ARTICLE III. HISTORIC PRESERVATION*

***Editor's note:** Ord. No. 4288, § 1, adopted Feb. 5, 2006, repealed the former Art. III, §§ 17-30--17-55, and enacted a new Art. III as set out herein. The former Art. III pertained to similar subject matter. For complete derivation see the Code Comparative Table at the end of this volume.

Cross references: Boards and commissions generally, § 2-155 et seq.; flood damage prevention and control, Ch. 10; variance procedures relative to historic structures § 10-29.

State law references: Historic preservation districts and landmarks, Miss. Code 1972, § 39-13-1 et seq.

Sec. 17-30. Short title.

This article shall be cited as the Meridian Historic Preservation Ordinance.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-31. Historic preservation--Purpose.

The purposes and objectives of this article include, but are not limited to, the following:

(1) Safeguarding the local heritage by preserving the cultural, social, economic, political and architectural elements of the local history;

(2) Stabilizing or improving property values in the preservation district by district-wide upgrading of structures and environments, thus elevating the tax base;

(3) Fostering civic beauty by improving the buildings and environmental quality, through preservation and restoration of historic properties;

(4) Strengthening the local economy through preservation work and possible tourist interest and travel in the restored district;

(5) Promoting the use and preservation of historic districts for the education, welfare and pleasure of the residents;

(6) Establishing a program of public, semi-public and private historic preservation activities, to foster coordinated efforts by all sections of the community;

(7) Developing a financial plan using private, public and nonprofit funds to implement the program;

(8) Integrating the historic buildings and sites with the modern environment, realizing that a dynamic community is the result of a variety of visual effects, each complementing and reinforcing the other.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-32. Historic preservation--Authority.

(a) *Regulations.* In addition to any power or authority of the city to regulate by planning or zoning laws and regulations or by local laws and regulations, the governing body of the city is hereby empowered to provide by regulations, special conditions or restrictions for the protection, enhancement, preservation and use of historic properties. Such regulations, special conditions and restrictions may include appropriate and reasonable control of the use or appearance of adjacent or associated private property within the public view, or both.

(b) *Easements.* The city may acquire, by purchase or donation, historic preservation easements in any area within their respective jurisdictions wherever and to the extent that the governing body of the city determines that the acquisition will be in the public interest.

(c) *Exemption from other codes.* In order to promote the preservation and restoration of historic properties within its jurisdiction, the city may exempt a historic property from the application of such standards contained in the life-safety or building codes, or both, if the commission and the building official determine that strict compliance would prevent or seriously hinder the preservation of said historic property and that this exemption will not significantly reduce public safety.

(d) *Definitions.* For the purpose of this article the definition of words and phrases shall be that established by MS Law Section 39-13-2 as may be amended from time to time.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-33. Meridian Historic Preservation Commission--Created.

(a) The City of Meridian does hereby establish a historic preservation commission, hereinafter referred to as "the Meridian Historic Preservation Commission", or "the Commission" or as "the MHPC" or as "the Meridian HPC", pursuant to Section 39-13-5 of the Mississippi Code of 1972 as amended, to preserve, promote and develop the historical resources of the city.

(b) The commission shall consist of seven (7) residents of the city who shall be appointed as for boards and commissions generally with due regard to proper representation in such fields as history, architecture, urban planning, archaeology, real estate, marketing and law.

(c) All members of the commission shall serve at the will and pleasure of the governing authority appointing them and shall serve staggered terms not to exceed six (6) years, and shall be eligible for reappointment. The commission shall employ such qualified staff and counsel as it deems necessary.

(d) The commission shall be and hereby is empowered to promulgate and publish other regulations as it deems necessary and appropriate for the conduct of its business.

(e) All meetings of the commission shall be open to the public and regular minutes recording the "yeas" and "nays" of all votes taken and all exhibits shall be kept and preserved; provided, however, that upon a vote of a majority of the members present, the commission may go into closed session, but only if necessary and for the purpose of maintaining confidentially during a discussion concerning property values.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-34. Same--Authorization.

The commission established by the city shall, upon the approval of the city be authorized to:

(1) Advise the city as to the designation of historical preservation districts and the designation of historic landmarks and landmark sites;

(2) Recommend ordinances or amendments thereto, and otherwise provide the information for the purposes of historic preservation to the city;

(3) Conduct a survey of local historic properties, complying with all applicable standards and criteria of the statewide survey undertaken by the state's department of archives and history;

(4) Acquire fee and lessor interests in historic properties, including adjacent or associated lands, by purchase, bequest or donation;

(5) Preserve, restore, maintain and operate historic properties under the ownership or control of the city;

(6) Lease, sell and otherwise transfer or dispose of historic properties subject to rights of public access and other covenants, and in a manner that will preserve the property;

(7) Contract with the state or the federal government or any agency of either, or with any other organization;

(8) Cooperate with the federal, state and local governments in the pursuance of the objectives of historic preservation;

(9) Participate in the conduct of land use, urban renewal and other planning processes undertaken for historic preservation;

(10) Promote and conduct an educational and interpretive program on historic properties within its jurisdiction;

(11) Enter, solely in performance of its official duties and only at reasonable times, upon private lands for examination or survey thereof. However, no member, employee or agent of the commission may enter any private building or structure without the express consent of the owner or occupant thereof;

(12) Incorporate as a nonprofit corporation.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-35. Same--Appropriations and acquisitions.

The city is authorized under state law to make appropriations to the commission necessary for the expenses of the operation of the commission, and may make available additional amounts necessary for the acquisition, restoration, preservation, operation and management of historic properties. The city may apply to participate in the certified local government program of the National Park Service, which is administered in Mississippi by the department of archives and history and may on behalf of the commission apply for funding from the department of archives and history to supplement funds available from the city itself. The city council shall not acquire by eminent domain any historic preservation properties unless such properties are needed for governmental purposes other than historic preservation.

(Ord. No. 4288, Exh. A, 2-5-2006)

Secs. 17-36--17-39. Reserved.

Sec. 17-40. Historic districts, landmarks and landmark sites--Designation.

The city may establish by ordinance one (1) or more historic districts and/or sites within the area of its jurisdiction. No historic district, districts or sites shall be designated until the following requirements are met:

(1) An investigation of the historical, architectural, archaeological and cultural significance of the buildings, structures, features, sites and surroundings of the proposed districts, landmarks or historic sites shall be made;

(2) A public hearing will be had, after notice, specifying the boundaries of any proposed historic preservation district historic landmarks and landmark sites. Such notice shall be published once a week for at least three (3) consecutive weeks in at least one (1) newspaper published in the city. 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;

(3) No historic preservation district or landmark shall be designated until the state's department of archives and history has been notified by certified letter from the city and invited to make recommendations regarding the proposed district boundaries. When a proposed historic district, or landmark or landmark site boundary deviates from formal legal descriptions, there must be written justification for such a deviation in any local designating ordinance.

(4) Within sixty (60) calendar days after the public hearing held in connection herewith, the city council shall consider the proposal and either designate the proposed area as a historic preservation district, or deny designation of the proposed area as a historic preservation district;

(5) Appeals from such determination by the city council shall be as otherwise required by law as for appeals from zoning decisions by the city council.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-41. Same--Nomination.

(a) A potential historic district or landmark or landmark site may be proposed for designation by either a majority of the members of the commission, or an owner of a potential landmark or landmark site, or an organization which has as one of its central purposes the promotion of historic preservation objectives. If in private ownership, a landmark site must include significant surviving landscape features to qualify for designation unless its primary significance is archeological, and new construction after review and approval, shall be built to fit into such landscape features rather than replace them or shall be designed to avoid insofar as possible an archeological resource rather than replace it. If in public ownership, the commission shall discourage new construction on a site of great significance to the entire community unless the new construction can be located on a portion of the site which will permit a continuing understanding of its historical character and will avoid damage to surviving landscape features or an archeological resource.

(b) Once a nomination has been filed with the commission to designate one (1) or more local properties, a decision on whether to proceed with the designation must be made within six (6)

months. A majority of the commission's members must vote in favor of any proposed designation in order for the file supporting the designation to be sent forward to the city council for its consideration.

(c) No file purporting to justify a proposed designation may be forwarded to the city council unless the commission's recommendation includes a map that clearly delineates boundaries for the proposed designation, a verbal description and justification of the proposed boundaries and a written statement of significance for the historic district or landmark or landmark site proposed for designation.

(d) The commission must notify, as quickly as reasonably possible, other municipal agencies and any appropriate county or state agencies of the designation of a historic district, landmark or landmark site. The commission must maintain in its official files an updated list and map of local designations and provide copies of such a map to other governmental agencies within one (1) week of the preparation of a new version of the map.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-42. Historic districts and landmarks established.

The following historic preservation district, landmarks and landmark sites is hereby established and adopted:

(1) Meridian Downtown Historic District. Beginning at the intersection of the north ROW line of the Illinois Central Gulf Railroad with the centerline of 18th Avenue; and then, southwest along the north line of the IC&G Railroad to its intersection with the centerline of 26th Avenue; and then northwest along the centerline of 26th Avenue to its intersections with the centerline of 6th Street; and then northeast along the centerline of 6th Street to its intersection with the centerline of 19th Avenue; and then southeast along the centerline of 19th Avenue to the centerline of 5th Street; and then northeast along the centerline of 5th Street to the centerline of 18th Avenue; and the southeast along the centerline of 18th Avenue to the point of beginning described above.

(2) The historic landmarks and landmark sites as these are listed on the National Register of Historic Places and as same may be amended from time to time.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-43. Residential districts recognized.

Although six (6) local residential neighborhood historic districts have been listed on the National Register of Historic Places, these districts have not been adopted locally as being included in the area subject to this article. However, this shall not preclude such districts, landmarks and landmark sites from receiving the benefit of federal, state, and local tax abatements, exemptions, credits, grants, endowments or other such incentives for their preservation.

(Ord. No. 4288, Exh. A, 2-5-2006)

Secs. 17-44--17-49. Reserved.

Sec. 17-50. Certificates of appropriateness [COA]--Approval required.

(a) The commission or the city council acting upon the advice of the commission, may approve an application and issue a certificate of appropriateness [COA] if it finds that a proposed construction, alteration, demolition, subdivision or relocation is: consistent with the design review guidelines established by the commission; would be compatible with the character of a historic district or landmark or landmark site; and does not compromise the historic and architectural integrity of the historic district landmark or landmark site.

(b) The city council may require that a property owner post a bond to guarantee satisfactory completion of a relocation project.

(c) A partial demolition shall be considered an alteration.

(d) Applications for a COA shall be denied only upon determination by the commission that the proposed changes would:

(1) Result in such disharmony of scale and/or style between the proposed project and its immediate surroundings and the historic preservation district as a whole as to undermine the architectural integrity and character of the historic preservation district, and inhibit the accomplishment of the purposes of this article; or,

(2) Result in such a change in the architectural design or character of an existing building or improvement as to undermine the architectural design or character of such existing building or improvement, and inhibit the accomplishment of the purposes of this article; or,

(3) Result in the loss or irreparable harm to an existing building or improvement of architectural or historical significance.

(4) In making its evaluation, the commission shall seek to accomplish the purposes of this article and, in particular, to preserve and protect the architectural and historical integrity and character of the historic preservation district or historic site.

(e) The commission shall promulgate and publish such regulations and standards as necessary to inform the public of and to clarify and make certain the criteria by which applications for certificates of appropriateness shall be evaluated.

(f) The commission shall not consider interior arrangement, design, or use nor shall it make any requirements affecting such, except as necessary for the attainment of the purposes of this article.

(g) In cases in which the commission shall disapprove an application for a COA, the written denial thereof shall include specific reasons for such denial and recommendations allowing qualification.

(h) The commission may approve such application in any case where either the owner, or the district would suffer extreme hardship, unless the COA was issued forthwith.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-51. Same--Applicability.

(a) Except as otherwise allowed under this section, after designation as a historic district, landmark or landmark site, no exterior portion of any building or other structure (including walls, fences, light fixtures, steps and pavement, or other appurtenance features), nor above-ground utility structure, nor any type of outdoor advertising sign shall be erected, altered, restored, moved or demolished until an application for a COA as to exterior features and proposed changes thereto has been submitted to and approved by the commission. A COA shall be

required whether or not a building permit is required. The city does herein require such a certificate to be issued by the commission prior to the issuance of any building permit or other approval.

(b) No change in the use of any structure or property within a designated historic district, landmark or landmark site shall be permitted until after an application for a COA has been submitted to and approved by the commission. The city does herein require such a certificate to be issued by the commission prior to the approval of any change of zoning classification within the historic district or of the historic landmark or landmark site.

(c) When small portions of a building or a structure are to be restored, such minor restoration work may be allowed without approval of a COA at the discretion of the building official upon a finding that such restoration will maintain the original historical integrity of the building or structure.

(d) Interior changes shall not require a COA unless the MHPC secretary finds such changes to be incongruous with the historical, architectural, archaeological or cultural aspects of the historic district, landmark or landmark site.

(e) The ordinary maintenance or repair of any structure which does not involve a change in design, material, color or outer appearance thereof, and minor restoration work which maintains the original historical integrity of the structure and any change which the building official or similar official shall certify is required because of an unsafe or dangerous condition may be allowed without benefit of a COA if approved by the MHPC secretary.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-52. Same--Criteria for issuance.

The commission shall adhere to and seek compatibility of structures in the historic district, landmark or landmark site in terms of size, texture, scale, and site plan, and in so doing; the following guidelines shall be considered in passing upon applications for a COA:

(1) *For new construction:*

a. All new construction shall be visually compatible with the buildings and environment with which they are related;

b. The design, scale, gross volume, arrangement, site plan, texture, material and exterior architectural features of new construction shall be in harmony with its surroundings, and shall not impair the "tout ensemble" of the neighborhood;

c. No single architectural style shall be imposed and diversity is encouraged;

d. Quality and excellence in design should be major determinants with the primary goal being the creation of future contributing resources.

(2) *For exterior alterations including signage:*

a. All exterior alterations to a building shall be compatible with the building itself and other buildings with which it is related, as described in subsection (1)b above, and in applying these standards the original design of the building may be considered;

b. Exterior alterations shall not affect the architectural character or historic quality of the building.

(3) *For demolition:* In considering an application for demolition within a historic

district, landmark or landmark site the following shall be considered:

a. The historic or architectural significance of the building;

b. The importance of the building to the "tout ensemble" of the district;

c. The special character and aesthetic interests that the building adds to the district;

d. The difficulty or impossibility of reproducing such a building because of its design, texture, material or detail;

e. The future utilization of the site.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-53. Same--Procedure for issuance.

(a) Prior to issuance or denial of a COA, the commission shall take such action as may be reasonably required to inform the owners of any property likely to be materially affected by the application, and shall give the applicant and such owners an opportunity to be heard.

(b) Anyone desiring to take action within a historic preservation district, landmark or landmark site for which a building or other permit from the city is either required, or not otherwise required, shall apply for a COA directly to the commission by making an application containing:

(1) A description of the subject property and its location within the historic preservation district;

(2) A description of the action sought to be taken;

(3) Explanation of how the action is to be accomplished;

(4) Other information and exhibits as may be required;

(5) And a review fee per the latest adopted fee schedule.

(c) Whether a building permit is otherwise required or not, after a COA has been issued, the city's community development department shall have the authority to inspect the work in progress to ensure compliance with the plans, specifications and other conditions upon which the COA was issued.

(d) Any person may appeal from a ruling of the commission. Such appeal shall be made within thirty (30) days of the date of such ruling, to the city council. The appellant shall file with the commission a notice of appeal, specifying the grounds thereof. The chairman of the commission shall forthwith transmit to the governing authority all papers constituting the record upon which the action appealed from was taken. The final disposition of any such appeal shall be in the form of a decision expressed in a resolution, with reversing, modifying, or affirming, wholly, or partially, the commission's decision or determination. Any person aggrieved at the findings of the city council shall have the right of appeal in the manner provided by law as for zoning decisions.

(Ord. No. 4288, Exh. A, 2-5-2006)

Secs. 17-54--17-58. Reserved.

Sec. 17-59. Certificates of appropriateness--Demolition.

(a) It shall be a violation of this article for the owner of any building or other structure within the established and adopted historic districts, landmarks and landmark sites to undertake or to contract for the demolition of any such building or structure without first having obtained a COA for such demolition.

(b) A historic property designated by ordinance as herein provided may be demolished only after one hundred eighty (180) days' written notice of the owner's proposed action has been given to the commission. During this period, the commission may negotiate with the owner and with any other parties in an effort to find a means of preserving the property. The commission may enter into negotiations with the owner for the acquisition by gift, purchase, exchange or otherwise of the property or any interest therein.

(c) The commission may reduce the waiting period required by this section in any case where it has found reasonable cause for such reduction and said cause is made into record. If a property in a historic district or a historic landmark or landmark site is demolished without review and approval by the commission, the governing authority may require that the owner rebuild on the site using as much of the original building material as possible, but in general following the same form. Unauthorized demolition of a portion of a structure shall not serve as justification for a demolition permit whenever it can be shown that restoration or rehabilitation would still be feasible.

(d) Whenever a structure or structures is demolished without review and approval by the commission, the governing authority may require that no permit shall be issued for any structure or structures proposed for the same parcel which would require a footprint larger than the footprint of the demolished structure or structures.

(5) If a historic landmark or landmark site of statewide or national significance is demolished without review and approval by the commission, the governing authority may require that no permit for any construction on the parcel from which the landmark or landmark site has been removed may be issued for a period of up to twenty-four (24) months.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-60. Demolition by neglect.

(a) "Demolition by neglect" is defined as improper maintenance or lack of maintenance of any property in a historic district, or any historic landmark or landmark site, which results in substantial deterioration of such a property and threatens its continued stability and preservation.

(b) If the commission determines that a historic property is being "demolished by neglect," they shall notify the record owner or owners of the building of this finding, stating the reasons therefore, and shall give the record owner thirty (30) days from the date of the notice in which to commence work rectifying the specifics provided by the commission.

(c) If the work to rectify has not commenced by the thirtieth day, the commission shall again notify the record owner or owners to appear at the next meeting of the commission. If, after reviewing the facts of the case, the commission determines that the historic property is being "demolished by neglect" and that insufficient efforts are being made to preserve the resource, then it shall, through the appropriate officer or agency of the city, bring charges against the owner or owners for the violation of this article.

(d) In addition to the powers specified in MS Law Section 21-19-11(1) for cleaning private property, the city, with concurrence by the Mississippi Department of Archives and History, may make repairs necessary to correct demolition by neglect and the cost of such repairs shall become a lien against the property in accordance with MS Law Section 21-19-11(3).

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-61. Tax exemptions.

Upon favorable recommendation of the commission, the city council may grant exemption from increases in ad valorem property tax resulting from improvements made in historic districts, landmarks and landmark sites pursuant to city Ordinance No. 4246 as amended from time to time.

(Ord. No. 4288, Exh. A, 2-5-2006)

Sec. 17-62. Penalties for violations.

Any person who violates any of the provisions of this article shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars ($10.00) nor more than five hundred dollars ($500.00). Each day that a violation continues to exist shall constitute a separate offense.

(Ord. No. 4288, Exh. A, 2-5-2006)

Secs. 17-63--17-70. Reserved.

Meridian Downtown
Historic Preservation District
11TH ST
11TH ST
27TH AVE
25TH AVE
24TH AVE
23RD AVE
CONSTITUTION AVE
19TH AVE
10TH ST
16TH AVE
4TH ST
17TH AVE
2ND ST
9TH ST
9TH ST
8TH ST
7TH ST
VALLEY ST
18TH AVE
DAVIS ST
6TH ST
27TH AVE
COOPER AVE
5TH ST
C ST
26TH AVE
A ST
24TH AVE