

ORDINANCE NO. 17-59

AN ORDINANCE PERTAINING TO HISTORIC PRESERVATION AMENDING SECTIONS 2.84.020, 2.84.030, 2.84.040, 2.84.070, 2.84.090, 2.84.100, 2.84.130, 2.84.140, AND 2.84.150 AND REPEALING THE EXISTING SECTIONS.

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

SECTION ONE: Section 2.84.020 of the Olathe Municipal Code is hereby amended as follows:

“2.84.020 Definitions. As used in this Chapter, the following words, terms and phrases shall be as defined below:

Alteration means any change to or modification, through public or private action, of any historic resource or any property located within a historic district, including, but not limited to, exterior changes to, or modifications of, a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, new structures, cutting or removal of trees and other natural features, disturbances of archeological sites or areas, and the placement or removal of any object such as signs, plaques, light fixtures, street furniture, walls, fences, steps, plants, and landscape accessories affecting the historic qualities of the property.

Appurtenances and environmental setting means the parcel, as of the date of "historic district" or "historic landmark" designation, on which is located a historic resource. Appurtenances and environmental setting include walkways and driveways (whether paved or not) fences, gateways, open space and waterways. Interiors of structures are included only when a historic resource is designated a historic landmark and the owner consents to the addition of the interior of the structure.

Certificate of Appropriateness means the approval given by the Historic Preservation Board for projects impacting historic landmarks and resources within historic districts.

Certified Local Government (CLG) means a program of the National Parks Service designated to promote the preservation of prehistoric and historic sites, structures, objects, buildings, and historic districts, establishing a partnership between the local government, State Historic Preservation Office (SHPO), a division of the Kansas State

Historical Society, and the National Parks Service. A certified local government carries out the purposes of the National Preservation Act, as amended. Each certified local government is required to maintain a system of ongoing surveys compatible with the SHPO.

Demolition shall mean any and all activity that requires a demolition permit under the provisions of the building code and shall also include any other activity by the owner or any party in possession of a historic resource or historic resource within a historic district which creates or results in the removal, destruction or deterioration of exterior walls, roof, chimneys, doors, windows, porches, steps or trim of interior structures, fixtures and features which would or could cause permanent damage, injury, or loss of or to historically significant exterior or interior features.

Demolition by neglect means the failure to provide ordinary and necessary maintenance and repair to a structure resulting in the deterioration of the structure or resulting in permanent damage, injury or loss to exterior features.

Design criteria means the standard used for issuing a Certificate of Appropriateness. The criteria shall be based upon the Secretary of Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings, or guidelines adopted by the historic district and based upon criteria of the Secretary of Interior's Standards as recommended by the Historic Preservation Board and approved by the respective jurisdiction. Examples illustrating said standards shall be made available by Planning ~~Services~~ [Division](#).

~~**Environs** means the vicinity surrounding any state or federal historic structure, object, or site, and those structures, objects, or sites that directly contribute to the architectural and/or historical significance of a state or federal historic site.~~

Growth Area means the City of Olathe's planning area beyond City limits that is potentially annexable land within its sphere of influence.

Historic district means a group of residential historic resources, consisting of three (3) or more principal use residential structures or a residentially zoned tract of ground five (5) acres or larger which are significant as a cohesive unit and contribute to the historical, architectural, archaeological or cultural values of the City, county, state, or nation which is so designated by the Governing Body. Historic district includes all state and national registered residential districts provided the owner(s) of record consents in writing to the inclusion.

Historic landmark means a historic resource that has been designated, with the written consent of the owner(s) of record, as having historical, architectural, archaeological, or cultural importance or value which the City's Governing Body determines shall be protected, enhanced and preserved in the interest of the culture, prosperity, education and welfare of the public. Historic landmark may also include the interior of a structure with written consent from the owner(s) of record. Historic landmark includes all state and national registered structures provided the owner(s) of record consents in writing to the inclusion.

Historic resource means a site, land area, building, structure or object, including appurtenances and environmental setting, which has historical, cultural, aesthetic, architectural and/or archaeological significance, or is a site, land area, building, structure, or object with potential importance or value.

Maintenance means any cleaning, painting or restoration that does not result in the alteration of a historic landmark, site or structure.

"Original Town" Overlay District Zoning means ~~any the additional zoning standards that functions in addition to the existing land use zoning, as in the case of historic landmark or residential historic district zoning as outlined~~ in ~~Chapter Section~~ [18.52.20.280](#) of the Unified Development Ordinance of the City of Olathe.

Permit means authorization whether by administrative action or actions by the Governing Body and includes, but is not limited to, a building, demolition, moving, zoning, sign, fence, parking lot, roofing, sidewalk, siding, special uses, or swimming pool permit which is issued by Planning [Services Division](#).

Project classification means for the purpose of the Certificate of Appropriateness review procedure, proposed work involving a historic landmark or resource within a historic district shall be classified as major or minor.

1. Major projects include:
 - a. Any undertaking requiring a permit on a national or state register property or historic landmark unless determined minor by Planning [Services Division](#); or a structure within a national or state register district; unless determined minor by Planning [Services Division](#);
 - b. Any demolition permit or moving permit for any structure listed as a historic landmark or historic resource

within a historic district listed in the preservation plan adopted by the Governing Body.

2. Minor project. For the purpose of a Certificate of Appropriateness review, a minor project is any project requiring a permit on a historic landmark or property within a historic district, or state or national register property that proposes repairing or restoring an existing exterior element, or replacing an element or material with identical material and design to that which is existing.

Preservation plan means a document developed, adopted and implemented by the Historic Preservation Board [and the Governing Body](#) that identifies trends affecting and impacting historic resources and provides guidance for their preservation. ~~The preservation plan will include a list of all historic resources, historic landmarks and historic districts within Olathe and the growth boundaries of the City of Olathe. The preservation plan will be a component of the comprehensive plan for the City.~~

Preservation program means the overall program administered by the Historic Preservation Board that involves the implementation of the historic preservation ordinance, the historic preservation plan, and all activities relating to the furtherance of historic preservation in Olathe and the growth area of the City of Olathe.

Repair means any change to, or modification of, any improvement, historic resource or any property located within a historic district, other than removal or alteration, where the purpose and effect of such change or modification is to correct any deterioration or damage to such improvement, or any part thereof, and to restore the same, as nearly as may be practicable, to its condition prior to the occurrence of such deterioration or damage.

Residential means for purposes of historic preservation zoning designation residential shall mean: "RUR," "RR-1," "R-1 through "R-5," "TN," "AG" zoning classifications."

SECTION TWO: Section 2.84.030 of the Olathe Municipal Code is hereby amended as follows:

"2.84.030 Olathe Historic Preservation Board.

There is created and established a board to be known as the "Olathe Historic Preservation Board" of the City of Olathe. The Olathe Historic Preservation Board will hereafter be called the "Historic Preservation Board."

(A) **Scope of duties.** The duties of the Historic Preservation Board are to advise the Governing Body on historic resources and to safeguard the architectural and cultural heritage of the community through the preservation of historic landmarks and historic districts. The Historic Preservation Board may carry out these duties through the identification, documentation and designation of historic resources; development and implementation of a historic preservation plan; administration of ordinances/resolutions governing the designation, alteration and removal of historic resources; assistance with educational programs, economic development and tourism, and coordination of public and private historic preservation activities.

(B) **Compensation.** Members of the Historic Preservation Board shall serve without compensation, but shall be reimbursed by the City for approved expenses incurred in connection with their duties.

(C) **Members.** The Historic Preservation Board shall be composed of seven (7) members, appointed by the Mayor with approval of the Governing Body. All members of the Historic Preservation Board shall live in the City, or own, or be an employee of a business located in the City, or have a substantial interest in historic preservation in the City of Olathe and/or Johnson County. The Historic Preservation Board membership shall be comprised of people who have a demonstrated interest in historic preservation through their community and/or professional involvements. The members of the Board shall be drawn from such backgrounds as architecture, history, landscape architecture, architectural history, planning, archaeology, urban design, neighborhood and community development, geography, real estate, law, finance, building trades or related areas. A minimum of four (4) members shall be preservation related professionals. The Board may include members of the Olathe Historical Society, but shall not be required to include members of the Olathe Historical Society. The Board shall regularly communicate its activities with the Olathe Historical Society so as to avoid duplication of efforts.

(D) **Removal.** The Mayor, with the consent of the Governing Body, may remove any appointed member to the Committee at any time for good and sufficient cause. Cause shall include, but be not limited to, violations of the conflict of interest laws, any violation of any applicable law, regulation or policy, neglect of duty, and failure to comply with the City's attendance policy as set forth in City Council Policy CC-5.

~~(E)D. **Terms.** The initial terms of office shall be as follows:~~

~~One (1) year term ————— Two (2) members~~

~~Two (2) year terms~~ — ~~Two (2) members~~
~~Three (3) year terms~~ — ~~Three (3) members~~

~~Thereafter, all~~ Terms shall be for a three-year period commencing on January 1 and terminating on December 31, three years hence; however, members may serve until their successor has been appointed.

~~(F)~~**E. Officers.** The Historic Preservation Board shall elect a chairperson and one vice-chairperson from its members. The Chief Planning and Development Officer or designee will serve as the secretary of the Historic Preservation Board.

~~(G)~~**F. Meetings.** The Olathe Historic Preservation Board shall meet at least quarterly, with additional meetings upon call by the chairperson or upon petition of a majority of the members. All meetings shall be open to the public and notification shall be given in the official newspaper and to those who request notification. Unless otherwise required herein, ~~five (5)~~ four (4) members present constitute a quorum for the transaction of business. All meetings shall be conducted in accordance with Kansas Open Meetings Act and Kansas Open Records Act.

~~(H)~~**G. Ex-officio members.** The following may serve on the Historic Preservation Board as ex-officio, non-voting members whose presence does not count towards meeting quorum:

- (1) The Chief Planning and Development Officer, Manager or designee.
- (2) The chair or designee of the Olathe Planning Commission.
- (3) The director or designee of the Parks and Recreation Department.
- (4) One member of the Olathe Governing Body.

~~(I)~~**H. Jurisdiction.** The ordinance shall apply to the City of Olathe.

~~(J)~~**I. Committees and subcommittees.** The Historic Preservation Board may establish through its bylaws such committees, including a design review committee, as deemed necessary or convenient to carry out the various functions and duties of the Board. Such committees or subcommittees may be made up of part or all of the members of the Board and may include members outside the Historic Preservation Board and may meet upon such schedule and for such purposes as established by the Board.”

SECTION THREE: Section 2.84.040 of the Olathe Municipal Code is hereby amended as follows:

“2.84.040 Historic Landmark Designation.

The Governing Body may designate certain historic resources as historic landmarks or historic districts. Historic resources located within the City shall be designated by the Governing Body. Such designation shall be in addition to any other zoning designation established in the comprehensive zoning regulations of the City of Olathe known as the “Original Town” Overlay District ([Chapter 18.52 Section 18.20.280](#) of the Unified Development Ordinance). An official register of all historic designations in the City of Olathe shall be created, maintained and filed for public information and use in the office of the City Clerk and Olathe Historical Society.”

SECTION FOUR: Section 2.84.070 of the Olathe Municipal Code is hereby amended as follows:

“2.84.070 Nomination.

(A) The process is initiated when a historic landmark or historic district nomination form is accompanied by the following information and submitted to the Historic Preservation Board. Copies of the nomination form shall be retained by the City Clerk, and Planning [Services Division](#). The nomination form shall include:

(1) A description of the specific historic resource nominated as a historic landmark or a list of specific residential historic resources located within the proposed district boundaries and a description of the particular importance or value of each such historic resource, such description to include the following:

- (a) Approximate date of construction, and dates of major alterations, if known,
- (b) Builder and/or architect, if known,
- (c) Architectural style,
- (d) Primary building materials,
- (e) Current owner of record,
- (f) Legal description of each property;

(2) A map showing the boundaries of the proposed historic district and the location of each structure of importance or value identified by a number or letter designation;

(3) Sufficient photographs of each historic resource proposed as a historic landmark or historic resources listed within the historic district;

(4) Written consent to the nomination by all of the current owners of record of the proposed historic landmark is required.

(5) For a residential historic district, sixty (60) percent of the current owners of record within the proposed residential historic district must provide written consent.

(B) Applications to increase or otherwise expand the boundaries of a residential historic district may be made if one or more of the following conditions are met:

(1) When additional residential historic resources which relate to the historic district are requested for inclusion.

(2) When facts previously undisclosed to or unknown by the Historic Preservation Board are revealed which indicate that a particular residential building or site is possessed of special architectural, archaeological, or cultural character, or economic viability to the district.

(3) When property within a historic district is exempt from the district at the time of district formation or exempt from the district at the time of a sale of the property in accordance with Section 2.84.080.

(C) Applications to reduce the boundaries of a residential historic district may be made when one or more of the following conditions have been met:

(1) When it can be shown that a particular residential building, structure, site, object or land area has no historic, architectural, archaeological, or cultural importance or value to the viability of the historic district.

(2) When it can be shown that no physical, historical, architectural, archaeological or cultural degradation will result from exclusion of property from the district."

SECTION FIVE: Section 2.84.090 of the Olathe Municipal Code is hereby amended as follows:

"2.84.090 Historic Preservation Board.

The Historic Preservation Board shall have the following functions:

(A) The Historic Preservation Board shall familiarize itself with the historic resources within the community and those which may be eligible for designation as historic landmarks or residential historic districts and shall administer the identification, documentation and designation of such historic landmarks and historic districts, and shall present verification of significance to the Governing Body.

(B) The Historic Preservation Board, using the criteria identified herein, shall recommend ~~determine~~ whether certain buildings, structures, land areas, and interiors (only for historic landmarks and with owner consent) should be designated as historic landmarks or historic districts.

(C) The Historic Preservation Board shall administer a Certificate of Appropriateness review according to design criteria as defined to determine whether to grant or deny approval of proposed undertakings.

(D) The Historic Preservation Board shall review and comment on projects which may be determined to pose a threat to an archaeological site as designated by the Kansas State Historic Preservation Office.

(E) The Historic Preservation Board may suggest sources of funds for preservation and restoration activities for acquisition, to include federal, state, municipal, private and foundation sources.

(F) The Historic Preservation Board may recommend incentives for preservation for projects or cases pending before the City.

(G) If the Historic Preservation Board finds that certain historic resources cannot be preserved without acquisition, the Historic Preservation Board may recommend to the Governing Body that the fee or a lesser interest in the property be acquired by gift, or purchase, using funds or facilities available for preservation or restoration.

(H) The Historic Preservation Board shall annually review the status of designated historic landmarks and residential historic districts and include in the Historic Preservation Board minutes a report of such review.

(I) The Historic Preservation Board shall make and recommend ~~adopt~~ a historic preservation plan for adoption by the Governing Body ~~and review and update the plan as needed~~. The plan may include a list of historic resources which may not have attained the status of a historic landmark or as historic district. Within twenty (20) days of a resource listing determination by the Historic Preservation Board, the following shall be provided as administered by Planning ~~Services~~ Division:

(1) Property owners of those sites and structures which are listed as historic resources shall be notified of such listing.

(2) Property owners of historic resources shall be provided the opportunity to concur, or not to concur, with the inclusion of their property in the listing.

(3) Notice of the listing of a property as a historic resource shall be filed with the appropriate office of Johnson County and recorded as an official notice to subsequent property owners.

(J) The Historic Preservation Board may implement a receivership program for conservation easement donations for the purpose of historic preservation. Such easements shall be held by the City and monitored by the Historic Preservation Board.

(K) The Historic Preservation Board may recommend programs and legislation to the Governing Body to encourage historic preservation in the City.

(L) The Historic Preservation Board, upon request of the property owner, may assist in the preparation of national and/or state register nominations.

(M) The Historic Preservation Board, upon request of the property owner, may render advice and guidance with respect to any proposed work on a historic resource.

(N) The Historic Preservation Board may enter into an agreement with the SHPO authorizing the City to make recommendations or to perform any or all responsibilities of the SHPO, ~~including protection of the environs of property included in the national register of historic places or the state register of historic places,~~ all in accordance with the provisions of K.S.A. 75-2724 (e) (1), and amendments thereto, upon a determination by the SHPO that the City has enacted a certified local preservation ordinance, established a local historic preservation board, and is actively engaged in a local historic preservation program.”

SECTION SIX: Section 2.84.100 of the Olathe Municipal Code is hereby amended as follows:

“2.84.100 Procedure for Designation of Historic Landmark and Historic District.

An application for historic landmark and residential historic district designation requires the following procedures:

(A) A historic landmark or historic district nomination form, accompanying material, and for historic districts, historic district preservation guidelines as defined herein, shall be submitted to Planning **Services** [Division](#).

(B) Upon receipt of such nomination, a hearing by the Historic Preservation Board will be scheduled either at its regular meeting or at a special meeting, provided that notice of the meeting shall be published twenty (20) days prior to the date of such hearing. For purposes of holding a hearing to consider designation of a historic landmark or historic district, five (5) members of the Historic Preservation Board shall constitute a quorum. The owner or owners of record of any parcel on which a proposed historic landmark is situated or which is a part of a proposed historic district shall be mailed written notice at least twenty (20) days prior to the hearing relating to the designation of such proposed historic landmark or historic district, the amendment to any designation thereof, or the proposed reduction of any designation or the amendment thereto. Owner(s) consent to the historic landmark or historic district designation is a requirement for such designation to occur. The Historic Preservation Board shall afford a full and fair hearing to all interested persons.

The Historic Preservation Board may solicit expert testimony regarding the historic and architectural importance of the historic resource(s) under consideration for designation. All interested persons may appear in person or by representative and present evidence or comment. The Historic Preservation Board shall make its decision regarding the designation within a reasonable time, no later than fifteen (15) days following the close of the hearing. In the event a member of the Historic Preservation Board shall make application, evidence shall be presented in the same manner as all other persons and the Historic Preservation Board member shall not vote on the matter contained in the application. Four (4) affirmative votes shall be required to constitute a recommendation of approval on any nomination application presented to the Historic Preservation Board.

(C) After consideration and recommendation by the Historic Preservation Board, the application shall be submitted to Planning **Services** [Division](#). The following is required as part of the designation application:

- (1) The Historic Preservation Board recommendation;
- (2) Legal description and map of the boundaries of the proposed designation;
- (3) Completed historic landmark or historic district nomination form and accompanying materials;

- (4) Applicable historic district preservation guidelines as defined herein; and
- (5) A list of property owner(s) of record.

(D) The designation shall be placed on the next possible Olathe Planning Commission meeting agenda for public hearing to consider historic landmark or historic district designation. The same public notices and public hearing as required by law in a zoning case shall be observed. The owner or owners of record of any parcel on which a proposed historic landmark is situated or within a proposed historic district as well as all property owners of record within a two hundred (200) foot radius in the City will be notified of the hearing. At the conclusion of its hearing, Planning [Services Division](#) shall set forth in writing findings of the Planning Commission as to whether the designation is consistent with adopted plans and shall transmit such findings to the Governing Body.

(E) After notice and public hearing as required by law in a zoning case, a historic landmark or historic district may be created by resolution by the Governing Body.

(F) Upon approval of a historic landmark or residential historic district designation resolution by the Governing Body, Planning [Services Division](#) shall cause the official designation and delineation of the property or properties involved.”

SECTION SEVEN: Section 2.84.130 of the Olathe Municipal Code is hereby amended as follows:

“2.84.130 Certificate of Appropriateness Review.

The following procedures and requirements shall apply to Certificate of Appropriateness review:

(A) A permit for any project as defined herein affecting a designated historic landmark or any property within a designated residential historic district shall not be issued to any applicant by Planning [Services Division](#) unless an application for a Certificate of Appropriateness has first been reviewed and approved by Planning [Services Division](#), by the Historic Preservation Board and, if a protest is filed, by the Governing Body. Projects not requiring a permit but which propose to alter features which have been defined in a historic district’s preservation guidelines as requiring protection shall require a Certificate of Appropriateness application. Projects which will or have the potential to damage or destroy historic features of a historic landmark or a historic resource which is located within a residential historic district shall be subject to a Certificate of Appropriateness review.

(B) When applying for a Certificate of Appropriateness, the applicant shall provide plans, specifications or other documentation pertaining to the work as required on the Historic Preservation Board's adopted application forms. A Certificate of Appropriateness application and accompanying materials shall be submitted to Planning [Services Division](#) for review of the application and determination if the proposed work is a major or minor project.

(C) The Historic Preservation Board shall review the application and recommend approval, approval with conditions, or denial within thirty (30) days of the receipt of the application. A fifteen (15) day period for written comments regarding the project shall be provided prior to the Historic Preservation Board's hearing. These written comments shall be directed to the Historic Preservation Board. If approved, and provided that a protest is not filed within five (5) business days, Planning [Services Division](#) shall issue a copy of the Certificate of Appropriateness to the applicant. If an appeal is filed by the applicant or any interested party with Planning [Services Division](#) within five (5) business days of the Historic Preservation Board's action, the Certificate of Appropriateness shall not be issued until the Planning Commission holds a public hearing regarding the application. This public hearing shall be at the next available meeting of the Planning Commission. For the purpose of this section, interested party shall mean an individual or individuals with a legally recognized interest in the real property located within the subject historic district.

(D) A Certificate of Appropriateness for a minor project shall be reviewed and approved or denied by Planning [Services Division](#). If approved, Planning [Services Division](#) shall provide a Certificate of Appropriateness to the applicant. An appeal from a denial of an application for a minor project may be filed with Planning [Services Division](#) within five (5) business days. A public hearing on the appeal shall be at the next available meeting of the applicable governing body.

(E) Ordinary maintenance and repair not otherwise subject to a permit or restricted by the historic preservation guidelines may be carried out without a Certificate of Appropriateness.

(F) If no action has been taken by Planning [Services Division](#) and/or the Historic Preservation Board within thirty (30) days for major projects and within fifteen (15) days for minor projects after date of receipt of the completed application, the permit may be applied for with Planning [Services Division](#).

(G) No significant change shall be made in the work defined in the Certificate of Appropriateness application after issuance of a Certificate of Appropriateness without resubmittal and approval thereof in the same manner provided herein.

(H) A Certificate of Appropriateness may be re-filed provided the request addresses the concerns stated by the Governing Body in its denial.”

SECTION EIGHT: Section 2.84.140 of the Olathe Municipal Code is hereby amended as follows:

“2.84.140 Historic Landmark and Historic District Demolition and Moving Permits.

(A) If an application is received by Planning **Services Division** for demolition or moving of any historic landmark or structure within a residential historic district, the application shall be referred to the Historic Preservation Board for a Certificate of Appropriateness application. Review of such application for a Certificate of Appropriateness shall be as provided herein.

(B) For a project which involves demolition of a historic landmark property or properties within a residential historic district or national and state registered properties, the proponents of such project shall, before doing any of the demolition or work in furtherance of such project, whether or not a building or other permit is required to be obtained to do such demolition work, file an application for a Certificate of Appropriateness for review as provided herein.

(C) After review of Certificate of Appropriateness and upon the recommendation of the Historic Preservation Board and Planning **Services Division**, the Planning Commission shall hold a hearing within thirty (30) days of the Historic Preservation Board’s recommendation. In addition to the recommendation of the Historic Preservation Board, the Planning Commission shall consider the state of repair of the building, the reasonableness of the cost of restoration or repair, owner hardship, the purpose of preserving the designated historic landmark or structure within a residential historic district, alternatives presented by interested parties, the character of the neighborhood, the economic consequences to the City or county and the affected owner(s), and all other factors which it finds appropriate. The owner(s) of the historic landmark or owner(s) of the structure within the residential historic district shall bear the burden of proof demonstrating hardship.

(D) The Planning Commission may approve the Certificate of Appropriateness or deny the Certificate of Appropriateness if it determines that feasible alternatives to demolition or moving of the historic landmark or structure within the residential historic district exist and that in the interest of preserving historical values, the historic landmark or structure within the residential historic district should not be demolished or moved.

(E) In the event of an “emergency” demolition of a historic landmark or a structure within a residential historic district, Planning [Services Division](#) shall notify the Historic Preservation Board as soon as possible.

(F) The Historic Preservation Board shall, in the case of a historic resource, suggest to the owner of the property alternatives to demolition, or if demolition is the conclusive alternative, the Historic Preservation Board shall document or cause to be documented the historic resource with photographs and/or measured drawings. Planning [Services Division](#) shall notify the Historic Preservation Board in the event a permit for demolition is requested for a historic resource.”

SECTION NINE: Section 2.84.150 of the Olathe Municipal Code is hereby amended as follows:

“2.84.150 Review of Demolition Buildings and Moving Permits off/for Historic Resources.

An application to Planning [Services Division](#) for a demolition or moving permit shall require notification to Planning [Services Division](#) if the permit is for a historic resource determined by the Historic Preservation Board to have potential for landmark designation. These resources shall be fifty (50) years or older and meet one or more of the criteria for landmark designation described herein. The following procedure applies:

(A) Demolition and moving permit applications for buildings or structures listed as historic resources or structures within Original Town Olathe that have the potential to be a historic resource will be reviewed by Planning [Services Division](#).

(B) Planning [Services Division](#) may make the determination that a building, site or structure threatened with demolition or removal meets the criteria for landmark designation.”

SECTION TEN: Existing Sections 2.84.020, 2.84.030, 2.84.040, 2.84.070, 2.84.090, 2.84.100, 2.84.130, 2.84.140, and 2.84.150 are hereby repealed.

SECTION ELEVEN: This Ordinance shall take effect and be in force from and after its passage and publication as provided by law.

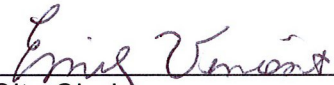
PASSED by the Governing Body this 7th day of November, 2017.

SIGNED by the Mayor this 7th day of November, 2017.



Mayor

ATTEST:



City Clerk



(SEAL)

APPROVED AS TO FORM:



City Attorney

Publish one time and return one Proof of Publication to the City Clerk and one to the City Attorney.