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Ordinance No. 21,169

AN ORDINANCE RELATING TO THE HISTORICAL PRESERVATION AND LANDMARK DISTRICTS; AMENDING SECTION 59-4200 OF ARTICLE IV OF CHAPTER 59 OF THE OKLAHOMA CITY MUNICIPAL CODE, 1993, BY REQUIRING COMMISSION MEMBERS TO LIVE WITHIN H.P. DISTRICTS; MODIFYING THE COMPOSITION OF COMMISSION MEMBERS; DELETING CERTAIN WORDS; PROVIDING RESTRICTIONS CONCERNING SIGNS; PROHIBITING THE LEASING OR RENTING OF SERVANTS' OR CARETAKERS' QUARTERS; PERMITTING MULTIPLE-FAMILY DWELLINGS AS A SPECIAL EXCEPTION USE; AMENDING PROCEDURE REGARDING NOTICE OF DESIGNATION PROCESS; AMENDING COMPLETION DATE FOR CERTIFICATE OF APPROPRIATENESS; PROVIDING FOR ADMINISTRATIVE STAFF APPROVALS AND CRITERIA FOR CERTAIN ITEMS OF WORK; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF OKLAHOMA CITY:

SECTION 1. That Section 59-4200 of Article IV, Chapter 59 of the Oklahoma City Municipal Code, 1993, is amended to read as follows:

CHAPTER 59

ZONING

ARTICLE IV. SPECIAL REGULATIONS

§59-4200. Historical preservation and landmark regulations.

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4200.3. Historical Preservation and Landmark Commission.

A. Creation. There is hereby created the Historical Preservation and Landmark

Commission of the City. Its members shall be appointed by the mayor with the approval of the City Council, ~~except as to the member to be elected by the Planning Commission.~~ Such Commission shall be composed as follows, all of whom shall be residents of Oklahoma City and live within a Historical Preservation District designated by the City:

- (1) One member shall be a registered architect;
- (2) One member shall be a licensed real estate broker;
- ~~(3) One member shall be an historian;~~
- ~~(4)~~ (3) One member shall be a city planner or a landscape architect;
- ~~(5)~~ (4) One member shall be an attorney;
- ~~(6)~~ (5) Four ~~Four~~ Six members shall be residents of Oklahoma City with knowledge of or interest in historical preservation;
- ~~(7) One member of the Planning Commission who shall be elected by the Planning Commission.~~

All members of the Commission shall serve without compensation.

B. Terms of Membership. The term of each Commission member shall be for three years or until his or her successor takes office. Members may be appointed to fill the remainder of vacant terms. ~~It is intended that the Historical Preservation and Landmark Commission shall be the successor to the formerly existing Historical Preservation Commission. Therefore, all members of the Historical Preservation Commission serving as of October 21, 1980 shall automatically assume similar positions as members of the Historical Preservation and Landmark Commission and shall fulfill the same terms which they would have served as Historical Preservation Commission members. The Chairman of the Historical Preservation Commission shall succeed to the chairmanship of the Historical Preservation and Landmark Commission and shall fulfill the same term which would have been served as Chairman of the Historical Preservation Commission.~~

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D. Meetings and Rules of Commission. The Commission shall be empowered to adopt rules for the conduct of its business. The Commission shall elect a Chairman who shall serve for one year or until his or her successor takes office, and who shall

be eligible for reelection. All meetings of the Commission shall be open to the public. Any person, or his duly appointed representative, shall be entitled to appear and be heard on any matter before the Commission. The Commission shall keep a record of its proceedings, a copy of which shall be filed for public view in the office of the City Clerk. A quorum shall consist of five members of the Commission unless there is a vacancy in the membership, in which case it shall be a majority of the active members and action taken at any meeting shall require the affirmative vote of a majority of the voting members of the Commission. The ~~Public Works~~ Director, or the designated representative of such Director, shall act as Secretary of the Commission and shall attend and keep the minutes of all meetings. He or she shall act in an advisory capacity only and may participate in the Commission's discussions but shall have no vote. The ~~Public Works~~ Director and the staff of the ~~Public Works~~ Department shall assist the Commission in discharging its duties.

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4200.5. HP Historical Preservation Zoning District.

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D. District Restrictions. Unless otherwise specifically provided in this section the following restrictions shall apply to this district:

(1) The erection, moving, demolition, reconstruction, restoration, or alteration of any structure, excluding interior work, is prohibited unless a certificate of appropriateness is granted by the Oklahoma City Historical Preservation and Landmark Commission subsequent to review and analysis by that body;

* * *

(7) All external signs and advertising displays shall be prohibited, except for identification nameplates ~~which shall be placed flat against the front exterior wall of~~ for a residence, museum, church, school, park, or art gallery. These signs shall be limited to five feet by six feet.

(8) Residential identification nameplates shall be placed flat against the front exterior wall and limited to two feet by two feet. One temporary sign, not exceeding ~~two feet square~~ six square feet offering a property for sale, or lease is permitted.

(9) One temporary sign stating a contractor or subcontractor's name is permitted for a period of construction, provided the sign is removed within

ten days following completion of the work, with a total period not to exceed 180 days. All contractors must notify the Secretary of the Commission of the proposed sign by job site address and commencement date of construction. Each sign is limited to two feet by three feet.

(10) Neighborhood sponsored or sanctioned special event signs are permitted for thirty days prior to an event and fourteen days after an event, with a time limit not to exceed forty-five days. All existing signs or displays not in conformance with the provisions of this article shall be removed;

~~(8)~~ (11) Parking and/or operation of all vehicles, boats, trailers, or the like shall be allowed only on hard surface pavement in driveways and, except for periods of loading and unloading not to exceed 72 hours, all boats, commercial vehicles of more than two axles, recreational vehicles and trailers shall be parked completely to the rear of the front wall of the main building located on the subject property and, in the case of a corner lot, any such vehicle shall be screened from view from the side street abutting the subject property;

~~(9)~~ (12) All provisions and procedures of the Historical Preservation and Landmark Ordinance shall be complied with fully.

E. Uses Permitted. A building or premises shall be used only for the following purposes:

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(2) Servants' or caretakers' quarters, either attached to or separate from a single-family dwelling; however, these quarters shall not be leased or rented.

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G. Uses Permitted on Review. A special exception to permit the following uses within this district may be granted by the Board of Adjustment:

(1) Multiple-family dwelling; not to exceed a four-family dwelling;

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4200.6. Historical District Designation Process.

A. Procedure:

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(2) Notice of consideration of a district designation by the Historical Preservation and Landmark Commission shall be the same as is required for consideration of the adoption or amendment of zoning district boundaries by the Planning Commission as such is prescribed in Article VII of this chapter. As a part of such notice the ~~Public Works~~ Director shall notify the owner or owners of record of affected properties by ~~certified mail with return receipt requested~~ regular mail of the proposed designation, including a copy of the proposed designation ordinance, a letter outlining the basis for the designation, and the obligations and restrictions which result from such designation.

(3) The initiation of a proposal of designation may be made by the Commission, the Council, ~~the Public Works Department~~, the Planning Commission or on the application of the owners of the parcel to be designated or their authorized agents. Any such application shall be made upon forms or pursuant to standards set by the Commission for this purpose.

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(5) As part of every such designation, or amendment of a designation, the Commission shall state in written form the attributes of the area or site designated as such attributes relate to and comply with the review criteria for district designation as provided in this section. In addition, the Commission shall state in writing whether or not, in its review, a designation is in compliance with prior actions of the City Council approving plans, programs or authorizations for public trusts, agencies or authorities of the City. It shall be the duty of the ~~Public Works~~ Director, or Director's designate, to report to the Commission as to the existence of such plans, programs or authorizations which might have application to the property proposed for designation, and further to offer a professional opinion as to whether or not the proposed designation is in accordance with such plans, programs, or authorization.

(6) The ~~Public Works~~ Director shall officially notify the Commission of all approvals or disapprovals of designation ordinances at the next regular meeting of the Commission following Council action.

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4200.7. Certificate of Appropriateness Process

E. A. Certificate of Appropriateness:

(1) **Certificate of Appropriateness: When Required.** A certificate of appropriateness shall be required in the following instances before the commencement of work upon any structure or site located within the HL Historical Landmark District or the HP Historical Preservation District, to wit:

* * *

(b) Whenever such work includes the application of paint to a previously unpainted brick or masonry exterior surface or the removal of paint from any brick or masonry exterior surface or the construction or enlargement of a driveway or parking area, provided, however, a certificate of appropriateness shall not be required when the only purpose for obtaining a certificate of appropriateness is to reconstruct that portion of the driveway upon public right-of-way pursuant to requirements and limitations including, but not limited to width, requirements imposed by the City.

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(2) **Certificate of Appropriateness: General Provisions and Procedures:**

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(g) The Commission may approve certificates of appropriateness subject to certain conditions. Work performed pursuant to the issuance of a certificate of appropriateness shall conform to the requirements of such certificate, if any. It shall be the duty of the Public Works Director to inspect from time to time any work performed pursuant to a certificate of appropriateness to assure such compliance. In the event that such work is not in compliance, the ~~Public Works~~ Director shall issue a stop work order. The Commission may request by resolution that the Public Works Director inspect the work and issue a stop work order. The Director shall inspect the work for completion at the end of the time limit set forth by the Commission.

(h) The painting, erection, moving, demolition, reconstruction, or alteration sanctioned by the granting of the certificate of appropriateness shall commence within six months of its issuance and

shall be completed within one year two years of its issuance; except that fences, driveways, and sidewalks shall be completed within six months of its issuance.

(1) If a building permit is required to fulfill the terms of the certificate of appropriateness, application for the building permit shall be made within six months of the issuance of the certificate of appropriateness. After application for the building permit is made, construction shall commence and be completed according to the terms of the building permit or Certificate of Appropriateness whichever is shorter.

(3) Certificate of Appropriateness: Review Criteria. The Commission shall be guided by the following criteria:

* * *

(f) The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings.

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B. Administrative Staff Approvals for Certain Items of Work.

(1) Certain items of work may be approved by staff as administrative approvals. Any applicant is required to submit an application for administrative approvals. All administrative approvals are to be duly recorded by the Secretary of the Commission and a list of administrative approvals is to be provided to the full Commission. These items shall meet all of the criteria established below:

(a) Fences

- (1) Shall not be located on a corner lot; and
- (2) shall be constructed of finished lumber or iron; and
- (3) shall be finished at the top; and
- (4) shall be stained or painted; and
- (5) members shall be no wider than 4"; and
- (6) shall not be more than 6' in height.

(b) Installation of Storm Windows

- (1) Shall be made of wood or painted/anodized aluminum; and
- (2) all rails/sashes shall correspond with rails/sashes on the existing windows; and

(3) the frame must be no wider than the existing window frame.

Single lite storm windows are acceptable.

(c) Driveway Replacement

(1) Shall be made of standard, poured concrete.
8' driveways may be replaced with driveways up to 10'.

(d) Reconstruction of Original Features

(1) Original features including porch railings, eave brackets, columns, siding, and sidewalks may be administratively approved with documentation of the original design and materials.

(e) Replacement of Non-original Windows and Doors

(1) Replacements shall be natural wood or primed wood windows or doors; and
(2) shall match profile, scale, depth of original; and
(3) shall have true divided lites to match original.

May have etched or leaded glass if original and documented.

(f) Replacement of Standard Garage Doors

(1) Shall be simple one story garages; and
(2) shall be wooden doors; and
(3) shall be painted or stained; and
(4) shall contain windows if original contained windows; and
(5) shall not have raised panels.

(g) Removal of Paint from Brick or Masonry

(1) Shall only use non-abrasive techniques
a. Low pressure water
b. Steam

(h) Demolition

(1) Shall be permitted on non-original or non-conforming structures or additions only.
(2) Non-conformity or period of construction shall be documented prior to administrative approval.

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4200.7. 4200.8. Miscellaneous Provisions.

A. Minimum Maintenance. Designated landmarks, or structures, buildings, or monuments within landmark districts shall be maintained to meet the minimum requirements of codes and ordinances governing the public health, safety and welfare. The Commission on its own initiative, may file a resolution with the appropriate officer(s) requesting said officer(s) to proceed under the appropriate codes to require correction of defects or initiation of repairs. All persons in charge of a landmark, or a structure, building, or monument within a historic district shall keep in good repair all of the exterior portions of such resources, including appropriate landscaping, windows and doors.

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G. Demolitions:

(1) General Provisions. A Certificate of Appropriateness shall be required for the demolition or removal of any structure ~~No structure or site~~ within any HL Historical Landmark District or HP Historical Preservation District ~~shall be demolished or removed unless such demolition shall be approved by the Commission and a certificate of appropriateness for such demolition shall be granted.~~ Applications for demolition permits shall be filed with the Public Works Director.

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SECTION 2. EMERGENCY. WHEREAS, it being immediately necessary for the preservation of the peace, health, safety, and public good of The City of Oklahoma City and the inhabitants thereof, that the provisions of this Ordinance be put into full force and effect, an emergency is hereby declared to exist by reason whereof this Ordinance shall take effect, and be in full force from and after the date provided by law.

Introduced and read in open meeting of the Council of The City of Oklahoma City,

Oklahoma, on this 27 day of October, 1998.

Passed by the Council of The City of Oklahoma City, Oklahoma, on this 17 day of November, 1998.

Signed by the Mayor of The City of Oklahoma City, Oklahoma, on this 17 day of

November, 1998.

Kirk Humphrey

MAYOR

ATTEST:

Thomas P. Hurley
CITY CLERK

APPROVED as to form and legality this 16th day of Oct, 1998

David B. Summers
Assistant Municipal Counselor