

CITY COUNCIL STUDY SESSION

TO: Mayor and City Council
FROM: Mari E. Macomber, City Manager
SESSION DATE: December 17, 2012
TIME: 4:30 p.m.
PLACE: Second Floor Conference Room

AGENDA:

- **REVIEW COMMUNITY STRATEGIC PLAN**
- **REVIEW BUSINESS LICENSE ORDINANCE**
- **UPDATE ON DOWNTOWN SURVEY AND ORDINANCE FOR DESIGN AND REVIEW GUIDELINES**
- **REVIEW NEWSLETTER**
- **REVIEW COUNCIL AGENDA**

REVIEW COMMUNITY STRATEGIC PLAN

In the early 1990s the community developed its first strategic plan. The Plan's purpose was to give organizations, community groups and citizens some direction and guidance in key community areas (in alphabetical order – central business district; community betterment; economic development; health and human services; housing; recreation and leisure services; schools and education; telecommunications; tourism; and transportation, utilities and Infrastructure). The Plan has been updated 4 times since then.

The Kirksville Area Chamber of Commerce Governmental Affairs Committee has been working over this past year to update the Plan. Each section of the Plan was reviewed and evaluated by a committee of individuals with expertise and interest in that particular topic. Once their input was complete, a public meeting was held at the Kirksville RIII Middle School commons to get community input. The attendance at this event was outstanding and many comments were made regarding the Plan.

Each committee was then asked to consider the community comments incorporating them into the plan as they deemed appropriate.

The Plan is very close to completion. The next step is for community organizations and groups to review the document and consider adopting the Plan as a guide and direction for those nine core areas.

We will take a time on Monday to review the document with the Council and determine if the Council would be agreeable with supporting the document. In the past, the City has been a key supporter of this document and has invested staff time and energy toward its development and implementation.

Recommendation: Review the community strategic plan and determine if the Council would be willing to support the concepts outlined in the plan with the understanding that no city funds will be spent on any project without it being approved through appropriate city processes.

REVIEW BUSINESS LICENSE ORDINANCE

The start of the calendar year is also the time when we prepare the notices for distribution to our business operations. Before we do this, there are a few ordinance changes that we would like to review with the City Council. Some of the changes are to provide a definition for something already found in the ordinance, while a few changes will require more discussion and explanation.

For example, our ordinance outlines which businesses pay gross receipts fees and which ones do not. However, in reviewing the list of businesses our language appears inconsistent with State Statute. In addition, we have learned that the actual practice in place as to who is asked to turn in gross receipts fees is based on whether a business has a sales tax number.

There are other changes which staff will discuss with the Council on Monday. These can be found in the staff report prepared by Finance Director Katie Myers.

Council should be aware that the City Attorney has been asked to review the state statutes and our proposal to insure compliance with Missouri law. All agreed upon changes will only be brought forth for final consideration by the Council if it is determined to be legal under Missouri law.

Recommendation: Review the attached staff report and current sections of the business license ordinance relating to gross receipts fees. The easiest approach is to follow state law.

UPDATE ON DOWNTOWN SURVEY AND ORDINANCE FOR DESIGN AND REVIEW GUIDELINES

For some time we have been working on the development of Design Standards for use within the downtown area to aide in determining what would be allowed for new construction and renovations to existing buildings. The proposal went through the KHPC and was then sent on to Planning and Zoning. A question was raised at this Commission level as to whether or not affected property owners should have been notified through a formal certification process. Upon receiving this question, staff asked that the matter be discussed with the City Attorney. Though there was some concern

about the notification process there were about seven property owners in attendance who shared their concerns with the Commission.

This information was then discussed by the Council and the Council determined that the approach should lean more toward guidelines for existing construction and an ordinance for new construction.

City staff has been working on a revised survey to send out to the downtown property owners to obtain their input on whether or not they would like to see guidelines or more restrictive standards through an ordinance.

Included for your review is the proposed survey. This survey has been reviewed by both the KHPC and Planning and Zoning Commissions. In addition, the revised ordinance that would require new construction to follow a review process is also included.

Recommendation: The Council is being asked to become familiar with this information in the event you are asked questions about the survey and its purpose and so that you can make an informed decision when an ordinance is presented to you.

NEWSLETTER REVIEW

REVIEW COUNCIL AGENDA

Attachments

- Staff Report Business License Ordinance
- Downtown Survey
- Downtown Design and Review Ordinance

Enclosure

- Community Strategic Plan

KIRKSVILLE CITY COUNCIL STUDY SESSION ATTACHMENT

SUBJECT: Business License Ordinance

STUDY SESSION MEETING DATE: December 17, 2012

CITY DEPARTMENT: Finance

PREPARED BY: Katie Myers, Finance Director

The current wording of the business license tax has caused some confusion on when a business has to pay a gross receipts fee as part of the business license tax. Currently, if a business holds a sales tax identification number, then on a quarterly basis, the business clerk sends the business a gross receipts fee form. The definition of gross receipts fee in the ordinance is "Fee based on gross receipts...". The definition of gross receipts is "Gross revenue, gross proceeds, gross annual commissions and fees from business transacted or carried on within the city, including retail and wholesale, except state and federal direct excise, sales, use and gasoline taxes." By using the sales tax identification number, the department has identified businesses selling tangible property only and has not captured services that are also taxable. It has also caused business that are listed under "No gross receipts fee" sections of the ordinance to have to pay a gross receipts fee because they have a sales tax identification number.

The current ordinance is structured in a way that prohibits gross receipts fees on certain businesses that are not restricted by the Missouri State Statutes.

The discussion today is whether to change the ordinance so that the city collects gross receipt fees on eligible businesses per the Missouri State Statutes or to structure the department practices to follow the current ordinance.

The following definitions will be added to the current ordinance:

Electrician. Any person who installs, operates, maintains, or repairs electric devices or electrical wiring.

HVAC Technician. An HVAC technician is responsible for installing and maintaining heating, air-conditioning and ventilation equipment. An HVAC Technician is not a Plumber.

Plumber, A person who fits and repairs the pipes, fittings, and other apparatus of water supply, sanitation, or heating systems. A plumber is not an HVAC Technician.

Sale of business. A business will be considered sold if it is a sole ownership or partnership that has an ownership change.

Taxable Services. Services that are generally presumed taxable unless specifically exempted by law.

When an applicant does not follow thru with a business application or is denied a license, the fee is refunded. Costs are incurred to process applications and to refund the fee. The license fee should cover the cost of the application process and not be refundable. The following wording would need to be added:

(f) No refund shall be made on any license fee or investigation fee imposed under this chapter due to the applicant's inability to file all required paperwork with the city clerk.

The following section would be eliminated:

~~(1) Certain fees refunded. The city clerk shall, upon disapproval by the city council of any application submitted under the provisions of this chapter refund all fees paid in advance, other than the investigation fee to the applicant; provided, that the applicant is not otherwise indebted to the city. If the applicant is indebted to the city, such fees tendered shall be retained by the city, to be applied against such indebtedness.~~

Currently, the ordinance says the city clerk "shall consider" the convictions for the following offenses. The practice is to automatically deny the application. Adding the bolded wording will eliminate her ability to choose which applicants it would affect.

(1) Character. Be of good moral character. In making such determination the city clerk shall consider:

- a. All convictions, the reason therefore and the demeanor of the applicant subsequent to the applicant's release. Any prior misdemeanor or felony conviction within five (5) years of the date of the application involving the offense of theft, stealing, fraud or deceptive practices, or involving an offense relating to the conduct of the business or occupation for which the license is sought **will cause the city clerk to deny the applicant a business license.**

To align the City application process with the Missouri State requirements, the following wording will clarify who is authorized to sign the application for the business seeking a license:

(e) Signature. The application must be signed by the owner, if the business is a sole ownership; by a partner, if the business is a partnership; or by a reported officer or agent, if the business is a corporation. The signature must be of the owner, partner, officer, or agent reported on the application.

A circumstance occurred this year which caused some confusion on when a business has to obtain a new license when a business is sold. The following bolded wording will help the City obtain licenses from businesses that sell their business. It will require the

previous owner to notify the new owner that a new business license will need to be obtained from the City.

g) Indefinite cessation of operations. The licensee shall 1) notify the city in writing of sale of business or indefinite cessation of business operations in Kirksville, and 2) surrender the license within seven (7) days of doing so, **and 3) if applicable, notify the new owner to file an application with the city.**

Sec. 14-19. - Fee based on gross receipts generally.

(a) Unless otherwise provided, every person engaged in a business on which the gross receipts fee shall be assessed, shall pay fifty cents (\$0.50) per one thousand dollars (\$1,000.00) on gross receipts exceeding thirty thousand dollars (\$30,000.00). A penalty charge of one and one-half (1½) percent per month shall be assessed as a penalty for delinquent payment of gross receipts fee.

(b) All persons engaging in a business on which the gross receipts fee shall be assessed, shall submit quarterly reports to the city clerk on forms provided by the city of their gross receipts for each period.

(c) The quarterly reports are due not later than January 30, April 30, July 30 and October 30 of each year.

(Ord. No. 11950 § 1, 2-7-2011)

Sec. 14-20. - Gross receipts fee required, no performance bond.

(a) All persons, merchants, agents, peddlers, salesmen, businesses, or their representatives, before offering any item, product, merchandise, service or commodity for sale shall make application for renewal or new annual license, and such person may commence business upon issuance of such license.

(b) No renewal application will be accepted or renewal license issued unless in compliance with the provisions of subsection [14-33\(c\)](#).

(c) Gross receipts fee shall be imposed upon all businesses located within the city engaged in the business of selling tangible personal property or rendering taxable services at retail or wholesale as set out in [section 14-19](#)

(d) The annual license fee applicable to all businesses subject to this section is ten dollars (\$10.00), with the following exceptions:

- (1) Billiard parlors, each table\$10.00
- (2) Bowling alleys, each alley10.00
- (3) Dairy products, wholesale distribution35.00

(Ord. No. 11950 § 1, 2-7-2011)

Sec. 14-21. - Performance bond required, no gross receipts fee.

(a) All persons, merchants, agents, repairmen or their representatives listed below, unless a member of a licensed firm in another section, shall, before repairing or installing any item, product, merchandise, service or commodity, make application for renewal or new license, pay the ten dollar (\$10.00) investigative fee, if applicable, and the annual license fee. Such person may commence business upon issuance of the license.

(b) No renewal application will be accepted or renewal license issued unless in compliance with the provisions of subsection [14-33\(c\)](#).

(c) Besides the annual license fees set out below, each of the persons, merchants, agents, repairmen or their representatives listed below shall be required to post a performance bond or certificate of liability insurance with the city, but shall not be required to pay a gross receipts fee on their gross receipts as set out in [section 14-19](#)

..... (1) Plumbers, unless doing work for and employed by a licensed plumbing firm
\$25.00

(2) Contractors, general contractors, subcontractors, builders, or carpenters who perform work on, upon or within public rights-of-way and/or public property
\$25.00

... (3) Electricians, unless doing work for and employed by a licensed electrical firm
..25.00

(4) Contractors, electricians, and plumbers. Testing is required for those persons applying for a new license. The cost for taking the first test of each occupation is included in the cost of the license, whether it be for an individual or for a company. If the applicant does not pass the initial test, any subsequent test will require a ten dollar (\$10.00) fee.

(d) Every person engaging in a business for which a performance bond shall be required shall, in addition to the license fee provided for in this section, deposit with the city clerk a surety bond in the sum of one thousand dollars (\$1,000.00), unless otherwise specified, executed by a surety company authorized to transact business in the state, conditioned upon the faithful compliance with the provisions of this article and other ordinances of the city. Such bond shall also be conditioned to indemnify or reimburse the city or any purchaser of goods, wares, merchandise or services in a sum equal to the amount of any payment for damage, which the city may suffer or which such purchaser may have been induced to make through misrepresentation or fraud.

(e) In lieu of such a performance bond, every person engaging in a business for which a performance bond would otherwise be required, may deposit with the city clerk a certificate of liability insurance in an amount not less than twenty-five thousand dollars (\$25,000.00).

(f) In the event that any such person shall fail to deposit such a performance bond or certificate of insurance with the city clerk as herein provided, or in the event that any such performance bond or certificate of insurance deposited with the city clerk shall be cancelled, then the license of such person to engage in such business shall be subject to immediate revocation.

(Ord. No. 11950 § 1, 2-7-2011; Ord. No. 11988, § 1, 1-23-2012)

Sec. 14-22. - Neither performance bond nor gross receipts fee required. 

(a) All persons, merchants, agents, peddlers, salesmen, businesses, or other representatives listed below, before offering any item, product, merchandise, service or commodity for sale shall make application for renewal or new license, pay the ten dollar (\$10.00) investigative fee, if applicable, and the annual license fee. Such person may commence business upon issuance of the license.

(b) No renewal application will be accepted or renewal license issued unless in compliance with the provisions of subsection [14-33\(c\)](#).

(c) This section is applicable to businesses whose revenues are based on fees or commissions for services provided for hire or to a manufacturing business of any kind, with the exception of those professions so named under RSMo. § 71.620. These businesses shall not be required to post any performance bond with the city nor pay any gross receipts fee on their gross receipts, unless otherwise specified.

(d) The annual license fee applicable to all businesses subject to this section is ten dollars (\$10.00), with the following exceptions:

- (1) Advertising on walls, buildings, fences and billboards, per display\$10.00
- (2) Auctioneers (who maintain a business office in the city)25.00
- (3) Automatic selling machine or devices, each machine1.00
- (4) Banks, banking corporations, trust companies, savings and loan associations, brokerages, brokers100.00
- (5) Hairdressing shops and schools, manicurists, masseurs, annual fee and first chair10.00 Each additional chair5.00
- (6) Sale barns (cattle or general), stockyards100.00
- (7) Contractors, general contractors, subcontractors, builders, repairmen or carpenters, who do not perform work on, upon or within public right-of-way and/or public property 25.00
- (8) Finance companies150.00
- (9) Garbage and trash haulers, whether with established daily or weekly routes or for occasional hire Sanitary closed-in metal covered disposal bed or properly covered bed, each truck\10.00
Truck bed covered per ordinance, each truck\25.00
- (10) Guarantors of land titles50.00
- (11) Health school50.00
- (12) Hotels and motels, each room1.00
- (13) House movers (movers shall possess applicable state motor vehicle license, in addition to: purchase from the city an individual permit and license for each house, dwelling or building of six hundred fifty (650) square feet or more to be moved at a cost of one hundred dollars (\$100.00) for such structure; purchase from the city an individual permit and license for each garage, shed or small building of less than six hundred fifty (650) square feet at a cost of twenty-five dollars (\$25.00) for such structure. Such mover shall also provide a performance bond of two thousand five hundred dollars (\$2,500.00) for each structure of over six hundred fifty (650) square feet to be moved and a performance bond of one thousand dollars (\$1,000.00) for each structure under six hundred fifty (650) square feet to be moved as well as use of proper warning devices, flares and proceed only with a police escort and otherwise comply fully with the provision of [chapter 15](#)25.00
- (14) Insurance agency, with up to two (2) member insurance agents10.00
Each additional resident member agent\5.00
Each additional itinerant or nonresident member agent\25.00

- (15)Laundromats and self-service laundries, each laundry machine and dryer
.....1.00
 - (16)Laundry agencies50.00
 - (17)Manufacturers and manufacturing business25.00
 - (18)Movie theaters and drive-ins (besides applicable concession license)
Each seat\ .10
Each drive-in stall\ .25
 - (19)Newspaper publisher50.00
 - (20)Radio station50.00
 - (21)Real estate agencies maintaining a business office in the city with up to two
(2) member realtors10.00
Additional local resident members or salesmen, each\5.00
Additional itinerant members of salesmen, each\25.00
 - (22)Real estate agents (who maintain a business office in the city)10.00
 - (23)Real estate brokers (who maintain a business office in the city)10.00
 - (24)Real estate salesmen (who maintain a business office in the city)10.00
 - (25)Slot machines, each machine1.00
 - (26)Storage warehouses for rental, each unit10.00
 - (27)Television stations100.00
 - (28)Theatrical agents25.00
 - (29)Vending machines, each machine1.00
- (Ord. No. 11950 § 1, 2-7-2011)*



December 14, 2012

To: Downtown Property Owner

re: Survey of Property Owners for a possible Kirksville Downtown Design & Review Ordinance

For the last several years, the City of Kirksville has been working to help property owners promote the downtown area, and do what we can to improve the area and make it more appealing to shoppers. Several years ago, consultants were hired to provide ideas on what it would take to improve the downtown area. Several entities worked together as the Steering Committee on the Improvement Plan for 1999: Truman State University, AT Still University, the Kirksville Downtown Improvement Committee, and the City of Kirksville. In 2004, a partnership of the TIF Commission, AT Still University, Truman State University, the City of Kirksville, the Kirksville Downtown Improvement Committee, Downtown Business Owners, and Citizens of Kirksville hired another company to see what should be done to improve the downtown. Then, in 2008, the city was designated as a DREAM community (Downtown Revitalization and Economic Assistance for Missouri) by the State.

All of these studies and surveys of the downtown told us the same thing: there needs to be something that controls or regulates the type of construction and building changes downtown. This will ensure the style and character of the downtown goes in the right direction to stay coherent, and that it does not turn into a hodgepodge of building styles and appearances. The results indicated that the older style metal awnings should be removed and that metal siding on existing buildings should be removed to bring out the historic materials and appearance.

Fourteen years after the first recommendations were received, we are still struggling with what to do. Some property owners have indicated that they are not interested in removing awnings and building siding. Other property owners have completely renovated their buildings in order to feature their historic looks.

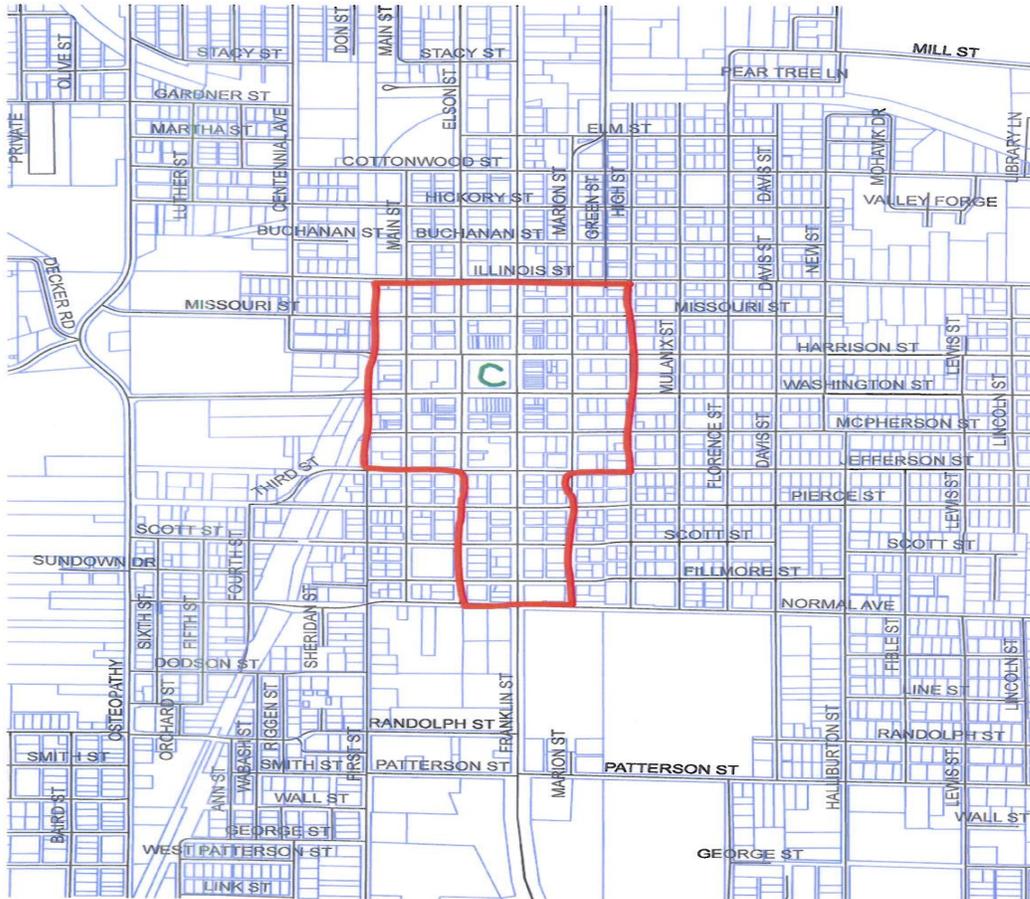
The Kirksville Historic Preservation Commission (KHPC) and the Planning and Zoning Commission (P&Z) have both discussed the idea of design guidelines for downtown buildings. It has been proposed that a new survey be sent to property owners in the designated downtown area to get their opinions of what, if anything, should be done. That survey is enclosed with this letter.

The proposal that is being put forward at this time is to regulate **new construction only** by proposing and approving a new city ordinance. New construction is defined as a completely new building, or the expansion of an existing building that increases the foot print area.

Getting approval for the remodeling or changing of the facade or exterior of any **existing** downtown building is not being contemplated at this time, unless the survey reveals that property owners are in favor of this.

For owners who want to remodel the exterior of their building or façade, a list of “Kirkville Downtown Design Guidelines” has been proposed as “suggestions or advice”. It is for those who are interested in retaining the historic look and architecture of their building. This is not an ordinance. These are guidelines only, with no requirement for property owners to comply with them. A copy of this is available in the Codes Department at City Hall.

Please, fill the survey out with your opinions and either mail it to: City of Kirksville, Attn: Brad Selby, 201 S. Franklin St., Kirksville, MO 63501, OR, you may drop it off at City Hall, 2nd floor, to Sonya Ray, Codes Department Administrative Assistant. All surveys should be returned by: **January 24, 2013.**



Property Owners Downtown Survey

Name (Optional): _____

1. As a Downtown Property Owner, do you want new construction in the downtown area to be sympathetic to the existing early 1900's architecture? By sympathetic, we mean "construction that complements the existing architectural styles".

Yes

No

Comment: _____

2. Do you believe that the value of your downtown buildings is enhanced because of their location and the architecture of the area?

Yes

No

Comment: _____

3. If an open lot suddenly appeared next to your downtown property location, and the owner wanted to construct a metal "pole-barn" type building to be used as a business of some type, would you:

be in favor?

be opposed?

None of my business.

Comment: _____

4. If the metal "pole-barn" type building was built next to your property, would it:

lower your property value?

raise your property value?

not change your property value.

Comment: _____

5. As a Downtown Property Owner, would you be in favor of an ordinance that would regulate and control the appearance and remodeling of all exterior building features for **existing buildings**, as well as new construction?

Yes, for existing and new construction

No, just for new construction only

No, not for anything.

Comment: _____

6. As a Downtown Property Owner, are you in favor of some type of regulation or enforcement ordinance for the construction of **new buildings only**, to help ensure that new construction complements the architecture and appearance of existing buildings? (A draft of a proposed ordinance for new buildings is enclosed in your packet.)

Yes

No

Comment: _____

7. If your answer to #6 above is yes, would you be willing to come to a public hearing before the Planning and Zoning Commission to show your support for this type of ordinance?

Yes

No

No, but I would appear and voice my opposition to it.

Comment: _____

8. The City of Kirksville's goal for this project is to improve and enhance the downtown area as a destination for shoppers. It is also to protect the investments of property owners who renovate their downtown buildings, from those who might build structures that severely conflict with downtown architecture and appearances. Do you think the City is:

not doing enough to support the downtown area with efforts like the above?

doing too much with guidelines? Should not get into this at all.

doing things about right.

Comment: _____

9. The map shown in the enclosed packet of information shows the area of "Downtown Kirksville". Generally, this is 2 blocks in any direction from the square, which we feel is the traditional downtown area, and a "tail" that goes down Franklin Street to Normal Street, between Elson and Marion Streets. Some people feel that this "tail" on the downtown area should be included with the proposed area because it is seen as the "gateway" to the downtown. Do you agree?

Yes

No

Comment: _____

10. If an ordinance to regulate only new construction goes forward to the city council for approval, the entity that would approve any new construction and appearance for a new building would be the members of the KHPC. At one time, a 2-person committee of the KHPC would have done this. Now, it is proposed that the whole KHPC membership would approve/disapprove any applications for construction. Do you agree that it should be a quorum of the 7 member commission making these decisions in a public meeting, if a city ordinance is passed?

Yes

No

Comment: _____

11. What other information would you like the KHPC or the P&Z to know about your opinion on this subject?

_____ Thank you for taking the time to fill out the survey. Additional comments can be put on another sheet of paper, if necessary. **Please return this survey by January 24, 2013.**

2013 Design & Review Ordinance

Final Proposed – 12-14-12

1. Purpose

The purpose of the Downtown Design and Review Ordinance is to ensure that new buildings constructed in the designated area of Downtown Kirksville complement the appearance of other buildings in the area and that materials, color, and general appearance is approved by the Kirksville Historic Preservation Commission (KHPC) before permits can be obtained and construction could begin.

2. Definition

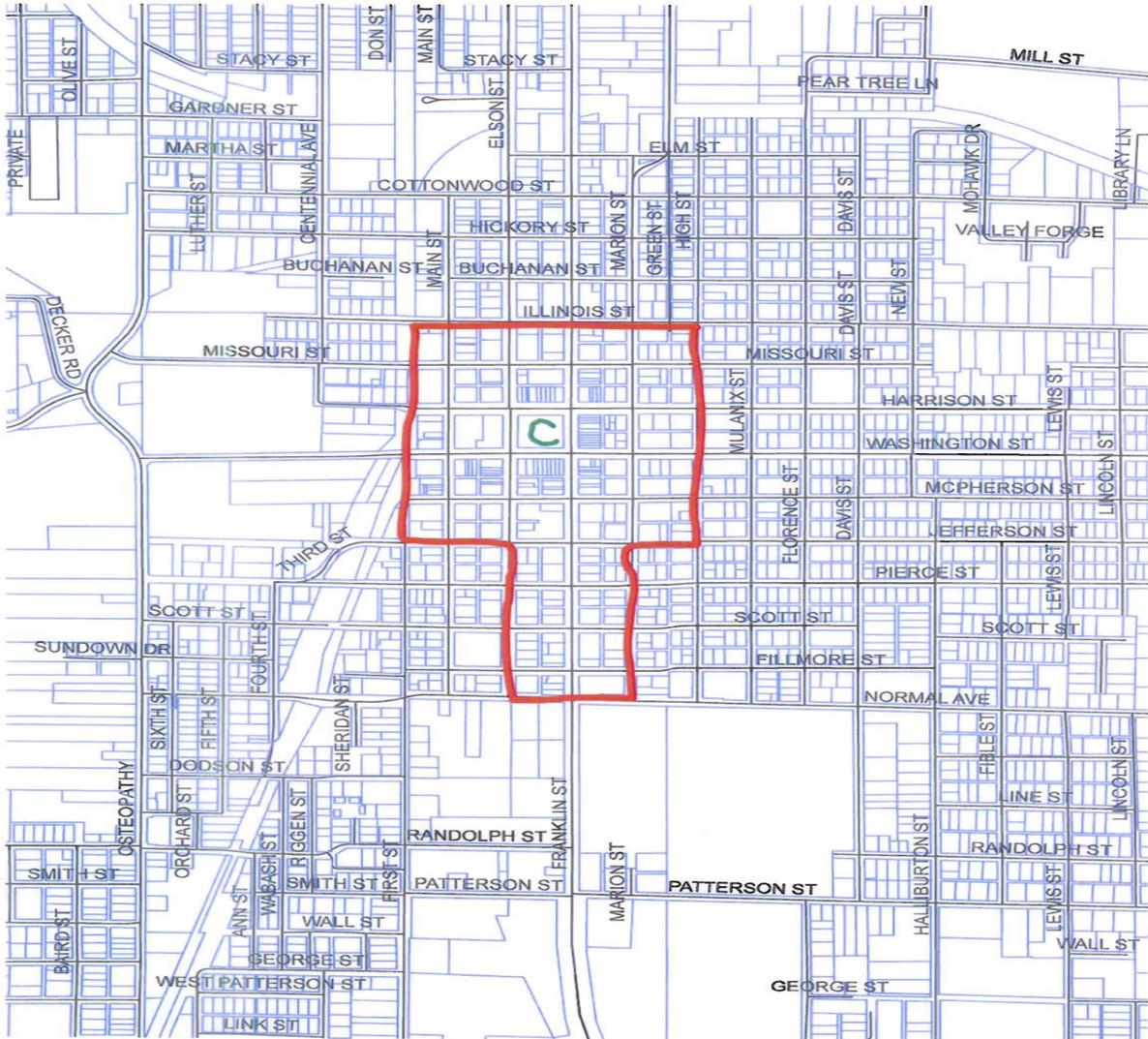
The definition of “new buildings” means any construction starting from the ground up, including the expansion of existing buildings that increases the footprint area of the existing building. Approval for construction would be required only for the new building’s additional square footage. Approval by the KHPC for the Design & Review Ordinance would not be required for modifications to the original, existing building. A building permit, depending on the work being performed, may still be required.

3. Application

The Downtown Design & Review ordinance applies to all buildings in the designated area of Downtown Kirksville, except those that are currently 1- or 2-family homes. If a 1- or 2-family home in the designated area is torn down to make way for new construction, or is converted to a multi-family home, apartment building, or commercial building, they must meet the requirements of the Downtown Design & Review Ordinance.

4. Designated Area of Downtown

The downtown area of Kirksville, Missouri affected by this ordinance includes that part of the City that is contained within the following area: Beginning at the intersection of Normal Avenue and Elson street; continuing north up Elson Street to Jefferson Street; then West on Jefferson Street to First Street, then north on the old Norfolk and Western Railroad right-of-way to Illinois Street, then East on Illinois Street to High Street, then South on High Street to Jefferson Street, then West on Jefferson Street to Marion Street, then South on Marion Street to Normal Avenue, then West on Normal Avenue to the place of beginning, at the corner of Elson Street and Normal Avenue.



5. Kirksville Historic Preservation Commission responsibilities for Design and Review
 - a. The KHPC is responsible for reviewing applications for approval of new buildings or on the expanded footprints of existing buildings. Persons seeking approval for any of this new construction should bring appropriate plans, colors, drawings, or pictures of materials to the Codes Department of City Hall. Once enough information has been provided to the Codes & Planning Director so that he believes the KHPC will have appropriate information in order to make a decision on the project, he will let the applicant know when the next available meeting of

the KHPC will take place, or if necessary, would attempt to schedule a Special Meeting for the KHPC.

b. KHPC members, in a regular or special meeting, as long as a quorum is present, will review the information provided. The KHPC members will decide by majority vote if the project is approved or disapproved. If the project is approved, the applicant would then be able to obtain a building permit for the work. If the project is not approved, the KHPC will provide a written statement of the modifications necessary to the plan for it to be approved at a later time. The KHPC may approve a project with stated stipulations or requirements that would include agreed upon changes. Any results will be provided and documented in the meeting minutes.

6. Codes Department Responsibilities

a. The Codes Department inspectors will be responsible for ensuring that if the building plans are approved, that they are then in fact followed by the building contractor and constructed per the KHPC's approval requirements.

7. Design & Review Considerations

a. The following areas of construction and building materials and processes will be considered and reviewed by the KHPC for approval of new construction in the designated downtown area. These are intended to guide the efforts of the KHPC in determining compatibility with existing architecture and buildings and ensuring that new construction does not conflict with existing buildings and architecture. The KHPC has a wide latitude in determining the overall acceptance or non acceptance of how these apply to the project, on an individual basis.

1. New construction should be sympathetic to the architecture of the surrounding buildings so it does not conflict or detract from the features or architecture of adjoining buildings or other buildings in the area.
2. Buildings should be constructed of traditional materials. New materials with the look of traditional materials will be considered.
3. Vinyl siding and metal fascia is generally discouraged.
4. Building main entrances should be oriented to the street.
5. An attempt should be made to reflect the height of adjacent buildings. If the heights of the buildings on each side of a site are different, it is suggested to aim for the average height.
6. Any side of a building that is visible from a street or sidewalk should have windows. Blank walls detract from the streetscape.
7. Window trim should be finely crafted and appropriate for the style of the building.
8. Colors should be complementary with surrounding buildings. Color should be used to tie building elements together. This is usually most successful when a maximum of three colors is used. Elaborate color changes within a decorative surface is not aesthetically desirable.
9. Additions should attempt to match adjacent existing buildings in terms of shape, proportion, mass, materials, and colors.
10. New additions should be located so there is the least possible loss of original materials and so that character defining features are not obscured.

11. New additions should be designed in a manner that makes clear what is historic and what is new, while still being sympathetic to and not conflict with adjacent and other structures in the area.
8. Appeals to Kirksville City Council
If the Kirksville Historic Preservation Commission denies an application for a building project in the designated downtown area, the KHPC shall work with the applicant to arrive at a mutually satisfactory alternative to the proposed activities. If an agreement cannot be reached, the applicant may file with the Codes and Planning Director a written appeal to the Kirksville City Council. In acting upon the appeal, the Council may grant a variance from the strict interpretation of this article when such will not materially affect the health or safety of the applicant and general public.

End.