

Chapter 23

HISTORIC PRESERVATION ZONING

Article 1. Historic Preservation Zoning

Sec. 23-1-1. That there is hereby added to the Chickasha Municipal Code a Chapter 23, entitled "Historic Preservation Zoning", and which shall initially include Sections 23-1-1- through 23-1-29, inclusive.

Sec. 23-1-2. Statement of Purpose.

This Ordinance is designed to allow for designation of, and to subsequently protect, properties, which have been determined architecturally, archaeologically, culturally, or historically significant to the City of Chickasha, Oklahoma, and to allow interested parties the opportunity to arrange for the preservation of such properties. The City of Chickasha hereby declares that the historic, architectural, cultural, and aesthetic features of the City represents some of the finest and most valuable resources of the City and such resources are the embodiment of the heritage of the people of Chickasha. Therefore, it is hereby declared that the purpose of this article to be known as the Historic Preservation Ordinance shall be as follows:

- (a) To promote the designation of historic properties and landmarks, and the creation of historic districts for the educational, cultural, economic and general welfare of the public;
- (b) To strengthen the City of Chickasha's economic base by the revitalization, preservation, protection and enhancement of those structures and districts which reflect outstanding elements of the City's cultural, artistic, social, economic, political, architectural, historic, or other heritage;
- (c) To promote the City of Chickasha's outstanding historic or architectural structures or districts by promoting civic pride in the history and accomplishments of the past;
- (d) To promote and stabilization and improvement of the aesthetic and economic vitality and value of such structures and districts.

Sec. 23-1-3. Definitions:

For the purpose of this article, the following terms shall have the meaning as indicated.

Architectural Resources shall mean districts, structures, buildings, monuments, and sites that possesses historic interest or artistic merit, or which are particularly representative of their class or periods or represent achievements in cultures, architecture, engineering technology, or design.

Commission shall mean the Historic Preservation Commission of the City of Chickasha.

Historic District shall mean a geographically definable area as designated by Ordinance of the City Council which may contain one or more significant landmarks and which may have within its boundaries other property or structures while of such historic and/or architectural significant to be designated as landmarks, nevertheless, contribute to the over-all visual characteristics of the district.

Landmark shall mean an individual structure, building, site or monument, which contribute to the historic architectural or archaeological heritage of the City of Chickasha and is worthy of rehabilitation, restoration and/or preservation.

Preservation shall mean the adapted use, conservation, protection, reconstruction, restoration, or rehabilitation or stabilization of sites, buildings, districts, structures, monuments or other resources significant to the heritage of the people of the City of Chickasha.

(1) Adaptive Use shall mean the alteration of a historic or architectural resource to accommodate uses for which the resources were not originally constructed in such a way in which to maintain the general historic character.

(2) Conservation shall mean the sustained use and appearance of a resource essentially in its existing or restored state.

(3) Protection shall mean maintaining the security and integrity, as it exists or establishment of the mechanism of this article.

(4) Reconstruction shall mean the process of replication, or reproducing by new construction all or part of the form and detail of resources as it appeared at a specific period of time.

(5) Rehabilitation shall mean the process of returning the historic or architectural resources to the state of efficiency or soundness by repair or alteration designed to encourage its continued use but without noticeably changing the exterior appearance of the resource.

(6) Restoration shall mean the process of accurately replicating or recovering all or part of the form and detail of the resources as its setting at a particular period of time by means of removal of later work and the replacement or duplication of missing earlier work.

(7) Stabilization shall mean the process of applying measures designed 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 noticeably changing the exterior appearance of the resource.

Significant Characteristics of Historic or Architectural Resources shall mean those characteristics which are important to or expressive of historic, architectural or cultural quality and integrity of its setting and which include but are not limited to building materials, details, heights, mast, proportion, rhythm, scales, setbacks, setting, shapes, street, accessories, and workmanship.

(1) Building Material shall mean the physical concurrents and the manner of the utilization which create aesthetics and structural appearance of the resource including but not limited to a consideration of the texture, nature and style of the components and the combination such as bricks, stones, shingles, woods, concrete or stucco.

(2) Detail shall mean the architectural aspects, which due to particular treatment draw attention to certain parts or features of a structure.

(3) Heights shall mean the vertical dimension of a given structure, building, or monument.

(4) Proportion shall mean the relative physical sizes within and between buildings and building components.

(5) Rhythm shall mean a regular pattern of shapes, including but not limited to windows, doors, projection, heights within a building or structural or monuments or a group of the same.

(6) Scale shall mean the harmonious proportion of parts of the building, structure or monuments to one another and to the human figure.

(7) Setting shall mean the surrounding buildings, structures, or monuments or landscaping which provides visual aesthetics quality to the historic or architectural resources.

(8) Shape shall mean the physical configuration of structures or buildings or monuments, and their components including but not limited to roofs, doors, windows, and facades.

(9) Street Accessories shall mean those sidewalks or those street fixtures which provide cleanliness, comfort, directional or safety and are compatible in design to their surroundings and include but are not limited to trash receptacles, benches, advertising, displays, signs, lights, hydrants, landscaping, including but not limited to trees, shrubbery and planters.

Structure shall mean 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, this includes but is not limited to buildings, fences, walls, driveways, sidewalks, parking areas and signs.

Ordinary maintenance and repairs shall mean any work for which a building permit or any other city permit or certificate is not required and where the purposes of stabilization, and further where such work will not noticeably change the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair. The following examples shall not be considered ordinary maintenance and repair. The application of paint to previously unpainted brick or masonry, the construction or enlargement of driveway or parking area, the replacement of exterior doors or windows except for repairs of broken glass or screens or by use of like glass or screens, further, there are other types of construction or other work that shall not be considered ordinary maintenance or repair.

Good repair shall mean condition which not only meets minimum standards of health and safety but which also guarantees continued attractiveness; continued structural soundness and continued usefulness.

Certificate of Appropriateness shall mean the official document issued by the Historic Preservation Commission of the City of Chickasha approving any application for permission to construct, erect, demolish, move, reconstruct, rehabilitate, restore, stabilize, or alter any structure within a historic district.

Certification Agreement the term of Certification Agreement shall mean that executed document between a Certified Local Government (CLG), and the State Historic Preservation Officer (SHOP) for participation in said CLG program.

Certified Local Government (CLG) The term Certified Local Government (CLG) shall mean a local government that has been certified to carry out the purposes of the National Historic Preservation Act as amended in accordance with the procedures and guidelines set forth in the certified local government program for Oklahoma as approved by the Secretary of Interior.

Certified Local Governments Fund The Certified Local Governments Fund shall mean that portion of the State Historic Preservation Office annual allocation from the Historic Preservation Fund set aside for Certified Local Governments.

Certified Local Government Program Agreement The term of Certified Local Government Program Agreement shall mean the contract between the certified local government and the state historic preservation officer for transfer or the share of the certified local government fund.

National Historic Landmark A district, site, building structure or object in public or private ownership, judged by the Secretary of the Interior to possess national significance in American history, archeology, architecture, engineering and culture, and so designated by the Secretary.

National Register of Historic Places The national list of districts, sites, buildings, structures and objects significant in American history, architecture, archeology, engineering, or culture, maintained by the Secretary of the Interior under authority of the National Historic Preservation Act, as amended.

State Register of Historic Places Shall mean the State of Oklahoma list of districts, sites, buildings, structures, and objects, significant in state history, architecture, archaeology, engineering, and culture, maintained by the State Historic Preservation Officer under the Authority of 53 O.S., in 1984 Supplement, Section 351-355.

Sec. 23-1-4. There is hereby created the Historic Preservation Commission of the City of Chickasha. Its members shall be appointed by the Mayor and with approval of the City Council. In making appointments to the Commission, the Mayor, shall make an attempt to maintain a balance of interest and skills on the commission by assessing the individual qualifications of the candidates including but not limited to their knowledge and demonstrated interest in preservation related fields such as architecture, history, archaeology, planning, design, landscape architecture, or law. All members shall have a knowledge and demonstrated interest in historic preservation. The Planning Commission shall appoint one of its members to act as liaison in an ex-officio capacity.

Sec. 23-1-5. Term of members

Five members shall be appointed to the Historic Preservation Commission of the City of Chickasha, for a term of three years. Initially two members shall be appointed for one year; two members for two years; and one member for three years. All members of this Commission shall serve without compensation. Members should be appointed to fill remainder of terms by the Mayor within sixty (60) days of vacancy.

Sec. 23-1-6. Meetings and Rules

The Historic Preservation Commission of the City of Chickasha shall be empowered to adopt rules for the conduct of its business. The Commission shall elect a Chairman and a Secretary. All meetings of the Commission shall be opened 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 shall be filed for public view in the office of the City Clerk. No business of the Commission may be conducted unless a quorum of not less than three members is present. The Historic Preservation Commission of the City of Chickasha shall meet at least four times per year in public and open meetings with written minutes kept.

Sec. 23-1-7. Historic Preservation Commission Powers and Duties

Unless otherwise specified in this Article, the duties of the Historic Preservation Commission include but may not be limited to the duty to:

- (1) Prepare or cause to be prepared a comprehensive inventory of historic architectural and archaeological and cultural resources within the City;
- (2) Prepare or cause to be prepared a general historic preservation plan to be incorporated in the plans of the City;
- (3) Prepare findings of fact, relating to the recommendation for designation of historic, architectural, archaeological or cultural resources;
- (4) Prepare findings of fact pursuant to action taken by the Commission relating to the Certificate of Appropriateness;
- (5) Make recommendation to the City Council concerning the acquisition of development rights or façade easement, and the development of historic preservation plans;

(6) Make recommendation to the City Council and City Manager concerning grants from federal and state agencies and private groups, and individuals, and the utilization of budget appropriations to promote the preservation of historic, architectural, cultural and archaeological resources;

(7) To increase public awareness of the value of historic, cultural, architectural, archaeological resources by developing and participating in public information programs;

(8) To make comments and recommendations concerning actions undertaken by our City or action of other governmental units with respect to the effect of such actions upon historic, cultural, architectural, or archaeology resources;

(9) Conduct a periodical review of the status of designated landmarks and historic districts that provide periodical reports on the findings of said review, along with any resolution for action as considered appropriate to the City Council.

Sec. 23-1-8. Historic Preservation Zoning District

The Historic Preservation District and its regulations may be applied to property located in any other zoning district, whether residential, commercial, industrial or agricultural, in accordance with the provisions of the Historic Preservation Ordinance. The Historic Preservation District 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 or area. All provisions of this article, including the definitions contained there, shall be application to this district.

Sec. 23-1-9. District Identification

Tracts, building, sites or areas designated by the Historic Preservation Commission as being within the Historic Preservation District shall be identified on the official zoning map of the City of Chickasha and in other official writings.

Sec. 23-1-10. District Regulations

The designating ordinance shall prescribe the significant exterior architectural features; the types of construction, alteration, demolition, and removal, other than those requiring a building or demolition permit that should be reviewed for appropriateness; the design guidelines for applying the criteria for review of appropriateness; permitted uses; special uses; height and area regulations; signage regulations and parking regulations.

Sec. 23-1-11. Ordinary Maintenance or Repair

Nothing in this division shall be construed to prevent ordinary maintenance or repair of any structure except exterior change.

Sec. 23-1-12. Maintaining of Landmarks and Historic Sites; Building Code

- (a) Every person in charge of an improvement on a historic site or in a historic district shall keep in good repair all of the exterior portions of such improvement and all interior portions which, if not so maintained, may cause, or tend to cause, the exterior portions of such improvement to fall into a state of disrepair. This Section shall be in addition to all other provisions of Law or Local Ordinance or Code requiring buildings or structures to be well maintained.
- (b) Insofar as they are applicable to a landmark, historic site or improvement in a historic district, any provisions of the Building Code may be varied or waived, on application, by the Building Inspector, provided such variance or waiver does not endanger public health or safety.
- (c) The Historic Preservation Commission shall utilize, hereinafter, the "Secretary of the Interior's Standards for Rehabilitation" as the guidelines

for reviewing applications for Certificates of Appropriateness. These standards are as follows:

- (1) 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.
- (2) 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.
- (3) All buildings, structures and sites shall be recognized as products of their own time. Alterations that have no historic basis and which seek to create an earlier appearance shall be discouraged.
- (4) 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.
- (5) Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.
- (6) 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.
- (7) 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.
- (8) Every reasonable effort shall be made to protect and preserve archeological resources affected by, or adjacent to, any project.
- (9) Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and addition do not destroy significant historic, architectural or cultural material, and such design is compatible with the size, scale, color, material and character of the property, neighborhood or environment.
- (10) Wherever possible, new additional 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.

Sec. 23-1-13. Uses adjacent to Historic Preservation District.

Any use permitted in a residential, commercial, business or industrial district while lying adjacent to, or across the street from structures or areas falling within the Historic Preservation District shall be screened or designed, as appropriate so as to minimize its effect upon such structures or area. This required screening or design is specifically made applicable to all property use coming into existence after the enactment of this code.

Sec. 23-1-14. Historic District Zoning Designation Process.

- (a) The City may designate tracts and sites for inclusion within the Historic Landmark District and/or the Historic Preservation District in the same manner prescribed for the designation of other zoning districts and subject to compliance with this chapter; however, all designations of tracts and sites for inclusion within the preservation district shall be reviewed and considered by the Historic Preservation Commission. Such commission shall forward its recommendation regarding a proposed designation to the Director of Community Development and City Council.

- (b) The initiation of a proposal of designation may be made by the Historic Preservation Commission, the City Council or on the application of any owner or owners of the parcels to be designated or their authorized agents. Any such applications shall be made upon forms or pursuant to standards set by the commission for this purpose.
- (c) Notice of consideration of a district designation by the Historic Preservation Commission of Chickasha shall be the same as is required for consideration of the adoption or amendment of zoning district boundaries by the City Government and City Code. As a part of such notice, the Director of Community Development by recommendation of the Historic Preservation Commission shall notify the owner or owners of record of affected properties of the proposed designation, including a copy of the proposed designation ordinance, a letter outlining the basis for the designation and the obligations and restrictions which results from such designation.
- (d) The Historic Preservation Commission may solicit and present expert testimony or documentary evidence regarding the historic, architectural, archeological, or cultural importance of the property or district proposed for designation.
- (e) It shall be the duty of the Director of Community Development of the City of Chickasha to report to the Historic Preservation Commission as to the existence of such plans, programs, or authorizations which might have application to the property proposed for designation, and further to offer a professional opinion as to whether or not the proposed designation is in accordance with such plans, programs, or authorizations.
- (f) As part of every such proposed designation or proposed amendment of a designation, the Commission shall state in written form to the Mayor and City Council the attributes of the area or property proposed for designation or the degree to which such attributes relate to and comply with the review criteria set forth in this division. In addition, the Historic Preservation Commission shall state in writing:
 - (1) Whether or not, in its review, designation would be in compliance with prior actions of the City Council approving plans, programs or authorizations for public trusts, agencies or authorities of the City;
 - (2) The proposed design guidelines for applying the criteria for review of certificates of appropriateness to the district proposed for designation;
 - (3) The recommendation as to appropriate permitted uses, uses permitted on review, height and area regulations, sign regulations, and parking regulations necessary or appropriate to the preservation of the district proposed for designation.
- (g) The Director of Community Development shall officially notify the Commission of all approvals or disapprovals of designation ordinances at the next regular meeting of the Historic Preservation Commission following City Council action.
- (h) The Historic Preservation Commission shall have the authority to affect the amendment or repeal of any designation of a site, structure, building, district, or monument in the same manner and according to the same procedure as provided herein for the original designation.

Sec. 23-1-15. Interim Control

No building permit shall be issued by the city for alteration, construction, demolition, or removal of any property or structure within a district proposed for designation from the date of the meeting of the commission at which an application form is first presented until its final disposition by the City Council unless such alterations, removal or demolition is authorized by formal action of the City Council as necessary for public

health, welfare, or safety. In no event shall the delay be for more than one hundred twenty (120) days.

Sec. 23-1-16. District designation; criteria

A site, structure, building, district or monument worthy of preserving may be designated as a landmark or historic district and thus may be included within the Historic Preservation District if such possesses the following attributes within the categories below:

- (1) Historic, Cultural Category:
 - (a) Such 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; or
 - (b) Such is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the locality, state, or nation; or
 - (c) Such exemplifies a facet of the cultural, political, economic, social, or historic heritage of the community of Chickasha.
- (2) Architectural, Engineering Category:
 - (a) Such portrays the environment in an era of history characterized by a distinctive architectural style; or
 - (b) Such embodies those distinguishing characteristics of an architectural type of engineering specimen; or
 - (c) Such is the work of a designer or architect or contractor whose individual work has influenced the development of the community or of this nation; or
 - (d) Such contains elements of design, detail, materials, or craftsmanship which represents a style unique to the past; or
 - (e) Such 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 on a historic, cultural, or architectural motif, or
 - (f) Such represents an established and familiar visual feature of the neighborhood, community, or skyline owing to its unique location or singular physical characteristics.
- (3) Archaeology Category:
 - (a) Such has yielded, based upon physical evidence, information important to history or prehistory; or
 - (b) Such is a 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 motif.

Sec. 23-1-17. Certificate of appropriateness

- (a) A certificate of appropriateness shall be required in the following instances before the commencement of work upon any structure or site located within the Historic Preservation District.
 - (1) Whenever such work requires a building permit issued by the City.
 - (2) Whenever such work includes the application of paint to a previously unpainted brick or masonry exterior surface or the construction or enlargement of a driveway or parking area.
 - (3) Whenever such work includes the construction, erection, moving, demolition, reconstruction, rehabilitation, restoration, stabilization, or alteration of the exterior of any structure or site, except when such work satisfies all the requirements for ordinary maintenance and repair as defined in this article.
 - (4) No building permit shall be issued by the building official for any structure or site located within the Historic Preservation District until the application for such

permit has been reviewed by the Historic Preservation Commission, and a certificate of appropriateness approved by the commission.

- (b) When applying for such a permit, the applicant shall furnish two (2) copies of all detailed plans, elevations, perspectives and specifications, and the Director of Community Development shall forward to the Historic Preservation Commission such application for a building permit within five (5) days of receipt thereof. Any applicant may request a meeting with the Historic Preservation Commission before submitting an application and may consult with the Historic Preservation Commission during the review of the permit application.
- (c) Upon review of the application, the Historic Preservation Commission shall determine whether the proposed work is of a nature which will adversely affect any historic or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this article and the designating ordinance. The Historic Preservation Commission shall apply the criteria established by this article and based thereon shall approve or disapprove such certificate of appropriateness. If the commission disapproves such a certificate of appropriateness, no permit shall be issued and the applicant shall not proceed with the proposed work.
- (d) The Historic Preservation Commission shall develop such guidelines as it may find necessary to supplement the provisions of this article and to inform owners, residents, and general public of those techniques which are considered most proper for undertaking work relating to historic and architectural resources. The Historic Preservation Commission shall have the opportunity to advise the City Council concerning building, electrical, plumbing, heat and air and housing codes and other codes which affect preservation work.
- (e) It is not the intent of this article to limit new construction to any one period or architectural style, but to preserve the integrity of historic and architectural resources and to ensure the compatibility of new work constructed in the vicinity. In the case of the disapproval of plans by the Historic Preservation Commission, the Historic Preservation Commission shall state in writing the reasons for such disapproval and may include suggestions of the Historic Preservation Commission in regard to actions the applicant might take to secure the approval of the Historic Preservation Commission as to the issuance of a Certificate of Appropriateness.
- (f) With regard to the development of a property containing a designated archaeological 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:
 - (1) Archeological resources shall be protected from inappropriate or improper digging by demonstration of the applicant that the appropriate permits and standards are met for study as set by the Oklahoma Archeological Survey.
 - (2) Any discovered materials shall be properly recorded, reported, stored, or exhibited according to the standards set by the Oklahoma Archeological Survey.
 - (3) All development affecting the designated archeological resources shall provide for the permanent preservation of the resource or provide for the completion of the necessary work as recommended by the qualified archeologist.
 - (4) Prior to the hearing by the Historic Preservation Commission for issuance of the certificate of appropriateness, the applicant or the Historic Preservation Commission shall cause to have presented the comments and recommendations of a qualified archaeologist with respect to the resource under consideration and the application, which would affect it.

- (g) The Historic Preservation Commission may approve certificate of appropriateness subject to certain conditions. Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate, if any. It shall be the duty of the Director of Community Development and the Code Enforcement Department to inspect from time to time any work performed pursuant to a certificate of appropriateness to assure such compliance. In the event that all such work is not in compliance, the Community Development Director shall issue a stop work order. The Historic Preservation Commission may request by letter that the Community Development Director inspect the work and issue a stop work order.
- (h) The Historic Preservation Commission shall be guided by the following certificate review criteria consistent with the Secretary of the Interior's Standards for Rehabilitation.
 - (1) The purpose and intent of this article.
 - (2) The degree to which the proposed work may destroy or alter all or part of a resource.
 - (3) The degree to which the proposed work would serve to isolate the resource from its historic or architectural surroundings, or would introduce visual, audible, vibratory, or polluting elements that are out of character with the resource and its setting, or that adversely affect the physical integrity of this resource.
 - (4) The compatibility of the building materials with the aesthetic and structural appearance of the resource, including but not limited to, the consideration of texture, style, color, or the components and their combinations of elements such as brick, stone, concrete, shingle, wood, or stucco.
 - (5) The compatibility of the proposed design to the significant characteristics of the resource, including but not limited to, a consideration of a harmony of materials, details, height, mass, proportion, rhythm, scale, setback, shape, street accessories, and workmanship.

Sec. 23-1-18. Certificate of economic hardship.

- (1) Application. Application on forms prescribed by the commission for certificate of economic hardship may be made by an owner or his agent who has been denied a certificate of appropriateness for any work specified.
- (2) General provisions and procedures. The Historic Preservation Commission may require that the applicant for a certificate of economic hardship make submission concerning any or all of the following information before it makes a determination on the application.
 - (a) An estimate of the costs of the proposed construction, alteration, demolition, or removal and an estimate of any additional costs that would be incurred to comply with the recommendations of the preservation commission for changes necessary for the issuance of a certificate of appropriateness.
 - (b) A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation.
 - (c) The estimated market value of the property in its current condition; after completion of the proposed construction, alteration, demolition, or removal; after any changes recommended by preservation commission, and, in the case of a proposed demolition, after renovation of the existing property for continued use.
 - (d) In the case of proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or rehabilitation or reuse of the existing structure on the property.

- (e) Or any other information that may make this determination reasonable or sound.
- (3) Public Hearing Required. After the application for certificate of economic hardship has been submitted, the commission may hold a public hearing at which any person may testify concerning economic hardship.
- (4) Determination of economic hardship. The Commission shall review all the evidence and information required of any applicant for a certificate of economic hardship and make a determination within forty-five (45) days of receipt of the application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of reasonable use of, or economic return on, the property. If the commission disapproves such a certificate of economic hardship, the applicant shall proceed with work only when issued a certificate of appropriateness.

Sec. 23-1-19. Demolition.

No structure or site within any Historic Preservation District shall be demolished or removed unless such demolition shall be approved by the Historic Preservation Commission and a certificate of appropriateness for such demolition shall be granted.

Sec. 23-1-20. Procedure and postponement orders.

- (a) The Commission shall hold a public hearing for the purpose of considering a certificate of appropriateness for demolition or removal. After such a hearing the Commission may approve the certificate of appropriateness thereby authorizing the demolition or the Commission may deny the certificate of appropriateness and postpone the demolition or removal for a period not to exceed one hundred twenty (120) days.
- (b) At the conclusion of such period of postponement as specified, the commission within thirty (30) days thereafter shall hold a second public hearing for the purpose of considering whether or not the demolition or removal will be allowed. If disallowed then an appeal may be made to the City Council.
- (c) Within sixty (60) days the City Council may deny or approve the demolition, or may enter an order postponing the demolition for an additional period not to exceed one hundred twenty (120) days from the date of such order. At the conclusion of this final period of postponement, the Director of Community Development shall issue a permit approving the demolition.

Sec. 23-1-21. Criteria for review of demolition.

The Historic Preservation Commission and City Council shall be guided by the following criteria in considering certificates of appropriateness and authorizations for demolition of structures or sites within the Historic Preservation District.

- (1) The purposes and intent of this article.
- (2) The degree to which the proposed removal of the historic resources would serve to destroy the integrity and continuity of the Historic Preservation District of which it is a part.
- (3) The nature of the resource as a representative type of style of architecture, socio-economic development, historic association or other element of the original designation criteria applicable to such structure or site.
- (4) The condition of the resources from the standpoint of a 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 development rights and façade 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 use.
- (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.
- (f) The ability of the subject structure or site to produce a reasonable economic return on investment for 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.

Sec. 23-1-22. Minimum maintenance.

Designated landmarks, or structures, building, or monuments within Historic Preservation Districts shall be maintained to meet the minimum requirements of codes and ordinances governing the public health, safety, and welfare. The Historic Preservation Commission, on its own initiative, may file a request with the appropriate officers requesting said officers to proceed under the appropriate codes to require correction of defects or initiation of repairs. All persons in charge of landmark, or structure, building, or monument within a historic district shall keep in good repair all of the exterior portions of such resources, including appropriate landscaping.

Sec. 23-1-23. Historic Preservation Commission review.

All matters regarding property or site situated within the Historic Preservation District shall be reviewed and considered by the Historic Preservation Commission prior to final action by the Chickasha Municipal Government.

Sec. 23-1-24. Fees.

Any fees established shall be approved by the City Council prior to being collected.

Sec. 23-1-25. Appeals.

Any person aggrieved by a decision of the commission shall have such right of appeal as may be otherwise provided by law.

Sec. 23-1-26. Taxes.

Nothing in this article shall be construed as reason for an increased evaluation of property for purposes of ad valorem taxation because of historic designation.

Sec. 23-1-27. Property owned by public agencies.

The requirements, provisions, and purposes of this article applies to all property owned by the city or any other public agency; provided, however, designation pursuant to this article shall not affect the validity of prior actions of the City Council approving plans, programs, or authorizations for public trust, agencies or authorities of the City without an express amendment of such plan, program or authority.

Sec. 23-1-28. Separability.

If any section, paragraph, clause, sentence or provision of this Ordinance shall for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, sentence or provision shall not affect any of the remaining provisions of this Ordinance, and to this end the provision of this Ordinance are declared to be separable.

Sec. 23-1-29. Penalty.

(1) Any person, firm or corporation who violates any provision of this Ordinance shall, upon conviction, be guilty of an offense against the City. 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.

(2) In case any building or structure is erected, constructed, externally reconstructed, externally altered, added to or demolished in violation of this Ordinance, this 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 fees, if the court should find in favor of the city or the persons using on behalf of the city to enforce this Ordinance.