

AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA AMENDING CHAPTER 22 (ZONING ORDINANCE), ARTICLE XI, SPECIFIC DISTRICT REGULATIONS, SECTION 429.3 IN DEFINITIONS DELETING CONSERVATION AND ADDING ORIGINAL, PERIOD OF SIGNIFICANCE, RELOCATION, SECRETARY OF THE INTERIOR STANDARDS OF HISTORIC BUILDINGS; EDITS FOR CONSISTENCY OR CORRECTIVE PURPOSES; ADDING WRITTEN DENIAL REQUIREMENT; ADDING SEVEN DAY NOTICE; EXTENDED TIME LIMIT OF COA FROM SIX MONTHS TO TWELVE MONTHS; RESTRUCTURING EXCEPTIONS TO ADMINISTRATIVE BYPASS; AND PROVIDING FOR THE SEVERABILITY THEREOF.

NOW THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA:

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- § 1. That, Section 429.3 of Chapter 22 of the Zoning Ordinance of the City of Norman, Oklahoma be amended as follows:

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SEC. 429.3 - HD, HISTORIC DISTRICT

1. Description and Purpose. The Historic District Ordinance, hereinafter referred to as the "HDO", and its regulations may be applied to property located in any zoning district in accordance with the provisions of this Ordinance. The HDO is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel.

The City of Norman hereby declares that the historical, architectural, cultural, and aesthetic features of the City represent some of the finest and most valuable resources of the City, and such resources are the embodiment of the heritage of the people of the City of Norman. Therefore, it is hereby declared that the purposes of this Ordinance, to be known as the Historic District Ordinance, shall be as follows:

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- (g) To safeguard the heritage of the City by preserving and regulating historic district structures in such a way that maintains or restores their historic integrity while allowing modern day uses and conveniences for their residents.
2. Definitions. As used in this chapter, unless the context otherwise requires, the following words or phrases have the meaning listed:
- (a) Addition – construction that increases the size of the original structure by building outside of the existing structure. Additions can be either horizontal or vertical.

- (b) Alteration – an act that changes one or more of the exterior architectural features of a structure or its appurtenances, including but not limited to the erection, construction, reconstruction, or removal of any structure or appurtenance.
- (c) Appropriate – typical of the historic architectural style, compatible with the character of the historic district, and consistent with the Preservation Guidelines of the City of Norman.
- (d) Architectural Resources - districts, structures, buildings, monuments, sites, or landscaping which possess local interest or artistic merit or which are particularly representative of their class or period, or represent achievements in architecture, engineering, or design.
- (e) Certificate of Appropriateness (COA)_- the official document issued by the Historic District Commission approving any application affecting the exterior of any structure designated by the authority of this Ordinance for permission to construct, erect, demolish, remove, relocate, reconstruct, restore, or alter said structure.
- (f) Commission – The Historic District Commission of the City of Norman.
- (g) Compatible – means a design or use that does not conflict with the historical appearance of a building or district and does not require irreversible alteration.
- ~~(h) Conservation—the sustained use and appearance of a resource essentially in its existing state.~~
- ~~(hi)~~ Contributing Resource – means a resource—a building, site, or district—that retains its essential architectural integrity in design and whose architectural style is typical of or integral to a historic district.
- ~~(ij)~~ Elevation – an exterior wall of a structure.)
 - 1. *Front elevation* – the façade or face of a structure which is visible and prominent from a public right-of-way and which often has distinguishing architectural features. Structures on corner lots shall be considered to have two front elevations. No structure shall be considered to have more than two front elevations.
 - 2. *Side elevation* – a wall adjacent to the front elevation that is usually visible from a public right-of-way.
 - 3. *Rear elevation* – an elevation parallel to the front façade; the rear elevation usually includes the back door of the structure.
 - 4. *Primary elevation* – the front or side elevation of a structure.

5. *Secondary elevation* – the rear elevation of a structure.

- (jk) Façade – the front wall or face of a building.
- (kl) Historic District - a geographically definable area with a concentration or linkage of significant sites, buildings, structures, or monuments; or, an individual structure, building, site or monument which contributes to the cultural, social, political, or architectural heritage of the City of Norman.
- (lm) Historic Preservation Officer – the chief staff person responsible for historic preservation in the City of Norman’s Planning and Community Development Department.
- (mn) Historic Property - ~~the term shall mean~~ any individual structure, building, site or monument which contributes to the historic, architectural, archeological and/or cultural heritage of the City of Norman, Oklahoma as determined by the Historic District Commission.
- (no) Historic Resources - sites, districts, structures, buildings, monuments, major landscape features that represent facets of history in the locality, state or nation; places where significant historical or unusual events occurred; places associated with a personality or group important to the past.
- (op) Infill construction – construction on property between or adjacent to existing buildings.
- (pq) In kind – to replace existing materials or features with materials of identical ~~appearance~~ design, size, texture and/or composition. (see also: matching)
- (qr) Landmark – an individual structure, building, site, or monument that contributes to the historical, architectural, or archaeological heritage of the city.
- (rs) Matching – In historic rehabilitations, the use of replacement materials that are identical to the original in composition, size, shape, and profile. (see also: in kind)
- (st) National Register of Historic Places - ~~the term shall mean~~ the national list of districts, sites, buildings, structures, and objects significant in American history, architecture, archeology, engineering and culture, maintained by the Secretary of the Interior under authority of Section 101(a)(1)(A) of the National Historic Preservation Act, as amended.
- (tu) Non-Contributing Resource – A building, structure, or site that does not add to the historic significance of a property or district, and which detracts from the visual integrity or interpretability of an historic district.

(u~~v~~) Ordinary Maintenance and Repair – Work meant to remedy damage or deterioration of a structure or its appurtenances, and which will involve no change in materials, dimensions, design, configuration, ~~color~~, texture or visual appearance to the exterior of an historic structure. Ordinary maintenance and repair shall include, but is not limited to, painting and reroofing.

(v)Original – buildings, building materials or features that were present during the period of significance for the historic district.

(w)Period of Significance – the span of time during which a group of properties attained the significance that makes them eligible for designation as a historic district.

(x~~w~~) Preservation – ~~shall mean~~ the adaptive use, conservation, protection, reconstruction, rehabilitation, or stabilization of buildings, districts, monuments, sites, or structures significant to the heritage of the people of Norman. The following terms further define types of preservation activities:

1. *Adaptive Use* – the restrained alteration of a historical or architectural resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the historical and architectural character of the resource.
2. *Conservation* – the sustained use and appearance of a resource essentially in its existing state.
3. *Historic Rehabilitation* – the act or process of making a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historic, cultural or architectural values.
4. *Historic Reconstruction* – the act or process of duplicating the original structure, building form and materials by means of new construction based on documentation of the historic condition.
5. *Protection* – the security of a resource as it exists through the establishment of the mechanisms of this section.
6. *Restoration* – the process of accurately recovering all or a part of the form and details of a resource and its setting as it appeared at a particular period by means of the removal of later work and the replacement of missing earlier work.
7. *Stabilization* – the process of applying measures designated to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without changing the exterior appearance of the resource.

(y) Relocation – the movement or repositioning of a primary or accessory structure on its original site, or from one location to another.

(z) Secretary of the Interior Standards of Historic Buildings - A set of principles established in 1977 and amended periodically thereafter, by the Secretary of the Interior, who is responsible for all national preservation programs under Department of the Interior authority and for advising federal agencies on the preservation of historic properties listed or eligible for listing in the National Register of Historic Places. The Norman Historic District Commission utilizes the Secretary of Interior Standards as basis for developing the City of Norman Preservation Guidelines as well as for design review.

(~~aa~~) Significant Characteristics -those characteristics that are important to or expressive of the historic or architectural quality and integrity of the resources and its setting and which include, but are not limited to building mass, building material, detail, height, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

1. *Building Mass* – describes the relationship of a building’s height to its width and depth.
2. *Building Materials* - the physical characteristics which create the aesthetic and structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete, or stucco.
3. *Detail* - architectural aspects which, due to particular treatment, draw attention to certain parts or features of a structure.
4. *Height* - the vertical dimension of a given structure, building or monument.
5. *Proportion* - the relative physical sizes within and between buildings and building components.
6. *Rhythm* - a discernible pattern of shapes including, but not limited to, windows, doors, projections, and heights, within a building, structure or monument, or a group of same.
7. *Setback* - the distance that a structure sets from the property line, typically the front or side property line.
8. *Scale* - the proportion of parts of a building, structure, or monument to one another and to the human figure.
9. *Setting* - the surrounding structures, monuments, and landscaping which establish the visual, aesthetic, or auditory qualities of the historic or architectural resources.

10. *Shape* - the physical configuration of structures or landscaping and their component parts.

11. *Street Accessories* - those sidewalk or street fixtures which include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping.

(~~bb~~y) State Historic Preservation Officer (SHPO) - ~~the term shall mean~~ the official within the State of Oklahoma who has been delegated and appointed by the Governor to administer the Historic Preservation Program in the State.

(~~cc~~z) State Register of Historic Places - ~~the term shall mean~~ the State of Oklahoma list of districts, sites, buildings, structures and objects significant in state history, architecture, archeology, engineering and culture, maintained by the State Historic Preservation Officer, under the authority of 53 O.S., 1984 Supplement, Sections 351-355.

(~~dd~~aa) Streetscape - the view along a street from the perspective of a driver or pedestrian, of the natural and man-made elements in or near the street right of way, including buildings and their relationship to street trees, lawns, landscape buffers, signs, street lights, above-ground utilities, drainage structures, sidewalks, bus stop shelters and street furniture.

(~~ee~~bb) Structure - anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground. These include, but are not limited to, buildings, fences, walls, driveways, sidewalks and parking areas.

3. District Regulations. The following regulations shall be applicable to the HD, Historic District, and shall control the use of all properties within such district:

- (a) Any person responsible for a structure, building, landmark, or monument within a Historic District shall keep all of the exterior portions of such resources in good repair.
- (b) The erection, moving, demolition, removal, rehabilitation, reconstruction, restoration, or alteration of the exterior of any structure is prohibited unless a Certificate of Appropriateness (COA) is granted by the Historic Commission of the City of Norman, unless such Certificate is not required by Subsection 8.
- (c) Changes to rear elevations do require a COA; however the rear elevation of a historic structure is considered a secondary elevation and is therefore regulated to a lower standard to allow flexibility for additions or other modern day appurtenances.

4. Permitted Uses. Property located within the HD, Historic District, may be used for only those purposes permitted within the zoning district in which such property is located, subject to compliance with all regulations imposed by such zoning district and subject to compliance with all provisions of the Article.

5. Historic District Commission

- (a) Creation. There is hereby created an Historic District Commission of the City of Norman, Oklahoma. The Commission shall be composed of nine members in accordance with the following requirements:
 - 1. Five of the members shall be owners of property in existing historic districts. At least three of these five members shall also reside in historic districts.
 - 2. Two of the members shall be persons with specialized technical expertise in structural engineering, law, real estate, building construction, or similar fields.
 - 3. Two of the members shall be persons with specific professional backgrounds in areas such as history, architecture, planning, landscape architecture, archaeology, or related fields.
 - 4. Provided that all of the above criteria for membership composition are met, remaining Commission appointments may be filled by at-large Norman residents who have some demonstrated knowledge, experience, expertise or interest in historic preservation.
- (b) Duties of Historic District Commission. Unless otherwise specified in this article, the duties of the Historic District Commission shall be as follows:

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- (d) Meetings and Rules of Commission. The Commission shall be empowered to adopt rules for the conduct of its business. The Commission shall elect a Chairman who shall serve for one year or until his/her success takes office, and who shall be eligible for reelection. All meetings of the Commission shall be open to the public. Any person, or his duly appointed representative, shall be entitled to appear and be heard on any matter before the Commission. The Commission shall keep a record of its proceedings, a copy of which shall be filed for public view in the office of the City Clerk.
- (e) Quorum. A quorum shall consist of five members.
- (f) Historic Preservation Officer. The Historic Preservation Officer is the City's representative to the Historic District Commission. He/she shall act in an advisory capacity only and may participate in the Commission's discussions but may not have a vote in any Commission decisions.

6. Historic District Designation.

- (a) Procedure for Designation of Historic District. Historic District designation is an overlay to the Norman Zoning Ordinance. Either the Norman City Council or individual

property owners or their authorized agents may recommend tracts and sites for inclusion within an ~~HD~~, Historic District, in the same manner prescribed for the designation of other zoning districts by this Code and subject to compliance with this section. Rezoning application fees in the case of Historic District designation shall be waived, though applicants for Historic District status are still responsible for all other associated costs of district designation.

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- (e) Notice of Consideration. Notice of consideration of a historic district designation by the Historic District Commission shall be the same as is required for consideration of the adoption or amendment of zoning district boundaries by the City Council. As a part of such notice, the Historic Preservation Officer shall notify the owners of record of affected properties by mail of the proposed designation and include a letter outlining the basis for the designation.

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7. Certificates of Appropriateness.

- (a) Certificate of Appropriateness (COA) Required. A Certificate of Appropriateness shall be required in the following instances before the commencement of work upon any structure or site located within a ~~HD~~, Historic District:
1. Whenever such work includes alteration to the exterior of any building, structure or site, including erection, moving, demolition, reconstruction, or restoration except when such work satisfies all the requirements for "ordinary maintenance and repair" as defined in section 2(u) ~~(t)~~ of this Ordinance.
 2. Whenever such work requires a building permit issued by the City.
 3. Whenever such work includes the construction or enlargement of a driveway or parking area.
- (b) General Provisions and Procedures for Certificates of Appropriateness: No building permit shall be issued by the City of Norman for any structure or site located within the HD, Historic District, until the application for such permit has been reviewed by the Historic District Commission and a Certificate of Appropriateness approved by the Historic District Commission.
- (c) Submitting COA Application Materials. When applying for a Certificate of Appropriateness, the applicant shall furnish copies of all detailed site and building plans, elevations, perspectives, material samples, and specifications, with sufficient detail to clearly illustrate the applicant's intent. Applicants may ~~are encouraged to~~ meet with the Historic Preservation Officer before submitting an application and may also request a meeting with the Historic District Commission before submitting an

application in order to get feedback from the Commission on a forthcoming application. Applicants may also consult with the Historic Preservation Officer as needed during the review of the ~~Certificate of Appropriateness (COA)~~ application. Incomplete applications will not be forwarded to the Commission for review.

- (d) Historic District Commission Review. Upon receipt of the application for a Certificate of Appropriateness, the Historic District Commission shall determine whether the proposed work is of a nature which will adversely affect any historical or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this Ordinance and the Preservation Guidelines. The Historic District Commission shall apply the criteria established by this Ordinance and the Preservation Guidelines and based thereon shall approve or disapprove requests for Certificates of Appropriateness. If the Historic District Commission denies a Certificate of Appropriateness, no permit shall be issued and the applicant shall not proceed with the proposed work. Article 10 establishes the process for appealing decisions of the Historic District Commission.
- (e) Development of Preservation Guidelines. The Historic District Commission shall develop such guidelines as it may find necessary to supplement the provisions of this Ordinance and to inform owners, residents, and the general public of those techniques which are considered most appropriate for undertaking work relating to historical and architectural resources. The Historic District Commission shall have the opportunity to advise the City Council concerning provisions in the building, electrical, plumbing, heat and air and housing codes and other codes which affect preservation work.
- (f) Infill Construction. In the case of new or infill construction in Historic Districts, it is not the intent of this Ordinance to limit new construction to any one period or architectural style, but to preserve the overall integrity of Historic Districts and architectural resources and to ensure that new construction is compatible with existing historic and architectural resources.
- (g) In the case of denial of plans by the Historic District Commission, the Commission shall state in writing the reasons for such denial and may include suggestions of the Commission in regard to actions the applicant might take to secure the approval of the Commission.
- (~~h~~g) Archaeological Resources. With regard to the development of a property containing a designated archeological resource, a Certificate of Appropriateness shall be required prior to the issuance of the permit for which the applicant has applied; and further, the following requirements shall be satisfied:

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- (~~h~~i) Compliance with COA. The Historic District Commission may approve Certificates of Appropriateness subject to certain conditions to be stated in writing. Work performed pursuant to the issuance of a Certificate of Appropriateness shall conform to the

conditions of such certificate, if any. It shall be the duty of the Historic Preservation Officer of the City of Norman to inspect from time to time any work performed pursuant to a Certificate of Appropriateness to assure such compliance. In the event that such work is not in compliance, the Historic Preservation Officer shall issue a stop work order. The Historic District Commission may request by resolution that the Historic Preservation Officer inspect work at a particular location and, if found to be non-compliant, issue a stop work order.

- (j) COA Application Requirements and Procedures, property owners, developers or agents applying for a Certificate of Appropriateness shall be required to submit the following as applicable:

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2. Required Procedures for Certificate of Appropriateness:

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- [b] Notification of Affected Property Owners: All recorded property owners immediately adjacent to or directly across the street or alley in any direction from the subject property shall be notified of an application for a Certificate of Appropriateness. This notice, as provided by the Historic Preservation Officer, shall contain adequate information to notify adjacent property owners of the specific request of the applicant for a Certificate of Appropriateness, as well as the time, date, and place of the meeting of the Historic District Commission at least seven (7) days before the hearing. In addition, the Historic Preservation Officer shall post a sign in the yard of the subject property at least seven (7) days before the hearing that shall include ~~the specific request of the applicant for a Certificate of Appropriateness, as well as~~ the time, date, and place of the meeting of the Historic District Commission. The sign shall be removed ten (10) days after the application is reviewed.

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- [h] Resubmitting of an Application: If the Historic District Commission determines that a Certificate of Appropriateness should not be issued, a new application may be submitted on the proposed construction, rehabilitation, reconstruction, alteration, restoration, or moving, only if substantive change is made to the original plans for the proposed work. In such a case, applicants will be required to submit a new application with all supporting documentation, including the payment of another ~~\$75~~ application fee and a certified list of adjacent property owners. Reapplication fees may be waived when the Commission denies a request for COA due to incomplete application information.

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[j] Time Limits of Certificate of Appropriateness: A Certificate of Appropriateness issued by the Historic District Commission shall become null and void if construction, reconstruction, alteration, restoration, moving or demolition is not commenced within twelve (12) ~~six (6)~~ months of the date of issuance. An extension of time for the Certificate of Appropriateness, not to exceed six (6) months, may be granted by the Historic District Commission upon review, provided application for such extension is submitted in writing prior to expiration of the Certificate of Appropriateness.

3. Review Criteria. The Historic District Commission shall have responsibility for reviewing requests for Building and Demolition permits for designated historic structures within any area designated as a historic district, and for issuing or denying Certificates of Appropriateness for such requests. The purpose of this Section to specify for Historic District Commission members policies and criteria that they shall follow in reaching decisions on matters relative to such changes.

Review criteria, procedural policies and consequences of decisions will extend beyond the tenure of any Historic District Commission members. It is essential that policies be based on consistency and basic preservation guidelines. Highest priority should go to the preservation and restoration of historically and architecturally significant structures and sites that express the unique characteristics of the particular periods in which they were built.

[a] Preservation Guidelines. In addition to the above-mentioned criteria, the Historic District Commission shall use specific Preservation Guidelines which shall be prepared by the Commission to outline and describe the evaluation criteria used in assessing the appropriateness of proposed project work within the designated Historic Districts. These Preservation Guidelines shall be prepared and periodically amended by Historic District Commission action as part of the regular duties of the Commission and shall be adopted by the Commission prior to their application in the review process.

[b] Secretary of the Interior Standards. The Historic District Commission shall utilize those criteria in "Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings (Revised 2017 ~~1983~~)."
The Standards are as follows:

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89. Exceptions to Certificate of Appropriateness

A Certificate of Appropriateness shall not be required under the following conditions:

- (a) No exterior changes. No COA is required for any work affecting the exterior of a structure that does not alter the character of the exterior appearance of the resource; or for any work for which a building permit or any other City permit or certificate is not required for any work where the purpose of such work is stabilization and/or ordinary maintenance and repair. The painting or repainting of any structure shall be considered ordinary maintenance and repair, regardless of color.
- (b) Meets All Requirements for Ordinary Maintenance and Repair. ~~See Section 2t for definition of ordinary maintenance and repair.~~ Any work not satisfying all of the requirements for ordinary maintenance and repair as defined in Section 2(ut). shall not be considered ordinary maintenance and repair. The construction or enlargement of a driveway or parking area shall not be considered ordinary maintenance and repair.
- (c) Interior Changes Only. Any work affecting the interior of a structure for which a building permit or any other City permit or certificate is required but which does not alter the exterior appearance of the structure does not require a Certificate of Appropriateness.
- (d) Administrative Bypass for the Certificate of Appropriateness. A Certificate of Appropriateness may be granted by the Historic Preservation Officer or authorized designee ~~for the following: as listed in the current edition of the Historic District Guidelines.~~ The Historic Preservation Officer shall inform the Historic District Commission of Administrative Bypass actions at its next regular meeting. If a request for Administrative Bypass is denied by the Historic Preservation Officer, the applicant shall have the right to submit an application for a Certificate of Appropriateness to the Historic District Commission to be reviewed at its next regularly scheduled meeting time in order to request formal action regarding approval or denial of the Certificate of Appropriateness. All application fees and requirements shall apply.

~~1. Installation of storm windows or storm doors~~

~~2. Roofing or reroofing of any structure with materials that are very similar in appearance and composition, regardless of color, provided the building is not structurally altered during the roofing or reroofing process.~~

~~3. The Historic Preservation Officer shall inform the Historic District Commission of Administrative Bypass actions at its next regular meeting. If a request for Administrative Bypass is denied by the Historic Preservation Officer, the applicant shall have the right to submit an application for a Certificate of Appropriateness to the Historic District Commission to be reviewed at its next regularly scheduled meeting time in order to request formal action regarding approval or denial of the Certificate of Appropriateness. All application fees and requirements shall apply.~~

89. Demolitions.

- (a) General Provisions. No structure or resource within any Historic District shall be demolished and/or removed unless such demolition has been reviewed by the Historic District Commission and a Certificate of Appropriateness for such demolition and/or removal has been granted.
- (b) Procedure and Postponement Orders
 - 1. The Historic District Commission shall hold a public hearing for the purpose of considering Certificates of Appropriateness for demolition or removal. After such hearing, the Historic District Commission may approve the Certificate of Appropriateness authorizing the demolition or may enter an order postponing demolition for up to ninety (90) days.
 - 2. At the conclusion of such period of postponement as specified in the Historic District Commission's order, the Commission shall within forty-five (45) days thereafter hold a second public hearing to consider whether or not to recommend to the City Council that additional postponement of demolition be ordered.
 - 3. In the event that the Historic District Commission recommends additional postponement to the City Council, the City Council shall hold a public hearing for the purpose of considering additional postponement of demolition.
 - 4. After such public hearing, the City Council may enter an order approving the demolition or may enter an order postponing demolition for an additional period not to exceed sixty (60) days from the date of such order. At the conclusion of this final postponement period, the City Council shall hold a public hearing and may either approve the requested demolition or may disapprove such requested demolition. In the event demolition is not approved, no demolition shall occur. For purposes of this Ordinance, the word "demolition" shall include "removal."
- (c) Criteria for Review of Demolitions. The Historic District Commission and City Council shall be guided by the following criteria in considering Certificates of Appropriateness and authorizations for demolition or removal of structures or sites within the Historic District:
 - 1. The purposes and intent of this Ordinance.
 - 2. The degree to which the proposed removal of the historical resource would damage or destroy the integrity and continuity of the Historic District of which it is a part.
 - 3. The nature of the resource as a representative type of style of architecture, a socioeconomic development, a historical association, or other element of the original designation criteria applicable to such structure or site.
 - 4. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.

5. The alternatives available to the demolition applicant, including:

- [a] Donation of the subject structure or site to a public or benevolent agency.
- [b] Donation of a part of the value of the subject structure or site to a public or benevolent agency, including the conveyance of historical easements.
- [c] The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
- [d] The potential of such structure or site for renovation and its potential for continuing same.
- [e] The potential of the subject structure or site for rezoning in an effort to render such property more compatible with the physical potential of the structure.

6. The ability of the subject structure or site to produce a reasonable economic return on investment to its owner; provided however, that it is specifically intended that this factor shall not have exclusive control and effect, but shall be considered along with all other criteria contained in this Section

10. Appeals.

- (a) Any person aggrieved by a decision of the Historic District Commission, excluding postponements as defined in Section 8(b) (1-4), shall have such right of appeal to the Board of Adjustment within ten (10) days from the decision of the Historic District Commission.
- (b) Aggrieved persons must exhaust all administrative processes before any appeal is valid.

11. Penalty.

- (a) Any person, firm or corporation who violates any provision of this Ordinance shall, upon conviction, be punished by a fine as provided for in Section 440.3(a) of this chapter. A violation exists whenever there is a performance of an act which is prohibited by the provisions of this Ordinance, or a failure to perform an act which is required by this Ordinance. Each day this Ordinance is violated shall be considered a separate offense.
- (b) In case any building or structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this Ordinance, the City or any person may institute an appropriate action or proceeding in a court with competent jurisdiction to prevent such unlawful erection, construction, reconstruction, exterior alteration, addition or demolition, and the violating party shall pay all court costs and

expenses, including reasonable attorney's fee, if the court should find in favor of the City or persons suing on behalf of the City to enforce this Ordinance.

12. City Council Approval of Revisions to Preservation Guidelines.)
- (a) Upon receiving or drafting a proposed revision of the Preservation Guidelines, the Historic District Commission shall submit said revisions to the City Council along with a recommendation for approval or disapproval. Said report shall outline efforts made to gather community input from residents of the Historic District as well as summarize such input.
 - (b) Upon City Council receiving said revisions, City Council shall have the duty to review proposed revisions and vote to either approve or disapprove the inclusion of the revisions in the Preservation Guidelines during the next available City Council meeting. The effective date of any approved revisions shall be thirty (30) days from the date the City Council vote on the proposed revisions is recorded.

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§ 2. SEVERABILITY. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

ADOPTED this____day
of_____, 2022.

NOT ADOPTED this____day
of_____, 2022.

Mayor

Mayor

ATTEST:

City Clerk