



**OKLAHOMA**

**CAPITOL-MEDICAL CENTER**

**IMPROVEMENT AND ZONING**

**COMMISSION**

**ADMINISTRATIVE RULES**

**Effective July 11, 2008**

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## **TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION**

### **CHAPTER 10. ZONING REGULATIONS FOR CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICT**

#### **SUBCHAPTER 1. GENERAL PROVISIONS**

##### **120:10-1-1. Purpose**

The regulations contained in this Chapter are necessary to encourage the most appropriate use of land; to maintain and stabilize the value of property; reduce fire hazards and improve public safety and safeguard the public health; to decrease traffic congestion and its accompanying hazards; to prevent undue concentration of population; to create a comprehensive and stable pattern of land uses upon which to plan for transportation, water supply, sewage, schools, parks, public utilities, public buildings, and other facilities; to bring about the coordinated physical development of the District in accordance with present and future needs; and to insure efficient expenditure of public funds.

##### **120:10-1-2. Citation**

This Chapter, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 73, Chapter 4, Sections 82.1-83.14, as amended, of the Oklahoma Statutes, shall be known as the Zoning Regulation and may be cited as such.

##### **120:10-1-3. Definitions**

For the purpose of this Chapter, words used in present tense shall include the future tense; words in the singular number include the plural and words in the plural include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. In addition the following words and terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Accessory building"** means a subordinate building or a portion of the main building, the use of which is incidental to that of the dominant use of the building or premises.

**"Accessory use"** means a use customarily incidental, appropriate and subordinate to the main use of the land or buildings located upon the same premises.

**"Advertising sign"** or **"structure"** means any cloth, card, paper, metal, painted, glass, wooden, plastic, plaster, stone or other sign, device or structure of any character whatsoever, including statuary, placed for outdoor advertising purposes on the grounds or any tree, wall, bush, rock, post, fence, building or structure. The term "placed" shall include erecting, constructing, posting, painting, printing, tacking, nailing, gluing, sticking, carving, or otherwise fastening, affixing or making visible in any manner whatsoever. The area of an advertising structure other than a sign shall be determined as the area of the largest cross-section of such structure. Neither directional, warning nor other signs posted by public officials in the course of their public duties shall be constructed as advertising signs for the purpose of definition.

**"Alley"** means a street less than thirty (30) feet wide, if it existed prior to the enactment of these Regulations, and less than fifty (50) feet wide, if created after the enactment of these Regulations. This definition shall not apply to half-street, as hereinafter defined, and shall not

restrict the development of property adjacent to a half-street, said property being only that for which the half-street was dedicated.

**"Alterations"** means the changing or remodelling of a building or structure which does not add to or otherwise increase the building's physical size or floor area.

**"Apartment house"** (See "Dwelling, multiple")

**"Automobile"** means a self-propelled mechanical vehicle designed for use on streets and highways for the convenience of goods and people including but not limited to the following: passenger cars, trucks, buses, motor scooters, and motorcycles.

**"Automobile service stations"** means any area of land, including structures, thereon, that is used for the sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, and which may or may include facilities for lubricating, washing, cleaning or otherwise servicing automobiles but not including painting thereof.

**"Automobile wrecking"** or **"Salvage yard"** means an area outside of a building where motor vehicles are disassemble, dismantled, junked, or "wrecked"; or where motor vehicles not in operable conditions or used parts of motor vehicles are stored.

**"Basement"** means a story partly or wholly underground. A basement is counted as a story for the purpose of height regulations, if subdivided and used for business and used for business or dwelling purposes by other than a janitor employed on the premises.

**"Boarding house"** means a building other than a hotel, where, for compensation and by prearrangement for definite periods, meals, or lodging and meals are provided for three (3) or more persons, but not exceeding twenty (20) persons.

**"Building"** means any structure intended for shelter, housing, or enclosure of persons, animals, or chattel. When separated by dividing walls without openings, each portion of such structures so separated shall be deemed a separate structure.

**"Building coverage"** means the percentage of the lot area covered by the buildings. The building area shall include all overhanging roofs.

**"Building height"** means the vertical distance from the average line of the highest and lowest points of that portion of the lot covered by the building to the highest point of coping of a flat roof, or in the deckline of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

**"Building main"** means a building in which is conducted the principal use of the lot on which it is situated. In any residential district any dwelling shall be deemed to be a main building on the lot on which it is situated.

**"Building site"** means a single parcel of land occupied or intended to be occupied by a building or structure.

**"Carport"** means a permanent roofed structure permanently open on at least two (2) sides, designed for or occupied by private passenger vehicles.

**"Certificate of Appropriateness"** means the official document issued by the Historical Preservation and Landmark Board of Review approving and/or concurring in any application for permit for the erection, demolition, moving, reconstruction, restoration, or alteration of any structure in the Historic Preservation or Landmark District or approving and/or concurring in any application for zoning redistricting or general plan amendment of any area in the Historic Preservation District.

**"Child care center"** means any child care facility receiving six (6) or more children.

**"Child care facility"** means any public or private place or institution which receives children under the age of sixteen (16) years not of common parentage, for full-time or part-time

care apart from their natural parents, legal guardians or custodians, when received for compensation and which is owned or controlled by a political subdivision, corporation, an unincorporated organization or association, or individual.

**"Child care home"** means any child care facility receiving five (5) or less children.

**"Commission"** means the Capitol-Medical Center Improvement and Zoning Commission.

**"Court"** means an open unoccupied space, other than a yard on the same lot with a building or group of buildings and which is bordered on two (2) or more sides by such a building or buildings.

**"Court, inner"** means a court other than an outer court. The length of an inner court is the minimum horizontal dimension measured parallel to its longest side. The width of an inner court is the minimum horizontal dimension measured at right angles to its length.

**"Court, outer"** means a court the full width of which opens into a required yard, or street, or alley. The width of an outer court is the minimum horizontal dimension measured in the same general direction as the yard, street, or alley upon which the court opens. The depth of an outer court is the minimum horizontal dimension measured at a right angle to its width.

**"Drive-in restaurant"** means any establishment where food, frozen dessert and/or beverage is sold to the consumer and where motor vehicles parking space is provided where such food, frozen desert and/or beverage is intended to be consumed in the motor vehicle parked upon the premises outside of the building.

**"Drug treatment center"** or **"halfway house"** means a facility in which unrelated persons, reside temporarily while recovering from treatment for drug addiction, alcoholism or mental illness.

**"Dry cleaning"** or **"laundry, self-service"** means any attended or unattended place, building or portion thereof, available to the general public for the purpose of washing, drying, extracting moisture from, or dry cleaning wearing apparel, cloth, fabrics and textiles of any kind by means of mechanical appliance which is operated primarily by the customer.

**"Dwelling"** means any building, or portion thereof, which is designed or used as living quarters for one or more families, but not including house trailers, mobile homes, or travel trailers.

**"Dwelling, attached"** means a dwelling having any portion of each two (2) walls in common with adjoining dwellings.

**"Dwelling, detached"** means a dwelling having open space on all sides.

**"Dwelling, single-family"** means a dwelling designed to be occupied by one (1) family.

**"Dwelling, two-family"** means a dwelling designed to be occupied by two (2) families living independently of each other.

**"Dwelling, multiple-family"** means a dwelling designed for occupancy by three (3) or more families living independently of each other, exclusively of auto or trailer courts or camps, hotels, or resort-type hotels.

**"Dwelling, row house"** or **"town house"** means three (3) or more dwelling units attached at the side or sides, each unit of which has a separate outdoor entrance and is designed to be occupied and may be owned by one (1) family.

**"Exterior architectural feature"** means the architectural style and general arrangement of the exterior of the structure including type, color, and texture of the building materials and including all windows, doors, lights, signs and other fixtures appurtenant thereto.



**"External improvement"** means any structure, place, work of art, landscape element, or other object constituting a physical betterment of real property which is visible from a public way or adjoining properties.

**"Family"** means one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. Not more than two (2) persons living and cooking together as a single housekeeping unit, though not related by blood, adoption or marriage shall be deemed to constitute a family.

**"Floor area, gross"** means the sum of the gross horizontal areas of all of the floors of a building or buildings, measured from the exterior face of exterior walls or from the center line of walls separating two buildings, and including but not limited to, the following spaces.

(A) Basements.

(B) Elevator shafts and stairwells at each floor.

(C) Floor space for mechanical equipment with structural head room of seven (7) feet.

(D) Penthouse.

(E) Attic space providing head room of seven (7) feet or more.

(F) Interior balconies, mezzanines and enclosed covered porches and enclosed steps.

(G) Accessory uses in enclosed covered space, but not including space used for off-street parking.

**"Floor area net"** means the total floor area within a building devoted or intended to be developed to a particular use, with structural head room of seven (7) feet or more, whether above or below the finished lot grade, excluding (a) elevators, stairwells, hallways, walls and partitions, and (b) floor space permanently devoted to a parking space or parking spaces, mechanical equipment, closets, washrooms, or other items permanently preventing the floor space from being occupied by person while engaged in the use.

**"Floor area ratio"** means a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located as

$$\frac{\text{Floor Area}}{\text{Lot Area}} = \text{Floor Area Ratio}$$

**"Frontage"** means property on one (1) side of a street or place measured along the line of the street or place.

**"Garage apartment"** means a dwelling unit for one (1) family erected above a private garage.

**"Garage, private"** means an accessory building or a part of a main building used for storage purposes only for automobiles used solely the occupants and their guest of the building to which it is accessory.

**"Garage, public"** means any garage other than a private garage, available to the public, used for the care or servicing of automobiles where such vehicles are parked or stored for remuneration, hire, or sale.

**"Garage, repair"** means a building in which are provided facilities for the care, servicing, repair, or equipping of automobiles.

**"Good repair"** means a condition which not only meets the minimum standards of health and safety, as detailed in the Building Officials and Code Administrations (BOCA) Book of the City of Oklahoma City, but which also guarantees continued attractiveness, continued structural soundness, and continued usefulness.

**"Gross floor area"** (See "Floor area gross")

**"Ground coverage ratio"** means a mathematical expression determined by dividing the gross floor area of a building by the area of the lot on which it is located as:

$$\frac{\text{First Floor Area}}{\text{Lot Area}} = \text{Ground Coverage Area Ratio}$$

**"Historical and/or architectural significance"** means that which has a special historical or aesthetic interest or value as part of the development, heritage or cultural characteristics of the city, region, state or nation.

**"Historical area"** means any land or buildings having notable character or qualities of historical and/or architectural significance as determined by the Capitol-Medical Center Improvement and Zoning Commission. An area may include structures or other physical improvements on, above or below the surface of the earth.

**"Home occupation"** means any occupation or profession carried on by a member of a family residing on the premises, which is incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof; provided that not more than one (1) person, other than a member of the family residing on the premises, is employed; providing that no trading in merchandise is carried on and in connection with which there is no display of merchandise or sign other than one (1) non-illuminated nameplate, not more than two (2) square feet in area is attached to the main or accessory building, and no mechanical equipment is used or activity is conducted which creates any noise, dust, odor, or electrical disturbance beyond the confines of the lot on which said occupation is conducted. The conducting of a beauty or barber shop, tea room or restaurant, rest home, real estate office, or cabinet, metal or auto repair shop shall not be deemed a home occupation.

**"Hotel"**, means a building or group of building under one ownership containing six (6) or more sleeping rooms occupied, intended or designed to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation, but not including an auto or trailer court or camp, sanatorium, hospital, asylum, orphanage or building where persons are housed under restraint.

**"Institution"** means a building occupied by a nonprofit corporation or nonprofit establishment for public use.

**"Kennel, public"** means any lot or premises on which four (4) or more dogs more than six (6) months of age are kept for compensation.

**"Lot"** means any plot of land occupied or intended to be occupied by one building, or a group of buildings, and accessory buildings and uses, including such open spaces as required by these Regulations and other laws and ordinances, and having its principal frontage on a street.

**"Lot area"** means the total horizontal area included within lot lines.

**"Lot, corner"** means a lot of which at least two adjacent sides abut for their full lengths on a street, provided that the interior angle at the intersection of such two (2) sides is less than one hundred thirty-five degrees.

**"Lot, depth"** means the average distance from the street line of the lot to its rear line, measured in the general direction of the side lines of the lot.

**"Lot, double frontage"** means a lot having a frontage on two (2) non-intersecting lots streets, as distinguished from a corner lot.

**"Lot, frontage"** means that dimension of a lot or portion of a lot abutting on a street, excluding the side dimension of a corner lot.

**"Lot, interior"** means a lot other than a corner lot.

**"Lot, lines"** means the lines bounding a lot as defined herein.

**"Medical facilities"** means any facility related to health care and/or treatment of the physically or mentally ill which may include by are not limited to the following:

(A) "Convalescent home" or "Nursing home" means a health facility where person are housed and furnished with meals and continuing nursing care for hire.

(B) "Dental clinic", "medical clinic", or "mental health clinic" means a facility for the examination and treatment of physically or mentally ill and afflicted human out-patients, provided, however, that patients are not kept overnight except under emergency conditions.

(C) "Health Sciences Center Facilities" means all of any part of the University of Oklahoma's College of Medicine or other colleges including residential structures for the purpose of housing staff, trainees, students or employees.

(D) "Hospital" means an institution providing health services primarily for human in-patients medical or surgical care for the sick or injured and including related facilities such as laboratories, out-patient departments, training facilities, central service facilities, and staff offices which are an integral part of the facility.

(E) "Medical center" means a group of facilities providing health services, including medical research and other related facilities such as laboratories, in-patient departments, training facilities, central service facilities, and living quarters operated as an integral part of the facility.

(F) "Medical center housing" means residential structures owned and operated by hospitals and other health facilities for the purpose of housing staff, trainees, students and employees.

(G) "Public health center" means a facility primarily utilized by a health unit for the provision of public health services including related facilities such as laboratories, clinics, and administrative offices operated in connection therewith and including the State Health Department of Oklahoma.

(H) "Rehabilitation center" means a facility operated primarily for the purpose of assisting in the rehabilitation of disabled persons and in which a coordinated approach by many professions is made to the physical, mental, and vocational evaluation of such persons and to furnishing of such services as are required and living quarters operated as an integral part of the facility.

(I) "Medical research laboratories" means a facility operated for the primary purpose of performing medical or dental research, diagnostic, testing, analytical or clinical work having a direct relationship to the provision of health services, which shall include, but are not limited to, those primarily engaged in medical research or in the fields of radiology, menatology, serology and immunology, parasitology, pathology, histology, cytology, toxicology, and pharmacology; provided, however, that laboratories engaged in production controls or in the manufacture of products for commercial sales or distribution are not considered to be research laboratories under the terms of this definition.

(J) "Sanatorium" means an institution providing health facilities for in-patients medical treatment, or treatment and recuperation using natural therapeutic agents.

**"Mobile home"** means a single family dwelling designed for transportation on streets and highways on its own wheels or on a flatbed or other trailer, both highway and rail, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy, except for minor and incidental unpacking and assembly operations, location of jacks or permanent functions, connection to utilities, and similar operations. Unless otherwise indicated in the text of this Chapter, the term "mobile home" shall refer to an "independent mobile home".

**"Motel"** (See "Tourist court")

**"Nonconformance"** means a lawful condition of a structure or land which does not conform to the regulations of the zoning district in which it is situated. This may include, but is not limited to failure to conform to use, height, area, coverage, or off-street parking requirements.

**"Nonconforming use"** means a structure or land lawfully occupied by a use that does not conform to the regulations of the district in which it is situated.

**"Ordinary maintenance and repair"** means any work, in a historical zoning district for which a Certificate of Appropriateness is not required by law, where the purpose and effect of such work is to correct any deteriorated or decay or damage to a structure or any part thereof and to restore the same, as nearly as practicable, to its condition prior to the occurrences of such deterioration, decay or damage.

**"Parking space"** means a permanently surfaced area, enclosed or unenclosed, sufficient in size to store one (1) automobile together with permanently surfaced driveway connecting the parking space with a street or alley and permitting ingress or egress of an automobile. For purposes of this Chapter, the size of a parking space for one (1) vehicle shall consist of a rectangular area having dimensions of not less than nine (9) feet by twenty (20) feet plus adequate area for ingress and egress.

**"Planned unit development"** means a development planned in accordance with the provisions of Section 120:10-5-11 of this Chapter.

**"Public administration use"** means the legislature, judicial, administrative and regulatory activities of the government of the State of Oklahoma including:

(A) "Executive offices" means offices of the Governor and other advisory and interdepartmental committees and /or commissions.

(B) "Legislative bodies"

(C) "Justice, public order and safety" means courts of law, Attorney General's office, police and other law enforcement bodies.

(D) "Regulatory bodies" means agriculture, transportation, economic programs, licensing programs, housing programs, wildlife conservation, education, public health and welfare programs.

**"Reconstruction"** means the work of rebuilding a structure, but not attempting to put it back to its exact original form.

**"Rest home"** (See "Convalescent home").

**"Restoration"** means the work of putting a structure back into its near or exact original form, where it has been modified since original construction, but deteriorated due to neglect, or has been damaged.

**"Row house"** (See "Dwelling, row house").

**"Set back"** means the distance between the lot line and the building line.

**"Sheltered care home"** means a facility for the maintenance and personal care, exclusive of nursing care of person incapable of maintaining a private, independent residence.

**"Sign"** (See "Advertising sign or structure").

**"Site development plan"** means a plan drawn at a scale of not less than fifty (50) feet is equal to one (1) inch which shows the topographic characteristics of the site at a contour interval of not less than one (1) foot; the exact location and dimensions of buildings yards, courts, landscape, pedestrian and vehicular circulation and parking, fences and screening; service areas and courts and other features; the use of each building and area; the height of buildings; adjacent

streets, alleys, utility drainage and other easements; and the relationship of the development to adjacent areas which it may affect.

**"Story"** means that portion of a building, included between the surface of any floor and the surface of the floor above it, or if there be no floor above it, then the space between the floor and the ceiling next above it.

**"Story, half"** means a space under a sloping roof which has the line of intersections of the roof decking and wall face not more than three (3) feet above floor area is finished off for use. A half story containing independent apartment or living quarters shall be counted as a full story.

**"Street"** means any public or private thoroughfare which affords the principal means of access to abutting property.

**"Street, intersecting"** means any street which joins another street at an angle, whether or not it crosses the other.

**"Structure"** means anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

**"Structural alteration"** means any change in the supporting members of a building, such as bearing walls or partitions, columns, beams or girders, or any substantial change to the roof or in the exterior walls.

**"Tourist court"** means an area containing one (1) or more structures designed or intended to be used as temporary sleeping facilities of one or more transient families intended primarily for automobile transients.

**"Tourist home"** means a dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guest for compensation.

**"Town house"** (See "Dwelling", "row house", or "town house").

**"Trailer court"** (See "Mobile home park").

**"Trailer hauling"** means a vehicle to be pulled behind an automobile or truck which is designed for hauling animals, produce, goods, or commodities, including boats.

**"Trailer, travel"** or **"camping"** means all vehicles and portable structures built on a chassis, designed as a temporary or permanent dwelling for travel, recreational, and vacation use; this is meant to include tent trailers and motor-driven travel vehicles, not included in the definition of "independent mobile home". For purposes of this Chapter, a dependent mobile home shall be considered the same as a travel trailer, unless otherwise specified.

**"Travel trailer park"** means any plot of ground upon which one or more travel trailers, occupied for dwelling or sleeping purposes, are located, regardless of whether or not a change is made for such accommodations

**"Travel trailer space"** means a plot of ground within a travel trailer park designed for accommodation of one travel trailer.

**"Yard"** means an open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward except where otherwise specifically provided in this Chapter.

**"Yard, front"** means a yard located in front of the front elevations of a building and extending across a lot between the side yard lines and being the minimum horizontal distance between the front property line and the main building or any projection thereof, other than steps.

**"Yard, rear"** means a yard extending across the rear of a lot measured between lot lines and being the minimum horizontal distance between the rear lot line and the rear of the main building or any projections other than steps, unenclosed balconies unenclosed porches. On corner lots the rear yard shall be considered as parallel to the street upon which the lot has its least dimension.

On both corner lots and interior lots the rear yard shall in all cases be at the opposite end of the lot from the front yard.

**"Zoning district"** means any section or sections of the Capitol-Medical Center Improvement and Zoning District for which regulations governing the use of building and premises or the height and area of buildings are uniform.

#### **120:10-1-4. Nature and application**

This Chapter classifies and regulates the land, buildings, and structures within the boundaries of the Capitol-Medical Center Improvement and Zoning District as hereinafter set forth. The regulations contained in this Chapter are necessary to promote the health, safety, convenience, prosperity and general welfare of the inhabitants, property owners, and homeowners, of the District and of the state in respect of the State Capitol, other state properties and the Oklahoma Health Center by dividing the District into zoning districts and regulating therein the use of the land and the use and size of the buildings as to height and number of stories, the coverage of land by buildings, the size of yards and open space, density of population, location and design of buildings.

#### **120:10-1-5. Intent of zoning plan**

(a) It is the intent of the regulations in this Chapter to provide for the regulation of the uses of land in a manner which is compatible with and necessary for the proper functioning of the Oklahoma Health Center, the Oklahoma State Capitol building and areas, and for the preservation of their monumentality and historical significance; and further to protect private residential, commercial and industrial land uses and the general welfare of occupants thereof and to provide for the integration of the uses of land within the established District and the uses of land within the larger area embracing the Oklahoma City Metropolitan area, of which said Capitol-Medical Center Improvement and Zoning District as a part.

(b) It is not the intent of the regulations in this Chapter to provide opportunity for the employment of all uses of land in the metropolitan area, but only for those public and private uses which may be normally associated with the present and future needs and character of the Capitol-Medical Center Improvement and Zoning District.

#### **120:10-1-6. Regulations of use, height, area, yards and open space**

Except as hereinafter otherwise provided, no land shall be used and no building, structure or improvement shall be made, erected, constructed, moved, altered, enlarged, or rebuilt which is designed, arranged, or intended to be used or maintained for any purpose or in any manner except in accordance with the requirements established in the zoning district in which such land, building, structure, or improvement is located, and in accordance with the provisions of this Chapter relating to any or all districts. The minimum yards and other open space provisions, including the intensity of use provision, contained in this Chapter for each and every building existing at the time of passage of the regulations of this Chapter, or for any building hereafter erected or structurally altered, shall not be encroached upon or considered as yard or open space for any other building

#### **120:10-1-7. Capitol-Medical Center Improvement and Zoning District Land Use Plan**

The Zoning Regulations are prepared to add in the implementation of the Master Land Use Plan for the Capitol-Medical Center Improvement and Zoning District and shall be a part of said Master Plan.

**120:10-1-8. Zoning districts**

(a) The Capitol-Medical Center Improvement and Zoning District is hereby divided into zoning districts as shown on the Zoning Districts Map in Appendix A of this Chapter, an attested copy thereof is filed with the Oklahoma Secretary of State and the County Clerk of Oklahoma County. The Map, as amended, and all explanatory material therein is hereby made a part of this Chapter.

(b) The zoning districts established by this regulation and respective symbols therefore shall be as follows:

- (1) Residential
  - (A) RD-1-Single Family Residence District
  - (B) RD-2-Low Density General Residence District
  - (C) RD-3-Low Rise General Residence District
  - (D) RD-4-High Rise General Residence District
  - (E) H-P-Historic Preservation District
- (2) Commercial
  - (A) CN-Neighborhood Commercial District
  - (B) CO-Office Commercial District
  - (C) CHC-Health Center Commercial District
  - (D) CSC-Commercial Service Center District
- (3) Industrial
  - (A) I-1-Restricted Light Industrial District
  - (B) I-2-Light Industrial District
- (4) Other
  - (A) P-Public District
  - (B) HC-Health Center
  - (C) HL-Historical Landmark District
  - (D) ABC-Alcoholic Beverage

**120:10-1-9. Interpretation of district boundaries**

Where uncertainty exists with respect to the boundaries of any of the zoning districts set forth in the zoning district map, Appendix A of this Chapter, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the center lines of streets or highways, street lines or highway right-of-way lines, shall be construed to be said boundaries.
- (2) Where district boundaries are so indicated that they approximately follow the lot lines, such lot lines shall be construed to be said boundaries.
- (3) Where district boundaries are so indicated that they are approximately parallel to the center lines of streets, or the center line of girth-of-ways lines of highways, such district boundaries shall be construed as being parallel thereto and at such scaled distance therefrom as indicated on the Zoning District Map in Appendix A of this Chapter.

**120:10-1-10. Vacation of public easement**

Whenever any street, alley or public easement is vacated, the classifications of the properties to which the vacation portions of land accrue shall become the classification of the vacated land.

### **SUBCHAPTER 3. SPECIFIC DISTRICT REGULATIONS**

#### **120:10-3-1. Single Family Residence District (RD-1)**

(a) General description. Single Family Residence District (RD1) is the most restrictive residential district. The principal use of land is reserved for single-family dwellings. However, related uses are appropriate in the district in order that a suitable environment is preserved for family life by permitting neighborhood uses, such as churches, schools, and certain cultural and recreational facilities. This district is intended to preserve and stabilize those neighborhoods which are basically single-family by allowing for two family conversions under specified conditions whereby existing neighborhood development scales are maintained. The area is intended to be protected from inharmonious functions that are inappropriate to the residential environment. Internal stability, attractiveness, order, and efficiency are encouraged by preserving openness of the living areas and avoidance of overcrowding by requiring minimum yards, open spaces, lot areas, by limiting the bulk of structures and through consideration of the proper functional relationship of each element of the district.

(b) Uses permitted. Property and buildings in an RD-1, Single Family Residence District, shall be used only for the following purposes:

- (1) Single-family detached dwelling.
- (2) Church.
- (3) Park or playground, public school or an educational institution having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping.
- (4) Accessory buildings which are not a part of the main building, including a private garage or servant's quarters, when located not less than five (5) feet away from any side lot line, or accessory buildings which are part of the main buildings, including a private garage or servant's quarters.
- (5) Home occupation.
- (6) Temporary buildings for uses incident to construction work, which building shall be removed upon completion or abandonment of the construction work.
- (7) Bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

(c) Conditional uses permitted on review. The following uses may be permitted on review in accordance with the provisions contained in 120:10-13-9:

- (1) Two-family dwelling.
- (2) Swimming pool.
- (3) Public utilities.
- (4) Child care home in accordance with the provision in 120:10-5-6
- (5) Convalescent home or rest home.
- (6) Drilling rigs, tanks and other necessary appurtenances to a producing oil well.
- (7) Off-street parking lots associated with public or commercial uses as regulated under the provisions contained in Subchapter 7 of this Chapter.



(d) Height regulations. Except as hereinafter provided in 120:10-5-2, no building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

(e) Area regulations.

(1) Front yard. All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:

(A) The minimum depth of the front yard shall be twenty-five (25) feet.

(B) If twenty-five percent (25%) or more of the lots on one side of the street between two intersecting streets is improved with buildings all of which have observed an average set back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average set back line, then no building shall be erected closer to the street line than the minimum set back so established by the existing building; but this Section shall not require a front yard of a greater depth than seventy-five (75) feet.

(C) When a lot has double frontage, the front yard requirements shall be complied with on both streets.

(2) Side yard. Except as hereinafter provided in 120:10-5-4, there shall be a side yard on each side of a building which shall have a width of not less than five (5) feet. On any corner lot a building shall be set back from the street line of the intersecting streets a distance of fifteen (15) feet in case such lot is back with another corner lot, and twenty (20) feet in every other case.

(3) Rear yard. Except as hereinafter provided in 120:10-5-4, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot, whichever amount is smaller.

(4) Intensity of use. There shall be a lot area of not less than six thousand (6,000) square feet, except that where the lot has less area than herein required and all the boundary lines of that lot touched lands under the ownership of the effective date of these Regulations that lot may be used for any of the uses permitted in this Section.

(5) Coverage. Main and accessory buildings shall not cover more than twenty-five percent (25%) of the lot area of interior lots, and thirty percent (30%) of the area on corner lots.

### **120:10-3-2. Low Density General Residence District (RD-2)**

(a) General description. Low Density General Residence District (RD-2) is a residential district intended to provide for a slightly higher population density than an RD-1 district. It is intended to preserve and stabilize those neighborhoods characterized by a mixture of residential structures by allowing the conversion and infill development under specific conditions whereby existing neighborhood scales maintained. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, and efficiency are encouraged by providing for adequate light and air for residences and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

(b) Uses permitted. Property and buildings in an RD-2, Low Density Residence District shall be used only for the following purposes:

(1) Any uses permitted in an RD-1, Single Family Residence District.

(2) Two-family dwelling.

(3) Garage apartment, provided, however, that the building be set back at least ten (10) feet from all lot lines.

- (4) Accessory buildings and uses customarily incidental to any of the uses in (1) through (3) of this Section when located on the same lot.
- (c) Conditional uses permitted on review. Any uses permitted on review in an RD-1, Single Family Residence District in accordance with the provisions contained in 120:10-13-9, and three-family dwelling.
- (d) Height regulations. The height regulations shall be the same as those in the RD-1, Single Family Residence District.
- (e) Area regulations.
  - (1) Front yard. All buildings shall be set back from street right-of-way lines to comply with the following front yard requirements:
    - (A) The minimum depth of the front yard shall be twenty-five (25) feet.
    - (B) If twenty-five percent (25%) or more of the lot on one side of the street between two intersecting streets is improved with buildings all of which have observed an average set back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from the average set back line, then no building shall be erected closer to the street line than the minimum set back so established by the existing building; but this district shall not require a front yard of greater depth than seventy-five (75) feet.
    - (C) When a lot has double frontage, the front yard requirements shall be complied with on both streets.
  - (2) Side yard. Except as hereinafter provided in 120:10-5-4, there shall be a side yard on each side of the building which shall have a width of not less than five (5) feet. On any corner lot a building shall be set back from the street line of the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.
  - (3) Rear yard. Except as hereinafter provided in 120:10-5-4, there shall be a rear yard which shall have a depth of not less than twenty-five (25) feet or twenty percent (20%) of the average depth of the lot, whichever is smaller.
  - (4) Intensity of use.
    - (A) A lot occupied by a single family dwelling shall contain not less than six thousand (6,000) square feet.
    - (B) A lot occupied by a two-family dwelling or a single-family dwelling and a garage apartment, shall contain an area of not less than six thousand (6,000) square feet.
    - (C) Where a lot has less than herein required and all boundary lines of that lot touched lands under other ownership on the effective date of this Chapter, that lot may be used only for uses permitted in a RD-1, Single Family Residence District.
  - (5) Coverage. Main and accessory buildings shall not cover more than thirty percent (30%) of the lot area on interior lots and thirty-five (35%) of the lot area on corner lots.
  - (6) Limit on building. Not more than one main building shall be constructed on any one lot, except that a garage apartment may be constructed on any lot with a single-family dwelling provided the area requirements set forth in (e) of this Section are complied with.

### **120:10-3-3. Low Rise General Residence District (RD-3)**

- (a) General description. The Low Rise General Residence District (RD-3) is intended to provide areas for low intensity multiple family housing which will be compatible, in terms of limitations of bulk and the provision of open space, with adjoining single, two, and three-family residential development. These areas are intended to facilitate conversion and infill development of various low rise residences including garden apartments and townhouses.

(b) Uses permitted. Property and buildings in an RD-3, Low Rise General Residence District, shall be used only for the following purposes:

- (1) Any use permitted in the RD-2, Low Density General Residence District.
- (2) Townhouse.
- (3) Three-family residence.
- (4) Multiple-family residence.
- (5) Boarding or rooming house.
- (6) Accessory buildings and uses when customarily incident to any of the uses in (1) through (5) of this Section when located on the same lot.

(c) Conditional uses permitted upon review. The following uses may be permissible on review in accordance with the provisions contained in 120:10-13-9.

- (1) Any use permitted on review in an RD-2, Low Rise Density General Residence District.
- (2) Fraternity or sorority house.
- (3) Institutions of a religious, philanthropic or eleemosynary character.

(d) Height regulations. Height regulations shall be the same as those in the RD-1, Single Family Residence District.

(e) Area regulations.

(1) Front yard. All buildings shall be set back from the street right-of-way lines to comply with the following front yard requirements.

(A) The minimum depth of the front yard shall be twenty-five (25) feet.

(B) If twenty five percent (25%) or more of the lots on one side of the street between two (2) intersecting streets is improved with buildings all of which have observed an average set back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from the average set back line, then no building shall be erected closer to the street line than the minimum set back so established by the existing building; but this district shall not require a front yard of greater depth than seventy-five (75) feet.

(C) When a lot has double frontage, the front yard requirements shall be complied with on both sides.

(2) Side yard. Except as hereinafter provided in 120:10-5-4, there shall be a side yard on each side of a building which shall have a width of not less than five (5) feet. On any corner lot a building shall be set back from the street line of the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

(3) Rear yard. Except as hereinafter provided in 120:10-5-4, there shall be a rear yard which shall have a dept of not less than twenty-five (25) feet or twenty percent (20%) of the average depth of the lot, whichever is smaller.

(4) Intensity of use.

(A) A lot occupied by a single-family dwelling shall contain not less than five thousand (5,000) square feet.

(B) A lot occupied by a two-family dwelling or single family dwelling and garage apartment shall have not less than six thousand (6,000) square feet.

(C) For each additional family unit in excess of two family dwellings, two thousand (2,000) square feet shall be added to the size of the lot.

(D) Where a lot has less area than herein required and all boundary line of that lot touched lands under other ownership on the effective date of this Chapter, that lot may be used only for single-family purposes.

(5) Coverage. Main and accessory building shall not cover more than thirty percent (30%) of the lot area on interior lots and thirty-five percent (35%) of the lot area on corner lots.

(6) Limit on buildings. The density of main buildings shall be in accordance with the area requirements set forth in (e) of this Section.

**120:10-3-4. High Rise General Residence District (RD-4)**

(a) General description. The High Rise General Residence District (RD-4) is a residential district designed to permit the development of multiple-family residences in suitable environments to provide for medium and high population density in proximity to the intensely developed, institutional activity centers of the State Capitol Complex, the Oklahoma Health Center and the central business district of Oklahoma City.

(b) Uses permitted. Property and buildings in the RD-4, High Rise General Residence District, shall be used only for the following purposes:

(1) Any use permitted in the RD-3, Low Rise General Residence District.

(2) Institutions of religious, philanthropic or eleemosynary nature.

(3) Accessory buildings and uses when customarily incident to any of the above uses when located on the same lot.

(c) Conditional uses permitted on review. Any use permitted on review in an RD-3, Low Rise General Residence District, in accordance with the provision contained in 120:10-13-9 and Day Care Centers in accordance with the provisions contained in 120:10-5-6.

(d) Height regulations. Except as hereinafter provided in 120:10-5-3, no building shall exceed three (3) stories or forty-five (45) feet in height.

(e) Area regulations.

(1) Front yard. All building shall be set back from street right-of-way lines to comply with the following front yard requirements:

(A) The minimum depth of the front yard shall be twenty-five (25) feet.

(B) If twenty-five percent (25%) or more of the lots on one side of the street between two intersecting streets is improved with buildings all of which have observed an average set back line of greater than twenty-five (25) feet, and no building varies more than six (6) feet from this average set back line, then no building shall be erected closer to the street line than the minimum set back so established by the existing buildings; but this district shall not require a front yard of greater depth than seventy-five (75) feet.

(C) When a lot has double frontage, the front yard requirements shall be complied with on both streets.

(2) Side yard.

(A) Side yards shall have a minimum width of five (5) feet for buildings not exceeding two and one-half (2-1/2) stories in height. There shall be a side yard of ten (10) feet on each side of all buildings greater than 2-1/2 stories except as otherwise provided in 120:10-5-4.

(B) On any corner lot a building shall be set back from the street line on the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

(3) Rear yard. Except as hereinafter provided in 120:10-5-4, there shall be a rear yard which shall have a depth of not less than twenty-five (25) feet or twenty percent (20%) of the average of the depth of the lot, whichever is smaller.

(4) Lot width.

(A) For single-family dwelling, two-family dwellings, there shall be a minimum lot width of fifty (50) feet at the front building line, and the front lot line shall abut a street for a distance of not less than thirty-five (35) feet.

(B) For townhouse dwelling there shall be a minimum lot width of twenty (20) feet at the front building line, and the front lot line shall abut a street for a distance of not less than twenty (20) feet.

(C) For multiple-family dwellings, there shall be a minimum lot width of sixty (60) feet at the front building line and the width shall be increased by fifteen (15) feet for each additional dwelling unit exceeding three (3) which is located in the dwelling; however, the lot width at the front building line shall not be required to exceed two hundred fifty (250) feet; and further provided that the front lot line shall abut a street for a distance of not less than fifty (50) feet.

(5) Intensity of use.

(A) For single, two and three family dwellings, the same regulations as those in the RD-3, Low Rise General Residence District shall apply.

(B) A lot occupied by a multiple family dwelling of four (4) units shall not be less than ten thousand one hundred (10,100) square feet in area, and for each additional dwelling unit, seventeen hundred (1,700) square feet shall be added.

(C) When a lot has less than herein required and all the boundary lines of the lot touched land under the ownership on the effective date of this Chapter, that lot may be used only for single-family dwelling purposes.

**120:10-3-5. Historic Preservation District (HP)**

(a) General description. The Historic Preservation District (HP) is intended to promote the education, cultural, economic, and general welfare of the public through the protection, enhancement, perpetuation and use of structure and areas of historical and/or architectural significance. In order to maintain the character and beauty of such structures and areas, restrictive requirements governing both the use of land, the erection, moving, demolition, reconstruction, restoration or alteration of structures thereon are provided. In addition, provisions are made in Subchapter 11 of this Chapter for the appointment of the State Capitol Historical Preservation and Landmark Board of Review to advise the Commission in matters pertaining to this Section. All property within the Capitol-Medical Center Improvement and Zoning District previously designated as a "H-P", Historic Preservation District at the same time of the final passage of this Chapter shall be subject to and shall comply with the regulations and restrictions of this Section.

(b) District restrictions. Unless 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 is prohibited unless a Certificate of Appropriateness has been granted by the State Capitol Historical Preservation and Landmark Board of Review in accordance with 120:10-11-5.

(2) All structures and grounds shall be kept in good repair.

(3) All interior portions of structures shall be kept in such good repair to the extent necessary to prevent structural deterioration.

(4) All structures and grounds shall be maintained in good condition in keeping with the historical nature of the site designated.

- (5) All driveways shall have hard surface pavement.
- (6) Outside storage of materials or supplies of a permanent basis is prohibited.
- (7) All external signs and advertising displays shall be prohibited, except for identification name plates which shall be placed flat against the front exterior wall of a residence, museum or art gallery. One (1) temporary sign, not exceeding two (2) square feet in area offering a property for sale, is permitted. All existing signs of displays not in conformance with the provisions of this Section shall be removed.
- (8) Parking and/or operation of vehicles including, but not limited to trailers, shall be allowed only on hard surfaced pavement in driveways and except for periods of loading and unloading, not to exceed seventy-two (72) hours, all boats, commercial vehicles of more than two (2) 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 vehicles shall be screened from view of the side street abutting the subject property.
- (c) Uses permitted. A building or premises shall be used only for the following purposes:
  - (1) Single family dwelling, provided that no more than one (1) single family dwelling per lot shall be permitted. For purposes of this Section only, "family" shall mean one or more persons related by blood, adoption, marriage, living and cooking together as a single housekeeping unit, exclusive of household servants. Not more than two (2) persons living and cooking together though not related by blood, adoption or marriage, shall be deemed to constitute a family.
  - (2) Servant's or caretaker's quarters, either attached or separate from a single family dwelling.
  - (3) Temporary buildings for use incidental to construction work which buildings shall be removed upon the completion or abandonment of the construction of the work.
  - (4) Open or public park, playground or recreational area, but excluding recreational facilities or services furnished on payment of a fee or admission charge.
  - (5) Private park, recreation area, and clubhouse, when owned and maintained by members of a homeowners association or organization actively engaged in supporting the preservation of homes and architectural and/or historical significance.
  - (6) Directional or information signs.
  - (7) Private garage.
  - (8) Home occupation or professional office of one who lives in the main building and where no nameplate is used in conjunction with the professional use.
- (d) Conditional uses permitted on review. A special exception to permit the following uses within this district may be granted by the Capitol-Medical Center Improvement and Zoning Commission:
  - (1) Multiple family dwelling, not to exceed a four (4) family dwelling.
  - (2) Museum, art gallery or similar public building.
- (e) Height regulations. No building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.
- (f) Area regulations.
  - (1) Front yard. There shall be a front yard having a depth of not less than twenty-five (25) feet.
  - (2) Side yard. There shall be a side yard on each side of the building which shall have a width of not less than five (5) feet; however, on a corner lot where the side yard abuts the street there shall be a minimum set back of fifteen (15) feet on the side abutting the street.

- (3) Rear yard. Except as hereinafter provided in 120:10-5-4, there shall be a rear yard having a depth of not less than thirty (30) feet or twenty percent (20%) of the depth of the lot whichever is smaller.
- (4) Intensity of use. There shall be a lot area of not less than eight thousand (8,000) square feet.
- (5) Minimum lot width. The minimum lot width shall be fifty (50) feet measured at the front building line.
- (6) Screening requirement. All parking lots and similar uses shall be screened from abutting property and abutting streets by sight proof screening not less than six (6) feet in height.
- (g) Ordinary maintenance and repair except as previously provided. Nothing in this Section shall be construed to prevent ordinary maintenance and repair of any structure.
- (h) Uses adjacent to Historic Preservation District. Any uses permitted in RD-2, Low Density General Residence District, RD-3, Low Rise General Residence District, RD-4, High Rise General Residence District, or in any commercial, business, or industrial district while lying adjacent to or across the street from structures, or areas falling within the HP, Historic Preservation District, shall be screened or designed as appropriate, to minimize its effect upon such structures or area. This required screening or design is specifically made applicable to all properties and uses whether coming into existence prior to the enactment date of this regulation or subsequently coming into existence.

**120:10-3-6. Neighborhood Commercial District (CN)**

- (a) General description. The Neighborhood Commercial District (CN) is intended to provide locations for those retail and service uses oriented toward meeting the regular needs of neighborhood residents. Because these shops and stores may be a part of the neighborhood, more restrictive requirements for light, air, open space and off-street parking are made than are provided in other metropolitan commercial district.
- (b) Uses permitted. Property and buildings in a CN, Neighborhood Commercial District shall be used only for the following purposes:
  - (1) Any uses permitted in an RD-4, High Rise General Residence District.
  - (2) Retail stores and shops supplying the regular and customary needs of the residents and primarily for their convenience, as follows:
    - (A) Alcoholic Beverage Retail Sales.
    - (B) Apparel store, family, children, men or women.
    - (C) Antique Shop.
    - (D) Automobile service station, but not including body shops or junk yards.
    - (E) Automobile parking lot.
    - (F) Bakery goods store.
    - (G) Bank.
    - (H) Barber shop.
    - (I) Beauty shop.
    - (J) Book or Stationary store.
    - (K) Camera store.
    - (L) Candy store.
    - (M) Cleaning, pressing, laundry agency, providing cleaning and pressing is not done on the premises.
    - (N) Curio and gift shop.

- (O) Drug store or Fountain.
- (P) Dairy products or Ice Cream store.
- (Q) Delicatessen.
- (R) Food store.
- (S) Funeral Parlour or Mortuary.
- (T) Help-yourself laundry.
- (U) Jewelry or Notion store.
- (V) Key shop.
- (W) Lodge Hall.
- (X) Messenger or Telegraph Service.
- (Y) Office.
- (Z) Painting and Decorating shop.
- (AA) Pet shop.
- (BB) Photographer or Artist studio.
- (CC) Restaurant, but not including drive-in restaurant.
- (DD) Sales or Showroom.
- (EE) Shoe Repair shop.
- (FF) Tailor shop.
- (GG) Theatre.

(3) Accessory buildings and uses customarily incident to the uses in (1) through (3) of this Section.

(4) Any building used primarily for any of the enumerated purposes in (1) through (3) of this Section may not have more than forty percent (40%) of the floor area devoted to purposes incident to such primary use. Stores shops and businesses permitted under this Section shall be conducted within an enclosed building. No material or goods offered for sale or stores in connection with the uses enumerated in (1) through (3) of this Section shall be displayed or stored outside of a building.

(c) Conditional uses permitted on review. The following uses may be permissible on review in accordance with the provisions contained in 120:10-13-9:

- (1) Any use permitted on review in an RD-4, High Rise General Residence District.
- (2) Any other retail store, shop or establishment serving the Zoning District in the manner stated above which, in the opinion of the Commission, is similar in character to those enumerated in this Section and is not more obnoxious or detrimental to the area in which it is located, by reason of noise, offensive odor, smoke, dust, vibration, traffic congestion or danger to life and property.

(d) Height regulations. The height regulations shall be the same as those in the RD-1, Single Family Residence District.

(e) Area regulations.

- (1) Front yard. The front yard regulations shall be the same as those in the RD-1, Single Family Residence District.
- (2) Side yard. The side yard regulations for dwelling shall be the same as those in the RD-1, Single Family Residence District. For uses other than dwellings, no side yard shall be required, provided that on the side of a lot adjoining a dwelling district there shall be a side yard of not less than ten (10) feet, and further provided that on all corner lots there shall be a side yard of twenty-five (25) feet.



(3) Rear yard. The rear yard regulations for dwellings shall be the same as the RD-2, Low Density General Residence District. In all other cases a rear yard shall not be required except where a lot abuts upon a dwelling district, in which case there shall be a rear yard of not less than fifteen (15) feet.

(4) Intensity of use. The intensity of use for residential purposes shall be the same as the RD-4, High Rise General Residence District.

**120:10-3-7. Office Commercial District (CO)**

(a) General description. The Office Commercial District (CO) is intended to provide a place for those types of institutional and commercial activities that will service the Zoning District and which require separate buildings and building groups surrounded by landscaped yards and open area.

(b) Uses permitted. Property and building in a CO, Office Commercial District, shall be used only for the following purposes:

(1) Multiple family dwellings containing not less than eight (8) living units per building.

(2) Office building.

(3) Accessory buildings and uses customarily incident to the uses in (1) through (3) of this Section.

(c) Conditional uses permitted on review. The following uses may be permissible on review in accordance with the provisions contained in 120:10-13-9:

(1) Any uses permitted in an RD-4, High Rise General Residence District.

(2) Research laboratories housed completely within enclosed buildings, and which the Commission determines are not more objectionable due to the emission of smoke, noise, dust, odor, and blast than office building operation.

(3) Hotels.

(4) Motels.

(d) Height regulations. No building shall exceed the height limitations set forth in 120:10-5-3 of this Chapter.

(e) Area regulations.

(1) Front yard. The minimum depth of the front yard shall be twenty-five (25) feet. When a lot has double frontage, the front yard requirements shall be complied with on both streets.

(2) Side yard. Main and accessory buildings shall be set back from all side lot lines not less than one (1) foot for each two (2) feet of building height.

(3) Rear yard. Main buildings used for residential purposes shall be set back from all rear lot lines not less than twenty five (25) feet or one (1) foot for each foot of building height, whichever is greater. All other main buildings shall be set back from all rear lot lines one (1) foot for each three (3) feet of building height or fraction thereof.

(f) Intensity of use. A lot occupied by an eight family dwelling shall contain an area of not less than twelve thousand (12,000) square feet, and for each additional dwelling unit in the building one thousand (1,000) square feet of lot area shall be added.

(g) Coverage.

(1) Main and accessory buildings for uses other than residential use shall not cover more than forty percent (40%) of the lot area on interior lots and forty-five percent (45%) of the lot area on corner lots, and in no case shall the gross floor area of main and accessory buildings exceed the total area of the lot.

(2) Main and accessory buildings for uses other than residential shall not cover more than forty percent (40%) of the lot area of interior lots and forty-five percent (45%) of the lot area for corner lots, and in no case shall the gross floor area of main and accessory buildings exceed one and one-half (1 1/2) times the total lot area.

(3) Not less than twenty percent (20%) of the lot area shall be maintained as and remain landscaped open area and shall not be used for any other purpose including off-street parking.

**120:10-3-8. Health Center Commercial District (CHC)**

(a) General description. The Health Center Commercial District (CHC) is intended to provide a land use district for those types of institutional and commercial activities that are associated with and customarily supportive of uses located in the HC, Health Center District and which do not materially detract from nearby residence.

(b) Uses permitted. Property and buildings in the CHC, Health Center Commercial District, shall be used for only the following purposes:

(1) Any use permitted in an RD-4, High Rise General Residence District.

(2) Any of the following uses:

(A) Artificial Limbs and Braces-Sales and Service

(B) Blood Bank.

(C) Dental Laboratory.

(D) Dental Supply House.

(E) Florist Shop.

(F) Gift Shop.

(G) Medical Bookstore.

(H) Medical Laboratory.

(I) Optometry Sales.

(J) Orthopaedic Appliance Sales.

(K) Office Building.

(L) Pharmacy.

(M) Restaurant, but not including drive in restaurant.

(3) Name plate, flat sign or premises advertising sign relating only to the principal use.

(4) Accessory uses and buildings customarily incident to the uses in (1) through (3) of this Section.

(5) Any building uses for any of the enumerated uses in (1) through (4) of this Section may not have more than forty percent (40%) of its floor area devoted to purposes incidental to the primary use. No material goods offered for sale or stored in connection with the uses enumerated in (1) through (4) of this Section shall be displayed or stored outside of the building.

(c) Conditional uses permitted on review. Any uses permissible on review in a CO, Office Commercial District in accordance with the provision contained in 120:10-23-9 and including the following uses:

(1) Sheltered Care Home.

(2) Halfway House or Drug Treatment Center.

(3) Any other institutional or commercial activity serving the HC, Health Center District in the manner stated in (1) through (4) of this Section which, in the opinion of the Commission,

is similar to those enumerated in this Section and is not more obnoxious or detrimental to the area in which located.

(d) Height regulations. Except as hereinafter provided in 120:10-5-3, no building shall exceed two and one-half (2 1/2) stories or thirty five (35) feet in height.

(e) Area regulations.

(1) Front yard. The minimum depth of the front yard shall be twenty-five (25) feet. When a lot has double frontage, the front yard requirements shall be complied with on both sides.

(2) Side yard. Main and accessory buildings shall be set back from all side lot lines not less than one (1) foot for each two (2) feet of building height.

(3) Rear yard. Main buildings used for residential purposes shall be set back from all rear lot lines not less than twenty-five (25) feet or one (1) foot for each foot of building height, whichever is greater. All other main buildings shall be set back from all rear lot lines one (1) foot for each three (3) feet of building height or fraction thereof.

(f) Intensity of use. A lot occupied by an eight (8) family dwelling shall contain an area of not less than twelve thousand (12,000) square feet, and for each additional dwelling unit in the building one thousand (1,000) square feet of lot area shall be added.

(g) Coverage.

(1) Main and accessory buildings for residential use shall not cover more than forty percent (40%) of the lot area on interior lots and forty-five (45%) of the lot area for corner lots, and in no case shall the gross floor area of main and accessory buildings exceed the total area of the lot.

(2) Main and accessory buildings for uses other than residential shall not cover more than fifty percent (50%) of the lot area and in no case shall the F.A.R. exceed 0.60.

(3) Not less than twenty percent (20%) of the lot area shall be maintained as and remain as landscaped area and shall not be used for any other purpose including off-street parking.

(h) Screening requirement. Any use permitted in the CHC, Health Center Commercial District while lying adjacent to a residentially zoned or used property shall be screened by an opaque physical barrier consisting of any one or combination of the following:

(1) A neat and orderly opaque fence not less than seven (7) feet in height.

(2) A planting screen consisting of a neat, orderly and healthy screen of evergreens or other suitable plant material not less than five (5) feet in height at the time of installation.

(3) A landscaped earth mound as approved by the Commission.

### **120:10-3-9. Commercial Service Center District (CSC)**

(a) General description. The Commercial Service Center District (CSC) is intended for a unified grouping, in one or more buildings of offices and services that provide for regular needs and are for the convenience of the people working and visiting the State Capitol Complex and the Oklahoma Health Center. It is intended that Commercial Service Center be developed as a unit with adequate off-street parking spaces for customers and employees, and with appropriate landscaping and screening materials.

(b) Uses permitted.

(1) Property and buildings in a Commercial Service Center District shall be used only for the uses enumerated below, provided, however, that these uses shall be located in a unified service center which shall have not less than five (5), or more than twenty (20) of the uses enumerated below, at least one of which shall be a principal use of not less than twenty thousand (20,000) square feet of gross floor area.

- (2) Any of the following principal uses may be permitted:
  - (A) Hotel.
  - (B) Motel.
  - (C) Office building.
- (3) Any use permitted in the CN, Neighborhood Commercial District, or CHC, Health Center Commercial District, provided, however, that the total gross floor area of all uses exclusive of those listed in (1) of this Section, shall not exceed thirty percent (30%) of the gross floor area of the Commercial Service Center.
- (c) Height regulations. No building shall exceed three (3) stories or forty-five (45) feet in height unless it is set back one (1) foot from all yard lines for each two (2) feet exceeding forty-five (45) feet, in addition to the yard otherwise required; provided, however, in no case shall any building or structure exceed the height limitations set forth in 120:10-5-3 of this Chapter.
- (d) Area requirement.
  - (1) Minimum area. The parcel of land on which a Commercial Service Center is located shall not be less than two (2) acres in area.
  - (2) Yards. It is intended that the grouping of buildings and parking areas shall be designed to protect, insofar as possible, adjacent residential areas, and that ornamental screening from noise and light be provided where necessary; provided, however, that in no case shall the design of the commercial service center provide less than the following standards:
    - (A) All building shall be set back from all right-of-way lines not less than thirty (30) feet.
    - (B) On the side or rear of a lot adjoining a dwelling district, there shall be a side yard of not less than thirty (30) feet and all of the service area of all buildings shall be completely screened from public view with permanent ornamental screening materials.
  - (3) Coverage. Main and accessory buildings shall not cover more than forty percent (40%) of the lot area of interior lots and forty-five percent (45%) of the lot area for corner lots and in no case shall the gross floor area of the main and accessory building exceed one and one-half (1 1/2) times the total lot area. Not less than twenty percent (20%) of the lot area shall be maintained as and remain landscaped open area and shall not be used for any other purpose including off-street parking.
  - (4) Common parking facilities. Off-street parking requirements set forth in Subchapter 7 of this Chapter, may be complied with by providing a permanent common off-street parking facility for all of the uses in the Commercial Service Center, provided all of the lots contain the requisite number of spaces for each use.
- (e) Administrative procedures.
  - (1) The developer shall submit site development plans for the proposed development which shall be in adequate detail to determine compliance with the provisions of this Section; and which shall show the arrangement of the buildings, design and circulation pattern of the off-street parking area, landscaped yards, ornamental screening, service courts, and utility and drainage easements and facilities; and the relationship of the Commercial Service Center development to adjacent areas which it may affect.
  - (2) Evidence that indicates to the satisfaction of the Commission the ability and intent of the developer to carry out the development of the service center in accordance with the plans submitted in accordance with (1) of this Section.
- (f) Review of plan change. Any substantial deviation from the plan or building plans submitted at the time of rezoning shall constitute a violation of the building permit authorizing construction of the service center. Substantial changes in the plan shall be resubmitted to the Commission to

insure compliance with the requirements and purpose and intent of this Section and no building permit shall be issued for any construction which is not in substantial conformity with the approved plan.

**120:10-3-10. Restricted Light Industrial District (I-1)**

(a) General description. The Restricted Light Industrial District (I-1) is intended to accommodate industrial development at good standards in appropriate locations and to provide for establishments engaged in the manufacture, assembly, or processing of products and goods with all storage, operations, and processes entirely within an enclosed structure, generating no industrial wastewater nor airborne emissions and producing no objectionable odor, noise, glare, vibrations, smoke or dust associated with the industrial operation.

(b) Uses permitted. Property and buildings in an I-1, Restricted Light Industrial District shall be used only for the following purposes:

(1) Any uses permitted in a CN, Neighborhood Commercial District or in any R, Residential District.

(2) Any of the following uses:

(A) Automobile accessory, sales and repair.

(B) Bakery.

(C) Bottling works.

(D) Book binderies.

(E) Candy manufacturing.

(F) Engraving plant.

(G) Envelope manufacturing.

(H) Electrical equipment assembly.

(I) Instrument and meter manufacturing.

(J) Jewelry and watch manufacturing.

(K) Laboratories, experimental and research.

(L) Laundry and cleaning establishment.

(M) Leather goods fabrication.

(N) Optical goods manufacturing.

(O) Paper products manufacturing.

(P) Personal storage facility.

(Q) Sporting goods manufacturing.

(3) Any other light industrial use which, in the opinion of the Commission, is similar in character to those enumerated in (1) through (3) in this Section, and is not more obnoxious or detrimental to the area in which located by reason of noise, offensive odor, smoke, dust, vibration, appearance, traffic congestion or danger to life and property.

(c) Height regulations. No building shall exceed three (3) stories or forty-five (45) feet in height unless it is set back one foot from all yard lines for each two (2) feet exceeding forty-five (45) feet, in addition to the yard otherwise required; provided, however, in no case shall any building or structure exceed the height limitation set forth in 120:10-5-3 of this Chapter.

(d) Area regulations.

(1) Front yard. The front yard regulations shall be the same as the CN, Neighborhood Commercial District.

(2) Side yard. The side yard regulations shall be the same as the CN, Neighborhood Commercial District.

- (3) Rear yard. The rear yard regulations shall be the same as the CN, Neighborhood District.
- (4) Intensity of use. The intensity of use for residential purposes shall be the same as in an RD-4, High Rise General District.

**120:10-3-11. Light Industrial District (I-2)**

(a) General description. The Light Industrial District (I-2) is intended to provide for establishments engaged in the manufacture, assembly or processing of products and goods with all operations and processes entirely within an enclosed structure, generating no objectionable odor, noise, glare, vibrations, smoke or dust associated with the industrial operation, but with outdoor storage of goods and products.

(b) Uses permitted. Property and buildings in an I-2, Light Industrial District, shall be used only for the following purposes; provided, however, that no article or material shall be kept stored or displayed outside the confines of the building unless it be so screened by walls, fences or permanently maintained planting that it can not be seen from a public street or adjacent lot at ground level:

- (1) Any use permitted in the I-1, Restricted Light Industrial District.
- (2) Any of the following uses:
  - (A) Building materials sales yard, including the sale of rock, sand, gravel and the like as an incidental part of the main business, including concrete mixing.
  - (B) Contractor's equipment storage yard or plant, or rental of equipment commonly used by contractors.
  - (C) Feed and fuel yard.
  - (D) Draying, freighting or trucking yard or terminal.
  - (E) Public utility service yard or electrical receiving or transforming station.
- (3) The following uses when conducted within a completely enclosed building.
  - (A) The manufacture, compounding, packaging or treatment of such products as bakery goods, candy, cosmetics, dairy products, drugs, perfume, pharmaceuticals, perfumed toilet soap, toiletries, and good products except fish and meat products, sauerkraut, vinegar, yeast, and the rendering or refining of fats and oils.
  - (B) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastics, precious or semi-precious materials or stone, shell, textiles, tobacco, wood, yards, and paint not employing a boiling process.
  - (C) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns fired only by electricity or gas.
  - (D) The manufacture and maintenance of electric and neon signs, commercial advertising structures, light sheet metal products, including heating and ventilating ducts, and equipment cornices, eaves and the like.
  - (E) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.
  - (F) Assembly of electrical appliances, electronic instruments and devices, radios and phonographs, including the manufacture of small parts only, such as coils, condenser, transformers, crystal holders, and the like.
  - (G) Laboratories: experimental, photo or motion pictures, film or testing.
- (4) Buildings, structures and uses accessory and customarily incident to any of the uses in (1) through (3) of this Section.

- (5) Any other light industrial use, building or structure which, in the opinion of the Commission, is of similar character of those enumerated in this Section and is not more objectionable due to noise, odor, dust, smoke, vibration, danger to life and property and other similar causes which are injurious to health or safety and the neighborhood.
- (c) Height regulations. The height regulations shall be the same as the I-2, Restricted Light Industrial District.
- (d) Area regulations.
  - (1) Front yard. Front yard requirements shall be the same as in the I-1, Restricted Light Industrial District.
  - (2) Side yard. The side yard regulations shall be the same as the I-2, Restricted Light Industrial District.
  - (3) Rear yard. Rear yard regulations shall be the same as in the I-2, Restricted Light Industrial District.
  - (4) Intensity of use. The intensity of use for residential purposes shall be the same as the RD-4, High Rise General Residence District.

**120:10-3-12. Public District (P)**

**(a) Uses permitted.**

- (1) It is the intent of this Section that property and buildings in the Public District shall be used only for the purposes designated in the Master Land Use Plan as officially adopted by the Capitol-Medical Center Improvement and Zoning Commission.
- (2) Property and buildings shall only be used for the following purposes:
  - (A) Any park or recreation use permitted under the rules and regulations promulgated for State Capitol Park Number One (Title 74, Oklahoma Statutes 1811.4) by the Oklahoma Department of Tourism and Recreation.
  - (B) Any Public Administration Use as defined in 120:10-1-3.
- (b) **Height regulations.** No building shall exceed the height limitation set for in 120:10-5-3.
- (c) **Intensity of use.** Buildings and structures shall not exceed 1.0 Floor Area Ratio (F.A.R.) or .25 Ground Coverage Ratio (G.C.R.) as defined in 120:10-1-3.
- (d) **State Capitol Complex Subdistrict.** For purposes of these regulations, there is hereby created a State Capitol Complex Subdistrict. The principal use of land is reserved for state government and state government uses. The State Capitol Complex Subdistrict is described as follows: Beginning at the southeast corner of the intersection of NE 28th Street and North Lincoln Boulevard; thence east along the south line of NE 28th Street to west line of Lindsay Avenue; thence south on Lindsay Avenue to the south line of NE 24th Street; thence east along NE 24th Street to the west line of Laird Avenue to the south line of NE 23rd Street; thence west to the east boundary of Block 3, State Capitol Addition; thence south along said east block line to the point of intersection with the northern boundary line of Block 12, State Capitol Amended Addition; thence west along said line to the east line of Lindsay Avenue; thence south along Lindsay Avenue to the north line of NE 19th Street; thence west along NE 19th Street to the east line of the North Lincoln Boulevard median, also designated as State Capitol Park; thence south along North Lincoln Boulevard to the point of intersection with NE 14th Street; thence west to the east edge of North Lincoln Boulevard median, also designated as State Capitol Park; thence north to the intersection of the north boundary line of Block 10, Classen's North Highland Parked Addition; thence west along said boundary line to the east line of Walnut Avenue; thence north along Walnut Avenue to the north line of NE 18th Street; thence west on NE 18th Street to

the east edge of the I-235 Expressway; thence north along said I-235 Expressway to the point of intersection with the southeast corner of NE 23rd Street; thence east along the south line of NE 23rd Street to the west edge of the southwest NE 23rd Street/North Lincoln Boulevard Loop; thence in a north and easterly direction around the northwest NE 23rd Street/North Lincoln Boulevard Loop to the east line of North Lincoln Boulevard; thence north along Lincoln Boulevard to the south line of NE 27th Street; thence east along NE 27th Street to the center line of North Lincoln Boulevard; thence north to the point of beginning.

(e) **State Capitol Complex Subdistrict Restrictions.** Unless specifically provided for in this Section, the following restrictions shall apply to this Subdistrict:

(1) **Burials and Scattering of Ashes.** Burials or interment of human or other remains is prohibited in the State Capitol Complex Subdistrict. The scattering of human or other ashes from cremation is prohibited in the State Capitol Complex Subdistrict.

(2) **Monuments, memorials and statuary.** All plans for temporary or permanent monuments, memorials and statuary shall be reviewed and approved by the Commission. Requests will be reviewed in terms of cultural, historical and/or architectural significance; impact on the visibility, character and/or integrity of the State Capitol Building; impact on the function of established or future uses in the State Capitol Complex Subdistrict; and provisions for open space as established in the Master Plan.

#### **120:10-3-13. Health Center District (HC)**

(a) Uses permitted.

(1) Property and buildings in the HC, Health Center District shall be used only for the following purposes:

- (A) Dental or Medical Clinic.
- (B) Heliport.
- (C) Hospital.
- (D) Medical Center.
- (E) Medical Center Housing.
- (F) Medical School Facilities.
- (G) Medical Research Laboratory.
- (H) Public Health Center.
- (I) Rehabilitation Center.
- (J) Sanatorium.

(2) Accessory buildings and uses customarily incident to the above uses.

(b) Height regulations. It is the intent of these regulations that the height and area requirements of these uses be adequate for the proper functioning of each and every use. No specific regulations are established.

### **SUBCHAPTER 5. GENERAL DISTRICT PROVISION AND ADDITIONAL ZONING REGULATIONS**

#### **120:10-5-1. Definitions**

The definitions of types of signs for the purpose of this Chapter shall be as follows. The following words and terms, when used in this Chapter, shall have the following meanings, unless the context clearly indicates otherwise:



**"Banner sign"** means any non-rigid sign in which the characters, letters, illustrations or ornamentations are applied to cloth, paper or fabric of any kind.

**"Billboard"** means any sign where the matter displayed would be used for purposes other than that of advertising to the public the legal or exact firm name or the name of the business carried on therein or thereat, or advertising any service or product or products actually and actively being offered for sale therein or thereon.

**"Construction sign"** means a temporary sign not greater than fifty (50) square feet in area displayed for the purpose of announcing contemplated improvements or firms making improvements on the property or premises or the property or premises adjacent to that on which the sign is placed. One sign per street frontage shall be permitted.

**"Flat sign"** means any sign erected parallel to the face or on the outside wall of any building and supported throughout its entire length by such wall or walls.

**"Illuminated sign"** means any sign which is artificially lighted by electric lights or luminous tubes whether the source of illumination is part of the sign or not.

**"Illuminated direct"** means illumination which comes from within or is otherwise part of the sign proper.

**"Illuminated indirect"** means illumination which is performed by spotlights, or other lighted devices and which is not part of the sign proper.

**"Pole sign"** means any sign erected on a pole or poles, and which is wholly or partly independent of any building for support.

**"Premises advertising sign"** means any flat, projecting or pole sign for advertising the legal or exact firm name of the business carried on therein or thereat, or advertising any service or product or products actually and actively being offered for sale therein.

**"Professional name plate"** means a sign not greater than two (2) square feet in area giving the name and occupation of an individual engaged in a recognized profession.

**"Projecting sign"** means any sign erected on a fence or outside wall of a building which projects out at any angle therefrom.

**"Real estate sign"** means a temporary sign not greater than twenty (20) square feet in area displayed for the purpose of offering property or premises for sale or lease.

**"Roof sign"** means any sign erected across or over the roof of any building.

**"Snipe sign"** means any small billboard nailed or attached in any way to an object or a tree.

[Source: Revoked at 23 Ok Reg 1642, eff 6-11-06]

#### **120:10-5-1.1. District group classification**

Whenever the terms "R" and "C" or "H" are used in this Chapter, they shall be construed to mean all zoning district designations containing these letters combined with a number to indicate the district classification.

#### **120:10-5-2. Conditions of a more restricted district applied**

Whenever the specific district regulations pertaining to one permit the uses of a more restricted district, such uses shall be subject to the conditions as set forth in the regulations of the more restricted district, unless otherwise specified.

#### **120:10-5-3. Height regulations**

(a) Application. The height regulations established in this Section, shall be applicable to the parts of the Capitol-Medical Center Improvement and Zoning District as shown on the Height Zoning

Map in Appendix B of this Chapter. No building or structure of any kind, with the exception of radio and television towers, oil well rigs, and public street lighting masts or standards, receiving the expressed approval of the Commission, shall exceed these height limitations. Whenever the provisions of the height regulations established elsewhere in this Chapter, the more restrictive height regulations shall prevail.

(b) The Official Height Zoning Map. The Official Height Zoning Map in Appendix B of this Chapter sets forth the plan of maximum height which is the maximum height which shall be permitted at all points in the Capitol-Medical Center Improvement and Zoning District. Said map and all explanatory material thereon are hereby made a part of this Chapter.

(c) Plane of maximum height. A plane of maximum height is hereby established for the Capitol-Medical Center Improvement and Zoning District and is set forth on the Official Height Zoning Map in Appendix B of this Chapter. Said plane shall have as a reference point and reference elevation the point in the center of the State Capitol Building, having an elevation of 1,305 feet above sea level elevation, according to the United States Geological Survey or United States Costal and Geodetic Survey. The plane of maximum height shall be formed by two planes beginning at the east-west axis line passing though the reference point and having a constant elevation of 1,305 feet above sea level elevation.

(1) The plan of maximum height for all parts of the Capitol-Medical Center Improvement and Zoning District lying south of the east-west axis shall be a plane having an elevation of 1,305 feet above sea level elevation.

(2) The plan of maximum height for all parts of the Capitol-Medical Center Improvement and Zoning District lying north of the east-west axis shall be a plane passing through the east-west axis and decreasing two feet in elevation for each 100 feet of horizontal distance measured from the reference point northward along a north-south line to the north extremity of the District.

(d) Additional height regulations. The regulations set forth in this Section qualify or supplement, as the case may be, the District Regulations appearing elsewhere in this Chapter.

(1) Public sanatoriums, or schools, when permitted in a district, may be erected to a height not exceeding sixty (60) feet, and churches and temples, when permitted, may be erected to a height not exceeding seventy-five (75) feet, if the building is set back from each property line at least one (1) foot for each foot of additional building height above the height limit otherwise provided in the district in which the building is built, provided, however, that no building or structure shall exceed the height limitations set forth in (c) of this Section.

(2) Single-family dwellings and two-family dwellings in the residential districts may be increased in height by not more than ten (10) feet when two (2) side yards of not less fifteen (15) feet each are provided, but they shall not exceed three (3) stories in height.

(3) Chimney, cooling towers, church spires, elevator bulkheads, fire towers, monuments, stacks, stage towers or scenery lofts, tanks, water towers, ornamental towers and spires, radio towers or necessary mechanical appurtenances, may be erected to a height exceeding those set forth in this Section in all districts except in RD-1 and RD-2 Districts.

#### **120:10-5-4. Area and open space**

The following requirements are intended to provide exceptions or qualify and supplement, as the case may be, the specific district regulations set forth in Subchapter 3 of this Chapter.

(1) Open space to serve one building. No open space or lot area for a building or structure shall, during its life, be occupied by, or counted as open for any other building or structure.

(2) Fences and walls. Fences, walls and hedges in residential districts may be permitted in any required yard or along the edge of any yard provided that no fence, wall, or hedge located in front of the front building line shall exceed three (3) feet in height, and no other wall or fence shall exceed six (6) feet in height.

(3) Sight lines at intersections. On any corner lot on which a front and side yard is required, no wall, fence, sign, structure, or any plant growth which obstructs sight lines at elevations between two (2) feet and six (6) feet above the crown of the adjacent roadway shall be placed or maintained within a triangle formed by measuring from the point of intersection of the front and exterior lot lines a distance of thirty (30) feet along said front and side lot lines and connecting the points so established form a sight triangle on the area of the lot adjacent to the street intersection.

(4) Location of attached private garage. An attached or detached private garage which faces on a street shall not be located closer than twenty-five (25) feet to the street easement line.

(5) Time and accessory building construction. No accessory building shall be constructed upon a lot until the construction of the main building has been actually commenced and no accessory building shall be used unless the main building on the lot is also being used.

(6) Ground coverage and location of accessory building. Accessory buildings which are not a part of the main building may be built in the rear yard within ten (10) feet of the rear lot line. An accessory building which is not a part of the main building shall not occupy more than thirty percent (30%) of the rear yard.

(7) Projections and open space. Every part of a required yard shall be open to the sky unobstructed except for accessory buildings in the rear yard, and except for the ordinary projections of skylights, sills, belt courses, cornices, and ornamental features projecting not to exceed twelve (12) inches.

(8) Limit on exterior projections. Open or lattice-enclosed fire escapes, fireproof outside stairways, and balconies opening upon fire towers projecting into a yard not more than five (5) feet, and the ordinary projections of chimneys and flues are permitted.

(9) Ground coverage for residential construction. No building or structure designed or intended to be used for residential purposes shall be erected or constructed on any lot in any district unless such lot abuts for at least thirty-five (35) feet on at least one (1) street and has a minimum width of fifty (50) feet at the front building line; and further provided that no dwelling shall front on any alley or be designed so that an alley is the primary means of ingress or egress, except that a garage apartment may be constructed to the rear of another main dwelling.

(10) No restriction on utility construction. These regulations shall not prohibit the construction of electric sub-stations, gas distribution regulator stations, the extraction of oil or natural gas in any zoning district, provided the landscape plan for such installations are approved by the Commission. These regulations shall not be construed as interfering with the normal construction, operation, and maintenance of water, storm and sanitary sewers, natural gas, electric and communication utilities within the District.

#### **120:10-5-5. Storage and parking of trailers and commercial vehicles**

Commercial vehicles and trailers of all types, including travel, camping, and hauling, shall not be parked or stored on any lot having less than fifteen hundred (1,500) square feet of area which is occupied by a dwelling or on any lot in any residential district except in accordance with the following provisions:

(1) More than one (1) commercial vehicle, which does not exceed one and one-half (1 1/2) tons rated capacity, per family living on the premises, shall be permitted and in no case shall a commercial vehicle used for hauling explosives, gasoline or liquified petroleum products be permitted.

(2) Not more than one (1) camping or travel trailer or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed twenty-four (24) feet in length or eight (8) feet in width; and further provided that said trailer shall not be parked or stored for more than one week unless it is located behind the front yard building line. A camping or travel trailer shall not be occupied either temporarily or permanently while it is being parked or stored in any area within the Capitol-Medical Center Improvement and Zoning District.

#### **120:10-5-6. Child care facilities**

Child care facilities authorized under the provisions of a specific district regulations in Subchapter 3, shall meet the following provisions:

(1) Child care homes shall be located in a single family dwelling which is the permanent residence of the operator and shall be operated in a manner in which will not change the character of the residence.

(2) The facility shall be licensed by the Child Care Licensing Division of the State Department of Human Services.

(3) Outdoor play areas shall be enclosed, visually screened and utilized during normal working areas.

(4) The facility shall be operated in a manner that will not adversely affect other properties and uses in the area.

#### **120:10-5-7. Advertising signs**

(a) Applicability. No advertising sign shall be located in any zoning district other than as specified for HC, Health Center, except in accordance with the provisions of this Section. No portable signs shall be located in any zoning district.

(b) Use of signs.

(1) No billboard, snipe sign or roof sign shall be permitted in any zoning district except the I-2, Light Industrial District. Premises advertising signs are hereby permitted in all "C" and "I" districts. Real estate signs and professional name plates are hereby permitted in all "R" and "C" and "I" district.

(2) No projecting or flat sign shall project or extend greater than ten (10) feet above or away from any building to which it is attached.

(3) Banner sign may be erected or displayed only upon the expressed written approval of the Commission and under terms established for such display to insure the protection of public safety from erection of said signs and to prevent interference with traffic lights and control devices, and to protect adjacent uses of land. All banner signs shall be temporary in nature. Application for permission to erect said signs together with plans thereof shall be made to the Commission not less than thirty (30) days prior to the date when erection is planned. The written authorization for the erection of a banner sign shall be for a length of time specified by the Commission. Said sign shall be removed by the owner on or before the date of expiration of the permit.

(4) Construction and real estate signs shall be removed immediately upon sale or lease of the premises, or upon completion of the improvement.

(5) Illuminated signs shall be designed so as not to interfere with the operation of traffic lights or other traffic control devices, and shall not create objectionable glare in any residential district or public building or area, as determined by the Director of the Commission.

(6) Plans for all premises advertising signs, roof signs, snipe signs and billboards shall be submitted to the Commission for approval. The Commission shall determine that the design and location of said sign will be in harmony with and will not detract from the general character of development in the Zoning District and in the area in which said sign is proposed to be located before a building permit for erection shall be authorized.

**120:10-5-8. [RESERVED]**

**120:10-5-9. Extraction of oil and gas**

The extraction of oil and gas in the Zoning District shall be conducted in accordance with ordinances of the City of Oklahoma City, Oklahoma, including the Revised Ordinances 1948, Title 9, Section 1-135, inclusive and amended thereto.

**120:10-5-10. Historical Landmark District (HL)**

(a) General description and applicability.

(1) The Historical Landmark District (HL) is intended to promote the educational, cultural, economic and general welfare of the public through the protection, enhancement, perpetuation and use of structures in the area of historical and/or architectural significance. In order to maintain the character and beauty of such structures and areas, restrictive requirements governing the erection, moving, demolition, reconstruction, restoration or alteration of structures thereon are provided. In addition, provisions are made in Subchapter 11 of this Chapter for the appointment of the State Capitol Historical Preservation and Landmark Board of Review to advise the Zoning Commission on matters pertaining to this Section.

(2) The district and its regulations may be applied to property located in any other zoning district, whether residential, commercial or industrial. The HL 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 district applicable to the subject parcel.

(b) District restrictions. The following restrictions shall be applicable to the HL district and shall control the use of all properties within such district:

(1) The erection, moving, demolition, reconstruction, restoration or alteration of any structure is prohibited unless a Certificate of Appropriateness is granted by the Historical Preservation and Landmark Board or Review.

(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.

(c) Ordinary maintenance and repair. Nothing in this Section shall be construed to prevent ordinary maintenance or repair of any structure except exterior change.

(d) Permitted uses. Property located in the "HL" Historical 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 Section.

**120:10-5-11. Planned Unit Development (PUD)**

(a) General description.

(1) It is the intent of this Section to encourage unified design of housing, commercial, industrial or institutional areas and facilities, or combinations thereof, to provide for integrated developments having harmony design and variety of function. It is not intended to permit a greater density of uses different from those set forth in the regulations of the district in which the development is located, but this Section is to provide for a greater flexibility in the design of buildings, yards, courts, and circulation, that would otherwise be possible through strict application of district regulations, and to produce:

- (A) A maximum choice in the types of environment and living units available to the public.
- (B) Open space and recreation areas. A pattern of development which preserves trees and outstanding natural topography.
- (C) A creative approach to the use of land and related physical development.
- (D) An efficient use of land which preserves and takes advantage of existing utility and street networks and thereby lower housing cost.
- (E) An environment of stable character in harmony with surrounding development.
- (F) A more desirable environment that would be possible through the strict application of sections of this Chapter.

(2) The Planned Unit Development section is designed to provide for small and large scale developments incorporating a single type or variety of residential land and related uses which are planned and developed as a unit. Such developments may consist of individual lots or it may have common building sites. Common land must be an essential and major element of the plan which is related to and effects the long-term value of the homes and other developments.

(b) Applicability. A Planned Unit Development (PUD) may be authorized, provided that all of the following provisions are complied with:

- (1) Location. A Planned Unit Development (PUD) shall be permitted in any district except an RD-1, Single Family Residence District or an RD-2, Low Density Residence District.
- (2) Design characteristics. The proposed Planned Unit Development shall be designed to provide for the unified development of the area and in accordance with the spirit and purpose of the district in which the unit is located. The design may provide for the modification of yard, set back and height requirement, but the use, density, intensity of use and dimensions established for design of courts shall not be reduced.
- (3) Minimum site size. The minimum size of the site upon which a Planned Unit Development shall be located shall not be less than areas for commercial development, not less than areas for residential developments, and not less than areas for industrial, education, medical and other types of institutional development.
- (4) Off-street parking. The off-street parking requirements set forth in Subchapter 7 of this Chapter may be complied with by providing one or more permanent, common, off-street parking facilities for all uses within the development, provided that the facility contains the requisite number of spaces for each use, and that the space provided for permanent residents shall be clearly designated and separated from spaces provided for employees, customers and

service. The total spaces provided shall not be less than the sum of the individual requirements and the spaces required for each use, and shall be under the ownership or permanent control of the owners of the use for which the spaces are required.

(5) Site development plan. The developer shall submit a site development plan for the proposed development in support of the application for a Planned Unit Development permit. This application shall be considered the same as a rezoning request and the same procedure shall be followed concerning application, Zoning Commission review and public hearings. Upon approval by the Commission, the site development plan shall become a part of the zoning district's map. The plan may provide for staged development of the project and shall indicate so on the plan.

(6) Plan changes. Any substantial deviation from the plans submitted at the time of the rezoning shall constitute a violation of the rezoning and substantial change in plans shall be re-submitted for review following the same procedure required in the original adoption of the plan. The Director shall interpret what constitutes a "substantial" deviation or change in the plan.

(7) Time limit. The construction of the Planned Unit Development shall be started within two (2) years of the effective date of approval of the plan by the Commission. Failure to begin the development within said two (2) years shall automatically void the development and the land shall revert to the same zoning classification which existed immediately preceding the approval of the Planned Unit Development.

(8) Homes association. A Homes Association shall be created if other satisfactory arrangements have not been made for improving, operating, and maintaining common facilities including streets, drives, service and parking areas, and recreation areas.

#### **120:10-5-12. Alcoholic Beverage Consumption Overlay Zoning District**

(a) Intent. It is the intent of this Section to provide for compatibility between establishments which serve alcohol and surrounding zoning districts by using overlay zoning techniques. Off-street parking shall be in accordance with Subchapter 7 of this Chapter and advertising signage shall be in accordance with 120:10-5-7. Any such overlay zoning as approved shall not be considered permanent or transferable to subsequent property owners. An overlay classification's validity shall automatically cease upon the legal transfer of said property from the original overlay applicant to any other person.

(b) ABC-1, Alcoholic Beverage Consumption, Restaurant-with-Limited Alcohol

(1) General description. The Alcoholic Beverage Consumption, Restaurant-with-Limited-Alcohol (ABC-1) is an overlay zoning district allowing for restaurants which serve beer and wine with meals.

(2) Application. The following zoning districts may be overlain by the ABC-1, District:

- (A) CN, Neighborhood Commercial District.
- (B) CHC, Health Center Commercial District.
- (C) CSC, Commercial Service Center District.

(3) Nonconforming status.

(A) All establishments in operation prior to the effective date of the ABC provision shall be considered legal nonconforming. If such a use was approved as a Special or Conditional Use and fails to continue operating in accordance with that approval, then the use will be considered illegal.

(B) Legal nonconformance shall cease if:

- (i) The use ceases for six (6) months or more;
  - (ii) The original Special or Conditional Use Permit is revoked;
  - (iii) The State revokes the operator's license.
- (c) ABC-2, Alcoholic Beverage Consumption, Restaurant-with-Alcohol
  - (1) General description. The Alcoholic Beverage Consumption, Restaurant-with-Alcohol (ABC-2) is an overlay zoning district allowing for restaurants which serve all types of alcohol with meals.
  - (2) Application. The following zoning districts may be overlain by the ABC-2 District:
    - (A) CN, Neighborhood Commercial District.
    - (B) CHC, Health Center Commercial District.
    - (C) CSC, Commercial Service Center District.
  - (3) Nonconforming status.
    - (A) All establishments in operation prior to the effective date of the ABC provision shall be considered legal nonconforming. If such a use was approved as a Special or Conditional Use and fails to continue operating in accordance with that approval, then the use will be considered illegal.
      - (i) The use ceases for six months or more;
      - (ii) The original Special or Conditional Use Permit is revoked;
      - (iii) The State revokes the operator's license.
- (d) ABC-3, Alcoholic Beverage Consumption, Club-with-Alcohol
  - (1) General description. The Alcoholic Beverage Consumption, Club-with-Alcohol (ABC-3) is an overlay zoning district allowing for the serving of all types of beer and alcohol in a club setting where the sale of food, if any, is an accessory activity.
  - (2) Application. The following zoning districts may be overlain by the ABC-3 District.
    - (A) CSC, Commercial Service Center District.
    - (B) All Industrial Zoning District.
  - (3) Nonconforming status.
    - (A) All establishments in operation prior to the effective date of this provision shall be considered legal nonconforming. If such a use was approved as a Special or Conditional Use and fails to continue operating in accordance with the approval, then the use will be considered illegal.
    - (B) Legal Nonconformance will cease if:
      - (i) The use ceases for six (6) months or more;
      - (ii) The original Special or Conditional Use Permit is revoked;
      - (iii) The State revokes the operator's license.

## **SUBCHAPTER 7. OFF-STREET AUTOMOBILE AND VEHICLE PARKING AND LOADING**

### **120:10-7-1. General intent and application**

- (a) The rules in this subchapter are based upon use and apply to all off-street vehicle parking and loading in each zoning district.
- (b) Whenever the intensity of use of a building or structure is increased, required off-street parking and/or loading facilities shall be expanded to provide for the intensity of use.
- (c) Whenever a change in use occurs that requires an increase in the parking spaces required, the off-street facility shall be modified in accordance with this subchapter.



**120:10-7-2. Required open space [REVOKED]**

**120:10-7-3. Location [REVOKED]**

**120:10-7-4. Joint parking facilities [REVOKED]**

**120:10-7-5. Size of off-street parking space [REVOKED]**

**120:10-7-6. Parking prohibited in the front yard set back [REVOKED]**

**120:10-7-7. Amount of off-street parking and loading required [REVOKED]**

**120:10-7-8. Off-street parking lot construction and maintenance [REVOKED]**

**120:10-7-9. Size of off-street parking spaces**

(a) The size of a parking space for one vehicle shall consist of a rectangular area having dimensions and adequate area for ingress and egress.

- (1) A long term parking space shall have dimensions of 8'-5" by 19'.
- (2) A short term parking space shall have dimension of 9 feet by 20 feet.
- (3) A compact parking space shall have dimension 7'-5" by 15'.
- (4) A curb space parking space shall have dimension of 8'-5" by 22 feet.
- (5) A bus or recreational vehicle parking spaces shall have dimension of 9' by 40'.
- (6) A handicapped accessible parking space shall have a dimension of 13 feet by 20 feet.
- (7) Off-street loading space shall be at least 12 feet in length and 30 feet in width with a 15 foot overhead clearance.

(b) All handicapped parking and access shall be in compliance with the Americans With Disabilities Act.

**120:10-7-10. General Requirements**

The following requirements apply to all land used for driveways and off-street parking purposes in all zoning districts:

- (1) Off-street parking and loading space shall be a part of the required open space associated with the permitted use and shall not be reduced or encroached upon in any manner.
- (2) The area required for off-street parking shall be in addition to the yard areas required except that the front yard required in a Restricted Light Industrial District (I-1), may be used for uncovered parking.
- (3) The area required for front yard set back in "C" or "CSC" districts shall not be utilized for off-street parking in any manner.
- (4) The established right-of-way shall not be encroached upon or used for off-street parking.
- (5) Off-street parking lots shall be located within 200 hundred feet, exclusive of street and alley widths, of the principal use and have direct access to a street, except as otherwise provided in this Subchapter.

- (6) Parking is prohibited on all unpaved areas. The use of gravel for driveways and off-street lots is prohibited in all zoning districts.
- (7) All portions of land used for parking and driveway purposes shall be paved with a sealed surface pavement and maintained in such a manner that no dust will be produced by continued use.
- (8) No parking shall be permitted in any yard areas except on driveways. Driveways shall be considered to serve garages, carports, and vehicle storage pads and shall not exceed 24 feet in width within the front yard set back of the property.
- (9) Off-street parking areas shall not be permitted in the yards of property used for residential purposes.
- (10) Carports or detached garages shall be permitted if located to the rear of the main residential structure. On corner lots, the front yard setback for the side street shall apply to the construction of a garage or carport.
- (11) Whenever a parking lot is located in a residential district, no parking shall be permitted within the front yard set back line established 10 feet behind of the property line of interior and corner lots.

**120:10-7-11. Amount of off-street parking required**

(a) The requirements in this section provide a parking facilities standard for uses customarily associated with urban areas. For any use not covered in this section, the Commission will determine the space requirement based on the parking demand created by the proposed use. This section applies to all uses permitted as well as conditional uses permitted.

- (1) Adult Day Care Centers: 1 parking space per employee, 1 per every 5 clients, 1 space for each vehicle maintained on the premises, and 1 space for every 2 visiting care providers.
- (2) Alcoholic Beverage Sales Retail: 1 parking space for every 400 square feet of retail floor area.
- (3) Art Gallery: 1 parking space for each 1,000 square feet of net floor area.
- (4) Barber or Beauty Shop: 2 parking spaces per operator space, and 1 parking space for each 2 employees.
- (5) Bank or Credit Union: 1 parking space for each 100 square feet of floor area devoted to general banking services, plus 1 parking space for each 250 square feet devoted to office use. Each drive up window shall have efficient stacking room for 6 cars, and a by-pass lane shall be provided.
- (6) Bed and Breakfast: 1 parking space per sleeping room; 1 parking space for garage apartment plus 2 parking spaces for the permanent residents.
- (7) Boarding or Rooming House: 1 parking space for each 2 guest provided overnight accommodations, plus 1 parking space for the owner or manager.
- (8) Bookstore: 4 parking spaces for every 1,000 square feet of gross floor area.
- (9) Child Care Center: 1 parking space per employee, plus 1 parking space for each facility vehicle, plus 1 parking space for each 4 children being cared for at the facility, plus adequate stack space to accommodate 3 vehicles.
- (10) Child Care Home: 1 parking space for pick-up space, and 2 parking spaces for the permanent residents.
- (11) Church Sanctuary: 1 parking space per 4 seats based on maximum capacity. Churches may establish joint parking facilities not to exceed 50 percent of the required space, with

public agencies or institutions that do not have a conflict in parking demand. Adjoining parking facility shall not be located less than 400 feet from the church sanctuary.

(12) Club or Lodge: 1 parking space for every 3 persons allowed within the rated capacity or maximum occupancy loads as established by the City or State Fire Code.

(13) Community Center, Theatre/Auditorium: 1 parking space for every 4 seats. 1 parking space for every 50 square feet of gross floor area where there is no fixed seating.

(14) Convention Hall: 1 parking space for each 400 square feet of gross floor area of the building.

(15) Drug Treatment Center or Halfway house or Group Home: 1 parking space for every 2 beds, plus 1 parking space per staff member on the shift of maximum employees.

(16) Dry Cleaners or Laundry: 3 parking spaces, plus 1 parking space for each 200 square feet of area used by the public.

(17) Dwelling: 2 per each unit in the main structure, 1 per garage apartment, and 1.5 for efficiency or studio apartment.

(18) Fraternity/Sorority House: 1 parking space for each 200 square feet of rooms designed for sleeping, plus 1 space for each 5 active members.

(19) Health Club or Gym: 1 parking space for every 3 persons within the rated maximum capacity, plus 1 parking space per employee.

(20) Funeral Parlor or Mortuary: 1 parking space for every 50 square feet of parlor and/or chapel space, 1 parking space for each employee, 1 parking space for each vehicle maintained on the premises.

(21) Hospital: 2 parking spaces for each patient bed excluding bassinets, 1 parking space for each staff or visiting doctor, 1 parking space for each 2 employees including nurses on the maximum shift, 1 parking space for each 500 feet of gross floor area of emergency and outpatient care, and adequate area for parking of emergency vehicles.

(22) Hotel/Motel: 1 parking space per room or guest accommodations, 1 parking space for every 3 employees, plus specified requirements for restaurants, meeting rooms and other uses on the premises.

(23) Industrial Establishment: 1 parking space for each 500 square feet of gross floor area for the first 20,000 square feet, plus 1 parking space for each 1,000 square feet over 20,000 square feet in the building used for industrial manufacturing. For warehouse purposes, 1 parking space for each 1,000 feet of gross floor area for the first 20,000 square feet, plus 1 parking space for each 5,00- square feet over 20,000 square feet in the building.

(24) Library or Museum: 1 parking space for each 400 square feet of gross floor area of the building, plus 1 parking space per every 2 employees.

(25) Medical/Dental Clinic or Office: 3 parking spaces for each doctor, plus 1 parking space for each employee.

(26) Medical Center Building: 1 parking space for each staff physician, 1 parking space for each employee including nurses, 1 parking space for each 400 feet of gross floor area, plus adequate area for emergency vehicles.

(27) Nursery or Greenhouse: 1 parking space per every 400 square feet of gross floor area.

(28) Office Building: 1 parking space for each 200 square feet of net floor area of the first 12,000 square feet of building, plus 1 parking space for each 300 square feet of net floor area over 12,000 but up to 48,000 square feet, plus 1 parking space for each 350 square feet of net floor area over 48,000 square feet.

(29) Photography Studio: 1 parking space for every 300 feet of net floor area.

(30) Restaurant or Eating Establishment: 1 parking space for each 2 persons allowed within the maximum capacity, plus 2 parking spaces for every 3 employees on the shift with maximum employment.

(31) Retail/Commercial Establishment: 1 parking space for each 100 square feet of net floor area for the first 12,000 square feet of building, plus 1 parking space for each 225 square feet of net floor area over 12,000 square feet up to 48,000 square feet, plus 1 parking space for each 250 square feet of net floor area over 48,000 square feet.

(32) Sanatorium, Convalescent or Nursing Home: 1 parking space per patient bed, plus 1 parking space for each staff or visiting doctor, plus 1 parking space for every 2 employees including nurses.

(33) School or Institution of Education: 1 parking space for every teacher, employee or administrator, plus 1 parking space for every 2 classrooms, plus 1 parking space for every school vehicle maintained on the premises. In the case of high schools, an addition of 1 parking space for every 5 students.

#### **120:10-7-12. Off-street parking lot design requirements**

The following requirements apply to all off-street parking lots containing ten or more spaces located in any zoning district, unless otherwise provided in this Subchapter:

(1) Driveways and curb cuts widths shall be 24 feet for two-way entrances and 12 feet for one-way entrances, unless otherwise approved by the Commission.

(2) Circular driveways shall not be located between any building and any public street with the exception of patron drop-off covered entrances.

(3) Curb cuts and driveways shall not be permitted on any street that functions as a principal arterial or collector street when access can be provided from an adjacent side or rear street.

(4) No more than one curb cut is permitted for off-street lots containing twenty or less spaces.

(5) Any existing alley used for loading, unloading, building maintenance or service must be paved and at least twenty feet in width. No alley shall be used as a permanent parking space or to meet the required number of parking spaces.

(6) Barrier curbs shall be installed around the perimeter of the parking lot and around required landscaped areas, except where the perimeter abuts an adjacent building or structure, and at points of ingress and egress into the facility.

(7) Aisles shall be a minimum of 12 feet wide or a maximum of 21 feet depending on the stall angles and dimensions.

(8) All loading and unloading shall occur in off-street vehicle loading areas.

(9) In no case shall the required aisles, access driveways, off-street loading berths, or fire lanes be used for parking of vehicles.

(10) All parking and maneuvering of vehicles shall be provided off the public right-of-way and designed to permit vehicles to enter any thoroughfare in a forward movement. All lot designs shall provide forward movement to all vehicles entering any thoroughfare.

(11) On any corner lot formed by 2 intersecting streets a corner sight line shall be established in a triangle formed by measuring a distance of 30 feet along the front and side lot lines, from their point of intersection, and connecting the points to form a triangle on the area of the lot adjacent to the street intersection. No parking shall be permitted within the sight triangle, nor shall any wall, fence, sign, structure or plant growth having a height in excess of 3 feet above the elevation of the crown of the adjacent roadway surface.

- (12) Access to off-street loading berths shall be provided from a public street or alley by an access drive at least 15 feet wide designed to permit convenient access by semi-trailer trucks.
- (13) Any loading area located within 50 feet of an abutting residential district must be within an enclosed building or be screen on all side with a solid fence or landscape screen.

**120:10-7-13. Shared parking facilities**

Whenever two or more uses are located in a common building or other integrated center, parking requirements may be met by providing one or more permanent common parking facilities. Any shared parking facility shall receive the approval of the Commission and meet the following requirements and conditions:

- (1) Shared parking lots shall contain the required number of spaces for each individual use. The total number of spaces provided shall not be less than the sum of the individual requirements.
- (2) Shared parking lots shall provide safe pedestrian circulation and access. Access shall be linked to public sidewalks and must be handicap accessible. All sidewalk material shall continue across any principal driveway.
- (3) Any valid shared parking facilities must be under the ownership or permanent control of the owner of one or more of the uses for which the parking is required.
- (4) Shared parking arrangements shall be validated with the written consent of all property owners agreeing to a shared parking arrangement.
- (5) Integrated centers containing residential uses shall provide separate permanent parking spaces, clearly designated for use by residents.
- (6) Plans submitted for shared parking facilities shall identify spaces designated for handicapped, residential, service vehicles, employees, clients and visitors.

**120:10-7-14. Remote or overflow parking facilities**

The following requirements apply only to remote or overflow parking facilities constructed for use by the agencies located in the Oklahoma State Capitol Complex or the Oklahoma Health Center:

- (1) All off-street parking facilities shall be designed and constructed in compliance with this Subchapter.
- (2) All off-street parking facilities shall be landscaped in compliance with the Off-Street Facilities Landscape Code of this Chapter.
- (3) The number of spaces required shall be based on the need to provide off-street facility parking for employees, patients, visitors, vendors, and others visiting the facilities.
- (4) Remote or overflow parking facilities shall be located within the boundaries of the major campuses, whenever possible.

**120:10-7-15. Parking garages and parking decks**

Any parking garage or parking deck constructed in any "C", "HC", "I" or "P" district must comply with the following requirements:

- (1) Parking deck or garage facades shall conceal, as much as possible, vehicles from visibility from any public right-of-way, private drive or streets that are open to the general public, and shall have the appearance of a horizontal-storied building. Landscape berms may be used to achieve this effect.

- (2) All facades of parking decks or garages shall be constructed of stone, brick, concrete, or other masonry materials, or of the same materials as the buildings they serve.
- (3) All parking decks or garages shall have walkways that are a minimum width of four feet connecting ground level parking to public sidewalks and building entrances.
- (4) Landscaping shall be provided by a continuous landscape strip or landscape berm between the structure and the public right-of-way, except at points of ingress and egress. Landscaped areas shall be planted with street trees, ornamental trees, shrubs, grasses or ground cover or any combination of these planting materials.
- (5) Landscape plantings shall be installed and maintained in compliance with the off-street parking lot landscape requirements of this Chapter.
- (6) All lighting used to illuminate parking decks, garages, or signage shall be arranged and directed away from residentially used properties.

**120:10-7-16. Citations for illegal parking**

- (a) Citations for illegal parking in any parking facility of an agency in the Oklahoma Health Center that is served by the University of Oklahoma Parking and Transportation Authority will be issued by the Authority in accordance with applicable parking regulations.
- (b) Citations for illegal parking in any parking facility located within the boundaries of the State Capitol Complex Subdistrict will be issued by the Oklahoma Highway Patrol of the Department of Public Safety in accordance with state laws, rules, and regulations.
- (c) Citations for illegal parking in any privately-owned parking facility located within the Capitol-Medical Center Improvement and Zoning District will be issued by the City of Oklahoma City in accordance with applicable state laws, municipal ordinances and rules and regulations.

**120:10-7-17. Miscellaneous provisions**

- (a) All off-street parking lots in the District shall provide safe pedestrian circulation and access, achieved by installing sidewalks or walkways directly connected to the structure and the lot it is served by. All sidewalks and walkways shall be accessible to all individuals with disabilities.
- (b) The arrangement and intensity of light or reflectors shall not interfere with residential district uses. Only non- intermittent incandescent light of signs shall be permitted.
- (c) No sign of any kind shall be installed except informational and directional signs as defined in Subchapter 5 of this Title.
- (d) Variation from any part of the off-street parking lot requirements in this subchapter may be approved by the Commission, if there is no conflict in parking demand, and the off-street lot design provides safe vehicle and pedestrian circulation and access.

**SUBCHAPTER 9. NON-CONFORMING BUILDINGS, STRUCTURES AND USES OF LAND**

**120:10-9-1. Non-conforming buildings, structures and uses of land**

Non-conforming buildings, structures or uses existing at the time of adoption of this Section may be continued and maintained except as otherwise provided in this Section.

- (1) Applicability. This Section applies to those buildings, structures, or uses of land validly maintained and in conformance with its prior zoning classification and restrictions.

(2) Alteration or enlargement of buildings and structures. A non-conforming building or structure shall not be added to or enlarged in any manner unless said building or structure, including additions and enlargements, is made to conform to all of the regulations of the district in which it is located; provided, however, that if a building or structure is conforming as to use, but nonconforming as to yard or height or off-street parking space, the building or structure may be enlarged or added to provided that the enlargement or addition complies with the yard or height requirements and the existing building and the addition complies with the off-street parking requirements of the district in which said building or structure is located. No non-conforming building or structure shall be moved in whole or in part to another location on the lot unless every portion of said building or structure is made to conform to all of the regulations of the district in which it is located.

(3) Outdoor advertising signs and structures. Any advertising sign, billboard, commercial advertising structure, or statuary which is lawfully existing and maintained at the time this Section becomes effective, which does not conform with the provisions hereof, shall not be structurally altered, and all such non-conforming advertising signs, billboards, commercial advertising structures and statuary and their supporting members shall be completely removed from the premises not later than three (3) years from the effective date of this Section.

(4) Building vacancy. A non-conforming building, structure or portion thereof, which is or hereafter becomes vacant and remains unoccupied for a continuous period of one (1) year shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

(5) Change of use.

(A) A non-conforming use of a conforming building or structure, i.e., commercial use in a dwelling etc., shall not be expanded or extended into any other portion of such conforming building, or structure nor changes except to a conforming use. If such a non-conforming use or a portion thereof is discontinued or changed to a conforming use, any future use of the building, or structure, or portion thereof shall be in conformity with the regulations of the district in which such building or structure is located. A vacant or partially vacant non-conforming building or structure may be occupied by a use for which the building or structure was designed or intended to be occupied within a period of one (1) year after the effective date of this Section.

(B) The use of a non-conforming building or structure may be changed to a use of the same or a more restricted district classification; but where the use of a non-conforming building or structure is changed to a use of a more restricted district classification, it thereafter shall not be changed to a use of a less restrictive district classification.

(C) A building or structure that is non-conforming as to use at the time of adoption of this Section, or at any time thereafter, shall not be converted to or in any manner used as a wholesale or retail liquor store unless such change in uses conforms to the provisions of the district in which it is located.

(D) When a building, the use of which does not conform to the provision, is damaged by fire, explosion, Act of God, or the public enemy, to the extent of more than sixty percent (60%) of its true value, it shall not be restored except in conformity with the district regulations.

(6) Violation. Nothing in this Section is intended to allow the continuance of a building, structure or use of land maintained contrary to and in violation of zoning restrictions applicable to that property prior to the adoption of a new classification.

## **SUBCHAPTER 11. HISTORICAL PRESERVATION AND LANDMARK BOARD OF REVIEW**

### **120:10-11-1. Definitions**

The following words and terms, when used in 120:10-3-5, 120:10-5-10, and this Subchapter shall have the following meaning, unless the context clearly indicates otherwise.

**"Adaptive use"** means 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.

**"Archaeological resources"** means areas or locations occupied as residences of utilized by human (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 in order and which may lend to the increase of knowledge of man about his own development.

**"Board"** means Historical Preservation and Landmark Board of Review of the Capitol-Medical Center Improvement and Zoning Commission.

**"Building materials"** means the physical characteristic 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 of their combinations, such as brick, stone, shingle, wood, concrete, or stucco.

**"Certificate of appropriateness"** means the official document issued by the Historical Preservation and Landmark Board of Review approving the application for permission to construct, erect, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this regulations.

**"Conservation"** means the sustained use and appearance of a resource essentially in its existing state.

**"Detail"** means architectural aspects which, due to a particular treatment, draw attention to certain parts of features of a structure.

**"Height"** means the vertical dimension of a given structure, building or monument.

**"Historical district"** means a geographically definable area with a concentration of linkage of significant sites, buildings, structures, or monuments that are unified historically, architecturally or archaeologically.

**"Historical resources"** means 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.

**"Landmark"** means the individual structure, building, site, or monument which contributes to the historical, architectural, or archaeological heritage of the Capitol-Medical Center Improvement and Zoning District or State of Oklahoma.

**"Ordinary maintenance and repair"**, means any work for which a building permit or any other permit or certificate is required and where the purpose of such work is stabilization, and further, where such work will not noticeably change the exterior appearance of the resource. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair. The application of paint to a previously unpainted brick or masonry shall not be



considered ordinary maintenance and repair, nor shall the construction or enlargement of a driveway or parking area be considered ordinary maintenance and repair.

**"Preservation"** means 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.

**"Proportion"** means the relative physical sizes within and between buildings and building components.

**"Protection"** means the security of a resource as it exists through the establishment of the mechanisms of this regulations.

**"Reconstruction"** means the process of recreating or reproducing by new construction of all or part of the form and detail of a vanished resource as it appeared at a specific period of time.

**"Rehabilitation"** means the process of returning a historical or architectural resource to a state of efficiency or soundness by repair or alteration designed to encourage its continued use but without noticeable changing the exterior appearance of the resource.

**"Restoration"** means the process of accurately recovering all or part of the form and detail of a resource and its settings as it appears at a particular period of time by means of removal of later work and the replacement of missing earlier work.

**"Rhythm"** means 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.

**"Scale"** means the harmonious proportion of parts of a building, structure, or monument to one another and to the human figure.

**"Setting"** means the surrounding buildings, structures, or monuments, or landscaping which provides visual aesthetic, or auditory quality of the historic or architectural resources.

**"Shape"** means the physical configuration of structures of buildings, or monuments and their components parts including, but not limited to roofs, doors, windows, and facades.

**"Significant characteristics of historical or archaeological resources"** means the artifacts present, the information to be gathered or the potential for revealing hitherto unknown, or unclear details of a culture, period or structure.

**"Significant characteristics of historical or architectural resources"** means 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 materials, detail, height, mass, proportion, rhythm, scale, set back, setting, shape, street accessories and workmanship.

**"Stabilization"** means 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.

**"Street accessories"** means those sidewalk or street fixtures which provide cleanliness, comfort, direction or safety, 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.

**"Structures"** means 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, building, fences, walls, driveways, sidewalks and parking areas.

**120:10-11-2. Historical Preservation and Landmark Board of Review created**

There is hereby created within and for the Capitol-Medical Center Improvement and Zoning Commission a State Capitol Historical Preservation and Landmark Board of Review, hereafter referred to in this Subchapter referred to as the Board of Review, and the powers and duties as set forth in this Subchapter.

**120:10-11-3. Membership of the Board of Review**

(a) The Historical Preservation and Landmark Board of Review shall be appointed by the Chairman of the Capitol-Medical Center Improvement and Zoning Commission, with the consent and approval of the Zoning Commission. Such Board shall be composed as follows, all of whom shall be resident of Oklahoma City;

- (1) One member shall be a registered architect;
- (2) One member shall be a licensed real estate broker;
- (3) One member shall be a historian;
- (4) One member shall be a city planner or landscape architect;
- (5) One member shall be an attorney;
- (6) One member shall be the Chairman of the Historical Preservation and Landmark Commission of the City of Oklahoma City or his designee;
- (7) One member of the Capitol-Medical Center Improvement and Zoning Commission shall serve as ex-officio member of the Board.

(b) All members shall serve without compensation. The terms of Board members shall be for three (3) years or until his or her successor takes office. Members may be appointed to fill the remainder of vacant terms. It is the intended that the Historical Preservation and Landmark Board of Review shall be the successor to the formerly existing Historical Preservation Board of Review. Therefore, all members of the Historical Preservation and Landmark Board of Review serving on the date of the final enactment of this regulation shall automatically assume similar positions as members of the Historical Preservation and Landmark Board of Review and shall fulfil the same terms which they would have served as Historical Preservation Board of Review members.

**120:10-11-4. Board of Review meetings, rules, quorum and duties of Director**

The Board of Review shall adopt rules for the conduct of its business in accordance with the provisions of this Subchapter. The Board shall elect a Chairman, Vice Chairman, and Secretary who shall serve for one year and who shall be eligible for re-election. All meetings of the Board of Review 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 Board. A majority of the Board shall constitute a quorum and action taken at any meeting shall require the affirmative vote of the majority of the Board of Review. The Director of the Capitol-Medical Center Improvement and Zoning Commission shall act in an advisory capacity to the Board and shall participate in its discussion but shall have no right to vote. The Director of the Capitol-Medical Center Improvement and Zoning Commission shall assist the Board of Review in discharging its duties.

**120:10-11-5. Duties and powers of the Board of Review**

The Historical Preservation and Landmark Board of Review shall have the following duties and powers:

- (1) Prepare or cause to be prepared a comprehensive inventory of historical, architectural and archaeological resources within the Capitol-Medical Center Improvement and Zoning District.
- (2) Prepare or cause to be prepared a general historical preservation plan to be incorporated within the Comprehensive Plan for the Capitol-Medical Center Improvement and Zoning District.
- (3) Prepare findings of fact relating to the recommendations for designation of historical, architectural, and archaeological resources.
- (4) Prepare findings of fact pursuant to action taken by the Board relating to Certificates of Appropriateness.
- (5) Make recommendations to the Zoning Commission concerning the development of historical preservation plans.
- (6) Make recommendations to the Zoning Commission 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 archaeological resources; and when so directed by the Zoning Commission, the Board may oversee historical projects or programs.
- (7) Recommend to the Zoning Commission the need for employing staff and making contacts with technical experts for the furtherance of the Board work.
- (8) Promulgate rules governing the meetings of the Board and the standards for materials presented to the Board.
- (9) Increase public awareness of the value of historic, architectural or archaeological resources by developing and participating in the public information programs and by recommending the update of the preservation programs and by the giving of advice to owners or residents of such resources as to the problems and techniques or preservation work; and further to make recommendations concerning the placement of monuments and markers at historical sites as chosen by the Board.
- (10) Make recommendations to the Zoning Commission regarding historic designations, Certificate of Appropriateness, and amendments and enforcement of the regulation.
- (11) Comments and makes recommendations concerning actions undertaken by other agencies or action of other governmental units with respect to the effect of such actions upon historical, architectural and archaeological resources.
- (12) To investigate complaints, conduct hearings and recommend the commencement of action to enforce the provisions of this regulation.
- (13) Conduct a periodic review of the status of designated landmarks and historic district and provide periodic reports on the findings of said review, along with any resolutions for actions as considered appropriate, to the Zoning Commission.
- (14) The Board is hereby authorized to enter into agreements with the City of Oklahoma City Historical Preservation and Landmark Commission with respect to matters within the jurisdiction of the Board of Review, provided, however, that such agreements may not cede the Capitol-Medical Center Improvement and Zoning Commission's final authority and responsibility over matters entrusted by law.

**120:10-11-6. Historical district designation procedures**

- (a) Role of the Capitol-Medical Center Improvement and Zoning Commission. The Capitol-Medical Center Improvement and Zoning Commission shall not act on any plan, zoning

application, proposed plat, erection, movement, demolition, or alteration permit or other matter pertaining to property within the Historical Preservation Districts without first notifying the Board of Review and receiving their recommendations in accordance with the provisions in this Subchapter.

(b) Role of the Historical Preservation and Landmark Board of Review.

(1) The initiation of a proposal of designation may be made by the Board of Review, the Capitol-Medical Center Improvement and Zoning Commission or an 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 Capitol-Medical Center improvement and Zoning Commission for this purpose.

(2) Upon receipt by the Board of Review of a notice that an application has been made for a zoning change, general plan amendment or a permit for the erection, movement, demolition, reconstruction, restoration, or alteration of any structure in a Historical District, the Board of Review shall give public notice of the meeting to consider the application to every property owner within three hundred (300) feet of the exterior boundary of the property being considered. The applicant shall be advised of the time and place of said meeting and shall be invited to appear. The Board of Review may invite such other persons or groups as it desires to attend the meeting. A Board of Review member shall be disqualified from consideration of any matter in which his own financial interest are directly involved.

(3) The Board may solicit and present expert testimony or documentary evidence regarding the historical, architectural, archaeological, or cultural importance of the property proposed for designation.

(4) As part of every such designation, or amendment of a designation, the Board shall state in written form the attributes relative to and comply with the review criteria for district designations as provided in this Subchapter.

(5) Within ten (10) days after the approval by the Capitol-Medical Center Improvement and Zoning Commission a zoning change designating property as a landmark district or a historic district, the Director of the Capitol-Medical Center Improvement and Zoning Commission shall notify the owner or owners of record by certified mail with return receipt requested of the designation, including a copy of the designation approval, a letter outlining the basis for the designation, and the obligations for restrictions which result from such designation. The Director of the Capitol-Medical Center Improvement and Zoning Commission shall also officially notify the Board of all approvals or disapprovals of designations at the next regular meeting of the Board following such Zoning Commission action.

(6) The Board shall have the authority to effect the amendment or repeal of any designation or site, structure, building, district or monument in the same manner and according to the same procedure as provided herein for the original designation.

(7) No application for a permit to construct, alter, demolish, or relocate any characteristic or a designated site, building, structure, district, or monument filed subsequent to the day that an application has been filed or a resolution adopted to initiate designation of said proposed landmark or historic district shall be approved by the Zoning Commission while proceedings are pending regarding such historical designation application, unless such work is determined by the Board to be essential to the preservation or stabilization of the resource and such work will not detrimentally alter the exterior appearance of the resource.

**120:10-11-7. Historical districts designation criteria**

A site, structure, building, district, or monument may be designated for preservation as a landmark or historic district and thus may be included within the Historic Preservation District or Historical Landmark District if such possesses the following attributes within the categories below, to-wit:

- (1) Historical, cultural category.
  - (A) Such has significant character, interest, or value as part of the development, heritage or cultural characteristics of the locality, state or nation; or is associated with the life of a personality significant to the past; or
  - (B) Such is the site of a historic event with a significant effect upon the development, heritage, or cultural characteristics of the locality, state or nation; or
  - (C) Such exemplifies the cultural, political, economic, social, or historic heritage of the community.
- (2) Architectural, engineering category.
  - (A) Such portrays the environment in an era of history characterized by a distinctive architectural style; or
  - (B) Such embodies those distinguishing characteristics of an architectural type of engineering specimen; or
  - (C) Such is the work of a designer or architect or contractor whose individual work has influenced the development of the community or of this nation; or
  - (D) Such contains elements of design, detail, materials, or craftsmanship which represents a style technique to the past; or
  - (E) Such is a part of or related to a square, park or other distinctive area and thus should be developed and preserved according to a plan based on a historical, cultural, or architectural motif; or
  - (F) Such represents an established and familiar visual feature of the neighborhood, community, or skyline owing to its unique location or singular physical characteristics.
- (3) Archaeological category.
  - (A) Such has yielded, based upon physical evidence, or is likely to yield information important to history or prehistory; or
  - (B) Such is a part of or related to a distinctive geographical area which should be developed or preserved according to a plan based on cultural, historic, or architectural motif.

**120:10-11-8. Certificate of Appropriateness**

(a) 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", Historic Preservation District, to-wit:

- (1) Whenever such work requires a building or fence permit issued by the Zoning Commission.
  - (2) Whenever such work includes the application of paint to a previously unpainted brick or masonry exterior surface or the construction or enlargement of a driveway or parking area.
  - (3) Whenever such work includes erection, moving, demolition, reconstruction, restoration, or alteration of the exterior of any structure of site, except when such work satisfies all the requirements for ordinary maintenance and repair as defined in this Subchapter.
- (b) General provisions and procedures.

- (1) No building or fence permit shall be issued by the Capitol-Medical Center Improvement and Zoning Commission for any structure or site located within the "HL", Historical Landmark or "HP" Historic Preservation districts until the application for such permit has been reviewed by the Board and a Certificate of Appropriateness is approved by the Board.
- (2) When applying for such a permit, the applicant shall furnish two (2) copies of all detailed plans, elevations, perspectives and specifications and the Director of the Capitol-Medical Center Improvement and Zoning Commission shall forward to the Board such application for a building permit within five (5) days of receipt thereof. Any applicant may request a meeting with the Board before submitting an application and may consult with the Board during the review of the permit application.
- (3) Upon review of the application, the Board shall determine whether the proposed work is of a nature which will adversely affect any historical or architectural resource and whether such work is appropriate and consistent with the spirit and intent of this Subchapter and the designating Section. The Board shall apply the criteria established by this Subchapter and based thereon shall approve or disapprove such Certificate of Appropriateness. If the Board disapproves such Certificate of Appropriateness, no permit shall be issued and the applicant shall not proceed with the proposed work.
- (4) The Board shall develop such guidelines as it may find necessary to supplement the provisions of this Section and to inform owners, residents, and the general public of those techniques which are considered most proper for undertaking work relating to historic and architectural resources. The Board shall have the opportunity to advise the Zoning Commission concerning provisions in the building housing codes and other codes which affect preservation work.
- (5) It is not the intent of this Section to limit new construction to any one period or architectural style, but to preserve the integrity of historic and architectural resources and to insure the compatibility of new work constructed in the vicinity.
- (6) In case of the disapproval of plans by the Board, the Board shall state in writing the reason for such disapproval and may include suggestions of the Board in regard to actions the applicant might take to secure the approval of the Board as to the issuance of the Certificate of Appropriateness.
- (7) The Board 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.
- (8) With regard to development of a property containing a designated archaeological resource, a Certificate of Appropriateness shall be required prior to the issuance of the permit for which the applicant has applied; and further, the following requirements shall be satisfied to-wit:
  - (A) Archaeological resources shall be protected from inappropriate or improper digging by demonstration by the applicant that the appropriate permits and standards are met for study and set by the State Historical Society.
  - (B) Any discovered materials shall be properly recorded, reported, stored, or exhibited according to the standards set by the Oklahoma Historical Society.
  - (C) All developments affecting the designating archaeological resource shall provide for the permanent preservation of the resource or provide for the completion of the necessary work as recommended by a qualified archaeologist.

(D) Prior to the hearing by the Board for issuance of the Certificate of Appropriateness, the applicant or the Board shall cause to have presented the comments and recommendations of a qualified archaeologist with respect to the resource under consideration and the application which would affect it.

(c) Review criteria. The Board shall be guided by the following criteria:

- (1) The purpose and intent of this ordinance.
- (2) A degree to which the proposed work may destroy or alter all or part of the resource.
- (3) The degree to which the proposed work would serve to isolate the resource from its historical or architectural surroundings, or would introduce visual, audible, vibratory, or polluting elements that are out of character with the resource and its setting, or that adversely affect the physical integrity of the resource.
- (4) The compatibility of the building materials with the aesthetic and structural appearance of the resource, including but not limited to, a consideration of texture, style, color or the components and their combinations of elements such as brick, stone, concrete, shingle, wood or stucco.
- (5) The compatibility of the proposed design to the significant characteristics of the resource, including but not limited to, a consideration of harmony of materials, details, height, mass, proportion, rhythm, scale, set back, shape, street accessories, and workmanship.

**120:10-11-9. Miscellaneous provision.**

(a) Minimum maintenance. Designated landmarks, or structures, buildings, or monuments within landmark districts shall be maintained to meet the minimum requirements of codes governing the public health, safety and welfare. The Board, 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 structure, building, or monument within a historic district shall keep in good repair all of the exterior portions of such resources, including appropriate landscaping.

(b) Property owned by public agencies. The requirements, provisions, and purposes of this Section shall apply to all property owned by public agencies which lies within the Capitol-Medical Center Improvement and Zoning District.

(c) Board of Review jurisdiction. All matters regarding property or sites situated within the Historic Preservation District or the Historical Landmark District shall be reviewed and considered by the Historical Preservation and Landmark Board of Review prior to final action by the Capitol-Medical Center Improvement and Zoning Commission.

(d) Demolitions. No structure or site within any HL, Historical Landmark District or HP, Historic Preservation District shall be demolished or removed unless such demolition shall be approved by the Board and a Certificate of Appropriateness for such demolitions shall be granted. Applications for demolition permits shall be filed with the Director of the Capitol-Medical Center Improvement and Zoning Commission. The Board shall be guided by the following criteria in considering Certificates of Appropriateness and authorization for demolition of structures or sites within the HL, Historical Landmark District or the HP, Historic Preservation District, to-wit:

- (1) The purpose and intent of this Section.
- (2) The degree to which the proposed removal of the historical resource would serve to destroy the integrity and continuity of the Historical Landmark District or Historic Preservation District of which it is a part.

- (3) The nature of the resource as a representative type of style of architecture, socio-economic development, historical association or other elements of the original designation criteria applicable to such structure or site.
- (4) The condition of the resource from the standpoint of structural integrity and the extent of work necessary to stabilize the structure.
- (5) The alternative available to the demolition applicant, including:
  - (A) Donation of the subject structure or site to a public or benevolent agency.
  - (B) Donation of a part of the value of the subject structure or site to a public or benevolent agency including the conveyance of development rights and facade easement.
  - (C) The possibility of sale of the structure or site, or any parts thereof, to a prospective purchaser capable of preserving such structure or site.
  - (D) The potential of such structure or site for renovation and its potential for continuing use.
  - (E) The potential of the subject structure or site for rezoning in an effort to render such property more compatible with the physical potential of the structure.
- (6) The ability of the subject structure or site to produce a reasonable economic return on investment to its owner; provided however, that it is specifically intended that this factor shall be considered along with all other criteria contained in this Section.

#### **120:10-11-10. Validity**

If any section, paragraph, subdivision, clause, phrase or provision of this Subchapter, shall be adjudged invalid or be held unconstitutional, the same shall not affect the validity of the Subchapter as a whole or any part or provision thereof, other than the part so decided to be invalid or unconstitutional.

#### **120:10-11-11. Final authority for issuing permits and regulating land use**

Nothing in this Subchapter shall cede the Capitol-Medical Center Improvement and Zoning Commission's final authority and responsibility over the matters entrusted to it by law.

### **SUBCHAPTER 13. ADMINISTRATION**

#### **120:10-13-1. Building permit or certificate of occupancy required**

It shall be a violation of this Chapter for any person to change the use of or permit the change of use of any land or structure until a building permit or certificate of occupancy shall have been issued by the Director of the Capitol-Medical Center Improvement and Zoning Commission.

#### **120:10-13-2. Building permit and plan and review procedures**

Whenever any structure or building is to be erected or structurally altered, or extended, a building permit shall be obtained in accordance with the following procedures:

- (1) Applicant shall submit to the Director of the Commission the following plans:
  - (A) Two copies of architectural, structural, or mechanical drawings and specifications of all buildings and structures, drawn accurately to scale, showing complete design and use of materials in plan, section and elevation.
  - (B) Two copies of site plans drawn accurately to scale showing, among other things, the exact size and location of all main and accessory buildings and structures, the type and location of all landscaping, the amount and location of off street parking areas including all driveways and other structures used for ingress and egress, the location of all public



easements adjacent to or passing through said site, and all drainage structures and channels.

(2) The Director shall review all building and site plans to determine their compliance with this Chapter. If the permit application is for an alteration as defined in 120:10-1-3, and which conforms to the regulation's requirements, then the Director may issue an authorized building permit and report that fact and circumstances to the Zoning Commission at its next meeting. If the permit application is for new construction, the Director shall report his findings in determining compliance with this Chapter to the Commission. Thereupon, the Commission shall review the building plans and site plans including the landscaping, orientation and design of the proposed building and use, and the texture of materials to determine whether the character of the improvement is in harmony with and would not detract from the character of area in which said improvement is proposed to be located. If the Commission recommends changes in building or site plans, said changes and the reason for them shall be submitted in writing to the applicant. If site and building plans have been prepared by and certified by an architect licensed to practice in the State of Oklahoma, and said architect and applicant decide to accept the recommendation of the Commission regarding changes, then there shall be a period of review not to exceed six (6) months from the date on which the Commission recommended said change(s). At the end of the period of review, said building plans and site plans shall be considered approved, whether the recommendations of the Commission have been complied with or not; provided the landscape plan meets all the requirements and recommended changes of the Commission. In all other cases, no building permit shall be issued until said plans have received the approval of the Commission.

(3) Building permits shall be limited to a period of ninety (90) days, and if construction has not been started within ninety (90) days, such permit shall be void and of no force and effect.

#### 120:10-13-3. Certificate of occupancy

No change shall be made in the use of land, building or structure existing at the time of the passage of this Chapter or thereafter until a certificate of occupancy is obtained from the Director of the Commission. No certificate of occupancy shall be issued until it is determined that all the provisions of this Chapter are complied with.

#### **120:10-13-3. Certificate of occupancy**

No change shall be made in the use of land, building or structure existing at the time of the passage of this Chapter or thereafter until a certificate of occupancy is obtained from the Director of the Commission. No certificate of occupancy shall be issued until it is determined that all the provisions of this Chapter are complied with.

#### **120:10-13-4. Oklahoma City building permit required**

Because the Zoning District area is a part of the Oklahoma City metropolitan area and it is desirable that, insofar as possible, the improvements made within the Capitol area shall comply with Oklahoma City ordinances and all the rules, regulations and ordinances pertaining thereto, except where they are in conflict with the Master Plan of the Capitol-Medical Center Improvement and Zoning District, a building permit shall be obtained from the City of Oklahoma City as a condition of issuing a permit under this Chapter; provided however, that the Capitol-Medical Center Improvement and Zoning Commission may waive this requirement if the sole condition for not receiving a permit from the City of Oklahoma City is due to conflict

between the Master Plan of the Capitol-Medical Center Improvement and Zoning District and that of the City of Oklahoma City.

#### **120:10-13-5. Amendments**

In accordance with 73 O.S. 1971, Paragraphs 83.4 and 83.7, as amended, the Capitol-Medical Center Improvement and Zoning Commission shall permit amendments and shall prescribe the rules and regulations concerning procedure for the conduct of zoning public hearings.

(1) Zoning text and Master Land Use Plan amendment. Prior to the adoption of any zoning regulations, or master land use plan, or amendment thereto, the Commission shall hold a public hearing on the same after first having given notice by publication of time and place of said hearing, by publication for not less than ten (10) days prior said hearing in a legal publication published in Oklahoma County.

(2) Zoning map amendment.

(A) Public hearing required. The Commission may from time to time on its own motion or petition from a property owner amend the official zoning map; provided, however, that no amendment shall be made until a public hearing thereon has been held.

(B) Intent. Amendments to the zoning map shall be considered to recognize changes in the Master Land Use Plan, to correct error, or to recognize changed or changing conditions in a particular area or in the jurisdictional area generally.

(C) Conformity with Master Plan. Amendments to the zoning map which are proposed and which are not in conformity with the Master Land Use Plan shall not be approved until the conflicts with the Master Land Use Plan have been eliminated through a change in the proposal or through official changes in the Master Land Use Plan.

(D) Notice. The Commission shall give ten (10) days notice of a public hearing on a proposed map amendment by publication in a legal newspaper published in Oklahoma County. In addition, notice to all property owners within a three hundred (300) foot radius of the exterior boundary of the subject property, exclusive of streets and alleys not in access of three hundred (300) feet in width. The notice shall contain:

(i) Date, time and place of public hearing.

(ii) Legal description of the property and the street address or approximate location of the Capitol-Medical Center Improvement and Zoning District.

(iii) Present zoning classification of the property and the proposed zoning classification.

#### **120:10-13-6. Appeals to the Commission**

(a) Appeals to the Commission may be taken by any person aggrieved or by an officer, department, board, or agency of the State of Oklahoma affected by any decision of the Zoning Administration. Such appeal shall be taken with thirty (30) days from the date of the decision by filing with the Chairman of the Commission a notice of appeal specifying the grounds thereof. The Director forthwith transmits to the Commission Chairman all the papers constituting the record upon which the action appeal from was taken. An appeal stays all proceedings in furtherance of the action appealed from, unless the Director certifies to the Commission, after the notice of appeal shall have been filed his opinion, cause imminent peril to life and or property. In such cases, proceedings shall not be stayed otherwise than by restraining order which shall be granted by the Commission or by a court of record on application and notice to the office from whom the appeal is taken and on the cause shown.

(b) The Commission shall fix a reasonable time for a hearing of the appeal, giving public notice thereof, as well as due notice to the parties in interest, and decide the same within a reasonable time. Upon the hearing, any part may appear in person or by agent or by attorney. The Commission shall keep minutes of its appeal proceedings showing the vote of each member upon each question, or if absent or failing to vote, indicating such fact, and shall be a public record. The concurring vote of five (5) members of the Commission shall be necessary to reverse any order, requirement, decision or determination of the Director to decide in favor of the applicant on any manner which is before the Commission.

#### **120:10-13-7. Appeals to District Court**

Appeals may be filed in accordance with 73 O.S. 1974, Section 83.9 as follows: "Any person aggrieved by a rule, regulation, decision, or order of the Capitol-Medical Center Improvement and Zoning Commission, or the Director thereof, may appeal to the District Court of Oklahoma County by filing a petition in said Court and serving a copy thereof on the Director of the Commission. No bond shall be required for such appeals but cost may be required in the District Court as in other cases. Filing of such appeal shall in no respect suspend the operation of any such rule, regulation, decision or order; nor shall the District Court order any such suspension until full hearing. The District Court may require the certification to it, by the Commission, of all papers, records, documents constituting the record of the Commission in respect of such matters. No rule, regulations, decision or order of the Commission, or of the Director thereof, shall be suspended or set aside by the Court unless the same, after hearing, shall be determined to be without authority of law. An appeal to the Supreme Court from the decision of the District Court shall be allowed in other cases."

#### **120:10-13-8. Powers of the Commission relative to variation**

The Commission shall have the following powers to grant variances:

(1) Where, by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Chapter, or by reason of exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a specific piece of property, which condition is not generally prevalent in the area, the strict application of the requirements of this Chapter would result in peculiar and exceptional undue hardship upon the owner of such property, the Commission is hereby empowered to authorize, upon an appeal relating to such property, a variation from such strict application so as to relieve such difficulties or hardship, but may establish such requirements relative to such property as would carry out the purpose and intent of this Chapter. The Commission shall not permit by variance a principal use not otherwise permitted in the applicable district, it being the expressed spirit and intent of this Chapter that a change of the permitted principal use shall be made by amendment of the regulations or the zoning map.

(2) A variance from the terms of this Chapter shall be granted by the Commission under the following provisions:

(A) The granting the variances requested will not confer on the applicant any special privilege that is denied by this Section too the lands, structures, or buildings in the same district.

(B) No non-conforming use of the neighborhood lands, structures, or building in the same zone and no permitted use of land, structures, or building in other districts shall be considered grounds for issuance of a variance.

**120:10-13-9. Powers relative to conditional uses permissible on review**

The Commission shall have the following powers to grant conditional uses:

(1) Upon appeal, the Commission shall review the uses listed in Subchapter 3 of the Specific District Regulations of this Chapter as "Uses Permitted on Review". These are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the district; however, the nature of such uses may make it desirable that they be permitted to locate therein. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. These uses shall be reviewed and authorized or rejected under the following procedure:

(A) An application shall be filed with the Commission for review. Said application shall show the location and intended use of the site, the names of all property owners, and existing land uses within two-hundred (200) feet, and any other material pertinent to the request which the Commission may require.

(B) The Commission shall hold one or more public hearings thereon.

(C) The Commission, within forty-five (45) days of the date of application, shall study the effects of such proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the general welfare, and authorize or deny the issuance of a permit for the use of land or buildings requested.

(D) If a protest against such conditional permit be presented, duly signed and acknowledged by the owners of twenty percent (20%) or more of the area of the lots immediately abutting either side of the territory included for such permit, or separated therefrom only by an alley or street, such permit shall not be approved except by the favorable votes of six (6) members of the Commission.

(2) In considering all appeals from rulings made under 120:10-13-8 of this Section, the Commission shall in making its findings on any specific case, determine the effect of the proposed change upon the supply of light and air to adjacent property, upon the congestion in the public street, upon the public safety from fire and other hazards, upon established property values within the surrounding area, and upon other factors relating to the public health, safety, comfort, morals and general welfare of the State and the people of the Capitol-Medical Center Improvement and Zoning District. Every ruling made upon any appeal to the Commission shall be accompanied by a written finding-of-fact based upon the testimony received at the hearing afforded by the Commission, and shall specify the reason for granting or denying the appeal.

**120:10-13-10. Enforcement**

In accordance with 73 O.S. 1971, Paragraph 83., 11, the Capitol-Medical Center Improvement and Zoning Commission shall constitute a body incorporated for purposes of instituting and defending litigation to enforce its rules, regulations, decisions, and orders; and it may, in its name, institute or defend actions by and on its own behalf, or in behalf of the owner or owners of any property within said District, to enjoin any breach or violation thereof. No bond shall be required of the Commission in any such actions for the issuance of any temporary or permanent order, or an appeal.

### **120:10-13-11. Invalidity of a part**

In any case where a portion of this Chapter shall be held invalid or unconstitutional, the remainder of the regulations shall not thereby be invalid, but shall remain in full force and effect.

### **120:10-13-12. Conflicting municipal provisions**

This Chapter shall not be construed as repealing or reducing the effect of any of the ordinances of the City of Oklahoma City, Oklahoma governing and regulating any type of construction work within the District, or any other municipal ordinances in effect within the District, including the ordinance regulating the extraction of oil and gas within the District; provided, however, that whenever a conflict exists between the provisions of this Chapter and the ordinances and regulations of the city of Oklahoma City, Oklahoma, the provision of these Regulation shall govern.

## **SUBCHAPTER 15. SIGNAGE GUIDELINES**

### **120:10-15-1. Purpose**

In order to maintain aesthetic quality within the district, regulations and policies for green space, public right-of-ways, vistas and landscaping have been established. A standard for signage is desirable and necessary to preserve architecturally significant building features, topography and the landscape, and if properly used, will create harmony between building, landscape and signage. Signage is a secondary use and its objective is to direct and identify. These rules establish guidelines and criteria to properly control signage and are applicable in all zoning districts except where otherwise provided.

### **120:10-15-2. Applicability**

Signage guidelines in these rules establish a coordinated, environmental graphic system providing for business identification and information communication that is simple, sophisticated and serves to decrease the amount of visual clutter. Unless specifically approved, no sign shall be constructed, erected, installed or reinstalled unless it conforms to the criteria and guidelines of this Subchapter and all other applicable regulations for the Capitol-Medical Center Improvement and Zoning District. Any sign legally existing on the date of the formal adoption of this Subchapter that does not conform to the provisions of the Subchapter or the zoning district regulations shall be considered a legal, non-conforming use or structure and may continue in such status until it is abandoned or removed by the owner. When applicable, signage must be in compliance with the Americans with Disabilities Act.

### **120:10-15-3. Definitions**

For the purpose of this Subchapter, words used in present tense shall include the future tense; words in the singular number include the plural and words in the plural include the singular, except where the natural construction of the writing indicates otherwise. The word "shall" is mandatory and not directory. In addition, the following words and terms, when used in this Subchapter, shall have the following meaning, unless the context clearly indicates otherwise:

**"Advertising sign or structure"** means any metal, wood, plastic, plaster, stone, or other sign placed for outdoor advertising purposes on the ground or any wall, post, building, or structure.

**"Banner sign"** means a non-rigid sign on which characters, letters, illustrations or ornamentations are applied to a flexible substrate.

**"Canopy sign"** means a sign affixed to the visible surface(s) of an attached or freestanding canopy.

**"Commission"** means the Capitol-Medical Center Improvement and Zoning Commission.

**"Construction sign"** means a temporary sign not greater than thirty six (36) square feet in area displayed for the purpose of announcing contemplated improvements or firms making improvements on the property or premises or the property or premises adjacent to that on which the sign is placed. One sign per street frontage shall be permitted, but no more than two signs per site.

**"Directional sign"** means any sign that is designed and erected for the purpose of providing direction and/or orientation for pedestrian or vehicular traffic.

**"Freestanding sign"** means a sign principally supported by a structure affixed to the ground and not supported by building, including signs supported by one or more columns, poles, masonry base, or braces placed in or upon the ground.

**"Illuminated sign"** means a sign characterized by the use of artificial light. An internally illuminated sign projects light through its surface(s). An externally illuminated sign reflects light off of its surfaces.

**"Informational sign"** means a sign that informs or gives notice of something required or of worthwhile attention. Informational signs include, but are not limited to, warning signs, emergency vehicle entrance, hazardous materials, and pedestrian/school crossing.

**"Outdoor Advertising sign"** means any sign displaying subject matter for purposes other than advertising any service and/or products being offered for sale on the premises where the sign is located.

**"Parapet sign"** means a sign affixed to the visible surface of the building facade above the line of the structural roof or on a parapet wall.

**"Placard/Professional name plate"** means a wall mounted flat plate slab or disk not greater than 2 square feet in area or 9 inches in diameter that contains the name and/or logo, address, and occupation of the individual or firm engaged in a recognized profession.

**"Pole sign"** means any sign erected on a pole or poles, which is entirely or partially independent of any building for support.

**"Portable sign"** means any mobile outdoor sign used as a form of temporary advertisement.

**"Premises sign"** means any sign that identifies the legal or exact firm name of the business on the premises or advertises any service or product being offered for sale.

**"Real estate sign"** means a temporary non-illuminated sign not greater than 20 square feet in area, displayed for the purpose of offering property or premises for sale or lease.

**"Roof sign"** means any sign erected across or over the roof of any building.

**"Sign face area"** means the area comprising the message portion of the sign, not including the support structure, only the face or faces which may be seen from one direction at a time.

**"Specialty signage"** means on or off premises signage, or a system of signage located in a yard area, street median, public or private park with the primary purpose of identifying a development, including residential developments, or providing identification, information, or direction. This definition does not include directional sign or informational sign as defined in this guideline.

**"Temporary sign"** means a sign of a transitory or temporary nature intended to display either commercial or noncommercial messages.

**"Wall sign"** means any sign mounted flush against the facade of the building or on the outside wall of any building that is supported throughout its entire length by the wall or walls. Wall signs shall not project more than one foot from the surface of the wall.

#### **120:10-15-4. Principal Signage**

(a) **Size.** All signs must be proportionate to site size and/or the size of the structure and shall not exceed the height limitations of the zoning district in which the sign is located or the height limitations designated by OAC 120:10-5-3. All signs shall be in compliance with the Signage Table (Appendix D) of this Chapter.

(b) **Location.**

(1) All signage must be in compliance with the setback requirements for the zoning district in which it is located. No signs, other than official traffic signs and parking control signs, will be located within the right-of-way of any public street without an approved permit from the City of Oklahoma City.

(2) No part of the sign, including the footing, shall be located closer than 5 feet from the side and rear property lines. No part of the sign including the footing shall be located closer than 1 foot from the front property line.

(3) No sign will be erected at the intersection of any street in a location that will obstruct free and clear vision or, at any location that by its position, shape, or color interferes with or obstructs the view of or may be confused with any authorized traffic sign, signal or device.

(4) In no case shall any sign invade the "Sight lines at intersections" established in OAC 120:10-5-4(3).

(c) **Aesthetic quality.** Signage is an accessory use, its only function being to advertise, direct or identify. All signs should be designed to compliment the structure and landscape and give the appearance of an additional architectural feature or element. Materials must be similar or complementary to those used in the main building. Signage must be appropriate to the existing architectural vocabulary and meet the approval of the Commission.

#### **120:10-15-5. Materials**

(a) Signage material must be compatible with building materials in texture and color. The use of the same materials as the primary structure is usually acceptable and appropriate.

(b) No plastic or vinyl signs are permitted in the Health Center District (HC) or the Capitol Complex Subdistrict on a permanent basis, unless exclusively approved by the Commission.

#### **120:10-15-6. Illumination**

(a) To properly integrate signage into the existing environment and to effectively create enhancement after dark and not a daytime effect, all illuminated signs will be illuminated from a concealed source, preferably a ground mounted source.

(b) Illuminated signs shall be designed so as not to interfere with the operation of traffic lights or other traffic control devices, and shall not create objectionable glare in any residential district or public building or area.

(c) All internally illuminated signs shall be approved by the Commission prior to construction and/or installation.

#### **120:10-15-7. Secondary Signage**

- (a) All directional and informational signage as defined in this Subchapter shall be designed with consideration of visitors, patients, students and others and clearly identify pedestrian and vehicular circulation patterns, building, parking and bus stop locations.
- (b) Directional and informational signage for developments shall be uniform in terms of character. All plans must be submitted for prior review and must include, but not be limited to, quantity, location, type, size, lighting, landscaping, and materials of all proposed signage

#### **120:10-15-8. Specialty Signage**

- (a) Ground mounted signage.
  - (1) For residential districts, the maximum width of all ground mounted signs shall be 5 feet for each 25 feet of street frontage, and 1 foot for each additional 25 feet of street frontage up to a maximum of 50 feet. No sign shall exceed 6 feet in height.
  - (2) For non-residential developments, the maximum height for all ground mounted signs shall be 5 feet for each 25 feet of street frontage, and 1 foot for each additional 25 feet of street frontage up to a maximum of 150 feet. The overall height of any ground-mounted sign shall not exceed 8 feet. Any variance from this requirement shall be approved in advance by the Commission.
- (b) Pole mounted signage.
  - (1) All pole mounted directional and informational signs must be installed at a height visible to vehicular traffic, but must not obstruct vehicular movement or pedestrian routes.
  - (2) All pole mounted signs must be installed in concrete or be bolted, anchored or secured to a concrete, cement, or other equally effective bonding material or surface.
  - (3) With the exception of historical markers and neighborhood identification signs, pole mounted signage is prohibited in all residential zoning districts.
  - (4) All median pole mounted signs shall be installed in the center of the median. The center is the centerline of the street or the centerline of the median, as measured from edge to edge.
  - (5) The maximum width of any median sign shall be no greater than 15 percent of the total width of the median or island in which it is located. The maximum overall height of any pole-mounted sign shall not exceed 12 feet.

#### **120:10-15-9. Temporary Signage**

- (a) The term temporary signage shall include signage advertising short term or special events. These temporary signs shall be subject to the same standards as permanent signage including but not limited to size, height, set back, and location. All short term or special event signage shall be removed no later than 10 days after the conclusion of the advertised event.
- (b) Temporary signage can be installed or displayed only upon the express written approval of the Commission and in accordance with terms established for such display in order to insure the protection of public safety, prevent interference with traffic lights and control devices and protect adjacent uses of land. Applications and plans for permission to install temporary signs shall be made to the Commission not less than 30 days prior to the date installation is planned. The written authorization for temporary signs shall be for a length of time specified by the Commission and the sign shall be removed by the owner on or before the expiration date of the permit.
- (c) All banner signs, real estate signs and construction signs, as defined in this subchapter, are temporary in nature.



(d) All real estate signs shall be removed upon the sale of the property and all construction signs shall be removed within 10 days after the substantial completion of the improvement.

(e) One construction sign per street frontage is permitted. Advertising on construction trailers counts as one construction sign.

**120:10-15-10. Prohibited Signage**

(a) Outdoors advertising signs, pole signs, and roof signs are permitted only in the I-2, Light Industrial District.

(b) Portable signs are prohibited in all zoning districts.

(c) Other than official traffic signs and lighted pedestrian warning signs, flashing and blinking signs are prohibited.

(d) No unauthorized sign shall be attached to any utility pole, light standard, bus shelter or kiosk, street tree or any other public facility located in the public right-of-way.

**120:10-15-11. Limitation Per Site**

One ground mounted principal sign per street frontage and one building mounted principal sign per street frontage or, a combination of the two, shall be permitted. The number of directional/information signs shall be determined based upon the need.

**120:10-15-12. Maintenance Provision**

(a) Signage shall be constructed of materials that can be easily maintained and that do not weather quickly. All approved signs must be properly maintained. Whenever a sign becomes dilapidated or falls into a state of disrepair or ruin, whole or in part, all portions of the sign shall be removed from the premises.

(b) Whenever a sign is determined to be insecure, pose a danger, be deemed unsafe, be dilapidated or is in any way maintained in violation of the provisions of this subchapter or the zoning district regulations, the Commission will send written notification of such findings to the owner. The owner shall have 10 days from the date of the written notice to bring the sign into conformance or remove the sign. If the owner does not comply within 10 days, the Commission will issue a citation for non-compliance in accordance with the procedures in Title 73, §83.13.

**120:10-15-13. Landscaping Requirement**

(a) To soften the impact of signage, landscaping will be required for certain ground mounted signs. The Commission will review and approve all landscaping for signage.

(b) Landscaping shall be provided by the use of grasses, ground cover, trees, shrubs or other live landscape materials.

(c) An appropriate irrigation or watering system is required for landscape plantings.

(d) All plant material shall be horticulturally appropriate and compatible with the Oklahoma environment. Any plantings that die due to weather, neglect or damage shall be replaced and comply with the approved plan

**120:10-15-14. Legal Non-conforming signs**

Any sign legally existing on the effective date of this Subchapter that does not conform to use, location, height or size with the regulations of the zone in which the sign is located, will be considered a legal nonconforming use or structure and may continue in such status until it is

either abandoned or removed by the owner. If the sign is damaged to the degree that it requires removal or becomes dilapidated, it shall be replaced with a sign that complies with the provisions of this subchapter.

#### **120:10-15-15. Building Permit Required**

Plans for all premises signs and temporary signs, with the exception of real estate signs, shall be submitted to the Commission for approval, prior to erection. The Commission shall reserve the absolute right to determine the appropriateness of signage prior to the issuance of a building permit. Determination for approval of signage shall be based on design, location, general character and the ability of the signage to integrate into the existing environment.

### **SUBCHAPTER 17. OFF-STREET PARKING FACILITIES LANDSCAPE CODE**

#### **120:10-17-1. Definitions**

In addition to the words and terms defined in Section 10-1-3 of this Chapter, when used in this Subchapter, the following words and terms in this section shall have the following meaning, unless the context clearly indicates otherwise:

**"Caliper"** means the measure of the diameter of a tree trunk measured 6 inches above ground where the trunk is 4 inches or less in diameter, and 12 inches above ground for larger sizes.

**"Canopy tree"** means or refers to a tree that normally grows to a mature height of 40 or more feet.

**"Gross area"** means the sum of the gross horizontal area of the vehicular use area.

**"Interior landscape area"** means the landscaped area contained on the interior of a parking lot or vehicle use area.

**"Interior vehicular use areas"** means all vehicular use areas except those parking spaces contiguous to a perimeter for which a landscape is required or parking spaces that area directly served by an aisle abutting and running parallel to this perimeter.

**"Landscape screen"** a dense natural or cultivated growth of non-deciduous plants at least 6 feet in height designed to conceal a facility from the view of adjacent properties.

**"Non-deciduous species"** means plant materials that do not shed or loose foliage at the end of a growing season.

**"Right-of-way"** means a strip of land occupied or intended to be occupied by certain transportation and public use facilities, such as roadways, railroads, and utility lines.

**"Small, medium, large tree"** means the size of a tree at the time it is installed or retained regardless of its species.

**"Street side"** means any side of the lot aligned with a public or private street.

**"Street yard"** means the yard areas of a building site adjacent or parallel to a public roadway.

**"Understory tree"** means a species of tree that normally grows from 15 to 35 feet in height.

**"Vehicular use areas"** means all paved surfaces connected to or associated with an off-street parking area included but not limited to access driveways, aisles, curbs, islands, ramps, and vehicle parking spaces.

#### **120:10-17-2. Purpose**

This subchapter establishes a parking lot landscape code intended to provide a minimum landscape requirement for the installation and maintenance of landscaped areas in connection

with parking lots and other vehicle use areas. Rules in this subchapter ensure the provision of visual and climatic relief from broad expanses of pavement, direct and define logical areas for pedestrian and vehicle circulation and preserve and enhance the urban streetscape.

**120:10-17-3. General requirement**

(a) This section applies to all new vehicle use areas and existing use areas altered or improved subsequent to the adoption of this regulation, and whenever a structure is enlarged or a change in use occurs that increases the required parking or loading.

(1) A landscape plan shall be required prior to issuance of any determination of zoning compliance or other required permits.

(2) Surface lots operating before the passage of this regulation shall have 48 months to comply.

(b) Surface parking lots shall have a minimum landscaped area equal to at least 15 percent of the paved area within the lot.

(1) In no case shall the owner be required to provide landscaped areas that exceed 15 percent of the paved area.

(2) The interior landscape area shall contain sufficient trees, shrubs, and ground cover.

**120:10-17-4. Landscape plan required**

(a) Any off-street parking lot with a total of 10 or more parking spaces, whether primary or accessory in use, in any zoning district, is subject to the requirements in this section.

(b) All landscape plans must comply with the mandatory provisions of this section. This section shall only apply to "I" zoning districts when the parking facility adjoins or is adjacent to residentially zoned or used property.

(c) A landscape plan must be submitted in triplicate to and approved by the Commission before a building permit is issued for the work. The plan shall be drawn to scale with sufficient clarity to indicate the location, nature and extent of the work proposed, and show in detail that it conforms to the requirements of this section.

(d) The landscape plan may be submitted on a minimum size of 11" x 17" or a maximum size of 30" x 42" sheets and shall contain the following information:

(1) Project name, street address, legal description, name and address of the person or firm preparing the plan;

(2) A vicinity map showing the location of the lot lines, property lines, and dimensions of the building site, signage and the street yard;

(3) The location of significant drainage features; the location and widths of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot;

(4) Identification, location and dimension of required plant materials, screening, and off-street parking and loading spaces within the street yard;

(5) Description of plant materials shown on the plan, including names common and botanical, quantities, containers or caliper sizes at installation, heights, spread, and spacing. The plan may designate alternative species. All plantings must be compatible to the Oklahoma City environment;

(6) Installation schedule of required landscaping and irrigation or other watering system;

(7) Description of proposed watering method;

(8) Location size and type of existing trees and the method of preservation; and,

(9) If applicable, proposed soil stabilization practices, and specifications of ground plane treatment as either turf or ground cover.

**120:10-17-5. Landscape areas**

(a) A minimum of 1 tree per 8 parking spaces shall be required for interior lot landscaped areas. Any interior lot area shall be a minimum of 6 feet in length and 6 feet in width with a minimum area of 150 square feet.

(b) Trees and shrubs shall be installed along the length of the parking lot in all street yards. A minimum of 2 trees per 10 parking spaces shall be installed in the area between the barrier curb and the property adjacent to a sidewalk or the public right-of-way.

(c) Newly planted trees shall:

- (1) measure a minimum of 2.5 inches in caliper at a height 6 inches above ground level;
- (2) measure a minimum of 8 feet in height;
- (3) have a 35 foot minimum mature height; and,
- (4) must be drought tolerant.

(d) For the purpose of this section, existing trees that are 2.5 inches or more in caliper as measured at a height 36 inches above ground level shall be considered to be equivalent to 1 or more newly planted trees.

(e) Shrubs shall be maintained at a height of 2.5 feet, except when used as screening for parking lots adjacent to residential uses.

(f) All trees, shrubs and ground cover shall be arranged in such a manner that they will grow to maturity and provide the landscape screen required by this section. No plantings shall be placed in a landscaped area where they will be impacted by pedestrian or vehicular traffic.

**120:10-17-6. Landscaping in the public right-of-way**

In the event, extraordinary or exceptional conditions exist pertaining to a particular piece of property due to size, shape, topography, subsurface conditions, or overhead structures; installation of plantings would be a detriment to the public; the requisite number of parking spaces can not be achieved and a variance of number or sizes of spaces can not be granted, a landscape buffer strip in the right-of-way may be installed pursuant to this subchapter only under the following conditions:

- (1) Where parking lots are adjacent to sidewalks in the public right-of-way, continuous landscape buffer strips will be constructed except at points of egress and ingress into the facility. The landscape buffer strips shall be a minimum of 5 feet in width and shall contain, in addition to ground cover, trees and shrubs planted along the entire length.
- (2) All plantings must be drought tolerant and comply, in as much as possible, with the height, width and caliper requirements of this regulation.
- (3) The landscape plan must be submitted to, and approved by the City of Oklahoma City. The approved permit must be submitted in conjunction with the landscape plan.
- (4) In no case shall this subsection supersede the screening requirement for off-street parking facilities adjoining residentially used or zoned properties.

**120:10-17-7. Perimeter screening**

(a) All sides of a parking lot or vehicle use area adjoining residentially zoned or used property shall be enclosed with an opaque screen. All screening must be a minimum of 5 feet and no more than 6 feet.

(b) Visual screens for vehicle use areas adjoining the rear yard of residential properties shall be constructed of wood, masonry, or other solid material. The screen may be made solid by use of privacy panels, louvers or similar applications. Galvanized steel board fencing is not an acceptable material.

(c) Side yard screening may be provided by using a fence designed with rails, links or pickets with posts or columns made from wood, masonry, steel or iron; or polyester coated links.

(1) To soften the visual impact all pickets, rails and links shall be covered with a non-deciduous vine.

(2) A non-deciduous shrub a minimum of four feet above grade when planted that will grown to 5 feet in one year is also acceptable for side yard screening.

(d) For all parking lots or vehicle use areas facing residentially zoned or residentially used property, parked vehicles shall be concealed by using a berm or hedge maintained at least 30 inches in height above grade.

(1) Any berm used to form a visual screen shall be covered with ornamental trees, shrubs, grass, and other living ground cover.

(2) All shrubs used to form hedges shall be of non-deciduous species and a minimum of 24 inches in height above grade at planting.

(e) All fences shall be installed according to the area requirements for the zoning district in which they are located, and any other applicable regulations in this Chapter.

#### **120:10-17-8. Site conditions**

(a) Planting site conditions must match with plantings that will tolerate those conditions.

(b) The site must be evaluated for proper drainage conditions. If conditions are inadequate, appropriate steps shall be taken to guarantee adequate drainage from the site.

(c) The watering system shall be suitable for the proposed landscape plant materials.

#### **120:10-17-9. Maintenance requirement**

(a) All landscaped areas shall be kept in good condition year round and shall be maintained in accordance with the approved landscape plan. A tree or plant material that dies or is damaged shall be replaced within 6 months so as to meet all requirements of this section and to allow for planting in the appropriate planting season.

(b) All shrubs and trees shall be kept trimmed and pruned in accordance with horticultural standards. Ground cover shall be provided to protect tree roots and to prevent erosion.

(c) Steps shall be taken to control weeds, grasses, and rodents.

(d) Landscaped areas shall be kept free of litter and debris.

(e) All trees, shrubs, and ground cover shall be maintained in a manner that will not affect vehicular or pedestrian movement or the operation and maintenance of existing apparatuses, devices, or systems.

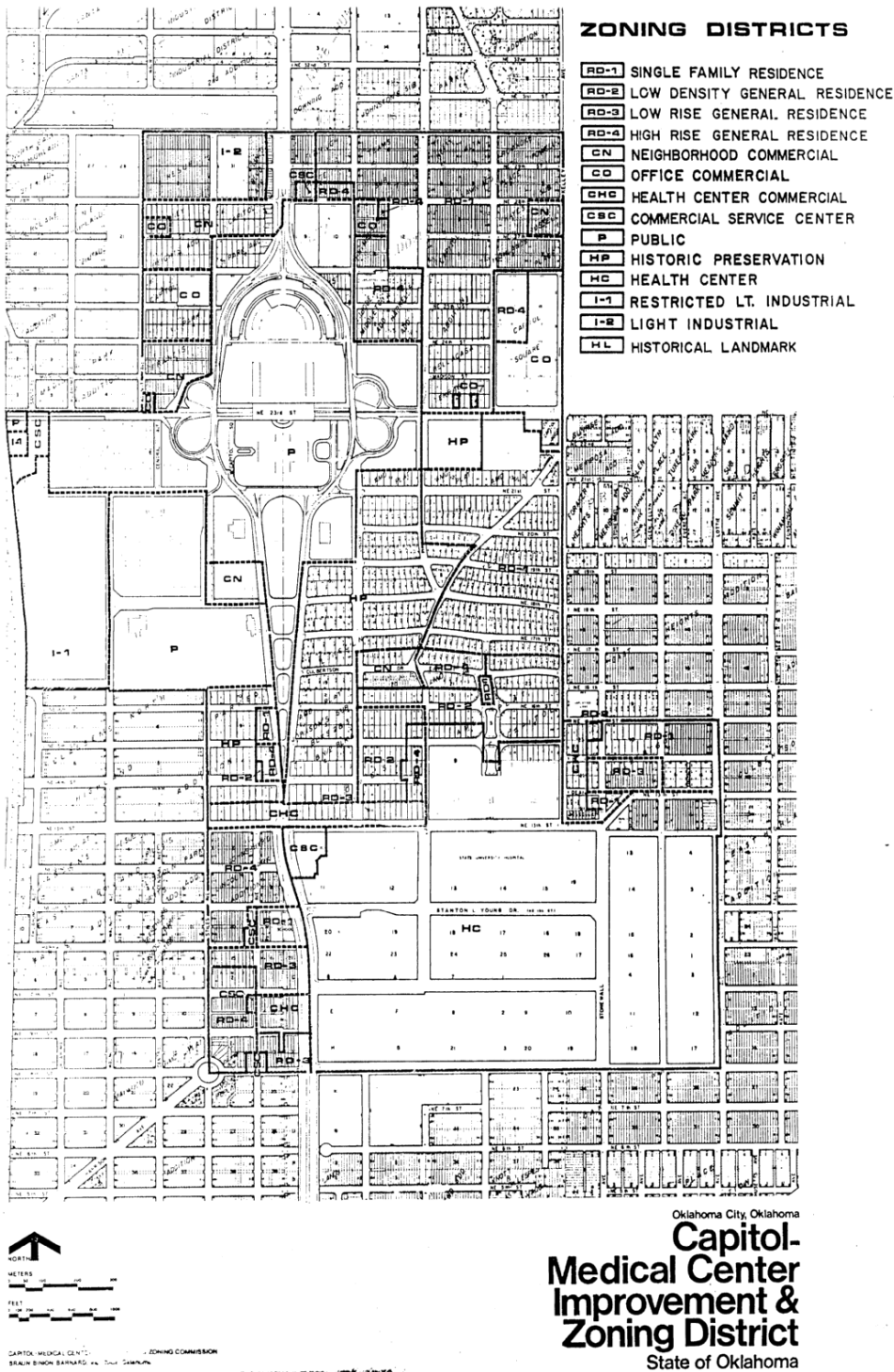
(f) All fences and walls shall be kept in good repair. Any fence or wall that is damaged, destroyed or becomes dilapidated shall be immediately repaired or replaced in accordance with the approved landscape plan.

(g) Whenever the conditions of this Section are not met, the property owner will be notified in writing and given the required time period to comply with the approved landscape plan. If compliance is not met within the required time period, the owner shall be in violation of this subchapter.

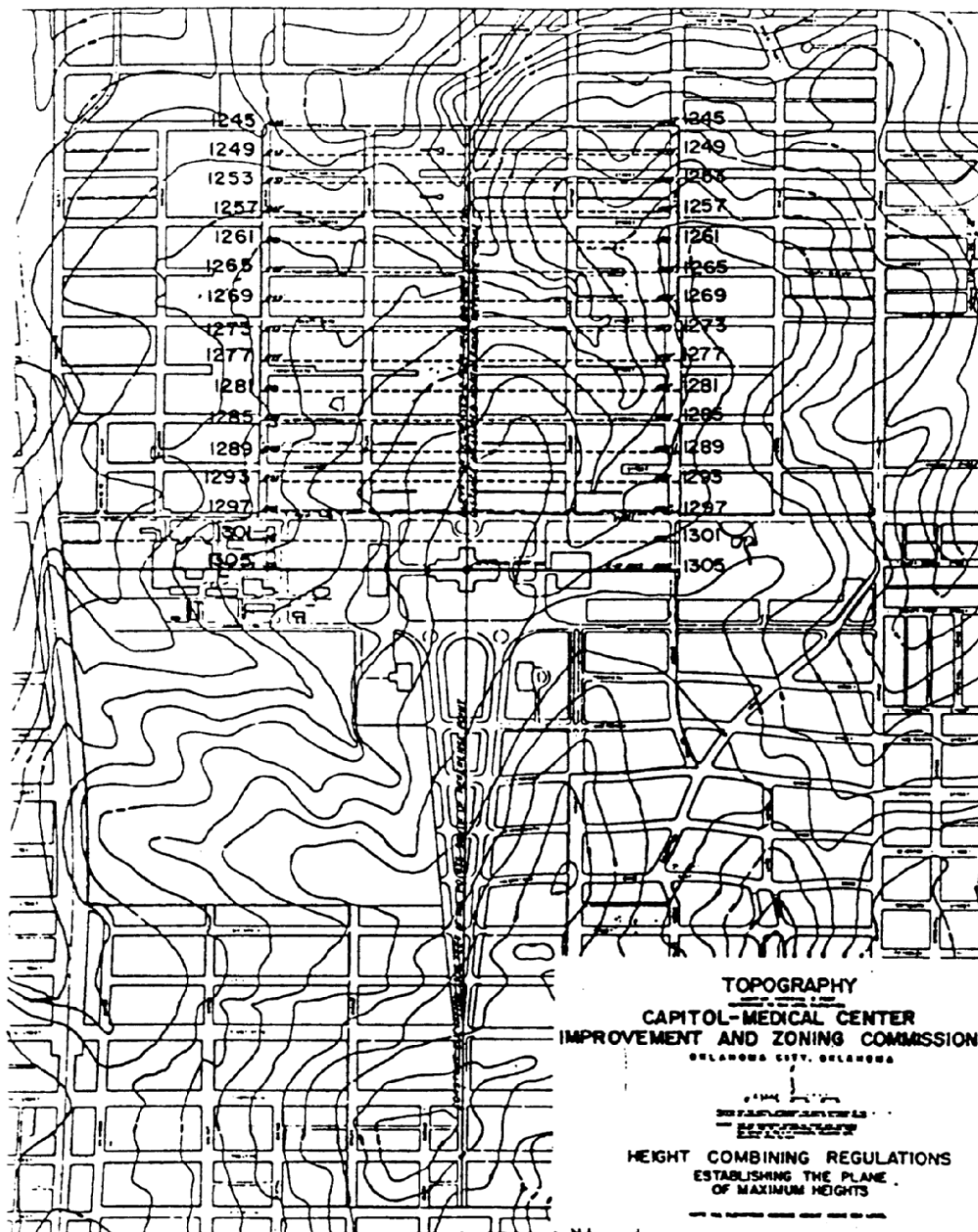
**120:10-17-10. Miscellaneous provisions**

- (a) Whenever a building permit is issued without the required landscape plan or approved in an inappropriate planting season for all or a portion of the landscape materials, the property owner shall submit an affidavit to the Commission certifying a landscape plan will be submitted or that the required plantings will be installed within 6 months of the date of the affidavit. If at the end of the 6 month period, the plan has not been submitted or the plantings installed, the property owner shall be in violation of this Subchapter.
- (b) Any off-street parking lot landscape plan that is not in compliance with a permit approved prior to the promulgation of this subchapter is subject to and must comply with the requirements of this subchapter.
- (c) Any landscape plan for parking areas in the State Capitol Complex Subdistrict must comply with the rules for State Capitol Park as established in OAC 580:10-7-1.
- (d) Any landscape plan for parking areas located in the Primary or Secondary District established pursuant to Title 74 Oklahoma Statutes, Section 7068, shall comply with the standards established by the University of Oklahoma.

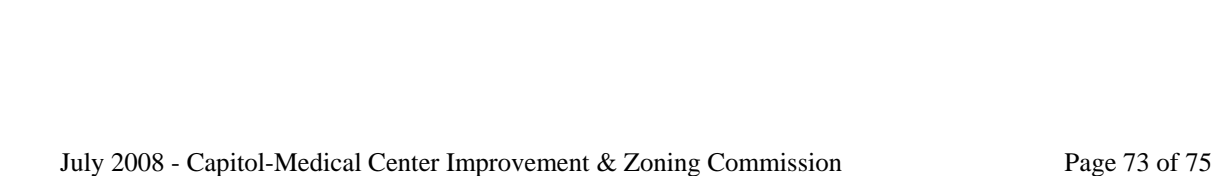
## APPENDIX A. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING DISTRICTS MAP



## APPENDIX B. OFFICIAL HEIGHT ZONING MAP







**APPENDIX D. SIGNAGE TABLE**

<b>SIGNAGE TABLE</b>		
<b>TYPE SIGN</b>	<b>MAXIMUM SIGN AREA</b>	<b>MAXIMUM SIGN HEIGHT</b>
Wall Or Parapet	Not to exceed 25 percent of the wall area	No portion of the sign shall extend above the highest portion of the building or roof on which it is attached.
Canopy Or Awning	Not to exceed 20 percent of the background area	No portion of the sign shall extend above the highest portion of the canopy or awning on which it is attached.
Placard Or Professional Nameplate	2 Square Feet or 9 inches in diameter	
Premises' Primary Identification Sign (Lots 25 feet or less in width)	30 square feet	6 feet
Premises' Primary Identification Sign (Lots 50 to 75 feet in width)	50 square feet	8 feet or up to 10 feet with base or other architectural supports.
Premises' Primary Identification Sign (Lots 75 feet or greater in width)	70 square feet	8 feet or up to 10 feet with base or other architectural supports.
Construction Signs	36 square feet.	9 feet or up to 11 feet with post or other architectural supports.
Banner Sign (Ground Mounted)	Not to exceed 3 feet in height and 10 feet in length	3 feet; post or supports shall extend no more than 6 inches beyond the top of the banner.
Banner Sign (Building Mounted)	Not to exceed 2 feet in height and 10 feet in length.	

**APPENDIX E. TREE PLANTING STANDARD [NEW]**

TREE PLANTING STANDARD					
Tree Size	Set Back from Trunk Perimeter		Area-Single Tree	Area-Each Additional in a Group	
Small	6 Feet		250 Square Feet	90 Square Feet	
Large	10’		800 Square Feet	200 Square Feet	
TREE SIZE CLASSIFICATION					
			Number of Points		
Tree Size	Height	Caliper	Retained Native	Installed Native	All Non-Native
Small	8’	1”	0.7	0.7	0.6
Small	10’	1.5”	1.0	1.0	0.8
Small	12’	2”	1.4	1.4	1.0
Small	15’	3”	2.0	2.5	1.5
Medium	18’	4”	2.5	3.0	2.0
Medium	25’		3.0	3.2	2.5
Medium	30’		3.5	3.5	3.0
Medium	35’		4.0	4.0	3.5
Large	40’		5.0	5.0	3.5
Specimen			7.0	N/A	5.0