

- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or
- (4) Has yielded, or may be likely to yield, information important in prehistory or history.

"Landmark sites" differ from "landmarks" in that the physical location, not the building or structure, possesses primary significance. Although some of the criteria for "landmark sites" parallels the criteria for "landmarks," "landmark sites" which are accompanied by buildings or structures which do or do not possess significance related to the site, may appear eligible as "landmarks" but must be classified as "landmark sites." For the purpose of this article, therefore, "landmark sites" encompasses prehistoric or historic sites on unimproved or improved parcels of land.

*Local governing board:* (abbreviated as "board"). The duly elected or appointed foremost authority of the city, including but not limited to the mayor, city council, board of alderman, or city planner. For all intents and purposes of this article, the terms "board" and "city" shall be interchangeable.

*Ordinary repairs or maintenance:* Work done to prevent deterioration of a building or any part thereof by restoring the building as nearly as practicable to its condition prior to such deterioration, decay, or damage.

*Owner of record:* The owner of a historic resource reflected on the current county or city tax roll.

*Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings:* (abbreviated as *secretary's standards*). A federal document delineating ten standards and numerous guidelines for the sensitive rehabilitation and preservation of historic buildings. The secretary's standards shall be used as the guideline for judging all applications for a certificate of appropriateness.  
(Ord. of 3-7-95, § II)

**Sec. 23-63. Historic preservations commission, composition, and terms.**

By virtue of Miss. Code Ann. § 39-13-5, as amended, the local governing board of the city has been authorized to establish a historic preservation commission to preserve, promote, and develop the historical resources of the city, and to advise the board as to the designation of historic districts, landmarks, and landmark sites, and to perform such other functions as may be provided by law.

All members of the commission are appointed by the board, and shall serve at the will and pleasure of the board. The commission shall consist of not less than six members and not more than nine members of the city. All members of the commission shall serve for terms not to exceed four years, and shall be eligible for reappointment. There shall be two-year terms and five four-year terms. One of the five four-year appointed commissioners shall be a member appointed from the board of the Columbus Historic Foundation.

All commission members shall have a demonstrated interest, competence, knowledge, or expertise in historic preservation. To the extent available in the community, the board shall appoint professional members from the primary historic preservation related disciplines of architecture, history, architectural history, or archaeology or from secondary historic preservation related disciplines as urban planning, American studies, American civilization, cultural geography, cultural anthropology, interior design, law, and related fields.

(Ord. of 3-7-95, § III)

**Sec. 23-64. Rules of procedure.**

To fulfill the purposes of this article and carry out the provisions contained herein:

- (1) The commission annually shall elect from its membership a chairman, vice-chairmen, and secretary. If neither the chairman nor the vice-chairman attends a particular meeting, the remaining members shall select an acting chairman from the members in attendance at such meeting. A quorum shall consist of members present at said meeting.
- (2) The commission shall develop and adopt rules of procedure which shall govern the conduct of its business, subject to the approval of the board. Such rules of procedures shall be a matter of public record.
- (3) The commission, prior to exercising its power of review, further shall develop, adopt, and establish criteria for determining appropriateness as set forth in section 23-72. Such criteria shall be consistent with local, state, and federal guidelines and regulations, including, but not limited to, building safety and fire codes and the secretary of the interior's *Standards for Rehabilitation*. Portfolios of illustrations, color charts, descriptions and other material illustrating and interpreting its criteria shall be made available to the general public.
- (4) The commission shall keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations, and decisions. All such material shall be a matter of public record.
- (5) The commission shall establish its own regular meeting time; however, the first meeting shall be held within 30 days of the appointment of a full commission and regular meetings shall be scheduled at least once every three months. The meeting place of said commission shall be the council chamber of the city hall, or such other place as a meeting may be adjourned to if a need to do arises. The chairman or any two members may call a special meeting by giving written notice to every other member of the commission stating the date and time of such meeting either by hand delivery thereof at least five days before the meeting date or by mailing such notice to each member, posted at least eight days before the meeting date.

(Ord. of 3-7-95, § IV)

**Sec. 23-65. Appropriations.**

The city is authorized to make appropriations to the commission necessary for the expenses of the operation of the commission, and may make additional amounts necessary for the acquisition, restoration, preservation, operation, and management of historic properties. (Ord. of 3-7-95, § V)

**Sec. 23-66. Title to property acquired.**

All lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the city shall be acquired in the name of the city unless otherwise provided by the city. So long as owned by the city, historic properties may be maintained by or under the supervision and control of the city. All lands, buildings or structures acquired by the commission from funds other than those appropriated by the city may be acquired and held in the name of the city. (Ord. of 3-7-95, § VI)

**Sec. 23-67. Non-restrictive clause.**

Nothing in this article shall be construed to prevent the regulation or acquisition of historic buildings, structures, sites, areas or objects owned by the State of Mississippi or any of its political subdivision, agencies, or instrumentalities.

Furthermore, the Mississippi State Antiquities Act (Miss. Code Ann. § 39-7-1 et seq., as amended), provides for the sensitive treatment of publicly owned buildings shown to possess certain architectural, historical, or archaeological significance, and so designated by the board of trustees of the state department of archives and history as state landmarks.

Whenever a state landmark is proposed for rehabilitation, alteration, enlargement, etc., the governing board (city council, board of supervisors, etc.) shall submit their plans to the state department of archives and history (the "department") for review and compliance. If the department perceives the plans to be detrimental to the state landmark, the governing body will work with the department to bring the project into agreement with the secretary's standards. In this manner, local governing boards that have designated publicly owned properties as landmarks, or within a historic district may be assured that these state landmarks will be maintained in a manner compatible with the secretary's standards, which is used as a rehabilitative guideline for all designated historic districts and landmarks. (Ord. of 3-7-95, § VII)

**Sec. 23-68. Powers of the commission.**

In order to preserve, promote, and develop the historic resources of the city and to accomplish the purposes set forth in the Mississippi Local Government Historic Preservation Act of 1978 and in this article:

- (1) The commission shall conduct or cause to be conducted a study and survey of architectural, archaeological, cultural, and historic resources within the city, if such study has not already been conducted.

- (2) The commission shall recommend to the board the adoption of ordinances designating landmarks, landmark sites, and historic districts.
  - (3) The commission shall review applications proposing erection, alteration, restoration, demolition moving of any landmark or building located on a landmark site or within a historic district so designated by the board and shall issue or deny certificates of appropriateness accordingly.
  - (4) The commission shall not consider interior arrangements or use.
  - (5) The commission shall promulgate and publish such standards and rules of procedure as are necessary to carry out the provisions of this article.
  - (6) The commission is authorized to apply for, receive, hold, and spend funds from private and public sources, in addition to appropriations made by the city for the purpose of carrying out provisions of this article.
  - (7) The commission is authorized to employ such staff or contract with technical experts or other persons as may be required for the performance of its duties, and to obtain the equipment, supplies, and other materials necessary for its effective operation.
  - (8) Solely in performance of its official duties and only at reasonable times, the commission is authorized to enter upon private land for examination or survey thereof. No member, employee, or agent of the commission shall enter any private buildings or structure without the express consent of the owner of record or occupant thereof.
- (Ord. of 3-7-95, § VIII)

**Sec. 23-69. Designation of landmarks, landmark sites and historic districts.**

The city may establish by ordinance landmarks, landmarks sites, and historic districts within the area of its jurisdiction. Such landmarks, landmark sites, or historic districts shall be designated following the criteria as defined in section 23-62, and no landmarks, landmark sites or historic districts shall be designated until the following requirements have been met:

- (1) The commission shall initiate a thorough investigation of the historic, architectural, archaeological, and cultural significance of the buildings, structures, features, sites, and surroundings of such districts landmarks and landmark sites. The findings shall be collected in a cohesive printed format, made a matter of public record, and made available for public inspection.
- (2) After investigation, if the commission shall decide to recommend the designation of a historic district or landmark or landmark site, the city after recommendation from the commission shall prepare or cause to be prepared a proposed ordinance to make such designation.
- (3) The commission's recommendation to the city for designation of a historic district shall be accompanied by complete documentation, including, but not limited to:
  - a. A concise description of the extant resources in the district, offering a description of buildings types and architectural styles represented;

*Construction:* The erection of any on-site improvement to a landmark or to a building or any parcel of ground located within a historic district or on a landmark site, whether the site is presently improved or unimproved, or hereafter becomes unimproved by "demolition," "demolition by neglect," or as a result of destruction of an improvement located thereon by fire, windstorm, or other casualty, or otherwise.

*Demolition:* The complete or constructive removal of a building on any site.

*Demolition by neglect:* Neglect in the maintenance of any building or structure which is a historic landmark or which is within a historic district which results in deterioration.

*Earthworks:* Any subsurface remains of historical, archaeological, or architectural importance or any unusual ground formations or archaeological significance.

*Exterior features.* The architectural style, general design, and general arrangement of the exterior of a building or other structure, including the color, the kind and texture of the building material, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures and natural features such as live trees.

- (1) In the case of outdoor advertising signs, "exterior features" shall be construed to mean the style, material, size, color, and location of all such signs.
- (2) Live trees larger than six inches in diameter at a point five feet above the ground shall be considered as exterior features.

*Historic district:* An area designated by the commission and approved by the city through an article which contains a geographically definable area, urban or rural, possessing a significant concentration, linkage, or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development, and which meet at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county or city; or
- (2) Is identified with historic personages or with important events in national, state, or local history; or
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or
- (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influences his age.

*Historic resources:* As recognized by the National Register of Historic Places, historic resources consist of separate and aggregate buildings, districts, structures, sites and objects, and are defined below:

- (1) *Building:* A structure created to shelter any form of human activity, such as a house, barn, church, hotel or similar structure. Buildings may refer to a historically related complex such as a courthouse and jail or a house and barn.

- (2) *District*: A geographically definable area, urban or rural, possessing a significant concentration, linkages or continuity of sites, buildings, structures, or objects united by past events or aesthetically by plan or physical development.
- (3) *Structure*: A work made up of interdependent and interrelated parts in a definite pattern of organization. Constructed by man, it is often an engineering project large in scale such as bridges, lighthouses, and water towers.
- (4) *Object*: A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment such as steamboats and dredges.
- (5) *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 maintains historical or archaeological value regardless of the value of any existing structures such as battlefields and Indian mounds.

For the intents and purposes of this article, the definition of a National Register district corresponds as a "historic district," buildings, structures, or objects correspond as a "landmark," and the definition of a National Register site corresponds as a "landmark site."

*Landmark*: An improved parcel of ground with a building, structure and/or object designated by the commission and approved by the city through an ordinance which possesses particular historic, architectural, or cultural significance by meeting at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or city; or
- (2) Is identified with historic personages or with important events in national, state, or local history; or
- (3) Embodies distinguishing characteristics of an architectural type or is a specimen inherently valuable for the study of a period, style, method of construction or use of indigenous materials or craftsmanship; or
- (4) Is representative of the notable work of a master builder, designer, or architect whose individual ability has been recognized or who influences his age.

*Landmark site*: An unimproved or improved parcel of ground designated by the commission and approved by the city through an ordinance, which possesses particular historic, architectural or archaeological significance by meeting at least one of the following criteria:

- (1) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, state, county, or city; or
- (2) Is identified with historic personages or with important events in national, state, or local history; or

- b. A concise statement of the district's historical significance;
  - c. Boundary description and justification;
  - d. An inventory of all the buildings, with each building evaluated for its significance to the district;
  - e. A map showing all historic resources in the district;
  - f. Photographs of typical streetscapes in the districts as well as of major types of contributing and non-contributing buildings.
- (4) No historic district or districts shall be designated until the state department of archives and history, acting through such agents or employee as may be designated by its director, shall have made an analysis of any recommendations concerning the proposed district boundaries. Failure of the department to submit its analysis and recommendations to the city within 60 days after a written request for such analysis has been mailed to it shall relieve the city of any responsibility for awaiting analysis and the city may at any time thereafter take any necessary action to adopt or amend its ordinance.
- (5) If a proposed ordinance is to designate a landmark or landmark site, it may be presented to the city with a recommendation that it be adopted without submission to the state department of archives and history.
- (6) A public hearing will be had, after notice, specifying the boundaries of any proposed historic district and the location of proposed landmarks and landmark sites. Said notice shall be published once a week for at least three consecutive weeks in at least one newspaper in the city. If a newspaper is not published in the city then the notice shall be published in a newspaper in the county. The first notice shall be at least 21 days prior to the date fixed in such resolution for the public hearing and the last publication shall be made not more than seven days prior to such date.
- (7) Within 60 calendar days after the public hearing held in connection herewith, the city shall adopt the article as proposed, reject it entirely or adopt the ordinance with modification wherein any modifications shall only be to reduce the scope of the ordinance as published.
- (8) Furthermore, the commission shall notify, as soon as is reasonably possible, appropriate state, county, and municipal agencies of the official designation of all landmarks, landmark sites, and historic districts. An updated list and map shall be maintained by such agencies and made available to the public.
- (Ord. of 3-7-95, § IX; Ord. of 6-4-96)

**Sec. 23-70. Certificates of appropriateness.**

In order to promote the general welfare through the preservation and protection of historic resources, no exterior feature of any landmark, landmark site, or building or structure within a historic district (including, but not limited to, walls, fences, light fixtures, steps, pavement, trees or other appurtenant features) or any aboveground utility structure or any type of

outdoor advertising sign, shall be erected, altered, reconstructed, restored, rehabilitated, moved, cut, or demolished within any such historic district or on any such landmark site or as to any landmark until after an application for a certificate of appropriateness of such work has been submitted to and reviewed by the commission and approved by the city. Therefore,

- (1) The commission shall serve as a review body with the power to review and recommend to the city whether applications for certificates of appropriateness should be granted or denied and, if granted, what conditions, if any, should be provided in such certificate. The city may impose conditions not recommended by the commission.
- (2) In making determinations, evaluations, and decisions under this article, the commission and city shall seek to accomplish the purposes of this article; in particular, to preserve and protect the architectural and historic integrity and character of any landmark site, landmark, or historic district.
- (3) A certificate of appropriateness shall not be required for ordinary maintenance or repair of any landmark, building, or structure upon a landmark site or within a historic district which does not involve a change in design, material color, or other appearance thereof.
- (4) All decisions of the commission shall be in writing and shall state the findings of the commission, its recommendations, and the reasons thereof.
- (5) The commission shall not recommend disapproval of any plans without giving its recommendations for changes to be made before such plans can be reconsidered. These recommendations may be in general terms, and compliance therewith shall not ipso facto qualify such plans for approval—only for reconsideration by the commission.

(Ord. of 3-7-95, § X)

**Sec. 23-71. Disqualification of members by conflict of interests.**

Because the city may possess few residents with experience in the individual fields of history, architecture, architectural history, archaeology, urban planning, law, or real estate, and in order not to impair such residents from practicing their trade for hire, members of the commission are allowed to contract their services to an applicant for a certificate of appropriateness, and when doing so, must disqualify themselves for the commission for that application. In such cases, the city shall, upon the request of the chairman of the commission or the vice-chairman in his stead, appoint a substitute member who is qualified in the same field as the disqualified member, and who will serve for that particular case only.

If no qualified resident of the city is able to substitute for the disqualified member, the city may appoint, in this case only, a qualified substitute who is a resident of the state but not a resident of the city.

If any member of the commission must be disqualified due to a conflict of interest more than twice in one year, the chairman or the vice-chairman in his stead, shall encourage the member



to resign his commission seat. Failing to resignation, and if the commission member continues to enter into conflicts of interest with the commission, the chairman or the vice-chairman of the commission shall encourage the city to replace the member.

Likewise, any member of the commission who has an interest in the property in question or in property within 300 feet of the site in question, or who is employed with a firm that has been hired to aid the applicant in any matter whatsoever, or who has any proprietary, tenancy or personal interest in any case to be considered by the commission shall be disqualified from participating in the consideration of any request for a permit. In such cases, a qualified substitute shall be appointed as provided above.

(Ord. of 3-7-95, § XI)

**Sec. 23-72. Criteria for issuance of certificates of appropriateness.**

Pursuant to the secretary of the interior's *Standards for Rehabilitation*, the commission and the city shall use the following criteria in granting or denying certificates of appropriateness:

- (1) *General factors:*
  - a. General appearance of the land, building, or improvement under consideration;
  - b. Structural condition of existing building or structure;
  - c. Structural composition of existing building or structure or improvement and proposed alteration;
  - d. Architectural design of existing building or structure or improvement and proposed alteration;
  - e. Size of existing land parcel, building or structure or improvement and proposed alteration;
  - f. Historical significance of existing land, building, structure, or improvement;
  - g. Economic use of existing land, building, structure or improvement;
  - h. Relative cost of proposed project and alternatives;
  - i. The owner's legitimate right to earn a reasonable return from his investment in the site, building, or structure; and
  - j. The relationship of the above factors to, and their effect upon the immediate surroundings and, if within a historic district, upon the district as a whole and its architectural and historical character and integrity.
- (2) *New construction (additions to existing resources and infill construction on vacant properties):*
  - a. The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, viz, the height, the gross volume, the proportion between width and height of the facade(s), the proportions and relationship between doors and windows, the

rhythm of solids to voids created by openings in the facade, and materials used in the facade, the texture inherent in the facade, the colors, pattern and trim used in the facade, and the design of the roof.

- b. Existing rhythm created by existing building masses and spaces between them should be preserved.
- c. The landscape plan should be sensitive to the individual building and its occupant, and needs to and should be visually compatible with the buildings and environment with which it is visually related.
- d. A new street facade should blend directionally with other buildings with which it is visually related, which is to say, when adjacent buildings have a dominant horizontal or vertical expression, that expression should be carried over in the new facade.
- e. New construction must be compatible with the original construction of the historic resources and should enhance the architectural characteristic of the historic district.
- f. No single architectural style shall be imposed.
- g. The quality and excellence in design should be major determinants.

(3) *Exterior alteration:*

- a. All exterior alterations to a building or structure should be compatible with the building itself and other buildings with which it is related, as is provided in B-1 above and in applying these standards, and original design of the building or structure must be considered.
- b. Exterior alterations shall not affect the architectural character or historic quality of the building.

(4) *Signs:*

- a. The scale of any sign should be compatible with the building and environment with which it is related, and will have to be approved by the commission with a certificate of appropriateness.
- b. The materials, style, size, color, and patterns used in any sign should be compatible with the buildings and environment with which it is related.

(5) *Demolition:* In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:

- a. The individual historical or architectural significance of the resource,
- b. The importance or contribution of the resource to the aesthetics of the district,
- c. The difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail, and
- d. The proposed replacement structure and the future utilization of the site.

- (6) *Reconstruction:* The reconstruction of a building destroyed by fire, storm, or other act of God shall be governed by the provisions of the zoning ordinance except that the commission shall regulate the exterior design of such buildings in accordance with the criteria set forth in subsection 23-72(3) above.
- (7) *Denial of application:* An application for a certificate of appropriateness shall only be denied upon a determination that the proposed changes or project would:
- a. Result in such disharmony of scale, materials, massing, spacing and/or style between the proposed project and its immediate surroundings and the historic district, landmark, or landmark site as a whole so as to undermine the architectural integrity and character of the historic district, or landmark site or landmark and inhibit the accomplishment of the purposes of this article; or
  - b. Result in such a change in the architectural design or character of an existing building or improvement so as to undermine the architectural integrity or character of a historic district as a whole and inhibit the accomplishment of the purposes of this article; or
  - c. Result in the loss of or irreparable harm to an existing building or improvement of architectural or historical significance. A certificate of appropriateness should not jeopardize the owner's legitimate right to earn a reasonable return from his investment in the landmark, landmark site or resource located within the historic district. Reasonable return from investments shall be decided and agreed upon by the owner and the commission.
- (8) *Stay of demolition:* If an application for a certificate of appropriateness is for the demolition of a resource within a historic district or a landmark or landmark site, action upon such application shall be stayed for a period of 180 days, during which time the commission and the applicant shall undertake meetings and continuing discussion for the purpose of finding a method to save such property. During such period, the applicant and the commission shall cooperate in attempting to avoid demolition of the property. At the end of said 180-day period, the commission shall meet again to discuss the application and if no mutually agreeable method of saving the property bearing a reasonable prospect of eventual success is underway, or if no formal application for funds from any governmental unit or nonprofit organization to preserve the property is pending, the commission shall notify the city, and the building official, upon written notice of the city, may, but is not required to, issue a permit for demolition without a certificate of appropriateness having been issued.
- (Ord. of 3-7-95, § XII)

**Sec. 23-73. Demolition by neglect.**

- (a) Any building or structure which is a landmark and all buildings or structures within a historic district shall be preserved by the owner or such other person or persons who may have the legal custody or control thereof against decay and deterioration and free from unreason-

able structural defects. The owner or other person having legal custody and control thereof shall repair such building or structure it is found to have one or more of the following defects:

- (1) The deterioration of a building(s) to the extent that it creates or permits a hazardous or unsafe condition as determined by the building official.
- (2) The deterioration, as determined by the building official, of a building(s) characterized by one or more of the following:
  - a. Those buildings which have parts thereof which are so attached that they may fall and injure persons or property;
  - b. Deteriorated or inadequate foundation;
  - c. Defective or deteriorated floor supports or floor supports insufficient to carry imposed loads with safety;
  - d. Members of walls or other vertical supports that split, lean, list, or buckle due to defective material or deterioration;
  - e. Members of walls of other vertical supports that are insufficient to carry imposed loads with safety;
  - f. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, or buckle due to defective material or deterioration;
  - g. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are insufficient to carry imposed loads with safety;
  - h. Fireplaces or chimneys which list, bulge, or settle due to defective material or deterioration, or
  - i. Any fault, defect, or condition in the building which renders the same structurally unsafe or not properly watertight.

(b) If the commission makes a preliminary determination that a building or structure which is a landmark or is located within a historic district is being demolished by neglect, it shall direct the building official to notify the owner or owners of the resource of this preliminary determination, stating the reasons therefore, and shall give their record owner or owners 30 days from the date of mailing such notice or the posting thereof on the property whichever comes later, to commence work to correct the specific defects as determined by the commission.

Said notice shall be given as follows:

- (1) By certified mail, restricted delivery, mailed to the last known address of the record owner or owners as listed on the county or city tax rolls; or
  - (2) If the above mailing procedure is not successful, notice shall be posted in a conspicuous, protected place on the resource involved.
- (c) If the owner or owners fail to commence work within the time allotted as evidenced by a building permit, the commission shall notify the owner or owners in the manner provided above to appear at a public hearing before the commission at a date, time, and place to be

specified in said notice, which shall be mailed or posted at least 30 days before said hearing. For the purpose of insuring lawful notice, a hearing may be continued to a new date and time. The commission shall receive evidence on the issue on whether the subject resource be repaired and the owner or owners may present evidence in rebuttal thereto. If, after such hearing, the commission shall determine that the resource is being demolished by neglect, it may direct the building official to bring misdemeanor charges against the owner or owners if the necessary repairs are not completed within 60 days of the determination by the commission that the subject building or structure is being demolished by neglect.

(Ord. of 3-7-95, § XIV)

**Sec. 23-74. Public safety exclusion.**

None of the provisions of this article shall be construed to prevent any measure of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, other feature or part thereof, where such condition has been declared unsafe or dangerous by the building official or the fire department and where the proposed measures have been declared necessary, by such authorities, to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any structure or other feature shall be damaged by fire or other calamity or by act of God or by the public enemy, to such an extent in the opinion of the aforesaid authorities it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws.

(Ord. of 3-7-95, § XIV)

**Sec. 23-75. Minimum maintenance requirements.**

In order to insure the protective maintenance of landmarks, landmark sites, and resources in the historic district, each building, whether a landmark or within the historic district, shall be maintained to meet the requirements of the minimum housing code and the building code.

(Ord. of 3-7-95, § XV)

**Sec. 23-76. Procedures for issuance of certificates of appropriateness.**

Anyone desiring to take action requiring a certificate of appropriateness concerning a landmark, landmark site, or resource within a historic district for which a permit, variance, or other authorization from either the building official or the city if required, shall make application therefore in the form and manner required by the applicable code section or ordinance. Any such application shall also be considered an application for a certificate of appropriateness and shall include such additional information as may be required by the commission. After receipt of any such application, the building official shall be assured that the application is proper and complete. No building permit shall be issued by the building official

which affects a resource in a historic district or landmark or a landmark site without a certificate of appropriateness. Thereafter, such application shall be reviewed in accordance with the following procedure:

- (1) When any such application is filed, the building official shall immediately notify the chairman, or vice-chairman if the chairman is unavailable, of the commission, of the application having been filed.
- (2) The chairman or vice-chairman shall set a time and date, which shall be not later than 15 days after the filing of the application, for a hearing by the commission, and the building official shall be so informed.
- (3) The applicant shall, upon request, have the right to a preliminary conference with a member of the commission or of the commission staff for the purpose of making any changes or adjustments to the applications which might be more consistent with the commission's standards.
- (4) Not later than eight days before the date for said hearing, the building official shall mail notice thereof to the applicant at the address in the application and to all members of the commission which shall serve as a call for a special meeting unless the hearing is set for a regularly scheduled meeting.
- (5) Notice of the time and place of said hearing shall be given by publication in a newspaper having general circulation in the city at least ten days before such hearing and by posting such notice on the bulletin board in the lobby of city hall.
- (6) At such hearing, the applicant for a certificate of appropriateness shall have the right to present any relevant evidence in support of the application. Likewise, the governing body shall have the right to present any additional relevant evidence in support of the application.
- (7) The commission shall have the right to make such recommendations for changes and modifications as it may deem necessary in order to enable the applicant to meet the requirements of the commission.
- (8) Within not more than 21 days after the hearing on an application, the commission shall act upon it, either approving, denying, or deferring action until the next meeting of the commission, giving consideration to the factors set forth in section 23-72 hereof. Evidence of approval of the application shall be by certificate of appropriateness issued by the commission, and whatever its decision, notice in writing shall be given to the applicant and the building official. The commission shall keep a record of its actions under this ordinance.
- (9) After the hearing, the commission shall submit the minutes of the meeting, which shall contain the commission's recommendation as to whether a certificate of appropriateness should be granted or not, to the city.

- (10) If the applicant objects to the commission's decision, and desires a hearing before the city, he shall file a written request with the city clerk not more than ten days after the commission decides upon its recommendation. No action by the city shall be taken on the matter within the said ten-day period.
- (11) If a request for a hearing before the city is timely filed, the city clerk shall, not later than the day after such request is filed, mail a notice to the applicant of a hearing date, time, and place which shall be the first meeting of the city to be held more than eight days after the filing of the request for hearing by the applicant. However, the applicant may request, in writing, to be heard at the next meeting of the city council and may therein waive the above notice.
- (12) If the applicant does not request a hearing by the city, the city shall, without reasonable delay, make its decision based upon the minutes of the commission including any exhibits filed with said commission. At his own expense, an applicant may have prepared a verbatim record of the hearing before the commission. If a verbatim record is made of the hearing before the commission and no request for a hearing before the city is filed, the city shall make its decision from such record and the minutes of the commission.
- (13) Upon approval thereof by the city, the building official shall issue a certificate of appropriateness. The issuance of a certificate of appropriateness shall not relieve an applicant for a building permit, special use permit, variance, or other authorization from compliance with any other requirement of the laws of the city concerning zoning, construction, repair or demolition unless such is in conflict with this article or action taken hereunder. If so, this article or action taken hereunder shall control.
- (14) If no permit, variance, or other authorization from either the building official or the city is otherwise required and a certificate of appropriateness is required by this article, then the applicant therefore shall file an application with the building official. Thereafter, the application shall be processed in the manner provided above. The application shall describe what the applicant proposed to do, how it is to be done, and such other information as the commission or building official may require.

(Ord. of 3-7-95, § XVI)

**Sec. 23-77. Appeals.**

The applicant who desires to appeal a decision by the city shall file an appeal to the circuit court of the county in which the city is located within 30 days after the determination of the issue by the city in the manner provided by law.

(Ord. of 3-7-95, § XVII)

**Sec. 23-78. Enforcement and penalties.**

(a) If a certificate of appropriateness has not been issued for a project within the downtown historic district and renovations of a building have occurred, such offense shall constitute a misdemeanor and shall be subject to a fine of up to \$1,000.00. Each month that the building continues in the modified condition without a certificate of appropriateness, a separate offense shall be deemed to have occurred.

(b) In the event that a project has not been completed and it is determined that a modification or renovation of a building occurred, the project may be halted by a stop work order issued by the city building department until the requirements of the city historic zoning ordinance have been met.

(Ord. of 3-7-95, § XVIII; Ord. of 6-26-97)

**Sec. 23-79. Severability.**

The requirements and provisions of this article are separable. If any section, paragraph, sentence, or portion thereof, be declared by any court of competent jurisdiction to be void, invalid, or inoperative, the decision of the court shall not affect the validity or applicability of the article as a whole or of any part thereof other than the part held void, invalid, or otherwise inoperative.

(Ord. of 3-7-95, § XIX)

**Sec. 23-80. Conflicting ordinances.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

(Ord. of 3-7-95, § XX)

**Sec. 23-81. Conflict with the Mississippi Antiquities Act.**

Likewise, all ordinances and parts of ordinances in conflict with the Mississippi Antiquities Act (Miss. Code Ann. § 39-7-1 et seq.) are hereby repealed.

(Ord. of 3-7-95, § XXI)

**Sec. 23-82. Effective date.**

This ordinance shall become effective one month after its passage [passed on March 7, 1995].

**Secs. 23-83—23-100. Reserved.**

DIVISION 2. DOWNTOWN HISTORIC PRESERVATION DISTRICT\*

**Sec. 23-101. Definitions.**

All definitions contained in division 1 of this article, the city historic zoning ordinance, are hereby by reference incorporated into this division.

(Ord. of 9-3-96, § III)

**Sec. 23-102. Designation of district.**

Begin at a point where Main Street and 2nd Street North intersect at the Southwest corner thereof; run south along the west boundary of 2nd Street South for one block to the southwest

\*Editor's note—A nonamendatory Ordinance of Sept. 3, 1996, sections I—IV, VI, VII, has been included herein as Div. 2 of Art. III as herein set out at the discretion of the editor.



corner of 2nd Avenue South (College Street); run east for two blocks to the southwest corner of 4th Street South; run south on 4th Street South to the southwest corner of 4th Avenue South; run thence east on 4th Avenue South to the east property line of 301 5th Street (this is the property currently occupied by Merchants & Farmers Bank and the bill collection station for Columbus Light & Water); run thence north to the east property line on 3rd Avenue South; thence run east along the south right of way of 3rd Avenue South to the center line of 7th Street South; run thence north along the center line of 7th Street South to the center line of 2nd Avenue South (College Street); run thence east along the center line of 2nd Avenue South (College Street) to the railroad track that intersects 2nd Avenue South (College Street) at 16th Street South; run thence northeasterly along the railroad track to the center line of 3rd Avenue North; thence run west along the center line of 3rd Avenue North to the center line of 17th Street North; thence run south along the center line of 17th Street North to the center line of 2nd Avenue North; run thence west along the center line of 2nd Avenue North to the center line of 9th Street North; run thence north to the center line of 4th Avenue North; run thence west along the center line of 4th Avenue North to the center line of 7th Street North; run thence north along the center line of 7th Street North to the center line of 5th Avenue North; run west to the center line of 5th Street North; run thence south to the center line of 3rd Avenue North; run thence along the center line of 3rd Avenue North to the center line of 4th Street North; run south along the center line of 4th Street North to the center line of 2nd Avenue North; run west along the center line of 2nd Avenue North to the west boundary line of 2nd Street North; run south to the west boundary of 2nd Street North to the starting point of the beginning which is the southwest corner at the intersection of Main Street and Second Street.

(Ord. of 9-3-96, § I)

**Sec. 23-103. Protection of historic district.**

In order to promote the general welfare through the preservation and protection of historic resources within the downtown historic preservation district, and pursuant to the city historic zoning ordinance, div. 1 of this article, no exterior feature of any landmark, landmark site, or building or structure within the downtown historic preservation district (including, but not limited to, walls, fences, light fixtures, steps, pavement, trees or other appurtenant features) or any above ground utility structure or any type of outdoor advertising sign shall be erected, altered, reconstructed, restored, rehabilitated, moved, cut or demolished within said downtown historic preservation district or on any such landmark site or as to any landmark until after an application for a certificate of appropriateness of such work has been submitted to and reviewed by the commission and approved by the city.

(Ord. of 9-3-96, § II)

**Sec. 23-104. Amendments.**

The mayor and city council from time to time and upon the recommendation of the city historic preservation commission amend the boundaries of the downtown historic preservation district, pursuant to section 23-69.

(Ord. of 9-3-96, § IV)

**Sec. 23-105. Interpretation.**

In interpreting and applying this division, its provisions shall be held to be the minimum requirements for the protection of historic resources and the general welfare. It is not the intent of this division to interfere with, abrogate or annul any ordinance, rules, regulations or permits previously adopted or issued and not in conflict with any of the provisions of this division, or which shall be adopted or issued pursuant to law relating to the use of building or premises and likewise not in conflict with this division, to interfere with, abrogate, or annul any easement, covenant or other agreement between parties, except wherein this division imposes a greater restriction, this division shall control.

(Ord. of 9-3-96, § VI)

**Sec. 23-106. Effective date.**

This division shall become effective 30 days after its passage [passage on Sept. 8, 1996].

(Ord. of 9-3-96, § VII)