

**CITY OF NORMAN
ORDINANCE O-2425-17**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORMAN, OKLAHOMA
AMENDING CHAPTER 36, ARTICLE V, ZONING, SECTION 36-535 HISTORIC
DISTRICT, AMENDING APPLICATION SUBMISSION DEADLINE AND
NOTIFICATION OF HISTORIC DISTRICT COMMISSION REQUIREMENT;
AMENDING THE APPLICATION REQUIREMENTS FOR CERTIFICATE OF
APPROPRIATENESS; EDITS FOR CONSISTENCY OR CORRECTIVE
PURPOSES; AND ALLOW HISTORIC PRESERVATION OFFICER TO GRANT
TIME EXTENTIONS FOR CERTIFICATE OF APPROPRIATENESS; AND
PROVIDING FOR THE SEVERABILITY THEREOF.**

NOW THEREFORE, be it ordained by the City Council of the City of Norman, in the State of Oklahoma, as follows:

SECTION 1: **AMENDMENT** “36-535 HD, Historic District” of the City of Norman Municipal Code is hereby *amended* as follows:

A M E N D M E N T

36-535 HD, Historic District

(a) *Description and purpose.*

- (1) The Historic District Ordinance (HDO) and its regulations may be applied to property located in any zoning district in accordance with the provisions of this chapter. 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.
- (2) The City 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. Therefore, it is hereby declared that the purposes of this chapter, to be known as the Historic District Ordinance, shall be as follows:
 - a. To promote the creation of historic districts for the educational, cultural, economic, and general welfare of the public through preservation, protection, and regulation of areas, buildings, and sites of historical interest throughout the City.
 - b. To safeguard the heritage of the City by preserving and regulating historic landmarks and districts which reflect elements of its cultural, social, political, and architectural history.
 - c. To preserve and enhance the environmental quality of neighborhoods.
 - d. To strengthen the City's economic base by the stimulation of

- conservation and reuse.
- e. To ensure the harmonious, orderly, and efficient growth and development of the municipality.
 - f. To enable preservation activities that preserve and enhance property values.
 - 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.
- (b) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Addition means construction that increase the size of the original structure by building outside of the existing structure. Additions can be either horizontal or vertical.

Alteration means 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.

Appropriate means typical of the historic architectural style, compatible with the character of the historic district, and consistent with the Preservation Guidelines of the City.

Architectural resources means 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.

Certificate of appropriateness (COA) means the official document issued by the Historic District Commission approving any application affecting the exterior of any structure designated by the authority of this chapter for permission to construct, erect, demolish, remove, relocate, reconstruct, restore, or alter said structure.

Commission means the Historic District Commission of the City.

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.

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.

Elevation means an exterior wall of a structure.

- (1) *Front elevation* means the facade 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) *Primary elevation* means the front or side elevation of a structure.
- (3) *Rear elevation* means an elevation parallel to the front facade; the rear elevation usually includes the back door of the structure.
- (4) *Secondary elevation* means the rear elevation of a structure.
- (5) *Side elevation* means a wall adjacent to the front elevation that is usually visible from a public right-of-way.

Facade means the front wall or face of a building.

Historic district means 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.

Historic Preservation Officer means the chief staff person responsible for historic preservation in the City's Planning and Community Development Department.

Historic property means any individual structure, building, site or monument which contributes to the historic, architectural, archeological and/or cultural heritage of the City as determined by the Historic District Commission.

Historic resources means 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.

Infill construction means construction on property between or adjacent to existing buildings.

In kind means to replace existing materials or features with materials of identical design, size, texture and composition. (See *Matching*.)

Landmark means an individual structure, building, site, or monument that contributes to the historical, architectural, or archaeological heritage of the City.

Matching, in historic rehabilitations, means the use of replacement materials that are identical to the original in composition, size, shape, and profile. (See *In kind*.)

National Register of Historic Places means 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.

Non-contributing resource means 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.

Ordinary maintenance and repair means work meant to remedy damage or deterioration of a structure or its appurtenances, and which will involve no change in materials, dimensions, design, configuration, 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.

Original means buildings, building materials or features that were present during the period of significance for the historic district.

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

Preservation means 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* means 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* means the sustained use and appearance of a resource essentially in its existing State.
- (3) *Historic reconstruction* means 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.
- (4) *Historic rehabilitation* means 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.

Protection means the security of a resource as it exists through the establishment of the mechanisms of this section.

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

Restoration means 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.

Secretary of the Interior Standards of Historic Buildings means 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.

Significant characteristics means 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 material, detail, height, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

- (1) *Building mass* means describes the relationship of a building's height to its width and depth.
- (2) *Building materials* means 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* means architectural aspects which, due to particular treatment, draw attention to certain parts or features of a structure.
- (4) *Height* means the vertical dimension of a given structure, building or monument.
- (5) *Proportion* means the relative physical sizes within and between buildings and building components.
- (6) *Rhythm* means 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) *Scale* means the proportion of parts of a building, structure, or monument to one another and to the human figure.
- (8) *Setting* means the surrounding structures, monuments, and landscaping which establish the visual, aesthetic, or auditory qualities of the historic or architectural resources.
- (9) *Shape* means the physical configuration of structures or landscaping and their component parts.
- (10) *Street accessories* means those sidewalk or street fixtures which include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping.

Stabilization means 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.

State Historic Preservation Officer (SHPO) means the official within the State who has been delegated and appointed by the Governor to administer the Historic Preservation Program in the State.

State Register of Historic Places means the State 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. §§ 351--355.

Streetscape means the view along a street from the perspective of a driver or pedestrian, of the natural and manmade 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.

Structure means 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.

- (c) *District regulations.* The following regulations shall be applicable to the HD, Historic District and shall control the use of all properties within such district:
- (1) Any person responsible for a structure, building, landmark, or monument within a HD district shall keep all of the exterior portions of such resources in good repair.
 - (2) 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, unless such certificate is not required by subsection (h) of this section.
 - (3) 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.
- (d) *Permitted uses.* Property located within the 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.
- (e) *Historic District Commission.*
- (1) *Creation.* There is hereby created an Historic District Commission of the City. The Commission shall be composed of nine members in accordance with the following requirements:
 - a. 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.
 - b. Two of the members shall be persons with specialized technical expertise in structural engineering, law, real estate, building construction, or similar fields.
 - c. Two of the members shall be persons with specific professional backgrounds in areas such as history, architecture, planning, landscape architecture, archaeology, or related fields.
 - d. Provided that all of the above criteria for membership composition are met, remaining Commission appointments may be filled by at-large City residents who have some demonstrated knowledge, experience, expertise or interest in historic preservation.

- (2) *Duties of Historic District Commission.* Unless otherwise specified in this article, the duties of the Historic District Commission shall be as follows:
- a. Prepare or cause to be prepared a comprehensive inventory of historical, architectural and archaeological resources within the City, and to update same on a regular basis.
 - b. Prepare or cause to be prepared a general historic preservation plan to be incorporated within the Comprehensive Plan of the City.
 - c. Review, revise, or cause to be reviewed or revised the Preservation Guidelines (formerly known as the Design Guidelines) that govern the Historic District Commission's review of applications for certificates of appropriateness.
 - d. Prepare findings of fact relating to the recommendation for designation of historic, architectural, and archaeological resources.
 - e. Prepare findings of fact pursuant to action taken by the Historic District Commission relating to certificates of appropriateness.
 - f. Make recommendations to City Council concerning the development of historic preservation plans historical and historical easements.
 - g. Make recommendations to City Council concerning grants from federal, State, or private sources, and the utilization of budgetary appropriations to promote the preservation of historic, architectural, and archaeological resources; and when so directed by Council, the Historic District Commission may oversee historical projects or programs.
 - h. Develop rules governing the meetings of the Historic District Commission and the standards for materials presented to the Commission.
 - i. Make recommendations to the Council, Planning Commission and/or other bodies regarding historic designations, certificates of appropriateness, and the amendment and enforcement of this article and other City ordinances.
 - j. Comment and make recommendations on actions undertaken by other City agencies or governmental units with respect to the effects of their actions upon historic, architectural, and archaeological resources.
 - k. Conduct a periodic review of the status of designated historic districts and individual landmarks and provide periodic reports on the findings of said, along with any resolutions for action, as considered appropriate.
 - l. Any other functions as imposed by this article, or which may be specified by the City Council.
- (3) *Continuation in office.* Historic District Commission members shall be appointed to staggered, three-year terms. No member shall serve more than three consecutive terms. Members who have served more than three consecutive terms may be reappointed after having rotated off the Commission for at least one full year. Members shall continue in office during their term until such time that:
- a. Their term expires and their successor has been appointed and

- approved;
 - b. They die;
 - c. They resign;
 - d. They are removed by a majority action of the Council;
 - e. They are no longer a City resident;
 - f. They are hired as a full-time City employee;
 - g. They absent themselves from three consecutive meetings, and such absences are shown by the official minutes of that board or commission.
- (4) *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 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.
- (5) *Quorum.* A quorum shall consist of five members.
- (6) *Historic Preservation Officer.* The Historic Preservation Officer is the City's representative to the Historic District Commission. He 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.
- (f) *Historic District designation.*
- (1) *Procedure for designation of Historic District.* Historic District designation is an overlay to the City zoning ordinance. Either the City Council or individual property owners or their authorized agents may recommend tracts and sites for inclusion within an 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.
 - (2) *Commission review.* All recommendations of tracts and sites for inclusion within the Historic District shall first be reviewed and considered by the Historic District Commission. The Commission shall forward its recommendation regarding a proposed district designation to the Planning Commission for recommendation to the City Council. Any such application shall be made upon forms and pursuant to standards set by the Planning Commission for the purpose of rezoning.
 - (3) *Required documentation.* After the Historic District Commission has reviewed and approved a proposal to designate a historic district, any individual or group seeking to designate or expand a historic district shall be responsible for providing the following:
 - a. A current historic survey of all structures in the proposed district;
 - b. A certified ownership list of all property owners within the district as well as properties within the 350-foot notification boundary

- c. A zoning application made on forms and pursuant to standards set by the Planning Commission for the purpose of rezoning;
 - d. A legal notice published in the newspaper of record advertising the request for the formation of the Historic District;
 - e. Copies of deeds for all properties to be rezoned.
- (4) *Expansion of an existing Historic District.* Parcels may be added to an existing Historic District, provided the following criteria are in place:
- a. The parcels have been previously surveyed and deemed to be eligible for Historic District designation.
 - b. The parcels are contiguous with an existing district.
 - c. The parcels include at least one whole block, both sides of the street.
 - d. After these criteria are met, the procedure for expanding a district is the same as the designation of a new Historic District described above.
- (5) *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.
- (6) *Expert testimony.* The Historic District Commission may solicit and present expert testimony or documentary evidence regarding the historic, architectural, archeological, or cultural importance of the property proposed for designation.
- (7) *Written description.* As part of every such designation, or amendment of a designation, the Historic District Commission shall describe in writing the attributes of the area or site designated as such attributes relate to and comply with the review criteria for district designation, as provided in this section.
- (8) *Commission notification of designation.* The Historic Preservation Officer shall officially notify the Historic District Commission of all approvals or disapprovals of designation ordinances at the next regular meeting of the Historic District Commission following Council action.
- (9) *Amendment or repeal.* Historic District designations may be amended or repealed in the same manner and according to the same procedure, as provided herein for the original designation.
- (10) *No alterations while Historic District designation pending.* No application for a permit to construct, alter, demolish, remove, or relocate any characteristic of a designated site, building, structure, district, open space or monument filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of proposed Historic District status shall be approved by the City while proceedings are pending regarding such historic preservation district designation application, unless such work is determined by the Historic District Commission to be essential to the preservation or stabilization of the resources.

(11) *Criteria for Historic District designation.* A concentration of significant sites, structures, buildings, including surrounding open space, may be designated for preservation and may be included within the historic district if such possesses at least one of the following attributes within the categories below:

a. Historical, cultural category:

1. Has significant character, interest or value as part of the development, heritage or cultural characteristics of the locality, State, or nation; or is associated with the life of a personality significant to the past;
2. Is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the locality, State, or nation;
3. Exemplifies the cultural, political, economic, social, or historic heritage of the community.

b. Architectural, engineering category:

1. Portrays the environment in an era of history characterized by a distinctive architectural style;
2. Embodies those distinguishing characteristics of an architectural type engineering specimen;
3. Is the work of a designer or architect or contractor whose individual work has influenced the development of the community or of this nation;
4. Contains elements of design, detail, materials, or craftsmanship which represent a style unique to the past;
5. Is a part of or related to a square, park or other distinctive area and thus should be developed and preserved according to a plan based upon a historical, cultural, or architectural motif;
6. Represents an established and familiar visual feature of the neighborhood, community, or sky-line owing to its unique location or singular physical characteristic.

c. Archeological category:

1. Has yielded, or is likely to yield information important to history or prehistory based upon physical evidence;
2. Is part of or related to a distinctive geographical area which should be developed or preserved according to a plan based on cultural, historic, or architectural motifs.

(g) *Certificates of appropriateness.*

(1) *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 Historic District:

- a. 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 subsection (b) of this section.
- b. Whenever such work requires a building permit issued by the City.

- c. Whenever such work includes the construction or enlargement of a driveway or parking area.
- (2) *General provisions and procedures for certificates of appropriateness.* No building permit shall be issued by the City for any structure or site located within the 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.
 - (3) *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,~~ required COA application packet information listed in 36-535(g)9(a) with sufficient detail to clearly illustrate the applicant's intent. Incomplete applications will not be forwarded to the Commission for review. Applicants may meet and consult with the Historic Preservation Officer before submitting an application. Applicants and may also request a meeting with the Historic District Commission before submitting an application in order to ~~get~~receive feedback from the Commission on a forthcoming application. Such request must be filed by the submission deadline. ~~Applicants may also consult with the Historic Preservation Officer as needed during the review of the (COA) application. Incomplete applications will not be forwarded to the Commission for review.~~
 - (4) *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 chapter and the Preservation Guidelines. The Historic District Commission shall apply the criteria established by this chapter 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. NCC 36-V establishes the process for appealing decisions of the Historic District Commission.
 - (5) *Development of Preservation Guidelines.* The Historic District Commission shall develop such guidelines as it may find necessary to supplement the provisions of this chapter 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.
 - (6) *Infill construction.* In the case of new or infill construction in Historic Districts, it is not the intent of this chapter 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. 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.

(7) *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:

- a. Archeological resources shall be protected from inappropriate or improper digging by demonstration by the applicant that the appropriate permits and standards are met for study as set by the Oklahoma Archaeological Survey.
- b. Any discovered materials shall be properly recorded, reported, stored, or exhibited according to the standards set by the Oklahoma Archaeological Survey.
- c. All development affecting the designated archeological resource shall provide for the permanent preservation of the resources or provide for the completion of the necessary work as recommended by a qualified archeologist.
- d. Prior to the hearing by the Historic District Commission for issuance of the certificate of appropriateness, the applicant or the Commission shall cause to have presented and shall review the comments and recommendations of a qualified archeologist with respect to the resource under consideration and the application which would affect it.

(8) *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 to inspect from time to time any work performed pursuant to a certificate of appropriateness to ensure 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.

(9) *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:

- a. *Application.* An application form for a certificate of appropriateness shall be obtained from and filed with the Historic Preservation Officer. Applications requests for certificates of appropriateness shall be considered by the Historic District Commission at its next regular monthly meeting, provided that they an application has have been filed, complete in form and content, ~~at least 24 calendar days before~~

~~the regularly scheduled monthly meeting of the~~ by the submission deadline for the Historic District Commission; otherwise, consideration shall be deferred until the following meeting. Application ~~packets~~ requests require the following support documents: shall include:

1. Standard COA application form as developed by the Historic Preservation Officer.
 2. Plot plans drawn to scale, showing the location of existing structures, major trees, and property lines easements and rights-of-way.
 3. Scaled elevation drawings of any proposed ~~building, exterior modifications, including elevations.~~ Proposals that include vertical additions, expansions of building footprint of more than 25 percent of original area, or new construction shall include elevation drawings depicting subject property and also primary structures on adjacent properties.
 4. Architectural ~~plans, including drawings~~ drawings depicting the proposed alterations, and specifications.
 5. Proposals from contractors, if any.
 6. ~~Color and m~~Material samples and/or specification sheets.
 7. Photographs of subject property; and materials or items to be altered.
 8. Copy of the property deed to demonstrate ownership.
 9. A certified list of adjacent property owners in any direction of the subject property.
- b. Required procedures for certificate of appropriateness:
1. *Notification of Historic District Commission.* Upon receipt of an application for a certificate of appropriateness, the Historic Preservation Officer shall notify the Historic District Commission at least five ~~working~~ days before the regularly scheduled monthly meeting.
 2. *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 (7) seven days before the hearing. In addition, the Historic Preservation Officer shall post a sign in the yard of the subject property at least (7) seven days before the hearing that shall include the time, date, and place of the meeting of the Historic District Commission. The sign shall

- be removed (10) ten days after the application is reviewed.
3. *Action required.* The Historic District Commission shall take official action upon any application for a certificate of appropriateness at the next regularly scheduled meeting based on established meeting times.
 4. *Special public hearings.* All regular meeting of the Historic District Commission are considered public hearings. If the Historic District Commission deems it necessary, a special public hearing may be held concerning any actions of the Commission in the discharge and conduct of its duties. Hearings shall be properly advertised and conducted as a public meeting.
 5. *Issuance of certificate of appropriateness.* If the Historic District Commission determines that the proposed construction, rehabilitation, reconstruction, alteration, restoration, moving, or demolition of a structure is appropriate, it shall approve and issue to the applicant a certificate of appropriateness.
 6. *Denial of certificate of appropriateness.* If the Historic District Commission determines that a certificate of appropriateness should not be issued, it shall place in its records the reason for the denial and shall notify the applicant of such determination, including a copy of its reasons, and its recommendations, if any, as they appear in the records of the Commission.
 7. *Notification of Building Official.* Upon the issuance or denial of a certificate of appropriateness, the Historic District Commission shall transmit a letter to the Building Official stating that a certificate of appropriateness has or has not been approved and issued to the property in question.
 8. *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 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.~~
 9. *Amending a COA.* A request to amend a certificate of appropriateness currently in effect ~~does not require~~ requires a new application, though the submission of a new COA

application form listing the requested amendment(s) along with any required supporting documents such as elevations, site plan, specification sheets and pictures. The application fee shall be waived for COA amendment requests. ~~p~~Proposed amendments requests filed complete, in form and content, by the submission deadline shall be reviewed by the Historic District Commission at the next regularly scheduled meeting.

10. *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~~ has not commenced within (12) twelve months of the date of issuance or if a building permit has not been issued within (12) months. An extension of time for the certificate of appropriateness, not to exceed six months, may be granted by the Historic ~~District Commission~~ Preservation Officer upon review, provided ~~application for~~ such extension request is submitted in writing prior to expiration of the certificate of appropriateness. The Historic Preservation Officer may grant a maximum of (2) two extensions of time. Any additional request for an extension of time would require review by the Historic District Commission.

c. Review criteria.

1. 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.
2. 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.
 - i. 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.

- ii. 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)." The Standards are as follows:
 - (a) Every reasonable effort shall be made to provide a compatible use for a property which requires minimal alteration of the building, structure or site and its environment, or to use a property for its originally intended purpose.
 - (b) The distinguishing original qualities or character of a building, structure, or site and its environment should not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.
 - (c) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.
 - (d) Changes which may have taken place in the course of time are evidence of the history and development of a building, structure or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.
 - (e) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
 - (f) Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture and other visual

qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

- (g) The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.
- (h) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (i) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (j) Wherever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

3. Reviewing non-contributing structures. Non-contributing structures should be controlled only to the degree necessary to make them compatible with the general atmosphere of any district with regard to exterior alteration, additions, signs, site work and related activities.

(h) *Demolitions.*

- (1) *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.
- (2) *Procedure and postponement orders.*
 - a. 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 90 days.

- b. At the conclusion of such period of postponement as specified in the Historic District Commission's order, the Commission shall within 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.
- c. 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.
- d. 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 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 the purposes of this chapter, the term "demolition" shall include removal.

(3) *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:

- a. The purposes and intent of this chapter.
- b. 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.
- c. The nature of the resource as a representative type of style of architecture, a socio-economic development, a historical association, or other element of the original designation criteria applicable to such structure or site.
- d. The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.
- e. The alternatives available to the demolition applicant, including:
 - 1. Donation of the subject structure or site to a public or benevolent agency.
 - 2. 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.
 - 3. The possibility of sale of the structure or site, or any part thereof, to a prospective purchaser capable of preserving such structure or site.
 - 4. The potential of such structure or site for renovation and its potential for continuing same.
 - 5. 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.

- f. 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.
- (i) *Exceptions to COA.* A certificate of appropriateness shall not be required under the following conditions:
- (1) *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.
 - (2) *Meets all requirements for ordinary maintenance and repair.* See subsection (b) of this section for definition of the term "ordinary maintenance and repair." Any work not satisfying all of the requirements for ordinary maintenance and repair as defined in subsection (b) of this section 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.
 - (3) *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.
 - (4) *Administrative bypass for the certificate of appropriateness.* A certificate of appropriateness may be granted by the Historic Preservation Officer or authorized designee 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.
- (j) *Appeals.*
- (1) Any person aggrieved by a decision of the Historic District Commission, excluding postponements as defined in subsection (b) of this section, shall have such right of appeal to the Board of Adjustment within ten days from the decision of the Historic District Commission.
 - (2) Aggrieved persons must exhaust all administrative processes before any appeal is valid.
- (k) *Penalty.*
- (1) Any person, firm or corporation who violates any provision of this chapter

shall, upon conviction, be punished by a fine, as provided for in NCC 36-569(a). A violation exists whenever there is a performance of an act which is prohibited by the provisions of this chapter, or a failure to perform an act which is required by this chapter. Each day this chapter is violated shall be considered a separate offense.

- (2) In case any building or structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this chapter, 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 chapter.
- (l) *City Council approval of revisions to Preservation Guidelines.*
 - (1) 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.
 - (2) 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 30 days from the date the City Council vote on the proposed revisions is recorded.

(Ord. No. O-9293-30, 8-10-1993; Ord. No. O-9900-11, 10-12-1999; Ord. No. O-0405-26, 11-23-2004; Ord. No. O-0506-56, 6-27-2006; Ord. No. O-0708-35, 4-22-2008; Ord. No. O-0910-12, 12-12-2009; Ord. No. O-2122-31, 01-25-2022; Ord. No. O-2021-31)

SECTION 2: **SEVERABILITY CLAUSE** Should any part or provision of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinances a whole or any part thereof other than the part so declared to be unconstitutional or invalid.

SECTION 3: **EFFECTIVE DATE** This Ordinance shall be in full force and effect after the required approval and publication according to law.

PASSED AND ADOPTED BY THE CITY OF NORMAN CITY COUNCIL JANUARY 14, 2025.

AYE

NAY

ABSENT

ABSTAIN

Presiding Officer

Attest



Larry Heikkila, Mayor, City of
Norman



Brenda Hall, City Clerk, City of
Norman

