

**Ordinance No: 13-11-01**  
**Adopted: 11-12-13**  
**Effective: 11-12-13**  
**Amended: 7-8-14**  
**Effective: 7-8-14**

## **HISTORIC PRESERVATION ORDINANCE – AMENDED**

**Preamble:** Revocation of Historical Preservation HPC Ordinance of 2007.

WHEREAS, the North Carolina Statutes governing the establishment of historic preservation commissions pursuant to which the City of Oxford Board of Commissioners acted on May 8, 2007, to create the “Historical Preservation Commission Ordinance” have been amended;

RESOLVED, that the previous Ordinance approved and passed by the City of Oxford Board of Commissioners creating the “Historical Preservation Commission Ordinance” dated May 8, 2007, be rescinded with immediate effect and replaced with the ordinance set forth below.

### **SECTION 1 TITLE**

The title of this ordinance shall be the “Oxford Historic Preservation Ordinance.”

### **SECTION 2 PURPOSE**

WHEREAS, the historical heritage of Oxford, North Carolina, is a valued and important part of the general welfare; and

WHEREAS, the conservation and preservation of that heritage, through the documentation and regulation of historic districts or landmarks, or through the acquisition of historic properties, stabilizes and increases property values;

THEREFORE, pursuant to North Carolina General Statute (N.C. Gen. Stat. §§ 160A-400.1 to 400.14) this ordinance is enacted in order to

- 1) Safeguard the heritage of the City of Oxford (“Oxford”) by preserving districts and landmarks therein that embody important elements of its culture, history, architectural history, or prehistory; and
- 2) Promote the use and conservation of such districts and landmarks for the education, pleasure, and enrichment of the residents of Oxford and of the State as a whole.
- 3) In addition, preservation efforts may:
  - a) Foster civic beauty;
  - b) Help stabilize property values;
  - c) Strengthen the local economy;
  - d) Encourage the restoration, preservation, rehabilitation and conservation of historically, architecturally, and archaeologically significant areas, structures, buildings, sites or objects and their surroundings; and
  - e) Protect such buildings, sites, or objects and their surroundings from potentially adverse influences that may cause the decline, decay or destruction of important historical, architectural, and archaeological features that are a part of the local heritage.

### SECTION 3 DEFINITIONS

- 1) The following terminology is used throughout this document:
  - a) COA - Certificate of Appropriateness, the directive of the Historic Preservation Commission that proposed work has been approved. A COA shall be provided to the applicant in certificate form. A COA must be issued prior to the release of a building or other permit.
  - b) DESIGN GUIDELINES - Established design principles by which the Historic Preservation Commission judges whether or not proposed changes are congruous or incongruous with the architectural integrity of the structure and/or special character of a landmark or district.
  - c) DISTRICT PROPERTY - A parcel of land and/or structure(s) thereon which are located within the boundaries of a Local Historic District.
  - d) EXTERIOR FEATURE - Architectural style, general design, and general arrangement of the exterior of a building or other structure, including the kind and texture of the building material, the size and scale of the building, and the type and style of all windows, doors, light fixtures, signs, and other appurtenant fixtures. In the case of outdoor advertising signs, it shall mean the style, material, size, and location of all such signs. It may also include historic signs, color, and significant landscape, archaeological, and natural features of the area.
  - e) HISTORIC DISTRICTS (TWO TYPES)
    1. National Register Historic District - an honorary designation issued by the Federal Government under the auspices of the National Park Service. This designation imposes no restrictions to what a homeowners may do to their historic property (except if/when the property owners seek tax credit money for improvements made to their property.)
    2. Locally Designated Historic District – a type of zoning that has been applied by the City of Oxford to a neighborhood or area that contains many historic properties. This zoning overlay provides controls on the appearance of existing and proposed buildings in the district, regardless of their historic contribution. Designation is an honor, meaning the City believes the architecture, history, and character of the area are worthy of recognition and protection. Historic District zoning can help improve property values by stabilizing and enhancing the neighborhood’s character, and it benefits property owners by protecting them from inappropriate changes by other owners that might destroy the special qualities of the neighborhood. A local historic district designation also provides a legal means to address property neglect *via* a separate Demolition by Neglect ordinance. Unless otherwise stated, all references in this document to a Historic District are referring to a Locally Designated Historic District.
  - f) HPC - HISTORIC PRESERVATION COMMISSION - a quasi-judicial body, established by the Oxford Board of Commissioners, whose primary duty is to review applications for Certificate of Appropriateness (COA’s) and makes decisions to approve, approve with conditions or deny the COA request based on findings of fact and in adherence to established Design Guidelines and the Secretary of Interior’s Standards.
  - g) INTERIOR FEATURE - Specific features of architectural, artistic or historical significance in publicly owned landmarks; and privately owned landmarks for which consent for interior review has been given by the property owner. Review of interior

- features is made only when the interior features and the HPC's jurisdiction over them are specified in the ordinance.
- h) LANDMARK - An individual property that has been designated by ordinance passed by the Oxford Board of Commissioners after having been found to be of significance for its architecture, history, association or pre-history.
  - i) NATIONAL PARK SERVICE – NPS – the United States federal agency, under the U.S. Department of Interior, that manages all national parks as well as national monuments and historical properties. The NPS administers the National Register of Historic Places.
  - j) NATIONAL REGISTER OF HISTORIC PLACES – an official list of the Nation's historic places (districts, sites, buildings, structures, and objects) worthy of preservation. All contributing properties on the National Register are eligible for tax credits.
  - k) ORDINANCE ESTABLISHING THE HPC - a law that specifies the physical components and features of the buildings and landscapes for which changes in appearance are subject to review, and it states the standard by which appearance changes must be judged. It also outlines the procedures for application for COA's, review of applications and appeal from HPC decisions. (This Ordinance or its predecessors as amended from time to time).
  - l) ORDINANCE DESIGNATING A LANDMARK - a law that describes the features that give a particular property special significance. It also indicates what, if any, interior features are subject to design review.
  - m) ORDINANCE DESIGNATING AN HISTORIC DISTRICT - a law that describes the features that give the district its special significance, and defines the boundaries of that district.
  - n) PRESERVATION BRIEFS – technical guidelines published by the NPS to guide the preservation, rehabilitation and restoration of historic buildings. There are currently 47 published briefs written by historic preservation experts that serve as the basis for national preservation guidelines.
  - o) RULES OF PROCEDURE - Rules adopted by the HPC, the rules describe HPC membership, meetings, and the COA application, review, and appeal procedures in detail.
  - p) SECRETARY OF INTERIOR'S STANDARDS – guidelines used to guide the preservation, rehabilitation, restoration and reconstruction of historical buildings. The Standards are administered by the National Park Service, under the U.S. Department of Interior.
  - q) STAFF - The member(s) of the Oxford Planning Department whose responsibility is to provide the administrative assistance to the HPC.
  - r) SHPO - STATE HISTORIC PRESERVATION OFFICE, located in the North Carolina Department of Cultural Resources, Division of Archives and History. The SHPO assists private citizens, private institutions, local governments and agencies of the state and federal government in the identification, evaluation, protection and enhancement of properties significant in NC history and archaeology. The SHPO administers state and federal preservation programs to include the National Register of Historic Places nominations, tax credit program, and Certified Local Government (CLG) designation. The SHPO also serves as an advisory body to local HPCs.
  - s) STRUCTURE - Includes buildings, masonry walls, fences, light fixtures, steps and pavement, and other appurtenant features.
  - t) TAX CREDITS – an incentive program available to owners of properties placed on the National Register of Historic Places. There is a 20% federal tax credit plus a

20% state tax credit available for income producing properties and a 30% state tax credit available to non-income producing (or residential) properties. A tax credit is a dollar for dollar cash return authorized by the SHPO. All “contributing” properties in the Oxford Historic Districts are eligible for tax credits.

## **SECTION 4 HISTORIC PRESERVATION COMMISSION**

### **4.1 Appointment and HPC Composition**

- 1) There is hereby created, pursuant to N.C. Gen. Stat §160A-400.7, a historic preservation commission, hereinafter referred to as the “HPC.” The HPC shall consist of seven (7) members who shall be appointed by the Oxford Board of Commissioners. Initially appointed terms shall be staggered wherein three (3) members serve a two-year term and the remaining four (4) members serve a three-year term. Thereafter, the Oxford Board of Commissioners shall appoint members to terms of three (3) years. HPC members shall serve until their successors are appointed. A HPC member may serve two (2) consecutive terms, after which he or she shall be ineligible for reappointment for one (1) calendar year, elapsed from the date of termination of the second term. Vacancies occurring in the HPC shall be filled by the Oxford Board of Commissioners to the end of the unexpired term.

### **4.2 Qualification of HPC Members**

- 1) The majority of the members of the HPC shall have demonstrated education, experience, special interest, or a combination thereof, in historic preservation, history, architecture, architectural history, archaeology, cultural anthropology, planning, or related fields. The HPC staff liaison must be able to document that a “good faith effort” was made to seek out professionals with the specified skills and experience to serve on the HPC. All HPC members shall reside within the territorial jurisdiction of the City of Oxford. Reasonable effort shall be made to appoint HPC members who own property in a historic district. And, all HPC members must be advocates for historic preservation efforts and have a discerning eye for congruous historic materials and historically compatible elements. HPC members must also be able to identify and analyze pertinent facts, conduct research and apply the rule of law to the matters before them without regard for personal ideologies.
- 2) Every new member appointed to the HPC must complete the orientation process before he/she is allowed to vote on any matter.
- 3) Each HPC member should further their understanding of historic preservation through continued educational programs and readings. A record of education must be maintained by the secretary.

### **4.3 Meetings, attendance, meeting minutes and reporting of activities**

- 1) The HPC is required to meet a minimum of once per quarter, even if there are no pressing matters or COA’s to review. The Chair can otherwise set a meeting schedule as deemed necessary to included called meetings with forty-eight (48) hours’ notice to other HPC members.
- 2) All meetings shall be conducted in accordance with the North Carolina Open Meetings Law, G.S. Chapter 143, Article 33C (N.C. Gen. Stat §§143-318.9 to 318.18).

- 3) Faithful and prompt attendance to all meetings of the HPC and conscientious performance of the duties required of HPC members shall be a prerequisite to continuing membership on the HPC. Should a member fail to attend three (3) consecutive regular meetings of the HPC or miss four (4) meetings in a calendar year, and should there be no adequate excuse for such absences, the Chairman of the HPC, with the concurrence of a majority of the entire HPC, shall recommend to the Oxford Board of Commissioners that a vacancy be declared and that the vacated position be filled.
- 4) A record must be kept of all HPC meetings. Tape-recording of every business meeting is required. Each speaker should identify himself/herself prior to speaking. All tapes should be kept for a minimum of one (1) year. For ease of reference and to help ensure completeness and uniformity, the HPC should adopt a standard format for its minutes. The meeting minutes must include:
  - a) The time and place of the meeting;
  - b) The names of everyone in attendance, as well as the names of absent HPC members;
  - c) A summary of evidence presented to the HPC on each matter, indicating whether witnesses were sworn;
  - d) A summary of the discussion of each matter;
  - e) The verbatim wording of all findings of fact, every resolution and recommendation as well as the exact wordage used for controversial discussions; and
  - f) The reasons for each action taken by the HPC.
- 5) The HPC shall annually present to Oxford Board of Commissioners a report of its activities, budget, findings, recommendations, and actions, which shall be made available to the public.

#### **4.4 Powers and Duties**

- 1) The HPC does NOT have the authority to arbitrarily seek out and require property owners to make changes to their property. The HPC is authorized to require property owners to make improvements to properties subject to the application of the Demolition by Neglect Ordinance.
- 2) The HPC is hereby empowered to undertake the following actions as may be reasonably necessary to the discharge and conduct of its duties and responsibilities as set forth in this ordinance and N.C. Gen. Stat. §§160A-400.1 et seq. including, but not limited to:
  - a) Organizing itself and conducting its business;
  - b) Establishing and maintaining the standards and supporting documents needed to support this Ordinance to include:
    - i) Charter and Rules of Procedures;
    - ii) Design Guidelines;
    - iii) Forms; and
    - iv) Code of Ethics;
  - c) Receiving and spending funds appropriated by the City of Oxford for operating and performing its duties; the HPC may also accept contributions of any kind and from any source as legally allowed to enhance resources needed for its operations and activities;
  - d) Conducting and periodically updating an inventory of properties of historical, archaeological, architectural, and/or cultural interest;

- e) Recommending to the Oxford Board of Commissioners that individual buildings, structures, sites, areas, or objects within Oxford's zoning jurisdiction be designated as "historic landmarks" and that areas within the City's zoning jurisdiction be designated as "historic districts;"
- f) Recommending to the Oxford Board of Commissioners that designation of any area as a historic district, or part thereof, or of any building, structure, site, area, or object as a historic landmark, be revoked or removed for cause;
- g) Reviewing and acting on proposals submitted *via* the COA application process for
  - a) Exterior alteration, relocation, or demolition of designated historic landmarks;
  - b) Exterior alteration, relocation, demolition, or new construction of properties within designated historic districts;
- h) Initiating and participating in negotiations with property owners who propose to demolish or relocate a designated landmark, or a building, structure, site, area, or object within a designated district, in an effort to find a means of preserving such properties, including consulting with private civic groups, interested private citizens, and other public boards or agencies;
- i) Instituting action, through the Oxford Planning Department to prevent, restrain, correct, or otherwise abate violations of this ordinance or of ordinances designating historic landmarks or districts;
- j) Entering, at reasonable times and with the consent of the owner or occupant, upon private lands to make examinations or conduct a survey of the exterior of the property;
- k) Advising the Board of Commissioners, City Manager, and/or other city officials regarding the protection or preservation of historic properties;
- l) Appointing advisory bodies or committees as appropriate;
- m) Negotiating with property owners for the acquisition or protection of significant historic properties;
- n) Acquiring by any lawful means, the purchase fee, or any lesser included interest, including options to purchase, properties designated as landmarks, properties located within designated districts, or land to which historic buildings or structures may be moved; holding, managing, preserving, and restoring such a property and improving the interest; and exchanging or disposing of the interest through public or private sale, lease, or other lawful means, provided the property shall be subject to covenants or other legally binding restrictions which shall secure appropriate rights of public access and the preservation of the property. All lands, buildings, structures, sites, areas, or objects acquired by independent funds shall be held in the name of the Oxford Historic Preservation Commission and all lands, buildings, structures, sites, areas, or objects acquired by funds appropriated by the City of Oxford shall be acquired in the name of the City of Oxford unless otherwise provided by the City;
- o) Accepting grants or funds from private individuals or organizations for preservation purposes;
- p) Conducting educational programs pertaining to historic landmarks, historic properties or historic districts within its jurisdiction;
- q) Publishing or otherwise informing the public about any matter related to its purview, duties, responsibilities, organization, procedures, functions, or requirements;
- r) Advising property owners about appropriate treatment(s) for characteristics of historic properties;
- s) Cooperating with the State of North Carolina, the United States of America, local governments, public or private organizations, or their agencies in pursuing the

- purposes of this ordinance, including entering into contracts, provided that such contracts are not inconsistent with state or federal law;
- t) Preparing and recommending adoption of a preservation element, or elements, as part of the City Of Oxford's Comprehensive Plan;
  - u) Restoring, preserving and operating historic properties;
  - v) Proposing to the Oxford Board of Commissioners amendments to this or to any other ordinance, and proposing new ordinances or laws relating to historic landmarks and districts or to the protection of the historic resources of the City of Oxford and its environs;
  - w) Any and all actions taken by the HPC shall be in accordance with N.C. Gen. Stat §160A, Art. 19, Pt. 3C (N.C. Gen. Stat §160A-400.1 et seq.), the Oxford Historic Preservation Ordinance, the HPC's Rules of Procedure, the HPC's Code of Conduct/Ethics Policy and the Oxford Historic District Design Guidelines.

#### **4.5 Rules of Procedure**

- 1) The HPC shall adopt Rules of Procedure necessary to the conduct of its affairs and as required by the provisions of this ordinance as well as spell out procedural details not covered in this ordinance. The Rules of Procedure shall provide for at least the following:
  - a) The HPC's purpose;
  - b) The HPC's jurisdiction and duties;
  - c) The HPC's procedures for the following:
    - i) Appointment and terms of HPC members and officers;
    - ii) Time and place of regular meetings, and calling of special meetings;
    - iii) Keeping of minutes and HPC records;
    - iv) Conduct and criteria of voting;
    - v) Conflicts of interest policy;
    - vi) Attendance policy;
    - vii) Historic district standards;
    - viii) List of minor works for which Minor Works Committee may issue COA;
    - ix) List of works that do not require a COA;
    - x) COA procedures;
    - xi) Forms to be used in applying for Certificates of Appropriateness;
    - xii) Checklist of sufficient project information required to make sound determinations regarding applications for Certificates of Appropriateness;
    - xiii) Procedures for Approval of Certificate of Appropriateness to includes details regarding HPC Review Order of Business, required notifications, public hearings, HPC actions and consequence for inaction, delay in demolition, actions subsequent to decision, appeal of decision, submission of new application, modifications to applications, and review criteria; and
    - xiv) Compliance and remedies;
- 2) The Rules of Procedure may be amended by the HPC as it deems necessary or appropriate, provided that all revisions and/or amendments are consistent with the intent of this Ordinance.

#### **4.6 Design Guidelines**

- 1) Prior to the designation of any historic landmark or district, the HPC shall prepare and adopt Design Guidelines not inconsistent with N.C. Gen. Stat §§160A-400.1 – 400.14 for constructing, altering, restoring, rehabilitating, relocating, removing, or demolishing of property designated as historic, which guidelines shall ensure, insofar as possible, that

changes in designated landmarks or properties located within designated districts shall be in harmony with the reasons for designation.

- 2) The Design Guidelines may be amended by the HPC as it deems necessary or appropriate, provided that all revisions and/or amendments are consistent with the intent of this Ordinance and harmonious with the U.S. Department of Interior's Preservation Briefs and Standards for Rehabilitation.

#### **4.7 Forms**

- 1) The HPC may create any form deemed necessary to conduct its business. At a minimum, forms must be created, maintained and used as follows:
  - a) Template for Meeting Minutes;
  - b) COA Application Form;
  - c) COA Application Checklist; and
  - e) COA Review Worksheet.

#### **4.8 Code of Ethics**

- 1) The HPC shall adopt an ethics policy that includes the expectations for conduct for HPC members as well as how Conflicts of Interest will be declared and avoided.

#### **4.9 Appropriations**

- 1) The Oxford Board of Commissioners is authorized to make appropriations to the HPC in any amount that it may determine is necessary for the expenses of the operation of the HPC, and may make available any additional amounts necessary for the acquisition, restoration, preservation, operation and management of historic buildings, structures, sites, areas or objects designated as historic landmarks or within designated districts, or of land on which such buildings or structures are located, or to which they may be moved.
- 2) Ownership of Property:
  - a) All lands, buildings, structures, sites, areas or objects acquired by funds appropriated by the Oxford Board of Commissioners shall be acquired in the name of the City of Oxford unless otherwise provided. So long as owned by the City of Oxford, historic properties may be maintained by or under the supervision of and control of the HPC.
  - b) All lands, buildings, structures, sites, areas or objects acquired by the HPC from funds other than the Oxford Board of Commissioners, may be acquired and held in the name of the HPC.
  - c) The Oxford Board of Commissioners may acquire by eminent domain any designated landmark for which a COA application has been submitted for demolition.
- 3) Receipt and use of funds, donations, gifts, etc.
  - a) The expenditures of the HPC, exclusive of gifts, shall be within the amount appropriated by the Oxford Board of Commissioners for general operations.
  - b) The City shall not be liable for any indebtedness contracted by the HPC unless an appropriation is made by the Oxford Board of Commissioners for such purpose, and then only to the extent of the appropriation.



- c) The HPC shall have the right to accept gifts and donations for the exercise of functions and for giving publicity to its work, and may expend money received from such donations and gifts as agreed upon by the majority of the HPC.
- d) The HPC shall have the right to apply for and accept grant monies to use toward any preservation efforts as agreed upon by the majority of the HPC.

## **SECTION 5 INVENTORY**

- 1) The HPC shall use an inventory of buildings, structures, sites, areas, or objects which are of historic, prehistoric, architectural, archaeological, and/or cultural significance as a guide for the identification, assessment, and designation of historic landmarks and districts. The HPC shall take steps as necessary to ensure that the inventory reflects information current to within twenty (20) years.
- 2) As deemed necessary and appropriate, the HPC can continue to develop upon the inventory of historic properties by:
  - a) Expanding existing Historic District lines; and
  - b) Adding new Historic Districts.
- 3) All proposals to amend the established Historic Districts must be submitted to and approved by the Oxford Board of Commissioners.

## **SECTION 6 HISTORIC LANDMARKS**

### **6.1 Adoption of Ordinance of Designation**

- 1) The Oxford Board of Commissioners may adopt and, from time to time, amend or repeal an ordinance designating one or more historic landmarks. The ordinance shall include information which shall
  - a) List the name or names of the owner or owners of the property;
  - b) Describe each property designated by the ordinance, including the address, if applicable, the physical configuration and orientation of the property so designated;
  - c) Describe those elements of the property which are integral to its historic, architectural, archaeological, and/or cultural significance;
  - d) Provide for each designated historic landmark a suitable sign or plaque indicating that the landmark has been so designated; and
  - e) Any other information deemed necessary, within the authority of this ordinance and the general statutes, as determined by the Oxford Board of Commissioners.
  - f) The landmark designation process may be initiated by either the HPC or at the request of a property owner. No ordinance to designate any building, structure, site, area, or object shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.

### **6.2 Criteria for Designation**

- 1) To be designated as a historic landmark, a property, building, site, area, or object shall be found by the HPC to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

### 6.3 Procedure for Designation

- 1) The HPC shall make, or cause to be made, an investigation and designation report which includes
  - a) The name of the property to be designated, including both common and historic names if they can be determined;
  - b) The name(s) and address(s) of the current owner(s);
  - c) The location of the property for which designation is proposed, including the street address and Granville County tax map parcel number or parcel identification;
  - d) The dates of original construction and of all later additions or alterations, if applicable;
  - e) An assessment of the significance of the building or site as prescribed by this ordinance;
  - f) An architectural or archaeological description of the area of the site or structure, including descriptions of all outbuildings and appurtenant features, for which designation is proposed;
  - g) A historical discussion of the site or structure within its type, period, and locality;
  - h) A photograph showing, to the fullest extent possible, the overall disposition of the property; one photograph of each façade or elevation and supplementary photographs as necessary to illustrate architectural details or ornamentation, site, scale, proportion, and relationship of features or buildings, structures, or objects to each other; and
  - j) A map showing the location of the property, including all outbuildings and appurtenant features.
- 2) Pursuant to N.C. Gen. Stat. §160A-400.6, as amended, the designation report shall be submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Oxford Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve Oxford Board of Commissioners of all responsibility to consider the Department's comments or recommendations concerning the report.
- 3) At the expiration of the thirty (30) day review period, the HPC shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept it, amend it, reject it, or defer a decision until completion of a period of further study, not to exceed sixty (60) days. The HPC shall forward to Oxford Board of Commissioners a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the property, stating in its recommendation the extent to which the property meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of a property for designation as a historic landmark.
- 4) The Oxford Board of Commissioners shall hold a public hearing, either jointly with the HPC, or separately, to consider the proposed ordinance. Reasonable notice of the time and place thereof shall be given.

- 5) Following the public hearing, the Oxford Board of Commissioners shall consider the HPC's designation report, its recommendation(s), the Department of Cultural Resources' recommendation(s), and comments made at the public hearing, and shall adopt the ordinance as proposed, adopt the ordinance with amendments, or reject the ordinance.
- 6) Upon adoption of the ordinance, the HPC staff
  - a) Shall, within thirty (30) days of adoption, send the owner(s) of the landmark(s) written notice of such designation, explaining the substance of the HPC's decision, *via* certified mail with a return receipt requested;
  - b) Shall file one copy of the ordinance and any subsequent amendments thereto, in the office of the Register of Deeds of Granville County, which office shall index each historic landmark according to the name of the owner in the grantee and grantor indexes.
  - c) Shall, if the landmark lies within the zoning jurisdiction of Oxford, file a second copy of the ordinance, and any subsequent amendments thereto, in the office of the municipal clerk, where it shall be made available for public inspection at any reasonable time, and shall provide a third copy to the building inspector .
  - d) Shall notify the tax assessor of Granville County of the landmark designation.
- 7) Upon notification from the HPC, the tax assessor of Granville County shall clearly indicate the designation on all appropriate tax maps for as long as the designation remains in effect.
- 8) In disapproving a designation report, a copy of the minutes of the meeting at which such decision to deny was made shall be mailed to the owner of the property proposed for designation, together with a letter explaining the substance of the HPC's decision.

## **SECTION 7 HISTORIC DISTRICTS**

### **7.1 Adoption of Ordinance of Designation**

- 1) The Oxford Board of Commissioners from time to time may adopt, amend or repeal an ordinance designating a historic district. The Historic District Ordinance shall include information which shall describe the physical area proposed for designation, its boundaries, and general historic, architectural, archaeological, and/or cultural significance. The district designation process may be initiated by either the HPC or at the request of any number of property owners. No ordinance to designate a district shall be adopted or amended until all of the requirements of this ordinance and its subsections have been satisfied.
- 2) Pursuant to Article 1203(E) of the City of Oxford Zoning Ordinance adopted October 14, 2003, historic districts shall function as an "overlay" zoning districts that impose additional use or development requirements upon the underlying zoning, applicable to all property subject to land use regulation by the City, except that, to ensure the compatibility and appropriateness of exterior design within the historic districts, no manufactured or modular homes, multifamily conversion, multifamily town-home or multifamily apartment shall be constructed within a historic district.

### **7.2 Criteria for Designation**

- 1) To be designated as a historic district, an area shall be found by the HPC to possess special significance in terms of its history, prehistory, architecture, archaeology, and/or

cultural importance, and to retain the integrity of its design, setting, workmanship, materials, feeling, and/or association.

### **7.3 Procedure for Designation**

- 1) The HPC shall make, or cause to be made, an investigation and designation report which includes the following:
  - a) An assessment of the significance of the buildings, sites, structures, features, objects, or environs to be included in a proposed district and a description of its boundaries; and
  - b) A map clearly indicating the boundaries of the district and the properties, showing their Granville County tax map parcel numbers, contained therein.
- 2) A district designation report shall be
  - a) Referred to the local planning agency for review and comment according to procedures set forth in the Zoning Ordinance of the City of Oxford.
  - b) Submitted to the North Carolina Department of Cultural Resources, Division of Archives and History, or its successor agency, which, acting through the State Historic Preservation Officer, shall review it and provide written comments and recommendations to the Oxford Board of Commissioners regarding the substance and effect of the proposed designation. Failure of the Department to respond within thirty (30) days following its receipt of the report shall constitute approval of the report by the Department and relieve the Oxford Board of Commissioners of all responsibility to consider the Department's comments or recommendations concerning the report.
- 3) At the expiration of the thirty (30) day review period, the HPC shall consider the report and any comments or recommendations from the State Historic Preservation Officer, and shall accept, amend, reject, or defer a decision on the report until completion of a period of further study, not to exceed sixty (60) days. The HPC shall forward to the Oxford Board of Commissioners a copy of the report, copies of written comments received from the Department of Cultural Resources, and a recommendation either to approve or disapprove designation of the district, stating in its recommendation the extent to which the proposed area meets the criteria for designation as set forth in this ordinance. A recommendation for approval shall be accompanied by a proposed ordinance of designation. A recommendation for disapproval shall not necessarily prevent any future consideration of an area for designation as a historic district.
- 4) Upon receipt of a recommendation and designation report from the HPC, Oxford Board of Commissioners shall proceed in the same manner as would otherwise be required for the adoption or amendment of any other appropriate zoning provision.

### **7.4 Revisions to Districts**

- 1) Changes in the boundaries of an adopted district subsequent to its initial establishment shall be effected as allowed by Sections 7.1 and 7.2 of this ordinance and as prescribed in Section 7.3.
- 2) Great care shall be taken to avoid removing currently designated historic properties from a historic district. It is incongruous with the very concept of establishing a historic district

if certain properties are granted permission to become exempt, or in effect, be spot-zoned out of the district. To maintain the contiguous look and feel of a historic district, all properties in the district must be subject to review so as to prevent unwanted changes to the district as a whole.

### **7.5 Established Districts**

- 1) The City of Oxford established the below districts, extracted from the National Register of Historic Places - Oxford Historic District:
  - a) Main Street District (2008)
  - b) College Street District (2008)

## **SECTION 8 CERTIFICATES OF APPROPRIATENESS**

- 1) Any and all actions taken by the HPC in its analysis and rulings on COA applications shall be in accordance with Chapter 160A, Art. 19, Pt. 3C of the North Carolina General Statute (N.C. Gen. Stat. §160A-400.1 et. seq.), the Oxford Historic Preservation Ordinance, the HPC's Rules of Procedure, the HPC's Code of Conduct/Ethics Policy and the Oxford Historic District Design Guidelines.

### **8.1 Certificate of Appropriateness (COA)**

- 1) From and after the designation of a historic landmark or district, no construction, alteration, reparation, rehabilitation, relocation, or demolition of any building, structure, site, area, or object shall be performed upon such landmark or within such district until a COA has been granted by the HPC. A COA shall be required for any and all exterior work, including masonry walls, fences, light fixtures, steps and pavement, any other appurtenant features, any above ground utility structures, and any type of outdoor advertising sign. [The Oxford Design Guidelines specify the home improvement/home maintenance activities that do not require a COA and those that qualify for a Minor Works COA as well as the type of improvements/changes that are considered a Major Works activity, requiring a full COA review.] The purpose of the COA requirement is to prevent the construction, alteration, restoration, moving or demolition of buildings, structures, appurtenant fixtures, signage or other significant features that would be incongruous with the special character of the landmark or district.
- 2) A COA shall be required in order to obtain a building permit, or any other permit granted for the purposes of constructing, altering, moving, or demolishing structures, and shall be required whether or not a building permit or other permit is required. Any building permit or other permit not issued in conformity with this section shall be invalid. In addition, a COA shall be required whether or not a building or other permit is required.
- 3) For the purposes of this ordinance, "exterior features" shall include architectural style, general design, general arrangement, kind and texture of material, size and scale, and type and style of all windows, doors, light fixtures, signs, any other appurtenant features, historic signs, historic advertising, color, landscape, and archaeological or natural features.
- 4) A COA shall be required for specific interior features of architectural, artistic, or historic significance in publicly owned landmarks and in privately owned landmarks for which

consent to review has been given in writing by the owner. Such consent shall be filed in the Granville County Register of Deeds and indexed according to the name of the property owner in the grantee and grantor indexes and shall bind future owners and/or successors in title. The ordinance establishing historic designation of the property shall specify the interior features subject to review and the specific nature of the HPC's jurisdiction over those features. Otherwise, the HPC has no jurisdiction over interior projects.

- 5) In approving a COA, the HPC may attach reasonable conditions necessary to the proper execution of this ordinance.
- 6) The Minor Works Committee, comprised of the HPC staff liaison and the HPC Chair, may issue a COA for minor works as defined in the HPC's Rules of Procedure and in accordance with other HPC standards.
- 7) No application for a minor works COA shall be denied without deliberation by the HPC.
- 8) The HPC shall institute action, with the assistance of the Planning Department, to prevent, restrain, correct, or otherwise abate the construction, reconstruction, alteration, restoration, relocation, or demolition of buildings, structures, appurtenant features, or any other features which would be incongruous with the special character of the landmark or district.
- 9) The COA Application process is specified in the HPC's Rules of Procedure. The COA application form and COA application checklist are available to the homeowners *via* the Oxford Planning Department's as well as the Oxford HPC's websites.

## **8.2 Allowed Changes**

- 1) Nothing in this ordinance shall be construed to prevent
  - a) The ordinary maintenance or repair of any exterior feature of a historic landmark or property located within a historic district, provided such maintenance or repair does not involve a change in design, material, or appearance thereof;
  - b) The construction, alteration, relocation, or demolition of any such feature, building, or structure when the building inspector or similar official certifies to the HPC that such action is necessary to the public health or safety because of an unsafe or dangerous condition;
  - c) A property owner from making of his property any use not otherwise prohibited by statute, ordinance, or regulation; or
  - d) The maintenance of, or, in the event of an emergency, the immediate restoration of any existing above ground utility structure without approval by the HPC.
  - e) In the event of a disaster or emergency
    - i) The HPC may authorize temporary repairs in order to weatherproof or stabilize a damaged building/structure (waiver shall not relieve the applicant/property owner of making permanent repairs that meet the established Design Guidelines);
    - ii) The immediate restoration or maintenance of any existing aboveground utility structure is hereby authorized; and
    - iii) The HPC may waive all application deadlines and notification requirements pertaining to disaster related repairs.

## **8.3 Delay of Demolition**

- 1) Except as provided below, a COA authorizing the demolition of a designated historic landmark or property located within a designated historic district may not be denied.

However, the HPC may delay the effective date of such a COA for a period of up to three hundred and sixty-five (365) calendar days from the date of approval. The HPC may reduce the period of delay where it finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of such property as a result of the delay. During the delay period, the HPC shall negotiate with the property owner and with any other party in an effort to find a means of preserving the property as provided in Section 4.4. If the HPC finds that a structure has no special significance or value toward maintaining the character of a district, it shall waive all or part of such period and authorize an earlier demolition, or removal.

- 2) The HPC may deny an application for a COA authorizing the demolition or destruction of any designated landmark, or of any property, building, site, object, area, or structure located within a designated district, which the State Historic Preservation Office has determined to be of Statewide Significance, as defined by the criteria of the National Register of Historic Places, unless the HPC finds that the owner would suffer extreme hardship or be deprived permanently of all beneficial use of the property as a result of the denial.
- 3) In the event that the HPC has voted to recommend designation of a property as a landmark, or of an area as a district, and such designation has not yet been made by the Oxford Board of Commissioners, the demolition of any building, site, object, area, or structure located on the property of the proposed landmark or within the proposed district may be delayed by the HPC for a period of up to one hundred and eighty (180) calendar days or until the Board of Commissioners takes final action on the proposed designation, whichever occurs first. Should Oxford Board of Commissioners approve the designation prior to the expiration of the one hundred and eighty (180) day delay period, an application for a Certificate of Appropriateness authorizing demolition must then be filed; however, the maximum delay period of three hundred and sixty-five (365) days shall be reduced by the number of days elapsed during the one hundred and eighty (180) day delay while designation was pending.

#### **8.4 Applications and Required Procedures**

- 1) An application for a COA can be obtained from the Oxford Planning Department or downloaded *via* the HPC's webpage. Applications shall be completed in form and in content and filed with the Oxford Planning Department at least seven (7) business days prior to the next regularly scheduled HPC meeting. Late applications shall be deferred until the following regularly scheduled meeting.
- 2) The HPC shall have, as detailed in its Rules of Procedure, broad powers to require the submittal, with the application, of pertinent information sufficient to rule upon an application.
- 3) Incomplete applications shall not be accepted.
- 4) Before considering an application for a major works COA, the Staff liaison shall notify by mail the owners of any adjacent property. Such notices are a courtesy to adjacent property owners and occupants when it is anticipated that activities at the applicant's property may impose upon or negatively affect the neighboring properties. No defect or omission of notice shall impair the validity of issuing a COA or of any subsequent action.

- 5) When considering an application for a COA, the HPC shall give the applicant and owners of any property likely to be materially affected by the application an opportunity to be heard. In cases where deemed necessary, the HPC may hold a public hearing concerning the application in accordance with the North Carolina Open Meeting Law, Chapter 143, Article 33C of the North Carolina General Statutes. (N.C. Gen. Stat §§143-318.9 to 318.18)
- 6) The HPC shall have forty-five (45) calendar days following submittal of a complete application within which to act. Failure by the HPC to take final action within such period shall constitute approval of the application as submitted. This period may be extended by mutual agreement between the HPC and the applicant.
- 7) When reviewing the COA application, the HPC shall consider the following elements, giving particular scrutiny to those elements visible from the street:
  - a) Height of the proposed structure – in that, the totality of the height of the building is harmonious with existing, adjacent and surrounding buildings and that the architectural scale is harmonious with the lot size and that any proposed additions are harmonious with the height of the existing structure;
  - b) Setback and Placement of the proposed structure – in that, the setback and placement of the proposed structure is harmonious with surrounding buildings. This also includes the width and space between structures and neighboring properties;
  - c) Exterior Construction Materials – in that, all exterior construction materials are historically appropriate for the style of the building and congruent with the historic architecture of the building as well as the Historic District. Substitute materials are only allowed when they meet specified criteria, as specified in the Design Guidelines;
  - d) Exterior Color(s) – in that, the proposed exterior color or colors for the planned project are historically appropriate for the style of the building and harmonious with neighboring homes and the Historic District;
  - e) Architectural Details (i.e., columns, masonry elements, shutters, trim work, etc.) – in that, architectural details of the building are maintained or restored and new construction projects feature details that are congruent with the style and architectural integrity of the building;
  - f) Roof (shape, form and materials) – in that, the roof shape, form and materials are maintained and/or restored so as to retain the architectural integrity of the building. New construction plans depict a roof that is congruent with the original structure and/or a new structure and compatible to the Historic District;
  - h) Original Proportions, shapes, positioning and location, pattern and size of any elements of fenestrations (i.e., windows and doors) – in that, all original windows and doors are maintained and/or restored. New construction projects and additions exhibit fenestrations that are congruent with the architecture of the building and the Historic District. If an original fenestration is beyond repair, replacement products shall meet the specifications defined in the Design Guidelines;
  - i) General form and proportion of buildings and structures (e.g., porches) --- in that, the general form and proportion of the building and any original structures featured on the building that are visible from the street are maintained/restored;
  - j) Appurtenant fixtures (exterior light fixtures, signage, fences, walls, etc.) – in that, the appurtenant fixtures are maintained/restored. Replacement fixtures and



- fixtures on new construction or additions are congruent with the architectural integrity of the building;
- k) Structural Conditions – in that, the project is addressing any structural issues. The goal is to preserve, rehabilitate and restore original structures. When structural salvage is impractical, the goal is to rebuild the structure to be congruent with the size, scale and architectural integrity of the original structure and/or the Historic District. Demolition and/or removal of buildings/structures in disrepair are to be avoided;
  - l) Improvements to the structure or landscape do not involve the removal of mature trees.
- 8) In review of a COA application, the HPC shall apply the Design Guidelines required by Section 4.6 and shall document *via* the COA Review Worksheet as to whether the proposed changes for each of the above elements are congruous, not congruous or not affected.
- 9) The HPC shall render a decision as follows:
- a) Any and all rulings by the HPC shall be in accordance with Chapter 160A, Art. 19, Pt. 3C of the North Carolina General Statutes (N.C. Gen. Stat. §160A-400.1 et. seq.), the Oxford Historic Preservation Ordinance, the HPC's Rules of Procedure, the HPC's Code of Conduct/Ethics Policy and the Oxford Historic District Design Guidelines;
  - b) Vote to approve, approve with conditions or deny the COA request;
  - c) The HPC can also vote to continue the matter to the next scheduled meeting, not to exceed thirty-one(31) days, to allow time for HPC members to conduct further research, view the premises and/or seek advice from the State Historic Preservation Office or other expert opinion;
  - d) In regard to a request to demolish a building or structure, the HPC can vote to delay the request as specified in Section 8.3;
  - e) In approving, approving with conditions, denying, or deferring an application, the HPC must verbalize and document findings of fact, indicating the extent to which the application is or is not in compliance with review criteria, and shall cause these findings of facts to be entered into the minutes of its meetings. The minutes shall also contain a summary of any citation to evidence, testimony, studies, or other authority upon which the HPC based its decision; A COA shall be valid for one hundred and eight (180) calendar days from date of issuance, or, in the case of a COA for demolition, from the effective date. If the authorized work has not commenced within that period, or has been discontinued for more than one hundred and eighty (180) calendar days from the date of issuance, such COA shall immediately expire and the applicant shall be required to reapply;
- 10) If the HPC denies a COA, a new application affecting the same property may be submitted, provided a substantial change is proposed in the plans that would put the project in compliance with the Design Guidelines;
- 11) An appeal of a final action by the HPC may be made to the Oxford Board of Adjustments. Written notice of intent to appeal must be sent to the HPC, postmarked within twenty (20) calendar days following the HPC's decision. Appeals must be filed with the Oxford Board of Adjustment within sixty (60) calendar days following the HPC's decision and shall be in the nature of certiorari. The Oxford Board of Adjustment is to review ONLY the written record of the HPC's decision. The Board of Adjustment bases its decision entirely on review of the record, making its own independent determination of whether the HPC acted

properly (i.e., the HPC followed its established procedures to derive its decision based on findings of fact). The Board of Adjustment may not reopen or rehear the case. Any decision of the Oxford Board of Adjustment may be appealed to the Superior Court of Granville County.

- 12) A COA shall be required for designated landmarks or buildings, structures, sites, areas, or objects within designated districts which are owned by the State of North Carolina or any of its agencies, political subdivisions, or instrumentalities, subject to the regulations of this ordinance and in accordance with N.C. Gen. Stat. §160A-400.9(f).

## **SECTION 9 DEMOLITION BY NEGLECT**

- 1) Failure of an owner to regularly, consistently, and fully maintain a designated landmark or any property located within a designated historic district to where it is evident that the property is in a state of disrepair shall constitute demolition by neglect, and without a valid Certificate of Appropriateness, is a violation of this ordinance. Please refer to the City of Oxford's Demolition by Neglect Ordinance for procedures related to the intervention to stop demolition by neglect and return the structure into a proper state of repair.

## **SECTION 10 REMEDIES, COMPLIANCE, and ENFORCEMENT**

- 1) In case any building, structure, site, area or object designated as a landmark or located within an historic district is about to be demolished whether as the result of deliberate neglect or otherwise, materially altered, remodeled, removed or destroyed, except in compliance with the ordinance or other provisions of this ordinance, the City, the HPC, or other person aggrieved by such action may institute any appropriate action or proceedings to prevent such unlawful demolition, destruction, material alteration, remodeling or removal, to restrain, correct or abate such violation, or to prevent any illegal act or conduct with respect to such building, structure, site, area or object. Such remedies shall be in addition to any others authorized by this Chapter for violation of a municipal ordinance.
  - a) Failure to comply with the COA approval process shall be a violation of the zoning ordinance.
  - b) Compliance with the terms of the COA shall be enforced by the Oxford Planning Department.
  - c) Penalties and Procedures. It is the intent of these regulations that changes to landmark and district properties are made in accordance with the Design Guidelines, and that random demolition of buildings or architectural elements are not made. The HPC may require the reconstruction or restoration of buildings or architectural elements when changes were made to the property or landmark without COA approval.
    - i) In the event renovation work begins without a COA, the following procedures will be taken:
      - (a) A stop work order will be issued, and written notice will be sent to the owner;
      - (b) Work shall cease immediately;
      - (c) Owner will have seven (7) calendar days to file a completed COA application;
      - (d) If the owner fails to submit a complete application, a fine of fifty dollars (\$50.00) per day will begin accruing for a period of ten (10)

days; after which it will increase to one hundred dollars (\$100.00) per day.

- ii) In the event demolition (partial or complete) takes place without a COA, the following procedures will be taken:
  - (a) A stop work order will be issued, and written notice will be sent to the owner;
  - (b) Work shall cease immediately and the site secured;
  - (c) Owner will have seven (7) calendar days to file a completed COA application;
  - (d) If owner fails to submit a complete application, a penalty will be imposed, not to exceed the replacement value of the demolished property or element or a minimum fine of five hundred dollars (\$500.00).
- d) Discontinuance of work or the lack of progress toward achieving compliance with a COA for a period of twelve (12) months shall be considered as a failure to comply with a COA.

**SECTION 11 CONFLICT WITH OTHER LAWS**

- (1) Whenever the provisions of this ordinance are in conflict with any other statute, charter provision, ordinance, or regulation of the City of Oxford, the more restrictive ordinance or regulation shall govern.

Adopted this 12<sup>th</sup> day of November 2013.

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Jaqueline VdH Sergent, Mayor

Attest:

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Barbara J. Rote, City Clerk