

§ 59-4200. Historic Preservation Regulations.

4200.1. Purposes of Historic Preservation Ordinance. The City hereby declares that the historical, architectural, cultural, and aesthetic features of the City represent some of the finest and most valuable resources of the City, and such resources are the embodiment of the heritage of the people of Oklahoma City. Therefore, it is hereby declared that the purpose of this section, to be known as the Historic Preservation Ordinance, shall be as follows:

- A. To promote the creation of historic districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, and areas of historic interest or importance within the City;
- B. To safeguard the heritage of the City by preserving and regulating historic landmarks and districts which reflect elements of its cultural, social, political and architectural history;
- C. To preserve and enhance the environmental quality of neighborhoods;
- D. To strengthen the City's economic base by the stimulation of conservation and reuse;
- E. To establish and preserve property values;
- F. To foster economic development;
- G. To insure the harmonious, orderly and efficient growth and development of the municipality;
- H. To promote the use of historical landmarks and districts for the culture, prosperity, education, and welfare of the people of the City and visitors to the City;
- I. To establish a preservation plan to accomplish the goal of this section.

4200.2. Definitions. As used in this section:

- A. *Archeological resources* shall mean areas or locations occupied as residences or utilized by humans (historic or prehistoric) for a sufficient length of time to construct features or deposit artifacts, which may remain in greater or lesser degrees of preservation and order and which may lead to the increase of knowledge of man about his own development.
- B. *Architectural resources* shall mean 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.

- C. *Certificate of appropriateness* shall mean the official document issued by the Historic Preservation Commission approving any application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this section.
- D. *Commission* shall mean the Historic Preservation Commission of the City of Oklahoma City.
- E. *Historic district* shall mean a definable geographic area that contains a number of related historic structures, features, or objects united by past events or aesthetically by plan or physical development, and that have been declared a HP Historic Preservation or HL Historic Landmark District by the City of Oklahoma City. These historic districts may or may not have been designated on a state level or included in the National Register of Historic Places.
- F. *Historical resources* shall mean 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.
- G. *Landmark* shall mean an individual structure, building, site, or monument which contributes to the historical, architectural, or archeological heritage of the City.
- H. *Ordinary maintenance and repair* shall mean any work meant to remedy damage or deterioration of a structure or its appurtenances, which will involve no change in materials, dimensions, design, configuration, color, texture, surface coating or visual appearance.
- I. *Preservation* shall mean the adaptive use, conservation, protection, reconstruction, restoration, rehabilitation, or stabilization of sites, buildings, districts, structures, or monuments significant to the heritage of the people of Oklahoma City.
 - (1) *Adaptive use* shall mean 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) *Conservation* shall mean the sustained use and appearance of a

resource essentially in its existing state.

- (3) *Protection* shall mean the security of a resource as it exists through the establishment of the mechanisms of this section.
 - (4) *Reconstruction* shall mean the act or process of duplicating the original structure, building form and materials by means of new construction based on documentation of the historic condition.
 - (5) *Rehabilitation* shall mean the act or process of making possible a compatible use for a property through repair, alterations and additions while preserving those portions or features which convey its historic, cultural or architectural values.
 - (6) *Restoration* shall mean the act or process of accurately depicting the form, features and character of a project as it appeared at a particular period of time
 - (7) *Stabilization* shall mean the process of applying measures designated to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without noticeably changing the exterior appearance of the resource.
- J. *Preservation Guidelines* shall mean the Preservation Guidelines for Oklahoma City Historic Districts.
- K. *Significant characteristics of an archeological resource* shall mean the artifacts present, the information to be gathered, or the potential for revealing hitherto unknown, or unclear details of a culture, period, or structure.
- L. *Significant characteristics of historical or architectural resources* shall mean 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.
- (1) *Building materials* shall mean 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.
 - (2) *Detail* shall mean architectural aspects which, due to particular

treatment, draw attention to certain parts or features of a structure.

- (3) *Height* shall mean the vertical distance from the average grade level to the average level of the roof.
 - (4) *Proportion* shall mean the dimensional relationship between one part of a structure or appurtenance and another.
 - (5) *Rhythm* shall mean a regular pattern of shapes including, but not limited to, windows, doors, projections, and heights, within a building, structure, or monument, or a group of same.
 - (6) *Scale* shall mean the relative proportion of a building to neighboring buildings, or of a building to a pedestrian observer.
 - (7) *Setting* shall mean the surrounding buildings, structures, or monuments, or landscaping which provide visual aesthetic, or auditory quality of the historical or architectural resources.
 - (8) *Shape* shall mean the physical configuration of structures of buildings or monuments and their component parts including, but not limited to, roofs, doors, windows, and facades.
 - (9) *Street accessories* shall mean those sidewalks 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.
- M. *Structure* shall mean anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground. This includes, but is not limited to, buildings, fences, walls, driveways, sidewalks, and parking areas.

4200.3. Historic Preservation Commission.

- A. *Creation.* There is hereby created the Historic Preservation Commission of the City. Its members shall be appointed by the Mayor with the approval of the City Council. Such Commission shall be composed as follows, all of whom shall be residents of Oklahoma City; seven of which shall live within or own commercial property within a Historic Preservation or Historic Landmark District designated by the City, and four of which may live in or outside the designated districts; provided however, no more than two Commissioners shall be from the same Historic Preservation or

Historic Landmark District.

- (1) Two members shall be registered architects;
- (2) One member shall be a licensed real estate broker or appraiser;
- (3) One member shall be a historian or urban planner;
- (4) One member shall be an attorney;
- (5) Six shall be citizen members.

All members of the Commission shall serve without compensation. All members shall have demonstrated experience in historic preservation and outstanding interest in the historic traditions of the city and have knowledge and/or demonstrated experience in the fields of history, architecture, architectural history, urban history, city planning, urban design, historic real estate development, or historic preservation.

- 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. No member shall serve more than three consecutive terms. Members who have served three consecutive terms may be reappointed after having rotated off the Commission for at least one full three-year term.
- C. *Attendance.* Members of the Commission are required to attend at least two thirds of the regularly scheduled Commission meetings over a one calendar year period. Failure to achieve this level of attendance may result in the termination of the member's tenure with the Commission and the Mayor may make an appointment to fill the vacancy. The Commission Chair shall notify the Mayor when a deficiency in attendance has occurred.
- D. *Removal of Members.* Members of the Commission may be removed by the Mayor for cause upon the filing of written charges and after a public hearing before the City Council for insufficiency, neglect of duty or malfeasance.
- E. *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 Planning Director, or the designated representative of such Director, shall act as Historic Preservation Officer 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 Director and the staff of the Planning Department shall assist the Commission in discharging its duties.

F. *Duties of Historic Preservation Commission.* Unless otherwise specified in this section, the duties of the Historic Preservation Commission shall be as follows:

- (1) Prepare or cause to be prepared a comprehensive inventory of historical, architectural, and archeological resources within the City.
- (2) Prepare or cause to be prepared a general historical preservation plan to be incorporated within the Comprehensive Plan.
- (3) Prepare findings of fact relating to the recommendation for designation of historical, architectural and archeological resources.
- (4) Prepare findings of fact pursuant to action taken by the Commission relating to certificates of appropriateness.
- (5) Make recommendations to the Council concerning the acquisition of development rights, facade easements, and the development of historical preservation plans.
- (6) Make recommendations to the Council concerning grants from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic, architectural, or archeological resources; and, when so directed by Council, the Commission may oversee historical projects or programs.
- (7) Recommend to the Council the need for employing staff and making contracts with technical experts for the furtherance of the Commission's work.
- (8) Promulgate rules governing the meetings of the Commission and the standards for materials presented to the Commission.
- (9) Increase public awareness of the value of historical, architectural or

archeological resources by developing and participating in public information programs and by recommending the update of the preservation program and by the giving of advice to owners or residents of such resources as to the problems and techniques of preservation work; and further, by encouraging the placement of monuments and markers at historical sites as chosen by the Commission.

- (10) Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings of facts, determinations and decisions.
- (11) Make recommendations to the Council and/or Planning Commission regarding historic designations, certificates of appropriateness, and amendment and enforcement of this chapter and this Code.
- (12) Comment and make recommendations concerning actions undertaken by other city agencies or actions of other governmental units with respect to the effect of such actions upon historical, architectural, and archeological resources.
- (13) Investigate complaints, conduct hearings and recommend the commencement of actions to enforce the provisions of this section.
- (14) Conduct a periodic review of the status of designated landmarks and historic districts and provide periodic reports on the findings of said review, along with any resolutions for action as considered appropriate, to the Council.
- (15) Any other functions imposed by this chapter or which may be specified by the City Council.

G. Mediation Hearings.

- (1) Citizens may file with the Historic Preservation Officer formal written complaints concerning alleged violations of this chapter.
- (2) Upon receipt by the Commission of such a written complaint charging any property owner, resident or occupant of a historic preservation district or a historic landmark district with violation of any provision of this chapter, the Commission may schedule a mediation hearing to consider such complaint.
- (3) The Historic Preservation Officer shall promptly notify the complainant and the person or persons alleged to have committed

the violation by registered or certified mail, return receipt requested, of the time and place of the hearing and the nature of the complaint, and invite the parties to appear and to be heard.

- (4) Attendance at such hearing shall be voluntary.
- (5) Such hearing shall be held for the purpose of mediating the dispute which is the subject of the filed complaint and for the further purpose of fostering compliance with this chapter.
- (6) Nothing in this section shall be construed so as to require any person, including officers and employees of this City, to delay the filing of any complaint, information or other charging instrument, or to delay the prosecution of any action in law or equity, until the Historic Preservation Commission shall have considered a matter at a mediation hearing.

4200.4. HL Historic Landmark Zoning District.

- A. **Creation.** There is hereby created the HL Historic Landmark Zoning District.
- B. **General Provisions and Description.** The HL Historic Landmark District and its regulations may be applied to property located in any other zoning district, whether residential, commercial, industrial or agricultural, in accordance with the provisions of the Historic Preservation Ordinance. The HL Historic Landmark District is intended to be an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel. All provisions of the Historic Preservation Ordinance, including the definitions contained therein, but not including the regulations of the HP Historic Preservation District, shall be applicable to this district.
- C. **District Identification.** Tracts, buildings or sites designated by the City Council as being within the HL Historic Landmark District shall be identified on the Official Zoning Map of The City and in other official writings by the suffix "HL."
- D. **District Regulations.** The following regulations shall be applicable to the HL Historic Landmark District and shall control the use of all properties within such district, to wit:
 - (1) The erection, moving, demolition, reconstruction, restoration, or alteration of any structure is prohibited unless a certificate of appropriateness is granted by the Oklahoma City Historic Preservation Commission.

- (2) All structures and grounds shall be maintained in good condition in keeping with the historical nature of the site designated.
 - (3) All interior portions of structures shall be kept in such good repair to the extent necessary to prevent structural deterioration.
 - (4) Full compliance shall be had with all provisions and procedures of the Historic Preservation Ordinance.
- E. Ordinary Maintenance or Repair. Nothing in this section shall be construed to prevent ordinary maintenance or repair of any structure except exterior change.
- F. Permitted Uses. Property located within the HL Historic Landmark District may be used for any purpose, and only those purposes, permitted within the basic zoning district in which such property is located, subject to compliance with all regulations imposed by such basic zoning district and subject to compliance with all provisions of this article.

4200.5. HP Historic Preservation Zoning District.

- A. Creation. The Historic Preservation Zoning District is hereby created.
- B. General Provisions. All property within the City previously designated as HP Historic Preservation District as of October 21, 1980 and all property subsequently included within this district shall be subject to and shall comply with the regulations and restrictions of this section. All provisions of the Historic Preservation Ordinance, including the definitions contained therein, shall be applicable to this District. The HP Historic Preservation District is intended to be a basic zoning district and is not intended to be an overlay zoning district.
- C. District Identification. Sites designated by the City Council as being within the HP Historic Preservation District shall be identified on the Official Zoning Map of The City and in other official writings by the symbol "HP."
- 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, and unless specifically exempted herein, is prohibited unless a certificate of appropriateness is granted by the Oklahoma City Historic Preservation Commission subsequent to review and analysis by that body;

