historic Places. To make that designation, the Governing Body shall, on the evidence presented at the public hearing on the nomination, make the following findings:

- (A) That the site, structure, or object is “highly significant” as that term is defined in Article 14 of this Chapter, as amended;
  - (B) That the site, structure, or object: (i) possesses a significant or unique architectural style or possesses significant or unique characteristics and is such that few if any other such sites, structures, or objects remain in the City; (ii) is associated with a major documented event that is a significant part of the history of the City, community, region, state, or nation and is such that few, if any, other such associated sites, structures, or objects remain; or (iii) has been documented to be substantially associated with a person or persons of major significance to the City, community, region, state, or nation, and is such that few, if any, other such structures remain;
  - (C) The site, structure, or object has been surveyed by the Historic Resources Administrator and two other preservation specialists and the Historic Resources Administrator and the two preservation specialists have recommended that the site, structure, or object for designation as highly significant, which survey and recommendation shall be made part of the public record.
  - (D) The site, structure, or object shall have a reasonable use to the owner or owners of record thereof;
  - (E) The structural integrity and major architectural components of the site, structure, or object have been substantially preserved; and
  - (F) The proposed site, structure, or object meets the criteria for listing in the National Register of Historic Places as determined by the State Historic Preservation Office.
- (2) If the Governing Body does not find, by a super-majority vote of its members, that the site, structure, or object is “highly significant” such that it should be designated as a landmark on the Lawrence Register of Historic Places, then the nomination shall fail and the site, structure, or object shall not be designated as a landmark. Such action, however, shall have no bearing and no effect on subsequent nominations involving the same site, structure, or object.
- (3) In no event, however, may the Governing Body override the protest of an owner or owners of a structure, where the application for nomination of a landmark involves the interior of the structure or any part thereof.

22-411

**PROTEST OF HISTORIC DISTRICT DESIGNATION BY PROPERTY OWNERS WITHIN THE PROPOSED HISTORIC DISTRICT.**

- (a) Before the Governing Body may designate a historic district for inclusion in the Lawrence Register of Historic Places, it must receive the consent of a majority of the owners of record of real property located within the proposed historic district.
- (b) If a majority (more than fifty percent (50%)) of the owners of real property located within a proposed historic district file a written protest against the inclusion of their property in the proposed historic district, then the Governing Body shall deny the application nominating the area to be designated as an historic district in the Lawrence Register of Historical Places. However, such action shall have no bearing and no effect on subsequent nominations involving the same area.

22-412

**AMENDMENT AND RESCISSION.**

If there is a change of ownership of any real property upon which a designated landmark is located, then the Commission may, upon an application filed by the new owner or owners of record, by a 2/3 vote of its membership, recommend to the Governing Body that it amend or rescind any designation of the landmark on the Lawrence Register of Historic Places. Consideration of such an application shall follow the procedures outlined in this Article. In order to amend or rescind a landmark designation, whether recommended or not recommended by the Commission, the Governing Body shall only make such decision upon a super-majority vote of its membership.

22-413

**INTERIM CONTROLS.**

Action on a building or demolition permit application shall not be delayed if the building or demolition permit was submitted prior to the submission of an application nominating a site, structure, or object for designation as a landmark or an area for designation as an historic district. If such application for nomination was filed prior to the application for a building or demolition permit, then action on the building or demolition permit shall be held in abeyance until the application for designation as a landmark or historic district is resolved. There shall be no such interim controls on sites, structures, or objects located within the context area of a nominated landmark or historic district. Interim controls hereunder, however, shall not extend more than 120 days from date of filing the application for a building or demolition permit in any situation. Exceptions to the foregoing may be made in accordance with Article 11 of this Chapter.

**ARTICLE 5. CERTIFICATES OF APPROVAL**

22-501

**WHEN A CERTIFICATE OF APPROVAL IS REQUIRED.**

- (a) Nothing in this Chapter shall be construed to prevent the ordinary maintenance or repair of a site, structure, or object.

- (b) A Certificate of Approval, however, shall be required before the following actions, affecting a designated landmark or property within a designated historic district, may be taken:
- (1) Any exterior construction, alteration, or removal requiring a building permit from the City.
  - (2) Any demolition, in whole or in part, requiring a demolition or building permit from the City.
  - (3) Any sign permit.
  - (4) Any development activity or entitlement, including site improvements and the subdivision of land.
  - (5) Any ground-disturbing projects.
  - (6) Any improvements or development in the public right of way.
  - (7) Any construction, alteration, demolition, or removal affecting the exterior of a site, structure, or object or any historical feature as specified in the ordinance designating the landmark or the historic district.
    - (A) The foregoing shall not apply to any repairs or preventive measures not requiring a building permit as may be minimally required to prevent additional loss or harm to the site, structure, or object resulting from damage to it by accident or natural causes.
- (c) A Certificate of Approval shall also be required before the following actions, affecting property within the context area of a landmark or historic district, may be taken:
- (1) Any exterior construction or alteration visible from the public right of way and requiring a building permit from the City.
  - (2) Any demolition, in whole or in part, requiring a demolition or building permit from the City.
  - (3) Any sign permit.
  - (4) Any development activity or entitlement, including site improvements and the subdivision of land.
  - (5) Any ground-disturbing projects.
  - (6) Any improvements or development in the public right of way.

22-502

**APPLICATIONS FOR A CERTIFICATE OF APPROVAL.**

- (a) A copy of every application for a demolition permit, building permit, sign permit, right of way permit, and permits or entitlements for land development projects, including any accompanying plans, specifications, and photographs, affecting a landmark or any real property located within an historic district, or the context areas thereof, shall be forwarded to the Historic Resources Administrator by the appropriate City department.
- (b) Application for a Certificate of Approval for construction, alteration, demolition, or removal, not requiring a separate permit from the City, for which a Certificate of Approval is required, shall be made on an application form prepared by the Historic Resources Commission ("Commission").
- (c) Applications for a Certificate of Approval may be submitted by an applicant on a form prepared by the Commission.
- (d) Prior to the submission of an application for a City permit, for which a Certificate of Approval is required, a pre-application meeting between the applicant and the Historical Resources Administrator is required not less than seven days prior to the submission of any application for a City permit. The pre-application meeting may be waived for projects that are submitted contemporaneously with an application for a building permit that may be administratively reviewed.
- (e) Applications for a Certificate of Approval should include sufficient information to allow for review and determination. Information should include but not be limited to drawings, a site plan, materials to be used in the project, and photographs.

22-503

**ADMINISTRATIVE DETERMINATION OF CERTIFICATES OF APPROVAL.**

To prevent unnecessary delays in construction, the Historic Resources Administrator, or designee, may, as authorized by the Commission, administratively review certain applications for a Certificate of Approval and may issue or deny issuing the same. The Commission shall, prior to the administrative issuance or denial of a Certificate of Approval by the Historic Resources Administrator, or designee, prepare and adopt a list of projects that may be reviewed and decided administratively by the Historic Resources Administrator, or designee.

22-504

**DETERMINATION OF CERTIFICATES OF APPROVAL BY THE HISTORIC RESOURCES COMMISSION.**

- (a) The Commission shall, at any regular or special meeting, consider a completed application for Certificate of Approval.
- (b) The Commission shall, within 45 days of receipt of a completed application, review the application for a Certificate of Approval and shall either issue or deny issuance of the Certificate of Approval or request additional information from the applicant and defer making a determination until a date certain. Written notice of the Commission's determination shall be

transmitted by the Historic Resources Administrator to the applicant and to the relevant City department within ten days following the Commission's determination.

- (c) The Commission may issue a Certificate of Approval, deny issuance of a Certificate of Approval, or issue a Certificate of Approval subject to certain conditions that shall be completed by the applicant prior to the release of the Certificate of Approval to the relevant City department.

22-505

**DETERMINATION OF CERTIFICATES OF APPROVAL BY THE HISTORIC RESOURCES ADMINISTRATOR IN CONTEXT AREAS.**

- (a) To prevent unnecessary delay in construction, the Historic Resources Administrator, or designee, may consider and decide applications for Certificates of Approval for projects located within the context areas of designated landmarks or historic districts, excluding those projects involving demolition of primary structures, new construction, building additions exceeding 20% of the existing building footprint, or upper-floor additions.
- (b) To be eligible for a Certificate of Approval hereunder, a project must meet all the standards and guidelines of Sections 22-507 and 22-508 of this Article, as amended.
- (c) If a project does not meet the standards and guidelines of Sections 22-507 and 22-508 of this Article, as amended, then the Historic Resources Administrator, or designee, will forward the application to Commission for review in accordance with Section 22-504 of this Article, as amended.

22-506

**DENIAL OF A CERTIFICATE OF APPROVAL.**

- (a) A denial of a Certificate of Approval by the Commission shall be accompanied by a statement of the reasons for the denial. The Commission may make recommendations to the applicant concerning changes, if any, in the proposed activity that would cause the Commission to reconsider its determination. The applicant may submit an amended application or reapply for a building permit that addresses the recommendations of the Commission. When such an application is submitted, the Historic Resources Administrator, or designee, may review and decide the application administratively and approve the building permit if it meets the standards and guidelines set forth in Sections 22-507 and 22-508 of this Article, as amended, meets or fulfills the recommendations of the Commission, and is otherwise in compliance with the City Code.
- (b) Any person aggrieved by a determination by the Commission regarding a Certificate of Approval may submit, within 14 days of decision of the Commission, to the Department of Planning and Development Services a written Notice of Appeal. The written Notice of Appeal shall state succinctly why the applicant believes that the decision of the Commission is in error. The Governing Body shall conduct a public hearing on such appeal within 45 days of the submission of the written notice of appeal. The Governing

Body shall review the decision of the Commission *de novo* and its decision on the Certificate of Approval shall be the final decision of the City.

22-507

**STANDARDS OF REVIEW.**

- (a) In considering an application for a Certificate of Approval for a designated landmark or property located in a designated historic district, the Commission shall be guided by the Secretary of the Interior's Standards, by the design criteria in this Chapter, and by the ordinance designating the landmark or historic district.
- (b) Context areas shall not be considered extensions of designated landmarks or historic districts. The presumption is that a Certificate of Approval will be issued for a project located within the context area of a designated landmark or historic area if the project meets the Standards for Review, established herein, and the Design Criteria, established at Section 22-508 of this Article, as amended.
- (c) In considering an application for a Certificate of Approval for context areas, the Commission and the Historic Resources Administrator, or designee, shall be guided, in addition to the design criteria of this Chapter, by the following general standards:
  - (1) Every reasonable effort shall be made to provide for a property a use that is compatible to the designated landmark or historic district, that requires minimal alteration of the site, structure, or object, and that is compatible with its originally intended purpose.
  - (2) Distinctive stylistic features, architectural details, spatial relationships or examples of skilled craftsmanship that contribute to the character of the context area shall be compatible with the designated landmark or historic district.
  - (3) Deteriorated architectural features that contribute to the character of the context area shall be repaired rather than replaced, wherever feasible. In the event replacement is necessary, the new feature should match the feature being replaced in material, design, texture, and other visual qualities.
  - (4) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
  - (5) Contemporary design for new construction of primary and accessory structures and additions to existing properties shall not be discouraged when such construction and additions do not destroy, hide, or otherwise negatively impact historical, cultural, or architectural material, and the design is compatible with the size, scale, massing, setbacks, material, and character of the designated landmark or historic district, or the context areas thereof.

**DESIGN CRITERIA.**

- (a) This section establishes the Design Criteria to be used by the Commission or the Historic Resources Administrator, or designee, when making a review under Sections 22-503, 22-504, and 22-505 of this Article, as amended.
- (b) The Commission may recommend that the Governing Body amend or supplement the criteria used for the review of applications for Certificates of Approval. The Governing Body must first approve design criteria not listed in this Chapter, and any changes thereto, before the criteria or changes shall become effective.
- (c) In considering any application for a Certificate of Approval and in reviewing and commenting on matters appearing before other governmental bodies, the Commission and the Historic Resources Administrator, or designee, shall, in addition to the standards established in Section 22-507 of this Article, as amended, consider the following Design Criteria:
  - (1) Exterior Alterations. Specific design criteria for exterior alterations of landmarks and properties within historic districts shall be based on Secretary of the Interior's Standards, as revised from time to time; and by further reference to such specific design criteria as the Commission may require for the designation of the landmark or historic district. Exterior alterations for structures within context areas of landmarks or historic districts shall require a Certificate of Approval only be for alterations visible from the public rights of way, including any alley, and, in reviewing such applications for such Certificate of Approval, the Commission and the Historic Resources Administrator shall use the Design Criteria established herein at Section 22-508(c)(2)(C), as amended.
  - (2) New Construction and Additions to Existing Buildings.
    - (A) The design for new construction and additions shall be compatible to, and take into account, the special characteristics that the landmark, historic districts, or the context areas thereof are established to protect. Such consideration may include, but should not be limited to building scale, height, orientation, site coverage, spatial separation from other buildings, setbacks, façade and window patterns, entrance and porch size and general design, materials, textures, architectural details, roof forms, emphasis on horizontal or vertical elements, walls, fences, landscaping, and other features deemed appropriate by the Commission.

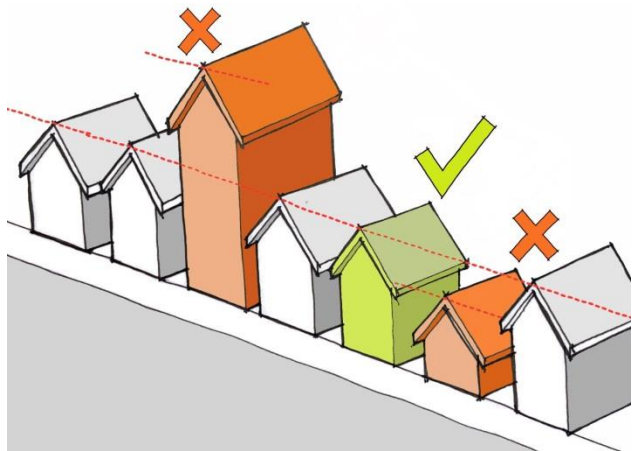


- (B) New buildings need not duplicate older styles of architecture but must be compatible in exterior design, size, scale, massing, setbacks and materials with the architecture on the landmark property, within the historic district, or within the context area of a designated landmark or historic district.
- (C) The following specific design criteria shall be used to review all applications for Certificates of Approval for new construction or for additions to existing buildings:

## 1. Height

The height of additions to landmarks or structures in historic districts shall be less than the height of the listed property or structure in the historic district. New construction in historic districts shall be at or lower than the average height of structures within the historic district. The height of new accessory structures shall be no more than 90% of the height of the primary structure on the same site.

New construction of a structure within a context area should be at or lower than the height of similar structures in the context area. New additions shall not be taller than the primary structure in the context area unless recessed 30 feet from the front wall plane of the primary structure.



*This illustration shows unacceptable and acceptable heights of new construction.*

## 2. Massing

The mass of new construction or addition should reflect the forms of the listed property, structures within the historic district, or structures in the context area.



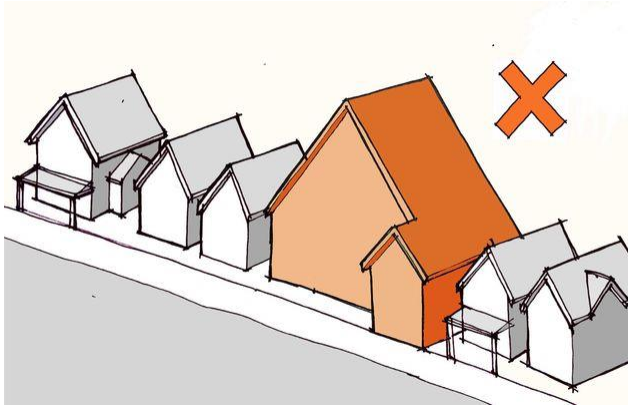
*The illustration above reflects a building that does not reflect the forms of the structures adjacent to it.*

The illustration below reflects an attempt to respect the existing massing patterns of its neighbors.



### 3. Scale

The scale of new construction or additions should reflect the overall building elements and details as they proportionally relate to each other and to the landmark, structures in a historic district, and structures in the context area.

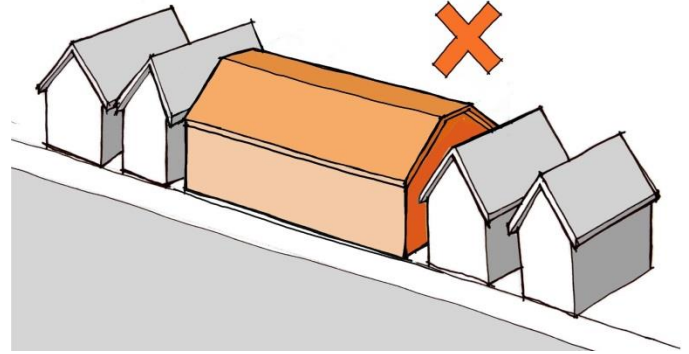


*The illustration above reflects a building not in scale with its context. The illustration below shows a building with elements that relate to the proportions of its neighbors.*

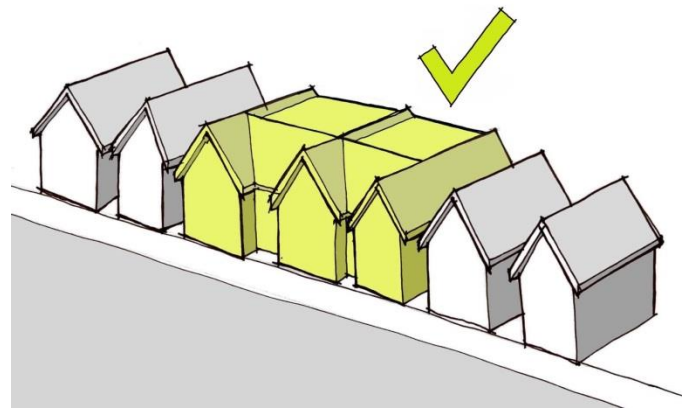


### 4. Directional Expression

New construction should be positioned, both vertically and horizontally, to continue the appearance of the orientation of the landmark, structures within a historic district, and structures within a context area.



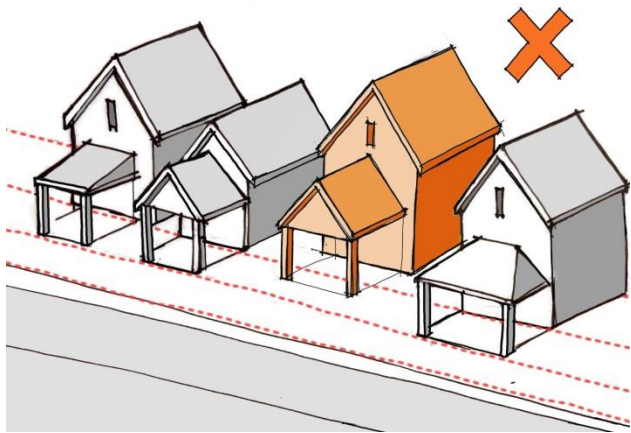
*The illustration above reflects a building whose directional expression is not in the same orientation as the existing buildings. The illustration below reflects a building that relates to the orientation of its neighbors.*



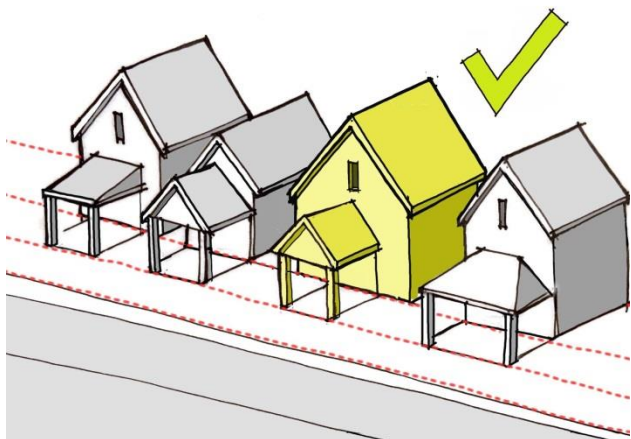
## 5. Setbacks

New construction in historic districts shall be placed in line with the adjacent structures. When the setbacks of the adjacent structures vary, the new construction may have a setback similar to the structure located closest to the street.

New construction front yard setbacks in context areas should be compatible and should not vary from the pattern created by the adjacent structures' front wall planes in the context area.

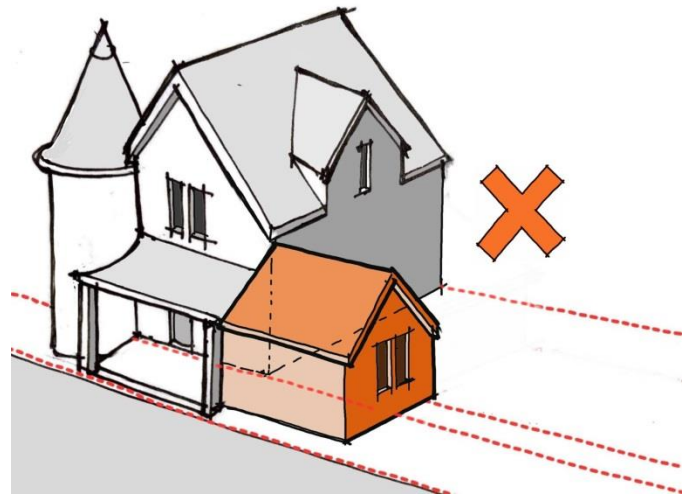


*The illustration above shows a building that is not in line with the adjacent structures. The illustration below shows a similar building that respects the setback precedent of its neighbor*

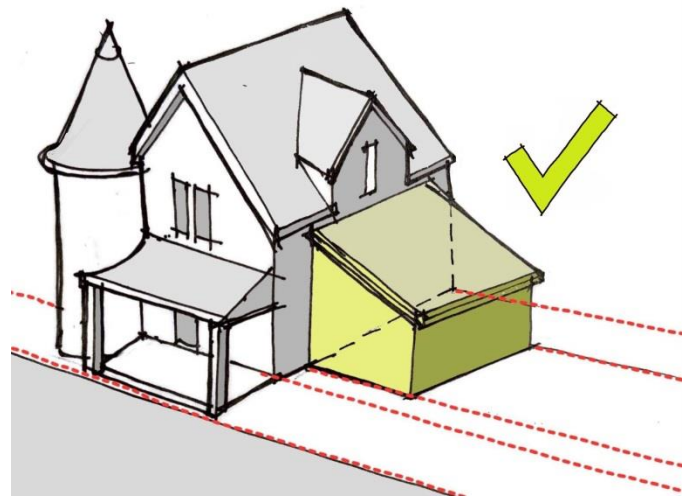


New additions to landmark structures and structures in historic districts shall be placed behind the rear wall plane and shall be inset from the adjacent side wall plane of the structure.

New additions should be a minimum of 20 feet behind the front wall plane of the pertinent structure and should be compatible with the adjacent structures in context areas.

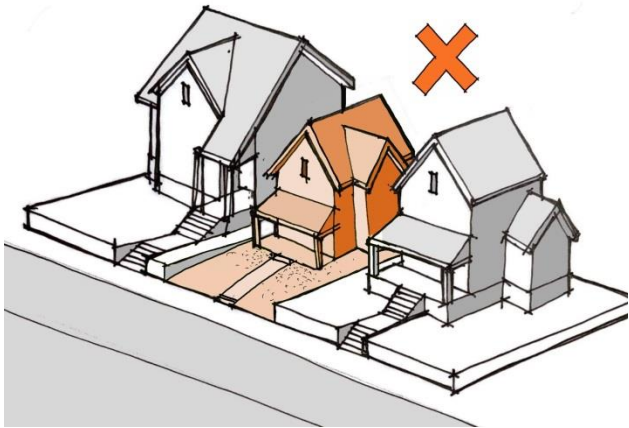


*The illustration above shows a new addition which is not setback 20 feet from the front wall plane of the existing house. The illustration below sets back the new addition behind the front wall plane*

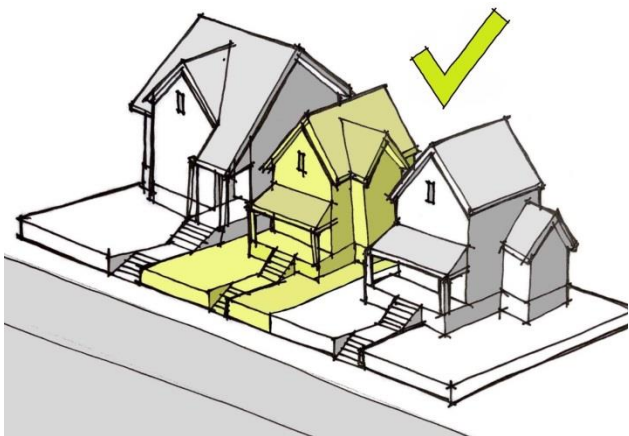


## 6. Platforms/Foundation

New construction should reflect similar platform/foundation elevations from the ground that are typical and architecturally compatible with structures in the historic district or context area. In areas where the average of the structures have pedestal platforms, new construction shall be elevated from land grade. In areas where the average of the structures is at land grade, new construction can be at land grade.



*The illustration above shows a new building whose platform/foundation level is not compatible with the adjacent buildings. The illustration below shows the new building elevated to match its neighbors.*

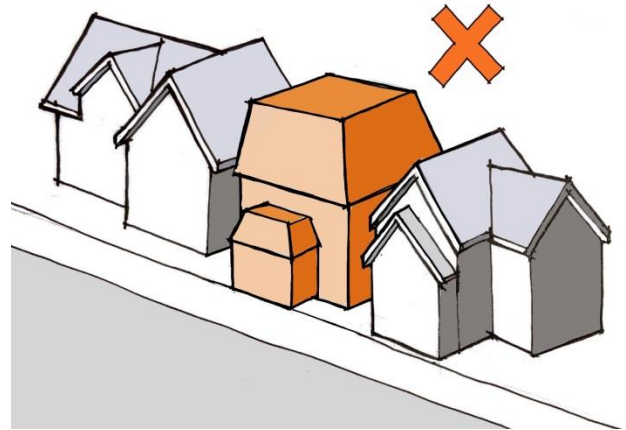


## 7. Roof shapes

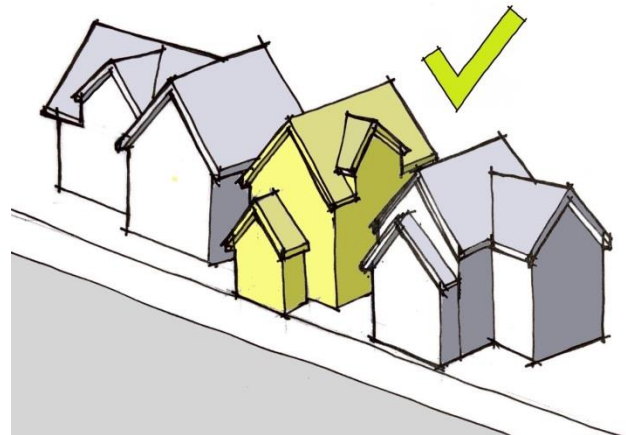
New additions to landmark structures and to structures in historic districts shall use roof forms and pitches similar to those found on the landmark or contributing historic structures.

New construction in historic districts shall use roof forms and pitches compatible with those found on contributing historic structures.

New construction in context areas shall incorporate roof forms and pitches on the primary façade that are similar with the roof forms and pitches of historic structures located in the context area.



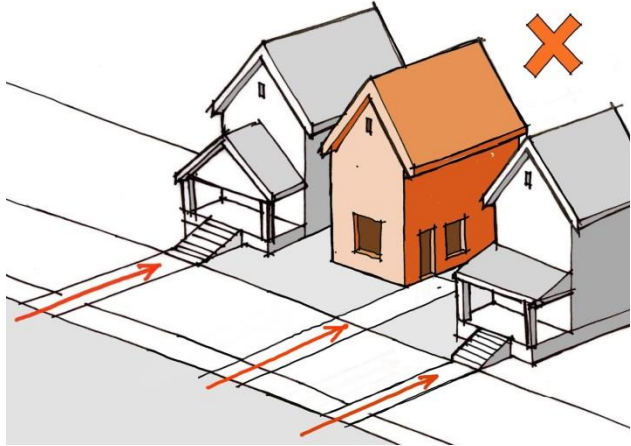
*The illustration above reflects a building that does not use roof forms similar to those of its neighbors. The illustration below uses roof shapes that are in keeping with the context of the adjacent historic structures.*



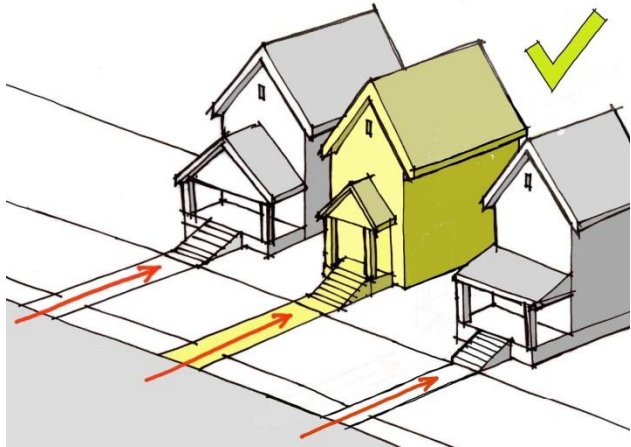
## 8. Sense of Entry

New construction in historic districts shall have the same directional expression of the primary entrance, which is the pedestrian entrance, as the majority of the structures in the district. The entry shall have architectural detail appropriate for the district to denote the entry as the primary pedestrian entrance of the structure.

New construction in context areas should have the same directional expression of the primary pedestrian entrance as the majority of the structures in the context area. This entrance should have architectural detail(s) to denote the entrance to the structure.



*The illustration above does not share the same main faced primary entrance location as the existing buildings. The illustration below displays an entrance with architectural details compatible with its neighbors*



## 9. Rhythm of Openings

Additions to landmarks or structures in historic districts shall reflect the fenestration and bay pattern of the primary structure.

New construction in historic districts shall use historic fenestration and bay patterns that exist, or were commonly found, in the historic district.

New construction in context areas should, at a minimum, incorporate fenestration on the primary elevation that is compatible with the structures found in the context area.



*The illustration above reflects an incompatible faced pattern that upsets the establish rhythm of adjacent buildings. The illustration below shows a façade that complements the proportions of existing fenestration and bay patterns.*



(3) Demolition, Relocation, and Land Surface Change.

- (A) Demolition, in whole or in part, of individual landmarks or any contributing structure within an historic district shall not be permitted except for the following:
- (i) Demolition, in whole or in part, of individual landmarks or any contributing property within an historic district may be allowed only if a structure has been substantially damaged through fire, natural disaster or deterioration, if there is reasonable proof that it would not be economically or physically feasible to rehabilitate, and only when a new compatible replacement structure is proposed.
  - (ii) Demolition may be considered by the Commission if a structure does not possess the integrity, originality, craftsmanship, age, or historical significance to merit preservation and a compatible replacement structure is proposed. However, demolition of past additions that have not gained historical significance and which have disguised or sheathed original elements or façades, may be encouraged as long as the intention is to restore such elements or façades.
- (B) Demolition of primary structures in context areas shall be evaluated by the Commission for integrity, originality, craftsmanship, age, or historical significance to determine if they contribute to the context of the designated landmark or historic district. Demolition may be approved if the structure does not contribute to the context area, or has been substantially damaged through fire, natural disaster or deterioration, and only when a compatible replacement structure is proposed.
- (C) Structures should not be removed from their original site. Exceptions may be allowed if there is substantial evidence that the structure will be demolished or significantly damaged if it remains in its original location. The structure should be placed on a lot that is sufficient in size and character to recall the basic qualities of the historic environment and setting, and the structure should be sited appropriately in relation to natural and manmade surroundings.
- (D) Major and substantial change of land surface within the boundaries of a landmark or historic district shall not be permitted. Exceptions may be allowed if there is substantial evidence that the change would not be detrimental to the historical and architectural character of surrounding

structures or landscaping. Major and substantial change of land surface within context areas should be evaluated to determine the impact on the designated landmark or historic district, or their context areas.

(4) Signage Guidelines. Signs located, or to be located, on a landmark or within an historic district, or the context area thereof shall use the following guidelines for review in addition to the requirements of Chapter 5, Article 18 of the City Code, as amended.

- (A) Signs should be designed and placed so as to appear an integral part of the building design for landmark structures, structures within historic districts, or structures within context areas.
- (B) Signs should be in proportion to the structure for which the sign is proposed and should be similar in size compatible to signs in the historic district or context area.
- (C) Signs should not obscure or disrupt important design elements on landmarks, structures in historic districts, or structures within context areas.
- (D) Signs should be maintained if they are determined to be an original part of the site, structure, or object, or if they have acquired significance by virtue of their age, design, materials, craftsmanship, or historical significance.
- (E) Illumination of signs should be properly shielded or diffused so as to eliminate glare and should not detract from or set apart the site, structure, object, or area.
- (F) Descriptive signs, as an integral part of the site, structure, object, or area are encouraged. Such signs could include building dates, historic descriptions, commemorations, *etc.*
- (G) Free-standing signs may be considered if appropriate for the site, structure, object, or area, and context areas, or are necessary to preserve the character of the landmark, historic district, or context area.
- (H) Signs shall not be painted on unpainted masonry surfaces. However sign remnants of historic signs may be maintained or recreated.

(5) Accessory Structures and Landscaping.

- (A) Existing characteristic features such as trees, walls, stairs, paving materials, fencing, walkways, and other similar structures or site features reflecting the landmark, historic



district, or context area's history and development should be retained.

- (B) Landscaping should be appropriate to the scale and the unique features of the landmark, historic district, or context area.
- (C) Accessory structures within the boundaries of property containing a designated landmark, a designated historic district, or their context areas, should be appropriate to and compatible with the architectural features of any primary structure. Structures accessory to noncontributory buildings within a designated historic district or within a context area should be so designed as not to detract from the historical or architectural character of the historic district or context area. They shall be compatible in size, scale, massing, materials, and setbacks for the district or context area.

## **ARTICLE 6. CERTIFICATES OF ECONOMIC HARDSHIP**

22-601

### **PURPOSE.**

A Certificate of Economic Hardship shall serve as an alternative to a Certificate of Approval when a Certificate of Approval would otherwise be required. The purpose of the Certificate of Economic Hardship is to provide relief when the strict application of this Chapter would otherwise impose undue hardship upon the owner or owner(s) of real property.

22-602

### **APPLICATIONS FOR A CERTIFICATE OF ECONOMIC HARDSHIP.**

- (a) Application for a Certificate of Economic Hardship shall be made on a form prepared by the Historic Resources Commission ("Commission"). Such application may be made in conjunction with, or separately from, an application for a Certificate of Approval, or upon the denial of a Certificate of Approval. The Commission shall schedule a public hearing on such applications within forty-five (45) days of the receipt of a complete application, as determined by the Historic Resources Administrator.
- (b) The Historic Resources Administrator shall assist all applicants in the preparation of applications for Certificates of Economic Hardship. Every reasonable effort shall be made to limit the costs to the applicant and to assure efficient processing of the application. The Commission shall require the submission of financial documents, professional reports, and expert testimony only when they are necessary to make a proper review of an application.
- (c) The Commission may solicit expert testimony or request that the applicant for a Certificate of Economic Hardship make submissions concerning any or all of the following information before it makes a determination on the application:

- (1) An estimate, by a licensed contractor, of the cost of the proposed construction, alteration, demolition or removal, and an estimate, by a licensed contractor, of any additional cost that would be incurred as the result of compliance with the recommendations of the Commission for actions or modifications necessary for the issuance of a Certificate of Approval.
- (2) A report from a qualified or bonded person, with a minimum of five years of experience in rehabilitation, as to the structural soundness of any structures located on the subject property and their suitability for rehabilitation.
- (3) The estimated market value of the real property, provided by a licensed realtor, licensed appraiser, or the Douglas County Appraiser's Office, in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by the Commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use.
- (4) In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional, with a minimum of five years of experience in rehabilitation, as to the economic feasibility or rehabilitation or reuse of the existing structure on the subject property.
- (5) If the subject property is income-producing, the annual gross income from the subject property for the previous two years.
- (6) All appraisals obtained within the previous two years by the owner(s) or applicant in connection with the purchase, financing, or ownership of the subject property.
- (7) Any listing of the subject property for sale or rent, price asked and offers received, if any, within the previous two years.
- (8) The assessed value of the subject property according to the two most recent assessments;
- (9) The real estate taxes assessed to the subject property for the preceding two years;
- (10) Form of ownership or operation of the subject property, whether by sole proprietorship, for-profit or not-for-profit corporation, limited partnership, joint venture, or other entity.
- (11) A statement from the State Historic Preservation Office that the subject property is not eligible for historic preservation financial incentive programs;

- (12) Any other information considered necessary by the Commission to make a determination as to whether the subject property yields or may yield a reasonable return to its owner or owners of record.

22-603

**DETERMINATION OF A CERTIFICATE OF ECONOMIC HARDSHIP.**

- (a) The Commission shall, at any regular or special meeting, consider a completed application for Certificate of Economic Hardship.
- (b) The Commission shall, within 45 days of receipt of a completed application, review the application for a Certificate of Economic Hardship and all evidence submitted therewith and issue or deny issuance of the Certificate of Economic Hardship. Written notice of the Commission's determination shall be transmitted by the Historic Resources Administrator to the applicant and to the relevant City department within ten days following the Commission's determination.
- (c) The Commission may issue a Certificate of Economic Hardship, deny issuance of a Certificate of Economic Hardship, or issue a Certificate of Economic Hardship subject to certain conditions that shall be completed by the applicant prior to the release of the Certificate of Economic Hardship to the relevant City department.

22-604

**APPEAL.**

Any person aggrieved by a determination by the Commission regarding a Certificate of Economic Hardship may submit, within 14 days of decision of the Commission, to the Department of Planning and Development Services a written Notice of Appeal. The written Notice of Appeal shall state succinctly why the applicant believes that the decision of the Commission is in error. The Governing Body shall conduct a public hearing on such appeal within 45 days of the submission of the written notice of appeal. The Governing Body shall review the decision of the Commission *de novo* and its decision on the Certificate of Economic Hardship shall be the final decision of the City.

**ARTICLE 7. PUBLIC HEARINGS**

22-701

**NOTICE.**

Whenever a public hearing is required by this Chapter, and unless otherwise provided by this Chapter, notice of the time, place, and subject matter of such public hearing shall be provided as follows:

- (a) By publication in the official City newspaper at least once and at least 14 days in advance of the date of such public hearing.
- (b) If the public hearing involves an application for a Certificate of Economic Hardship, notice of such hearing shall also be given by mail to person or persons who filed the application for a Certificate of Economic Hardship.

22-702

**BURDEN OF PROOF; STANDARD OF REVIEW; SCOPE OF REVIEW.**

- (a) In all public hearings conducted in accordance with this Chapter, the burden of establishing, by a preponderance of evidence, that the requirements or criteria are met for any application shall reside with the applicant.
  - (1) For the purposes of this Section, a preponderance of the evidence means that, based on the evidence adduced at the public hearing, the asserted proposition is more probably true than not true.
- (b) All appeals to the Governing Body from decisions and determinations made by the Commission taken under this Chapter shall be reviewed by the Governing Body *de novo*.
  - (1) In such appeals, the appellant shall bear the burden of proof to establish, by a preponderance of the evidence, that the decision of the Commission is in error.

22-703

**CONDUCT OF HEARINGS, GENERAL RULES.**

- (a) All public hearings under this Chapter shall be conducted in a manner consistent with the bylaws of the Commission and shall be conducted in such a manner that it allows all interested persons an opportunity to present relevant information concerning the subject matter of the hearing. The Commission may impose a reasonable time limitation on comments made by the general public.
- (b) In compliance with Article 2 of this Chapter, as amended, the Historic Resources Administrator, or designee, shall keep minutes of each public hearing. The minutes shall, at a minimum, identify the subject matter of the public hearing, the persons who testified at the public hearing, the determination made by the Commission, and the final vote of the Commission. Minutes shall be approved by the Commission at a subsequent public meeting and, upon approval, shall be forwarded to the Governing Body in accordance with Article 2 of this Chapter, as amended.
- (c) Applicants and appellants may be represented by counsel and shall be allowed a reasonable opportunity to rebut any evidence, testimony, or information adduced in opposition to their application or appeal. The right of rebuttal shall not be construed, however, to grant to applicants or appellants the right to examine or cross-examine any person who presented evidence, testimony, or information in opposition to the application or the appeal.

## ARTICLE 8. PROPERTY OWNED BY PUBLIC AGENCIES

22-801

### PROPERTY OWNED BY PUBLIC AGENCIES.

In order to accomplish the purposes of this Chapter, the following regulations shall be applied to promote the preservation of publicly-owned historically, culturally, and architecturally significant sites, structures, objects, and areas.

- (a) For properties located in the City, the Historic Resources Commission (“Commission”) may recommend, and the Governing Body may authorize, the submission of an application to designate a site, structure, object, or area, owned by a unit of government, as a landmark or an historic district, to the Lawrence Register of Historic Places, the Register of Historic Kansas Places, or the National Register of Historic Places. The authorization and consent of the pertinent unit of government, if other than the City, should be obtained before the submission of any of such application, if required by applicable Federal or State law, rules, or regulations.
- (b) Proposed improvements to a site, structure, or object that is owned by the City and that has been designated as a landmark, that is located in an historic district, or that is located in a context area of a landmark or an historic district, shall be made only in accordance with the regulations and procedures of this Chapter.
- (c) Proposed demolition or removal of a site, structure or object that is owned by the City and that has been designated as a landmark, that is located in an historic district, or that is located in a context area of a landmark or an historic district, shall be made only in accordance with the regulations and procedures of this Chapter.
- (d) Proposed public improvements, including improvements to streets, curbs, sidewalks, parking areas, parks, and other public amenities that abut real property containing a designated landmark, that are located in a designated historic district, or that are located in a context area of a landmark or an historic district, shall be made only in accordance with the regulations and procedures of this Chapter.
- (e) Proposed vacation of streets or alleys that abut real property containing a designated landmark, that are located in a designated historic district, or that are located in a context area of a landmark or an historic district, shall be made only in accordance with the regulations and procedures of this Chapter.

## ARTICLE 9. HISTORIC RESOURCES ADMINISTRATOR

22-901

### QUALIFICATIONS.

- (a) The City Manager is hereby authorized to hire for the City an Historic Resources Administrator to implement and to facilitate the purposes of this Chapter. The Historic Resources Administrator should have a master's degree in historic preservation or historic preservation technology, American architectural history with an emphasis in historic preservation, urban planning with an emphasis in historic preservation, or architecture with an emphasis in historic preservation. Additionally, the Historic Resources Administrator should have at least five years' working experience in the area of historic preservation. The official title of the position shall be Historic Resources Administrator for the City of Lawrence, Kansas.
- (b) If, at any time, the position of Historic Resources Administrator becomes vacant, the City Manager, or designee, shall promptly seek to hire a replacement possessing the qualification set forth above and, in the interim, shall appoint a member of City staff who best possesses those qualifications to serve as acting Historic Resources Administrator until a permanent Historic Resources Administrator is hired.

22-902

### DUTIES.

In addition to any other duties specifically established in this Chapter or by the City Manager, or designee, the Historic Resources Administrator shall be responsible for:

- (a) Recording minutes at each Historic Resources Commission ("Commission") meeting and forwarding all minutes approved by the Commission to the Governing Body.
- (b) Publishing and distributing copies of minutes, reports, and decisions of the Commission to the members of the Commission.
- (c) Giving notice, as may be required by this Chapter or by federal, state, or local laws and regulations, for all public hearings conducted by the Commission.
- (d) Advising the Mayor and the City Manager of expiring terms of members of the Commission and any vacancies that may occur on the Commission.
- (e) Compiling, preparing, and submitting to the Governing Body a complete record of any proceedings before the Commission on any matter that requires the Governing Body's consideration;
- (f) Receiving, reviewing, analyzing, processing, preparing staff reports and recommendations, and referring to the Commission and to the Governing Body applications for designations of landmarks and historic districts, applications for Certificates of Approval, applications for building permits,

applications for demolition permits, applications for Certificates of Economic Hardship, applications for the dedication of preservation easements, and appeals filed in accordance with this Chapter;

- (g) Recording approved landmark and historic district designations, Certificates of Approval, Certificates of Economic Hardship, preservation easements, and decisions on appeal.
- (h) Making recommendations to the Commission regarding applications to nominate sites, structures, objects, and areas as designated landmarks and historic districts on the Lawrence Register of Historic Places.
- (i) Maintaining, in behalf of the Commission, an up-to-date copy of the map of landmarks and historic districts, as necessary.
- (j) Maintaining agendas, minutes, and records of all meetings of the Commission, including voting records, attendance, resolutions, findings, determinations, and decisions.
- (k) Conducting and interpreting architectural surveys and research necessary to support local, state, and national designations of sites, structures, objects, or areas as landmarks or historic districts.
- (l) Educating, communicating, and informing the public and City Staff regarding the purposes and provisions of this Chapter.
- (m) Reviewing and approving certain applications for a Certificate of Approval, as determined and delegated by the Commission in accordance with Article 5 of this Chapter, as amended.

## **ARTICLE 10. INCENTIVES AND EASEMENTS**

### **22-1001 SPECIAL USE PERMITS.**

To make the preservation of historically, culturally, and architecturally significant sites, structures, objects, and areas more feasible economically, the Historic Resources Commission ("Commission") may recommend to the Lawrence-Douglas County Planning Commission and the Governing Body that a special use permit be granted to a property containing a designated landmark or to properties located within an historic district as an alternative to rezoning to permit appropriate uses thereof, including bed and breakfast accommodations, house museums, art galleries, and other appropriate specialty uses of such properties.

### **22-1002 ADAPTIVE REUSE PROJECTS.**

From time to time, the Commission shall, in accordance with Chapter 20 of the City Code, as amended, review and make recommendations to the Lawrence-Douglas County Planning Commission and to the Governing Body regarding special use permit applications pertaining to Adaptive Reuse projects, as that term is defined at Chapter 20 of the City Code, as amended.

22-1003

**PRESERVATION EASEMENTS.**

The City may acquire, through purchase, donation, dedication, condemnation, or other lawful means, a preservation easement on properties containing a site, structure, or object designated as a landmark or on properties located in an area designated as an historic district on the Lawrence Register of Historic Places, the Register of Historic Kansas Places, or the National Register of Historic Places. For the purposes of this Chapter, a preservation easement shall mean any easement, restriction, covenant, or other condition that runs with the land -- i.e., binding all future owners of the subject property or properties -- and that is designed to preserve or to maintain the historical, cultural, or architectural significance of any site, structure, object, or area.

22-1004

**PRESERVATION FUND.**

- (a) The Governing Body hereby establishes a Preservation Fund. The Preservation Fund shall be administered, subject to any limitations and regulations imposed by the federal, state, or local law, as directed by and in accordance with the wishes of the Governing Body. The City may apply for, receive, and place into the Preservation Fund any federal, state, or local monies, private gifts, grants, fees, grants-in-aid, or bequests as may be available. The Governing Body may also budget and distribute City revenues to be deposited in the Preservation Fund. Any fees, penalties, or fines assessed and collected in accordance with Article 13 of this Chapter, as amended, shall be deposited in the Preservation Fund.
- (b) The Commission may recommend and the Governing Body may approve, on a case-by-case basis that monies deposited in the Preservation Fund be used for:
  - (1) The purchase, in fee simple title, of real property containing a designated landmark or located in a designated historic district.
  - (2) The purchase of a preservation easement to protect designated landmarks or a property located in a designated historic district.
  - (3) The purchase, in fee simple title, to real property containing a designated landmark or located in a designated historic district with the eventual objective of reselling the real property subject to a preservation easement.
  - (4) The payment of installments and fees according to a contract for the purchase, in fee simple title, of real property containing designated landmarks or property located in a designated historic district or for the purchase of a preservation easement to protect designated landmarks or a property located in a designated historic district.



- (5) The giving of a grant or loan to owners, developers, or other organizations for the preservation or rehabilitation of designated landmarks or properties located in a designated historic district.
  - (6) The giving of a grant or loan to persons or organizations proposing programs or other projects designed to achieve one or more of the stated purposes of this Chapter.
  - (7) The maintenance of designated landmarks or property located in designated historic districts or the maintenance of preservation easements.
  - (8) The costs and expenses of conducting and preparing surveys of historically culturally, and architecturally significant sites, structures, objects, and areas.
  - (9) The costs and expenses of preparing nominations of sites, structures, objects, or areas for the Register of Historic Kansas Places or the National Register of Historic Places.
  - (10) The costs and expenses of preparing and preserving reports, instructions, brochures, meetings, maps, press releases, conferences, and other measures designed to acquaint citizens, owners, and developers of the purposes and provisions of this Chapter.
  - (11) The reasonable administrative, planning, architectural, engineering, financial, real estate, appraisal, or legal costs associated with the purchase of real property, the purchase and enforcement of preservation easements, the sale of property, the negotiation of contracts, the preparation of a grant application, and legal action.
- (c) The Commission may recommend, and the Governing Body may approve, criteria, standards, rules, limitations, and regulations governing projects and programs established in accordance with the provisions of this Article and Section, as amended.

## **ARTICLE 11. EMERGENCY PROCEDURES**

22-1101

### **DEMOLITION OF UNSAFE AND DANGEROUS STRUCTURES.**

When, in the opinion of the Building Official, or designee, any designated landmark or any site, structure, or object located in a designated historic district, or any site, structure, or object located in the context area of any designated landmark or historic district, is in such condition as to constitute an immediate hazard requiring immediate remedial action to protect the health, safety, and welfare of the community, and the situation is emergent such that it is necessary to remediate the hazard prior to the review of any application for a Certificate of Approval by the Commission, a demolition permit shall not issue until:

- (a) The Building Official has submitted a written report, including photographs of the site, structure, or object, to the Historic Resources Administrator, stating the condition and deficiencies of the site, structure, or object, and stating how it constitutes an immediate hazard to the public health, safety, or welfare;
- (b) The Historic Resources Administrator documents the site, structure, or object with photographs;
- (c) The Historic Resources Administrator finds, by a preponderance of the evidence, that there is no feasible or prudent alternative to the demolition of the site, structure, or object prior to a review of any application for Certificate of Approval by the Historic Resources Commission at a public hearing; and
- (d) The Historic Resources Administrator finds that all possible planning has been done to minimize harm to any other site, structure, object, or area designated as a landmark or as an historic district.

**ARTICLE 12. MINIMUM MAINTENANCE REQUIREMENT**

22-1201

**MINIMUM MAINTENANCE REQUIREMENT.**

All real property, on which a site, structure, or object has been designated as a landmark, located within an area designated as an historic district, or located in a context area of a designated landmark or historic district, whether owned or controlled privately or by any public body, shall receive reasonable care, maintenance, and upkeep appropriate for its protection, preservation, enhancement, perpetuation, or use in compliance with the terms of this Chapter and the City Code. The owner or any person having legal custody and control of such property shall be responsible for preserving and protecting the property against decay and deterioration and being kept free from defects as outlined in the City's adopted Property Maintenance Code, codified as amended at Chapter 9, Article 6 of the City Code.

**ARTICLE 13. MUNICIPAL OFFENSES AND CIVIL ACTIONS**

22-1301

**MUNICIPAL OFFENSE.**

Any person who intentionally undertakes or causes to be undertaken the alteration, construction, demolition, removal, or structural damage of any site, structure, or object in violation of this Chapter or who shall violate any other provision of this Chapter shall, upon an adjudication of guilt or the entry of a plea of no contest, be subject to a minimum fine of \$100.00 and a maximum fine of \$500.00 for each unlawful act. Each day of violation shall also constitute a separate municipal offense.

22-1302

**CIVIL ACTION.**

The City may, in behalf of the Historic Resources Commission, bring a civil action in the District Court of Douglas County, Kansas, against any person who willfully constructs, reconstructs, alters, restores, renovates, relocates, stabilizes, repairs, demolishes, or causes structural damage to any site, structure, object in violation of this Chapter, seeking to enjoin such person from taking such action and requiring such person to return the site, structure, or object to its original form or state. This civil remedy shall be cumulative to, and not in lieu of, any criminal prosecution for any municipal offense hereunder.

**ARTICLE 14. DEFINITIONS**

22-1401

**DEFINITIONS.**

For the purposes of this Chapter, unless the context clearly indicates otherwise, the following terms shall have the following meanings:

Accessory Structure	A subordinate structure, the use of which is clearly incidental to, or customarily found in connection with, and located on the same lot as the principal building or use.
Adaptive Reuse	(1) The process of changing the use of a structure or property to a use other than that for which the structure or property was originally designed with the intent of preserving the structure. (2) A use for a structure or property other than the use for which it was originally designed. (Sometimes called adaptive reuse.)
Administrator	The designated person assigned by the City Manager to administer, interpret, and enforce this Chapter. Also known as the Historic Resources Administrator for the City.
Alley	A public or private way not more than 20 feet wide primarily designed to serve as a secondary means of access to abutting property.
Alteration	Any act or process that changes one or more of the exterior features of a structure, site, or object, including, but not limited to, the erection, construction, reconstruction, or removal of any structure, site, or object.
Archeological Site	(See Site)
Area	Properties, near to or adjacent to one another, capable of being described with such definiteness that their collective location may be established and boundaries ascertained.
Building	Any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals, or property.
Certificate of Approval	A certificate issued by the Commission or Historic Resources Administrator indicating approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an historic district or in the context area thereof, based primarily on design considerations.

Certificate of Economic Hardship	A certificate issued by the Commission indicating its approval of plans for alteration, construction, removal, or demolition of a landmark or of a structure within an historic district or in the context area thereof based primarily on economic considerations.
City	The City of Lawrence, Kansas.
City Limits	The established corporate boundary of the City.
Commission	The Historic Resources Commission of the City, unless otherwise indicated.
Code	Conservation of Historic Resources Code, unless otherwise indicated.
Commissioners	Members of the Commission, unless otherwise indicated.
Conservation	(See Historic Preservation).
Construction	<ol style="list-style-type: none"> <li>(1) 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.</li> <li>(2) An addition to an existing structure or a new principal or accessory structure.</li> </ol>
Context	<p>A conceptual framework for determining the significant patterns that individual properties represent consisting of components that surround a resource and determine its meaning more clearly. Significant patterns may include:</p> <ol style="list-style-type: none"> <li>(1) The use of the area;</li> <li>(2) Surrounding buildings, structures, objects, and setbacks; and</li> <li>(3) The topography of the surrounding area.</li> </ol>
Context Area	A designated 250-foot radius around a landmark or historic district that reflects the context of the landmark or historic district. If any structure on a property is touched in whole or part by the 250-foot radius, then the property shall be considered part of the context area. All projects except for demolition, new construction, building additions greater than 20% of the existing building footprint, or upper story additions in the context area of a landmark or a historic district are reviewed and approved by the Historic Resources Administrator or the Historic Resources Administrator's designee if they meet the criteria established in this Chapter. Projects in the context area that do not meet the criteria established by this Chapter will be reviewed by the Commission.
Contributing (or Contributory)	<p>A significant building, site, structure, or object which adds to the architectural qualities, historic association, or archeological values of an historic district because:</p> <ol style="list-style-type: none"> <li>(1) It was present during the pertinent historic time; and</li> <li>(2) It possesses integrity and reflects its significant historic character or is capable of yielding important information about the pertinent historic period.</li> </ol>
Demolition	Any act or process that destroys/removes in part or in whole a landmark or a structure within an historic district, or the context area thereof.
Design Criteria	A standard of appropriate activity that will preserve the historic and architectural character of a structure or area.

Development/ Development Activity	Any human-made change to premises, including but not limited to: (1) The erection, conversion, expansion, reconstruction, renovation, movement or structural alteration, or partial or total demolition of buildings and structures; (2) The subdivision or combining of land; (3) Changing the use of land, or buildings or structures on land; (4) Mining, dredging, filling, grading, paving, excavation, drilling, or landscaping of land or bodies of water on land; or (5) The construction or reconstruction of streets and utilities.
Easement, Historic/Preservation	The written and recorded authorization by a property owner to allow specific uses of a designated part of a property by another individual(s), or entity. (For the purposes of administering this Chapter, may be called an historic or preservation easement.)
Exterior Architectural Feature	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.
Façade	The exterior face of a building which is the architectural front, sometimes distinguished by elaboration or architectural or ornamental details.
Front Wall Plane	The building facade facing the primary street right-of-way. If this facade contains wall articulation, the entire length of the articulated wall shall constitute the front wall plane. Bay windows shall not be considered part of the front wall plane.
Governing Body	The Governing Body of the City
Highly Significant	A building, site, structure or object is highly significant when it is historically or architecturally significant, as defined hereafter, and its alteration, removal and demolition would cause irreparable injury to a unique and overriding public interest in maintaining the historical or architectural character of such building, site, structure, or its environment. The Commission may recommend, and the Governing Body may designate a building, site, structure, or object as highly significant only upon the basis of relevant evidence presented at a public hearing, and findings as set forth in Section 22-410 of this Chapter.
Historic Conservation	(See Historic Preservation)
Historic District	An area designated as an historic district by ordinance of the Governing Body and which may contain within definable geographic boundaries one or more significant sites, structures or objects and which may have within its boundaries other properties or structures that may not contribute to the overall characteristics of the significant sites, structures or objects located within the historic district.
Historic Preservation	The study, identification, protection, restoration and rehabilitation of buildings, structures, objects, districts, areas

	and sites significant in the history, architecture, archeology or culture of the city, state or nation.
Historically or Architecturally Significant	<p>Possessing that quality present in an area, site, structure, object or district for:</p> <ol style="list-style-type: none"> <li>(1) Its association with events that have made a contribution to the broad patterns of our history;</li> <li>(2) Its association with the lives of persons significant in our past;</li> <li>(3) Its association with a culture or cultural location;</li> <li>(4) Its embodiment of distinctive characteristics of a type, period, or method of construction, a representation of the work of a master or that possesses high artistic values, the representation of a significant and distinguishable entity whose components may lack individual distinction, or vernacular architecture; or</li> <li>(5) Its ability to yield, or may be likely to yield, information important in prehistory or history.</li> </ol>
Improvement	Any physical change in a structure or property including the adding of exterior features, any change in landscape features, alteration of a structure, new construction, reconstruction, restoration or remodeling, but excluding normal maintenance.
Landmark	A site, structure or object designated as by ordinance of the Governing Body, pursuant to procedures prescribed herein, that is worthy of preservation, restoration, or rehabilitation because of its historic, cultural, and/or architectural significance to the City.
Landscape Feature	Any element or component of outdoor open space including, but not limited to, fences, walls, retaining walls, gates, sidewalks, walkways, driveways, parking lots, patios, terraces, decks, ground cover, trees, plants, exterior light standards, fountains, statuary, detached signs, and other such elements.
Lawrence Register	The current Lawrence Register of Historic Places as prepared, approved and amended by the Governing Body and authorized by ordinance.
Lot	Contiguous parcel or tract of land located within a single block fronting on a dedicated public street that is occupied or utilized, or designated to be occupied, developed or utilized, as a unit under single ownership or control. A lot may or may not coincide with a lot shown on the official tax maps or on any recorded subdivision or deed.
National Register	The National Register of Historic Places is the official list of the Nation's historic places worthy of preservation. Authorized by the National Historic Preservation Act of 1966, the National Park Service's National Register of Historic Places is part of a national program to coordinate and support public and private efforts to identify, evaluate, and protect America's historic and archeological resources.
Nominated Landmark or Historic District	A neighborhood, area, site, structure, or object shall be considered a nominated landmark or historic district upon determination by the Historic Resources Administrator that the

	application to nominate has been properly completed and the date/time has been set for the public hearing before the Commission.
Noncontributing (or noncontributory)	A building, site, structure, or object that does not add to the architectural qualities, historic association, cultural, or archeological values of a landmark or historic district because: (1) It was not present during the pertinent time; or (2) Due to alterations, disturbances, additions, or other changes, it no longer possesses integrity nor reflects its significant historic character or is incapable of yielding important information about the pertinent historic period.
Ordinary Maintenance and Repair	Any improvement or work for which a building permit is not required by city ordinance, designed to correct deterioration, decay, or damage, and restore, as may be practical, a structure or property to the condition that existed prior to the deterioration, decay or damage.
Object	Those physical items that have functional, aesthetic, cultural, historical or scientific value. While an object may be, by nature or design, movable, it should be located in a specific setting or environment appropriate to its significant historic use, role or character. Objects include, but are not limited to, sculptures, monuments, street signs, fence posts, hitching posts, mileposts, boundary markers, statuary, fountains, stone curbs and sidewalks, brick streets, and brick sidewalks.
Owner	An individual, association, partnership or corporation having legal or equitable title to land other than legal title held only for the purpose of security. For the purpose of notice, the Owner may be determined using the latest Douglas County Appraiser's assessment roll.
Period	A chronological division identified in the analysis of the historical development to an area or region (i.e., Victorian, Modern).
Person	Any individual, firm, association, organization, partnership, business, trust, corporation, or company.
Preservation	(See Historic Preservation)
Preservation Easement	(See Easement)
Project	Activities involving the issuance of a lease, permit, license, certificate or other entitlements for use, to any party by the City.
Property	An area of land under common ownership or control which is or will be occupied by one structure and any accessory structures. A property could be made up of one or more lots, one or more portions of a lot or lots, or any combination thereof. The term shall include landscape features.
Protection	The application of measures to defend, guard, cover or shield a building, site, structure, or object from deterioration, loss, attack, danger, or injury. In the case of buildings, structures or objects such measures generally are of a temporary nature and usually precede preservation measures. In the case of archeological sites, the protective measures may be temporary or permanent.
Reconstruction/Reconstruct	The reproduction of the exact form and detail of a vanished building, site, structure or object or a part thereof, as it

	appeared at a pertinent time using both original and modern materials and based on precise historical documentation and physical evidence.
Register	(See Lawrence Register)
Register of Historic Kansas Places	The State of Kansas's official list of historically significant properties established in 1977 and maintained by the State Historic Preservation Office. Also known as the State Register.
Rehabilitation/Rehabilitate	The act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
Remodeling	Modification and modernization of a structure or property without striving to return to or replicate the original historical and architectural character of the structure or property.
Removal	Any relocation of a structure in whole or in part on its site or to another site.
Repair	Any change to a structure or object that is not construction, removal or alteration.
Resource	Any building, site, structure, object or area that constitutes a source of present and future value.
Restoration/Restore	The act of accurately recovering the form and details, based on precise historical documentation and physical evidence, of a building, site, structure or object as it appeared at a pertinent time including the removal of improvements that are not appropriate and the replacement of missing or deteriorated features.
Right of Way	A strip of land occupied or intended to be occupied by a street, crosswalk, footpath, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The right-of-way includes alleys.
Sign	Any surface, fabric, device, or display designed to visually convey information to the general public.
Significant	(See Historically or Architecturally Significant)
Site	The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined or vanished, where the location itself possesses historic, cultural or archeological value regardless of the value of any existing structure. Examples of sites include but are not limited to habitation sites, burial sites, village sites, hunting and fishing sites, ceremonial sites, battlefields, ruins of historic buildings and structures, campsites, designed landscapes, natural features, springs, and landscapes having cultural significance.
Stabilization	Taking measures to return an unsafe or deteriorated building, site, structure, or object to a safe and secure condition while maintaining the existing form and detail of the building, site, structure, or object.
State	The State of Kansas, unless otherwise indicated.



State Historic Preservation Office	Office of the State Historic Preservation Officer who is the appointed official responsible for the Federal mandate as set forth in Section 101b of the National Historic Preservation Act of 1966. The office is located in the Kansas Historical Society and also administers those powers and duties established at K.S.A. 75-2721 for the State of Kansas.
State Register	(See Register of Historic Kansas Places.)
Street	A right of way, other than an alley, dedicated to the public use, which provides principal access to adjacent properties.
Structure	A building or anything constructed or erected that requires permanent location on or in the ground or attachment to something having a permanent location on the ground including but not limited to fences, gazebos, signs, billboards, towers, and mobile homes.
Style	The specific identifying characteristics of a building both as it appears to the eye and as it is known to exist in design and structure.
Survey	An architectural and historical examination of historic resources to identify historic properties within an area.
Undue Hardship	Requiring significant difficulty or expense when considered in light of a number of factors.
Use	The specific purpose for which a structure or property is utilized.
Wall Plane	A wall surface in which if any two points are chosen a straight line joining them lies wholly in that wall surface.

**SECTION 3.** If any section, sentence, clause or phrase of this ordinance is found to be unconstitutional or is otherwise held invalid by any court of competent jurisdiction, it shall not affect the validity of any remaining parts of this ordinance.

**SECTION 4.** This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

**PASSED** by the Governing Body of the City of Lawrence, Kansas, this \_\_\_\_ day of December, 2023.

**APPROVED:**

\_\_\_\_\_  
 Lisa Larsen  
 Mayor

**ATTEST:**

\_\_\_\_\_  
 Sherri Riedemann  
 City Clerk

**APPROVED AS TO FORM:**

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Toni R. Wheeler  
City Attorney