

HISTORIC PRESERVATION ORDINANCE TABLE OF CONTENTS

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ORDINANCE NO. 3075

AN ORDINANCE REPEALING CHAPTER 4, ARTICLE 11, SECTIONS 4-75 THROUGH 4-97 OF THE GUTHRIE MUNICIPAL CODE; ESTABLISHING A NEW CHAPTER 4, ARTICLE 11; RE-ESTABLISHING THE CAPITOL TOWNSITE HISTORIC DISTRICT WITHIN THE CORPORATE LIMITS OF THE CITY OF GUTHRIE, OKLAHOMA; DEFINING TERMS; ESTABLISHING THE GUTHRIE HISTORIC PRESERVATION COMMISSION; ESTABLISHING RULES, REGULATIONS AND PROCEDURES WHICH GOVERN THE PRESERVATION OF PROPERTIES AFFECTED BY THIS ORDINANCE; DEFINING VIOLATIONS OF THIS ORDINANCE AND DEFINING PENALTIES FOR THE SAME; AND PROVIDING FOR A GRANDFATHER CLAUSE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GUTHRIE THAT:

Section 1. Repeal of Chapter 4, Article 11, Sections 4-75 through 4-97.

Chapter 4, Article 11, Sections 4-75 through 4-97, inclusive, of the Guthrie City Code are hereby ordered repealed.

Section 2. Establishment of a new Chapter 4, Article 11.

A new Chapter 4, Article 11 of the Guthrie City Code is hereby adopted as follows:

Article 11

Section 1. Title.

This ordinance shall be known, cited, and referred to as the Guthrie Historic Preservation Ordinance.

Section 2. Purpose.

The purpose of this article is to provide for the preservation, protection, enhancement, restoration, rehabilitation, renovation and perpetuation of certain improvements, building exteriors, structures, signs, objects, sites and areas within the City of Guthrie, Oklahoma, for the following reasons:

- (1) To preserve, protect, enhance and perpetuate certain resources which reflect elements of cultural, artistic, social, economic, political, architectural, engineering, historic or other heritage by reviewing the appropriateness of proposed alterations to existing resources, by controlling indiscriminate erection of new improvements and by fostering proper maintenance and repair of existing resources;
- (2) To promote the continuing use of such resources within the City of Guthrie, thereby serving as a stimulus and support to business and industry;
- (3) To promote and encourage continued private ownership and utilization of resources to the end that the objectives listed herein can be attained;
- (4) To encourage preservation of historic neighborhoods or structures;

- (5) To foster, preserve and encourage harmonious architectural styles and signage, reflecting the distinct phases of the history of Guthrie.

Section 3. Area of Application.

This article shall apply to the following described property and such historic districts, landmarks, landmark sites and areas as may be added by the Guthrie Historic Preservation Commission hereafter within the corporate limits of the City of Guthrie and subject to approval of the City Council of said City of Guthrie. (Boundaries of the Guthrie Capitol Townsite Historic District are indicated on the map identified as Exhibit A and on file in the office of the City Clerk.)

District Boundaries: Capitol Townsite Historic District.

All of Lots 13-115, Block 31, all of Blocks 43, 44, 45, 46, 47 and 49, all of Lots 1-12, Block 54, all of Blocks 55, 56, 57, 58, 59, 60 and 61, all of Lots 9-20, Block 68, all of Blocks 70 and 71 in that part of Guthrie, Oklahoma known as Guthrie Proper and also,

The south 16-23/ feet of Lot 13, all of Lots 14-18, Block 33, all of Lots 7-12, Block 34, all of Block 36, all of Lots 13-24, Block 46, all of Lots 13-24, Block 47, all of Lots 13-24, Block 48, all of Blocks 49, 50, 51 and 52, all of Lots 1-12, Block 61, all of Lots 1-14, Block 62, all of Blocks 63 and 64, all of Lots 9-14, Block 65, all of Lots 7-18, Block 77 in that part of Guthrie, Oklahoma known as East Guthrie Townsite and also,

That part of the Northeast Quarter of Section 17, T16N, R2W, Logan County, Oklahoma known as Mineral Wells Park. (Ord. No. 2620 & Ord. 2843, 6/7/88)

Section 4. Definitions.

- (1) **Adaptive use:** The restrained alteration of a historical or architectural resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the general historical and architectural character.
- (2) **Adversely affect:** Negatively changing the quality of the historical, architectural, or cultural significance of a resource, or the characteristics that qualify the resource as historically important.
- (3) **Alteration:** Any construction or change of the exterior of a building, object, site, or structure. For buildings, objects, sites or structures, alteration shall include, but is not limited to, the changing of roofing or siding materials; changing, eliminating, or adding doors, door frames, windows, window frames, shutters, fences, railings, porches, balconies, signs, or other ornamentation; the changing of paint color; regrading; fill; imploding or other use of dynamite. Alteration shall not include ordinary repair and maintenance.
- (4) **Architectural resources:** Districts, structures, buildings, monuments, sites, and landscaping that possess local interest or artistic merit, or which are particularly representative of their class or period, or represent achievements in architecture, engineering technology, design, or scientific research and development.

- (5) **Architectural style:** A type of architecture distinguished by special characteristics of structure and ornament and often related in time; also, a general quality of distinctive character.
- (6) **Certificate of Appropriateness:** The official document issued by the Guthrie Historic Preservation Commission approving any application for alteration, construction, reconstruction, relocation, or demolition of any structure or site designated under the authority of this article.
- (7) **Certificate of Completion:** The official document issued by the Guthrie Historic Preservation Commission stating that the applicant has implemented a project in accordance with the issued certificate of appropriateness and any conditions thereof.
- (8) **Certificate of Economic Hardship:** The official document issued by the Guthrie Historic Preservation Commission establishing unreasonable economic hardship for the applicant.
- (9) **Cluster:** A group of cultural resources with compatible buildings, objects or structures geographically or thematically relating to and reinforcing one another through design, setting, materials, workmanship, congruency and association.
- (10) **Compatibility:** Capable of existing together in harmony.
- (11) **Construction:** The act of adding an addition to an existing building or structure or the erection of a new principal or accessory building or structure on a lot or property.
- (12) **Contributing resource:** A resource in an historic district or cluster that contributes to the district's or cluster's historical significance through location, design, setting, materials, workmanship and association, and which shall be afforded the same considerations as landmarks.
- (13) **Demolition:** Any act or process that destroys or razes in whole or in part a building, object, site, or structure, or permanently impairs its structural integrity.
- (14) **Design Guidelines:** Standards adopted by the Guthrie Historic Preservation Commission intended for use by the Commission, property owners and tenants to ensure that rehabilitation and new construction respect the character of designated properties or districts.
- (15) **Economic return:** A profit or capital appreciation from use or ownership of a building, object, site or structure that accrues from investment or labor.
- (16) **Elevation:** A "head-on" drawing of a building façade or object, without any allowance for perspective. An elevation drawing will be in a fixed proportion to the measurement on the actual building.
- (17) **Emergency inspection:** An on-site examination of work in progress conducted by City staff, the purpose of which is to ensure that work in progress is authorized and/or conforms to the conditions of an issued certificate of appropriateness.
- (18) **Exterior:** All outside surfaces of any building.
- (19) **Façade:** The face or exterior surface of a building.
- (20) **General resource:** A building, object, site or structure which does not add to a district's or cluster's sense of time and place and historical development but may contribute in other aspects, such as contributing to the street wall.
- (21) **Good repair:** A condition which not only meets minimum standards of health and safety, but which also guarantees continued attractiveness, continued structural soundness, and continued usefulness.
- (22) **Historic district:** A geographically definable area as designated by ordinance which may contain one or more significant landmarks and which may have within its

- boundaries other properties or structures, while not of such historic and/or architectural significance to be designated as landmarks, nevertheless contribute to the overall visual characteristics of the district and which merits designation for its historical and architectural significance and value.
- (23) **Historic resources:** Sites, districts, structures, buildings, or monuments that represent facets of history in the locality, state or nation; places where significant historical or unusual events occurred; places associated with a personality or group important to the past.
 - (24) **Infill construction:** Construction designed to occupy a vacant parcel of land within a developed area.
 - (25) **Improvement:** Any building, structure, place, parking facility, fence, wall, sign, work of art or other object, the addition or deletion of which constitutes a physical betterment of real property, or any part of such betterment of real property.
 - (26) **Landmark:** A prominent building or feature officially designated as having special status and protection.
 - (27) **Landmark site:** A parcel or part thereof on which is or was situated a landmark.
 - (28) **Major façade changes:** Any act that has the potential to significantly alter the appearance of a resource.
 - (29) **Mass:** The physical volume or bulk of a property or properties.
 - (30) **Materials:** The physical characteristics which create the aesthetic and structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete or stucco.
 - (31) **Minimum maintenance notice:** Official letter or memorandum sent by mail or delivered to property owners for the purpose of informing them that their property requires maintenance in order to comply with the minimum maintenance provisions of this ordinance.
 - (32) **Minimum maintenance plan:** A description of the activities to be implemented in order to maintain a resource to the point where it is sound and weatherproof.
 - (33) **Object:** A material thing of functional, aesthetic, cultural, historical, or scientific value that may be, by nature or design, movable yet related to a specific setting or environment.
 - (34) **Ordinary maintenance or repair:** Any work for which a building permit or any other city permit or certificate is not required and where the purpose of such work is 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.
 - (35) **Permanent sign:** A sign intended to be used for a period greater than thirty (30) days. Signs will be considered permanent when changes in materials or message maintain overall appearance.
 - (36) **Preservation:** The act or process of applying measures to sustain the existing form, integrity, and materials of a building or structure, and the existing form and vegetative cover of a site. It may include initial stabilization work, where necessary, as well as ongoing maintenance of the historic building materials.
 - (37) **Property:** A parcel of land and any improvements thereon.

- (38) **Property owner:** Any individual, firm, partnership, limited liability company or corporation holding title to real estate that is either a landmark, a landmark site or within an historic district, or being considered for such status.
- (39) **Proportion:** The relative physical sizes within and between buildings and building components.
- (40) **Reconstruction:** The act or process of *reassembling, reproducing, or replacing by new construction*, the form, detail, and appearance of a property and its setting as it appeared at a particular period of time by means of the removal of later work, or by the replacement of missing earlier work, or by reuse of original materials.
- (41) **Rehabilitation:** The act or process of returning a property to a state of utility through repair, remodeling, or alteration that makes possible an efficient contemporary use *while preserving those portions or features of the property that are significant to its historical, architectural, and cultural values.*
- (42) **Relocation:** Any change of the location of a building, object or structure from its present setting or to another setting.
- (43) **Renovation:** The act or process of returning a property to a state of utility through repair or alteration that makes possible a contemporary use.
- (44) **Resource:** A building, object, site or structure.
- (45) **Restoration:** The act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work.
- (46) **Rhythm:** A regular pattern of shapes including, but not limited to, windows, doors, projects, and heights, within a building, structure, or monument, or a group of same.
- (47) **Sandwich board sign:** Any sign not affixed to a structure or to the ground.
- (48) **Scale:** The harmonious proportion of parts of a building, structure, or monument to one another and to the human figure.
- (49) **Setback:** The distance from a given property line, established by the City's zoning ordinance, where a property owner is authorized to construct an improvement.
- (50) **Setting:** The surrounding environment of a resource, including other buildings, structures, site features, landscaping and streets, which contributes to the aesthetic quality of the historic or architectural resource.
- (51) **Sign:** A structure which consists of a device, light, letter, word, model, banner, pennant, trade flag, logo, insignia, or representation which advertises, directs, or announces a use conducted, goods, products, services, or facilities available, excluding window displays or merchandise.
- (52) **Sign guidelines:** Standards adopted by the Guthrie Historic Preservation Commission intended for use by the Commission, property owners and tenants to ensure design and placement of permanent signs that respect the character of designated properties.
- (53) **Significant characteristics of the resource:** Those characteristics which are important to or expressive of the historical, architectural, or cultural quality and integrity of the resource and its setting, and which include, but are not limited to, building material, detail, height, mass, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.
- (54) **Site:** The location of a significant event, a prehistoric or historic occupation or activity, or a building, structure, or cluster, whether standing, ruined, or vanished, where the location itself maintains historical value regardless of the value of any existing structure.

- (55) **Special Merit:** A new building, object, site or structure having significant benefits to Guthrie by virtue of exemplary architecture, specific features of land planning, or social, cultural or other benefits having a high priority for community services.
- (56) **Stabilization:** The act or process of applying measures designed to reestablish a weather-resistant enclosure and the structural stability of an unsafe or deteriorated property while maintaining the essential form as it exists at present.
- (57) **Stop Work Order:** A written notice from the City that work on any building, structure or site is being implemented contrary to the provisions of this ordinance, contrary to the conditions of an approved Certificate of Appropriateness, or in an unsafe and dangerous manner.
- (58) **Street accessories:** Those sidewalk or street fixtures which provide cleanliness, comfort, direction, or safety, and are compatible in design to their surroundings, and include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping, including but not limited to trees, shrubbery and planters.
- (59) **Structural integrity:** The state of being unimpaired; sound.
- (60) **Structure:** Anything constructed or erected.
- (61) **Unreasonable economic hardship:** An economic burden imposed upon the owner which is unduly excessive and prevents a realization of a reasonable rate of return upon the value of his property.
- (62) **Unusual and compelling circumstances:** Those uncommon and extremely rare instances, factually detailed, which would warrant a Commission recommendation for relief due to the evidence presented.
- (63) **Visual façade changes:** Any modification to the appearance of a façade caused by alteration, construction or demolition.
- (64) **Workmanship:** Skill as a workman, craftsmanship or artistry or evidence of this skill in something produced.

Section 5. Guthrie Historic Preservation Commission Established.

- (1) There is hereby established in the City of Guthrie, Oklahoma, a Guthrie Historic Preservation Commission, which shall be referred to hereinafter as the Commission.
- (2) The Commission shall consist of seven (7) appointed members. When possible, the members shall include persons with training or experience in a preservation-related profession. Any vacancy, whether from expiration of term, resignation, or removal shall be filled as follows: Members shall be appointed by the mayor and confirmed by the City Council of the City of Guthrie. Available positions shall be advertised in the newspaper, and interested citizens shall be given the opportunity to complete an application. Appointments shall be made from the list of applicants available at the time of the appointment. Where such member is required to have special qualifications, such vacancy shall be filled in the manner herein prescribed with a person having such qualifications. Appointed members of the Commission shall be comprised as follows:
 - (a) two (2) members of the Logan County Historical Society,
 - (b) one (1) member of the Guthrie Municipal Planning Commission,
 - (c) two (2) persons having special knowledge or background of the history and architecture of the city of Guthrie, and
 - (d) two persons who own property that is designated as a landmark or a landmark site or located within a historic district as defined herein.

- (3) City Council shall appoint one (1) of its members to serve as an ex-officio member of the Commission.
- (4) Members of the Commission appointed under Section 5, subsection (2)(c) need not be residents of the city although preference will be given to those residing in Guthrie.
- (5) All members shall serve without compensation.
- (6) The appointment of members to the Guthrie Historic Preservation Commission shall be for three years.
- (7) The Commission shall elect a chair and a vice-chair during the first meeting in January each year.
- (8) A vacancy shall be deemed to exist when a Commission member dies, resigns, fails to attend three consecutive or four cumulative meetings in one year, is convicted of a felony or is otherwise legally disqualified, or upon the expiration of the member's term. Council members may also remove Commission members in accordance with Section 2-21 of the City Charter.
- (9) The Commission shall have the authority to perform all of the duties hereinafter enumerated and provided in this article.

Section 6. Powers and Duties of the Commission.

The Commission established pursuant to this article shall have the following powers, duties and responsibilities:

- (1) To establish such rules and procedures as are necessary for the efficient conduct of the business of the Commission;
- (2) To adopt specific guidelines for selection of landmarks, landmark sites and historic districts, which guidelines shall be adopted subject to the approval of the City Council of the City of Guthrie;
- (3) To recommend to the City Council properties for designation as a landmark or landmark site or a historic district;
- (4) To regulate new construction within a historic district and exterior alterations to landmarks, landmark sites and properties within defined historic districts in the manner described herein;
- (5) To regulate the design and placement of all permanent signs within a historic district and on landmarks and landmark sites;
- (6) To recommend to Council specific guidelines to use in making decisions for approval or denial of Certificates of Appropriateness;
- (7) To recommend to City Manager to direct staff to stop work on projects that do not have the proper authorization by the Commission or do not conform to the conditions of issued certificates of appropriateness;
- (8) To prepare and place on landmarks and landmark sites a suitable plaque or other marker declaring that such resource is a designated landmark. Such plaque shall be installed with the owner's permission and shall contain information deemed appropriate by the Commission. Any expenditure of funds provided for this purpose by the City of Guthrie shall be subject to the approval of the City Council of said City of Guthrie;
- (9) To request funds from City Council and other funding organizations through the City of Guthrie and to recommend expenditure of such funds in order to accomplish the stated purpose of the Commission;

- (10) To recommend to City Council specific application fees and other related fees;
- (11) To prepare and present an annual report on the Commission's activities to City Council;
- (12) To recommend to City Council for contracting with the county, state or federal government or any agency or division of said governments or with any other organization, which contract is necessary or advisable for the accomplishment of the goals of the Commission;
- (13) To cooperate with federal, state, county and local governments in the pursuit of the objectives of historic preservation and to work with City departments on projects or departmental plans that have the potential to impact historic resources;
- (14) To promote and conduct educational and interpretive programs on historic properties;
- (15) To conduct a survey of local properties within the boundaries of the city of Guthrie complying with all applicable standards and criteria of the Oklahoma Statewide Survey undertaken by the State Historic Preservation Office of the State of Oklahoma;
- (16) To establish and maintain a detailed inventory of property within historic districts and of landmarks and landmark sites within the City of Guthrie;
- (17) To prepare a historic preservation plan for the City of Guthrie and to prepare a historic preservation chapter for inclusion in the City's comprehensive plan;
- (18) To retain consultants and conduct additional studies as deemed desirable or necessary by the Commission, except that any expenditure of City funds or of any funds administered by the City of Guthrie, shall be subject to the prior approval of the City Council;
- (19) To perform all other duties, responsibilities and other functions enumerated in this article.

Section 7. Landmark designation.

- (1) Any property within the City of Guthrie may be designated as a landmark or landmark site and thus be covered by this ordinance if the City Council determines, pursuant to procedures set forth in this section, that said property meets the following criteria:
 - (a) It exemplifies or reflects elements of the cultural, social, economic, engineering, political, or other heritage of the City of Guthrie; or
 - (b) It has any special aesthetic or artistic interests or values; or
 - (c) It is identified with any historic persons or important events in the history of the City of Guthrie, the State of Oklahoma, Indian Territory and Oklahoma Territory, or the nation in general; or
 - (d) It embodies distinguished architectural characteristics which are valuable for a study of any period, style, or method of construction; or if it is a valuable example of the use of native or indigenous materials or craftsmanship; or
 - (e) It is representative of a notable work of a master builder, designer, or architect.
- (2) Landmarks and landmark sites shall be designated in the following manner:
 - (a) Any OWNER of a proposed landmark or landmark site may request such designation by submitting an application to the Commission. In the event the Commission or the City Council believes such a designation to be appropriate, they may also initiate such proceedings before the Commission.

- (b) The Commission shall conduct or cause to be conducted a written study of the proposed designation based on the criteria described in this section.
- (c) The Commission shall schedule a public hearing for a date within thirty (30) days of receipt of the study.
- (d) Notice of the date, time and purpose thereof shall be in writing and shall be filed with the Planning Department and the City Clerk. At least fifteen (15) days prior to the date of the public hearing, notice of the date, time, and purpose thereof shall be given by mail to the property owner and advertised five (5) consecutive days in a daily newspaper of general circulation.
- (e) Within sixty (60) days of the date of the public hearing, the Commission shall, in writing, make a recommendation to City Council, setting forth those findings of fact which constitute the basis for its decision.
- (f) The City Council of the City of Guthrie within thirty (30) days of receipt of the recommendations of the Commission shall by ordinance approve the application or shall by motion disapprove it in its entirety.
- (g) Notice of the Council's decision to approve or deny the application for designation shall be given by mail to the property owner and published in a daily newspaper of general circulation.
- (h) The City may effect the amendment or rescission of any designation of a landmark and landmark site in the same manner and procedure described in this article for designation.
- (i) In the event any application for designation is denied by the City, no new application for such designation substantially in the form of the previous application which was denied shall be made within twelve (12) months subsequent to the effective date of such denial, unless it can be shown that the conditions under which such denial was made have substantially changed. In the event any application for designation is approved by the City, no application for rescission will be considered within six (6) months subsequent to the effective date of such approval.
- (j) No permit for any alteration, demolition or relocation involving the property or properties in question shall be issued while the designation process is in progress. Nor shall such property or properties in question be afforded the privileges of designation until an ordinance has been approved by the City Council.

Section 8. Historic District Designation.

- (1) Any area within the City of Guthrie may be designated a historic district and thus be covered by this ordinance if the City Council determines, pursuant to procedures set forth in this section, that said area possesses special cultural, artistic, social, economic, political, architectural, engineering, or historic significance to the City.
- (2) The designation of historic districts shall be completed in the following manner:
 - (a) Any owner of property within the proposed historic district may request the designation of an historic area for ordinance protection by submitting to the Commission an application for such designation. The Commission or the City Council may initiate such proceedings before the Commission on their own motion.

- (b) The Commission shall conduct or cause to be conducted a written study of the proposed designation based on the criteria described in this section.
- (c) The Commission shall schedule a public hearing for a date within thirty (30) days of receipt of the study.
- (d) Notice of the date, time and purpose thereof shall be in writing and shall be filed with the Planning Department and the City Clerk. At least fifteen (15) days prior to the date of the public hearing, notice of the date, time, and purpose thereof shall be given by mail to the applicant and to all the property owners within the proposed historic district and advertised five (5) consecutive days in a daily newspaper of general circulation.
- (e) Within sixty (60) days of the date of the public hearing, the Commission shall, in writing, make a recommendation to City Council, setting forth those findings of fact which constitute the basis for its decision.
- (f) The City Council of the City of Guthrie within thirty (30) days of receipt of the recommendations of the Commission shall by ordinance approve the application or shall by ordinance modify the application or shall by motion disapprove it in its entirety.
- (g) Notice of the Council's decision to approve, modify or deny the application for designation shall be given by mail to the applicant and to all the property owners within the proposed historic district and published in a daily newspaper of general circulation.
- (h) The City may effect the amendment or rescission of any designation of a historic district in the same manner and procedure described in this article for designation.
- (i) In the event any application for designation is denied by the City, no new application for such designation substantially in the form of the previous application which was denied shall be made within six (6) months subsequent to the effective date of such denial, unless it can be shown that the conditions under which such denial was made have substantially changed. In the event any application for designation is approved by the City, no application for rescission will be considered within six (6) months subsequent to the effective date of such approval.
- (j) No permit for any alteration, demolition or relocation involving the property or properties in question shall be issued while the designation process is in progress. Nor shall such property or properties in question be afforded the privileges of designation until an ordinance has been approved by the City Council.

Section 9. Ordinary Maintenance or Repair.

Nothing in this ordinance shall be construed to prevent the ordinary maintenance or repair of the exterior of any landmark or property within a historic district when the maintenance or repair does not involve a change in design, material, or external appearance thereof.

Section 10. Work Requiring Review by the City.

- (1) A Certificate of Appropriateness is required before beginning the process to apply or remove paint on any landmark or property within a historic district, except when such

work satisfies the requirements for ordinary maintenance and repair as defined in Section 9. Applications to apply or remove paint may be approved by staff as an administrative approval. A list of all administrative approvals shall be provided to the full Commission at its regular monthly meeting for its review.

- (2) In the following instances, a Certificate of Appropriateness from the Commission shall be required before the commencement of work upon any landmark, landmark site or property within a historic district:
 - (a) Whenever such work requires a permit issued by the City AND involves work on the building exterior, except when such work satisfies ordinary maintenance or repair as defined in Section 9.
 - (b) Whenever such work includes the restoration, rehabilitation, alteration, construction, reconstruction, excavation, relocation, or demolition to the exterior of any resource that is listed as a landmark or landmark site or is located within a historic district, except when such work satisfies all the requirements for ordinary maintenance or repair as defined in Section 9.
 - (c) Whenever such work includes permanent signs.
- (3) The provisions of this ordinance shall likewise apply to any resource that is designated a landmark or a landmark site or located within a historic district which is owned or leased by a public entity to the extent permitted by law.

Section 11. Certificate of Appropriateness: Application Requirements.

- (1) Applications for the construction, alteration, restoration or removal of any sign, including sandwich board signs, affecting any property within a historic district or any landmark or landmark site shall be accompanied by the following materials:
 - (a) Elevation or photograph of the façade or site in question showing placement of each proposed sign to scale;
 - (b) Detailed drawings of the proposed sign(s) showing sign dimensions and design, size and type of lettering, proposed means of illumination, materials, textures and colors; and
 - (c) Manufacturer's paint samples of the proposed sign colors.
- (2) All other applications for Certificates of Appropriateness shall be accompanied by the following documents, when relevant. City staff and/or the Commission will determine which documents are relevant to the application in question.
 - (a) An elevation of all sides of the existing or proposed improvement(s) which can be seen from a street or alley, to scale, with all materials, textures and colors to be used identified and shown. All other elements shall be shown, including light standards and fixtures, screens for mechanical equipment or trash, meters and meter boxes and such other details as may exist on an improvement.
 - (b) Samples of all materials, including paint chips of proposed exterior colors.
 - (c) Photographs showing existing topography, vegetation, improvements, and adjacent development and a site plan to scale indicating proposed changes. The site plan shall indicate any construction that will obstruct the view or vista from a public street or sidewalk, including but not limited to satellite dishes and antennae.
 - (d) Drawings or photographs of non-stationary structures, amenities, furniture or equipment to be placed upon parcels of public or private land within a district

or on a landmark site including but not limited to fences, lighting standards, planters, benches, or vending machines.

- (e) Copies of old photographs or historical records if available, which pertain to the existing resource(s).

Section 12. Certificate of Appropriateness: General Provisions and Procedures.

- (1) No permit for building, sign, demolition or house moving shall be issued by the City for any resource located within a historic district or designated as a landmark or landmark site until the application for such permit has been reviewed by the Commission and a certificate of appropriateness approved by the Commission. Electrical, plumbing, mechanical or any other permit shall require a certificate of appropriateness only if the proposed work will alter the exterior of a property within a historic district, landmark or landmark site.
- (2) When applying for such a permit, the applicant shall furnish one copy of the application and required accompanying documents as defined in Section 11 to City Staff no later than 8 days prior to the proposed hearing date. Any applicant may request a meeting with City staff for consultation before submitting an application. City staff shall forward such application with staff report and recommendations to the Commission no later than five days before the Commission's regularly scheduled meeting.
- (3) Five days before the date of the public hearing, City staff shall publish the agenda for the hearing in a newspaper of general circulation. At the hearing the Commission shall receive testimony from all persons interested in the application.
- (4) Upon review of the application, the Commission shall determine whether the proposed work is of a nature that will adversely affect any historical or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this ordinance. The Commission shall be guided by the following criteria in determining approval or denial of certificates of appropriateness:
 - (a) The purpose and intent of this ordinance.
 - (b) The degree to which the proposed work may destroy or alter all or part of a resource.
 - (c) The degree to which the proposed work would serve to isolate the resource from its historical 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 the resource.
 - (d) 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.
 - (e) 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.
 - (f) The Secretary of the Interior's Standards for Rehabilitation.
 - (g) Sign Guidelines and Design Guidelines recommended by the Commission and adopted by the Council.

- (5) The Commission may approve certificates of appropriateness subject to certain conditions.
- (6) No change shall be made to the approved work after issuance of a certificate of appropriateness without resubmittal and approval thereof in the same manner as provided above.
- (7) If the Commission denies such a certificate of appropriateness, no permit shall be issued. Within ten working days of the hearing, the Commission shall mail to the applicant the reasons for such denial by citing the section of the ordinance violated and may include suggestions regarding actions the applicant might take to secure the approval of the Commission as to the issuance of a certificate of appropriateness.
- (8) Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate. In the event that such work is not in compliance upon inspection, the City shall issue a stop work order.
- (9) The City may make an emergency inspection of any unauthorized work in progress. In the event that such work required but did not receive Commission approval, the City shall issue a stop work order to be in effect until a certificate of appropriateness has been properly applied for and issued.
- (10) The work sanctioned by the granting of the certificate of appropriateness shall commence within six (6) months of its issuance and shall be completed within one year of its issuance. An extension of no more than twelve (12) months may be granted upon proper contact from the applicant.
- (11) The City shall inspect the work for completion at the end of the time limit set forth by the Commission and issue a certificate of completion if the work is in compliance with the certificate of appropriateness.
- (12) It shall be a violation of this ordinance to commence unauthorized work or to disregard a stop work order.
- (13) It is not the intent of this section to limit new construction to any one period or architectural style, but to preserve the integrity of historic and architectural resources. It is the intent of this section to ensure compatibility of new construction by approving only new or infill construction that is compatible to adjacent properties and approving only additions to existing resources that are compatible with the property in question.
- (14) The Commission shall develop such guidelines as it may find necessary to supplement the provisions of this section and to inform owners, residents, and general public of those standards which are considered proper for undertaking work relating to historic and architectural resources.

Section 13. Minimum Maintenance.

- (1) In order to prevent public hazards and to maintain the structural integrity of Guthrie's historic resources, every owner or other person having legal custody and control of a landmark, landmark site or property in a historic district shall keep in good repair:
 - (a) All of the exterior portions of such resources including but not limited to roofs, foundations or floors, and exterior walls including windows and doors to ensure the resources are structurally safe.
 - (b) All interior portions thereof which, if not so maintained, may cause or tend to cause the exterior portions to become public hazards or structurally unsound.

- (2) When a property is found to be in need of maintenance as specified in (a) or (b) above, City staff shall notify the owner(s) of said property. The owner shall within 30 days present a proposed plan to the Commission describing how and when the identified work will be completed. By owner request with reasonable justification, the Commission may grant the owner a thirty (30) day extension in order to provide more time to prepare the plan. The Commission shall approve the owner's plan as presented or approve the plan subject to certain conditions.
- (3) Failure to respond to the minimum maintenance notice, to submit a plan, or to implement the approved plan will constitute a violation of this ordinance.

Section 14. Demolition of a landmark, a resource on a landmark site or contributing resource within a historic district.

- (1) Demolition of a landmark, other resource on a landmark site or contributing resource within a historic district constitutes an irreplaceable loss to the quality and character of the City of Guthrie. Therefore, no permit shall be issued for demolition of a landmark, landmark site, or contributing resource within a historic district unless the applicant demonstrates clear and convincing evidence of unreasonable economic hardship as defined in Section 16 or unusual and compelling circumstances as defined in Section 17.
- (2) It will be a violation of this ordinance to demolish any landmark, other resource on a landmark site or any property located within a historic district without a permit. If less than 50 percent of the property has been demolished at the time work is stopped, the owner or person having legal custody or control of the property in question will be required to rebuild the demolished portion of the resource. If 50 percent or more of the resource in question has been demolished, the owner or person having legal custody or control of the resource will be fined in accordance with this ordinance for each day of violation until the total fines collected equal the greater of the following:
 - (a) The appraised value of the property on record with the County Assessor's Office at time of demolition, or
 - (b) The fair market value of the resource, as determined by the average of at least two independent appraisals made by appraisers licensed by the State of Oklahoma.
- (3) The fines collected will be used to further preservation efforts in the City of Guthrie.

Section 15. Negotiations prior to demolition application hearing.

- (1) Whenever an application for a permit for the demolition of a landmark, other resource on a landmark site or contributing resource within a historic district shall be submitted to the Commission, the Commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the City. This time period is intended to permit City staff to discuss the proposed demolition informally with the property owner, other city officials, and preservation organizations to see if an alternative to demolition can be found before a formal consideration of the application by the Commission. City staff shall prepare a report to the Commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.
- (2) If within this sixty (60) day period either of the following two events shall occur or be known to have occurred previous to application, the Commission may defer hearing

the application for six months and it shall be considered to have been withdrawn by the applicant during such six-month period: (1) the owner enters into a binding contract for the sale of the property, (2) approved arrangements are made for the resource to be relocated to an approved new location. If within the sixty (60) day period neither of the two events summarized above shall have occurred, the Commission will schedule a hearing on the demolition application at its next regularly scheduled meeting following the expiration of the sixty (60) day period, shall request all knowledgeable parties to comment at the hearing on the proposed demolition, and shall make its written recommendation within thirty (30) days after hearing the request for demolition. The Commission may also secure an engineer's report on the state of repair and structural stability of the resource for which an application to demolish has been filed. Such report shall become part of the administrative record on the application.

Section 16. Certificate of Economic Hardship.

- (1) 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 major façade changes, new construction, demolition or a Minimum Maintenance Plan. When a claim of unreasonable economic hardship is made due to the effect of this ordinance, the owner must prove that he cannot realize a reasonable return upon the value of this property or that he cannot make reasonable use of his property. The public benefits obtained from retaining the resource must be analyzed and duly considered by the Commission.
- (2) In determining the existence of an unreasonable economic hardship, the Commission will base its decision on the information submitted by the applicant and any other information that the Commission may deem relevant. The deteriorated condition of a resource attributable to the owner's failure to provide proper maintenance over an extended period of time will not be considered a relevant factor in evaluations of economic hardship. Hardship that is attributable to a resource being allowed to deteriorate by past or current owners will be considered self-imposed; restoration costs incurred to remediate such neglect will not be considered. This provision will not be affected by any transfer of ownership by means including, but not limited to, sale, inheritance or gift.
- (3) Applications for certificates of economic hardship shall be accompanied by the following documents, when relevant. The Commission will determine which documents are relevant to the application in question.
 - (a) An estimate of the cost of the proposed construction, alteration, demolition, or removal and an estimate of any additional cost that would be incurred to comply with the recommendations of the Commission for changes necessary for the issuance of a certificate of appropriateness.
 - (b) The estimated market value of the property in a) its current condition, b) after completion of the proposed construction, alteration, demolition or removal, and c) after completion of work that would incorporate any changes recommended by the Commission.
 - (c) The current fair market value of the property, as determined by the average of at least two independent appraisals made by appraisers licensed by the State of Oklahoma.

- (d) All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
 - (e) Amount paid for the property, the date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 - (f) Maintenance records for the property for the previous two (2) years.
 - (g) Annual debt service, if any, for the previous two (2) years.
 - (h) Any listing of the property for sale or rent, price asked and offers received, if any within the previous two (2) years.
 - (i) Any consideration by the owner as to profitable adaptive uses for the property.
 - (j) A report from a licensed engineer or architect in the State of Oklahoma with rehabilitation experience as to the soundness of any resources on the property and their suitability for rehabilitation. Such engineer or architect shall be pre-approved by the Commission.
 - (k) A description of the applicant's plans for the property if demolition or removal is approved and the appropriateness of same in relation to the city's zoning code and the current guidelines for new construction in a historic district.
 - (l) Replacement plans for the property in question. Replacement plans for this purpose will include, but shall not be limited to, preliminary elevations and site plans.
 - (m) In addition, the owner may provide proof that the owner has the financial ability to complete the replacement project. Providing such proof is optional.
- (4) The applicant shall submit all necessary materials at least fifteen (15) days prior to the Commission meeting in order that staff may review and comment and/or consult on the case. Staff and/or professional comment shall be forwarded to the Commission for consideration and review and made available to the applicant for consideration prior to the meeting.
 - (5) The Commission may require that an applicant furnish such additional information that is relevant to its determination of unreasonable economic hardship. The Commission or staff may also furnish additional information as the Commission believes is relevant. The Commission shall also state which form of financial proof it deems relevant and necessary to a particular case.
 - (6) In the event that any of the required information cannot be obtained by the applicant, the applicant shall file a statement of the information which cannot be obtained and shall describe reasons acceptable to the Commission why such information cannot be obtained.
 - (7) After the application for certificate of economic hardship has been submitted, the applicant shall have the opportunity to address the Commission with regard to the case for economic hardship.
 - (8) The Commission shall review all of 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 reasonable economic return on, the property. If the Commission disapproves such certificate of economic hardship, the applicant shall proceed with work only when issued a certificate of appropriateness as provided in Sections 11 and 12. If the Commission approves such certificate of economic hardship, the applicant and Commission shall agree on the work to be completed, and the certificate of economic hardship shall be issued along with the certificate of appropriateness with the necessary conditions specified.

Section 17. Unusual and compelling circumstances and demolition of a landmark, a resource on a landmark site or contributing resource within a historic district.

- (1) When an applicant fails to prove unreasonable economic hardship in the case of a landmark, other resource on a landmark site or contributing resource within a historic district, the applicant may provide to the Commission additional information which may show unusual and compelling circumstances in order to receive Commission recommendation for demolition of the landmark, other resource on a landmark site or contributing resource within a historic district. The Commission, using criteria set forth in this ordinance, shall determine whether unusual and compelling circumstances exist and shall be guided in its decision in such instances by the following additional considerations:
 - (a) The significance of the resource as defined in Sections 7 and 8;
 - (b) The importance of the resource to the integrity of a historic district, an area, or a cluster;
 - (c) The difficulty or the impossibility of reproducing such a resource because of its design, texture, material, detail, or unique location;
 - (d) Whether the resource is one of the last remaining examples of its kind in the neighborhood, the county, or the region;
 - (e) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the character of the surrounding area, as well as the economic impact of the new development; and
 - (f) Whether reasonable measures can be taken to save the resource from further deterioration, collapse, arson, vandalism or neglect.
 - (g) Whether the resource has become so damaged or dilapidated that it is declared unsafe or dangerous by the City as provided for in Section 22 of this ordinance.

Section 18. Conditions for recommending approval of a demolition permit.

- (1) The Commission shall be guided in its decision to approve a Certificate of Appropriateness for demolition by balancing the cultural, artistic, social, economic, political, architectural, engineering or historic value of the property to be demolished against the special merit of the proposed use of the property following demolition.
- (2) Should the applicant for demolition of a landmark, other resource on a landmark site or contributing resource within a historic district satisfy the Commission that he will suffer an unreasonable economic hardship if a demolition permit is not approved, such approval for a Certificate of Appropriateness for demolition will be made.

- (3) Should the applicant for demolition of a landmark, other resource on a landmark site or contributing resource within a historic district fail to demonstrate unreasonable economic hardship but succeed in demonstrating unusual and compelling circumstances which dictate demolition of the property in question, the Commission shall approve a Certificate of Appropriateness for demolition.

Section 19. Demolition of General Resources located in an historic district.

- (1) At the start of the application process, persons may submit evidence that their building should be considered a general resource which would qualify them for consideration by the Commission at its next meeting.
- (2) In those cases in which the Commission finds that a property proposed for demolition is located in an historic district, but is considered a general resource in the district, the Commission shall reaffirm the evaluation of the property as a general resource using criteria set forth in this ordinance prior to recommending approval of a demolition permit.
- (3) The application for demolition of a general resource must be accompanied by the following documents:
 - (a) A description of the applicant's plans for the property if demolition is approved and the appropriateness of same in relation to the city's zoning code and the current guidelines for new construction in a historic district; and
 - (b) Replacement plans for the property in question. Replacement plans for this purpose will include but not be limited to preliminary elevations and site plans.
- (4) When the resource is determined to be a general resource, the Commission shall not approve the application for demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under Section 21 and all other city ordinances and codes.
- (5) General resources that are approved for demolition must be demolished in a manner that will ensure the continued integrity of existing contributing resources. If infill construction is not part of the post-demolition plan, measures must be taken to re-establish the street wall after demolition through the use of fences, walls or vegetation, consistent with current guidelines for new construction in a historic district.

Section 20. Other demolition permits.

All applications for permits to demolish property not currently listed as a landmark or a landmark site or located within a historic district shall be reviewed for the purpose of determining whether or not the property may have significance in accordance with the criteria found in Sections 7 and 8.

- (1) City staff shall make such determination within fifteen (15) days after receipt of the completed application and shall notify the Commission in writing. If the property is determined to have no significance in relation to the criteria in Sections 7 and 8, a demolition permit may be issued five (5) days after the Commission has been notified, provided such application otherwise complies with the provisions of the demolition ordinance and all City code requirements and provided there is no objection by any member of the Commission.

- (2) If said property is determined by City staff to have such significance, staff shall make such information available to the Commission for review and recommendation as to significance. If the Commission concurs with City staff's determination of the property's significance, using criteria set forth in Sections 7 and 8, the Commission shall proceed promptly with the consideration of the designation of the property in question as a landmark, landmark site or historic district as specified in said sections.
- (3) Upon such a recommendation by the Commission and approval by City Council, issuance of any demolition permit shall be governed by the procedures set forth in this article.

Section 21. Treatment of site following demolition.

Following the demolition or removal of a landmark, other resource on a landmark site or any property located in an historic district, the owner or other person having legal custody and control thereof shall (1) remove all traces of previous construction, including foundation, (2) grade, level, sod and seed the lot to prevent erosion and improve drainage, and (3) repair at his own expense any damage to public rights-of-way, including sidewalks, curbs, and streets, that may have occurred in the course of removing the resource(s).

Section 22. Public safety hazards and emergency securing measures.

None of the provisions of this ordinance shall be construed to prevent any measures of construction, alteration, or demolition necessary to correct or abate the unsafe or dangerous condition of any resource, other feature or part thereof, where such condition has been declared unsafe or dangerous by the City, and where the proposed measures have been declared necessary to correct the said condition; provided, however, that only such work as is reasonably necessary to correct the unsafe or dangerous condition may be performed pursuant to this section. In the event any resource or other feature shall be damaged by fire or other calamity, or by Act of God, to such an extent that in the opinion of the aforesaid City it cannot reasonably be repaired and restored, it may be removed in conformity with normal permit procedures and applicable laws. The Commission shall work closely with the proper City officials when an emergency arises, and it may schedule an emergency meeting to act on work that is necessary.

Section 23. Appeals.

- (1) Any action of the Commission may be appealed to the City Council of the City of Guthrie.
- (2) Any interested person may appeal by filing a notice of appeal with the City Council of the City of Guthrie not later than ten (10) days after the written decision of the Commission has been filed with the City of Guthrie. Upon receipt of said notice of appeal and applicable fee(s), the City Council shall schedule a public hearing to be conducted not later than thirty (30) days after the notice of appeal is filed, and shall render its decision within thirty (30) days of said hearing date.
- (3) The City Council's consideration of an appeal of a Commission decision shall be based upon:
 - (a) The record established in the Commission's consideration of the matter in question, and
 - (b) The testimony and evidence presented in the public hearing provided in paragraph 2 above.

- (4) Notwithstanding paragraphs 2 and 3 above, the City Council may remand any matter to the Commission for reconsideration and/or rehearing.

Section 24. Injunctive relief.

The City Attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this article, or for a permanent injunction in an appropriate case.

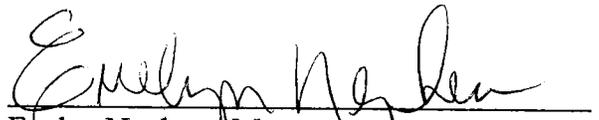
Section 25. Violation and penalties.

Any person who violates any part or provision of this article shall be guilty of an offense and upon conviction thereof shall be punished as provided in Section 12-34 of this code. Each day of continuing violation may be deemed a separate offense.

Section 26. Previously Approved Work.

Any work that was approved by the Capitol Townsite Historic District Commission before the adoption of this ordinance, as evidenced by a properly issued Certificate of Appropriateness or other form of official city approval, shall be grandfathered under this ordinance. Any work completed without approval under ordinance #2620 shall remain subject to the approval process as outlined in this ordinance.

ADOPTED and APPROVED by the City Council of the City of Guthrie, Oklahoma, this 20th day of March, 2001.



Evelyn Nephew, Mayor

ATTEST: (Seal)



Wanda Calvert, City Clerk

APPROVED AS TO FORM:



Randel Shadid, City Attorney