

ORDINANCE NO. 3530

AN ORDINANCE REPEALING OXFORD CODIFIED ORDINANCE CHAPTER 1331 ENTITLED HISTORIC AND ARCHITECTURAL PRESERVATION, AND ADOPTING NEW OXFORD CODIFIED ORDINANCE CHAPTER 1152 ENTITLED HISTORIC AND ARCHITECTURAL PRESERVATION.

WHEREAS, Council hereby finds that the City of Oxford Planning Commission held a public hearing on February 12, 2019 and that following the public hearing did deliberate and as a result of that deliberation, the Planning Commission recommended repealing Oxford Codified Ordinance Chapter 1331 entitled Historic and Architectural Preservation, and adopting new Oxford Codified Ordinance Chapter 1152 entitled Historic and Architectural Preservation.

THE COUNCIL OF THE CITY OF OXFORD, OHIO HEREBY ORDAINS THAT:

SECTION 1: Council hereby finds upon review of the proposed new Chapter 1152 entitled Historic and Architectural Preservation that the regulations will clarify the procedures for all Historic and Architectural Preservation applications, districts and designations and that it will be in the best interest of the City of Oxford and of its residents.


SECTION 2: Council hereby repeals Oxford Codified Ordinance Chapter 1331 and adopts new Oxford Codified Ordinance Chapter 1152 as presented on Attachment "A" attached hereto and incorporated herein by reference.

SECTION 3: It is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that any and all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements, including, but not limited to Section 121.22 of the Ohio Revised Code.

SECTION 4: This Ordinance shall take effect at the earliest time allowed by law.


MAYOR

ADOPTED: June 4, 2019

ATTEST:

CLERK OF OXFORD CITY COUNCIL

INTRODUCED BY: KATE ROUSMANIERE

PREPARED BY: LAW (STAFF)

Chapter 1152: Historic and Architectural Preservation

§ 1152.01 PURPOSE

- (a) In addition to the purpose established for this overall code in Section, it is the purpose of this chapter to promote and protect the health, safety, and general welfare of the public as a matter of public policy through:
- (1) The protection, enhancement and use of structures, sites and areas that are reminders of past eras and events and persons important in local, state, or national history;
 - (2) The development and maintenance of appropriate settings and general environment of the aforementioned structures, sites, and areas.
 - (3) The preservation and encouragement of a city of varied architectural styles, reflecting the distinct phases of Oxford's history. In addition, this chapter is intended to maintain and enhance the scale and basic character of Oxford's historic structures, sites, and areas through:
 - A. Protecting and preserving the basic characteristics and salient architectural details of structures, insofar as the characteristics and details are compatible with the basic characteristics of Oxford's historic areas;
 - B. Affording the widest possible scope of continuing vitality through private renewal and architectural creativity, within appropriate controls and standards. It is intended to foster a climate in which Oxford's historic areas may continue to exist as living, changing commercial and residential areas, not static museums;
 - C. Encouraging development of vacant and incompatibly developed properties in accordance with character of the area; and
 - D. Encouraging maximum use by and convenience to pedestrians.
 - (4) Fostering civic pride; and
 - (5) The provision of preservation information and advice to property owners and the general public.

§ 1152.02 INTERPRETATION

- (a) The Historic Preservation Administrator is responsible for the interpretation of all procedural provisions in this chapter.

§ 1152.03 DEFINITIONS

For the purpose of this chapter, unless the context clearly states otherwise:

- (a) "Applicant" means any person, persons, association, partnership, or corporation who applies for a Certificate of Appropriateness in order to undertake any modification of property subject to the provisions of this chapter.
- (b) "Certificate of Appropriateness" or "COA" a certificate issued by the Historic and Architectural Preservation Commission indicating that a proposed change, alteration, addition or demolition of a historic building or structure within a historic district is in accordance with the provisions of this chapter and the adopted design guidelines.
- (c) "Council" means the Council of the City of Oxford.

- (d)** “Historic and Architectural Preservation Commission” or “HAPC” is the body created and empowered by this chapter to represent the historic preservation interests of Oxford as set forth in this chapter and elsewhere in the Codified Ordinances of Oxford, Ohio.
- (e)** “Historic District” means any area recommended by HAPC and designated by the Council which contains two or more Historic Sites, including those properties that the Council determines should fall under the provisions of the Chapter in order to assure that their appearance and development is harmonious with such Historic Sites.
- (f)** “Historic” means

 - (1)** Historic Site: any place, area, structure, work of art, or object which has special character or special historic or architectural value as part of the development, heritage or cultural characteristics of Oxford, the State of Ohio, or the United States, and which has been designated as such pursuant to the provisions of this chapter;
 - (2)** Historic Structure: Any structure that has or once had special character, or special historic or architectural value as part of the development, heritage or cultural characteristics of Oxford, the State of Ohio, or the United States, and which has been designated as such pursuant to the provisions of this chapter.
 - (3)** Structures in this category will generally be 50 or more years of age. The historic form and character of the building is visually accessible and if not accessible, it could be restored to its historic form and character.
- (g)** “Historic Non-contributing” means structures that will generally be 50 or more years of age. The historic form and character of the building is not visually accessible or has been obliterated by incompatible remodeling, irreversible alteration, decay, or damage.
- (h)** “Historic Preservation Administrator” means the person designated by the City Manager to administer the provisions of this Chapter.
- (i)** “Modification, Major” means any construction of a new, independent structure; construction or other alteration or addition that changes the square footage of an existing structure; construction or other alteration that changes the architectural style of an existing structure or portion thereof; any removal of important stylistic features such as chimneys, latticework, gables, barge board gingerbread, soffets, shutters, windows, and doors; alteration of exterior surfaces such as wood to vinyl and painting unpainted surfaces.
- (j)** “Modification, Minor” means any construction or alteration that does not change the architectural style of an existing structure and is not a major modification; repair or update of any exterior element to comply with current building code, including ADA, shall be considered a minor modification for the purposes of this chapter.
- (k)** “Municipal Infrastructure” means publicly owned, maintained, or operated property including utilities, streets, curbs, gutters, sidewalks, utility poles, street lights, traffic control signs, metering devices, and appurtenances thereto. Objects placed upon publicly owned property such as bicycle racks, waste receptacles, tables, benches, recreation equipment, vending machines, and other similar devices can be considered municipal infrastructure. Wholly or partially enclosed structures shall not be considered municipal infrastructure for the purposes of this chapter.
- (l)** “Neglect” means a situation in which property owners, or others having legal possession, custody, or control of a property, allow the condition of the property to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure.

- (m)** “Non-Contributing” means any structure which has no architectural merit, no historic events or persons connected with it and which would not adversely affect the surrounding architectural or cultural streetscape if it were removed. Generally buildings in this category will be 50 or fewer years of age. The loss of the building would not have a negative impact on the historic character of the district. The loss of the building would improve the consistency and cohesion of the historic district.
- (n)** “Non-Historic Contributing” Generally buildings in this category will be 50 or fewer years of age. The façade of the building conforms to the general character of the street wall in height, massing, proportion, fenestration, material, color, and detail. The building is in balance with the historic buildings in the district context and neither overwhelms nor detrimentally alters the historic character of the district. If the building does not conform stylistically to the character of the district, it nevertheless stands in an appropriate dialogue with the context. The building is typologically appropriate to the district.
- (o)** “Ordinary Repairs and Maintenance” means replacement of any part of a property where the purpose and effect of such work and replacement is to correct or prevent any deterioration or decay to such property, or any part thereof, and to restore same, as nearly as may be practicable, to its original condition and appearance, including minor repair of exterior surfaces including caulking, repointing, and nonabrasive cleaning.
- (p)** “Owner” means the owner of record and the term shall include the plural as well as the singular.
- (q)** “Pre-Application Review” means a review of the ideas, principles, and general standards behind a proposed modification; a less detailed examination of a proposed modification than is required for a Certificate of Appropriateness.
- (r)** “Preservation” means the act or process of applying measures necessary to sustain the existing form, integrity, and materials of an historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.
- (s)** “Reconstruction” means the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location. This definition shall only apply to the use of the term “reconstruction” within this chapter.
- (t)** “Rehabilitation” means the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.
- (u)** “Restoration” means the act or process of accurately depicting the form, features, and character of a property as it appeared at a particular period of time by means of the removal of features from other periods in its history and reconstruction of missing features from the restoration period. The limited and sensitive upgrading of mechanical, electrical, and plumbing systems and other code-required work to make properties functional is appropriate within a restoration project.

§ 1152.04 HISTORIC AND ARCHITECTURAL PRESERVATION COMMISSION (HAPC)

- (a) In order to execute the purposes declared in this chapter, there is hereby established the Oxford Historic and Architectural Preservation Commission (HAPC). All members shall have, to the greatest extent practicable, interest and proficiency in historic and architectural preservation and adaptive reuse.
- (b) The HAPC shall consist of seven voting members. Membership shall be composed of:
 - (1) One City of Oxford Council member;
 - (2) One City of Oxford Planning Commission member, who is not also a member of Council;
 - (3) One member shall be an owner of real property or be a proprietor of a business in one of Oxford's Historic Districts; and
 - (4) Four members based on the following guidelines:
 - A. Two members with professional training or employed in professions related to historic preservation, such as architecture, architectural history, history, archaeology, planning, real estate, building construction or law related to any of these.
 - B. Other members who own real property in Oxford and either:
 - 1. Are proprietors of businesses in a historic district or
 - 2. Are residents in the historic districts, or
 - 3. Have demonstrated a special interest in historic preservation and related matters.
- (c) The City Manager, and/or their designee, shall serve as an ex-officio member.
- (d) Members of the HAPC shall be appointed by a majority of Council.
- (e) HAPC members shall serve for a period of four years and without compensation.
- (f) Terms shall be staggered so that one or two members' terms expire each year.
- (g) The members of the HAPC shall select a member of the Commission as a Chairperson (Chair) and a Vice-Chairperson (Vice-Chair).
- (h) Vacancies on the HAPC shall be filled within 60 days, to the maximum extent practicable.
- (i) One who is absent without justifiable excuses for three (3) consecutive regular meetings shall be regarded as vacating their membership and Council will be advised by the Chair to appoint a new member to fill the term.
- (j) The HAPC shall hold such meetings as it may require, and shall designate the time and place thereof. A minimum of four meetings shall be convened per calendar year.
- (k) Four voting members shall constitute a quorum for the transaction of business.

§ 1152.05 AUTHORITY AND DUTIES

- (a) The HAPC shall have the following authority and duties in addition to those otherwise specified.
 - (1) The HAPC shall create its own "Rules of Procedure" which will determine the operations of that body.

- (2) The HAPC shall be empowered to conduct or coordinate a survey or surveys of all areas, places, structures, works of art, or objects in Oxford which the HAPC has reason to believe are or will be eligible for designation as historic sites or historic districts.
- (3) The HAPC shall keep a register of all historic sites and historic districts designated under this Chapter and those in Oxford designated by the state or federal government.
- (4) The HAPC shall review all proposed National Register nominations for properties within its jurisdiction. When necessary for review of a proposed nomination, the HAPC may seek expert advice before rendering a decision, which expertise may be academic or consulting in nature.
- (5) The HAPC shall establish guidelines for conservation and preservation of historic structures within Oxford's historic districts.
- (6) The HAPC shall work for the continuing education of the citizens of Oxford in regard to the historic and architectural heritage of Oxford and the historic sites or historic districts designated under the provisions of this Chapter.
- (7) The HAPC shall obtain material regarding preservation and restoration and make such materials available to the general public.
- (8) The HAPC will conduct or encourage members to attend educational sessions or to seek in-depth consultation with the Ohio Historic Preservation Office (OHPO) annually. Such training should pertain to the work and functions of the HAPC or to specific historic preservation issues. Barring extenuating circumstances, all HAPC members shall participate in such a session at least once annually.
- (9) The HAPC shall advise Council and its other boards and Commissions on matters related to historic preservation or historic districts and regulations.
- (10) With the consent of Council and the owners of property on which improvement funds would be applied, the HAPC may make application for federal, state, institutional, or private technical or financial assistance.
- (11) The HAPC shall recommend to Council programs designed to encourage historic preservation when such programs would require commitments of the City or expenditure of City funds.
- (12) The HAPC shall seek to establish and maintain a Historic Trust Account to provide funding for programs and improvements that serve the purposes of this Code. Rules and procedures for the administration of any such fund shall be approved by resolution of Council and kept on file with the Administrator.
- (13) The HAPC shall recommend to Planning Commission and Council the designation of historic districts or sites.
- (14) Except for minor alternations, changes, or substitution of like-for-like materials, as allowed, the HAPC shall be responsible for the review and decisions on COAs. The HAPC shall review all plans for the construction, alteration, repair, moving, or demolition of structures, sites, and areas in an historic district. Only the HAPC is empowered to issue a COA, except that the Board of Zoning Appeals (BZA) may issue a COA upon appeal.
- (15) The HAPC shall have the authority to call in experts to aid in its deliberations.

§ 1152.06 DESIGNATION OF HISTORIC SITES AND DISTRICTS

The HAPC has the authority to initiate a process to designate historic sites or districts for preservation under the rules and standards of this chapter. The purpose of this section is to establish the criteria for designation and the procedure for such designations.

(a) Designation Criteria

In considering any area, place, structure, work of art, or object in Oxford as a historic site or a historic district, the latter of which may contain a combination of historic, historic non-contributing, or non-historic contributing sites, structures, buildings, or places worthy of preservation shall find that two of the following criteria are satisfied.

- (1) The character of the site or district has value or significance as part of the history or development of Oxford, the State of Ohio, or the United States;
- (2) It is the location or site of a historic event;
- (3) It is identified with a person or persons who contributed to the history of development of Oxford, the State of Ohio, or the United States;
- (4) It embodies distinguishing characteristics of an architectural style or building type;
- (5) It exemplifies the cultural, economic, social, educational, or political heritage of Oxford;
- (6) Its relationship to other distinctive areas or structures designated for preservation requires designation to protect and preserve the previously designated site; or
- (7) Its unique location or singular physical characteristic represents an established and familiar visual feature of Oxford.

(b) Designation Procedure

(1) Step 1 - Notification

- A. If the HAPC decides to propose designation of any area, place, structure, work of art, or object in Oxford as a historic site or historic district, the HAPC shall instruct the Historic Preservation Administrator to notify property owners in accordance with this section.
- B. The Historic Preservation Administrator shall notify the owner of record of all properties under consideration for designation or any person having a recorded legal interest in such property or properties.
- C. The notification shall include information on the dates, times, and location of the HAPC public meeting.

(2) Step 2 – HAPC Review and Recommendation

- A. The HAPC shall hold a public meeting regarding the proposed designation.
- B. If the HAPC decides that a designation is appropriate, they shall make such a recommendation to the Planning Commission for the initiation of a zoning map amendment to both establish the formal designation and to amend the zoning map to show the designation as an overlay zoning district on the zoning map.

(3) Step 3 – Forwarding to Planning Commission

- A. Once the HAPC recommends the designation of a historic site or district, the Planning Commission shall initiate a zoning map amendment process in order to formally consider the designation.
- B. The Planning Commission and City Council shall hear the proposed amendment and designation in accordance with the procedure set forth in the Zoning Map Amendment Section of this code, including all notification requirements for public hearings.
- C. The Planning Commission and City Council shall consider the designation criteria as part of the recommendation and decision to designate a historic site or historic district, in addition to the general criteria for approving a zoning map amendment.
- D. If the City Council approves the designation and zoning map amendment, the site or district shall be so identified on the Official Zoning Map.

(4) Step 4 – Notification of Designation

Within ten (10) days of the passage of said ordinance, the Historic Preservation Administrator shall send by registered mail a certified copy of the designation ordinance and a notice briefly stating the fact of said designation and identifying where the owner of record can locate the information from this chapter, any applicable design guidelines, and any applicable historic inventories.

(c) Rescinding of Designation

- (1) Notwithstanding any other provisions of this chapter, Council may rescind the designation of any area, place, building or structure as a historic site or historic district by ordinance.
- (2) Passage of such ordinance shall relieve the owner or owners from any duties or penalties connected with this chapter.
- (3) Council shall not pass such an ordinance without first proposing by motion that the designation of an area, place, structure, work of art or object in Oxford be rescinded and removed and notifying the HAPC to that effect.
- (4) Council shall not pass such an ordinance until the procedures required by Subsections above, to make a designation have been applied in the case of removal and rescinding of such a designation.

§ 1152.07 Determining the Significance of a Structure and Related Applicability

- (a) When making decisions or recommendations about changes to structures subject to the COA requirement, the HAPC shall have the authority to make a determination of the historical or architectural significance of the structure based on this section.
- (b) In cases where there is an adopted historic inventory, the HAPC shall utilize the information in the historic inventory to make a determination of the significance (historic, non-historic contributing, historic non-contributing, and non-contributing).
- (c) Where a historic inventory has not been adopted, the HAPC shall determine whether a structure or site is historic, non-historic contributing, historic non-contributing, and non-contributing based on the structure's or site's:
 - (1) Value as a reminder of the cultural, historical, or archaeological heritage of the City, State, or nation;

- (2) Location as a site of a significant local, State, or national event;
 - (3) Identification with a person or persons who significantly contributed to the development of the City, State, or nation;
 - (4) Identification as the work of a master builder, designer, or architect whose individual work has influenced the City, State, or nation;
 - (5) Value as a building that is recognized for the quality of its architecture and that it retains sufficient elements showing such architectural significance;
 - (6) Example of an architectural style or period; and/or
 - (7) Character as a contributing element in the applicable historic district.
- (d) For structures that the HAPC finds are historic non-contributing or non-contributing, the HAPC may relax or waive the standards or guidelines that apply to the project.
 - (e) If the HAPC finds that the structure is historic or non-historic contributing, the standards and guidelines of this code may be fully applied at the discretion of the HAPC.

§ 1152.08 CERTIFICATE OF APPROPRIATENESS

(a) Purpose

The purpose of the Certificate of Appropriateness (COA) is to provide a procedure by which to review construction, renovation, reconstruction, expansion, and demolition projects on designated historic structures or within historic districts. In an effort to preserve the character of this area, the City has established reasonable development standards and design guidelines for buildings and structures within the district and this procedure allows for a comprehensive review of the activities against the adopted standards and guidelines.

(b) Applicability

- (1) No person shall carry out any exterior alteration, addition, restoration, reconstruction, demolition, removal of exterior architectural elements, construction that alters the architectural style of existing structures, new construction, or moving of a site, structure, or building that is a designated historic site or that is within a historic district without an approved COA. Furthermore, no changes in appearance of such property or structure including, but not limited to, its light fixtures, signs, awnings, windows, siding, roof, doors, shutters, sidewalks, latticework, decorative trim, fences, walls, retaining walls, steps, soffits, paving, or other exterior elements which affect the appearance and cohesiveness of the historic site or historic district, without first obtaining an approved COA in accordance with this section.
- (2) If the Historic Preservation Administrator and the HAPC Chair determine a proposed municipal infrastructure improvement impacts the historic or architectural environment of a historic district, a COA shall be required.
- (3) Site improvements such as the establishment of a parking lot or structure, landscaping, or other site work shall also be subject to this section unless otherwise waived by the HAPC.
- (4) Projects and activities that are exempt from the design review process are the following:
 - A. Ordinary repair and maintenance of a building or structure which does not change or alter the exterior appearance of the building or structure;
 - B. Changes in occupancy not involving structural or exterior work;

- C. Interior electrical wiring, HVAC or plumbing work on an existing structure;
- D. Interior building renovations which will not alter and/or affect the exterior elevations and facade of the building or structure or any architectural features that are visible from the outside, unless otherwise prohibited in (Minimum Maintenance Standards).

(5) There shall be a non-refundable filing fee attached to the application for a COA, payable in advance.

(c) Review Authority

(1) All applications for a COA shall be subject to review by the HAPC in accordance with Section unless an administrative approval is allowed under the following conditions:

- A. Applications where the applicant proposes replacement of an architectural element or feature with a similar feature where there is no change in color, material, or size; or
- B. Where the HAPC Chair and Historic Preservation Administrator jointly agree that the proposed modification(s) are minor and comply with all applicable standards and guidelines.

(2) In cases where an administrative approval of the COA is allowed above, the Historic Preservation Administration shall have the authority to forward an application to the HAPC for review if he or she cannot determine if the proposed work is minor enough to allow administrative review under this chapter.

(3) All COAs that are approved administratively shall be placed on the next regular HAPC meeting agenda to ensure that the full HAPC and the public are aware of such administrative approvals.

(d) Procedure for Administrative Decision on a COA

(1) Step 1 - Application

- A. The applicant shall submit a formal application for COA review, including any applicable fees.
- B. An application for a COA shall not be considered until it the application is complete. An application shall be considered when all required and pertinent information has been provided and when all required fees have been paid. A complete application shall consist of:
 - i. The completed application form;
 - ii. Applicable non-refundable filing fee, payable in advance;
 - iii. Diagrams, site plans, elevations, illustrations, photo simulations, and written descriptions sufficient to describe and visualize the location and proposed modification of the property and structure; and
 - iv. Written descriptions of the proposed modifications that require a COA.
 - v. The Historic Preservation Administrator may require additional information or materials as necessary.

(2) Step 2 - Historic Preservation Administrator Review and Decision

- A. Within 30 days after the application is determined to be complete, the Historic Preservation Administrator shall make a decision on the application. In making its decision, the Historic Preservation Administrator may approve or deny the application.
- B. Prior to making a decision on the application, the Historic Preservation Administrator shall have the authority to provide comments to the applicant regarding necessary revisions to bring the application into full compliance. The application shall not be deemed formally approved until the applicant makes all of the appropriate changes and submits all necessary revised forms, maps, and documents to the Historic Preservation Administrator.

(e) Procedure of a HAPC Decision of a COA

(1) Step 1 – Pre-Application Meeting

- A. A pre-application shall be required for all COA applications that involve a demolition request and all applications that involve new construction of principal buildings.
- B. A pre-application shall be required for all other applications but for those applications, the meeting may be waived if the Historic Preservation Administrator and HAPC Chair make a preliminary determination that the application appears to be in keeping with the required standards and design guidelines.
- C. A pre-application shall not be required for an application for a structure or site that is classified as non-contributing in a historic inventory adopted by the City of Oxford.
- D. The pre-application meeting shall be an opportunity for an applicant and the HAPC to discuss a proposal prior to the applicant expending significant considerable amounts of time and money on design, surveying, and engineering.
- E. The pre-application may consist of any information the applicant considers useful to the HAPC. The HAPC shall not take any formal action on the application during the pre-application meeting. The applicant shall submit the information to the Historic Preservation Administrator for placement on the agenda for the next regularly scheduled meeting of the HAPC.
- F. Any discussions held during the pre-application meeting are not binding on the City and do not constitute official assurances or representations by the City or its officials regarding any aspects of the plan or application discussed.

(2) Step 2 – Application

- A. The applicant shall submit a formal application for COA review, including any applicable fees. An application for a COA shall not be considered until it the application is complete..
- B. After the application is determined to be complete, it shall be placed on the agenda for the next regularly scheduled HAPC meeting (or within 45 days).
- C. The HAPC shall set forth the time and the place of the public meeting and shall give written notice to the applicant of the time, date and place of said meeting, and the HAPC shall give public notice of the same.

(3) Step 3 – HAPC Review

- A. The HAPC shall act upon each application within 60 days of its first HAPC meeting unless consideration has been continued beyond such period by official action, in which case the HAPC shall act within a reasonable time and as soon as is practical.
- B. Following approval, approval with modifications, or denial of a COA, the Historic Preservation Administrator shall inform the applicant of the HAPC decision by first class mail within 10 days.
- C. A denial of the application may be appealed in accordance with this Chapter..

(f) COA Review Criteria

Decisions on a COA application shall be based on consideration of the following criteria:

- (1) The proposed development complies with all the requirements of this code and other related codes and ordinances enforced by the City;
- (2) Properties which contribute to the character of the historic district shall be retained, with their historic architectural features intact and altered as little as possible;
- (3) Any alteration of an existing property shall be compatible with its historic character, as well as with the surrounding district;
- (4) New construction shall be compatible with the district in which it is located;
- (5) The application demonstrates compliance with any historic guidelines or policies adopted by the City of Oxford that are applicable to the subject application; and
- (6) In determining compatibility, the HAPC shall consider the following:
 - A. The general design, character, and appropriateness to the property of the proposed alteration or new construction;
 - B. The scale of the proposed alteration or new construction in relation to the property itself, surrounding properties, and the neighborhood;
 - C. The texture, materials, and color and their relation to similar features of other properties in the neighborhood;
 - D. The visual compatibility with surrounding properties, including proportion of the properties façade, roof shape, and the rhythm of spacing of properties on streets, including setback; and
 - E. The importance of historic, architectural, or other features to the significance of the property.
- (7) In its considerations of whether an application is deserving of an approval, the HAPC may also consider the cost of modifications or other proposals, where costs for a particular action or inaction may be unreasonable given existing conditions of a structure, site, or area.

- (8) The HAPC shall encourage alterations and repairs to historic structures and to structures in historic districts in the spirit of their existing architectural style; however, additions in styles different than the existing structure may be approved if such additions complement the existing architectural style. The HAPC shall be flexible in its judgment of plans for alteration, repair, or demolition of structures, sites, and areas of little historic or cultural value except where such alteration, repair, or demolition would seriously impair the historic value and character of surrounding structures or of the surrounding area. It is not the intent of this Chapter to limit alteration or repair to any one period of architectural style.

(g) Bond Requirement

Before any building permit for any new principal building is issued a performance bond is required with security equivalent to 100% of the approved cost of leveling the site, filling with soil and sodding or seeding the surface. .

(h) Amendment or Modifications after an Approval

Unless otherwise stated in this chapter, any request for an amendment or modification to the approved plans or conditions shall be done in accordance with the procedures and standards established for its original approval.

(i) Validity

- (1) The COA shall be valid for a period of one (1) year from the date of approval by the HAPC at which time a building permit must be obtained
- (2) All work shall be substantially completed within two (2) years from the date a building permit is issued.
- (3) The HAPC may approve an alternative construction schedule for it's COA approval
- (4) Failure to comply with any of the above deadlines shall render the COA void and no alternations or construction may take place until a new COA has been approved in accordance with this section.

(j) COA Decisions Related to Other Permits and Approvals

- (1) No permits for zoning, building, or demolition shall be issued without first obtaining a COA.
- (2) If a COA is approved, permits relative to the proposed modifications may be issued immediately following normal zoning and building department review procedures.
- (3) If a COA is denied, the City shall not issue any permits that would allow modifications for which the COA was denied.

(k) Resubmission of a COA Application

- (1) An application that is denied or approved-with-modifications shall not be resubmitted for one year unless the applicant demonstrates that the new application addresses all of the issues or concerns established in the denial or that the new application is substantively different from the initial application.
- (2) The HAPC Chair and Historic Preservation Administrator shall determine if the changes are substantial enough to warrant a new review.

§ 1152.09 MOVING OF HISTORIC STRUCTURES

- (a) The HAPC may authorize the moving of a historic structure or structure in a historic district through a COA application.

- (b) The HAPC may approve a COA for the moving of a structure within a historic district if the move will enhance the character of the overall district.
- (c) The HAPC may approve a COA for the moving of a structure to a property outside of the historic district provided that:
 - (1) There is a determination that the structure is identified as historic non-contributing or non-contributing in an adopted historic inventory; or
 - (2) That while the structure is historic or non-historic contributing, as identified in an adopted historic inventory, that the reuse of the property where the structure was located will enhance the character and quality of the historic district as compared to the structure that is proposed to be moved.

§ 1152.10 DEMOLITION REVIEW AND REQUIREMENTS

- (a) An application for the demolition of a building shall require a COA and follow the procedures and requirements of Oxford and Ohio Building Codes.
- (b) Any application for demolition shall include a plan for the reuse of the property that illustrates the mitigation of any adverse effects of the proposed removal upon the property, the streetscape, or the applicable historic district through the following:
 - (1) A plan for the reuse of the property through new construction, exterior rehabilitation, or restoration that is consistent with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Guidelines; contributes to the historic character of the district or, in the case of a historic site, reflects the architectural character of the demolished structure; complies with the historic design guidelines; and which contributes to the architectural or historic integrity of the applicable historic district; and
 - (2) A plan for the landscaping of the parcel in accordance with this chapter and the guidelines set forth in the current Oxford Historic and Architectural Preservation Commission Design Guidelines, for the benefit of the general area.
- (c) Where an application includes a plan for the reuse of the property through new construction, the application shall include a schedule for construction that will result in the completion of new construction within thirty-six months (36) from the date the COA is issued. Completion dates that extend beyond thirty-six (36) months may be granted at the discretion of the HAPC.
- (d) A demolition permit from the Building or Planning Department shall not be issued unless accompanied by a COA and shall include:

- (1) a performance bond posting with security equivalent to 100% of the approved cost of leveling the site, filling with soil and sodding or seeding the surface.
- (2) payment of a mitigation fee of ten percent (10%) of the approved demolition cost.

(e) Demolition Approval Criteria:

The HAPC may approve a COA for demolition only if one of the following is satisfied:

- (1) The applicant has given clear evidence that the structure has incurred extensive damage to its basic structural elements such as roof, wall, and foundation requiring substantial reconstruction, and the structure presents an immediate danger to the public health, safety, or welfare as declared by the Chief Building Official (condemnation) but that such damage was not done through neglect of the property by the owner or former owners; or
- (2) The demolition is proposed for a structure that is identified as non-contributing or historic non-contributing in an adopted inventory of the applicable zoning district; or
- (3) The applicant demonstrates that the following conditions are met based on the designation of the site or structure in an adopted historic inventory:

A. Historic Structures

- i. The applicant must demonstrate that the costs to rehabilitate or renovate the structure to a purposeful use exceeds 50 percent of the fair market value.
- ii. The City shall reserve the right to have an individual or entity that is not a member of HAPC to assess the financial feasibility of renovating the structure.
- iii. The COA shall not be approved if the cause of such damage was due to neglect by the owner or previous owners.

B. Non-Historic Contributing Structures

- i. The removal will not adversely affect the architectural or historic integrity of the streetscape; or
- ii. The structure is not consistent with other structures in the district in terms of historic character, architectural style, construction material, height, setback or mass.

(f) Demolition by Neglect Prohibited

The HAPC shall not issue a COA for demolition when the HAPC determines:

- (1) That the condition of the structure is attributable to demolition by neglect defined as a situation in which property owners, or others having legal possession, custody, or control of a property, allowed the condition of the property to suffer such deterioration, potentially beyond the point of repair, as to threaten the structural integrity of the structure.
- (2) Conditions of neglect include, but are not limited to, the following:
 - A. Deterioration of exterior walls, foundations, or other vertical support that causes leaning, sagging, splitting, listing, or buckling.
 - B. Deterioration of flooring or floor supports, roofs, or other horizontal members that causes leaning, sagging, splitting, listing or buckling.

- C. Deterioration of external chimneys that causes leaning, sagging, splitting, listing or buckling.
- D. Deterioration or crumbling of exterior plasters or mortars.
- E. Ineffective waterproofing of exterior walls, roofs, and foundations including broken windows or doors.
- F. Defective protection or lack of weather protection for exterior wall and roof covering, including lack of paint, or weathering due to lack of paint or other protective covering.
- G. Rotting, holes, and other forms of decay.
- H. Deterioration of exterior stairs, porches, handrails, window and door frames, cornices, entablatures, wall facings, and architectural details that causes delamination, instability, loss of shape and form, or crumbling.
- I. Deterioration that contributes to a hazardous or unsafe condition.

(g) Access to Structure by Chief Building Official

The property owners, or others having legal possession of the property, shall provide the Chief Building Official or other designee of HAPC access to the property in order to assist in the determination of the condition of the structure as part of any application for a COA related to demolition.

§ 1152.11 INSPECTIONS AND COMPLIANCE

- (a) The Chief Building Official shall review construction drawings, final plans, and other similar documents for compliance with an approved COA, any conditions attached thereto, and any approved or required modifications thereof.
- (b) During the course of regular building inspections, the Chief Building Official shall note any deviations from an approved plan, and shall promptly report any such deviations to the Historic Preservation Administrator. If the Administrator determines that a deviation from an approved COA is planned or constructed, a stop work order shall be issued.
- (c) The Historic Preservation Administrator and the HAPC Chair together shall determine the impact of the modification with regard to the intent of an approved COA. Such determination shall be made within seventy-two (72) hours following the issuance of a stop work order, if possible.
 - (1) Any modification may be approved administratively and the order lifted if they determine that it is a minor modification to the approved COA.
 - (2) Any modification that is determined to be a major modification or one that does not satisfy the intent of the approved COA will require a new application for COA. The stop work order shall not be lifted until the new application has been heard by the HAPC or the Historic Preservation Administrator has determined that all further work shall comply with the approved COA.
- (d) The Certificate of Code Compliance shall serve as official recognition that completed construction has satisfied the requirements of an approved COA.

§ 1152.12 SUBSTANDARD CONDITIONS

In order that the purpose of this Chapter may be accomplished and structures and properties preserved against decay and deterioration, the following standards shall be applied by the HAPC and Historic Preservation Administrator in order to determine the existence of substandard

conditions which would be detrimental to the health, safety, and welfare of the public or contrary to the policy and purpose of this chapter, or any other code applicable to building safety and maintenance.

- (a)** Structural defects or hazards, including but not limited to, the following:
 - (1)** Footings or foundations that are weakened, deteriorated, insecure or inadequate, or of insufficient size to carry imposed loads with safety;
 - (2)** Members of walls or other vertical supports that split, lean, list, buckle, or are of insufficient size or strength to carry imposed loads with safety;
 - (3)** Members of ceilings, roofs, ceiling and roof supports, or other horizontal members which sag, split, buckle, or are of insufficient size or strength to carry imposed loads with safety.
 - (4)** Fireplaces or chimneys that list, bulge, settle, or are of insufficient size or strength to carry imposed loads with safety.
- (b)** Defective or inadequate weather protection, including, but not limited to, the following:
 - (1)** Broken or missing doors and windows
 - (2)** Deteriorated, ineffective or lack of waterproofing of foundations or floors;
 - (3)** Deteriorated, ineffective or lack of exterior wall covering, including lack of paint or other approved protective covering;
 - (4)** Deteriorated, ineffective or lack of roof covering;
 - (5)** Broken, split, decayed or buckled exterior wall or roof covering;
 - (6)** Gutters and downspouts which have deteriorated or are missing.
- (c)** Defects increasing the hazards of fire or accident, including, but not limited to the following:
 - (1)** Accumulation of rubbish and debris;
 - (2)** Any condition, which may cause a fire or explosion or provide a ready fuel to augment the spread or intensity of fire or explosion arising from any cause.
- (d)** Inadequate maintenance of grounds that detract from the visual qualities of the area, site or structure.

§ 1152.13 ADMINISTRATIVE FINDINGS (VIOLATIONS)

- (a)** Upon receipt of notification of an alleged violation of this Chapter, the Historic Preservation Administrator and the Building Administrator shall investigate and inspect any such property within thirty (30) days after the initial notification. After such inspection, the Historic Preservation Administrator shall give written notice to the owner of record and any person in actual physical possession thereof stating in what respect the property is in violation of obtaining the appropriate COA or is substandard and setting forth the repairs, alterations or improvements required to correct such substandard conditions or preserve the property and a stated period of time in which the required work shall be done. Such notice shall also inform the owner of record and any person in actual physical possession thereof that said Historic Preservation Administrator's and Building Administrator's findings may be subject to the review and hearing before the HAPC, if such is requested.

- (b) When a hearing has been requested, the HAPC shall set forth the time and the place of the hearing and shall give written notice to the owner of record of the time, date and place of said hearing, and the HAPC shall give public notice of the same. Such hearing shall be held not more than forty-five (45) days after the request for the hearing or may be held within such a time as is mutually agreed upon by the HAPC and the owner of record..
- (c) At the hearing, the HAPC shall review the findings and orders of the Historic Preservation Administrator and Building Administrator and shall determine whether such findings are true and correct within the meaning of this Chapter. If the HAPC concurs with the findings that the affected property is substandard, the HAPC shall further determine whether the Historic Preservation Administrator's orders for corrections are reasonable and necessary to accomplish the purposes of this Chapter.
- (d) The HAPC shall in connection with such hearings receive such evidence as may be presented on behalf of any party of interest, and based upon such evidence, the HAPC shall issue its own order affirming, reversing, or modifying the order of the Historic Preservation Administrator.
- (e) An order of the HAPC shall bear the same authority and consequences as if issued by the administrators. The findings and the orders and the decision of the HAPC shall be transmitted in writing, not later than thirty (30) days following the date of the hearing, to the owner of record..
- (f) Regarding any property that is unoccupied or vacant, the HAPC upon review may, where appropriate and necessary, order the following:
 - (1) That all accumulations of flammable or combustible rubbish or debris be removed from the premises by the owner of record or person in possession of the building.
 - (2) That all windows, doors and other openings in any building on such property be locked, barricaded or otherwise secured by the owner of record of the property. Materials and methods used for securing buildings and affecting the exterior appearance of the building shall require a COA issued by the HAPC.

§ 1152.14 APPEAL

- (a) An applicant may appeal the denial of a COA to the Board of Zoning Appeals (BZA) within 21 days of the date of such denial. The BZA shall consider the appeal at its next regularly scheduled meeting or within 45 days. Consideration of an appeal is not a public hearing and does not require legal notice.
- (b) An official transcript of the meeting or meetings at which the application was considered must be provided to the BZA at the cost of the appellant and the appeal shall be limited to the transcript of the HAPC hearing. No new claims or evidence shall be heard and no additional testimony shall be permitted.
- (c) The BZA shall reverse the decision of the HAPC, in whole or in part, if it finds that the HAPC was unreasonable, arbitrary, or capricious in its application of this Chapter.
- (d) The BZA shall remand the application to the HAPC, in whole or in part, if it finds that the HAPC misinterpreted a provision of the applicable standards when making its decision or that the HAPC committed procedural error which substantively and adversely affected the rights of the applicant.

§ 1152.15 PENALTIES

- (a)** If any modification to a site or structure is made in violation of this ordinance is made or is imminent, the City may institute appropriate proceedings to prevent such unlawful actions.
- (b)** Whoever violates the provisions of this Chapter by failing to perform any act required or performing any act that is prohibited shall be guilty of a minor misdemeanor pursuant to Oxford Code Section 501.99
- (c)** Whoever is guilty of violating any provision of this Chapter a second time shall be guilty of a misdemeanor of the fourth degree pursuant to Oxford Code Section 501.99.