

OKLAHOMA

CAPITOL-MEDICAL CENTER

IMPROVEMENT AND ZONING

COMMISSION

ADMINISTRATIVE RULES

Effective June 25, 2010

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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 in this Chapter are necessary to encourage the most appropriate use of land; to maintain and stabilize the value of property; 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 patter of land uses upon which to plan for transportation, schools, parks, public buildings, and other facilities; to bring about the coordinated physical development of the District in accordance with present and future needs.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-1-2. Citation

In accordance with 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, this Chapter shall be known and cited as the Capitol-Medical Center Improvement and Zoning District Regulations.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

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 discretionary. 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 secondary building, the use of which is incidental to that of the of the main building on the premises.

"Accessory use" means a secondary use or occupancy compatible to the principal use of the main building.

"Adult day care center" means a public or private facility where for compensation, a staff provides day care services to four (4) or more unrelated functionally impaired or physically disabled adults; services include, but are not limited to meals, recreation, socialization skills, counseling, and therapy.

"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.

"Alley" means a street but not a public street, located between or behind buildings that is used to provide a secondary or service access to the abutting properties..

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

"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 repair and service" means a facility for the care, servicing, repair, or equipping of automobiles.

"Automobile service stations" means an area of land used for the sale of gasoline or oil fuels, but not butane or propane fuels, or other automobile accessories, which may or may include facilities for lubricating, washing, cleaning or servicing automobiles but not including painting.

"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 the lowest story of a building either partly or entirely below grade. A basement is counted as a story for the purpose of height regulations used for purposes other than employees 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 a more or less enclosed permanent structure intended for occupance and use as, but not limited to housing, commerce, and industry.

"Building area" means the total area of a site which is covered by a building or buildings as measured on a horizontal plane at ground level, terraces and uncovered porches are excluded from the total area.

"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 deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof.

"Building line" means a line established by law usually parallel to a property line, beyond which a structure may not extend; this does not apply to uncovered entrance platforms, porches, terraces, and steps.

"Building main" means the structure constructed on the lot for occupation by the principal use.

"Building site" means an area or parcel of land with defined limits on the location or proposed location of buildings or structures.

"Carport" means a covered shelter opened on one or more sides designed for storage of private motor vehicles.

"Certificate of Appropriateness" means the official document issued by the Historical Preservation and Landmark Board of Review approving and/or concurring in the application for permission to construct, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of this regulation.

"Child care center" means any public or private facility where for compensation receives six (6) or more children under the age of thirteen (13) years not of common parentage, for full-time or part-time care apart from their natural parents, legal guardians or custodians.

"Child care facility" means a facility where a program is operated by a person, public or private institution where for compensation and definite time periods children under the age of 13

are received and provided full-time or part-time care, the program may or may not include educational, recreational, and social activities.

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

"Childhood development center" means a public or private facility that offers a development program for children with learning or physical disabilities, services provided include, but are not limited to, testing, screening, counseling, treatment, therapy, and educational programs.

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

"Community treatment center" means a public or private facility that does not include residential accommodations, where a staff of professionals evaluate and provide treatment for persons suffering or recovering from physical, emotional, or substance abuse problems.

"Court" means an open, uncovered, unoccupied space, partially or fully surrounded by walls or buildings.

"Courtyard" means an open area that is partially or fully enclosed by one or more building and/or by walls.

"Drive-in restaurant" means an establishment designed to permit its patrons to purchase and consume food and/or non-alcoholic beverages while they remain in their automobiles on the premises.

"Drug treatment center" or **"halfway house"** means a facility where unrelated persons, reside temporarily while recovering from treatment for chemical dependence, alcoholism or a psychological illness.

"Dry cleaning" or **"laundry, self-service"** means a building or part of a building available to the general public for the purpose of washing, drying, dry cleaning wearing apparel, and textiles by means of mechanical appliances which are operated primarily by the customer or an attendant.

"Dwelling" means a building, designed or used as living quarters for 1 or more families, but not including house trailers, mobile homes, or travel trailers.

"Dwelling, attached" means a residential building sharing 1 or more of its sidewalls with an adjoining unit.

"Dwelling, detached" means a dwelling standing completely alone, not sharing a wall with another dwelling having open space on all sides.

"Dwelling, single-family" means a dwelling designed to accommodate and be occupied by 1 family.

"Dwelling, two unit" means a building for residential use designed to accommodate 2 family units to be occupied by 2 families living independently of each other.

"Dwelling, multi-unit" means a building for residential use designed to accommodate several separate family units, usually for occupancy by 3 or more families living independently of each other.

"Dwelling, row house" or **"town house"** 1 of a series of houses constructed in an unbroken row, sharing 1 or more of its sidewalls with a neighbor; each unit has a separate outdoor entrance and is designed to be occupied by 1 family.

"Exterior architectural feature" means any architectural design element or detail that characterize an architectural style including but not limited to building materials, windows, signage, doors, iron work, and other ornaments.

"External improvement" means any any installation or physical change made to a property to increase its value and/or improve its aesthetic quality.

"Family" means one or more persons related by blood, adoption, or marriage, living and cooking together as a single household, exclusive of household servants; or 2 persons living and cooking together as a single household although not related by blood, adoption or marriage shall constitute a family.

"Floor area, gross" means the area within the perimeters of the outside wall of a building as measured from the inside surface of the exterior walls, with no deduction for hallways, stairs, closets, thickness of walls, columns or other interior features.

"Floor area net" means the actual occupied area of 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, not including accessory unoccupied areas or thickness of walls.

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

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

"Frontage" means the length of a lot line or a building site along a street or other public way.

"Garage or parking structure" means a building for short term storage of motor vehicles, having 2 or more tiers or levels and at least 2 partially open sides.

"Garage apartment" means a dwelling unit occupied by 1 family constructed above a private garage.

"Garage, private residential" means an accessory building or part of a main building used for storage of motor vehicles owned by the occupants and guests of the main building.

"Good repair" means a condition which not only meets the minimum standards of health and safety, as detailed in the International Building Code Book of the City of Oklahoma City, but which also guarantees continued attractiveness, structural soundness, and 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:

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

"Health care facilities" means any facility related to health care and/or treatment of physical or emotional illness which include but are not limited to the following:

- (A) **"Clinic, dental, medical or mental health"** means a facility for the evaluation, examination, and treatment of physically or emotionally ill out-patients, including all clinic facilities associated with any college within the University of Oklahoma Medical School.
- (B) **"Dental or medical laboratories"** means a facility operated for the primary purpose of performing medical or dental diagnostic, testing, analytical or clinical work having a direct relationship to a specific health service.

(C) "**Geriatric care center**" means an outpatient health facility dedicated to the diagnosis, treatment, and care of senior adult patients. The clientele may or may not participate in clinical research or other health or social service programs administered by the center.

(D) "**Hospital**" means an institution providing inpatient medical, surgical, or trauma care for the sick and injured, which include support services that are fundamentally associated with the facility.

(E) "**Health center**" means a group of facilities providing health services, including but not limited to research laboratories, inpatient and outpatient treatment and services, institutions of higher education, service centers, and residential accommodations.

(F) "**Health center residential**" means residential dwelling units owned and operated by Health Center members for the purpose of housing staff, students, employees, and visiting health care professionals.

(G) "**Health Sciences Center Facilities**" means all of or any part of the University of Oklahoma's College of Medicine and other colleges.

(H) "**Medical research laboratory**" means a facility operated for the primary purpose of performing research, analytical or clinical research associated with the provision of health care services. Laboratories engaged in producing or manufacturing for commercial sales or distribution are not considered to be research laboratories.

(I) "**Public health facility**" means a facility primarily utilized by a health organization to provide public health services including related facilities such as laboratories, clinics, and administrative offices and including the Oklahoma State Department of Health.

(J) "**Rehabilitation center**" means a facility operated primarily for the purpose of assisting in the treatment of temporary or permanently disabled patients and a coordinated approach by many professions is made to the physical, emotional, and vocational evaluation of patients; and, living quarters may be operated as a fundamental part of the facility.

(K) "**Mixed Use Building**" means for the purposes of the Mixed Use Overlay District-1, Health Center Commercial, a building designed and constructed to accommodate 2 or more compatible uses. The uses are separated by interior walls or partitions. Off-street parking is provided for each specific use in a common parking facility. The building may be owned by one or more occupants, or a private individual or group.

"**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.

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

"**Home occupation**" means an occupation or profession carried on by a family or member of a family residing on the premises, which does not change the character and is secondary to the use of the dwelling for dwelling purposes and to which the following restrictions apply:

(A) not more than 1 person, other than a family member residing on the premises, is employed;

(B) no trading in merchandise is carried on in connection with the business;

(C) no display of merchandise or signs other than 1 non-illuminated nameplate, not more than 2 square feet in area or 9" in diameter attached to the main or accessory building; and,

(D) no mechanical equipment is used or activity is conducted which creates noise, dust, odor, or electrical disturbance beyond the confines of the lot on which the occupation is conducted;

(E) Beauty or barber shop, tea room or restaurant, rest home, real estate office, or cabinet, metal or auto repair shop are not considered a home occupation.

(F) Any other restrictions the Commission determines are necessary to protect the environment and the quality of the residential area in which the use is located.

"Hotel", means a building or group of buildings under one ownership containing six (6) or more sleeping rooms intended to be occupied as the more or less temporary abiding place of persons who are lodged with or without meals for compensation.

"Humanitarian or Philanthropic Foundation" means a facility owned and operated by a charity, legal nonprofit organization, religious institution or quasi-public entity where the primary source of operating funds is donations, and the services provided are offered directly to the general public and serve the public interest.

"Institution" means a public or private organization or foundation dedicated to providing a service to the public.

"Intermediate care facility" means a health care facility for individuals who are disabled, elderly, or non-acutely ill, usually providing less intensive care than offered at a hospital or skilled nursing facility.

"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 a parcel of land with principal frontage along a street, including open space as required by this regulation and other laws and ordinances.

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

"Lot, corner" means a lot of which at least 2 adjacent sides abut streets for their full lengths, provided that the interior angle at the intersection of the 2 sides is not less than a code-specified distance.

"Lot, depth" means the distance from the front of the lot to the extreme rear line of the lot.

"Lot, double frontage" means a lot bounded by 2 streets on the front and back.

"Lot, frontage" means the boundary line of a lot that abuts a street, or, if it abuts more than one street, then the street designated by the owner.

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

"Lot, lines" means the the legal defined boundary or limit of a parcel of land.

"Motel" means an area containing 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.

"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.

"Office building" means a building that is used for professional or clerical purposes, no part of which is used for dwelling purposes.

"Ordinary maintenance and repair" means any work, in a historical zoning district that does not require a Certificate of Appropriateness by law, where the purpose of the work is to correct any deterioration or damage to any part of a structure and to restore the structure, as near to its condition prior to the occurrences of the damage.

"Parking space" means a permanently surfaced area, enclosed or unenclosed, with permanently surfaced driveways connecting the parking space with a street or alley for permitting ingress and egress sufficient in size to store 1 vehicle.

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

"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.

"Public administration use" means the legislative, judicial, and executive branches, and the administrative and regulatory activities of the government of the State of Oklahoma.

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

"Recreational vehicle" means a manufactured vehicle dually used as both a vehicle and a temporary travel home for camping to full time living.

"Recreational vehicle park" means a plot of land that accommodates 1 or more recreational vehicles or travel trailers on a temporary basis.

"Recreation vehicle space" means a portion of land within a neighborhood or recreational vehicle park designed to accommodate 1 recreational vehicle or travel trailer.

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

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

"Set back" means the minimum distance between a reference line, usually the property line and the building or a portion of the building.

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

"Site development plan" means a plan of a construction site drawn at a scale which shows the exact position and dimensions of the buildings and other structures to be constructed including building elevations, yards, landscape, pedestrian and vehicular circulation and parking, and other features; dimensions and contours of the lot; adjacent roadways and other easements; and the relationship of the development to adjacent areas.

"Skilled nursing facilities" may be independent or part of a senior continuing care community, 24 hour medical care is available, in addition to custodial care. Residents may be there temporarily for a period of rehabilitation, or may be there for long term care. State regulations define the services that skilled nursing facilities can provide.

"Story" means the space in a building between the surface of any floor levels and a roof above; a basement is usually considered as a story.

"Story, half" means a story within a sloping roof usually having dormer windows and occupying about half the area of the floor or floors below.

"Street" means any public or private thoroughfare usually paved, including all area within the right-of-way, such as sidewalks; a public way which provides the principal means of access to adjacent 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 assembled, which requires location on the ground or attachment to something located 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 home" means a dwelling in which sleeping accommodations in not more than four (4) rooms are provided or offered for transient guest for compensation.

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

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

"Yard, front" means a yard of a lot, facing the street that extends from the front line of the building to the front property line and across the width of the lot, with no obstructions or projections in between, other than steps.

"Yard, rear" means the yard across the full width of the rear of the lot extending from the rear line of the main building to the rear property line. On corner lots, the rear yard shall be considered as parallel to the street on 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.

"Yard, side" means the yard between the side line of a building and the adjacent property line extending from the front property line to the rear property line.

"Zoning district" means all property located within the boundaries of the Capitol-Medical Center Improvement and Zoning District as described in 73 O.S., Section 83, as amended.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08; Amended at 27 Ok Reg 912, eff 5-13-10]
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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. The District shall be divided into zoning districts and/or subdistricts regulating the use of the land, the use, location, design, and size of buildings and structures, the coverage of land by buildings and structures, the size of yards and open spaces, density of population, location and design of buildings.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

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 Complex Subdistrict buildings 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 the occupants and to provide for the integration of the uses of land within the established District and the uses of land in the Oklahoma City Metropolitan area, which the 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 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 the preservation of the urban character of the Capitol-Medical Center Improvement and Zoning District.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

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

Except as otherwise provided in this Chapter, no land shall be used and no building, structure or improvement shall be made, 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 the 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 requirements, including the intensity of use requirement, contained in this Chapter for each and every building existing at the time of the enactment of the regulations of this Chapter, or for any building constructed or structurally altered, shall not be encroached upon or be considered as yard or open space for any other building

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

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

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

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-1-8. Zoning districts

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

(b) The zoning districts established by this regulation and respective symbols 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
- (E) PUD, Planned Unit Development
- (F) MXD, Mixed Used Overlay Zoning District

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

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

Where uncertainty exists with respect to the boundaries of any zoning districts listed in 120:10-1-8 as shown on the Zoning District Map, the following rules shall apply:

- (1) Where district boundaries are indicated as approximately following the center lines of streets, highway right-of-way lines, or railroad right-of-way lines, the center lines, street lines, highway right-of-way lines, or railroad right-of-way lines shall be construed to be the boundaries.
- (2) Where district boundaries are indicated as approximately following the lot lines, the lot lines shall be construed to be the boundaries.
- (3) Where district boundaries are indicated as approximately parallel to the center lines of streets, or the center lines of right-of-way lines of highways, the district boundaries shall be construed as being parallel to and at a scaled distance from as indicated on the Zoning District Map in Appendix A of this Chapter.

[Source: Codified 12/31/91]

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

Whenever any street, alley or public easement is vacated as required by law, the vacated portions of lands shall be incorporated into the existing zoning district classification or classifications.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

SUBCHAPTER 3. SPECIFIC DISTRICT REGULATIONS

120:10-3-1. Single Family Residence District (RD-1) [REVOKED]

[Source: Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-1.1. 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 unit 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 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 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:

- (1) Two unit dwelling.
- (2) Swimming pool.
- (3) Public utilities.
- (4) Child care home in accordance with the provision in 120:10-5-6.1.
- (5) Skilled nursing facility.
- (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 120:10-5-2.1, no building shall exceed 2 1/2 stories or 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 25 feet.
- (B) If 25% or more of the lots on 1 side of the street between 2 intersecting streets is improved with buildings all of which have observed an average set back line of greater than 25 feet, and no building varies more than 6 feet from this average set back line, then no building shall be constructed 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 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 120:10-5-4.1, there shall be a side yard on each side of a building which shall have a width of not less than 5 feet. On any corner lot a building shall be set back from the street line of the intersecting streets a distance of 15 feet in case such lot is back with another corner lot, and 20 feet in every other case.

(3) **Rear yard.** Except as hereinafter provided in 120:10-5-4.1, there shall be a rear yard having a depth of not less than 30 feet or 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 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 on 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 25% of the lot area of interior lots, and 30% of the area on corner lots.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-2. Low Density General Residence District (RD-2) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-2.1. 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 are 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 unit dwelling.

(3) Garage apartment, provided, however, that the building be set back at least 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 120:10-13-9.1, and multi unit 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 25 feet.

(B) If 25% or more of the lot on 1 side of the street between 2 intersecting streets is improved with buildings all of which have observed an average set back line of greater than 25 feet, and no building varies more than 6 feet from the average set back line, then no building shall be constructed 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 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 120:10-5-4.1, there shall be a side yard on each side of the building which shall have a width of not less than 5 feet. On any corner lot a building shall be set back from the street line of the intersecting street a distance of 15 feet in case such lot is back to back with another corner lot, and 20 feet in every other case.

(3) **Rear yard.** Except as hereinafter provided in 120:10-5-4.1, there shall be a rear yard which shall have a depth of not less than 25 feet or 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 6,000 square feet.

(B) A lot occupied by a two unit dwelling or a single-family dwelling and a garage apartment, shall contain an area of not less than 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 30% of the lot area on interior lots and 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-3. Low Rise General Residence District (RD-3) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-3.1. 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 multi unit housing which will be compatible, in terms of limitations of bulk and the provision of open space, with adjoining single, two, and three unit 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) Multi unit residence.
- (4) Boarding house.

(5) Accessory buildings and uses when customarily incident to any of the uses in (1) through (6) 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.

(1) Any use permitted on review in an RD-2, Low Rise Density General Residence District.

(2) Fraternity or sorority house.

(3) Humanitarian or philanthropic foundation.

(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 25 feet.

(B) If 25% or more of the lots on 1 side of the street between 2 intersecting streets is improved with buildings all of which have observed an average set back line of greater than 25 feet, and no building varies more than 6 feet from the average set back line, then no building shall be constructed 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 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 120:10-5-4.1, there shall be a side yard on each side of a building which shall have a width of not less than 5 feet. On any corner lot a building shall be set back from the street line of the intersecting street a distance of 15 feet in case such lot is back to back with another corner lot, and 20 feet in every other case.

(3) **Rear yard.** Except as hereinafter provided in 120:10-5-4.1, there shall be a rear yard which shall have a depth of not less than 25 feet or 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 5,000 square feet.

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

(C) For each additional family unit in excess of a two unit dwelling, 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 lines 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 30% of the lot area on interior lots and 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-4. High Rise General Residence District (RD-4) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-4.1. 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 multi unit 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) Humanitarian or philanthropic foundation.
- (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 120:10-13-9.1 and Child Care Centers in accordance with the provisions contained in 120:10-5-6.1.

(d) **Height regulations.** Except as hereinafter provided in 120:10-5-3.1, no building shall exceed 3 stories or 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 25 feet.
- (B) If 25% or more of the lots on 1 side of the street between 2 intersecting streets is improved with buildings all of which have observed an average set back line of greater than 25 feet, and no building varies more than 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 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 5 feet for buildings not exceeding 2-1/2 stories in height. There shall be a side yard of 10 feet on each side of all buildings greater than 2-1/2 stories except as otherwise provided in 120:10-5-4.1.
- (B) On any corner lot a building shall be set back from the street line on the intersecting street a distance of 15 feet in case such lot is back to back with another corner lot, and 20 feet in every other case.

(3) **Rear yard.** Except as hereinafter provided in 120:10-5-4.1, there shall be a rear yard which shall have a depth of not less than 25 feet or 20% of the average of the depth of the lot, whichever is smaller.

(4) **Lot width.**

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

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

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

(5) Intensity of use.

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

(B) A lot occupied by a multi unit dwelling of 4 units shall not be less than 10,100 square feet in area, and for each additional dwelling unit, 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-5. Historic Preservation District (HP) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-5.1. 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 construction, 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 construction, 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 120:10-11-5.1.

(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 temporary sign, not exceeding 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 72 hours, all boats, commercial vehicles of more than 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 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 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) Multi unit dwelling, not to exceed 4 units.
 - (2) Museum, art gallery or similar public building.
- (e) **Height regulations.** No building shall exceed 2 1/2 stories or 35 feet in height.
- (f) **Area regulations.**
- (1) **Front yard.** There shall be a front yard having a depth of not less than 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 5 feet; however, on a corner lot where the side yard abuts the street there shall be a minimum set back of 15 feet on the side abutting the street.
 - (3) **Rear yard.** Except as hereinafter provided in 120:10-5-4.1, there shall be a rear yard having a depth of not less than 30 feet or 20% of the depth of the lot whichever is smaller.
 - (4) **Intensity of use.** There shall be a lot area of not less than 8,000 square feet.

(5) **Minimum lot width.** The minimum lot width shall be 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 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-6. Neighborhood Commercial District (CN) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-6.1. 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 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 stored 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:

- (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 10 feet, and further provided that on all corner lots there shall be a side yard of 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 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-7. Office Commercial District (CO) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-7.1. 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) Multi unit dwellings containing not less than 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:

(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 120:10-5-3.1 of this Chapter.

(e) **Area regulations.**

(1) **Front yard.** The minimum depth of the front yard shall be 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 1 foot for each 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 25 feet or 1 foot for each foot of building height, whichever is greater. All other main buildings shall be set back from all rear lot lines 1 foot for each 3 feet of building height or fraction thereof.

(f) **Intensity of use.** A lot occupied by an 8 unit dwelling shall contain an area of not less than 12,000 square feet, and for each additional dwelling unit in the building 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 40% of the lot area on interior lots and 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 40% of the lot area of interior lots and 45% of the lot area for corner lots, and in no case shall the gross floor area of main and accessory buildings exceed 1 1/2 times the total lot area.
- (3) Not less than 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

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

(a) **General description.** The Health Center Commercial District (CHC) is a special land use district created for institutional and commercial activities associated with and supportive of uses located in the Health Center District (HC) which do not significantly impact health center functions or detract from adjacent residential districts.

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

- (1) Any of the following uses:
 - (A) Adult Day Care Center
 - (B) Blood Bank.
 - (C) Child Care Center or Childhood Development Center
 - (D) Community Treatment Center
 - (E) Dental or Medical Clinic.
 - (F) Dental or Medical Laboratory.
 - (G) Dental Supply Sales.
 - (H) Extended Care Facility.
 - (I) Humanitarian or Philanthropic Foundations.
 - (J) Medical Center Housing.
 - (K) Optometry Sales.
 - (L) Orthopedic Appliance Sales.
 - (M) Office Building.
 - (N) Pharmacy.
 - (O) Prosthesis Sales and Service.
 - (P) Rehabilitation Center
 - (Q) Residential Care Facility
 - (R) University Bookstore
 - (S) Any other institutional or commercial activity supporting the Health Center District (HC) which, in the opinion of the Commission, is similar in character to those listed in this Subsection and is not detrimental to the area in which it is located.
- (2) Premises identification signage and directional signage as define in OAC: 120:10-5-8 of this Chapter relating only to the principal use.
- (3) Accessory uses and buildings typically associated with the uses permitted in this Subsection.
- (4) Any building used or constructed for any use permitted in this Subsection may not have more than 40% of its floor area devoted to purposes other than the principal use. Material

goods offered for sale or stored in connection with the uses permitted in this Subsection shall not be displayed or stored in any yard areas or outside of the building.

(c) **Height regulations.**

(1) No building adjacent to residentially zoned property shall exceed 3 stories or 40 feet in height.

(2) Any building adjacent to any C, HC, or I zoning district shall not exceed 4 stories or 50 feet in height, unless specifically approved by the Commission.

(d) **Area regulations.**

(1) **Front yard.** The minimum depth of the front yard shall be 25 feet. When a lot has double frontage, the front yard requirement 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 1 foot for each 2 feet of building height.

(3) **Rear yard.** Main buildings shall be set back from all rear lot lines 1 foot for each 3 feet of building height or fraction thereof.

(e) **Coverage.**

(1) Main and accessory building shall not cover more than 50% of the lot area and in no case shall the floor area ratio exceed 0.60.

(2) Not less than 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.

(f) **Screening requirement.** Any use permitted in the Health Center Commercial District (CHC) 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) Neat and orderly opaque fence 8 feet in height.

(2) A plant screen consisting of a neat, orderly and healthy screen of evergreens or other suitable plant material compatible to the Oklahoma City environment no less than 5 feet in height at the time of installation.

(3) A landscaped earth berm at least 30 inches in height above grade as approved by the Commission.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-8.1 [RESERVED]

120:10-3-9. Commercial Service Center District (CSC) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-9.1. 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 5 or more than 20 of the uses enumerated below, at least one of which shall be a principal use of not less than 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 30% of the gross floor area of the Commercial Service Center.

(c) **Height regulations.** No building shall exceed 3 stories or 45 feet in height unless it is set back 1 foot from all yard lines for each 2 feet exceeding 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 120:10-5-3.1 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 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 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 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 40% of the lot area of interior lots and 45% of the lot area for corner lots and in no case shall the gross floor area of the main and accessory building exceed 1-1/2 times the total lot area. Not less than 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-3-10. Restricted Light Industrial District (I-1) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-10.1. 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 3 stories or 45 feet in height unless it is set back one foot from all yard lines for each 2 feet exceeding 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 120:10-5-3.1 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, Eff 5-13-10]

120:10-3-11. Light Industrial District (I-2) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-3-11.1. 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, bur, glass, hair, horn, leather, paper, plastics, precious or semi-

precious materials or stone, shell, textiles, tobacco, wood, yarns, 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-1, 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-1, Restricted Light Industrial District.

(3) **Rear yard.** Rear yard regulations shall be the same as in the I-1, 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

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.

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

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

(a) **Purpose.** The Health Center District (HC) is a specialized, high density zoning district that advocates an environment suitable for the commingling of academics, health care, and health care research. The District provides an environment where building design, landscaping, pedestrian connectors, structured parking and activity centers unite to create a campus setting that identifies with wellness. This regulation is formulated to accommodate specialized health care and to provide certain amenities for the Oklahoma Health Center and the University of Oklahoma Health Sciences Center. To assure functionality for each use, the ground coverage ratios and floor area ratios set out in the Master Plan for the Capitol-Medical Center Improvement and Zoning District will be a primary consideration in the construction of main and accessory buildings.

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

- (1) Clinic, dental, medical, mental health;
- (2) Extended Care Facilities;
- (3) Health Center Residential;
- (4) Heliport;
- (5) Hospital;
- (6) Hotel/Motel;
- (7) Research Laboratory;
- (8) Public Health Facilities; and,
- (9) Rehabilitation Center.

(c) **Conditional uses permitted.**

(1) **Mixed use building.** The following uses are permitted exclusively in a mixed use building in the Health Center (HC) zoning district. All applications for a mixed use building shall be reviewed under the procedures established in 120:10-13-9 of this Chapter.

- (A) Bank or Credit Union
- (B) Barber Shop or Salon
- (C) Child Care Facilities
- (D) Conference Centers
- (E) Copy Centers

(2) **Retail establishment.** Any retail commercial establishment in the opinion of the Commission supports any of the above uses or functions located in the Oklahoma Health Center.

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

(e) **Floor area ratio requirement.** For high intensity uses the floor area ratio shall be less than 1.00; for non residential use the medium intensity uses the floor area ratio shall be less than .61.

(f) **Ground coverage ratio.** For high intensity use areas the ground coverage ratio shall be a maximum of 25%; for medium intensity use areas, the ground coverage ratio shall be 50%.

(g) **Variance from regulation.** In cases where a specific piece of land, due to exceptional topography or other extraordinary conditions uncommon to the general area can not meet the Health Center (HC) District requirements, or the applicable code requirements of the International Building Code, the Commission may consider granting a variance to the existing requirements for any use or conditional use permitted in this Subchapter.

(h) **Off-Street Parking.** All off-street parking facilities shall be designed and constructed in accordance with Subchapter 7 and Subchapter 17 of this Chapter. The construction of parking decks and parking garages is encouraged.

(i) **Landscape requirement.** Not less than twenty percent (20%) of the lot area shall be maintained as and remain landscaped open area and/or green space shall not be used for any other purpose including off-street parking.

(j) **Signage.** All premises identification and directional signage shall be designed and constructed in compliance with Subchapter 15 of this Chapter.

(k) **Graphic signage.** In order to provide sufficient direction to guide vehicular and pedestrian visitors and users throughout the Oklahoma Health Center, a Graphic Signage System shall be established. Graphic signage shall effectively communicate and identify the location of

emergency/trauma centers, hospital and clinic facilities, streets, and parking facilities. Signage shall be placed in highly visible locations, be easy to read, and provide beneficial destination information. Graphic signage shall be uniform in terms of design, building materials, size, language, text, and graphics. The responsible Health Center agency or agencies shall maintain and upgrade the Graphic Signage as required. All graphic signage must be reviewed and approved by the Commission prior to installation.

(1) **Specialty Signage.** Plaques or monuments indicating history, honoring a group, individual, or organization may be installed in the Oklahoma Health Center with the Commissions approval provided that they do not interfere with or impede facility functions, pedestrian or vehicular traffic, or emergency and traffic signals.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08; Amended at 27 Ok Reg 1733, eff 6-25-10]

SUBCHAPTER 5. GENERAL DISTRICT PROVISION AND ADDITIONAL ZONING REGULATIONS

120:10-5-1. Definitions [REVOKED]

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

120:10-5-1.1. District group classification [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-1.2. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-2. Conditions of a more restricted district applied [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-2.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-3. Height regulations [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-3.1. 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 plane 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 plane 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 60 feet, and churches and temples, when permitted, may be erected to a height not exceeding 75 feet, if the building is set back from each property line at least 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 unit dwellings in the residential districts may be increased in height by not more than 10 feet when 2 side yards of not less 15 feet each are provided, but they shall not exceed 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (Emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-4. Area and open space [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-4.1. 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 3 feet in height, and no other wall or fence shall exceed 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 2 feet and 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 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 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 10 feet of the rear lot line. An accessory building which is not a part of the main building shall not occupy more than 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 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 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 constructed on any lot in any district unless such lot abuts for at least 35 feet on at least 1 street and has a minimum width of 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-5. Storage and parking of trailers and commercial vehicles [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-5.1. Storage and parking of trailers and commercial vehicles

Commercial vehicles and trailers of all types, including recreational vehicles and hauling trailers, shall not be parked or stored on any lot having less than 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) Not more than 1 commercial vehicle, which does not exceed 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 1 recreational vehicle or hauling trailer per family living on the premises shall be permitted and said trailer shall not exceed 24 feet in length or 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 recreational vehicle 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-6. Child care facilities [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-6.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-7. Advertising signs [REVOKED]

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

120:10-5-8. [RESERVED]

120:10-5-9. Extraction of oil and gas [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg, eff 5-13-10]

120:10-5-9.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-10. Historical Landmark District (HL) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-10.1. 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 construction, 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 construction, 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-11. Planned Unit Development (PUD) [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-11.1. 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 1 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 2 years of the effective date of approval of the plan by the Commission. Failure to begin the development within said 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-12. Alcoholic Beverage Consumption Overlay Zoning District [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-5-12.1. 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 Subchapter 15 and the Signage Table (Appendix D) of this Chapter. 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 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.** 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.

- (A) The use ceases for 6 months or more;
- (B) The original Special or Conditional Use Permit is revoked;
- (C) 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 6 months or more;
- (ii) The original Special or Conditional Use Permit is revoked;
- (iii) The State revokes the operator's license.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-5-13. Health Center Mixed Use Overlay Districts

(a) **Purpose.** Health Center Mixed Use Overlay Districts are created to establish the foundation for selective long term transition of areas adjacent to the Oklahoma Health Center. The overlay zoning districts may be applied to areas identified as mixed use, transition, redevelopment, or

revitalization areas in the Capitol-Medical Center Improvement and Zoning District Master Plan as amended.

(b) **District limitations.** The overlay districts are limited to medium to low intensity desirable integral uses that balance the environment between institution and community, and reflect the desired campus image. Such districts must interface with the environs of the medium intensity residential neighborhood by utilizing existing community commercial as the core for outward mixed development intersecting with specialized commercial developments adjacent to the Health Center campus.

(c) **Proposals.** All proposals in the Health Center Mixed Use Overlay Districts must contain provisions for pedestrian connections, landscaping, open space, signage, off-street parking, and vehicular traffic movement.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-5-14. Mixed Use District-1, Health Center Commercial

(a) **General description.** The Mixed Use District-1, Health Center Commercial (MXD-1) is an overlay zoning district for new development that presents opportunities to enhance the quality of the human environment for the Health Center and community. The uses permitted shall be uses compatible to and supportive of the Oklahoma Health Center.

(b) **Application.** The application of the MXD-1 is limited to property and buildings located in the Health Center Commercial (CHC) zoning district.

(c) **Permitted uses.** Property and buildings in the MXD-1 may be used only for the following purposes

(1) Any of the following uses:

- (A) Conference Center;
- (B) Copy Center;
- (C) Electronics Equipment Sales or Services;
- (D) Financial Institutions;
- (E) Health or Fitness Club;
- (F) Medical or Dental Associations;
- (G) Mixed Use Building;
- (H) Office or Professional Services;
- (I) Therapy or Rehabilitation Centers;
- (J) U.S. Postal Service or Private Parcel Service; and,
- (K) Any retail/commercial establishment or institutional use the Commission determines serves the Health Center and adjacent community in a manner that is consistent with the intent and standards established for this overlay district.

(2) Any of the following uses may be permitted in a MXD-1 Building

- (A) Coffee shop Professional Services;
- (B) Day spa, Salon, Barber Shop, or Manicurist;
- (C) Dry Cleaners – provided that cleaning and pressing are not done on site;
- (D) Florist Shop;
- (E) Gift or Card shop;
- (F) Health Food Store;
- (G) Medical retail display area or showroom;
- (H) Restaurant, but not including drive in or drive thru;
- (I) Tag Agent; and,

- (J) Any other institutional or retail/commercial establishment the Commission determines serves the Health Center and adjacent community in a manner that is consistent with the intent and standards established for this overlay district.
- (d) **Mixed Use Building.** For the purposes of the MXD-1, a mixed use building is a building designed and constructed to accommodate 2 or more compatible uses. The uses are separated by interior walls or partitions. Off-street parking is provided for each specific use in a common parking facility. The building may be owned by one or more occupants, or a private individual or group.
- (e) **Professional Services.** For the purposes of the MXD-1, professional services are defined as:
- (1) health care professionals;
 - (2) counseling services;
 - (3) architects;
 - (4) engineers;
 - (5) planners;
 - (6) attorneys; and,
 - (7) any other conventional profession the Commission determines serves the Health Center and adjacent community in a manner that is consistent with the intent and standards established for this overlay district.
- (f) **Area requirements.** All proposals must meet the established underlying zoning district area, coverage, and height requirements.
- (g) **Design characteristics.** Buildings shall be similar in style and architecturally characteristic of designs prevalent in the Health Center. Building materials shall be limited to natural and earth tone colors that harmonize with and reflect the urban landscape and campus environment.
- (h) **Minimum site size.** The minimum site size for new development for a single use structure is .5 acres. The minimum site size for a mixed use building is 1.5 acres. No building shall exceed the 0.60 Floor Area Ratio established by the Capitol-Medical Center Improvement and Zoning District Master Plan as amended.
- (i) **Off-street parking and landscaping.** All off-street parking facilities must be in compliance with the criteria established in Subchapter 7. Off Street Automobile and Vehicle Parking and Loading and Subchapter 17. Off Street Facilities Landscape Code.
- (j) **Landscape plan required.** The focus of the landscape plan shall be the enhancement of yards, structures, the general environment, and shall provide continuity between streets, driveways, and adjacent buildings.
- (1) On site pedestrian connectors shall be oriented and link to existing pedestrian pathways and open space. Connectors shall be constructed of concrete, brick, rock, stone, or similar building materials.
 - (2) All landscape plantings and materials shall be suitable to the Oklahoma City environment and maintained in good condition at all times. An appropriate irrigation or watering system is required for all landscaping plantings.
 - (3) Whenever it is feasible or viable, landscape plantings or materials shall be used to screen undesirable structures or building elements such as, but not limited to, ground mounted hvac units, generators, oil/gas wells, loading docks, or any other functionally necessary equipment.
- (k) **Signage.** All identification, premises, and directional signage shall be in compliance with the criteria established in Subchapter 15. Signage Regulations.
- (1) For a mixed use building, the Commission may require a limitation on signage or restrict the number, type, or size of signage.

(2) All signage must be approved by the Commission prior to installation.

(1) **Public hearing required.** The MXD-1 is classified as an overlay zoning district. All applications will be reviewed in compliance with the procedures established in Section 120:10-13-5. Upon approval by the Commission, the official zoning district map will be amended to recognize the change in land use.

[Source: Added at 25 Ok Reg 2143, eff 7-11-08; Amended at 27 Ok Reg 912, eff 5-13-10; Amended at 27 Ok Reg 1733, eff 6-25-10]

120:10-5-15. Mixed Use District-2, Limited Health Center Commercial

(a) **General Description.** The Mixed Use District-2, Limited Health Center Commercial (MXD-2) is an overlay zoning district for small capital investment with a mixture of new development and adaptive re-use of qualifying existing structures for occupancy by uses that support the Oklahoma Health Center and adjacent community.

(1) The overlay district is limited to low to medium intensity uses oriented toward specific retail/commercial establishments that serve the residential and health center communities.

(2) New structures shall be designed and constructed of materials compatible with residential urban architecture, and landscape schemes that integrate with the Health Center campus environment.

(3) Existing buildings adapted for re-use shall meet all regulation requirements for the proposed use.

(4) Uses permitted shall be low in noise, pollution, and buffered from adjacent low intensity residential developments.

(b) **Application.** The application of the MXD-2 shall be limited to areas identified and recommended by the Capitol-Medical Center Improvement and Zoning District Master Plan, as amended for Mixed Use District-2, Residential/Health Center. However, all properties in a Single Family Residence (RD-1) zoning district shall be exempt from the MXD-2.

(c) **Permitted uses.** Property and buildings in the MXD-2 may only be used for the following purposes:

(1) Any use permitted in the underlying zoning district;

(2) Courier Service;

(3) Fraternity or sorority house;

(4) Health Center Housing;

(5) Home occupation/home based business as defined in this Subchapter;

(6) Mail order sales;

(7) Photography studio;

(8) Professional office;

(9) Tailor or Alteration shop; and,

(10) Interior Designer.

(d) **Conditional Uses Permitted.** Upon application, the following conditional uses may be permitted in the MXD-2. All applications will be reviewed in compliance with the procedures established in Section 120:10-13-9.

(1) Any conditional use permitted in the underlying zoning district;

(2) Mixed Use Building as defined in this Subchapter;

(3) Any other retail/commercial establishments the Commission determines serves the Health Center and adjacent community in a manner that is consistent with the intent and standards established for this overlay district.

(e) **Professional Services.** For the purposes of the MXD-2, professional services are defined as:

- (1) health care professionals;
- (2) counseling services;
- (3) architects;
- (4) engineers;
- (5) planners;
- (6) attorneys; and,
- (7) any other conventional profession the Commission determines serves the Health Center and adjacent community in a manner that is consistent with the intent and standards established for this overlay district.

(f) **Home occupation/Home based business.** For the purposes of the MXD-2, home occupation or home-based business is defined as an owner-occupied dwelling designed for residential purposes where the primary use is residential with a secondary use of a profession or business office. A home occupation or home-based business must comply with the following conditions:

- (1) No less than 25% or no more than 50% of the floor area in the main dwelling may be dedicated to the business use.
- (2) The business use must be separated from the living quarters by a wall, floor, partition, or other permanent physical barrier.
- (3) Home occupation or home-based businesses in the MXD-2 are limited to the uses permitted in this Subchapter.
- (4) All property modified for mixed use must have adequate space available for off-street parking and delivery, storage, pedestrian connectors, and landscaping.
- (5) Material goods offered for sale or stored in connection with the uses permitted in this Subsection shall not be displayed or stored in any yard areas or outside of the building.

(g) **Area requirements.** Buildings and structures located in the MXD-2 shall comply with the requirements established in this subsection.

- (1) **Standards for adaptive reuse.** The standards established in this paragraph apply to all existing buildings and structures proposed to be modified for the uses permitted in the MXD-2.

(A) **Site Size.** Calculation of the site size must include the main building or dwelling, vehicle storage, accessory buildings, and on site storage for equipment, supplies, and other related business resources. Floor area and ground coverage ratio requirements are:

- (i) **Low intensity uses.** Structures modified for low intensity reuse or a home occupation or home-based business shall have a minimum site size of 8,000 square feet. The coverage requirement shall be 30% coverage on interior lots and 35% coverage on corner lots. The remainder of land shall be used for pedestrian connectors, landscaping, parking, off-street delivery, and right-of-way.
- (ii) **Medium intensity uses.** Structures modified for medium intensity reuse shall have a minimum site size of 12,000 square feet and a maximum site size of 14,000 square feet. The Floor Area Ratio shall be less than .61, and the Ground Coverage Ratio shall be 50%. The remainder of land shall be used for pedestrian connectors, landscaping, parking, off-street delivery, and right-of-way.

(B) **Permits and licenses.**

- (i) For all structures modified for reuse and certain home occupations, a building permit must be obtained from for the City of Oklahoma City for interior remodel,

improvements adjacent to the right-of-way, and all other improvements related to the infrastructure.

(ii) Prior to the occupancy of a structure approved for reuse, a Certificate of Occupancy must be obtained from the City of Oklahoma City.

(iii) For any use that requires licenses or certification, a current copy of a valid licenses or certification should be included with the application at the time of the request for the zoning change or be submitted prior to the commencement of business.

(C) **Addition to existing structures.** Whenever an addition or building expansion is required to modify an existing structure for reuse, the modifications shall be constructed of the same or compatible building materials and designed using architecture characteristic to the existing structure. Such construction shall be in compliance with the area requirements in this Subchapter.

(2) **Standards for new developments.** The standards established in this paragraph apply to all new construction for uses permitted in the MXD-2.

(A) **Site Size.**

(i) **Low Intensity.** New structures designed for low intensity uses shall have a minimum site size of 8,000 square feet and a maximum site size of 10,000 square feet. The coverage requirement for low intensity uses shall be 30% coverage on interior lots and 35% coverage on corner lots. The remainder of land shall be used for pedestrian connectors, landscaping, parking, off-street delivery, and right-of-way.

(ii) **Medium Intensity.** New structures designed for medium intensity uses shall have a minimum site size of 12,000 square feet and a maximum site size of 14,000 square feet. The Floor Area Ratio shall be less than .61, and the Ground Coverage Ratio shall be 50%. The remainder of land shall be used for pedestrian connectors, landscaping, parking, off-street delivery, and right-of-way.

(B) **Height regulations.** Except as provided in 120:10-5-3, no building or structure shall exceed 2-1/2 stories or 35 feet.

(C) **Area requirements.** All buildings shall be set back from street right-of-way lines and comply with these requirements.

(i) **Front yard.** Minimum depth of the front yard shall be 25 feet and no building shall vary more than 6 feet from the existing average residential set-back line on the street where it is proposed for construction.

(ii) **Side yard.** Side yard shall have a minimum width of 5 feet. On any corner lot, a building shall be set back a distance of 15 feet from the street line on the intersecting street. All corner lots must be in compliance with 120:10-5-4(3). Sight line at intersection..

(iii) **Rear yard.** Rear yard shall be 25' or 20% of the depth of the lot, whichever is smaller.

(D) **Design Characteristics.** All newly constructed structures shall be designed to reflect architectural elements characteristic to the environment of urban residential neighborhood. Building materials shall be compatible with materials on existing structures.

(E) **Off-street parking and landscaping.** Off-street parking shall be in compliance with 120:10-7-1 and applicable zoning district requirements. Landscaping of off-street parking facilities and parking areas shall be in compliance with Subchapter 17 of this Chapter.

With the exception of handicapped parking and access, facilities for off-street parking and off-street deliveries shall be located at the rear of the lot.

(F) **Landscape plan required.** The landscape plan shall contain provisions for pedestrian connectors, landscaped yards, fences/walls, methods used to achieve sight proof screening of off-street parking and access, accessory buildings, mechanical equipment, and an adequate sprinkler or watering system.

(i) All plantings shall be native to the Oklahoma City environment and maintained in good condition at all times.

(ii) All street-side landscaping, particularly front yard areas and main entrances shall compliment and enhance the urban neighborhood streetscape.

(iii) Landscape buffers and screens should be used as much as possible in lieu of fences or walls.

(iv) The Commission may require additional landscape planting(s) or material(s) to protect and preserve adjacent residentially used property.

(G) **Signage.** All identification and premises signage shall be in compliance with the criteria established in Subchapter 13. Signage Regulations. The Commission may require a limitation on directional signage or restrict the number, type, or size of signage. All signage must be approved by the Commission prior to installation.

(H) **Public Hearing Required.** The MXD-2 is classified as an overlay zoning district. All applications will be reviewed in compliance with the procedures established in Section 120:10-13-5. Upon approval by the Commission, the official zoning district map will be amended to recognize the change in land use.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

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

120:10-7-1. General intent and application [REVOKED]

(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.

[Source: Amended at 23 Ok Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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

[Source: Revoked at Ok 23 Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

20:10-7-14. 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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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

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

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-9-1.1. 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 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 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 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 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 [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-1.1. Definitions

The following words and terms, when used in 120:10-3-5.1, 120:10-5-10.1, 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 or 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 and/or concurring in the application for permission to construct, demolish, relocate, reconstruct, restore, or alter any structure designated by the authority of these 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 or 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 performed in an historical zoning district that does not require a Certificate of Appropriateness by law, where the purpose of the work is to correct any deterioration or damage to any part of a structure and to restore the structure as near to its condition prior to the occurrence of the damage.

"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 these 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-2. Historical Preservation and Landmark Board of Review created [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-2.1. 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, hereinafter referred to as the Board of Review in this Subchapter, and the powers and duties as set forth in this Subchapter.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-3. Membership of the Board of Review [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-3.1. 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.

(8) Two members shall be residents or own property in a designated historic preservation district or neighborhood listed on the U.S. Department of Interior's National Register of Historic Places located within the boundaries of the Capitol-Medical Center Improvement and Zoning District.

(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 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 fulfill the same terms which they would have served as Historical Preservation Board of Review members.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

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

(a) **Rules.** The Board of Review shall adopt rules for the conduct of its business in accordance with the provisions of this Subchapter.

(b) **Officers.** The Board shall elect a Chairman, Vice Chairman, and Secretary who shall serve for one year and who shall be eligible for re-election.

(c) **Board meetings.** 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.

(d) **Quorum.** 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.

(e) **Lack of Quorum.** In the event circumstances prohibit the Historical Preservation and Landmark Board of Review's ability to continue to operate in compliance with the quorum and/or membership requirements established in 120:10-11-4 of this Subchapter, all duties and responsibilities listed in Subsections 120:10-11-5 through 120:10-11-9 will be temporarily assumed by the Capitol-Medical Center Improvement and Zoning Commission. In the interim, the Commission will continue to actively work to fill the vacated positions on the Board.

(f) **Staff.** The Director of the Capitol-Medical Center Improvement and Zoning Commission shall assist the Board of Review in discharging its duties.

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-11-4.1. [RESERVED]

[Source: Reserved at 26 Ok Reg 2819, eff 6-22-09 (emergency); Reserved at 27 Ok Reg 912, eff 5-13-10]

120:10-11-5. Duties and powers of the Board of Review [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-5.1.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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-6. Historical district designation procedures [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-6.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-7. Historical districts designation criteria [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-7.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-8. Certificate of Appropriateness [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-8.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-9. Miscellaneous provision. [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-9.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-10. Validity [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-10.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

120:10-11-11. Final authority for issuing permits and regulating land use [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-11-11.1. 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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10]

SUBCHAPTER 13. ADMINISTRATION

120:10-13-1. Building permit or certificate of occupancy required [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-1.1. Building permit or certificate of occupancy required [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-2. Building permit and plan and review procedures [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-2.1. Building permit and plan and review procedures [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-3. Certificate of occupancy [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-3.1. Certificate of occupancy [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-4. Oklahoma City building permit required [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-4.1. Oklahoma City building permit required [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-5. Amendments [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-5.1. Amendments [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-6. Appeals to the Commission [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-6.1. Appeals to the Commission [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-7. Appeals to District Court [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-7.1. Appeals to District Court [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-8. Powers of the Commission relative to variation [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-8.1. Powers of the Commission relative to variation [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-9. Powers relative to conditional uses permissible on review [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-9.1. Powers relative to conditional uses permissible on review [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-10. Enforcement [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-10.1. Enforcement [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-11. Invalidity of a part [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-11.1. Invalidity of a part [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-12. Conflicting municipal provisions [REVOKED]

[Source: Codified 12/31/91; Revoked at 27 Ok Reg 912, eff 5-13-10]

120:10-13-12. Conflicting municipal provisions [REVOKED]

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Revoked at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-13. Commission authority [REVOKED]

No improvement, alteration, or change in land use shall occur within the boundaries of the zoning district as defined in 73 O.S., Section 83 unless authorized by the Commission in compliance with the procedures established in this Subchapter.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-14. Building permit and plan review procedure

Whenever any permanent or temporary structure, or building is constructed, altered or expanded, a building permit shall be obtained in accordance with the following procedure:

- (1) Applicant shall submit to the Director of the Commission the following:
 - (A) Three sets of architectural, structural, mechanical, and landscape plans identifying all buildings and structures drawn to scale with sufficient clarity to indicate the location, nature and extent of the work proposed and showing in detail that they conform to the requirements of this subsection.
 - (B) Three sets of site plans drawn to scale with sufficient clarity showing the location of lot lines, property lines, dimensions of the building site, and the width of all public or private streets adjacent to the building site; existing or proposed streets or alleys; the size and location of all main and accessory buildings, structures, and signage; the amount and location of all off-street parking facilities and loading areas, including driveways and

handicapped parking and accessibility; public easements adjacent to or passing through the site, and significant drainage features. Plans may be submitted on sheets a minimum size of 11" x 17", a maximum size of 30" x 42", electronically, or on a compact disc.

(2) The Director shall review all building and site plans to determine their compliance with this Chapter. If the building permit is for an alteration as defined in 120:10-1-3 and is in conformance with the regulation requirement, the Director is authorized to issue the permit. If the building permit is for new construction, the Director shall prepare a staff report determining compliance with this Chapter. The Commission shall review all plans submitted including orientation and design of the proposed building and its use, and texture and type materials to determine whether the character of the improvement is in harmony with and would not detract from the character of the area in which the improvement is proposed to be located. If the Commission recommends changes in building or site plans, the changes and the reason for them will be submitted in writing to the applicant. No building permit shall be issued until the plans have been approved by the Commission.

(3) Building permits will expire 90 days after the approval date, if construction has not commenced within 90 days, the permit shall be void and of no force and effect.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-15. Oklahoma City permits required

Unless exempted by law, as a condition of this Chapter a building permit, certificate of occupancy and any other permits required for compliance with the International Building Code must be obtained from the City of Oklahoma City. The 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.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-16. Amendments

In accordance with 73 O.S. Sections 83.4 and 83.7, as amended, the Capitol-Medical Center Improvement and Zoning Commission shall allow for amendments and formulate rules and procedures to conduct public hearings regarding changes to the zoning map.

(1) **Zoning text and Master Land Use Plan amendments.** Prior to the adoption or amendment of any zoning regulation or master land use plan the Commission shall hold a public hearing in accordance with the procedure established in 120:10-13-5(D) of this Subchapter.

(2) **Zoning map amendment.**

(A) **Public hearing required.** The Commission may review a request from a property owner of record to amend the official zoning map; however, no map amendment shall be made until a public hearing 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 on or in the jurisdictional area generally.

(C) **Conformity with Master Plan.** Amendments to the zoning map which are proposed and which are not in conformance 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 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 300 foot radius of the exterior boundary of the subject property, exclusive of streets and alleys not in excess of 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 in the Capitol-Medical Center Improvement and Zoning District.
- (iii) Present zoning classification of the property and location of proposed rezoning.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-17. Appeal to the Commission

(a) Appeals to the Commission may be taken by any person or entity aggrieved by an officer, department, board or agency of the State of Oklahoma, who is affected by any decision of the Commission's Administration. Appeals shall be filed within 30 days from the date of the decision. A notice of appeal specifying the ground shall be filed with the Chairman of the Commission. The Director shall transmit to the Chairman all documents constituting the record of the decision being appealed. An appeal stays all proceedings in the action being appealed, unless the Director certifies to the Commission that in his or her opinion a stay will cause imminent peril to life and or property. In such cases, proceedings shall not be stayed other than by an injunction granted by a court of record on application and notice to the appealing party.

(b) The Commission shall fix a reasonable time for a hearing of the appeal and within 10 days give public notice and notice by mail or personal service to affected parties. At the hearing, any party may appear in person or by agent or by attorney. The Commission shall keep minutes of its appeal proceeding showing the vote of each member on each question. The concurring vote of 6 members of the Commission will be necessary to reverse any order, requirement, decision or determination of the Director in favor of the applicant on any matter before the Commission.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-18. Powers of the Commission relative to variation

(a) The Commission is empowered to authorize, as requested a variation from the strict application of this Chapter to relieve difficulties or hardship, but may establish requirements relative to the property to achieve the purpose and intent of this Chapter.

The Commission shall have the power to grant variances in the following instances:

- (1) Exceptional narrowness, shallowness, or shape of a specific piece of property at the time of the original adoption of this Chapter.
- (2) Exceptional topographical conditions or other extraordinary or exceptional situations or conditions of a specific piece of property, which is a condition generally not prevalent in the area.
- (3) When the strict application of the requirements of this Chapter would result in peculiar and exceptional undue hardship on the property owner.

- (b) The Commission shall not grant a variance for a principal use that is not permitted in the applicable district. It is 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.
- (c) A variance from the requirements of this Chapter shall be granted by the Commission under the following provisions:
 - (1) The granting of the variance will not confer on the applicant any special privilege that is denied by this Section to the lands, structures, or building in the same district.
 - (2) No nonconforming use of the neighborhood lands, structures, or buildings in the same zone and no permitted use of land, structures, or building in other district shall be considered grounds for issuance of a variance.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-19. Powers relative to conditional uses permissible on review

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

(1) Upon receipt of a request 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 the uses may make it desirable that they be permitted to locate within the district. The following procedure is established to integrate properly the uses permitted on review with the other land uses located in the district. The requested use shall be reviewed and authorized or rejected under the following procedure:

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

(B) The Commission shall hold 1 or more public hearings.

(C) The Commission, within 45 days of the date of application, shall study the effect of the proposed building or use upon the character of the neighborhood, traffic conditions, public utilities, and other matters pertaining to the use and area, and grant or deny the issuance of a permit for the requested use of land or buildings.

(D) If a protest against a conditional permit is presented, duly signed and acknowledged by the owners of 20% or more of the notice area of the permit, the permit shall not be approved except by the favorable votes of 6 members of the Commission.

(2) In considering all requests and rulings made under 120:10-13-8 and 120:10-13-9 of this Subchapter, the Commission in making its findings on any specific case shall determine the following:

(A) The effect of the proposed use on the supply of light and air to adjacent property;

(B) The congestion of public streets;

(C) The health and safety of the public from fire and other hazards;

(D) Impact on established property values in the surrounding area; and

(E) Other factors the Commission determines to be relative to the comfort, morals and general welfare of the State and the people of the Capitol-Medical Center Improvement and Zoning District.

(3) Every ruling made on any request to the Commission shall be accompanied by a written finding-of-fact based on the testimony received at the hearing held by the Commission, and shall specify the reason for granting or denying the permit.

(4) Conditional use permits are non-transferable and are approved for use by the applicant only. Any change in ownership or tenancy will be subject to review for compliance with the procedures established in this subchapter and the applicable zoning district.

(5) If at any time the terms and conditions of the original permit as approved by the Commission are not met it is considered a violation and the Commission may, after hearing, revoke the permit and require the use to cease.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-20. Enforcement

In accordance with 73 O.S. 1971, Paragraph 83.11, the Capitol-Medical Center Improvement and Zoning Commission shall constitute a body corporate for purposes of instituting and defending litigation to enforce its rules, regulations, decisions, and orders. The Commission 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 the District, to enjoin any breach or violation. No bond shall be required of the Commission in any action for the issuance of any temporary or permanent order, or an appeal.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-21. 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 be invalid, but shall remain in full force and effect.

[Added at 27 Ok Reg 1733, eff 6-25-10]

120:10-13-22. Conflicting municipal provisions

This Chapter shall not be interpreted 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 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 provisions of this Chapter shall govern.

[Added at 27 Ok Reg 1733, eff 6-25-10]

SUBCHAPTER 15. SIGNAGE REGULATIONS

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 criteria to properly control signage and are applicable in all zoning districts except where otherwise provided.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-15-2. Applicability

These rules are established to coordinate an 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 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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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 discretionary. 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 36 square feet in area displayed on or adjacent to property or premises for the purpose of announcing contemplated improvements. 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 any 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 entrances, hazardous materials, and pedestrian/school crossings.

"Outdoor Advertising sign" means any sign that advertises an activity, service or product and is located on premises other than the premises at which the activity or service occurs or the product is sold or manufactured.

"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 profession.

"Pole-mounted 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 signs or informational signs as defined in this Subchapter.

"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 a 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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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, with its only function being to advertise, direct or identify. All signs should be designed to complement 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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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 expressly approved by the Commission.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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, at minimum, quantity, location, type, size, lighting, landscaping, and materials of all proposed signage.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-15-9. Temporary Signage

(a) The term temporary signage shall include signage advertising short-term or special events. Temporary signs shall be subject to the same standards as permanent signage including but not limited to size, height, setback, 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 may 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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-15-10. Prohibited Signage

(a) Outdoors advertising signs, pole-mounted 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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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/informational signs shall be determined based upon need.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

120:10-15-12. Maintenance Provision

(a) Signage shall be constructed of materials that can be easily maintained and 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, in whole or in part, all portions of the sign shall be removed from the premises.

(b) Whenever a sign is determined to be insecure, unsafe, 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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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 by the owner and comply with the approved plan.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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. Approval of signage shall be based on compliance with the provisions of this Subchapter as well as the design, location, general character and the ability of the signage to integrate into the existing environment.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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 "T" 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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

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.

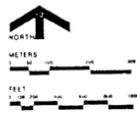
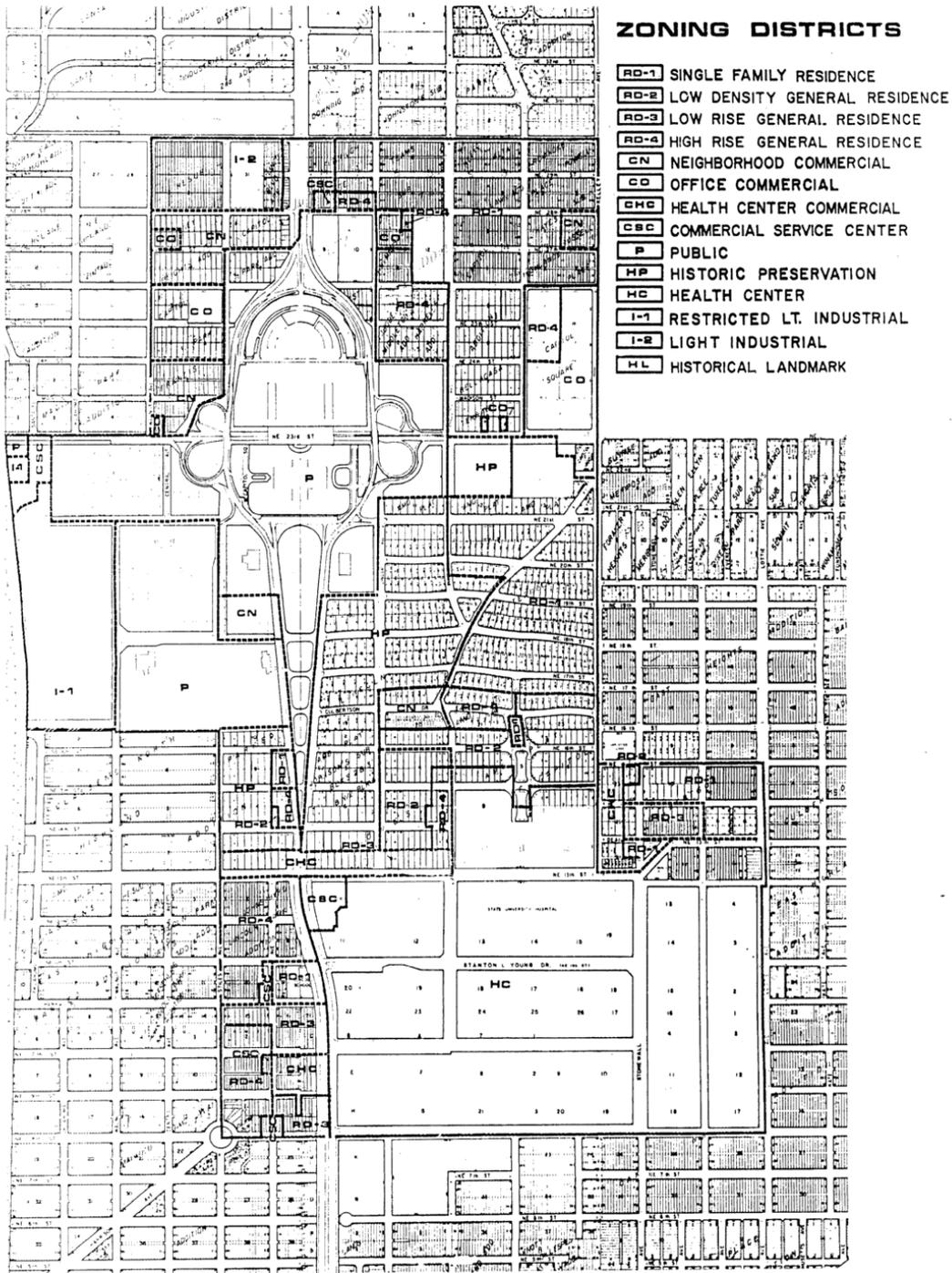
- (b) All shrubs and trees shall be kept trimmed and pruned in accordance with horticultural standards. Ground cover shall be provided to protect tree roots and to prevent erosion.
- (c) Steps shall be taken to control weeds, grasses, and rodents.
- (d) Landscaped areas shall be kept free of litter and 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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]

120:10-17-10. Miscellaneous provisions

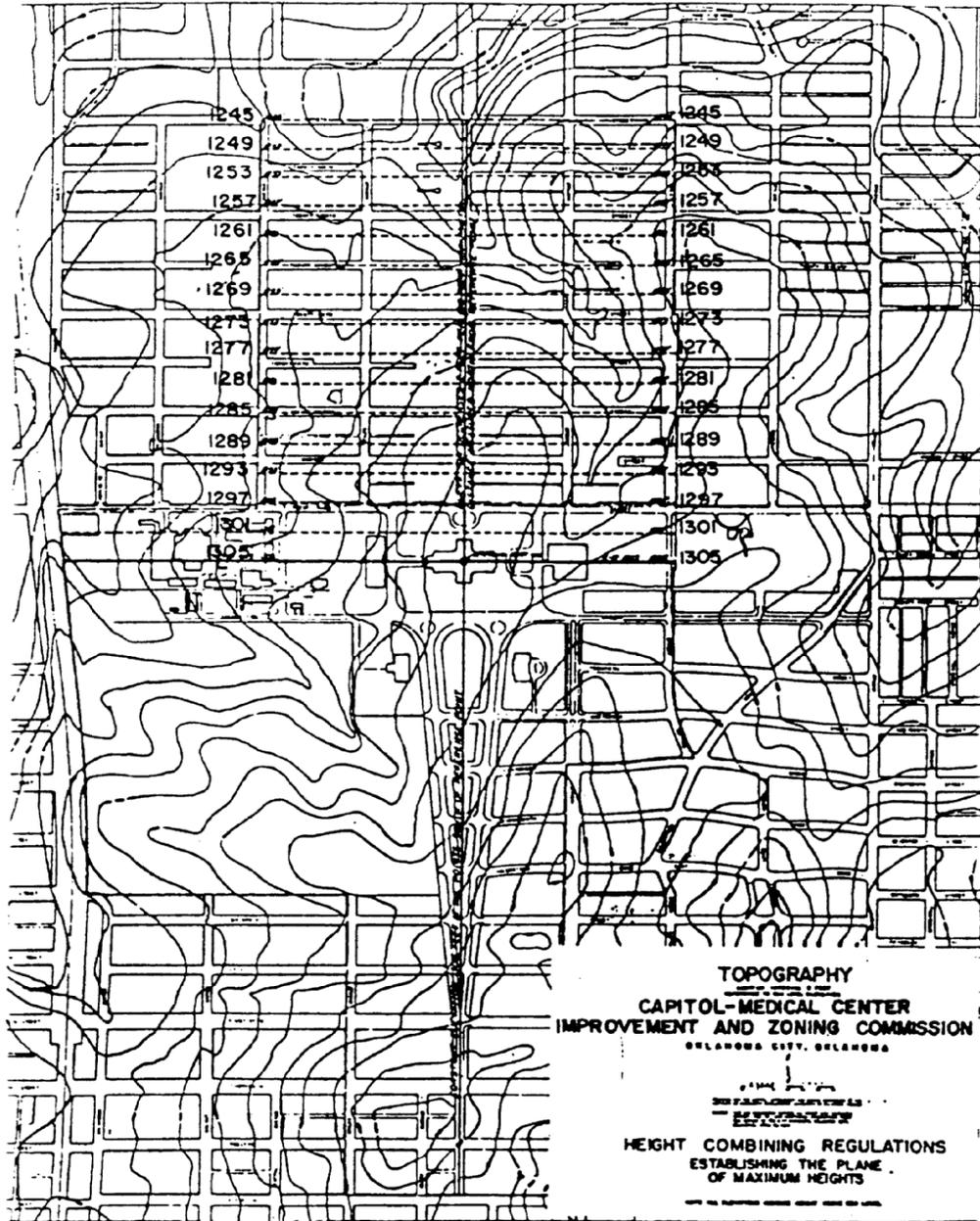
- (a) Whenever a building permit is issued without the required landscape plan or approved in an inappropriate planting season for all or a portion of the landscape materials, the property owner shall submit an affidavit to the Commission certifying a landscape plan will be submitted or that the required 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.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]



CAPITOL MEDICAL CENTER ZONING COMMISSION
 BRADY BROWN BARRINGTON, JR. DISTRICT CLERK

Oklahoma City, Oklahoma
Capitol-Medical Center Improvement & Zoning District
 State of Oklahoma



APPENDIX D. SIGNAGE TABLE

SIGNAGE TABLE		
TYPE SIGN	MAXIMUM SIGN AREA	MAXIMUM SIGN HEIGHT
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.	

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08]

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

[Source: Added at 23 Ok Reg 2931, eff 7-13-06]