

# CHAPTER 10.1

## HISTORIC PRESERVATION\*

### Section 10.1-1. Statement of Purpose.

It is hereby declared as a matter of public policy that the protection, enhancement and perpetuation of properties of cultural, architectural, archaeological or historical merit is a public necessity and is required in the interest of the health, prosperity and welfare of the people. Therefore, pursuant to the Mississippi Local Government Historic Preservation Act of 1978 (Chapter 472, Laws of Mississippi, 1978), this Ordinance intends to:

- (a) Effect and accomplish the protection, enhancement and perpetuation of landmarks, landmark sites and historic districts which represent distinctive elements of the City's cultural, social, economic, political and architectural history;
- (b) Safeguard the City's historic, aesthetic and cultural heritage as embodied and reflected in such landmarks, landmark sites and historic districts;
- (c) Foster civic pride in the accomplishments of the past;
- (d) Ensure the harmonious, orderly and efficient growth and development of the City;
- (e) Stabilize the economy of the City through the continued use and revitalization of its landmarks, landmark sites and historic districts;
- (f) Protect and enhance the City's attractions to tourists and visitors and the support and stimulus to business and industry thereby provided;
- (g) Promote the use of landmarks, landmark sites and historic districts for the education, pleasure and welfare of the people of the City of Laurel.

*Source: Ordinance No. 1021-1984, § 1, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

### Section 10.1-2. Definitions.

Unless specifically noted otherwise, the following definitions are standard throughout this Chapter:

**Alteration:** Any change because of construction, repair, maintenance or other means to a landmark site or to a building located within a historic district or designated as a landmark.

**Applicant:** The record owner of a landmark, landmark site or building or buildings within a historic district or the lessee thereof with the approval notarized of the owner of record, or a person holding a “bona fide” contract to purchase same, who makes application for a Certificate of Appropriateness under this Chapter.

**Building:** Any building or other structure built for shelter or enclosure of persons, animals or chattels,

---

\***Editor's Note** --- Ordinance No. 1021-1984, § 1---18, adopted June 19, 1984, did not specify the manner of codification, but was included herein as Ch. 10.1, §§ 10.1---10.1-18, at the editor's discretion.

**Cross Reference** --- Administration, Ch. 2; buildings and building regulations, Ch. 7; housing and property maintenance, Ch. 11; planning and development, Ch. 19; zoning, App. I.

including fences, signs, paving and boundary walls, and any part of any such building or structure when subdivided by division walls or party walls extending to or above the roof and without openings in such separate walls. The term “*building*” shall be construed as if followed by the words “or any part thereof.”

***Certificate of Appropriateness:*** A document evidencing the approval of the Commission for work proposed by an applicant.

***City:*** The City of Laurel as represented by its local governing board. For all intents and purposes of this Chapter, the terms “*City*” and “*Board*” shall be interchangeable.

***Commission:*** The Historic Preservation Commission created under this Chapter, pursuant to §39-13-5 Mississippi Code (1978).

***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 of 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.

- (a) 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.
- (b) Live trees larger than six (6) inches in diameter at a point five (5) feet above the ground should be considered as exterior features.

***Historic district:*** An area, designated by the Commission and approved by the City through an Ordinance, 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.

***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:

- (a) ***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.
- (b) ***District:*** 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.

- (c) **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. Examples: bridges, lighthouse, water towers.
- (d) **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. Examples: steamboats, dredges.
- (e) **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 an existing structure. Example: battlefields, Indian mounds.

For the intents and purposes of this Chapter, the definition of a *National Register District* corresponds as a “*historic district*”; building, structure or object corresponds as a “*landmark site*.”

**Landmark:** An improved parcel of ground with a building, structure 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 (1) of the following criteria:

- (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, State, County or City; or
- (b) Is identified with historic personages or with important events in national, State or local history; or
- (c) 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
- (d) Is representative of the notable work of a master builder, designer or architect whose individual ability has been recognized or who influenced 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 (1) of the following criteria:

- (a) Exemplifies or reflects the broad cultural, political, economic or social history of the nation, region, State, County or City; or
- (b) Is identified with historic personages or with important events in national, regional, State or local history; or
- (c) 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
- (d) 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*” parallel 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 Chapter, 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. For all intents and purposes of this Chapter, 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 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 (10) 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.

*Source: Ordinance No. 1021-1984, § II, 6-19-84; Ordinance No. 1116-1988, § 3, 4-19-88; Ordinance No. 1396-2001, 11-20-01*

### **Section 10.1-3. Historic Preservation Commission, Composition, and Terms.**

By virtue of §39-13-5 Mississippi Code (1978), the local Governing Board of the City of Laurel has been authorized to establish a Historic Preservation Commission to preserve, promote and develop the historical resources of the City of Laurel, 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.

The Commission shall consist of up to nine (9) residents of Laurel who shall be appointed by the Board with due regard to proper representation in such fields and interest as history, architecture, architectural history, archaeology, urban planning, law and real estate. All members of the Commission shall serve for terms, not to exceed six (6) years and shall be eligible for reappointment.

All members of the Commission shall serve at the will and pleasure of the Board.

*Source: Ordinance No. 1021-1984, § III, 6-19,84; Ordinance No. 1396-2001, 11-20-01*

### **Section 10.1-4. Rules of Procedure.**

To fulfill the purposes of this Chapter and carry out the provisions contained therein:

- (a) The Commission annually shall elect from its membership a Chairman, Vice-Chairman 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 one (1) more than half (½) the number of the Commission.
- (b) 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 procedure shall be a matter of public record.

- (c) The Commission, prior to exercising its powers of review, further shall develop, adopt and publish criteria for determining appropriateness as set forth in Section 10.1-12. 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 materials interpreting its criteria shall be made available to the general public.
- (d) 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.
- (e) The Commission shall establish its own regular meeting time; however, the first meeting shall be held within thirty (30) days of the appointment of a full Commission and regular meetings shall be scheduled at least once every three (3) 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 so arises. The Chairman or any two (2) 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 (5) days before the meeting date or by mailing such notice to each member, posted at least eight (8) days before the meeting date.

*Source: Ordinance No. 1021-1984, § IV, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

#### **Section 10.1-5. 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.

*Source: Ordinance No. 1021-1984, § V, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

#### **Section 10.1-6. 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. However, 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 Commission, the City or both.

*Source: Ordinance No. 1021-1984, § VI, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

#### **Section 10.1-7. Non-Restrictive Clause.**

Nothing in this Chapter 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 subdivisions, agencies or instrumentalities.

Furthermore, the Mississippi State Antiquities Act 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 Mississippi Department of Archives and History as Mississippi Landmarks. Whenever a Mississippi Landmark is proposed for rehabilitation, alteration, enlargement, etc., the Governing Board (City Council, Board of Supervisors, etc.) submit their plans to the Mississippi Department of Archives and History (the "Department") for review and compliance. If the Department perceives the plans to

be detrimental to the Mississippi Landmark, the Department will work with the governing body 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 Mississippi 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.

*Source: Ordinance No. 1021-1984, § VII, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

### **Section 10.1-8. Powers of the Commission.**

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

- (a) The Commission shall conduct or cause to be conducted a study and survey of architectural, archaeological, cultural and historic resources within the City of Laurel, if such study has not already been conducted.
- (b) The Commission shall recommend to the Board the adoption of Ordinances designating landmarks, landmark sites and historic districts.
- (c) The Commission shall review applications proposing erection, alteration, restoration, demolition or moving of any landmark or building located on a landmark site or within an historic district so designated by the Board, and shall issue or deny Certificates of Appropriateness accordingly.
- (d) The Commission shall not consider interior arrangement or use.
- (e) The Commission shall promulgate and publish such standards and rules of procedure as are necessary to carry out the provisions of this Chapter.
- (f) 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 Chapter.
- (g) 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.
- (h) 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 building or structure without the express consent of the owner of record or occupant thereof.

*Source: Ordinance No. 1021-1984, § VIII, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

**Section 10.1-9. Designation of Landmarks, Landmark Sites and Historic Districts.**

The City may establish by Ordinance landmarks, landmark sites and historic districts within the area of its jurisdiction. No landmarks, landmark sites or historic districts shall be designated until the following requirements have been met:

- (a) The Commission will 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 collected in a cohesive printed format, made a matter of public record, and made available for public inspection.
- (b) After investigation, if the Commission shall decide to recommend the designation of a historic district or landmark or landmark site, it shall prepare or cause to be prepared a proposed Ordinance to make such designation.
- (c) The Commission's recommendations to the City for designation of a historic district shall be accompanied by complete documentation, including, but not limited to:
  - (1) A concise description of the extant historic resources in the district, offering a description of building types and architectural styles represented;
  - (2) A concise statement of the district's historical significance;
  - (3) Boundary description and justification;
  - (4) An inventory of all the buildings, with each building evaluated for its significance to the district;
  - (5) A map showing all historic resources in the district; and
  - (6) Photographs of typical streets capes in the districts as well as of major types, of contributing and noncontributing buildings.
- (d) No historical district or districts shall be designated until the Mississippi Department of Archives and History, acting through such agent or employee as may be designated by its Director, shall have made an analysis of and recommendations, concerning the proposed district boundaries. Failure of the Department to submit its analysis and recommendations to the City within sixty (60) days after a written request for such analysis has been mailed to it shall relieve the City of any responsibility of awaiting such analysis; and the City may at, any time thereafter take any necessary action to adopt or amend its Ordinance.
- (e) If a proposed Ordinance is to designate a landmark site, it may be presented to the City with a recommendation that it be adopted without submission to the Mississippi Department of Archives and History.
- (f) 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 (3) consecutive weeks in at least one (1) newspaper published in the City. If a newspaper is not published in the City, then the notice shall be published in a paper published in the County. The first publication of such resolution shall be made not less than twenty-one (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 (7) days prior to such date. Furthermore, a copy of said notice shall be mailed by first class, postage prepaid, to every property owner, as shown on the City Tax Assessment Rolls, whose property is proposed to be included within an historic district or to be designated a landmark or landmark site. This notice shall be mailed to the addresses shown for said property owners on said City Tax Assessment Rolls and shall be mailed at least fifteen (15) days before said hearing. A failure to receive a mailed notice shall not invalidate the actions of the City taken as a result of said hearing.

- (g) Within sixty (60) calendar days after the public hearing held in connection herewith, the City shall adopt the Ordinance as proposed, reject it entirely or adopt the Ordinance with modifications wherein any modifications shall only be to reduce the scope of the Ordinance as published.
- (h) 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.

*Source: Ordinance No. 1021-1984, § IX, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

#### **Section 10.1-10. 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, 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 or 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:

- (a) 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.
- (b) In making determinations, evaluations and decisions under this Section, the Commission and City shall seek to accomplish the purposes of this Section; in particular, to preserve and protect the architectural and historic integrity and character of any landmark site, landmark or historic district.
- (c) A Certificate of Appropriateness shall not be required for ordinary maintenance or repair of any landmark, or 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.
- (d) All decisions of the Commission shall be in writing and shall state the findings of the Commission, its recommendations and the reasons thereof.
- (e) 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.

### **Section 10.1-11. 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 from 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 Mississippi but not a resident of Laurel.

If any member of the Commission must be disqualified due to a conflict of interest more than twice in one (1) year, the Chairman, or the Vice-Chairman in his stead, shall encourage the member to resign his Commission seat. Failing this 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 three hundred (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.

### **Section 10.1-12. 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:

- (a) General factors:
  - (1) General appearance of the land, building or improvement under consideration;
  - (2) Structural condition of existing building or structure;
  - (3) Structural composition of existing building or structure or improvement and proposed alteration;
  - (4) Architectural design of existing building or structure or improvement and proposed alteration;
  - (5) Size of existing land parcel, building or structure or improvement and proposed alteration;
  - (6) Historical significance of existing land, building, structure or improvement;

- (7) Economic use of existing land, building, structure or improvement;
- (8) Relative cost of proposed project and alternatives;
- (9) The owner's legitimate right to earn a reasonable return from his investment in the site, building or structure; and
- (10) 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.

(b) New construction (additions to existing resources and infill construction on vacant properties):

- (1) The following aspects of new construction shall be visually compatible with the buildings and environment with which the new construction is visually related, vis-a-vis, 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.
- (2) Existing rhythm created by existing building masses and spaces between them should be preserved.
- (3) The landscape plan should be sensitive to the individual building and its occupant and needs, and should be visually compatible with the buildings and environment with which it is visually related.
- (4) 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.
- (5) New construction must be compatible with the original construction of the historic resources, and should be distinguishable from the original construction and should enhance the architectural characteristic of the historic district.
- (6) No single architectural style shall be imposed.
- (7) The quality and excellence in design should be major determinants.

(c) Exterior alteration:

- (1) 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 subsection (b)(1) above, and in applying these standards, an original design of the building or structure must be considered.
- (2) Exterior alterations shall not affect the architectural character or historic quality of the building.

(d) Signs:

- (1) The scale and design of any sign should be compatible with the building and environment

with which it is related.

- (2) The materials, style, size, color and patterns used in any sign should be compatible with the buildings and environment with which it is related.
- (e) Demolition. In considering an application for the demolition of a landmark or a resource within a historic district, the following shall be considered:
- (1) The individual historical or architectural significance of the resource.
  - (2) The importance or contribution of the resource to the aesthetics of the district.
  - (3) The difficulty or impossibility of reproducing such a resource because of its texture, design, material or detail.
  - (4) The proposed replacement structure and the future utilization of the site.
- (f) 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 building in accordance with the criteria set forth in subsection (c) above.
- (g) Denial of application. An application for a Certificate of Appropriateness shall only be denied upon a determination that the proposed changes or project would:
- (1) 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 Section; or
  - (2) 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 Section; or
  - (3) 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 be denied if that denial would 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.
- (h) 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 one hundred eighty (180) days, during which time the Commission and the applicant shall undertake meetings and continuing discussions 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 one hundred eighty (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 Inspector and/or the Inspection Department's designee, 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.

*Source: Ordinance No. 1021-1984, § XII, 6-19-84; Ordinance No. 1396-2001, 11-20-01; Ordinance No. 1474-2006; 9-5-06*

### **Section 10.1-13. 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 unreasonable structural defects. The owner or other person having legal custody and control thereof shall repair such building or structure if it is found to have one (1) 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 Inspector and/or the Inspection Department's designee.
  - (2) The deterioration, as determined by the Building Inspector and/or the Inspection Department's designee, of a building(s) characterized by one (1) 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 or 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.

*Source: Ordinance No. 1474-2006, 9-5-06*

- (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 Inspector and/or the Inspection Department's designee to notify the owner or owners of

the resource of this preliminary determination, stating the reasons therefor, and shall give the record owner or owners thirty (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 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 thirty (30) days before said hearing. For the purpose of ensuring lawful notice, a hearing may be continued to a new date and time. The Commission shall receive evidence on the issue of whether the subject resource should 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 Inspector and/or the Inspection Department's designee to bring misdemeanor charges against the owner or owners if the necessary repairs are not completed within sixty (60) days of the determination by the Commission that the subject building or structure is being demolished by neglect.

*Source: Ordinance No. 1021-1984, § XIII, 6-19-84; Ordinance No. 1396-2001, 11-20-01; Ordinance No. 1474-2006, 9-5-06*

#### **Section 10.1-14. Public Safety Exclusion.**

None of the provisions of this Chapter 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 Inspector and/or the Inspection Department's designee 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 that 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.

*Source: Ordinance No. 1021-1984, § XIV, 6-19-84; Ordinance No. 1396-2001, 11-20-01; Ordinance No. 1474-2006, 9-5-06*

#### **Section 10.1-15. Minimum Maintenance Requirements.**

In order to ensure 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 Standard Housing Code and the International Building Code, 2012 Edition, as amended.

*Source: Ordinance No. 1021-1984, § XV, 6-19-84; Ordinance No. 1396-2001, 11-20-01; Ordinance No. 1455-2005, § I, 1-4-05; Ordinance No. 1633-2016, 3-22-2016*

#### **Section 10.1-16. 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 Inspector and/or the Inspection Department's designee or the City is required, shall make application therefor 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 Inspector and/or the Inspection Department's designee shall be assured that the application is proper and complete. No building permit shall be issued by the Building Inspector and/or the Inspection Department's designee which affects a resource in a historic district or a landmark or landmark site without a Certificate of Appropriateness, except when a structure has been damaged by fire, windstorm, flood or other disaster, in which case the Building Inspector and/or the Inspection Department's designee may issue a permit for emergency repairs. Said reports shall be only those necessary to return the structure to a safe, habitable condition. Any application for a Certificate of Appropriateness shall be reviewed in accordance with the following procedure:

- (a) When any such application is filed, the Building Inspector and/or the Inspection Department's designee shall immediately notify the Chairman, or Vice-Chairman if the Chairman is unavailable, of the Commission of the application having been filed.
- (b) When the Chairman or Vice-Chairman determines that an application is for action that will in no way alter the extant, exterior appearance of the structure involved, the Chairman or Vice-Chairman may recommend an exemption from a full review of the application by the Commission in the following manner:
  - (1) The Chairman or Vice-Chairman shall notify, in writing, the other members of the Commission that an exemption is being recommended, said written notification to include a description of the proposed action and an explanation of the basis for the exemption.
  - (2) If any member of the Commission objects in writing within five (5) days of being notified of the Chairman's intent to recommend exemption, the proposal shall be placed before the full Commission in the prescribed manner.
  - (3) If no objection is received, the Chairman shall notify the applicant, the Building Inspector and/or the Inspection Department's designee and the City that the Commission is recommending approval of the Certificate of Appropriateness.
- (c) When an application is not recommended for an exemption, the Chairman or Vice-Chairman shall set a time and date, which shall not be later than fifteen (15) days after the filing of the application, for a hearing by the Commission and the Building Inspector and/or the Inspection Department's designee shall be so informed.
- (d) 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 application which might be more consistent with the Commission's standards.
- (e) Not later than eight (8) days before the date set for the said hearing, the Building Inspector and/or the Inspection Department's designee 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.
- (f) 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 three (3) days before such hearing and by posting such notice on the bulletin board in the lobby of City Hall.

- (g) Within not more than twenty-one (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 10.1-12 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 the applicant and the Building Inspector and/or the Inspection Department's designee. The Commission shall keep a record of its actions under this Chapter.
- (h) 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.
- (i) After the hearing, the Commission shall submit to the City the Minutes of the meeting, which shall contain the Commission's recommendation on the Certificate of Appropriateness. If the recommendation is for approval of the Certificate of Appropriateness, the Mayor or the President of the City Council shall be authorized to immediately act upon the City's behalf and issue said Certificate of Appropriateness.
- (j) If the applicant objects to the Commission's decision and desires a hearing before the City, the applicant shall file a written request with the City Clerk not more than ten (10) days after the Commission decides upon its recommendation. No action by the City shall be taken on the matter within the said ten (10) day period.
- (k) 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 (8) days after the filing of the request for hearing by the applicant. However, the applicant may request, in writing, that he be heard at the next meeting of the City and may therein waive the above notice.
- (l) An applicant, at his own expense, 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 is filed, the City shall make its decision from such record and the Minutes of the Commission.
- (m) Upon approval thereof by the City and receipt of a Certificate of Appropriateness signed by the Chairman or Vice-Chairman of the Commission and by the Mayor or President of the Council, the Building Inspector and/or the Inspection Department's designee may issue a Building Permit. The issuance of a Certificate of Appropriateness shall not relieve an applicant for a Building Permit, Special Use Permit, variance or other authorization for compliance with any other requirement or provision of the laws of the City concerning zoning, construction, repair or demolition unless such is in conflict with this Section or action taken hereunder. If so, this Section or action taken hereunder shall control.
- (n) If no permit, variance or other authorization from either the Building Inspector and/or the Inspection Department's designee of 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 Inspector and/or the Inspection Department's designee. Thereafter, the application shall be processed in the manner provided above. The application shall describe what the applicant proposes to do, how it is to be done and any such information as the Commission or Building Inspector and/or the Inspection Department's designee may require. Applications for color changes to the exterior of a building will not be considered for residential

structures in the R-1, Low Density Residential District, or the R-2, Medium Density Residential District, with the Commission's emphasis being to retain the original or early color and textures of masonry surfaces, whenever possible, to prevent indiscriminate removal of paint from previously painted masonry and/or concrete surfaces, and to prevent the painting of previously unpainted masonry and/or concrete surfaces. However, when the application is for a color change only to the exterior of a commercial structure, applicant must come to the Historic Commission for pre-selection and pre-approval.

*Source: Ordinance No. 1021-1984, § XVI, 6-19-84; Ordinance No. 1060-1985, § 1, 10-22-85; Ordinance No. 1113-1988, § 1, N., 2-16-88; Ordinance No. 1159-1989, § 1, N., 11-7-89; Ordinance No. 1236-1994, § 1, N., 5-5-94; Ordinance No. 1248-1994, § 1, N., 11-8-94; Ordinance No. 1273-1996, § XVI (f), 3-19-96; Ordinance No. 1396-2001, 11-20-01; Ordinance No. 1474-2006, 9-5-06*

### **Section 10.1-17. Appeals.**

The applicant who desires to appeal a decision by the City shall file an appeal to the Circuit Court of like jurisdiction within thirty (30) days after the determination of the issue by the City.

*Source: Ordinance No. 1021-1984, § XVII, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

### **Section 10.1-18. Enforcement and Penalties.**

The performance of an act prohibited by either this Chapter or by the Commission or the City as the case may be, acting under the provisions of this Chapter, or the failure to perform an act required either by this Chapter or the Commission or the City, as the case may be, is hereby declared to be unlawful and shall constitute a misdemeanor. The City may also enforce the provisions of this Chapter by seeking an injunction or other legal or equitable relief, as it deems appropriate.

*Source: Ordinance No. 1021-1984, § XVIII, 6-19-84; Ordinance No. 1396-2001, 11-20-01*

### **Section 10.1-19. Designation of Historic Landmarks.**

The following described properties shall be designated as historic landmarks of the City of Laurel, Mississippi:

1. ***The Leontyne Price Home***, more particularly described as Lot 2 of Block 2 of the Epsilon Addition to the City of Laurel, Mississippi;
2. ***The Lindsey Wagon Company Headquarters***, currently situated on a parcel of land described as Gen. Des. Sec.32, Township 9N, Range 11, All that part of NE ¼ of NW ¼ W of Southern RR & E of GM&O RR & N of S line of NE ¼ of NW ¼ less about 3½ acres sold to Sam Lindsey in the City of Laurel, Mississippi; however, the owners of the property described heretofore shall not be prohibited from moving the Lindsey Wagon Company Headquarters Building to another location on the same parcel of land or to another location within the City of Laurel in order to allow development of said parcel of land;
3. ***The Southern Railway Depot***, more particularly described as beginning at the NE corner of the SW ¼ of the NW ¼ of Section 5, Township 8 North, Range 11 West, Jones County, Mississippi, thence run West 263 feet more or less to the West ROW of Maple Street for the POB, thence West 182 feet more or less to the center line of the railway track, thence run Southwest along the center line of the railway track 745' to the North line of Central Avenue extended, thence Southeast 150' more or less to the intersection of the North ROW of Maple Street and the West ROW of Maple Street, thence Northeast along the West ROW line of Maple Street 853' more or less back to the POB;

4. ***The William Mason House***, more particularly described as Lot 18 and North 85' of Lot 17 and 18.5' of South side of 11th Street, Block 8, McCallum Addition to the City of Laurel, Mississippi;
5. All remaining ***WPA Brick Streets***, including, but not limited to, the following:
  - A. 13th Street from the West ROW of 7th Avenue to the East ROW of 12th Avenue;
  - B. 9th Avenue from the American Legion Hut to the North ROW of 10th Street;
  - C. 8th Avenue From the South ROW of 10th Street to the South ROW of 12th Street;
  - D. 6th Avenue From the North ROW of 11th Street to the South ROW of 13th Street;
  - E. The alley on the block bounded by 6th and 7th Avenues and 7th and 8th Streets;
  - F. 8th Street from the East ROW of 6th Avenue to the West ROW of 5th Avenue;
  - G. 8th Street from the East ROW of 5th Avenue to the East ROW of 4th Avenue;
  - H. 4th Avenue from the North ROW of 10th Street to the South ROW of Kingston Street;
  - I. 3rd Avenue from the South ROW of 13th Street to the North ROW of 10th Street;
  - J. The dead end street from the South ROW of Short 6th Street to the rear of the Main Post Office;
  - K. 8th Street From the East ROW of 2nd Avenue to the West ROW of 1st Avenue;
  - L. 11th Street From the East ROW of 1st Avenue to the West edge of the railroad track;
  - M. 8th Street from 5th Avenue to Sixth Avenue;
  - N. 8th Street from 5th Avenue to 4th Avenue;
  - O. The alley off of 5th Avenue between Central Avenue and Oak Street.

Source: Ordinance No. 1116-1988, § 1, 4-19-88

#### **Section 10.1-20. Protection of Historic Landmarks.**

## CODE

In order to promote the general welfare through the preservation and protection of historic resources and pursuant to City of Laurel Ordinance No. 1021-1984, no exterior feature of any landmark (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 or rehabilitated, moved, cut or demolished on any landmark structure until after an application for a Certificate of Appropriateness of such work has been submitted to and reviewed by the City of Laurel Historic Preservation Commission and approved by the Mayor.

*Source: Ordinance No. 1116-1988, § 2, 4-19-88*

### **Section 10.1-21. Amendments.**

The Laurel City Council may from time-to-time and upon the recommendation of the City of Laurel Historic Preservation Commission amend this Ordinance, pursuant to Section IX of Ordinance No. 1021-1984.

*Source: Ordinance No. 1116-1988, § 4, 4-19-88*

### **Section 10.1-22. Separability.**

The provisions of this Ordinance 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 Ordinance as a whole or in any part thereof other than the part held void, invalid, or otherwise inoperative.

*Source: Ordinance No. 1116-1988, § 5, 4-19-88*

### **Section 10.1-23. Interpretation.**

In interpreting and applying this Ordinance, 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 Ordinance 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 Ordinance, or which shall be adopted or issued pursuant to the law relating to the use of building or premises and likewise not in conflict with the Ordinance, to interfere with, abrogate, or annul any easement, covenant or other agreement between the parties, except wherein this Ordinance imposes a greater restriction, this Ordinance shall control.

*Source: Ordinance No. 1116-1988, § 6, 4-19-88*

CODE

[THE REMAINDER OF THIS PAGE LEFT BLANK]