



OKLAHOMA

CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION ADMINISTRATIVE RULES

Effective July 25, 2026

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TITLE 120. CAPITOL-MEDICAL CENTER IMPROVEMENT AND ZONING COMMISSION

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

[Authority: 73 O.S., § 83.4]

[Source: 73 O.S., § 83.4; Codified 12-31-91]

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 pattern 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; Amended at 34 Ok Reg 849, eff 9-11-17]

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 structure" means a secondary building or structure, the use of which is incidental to that 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.

"Alter or Alterations" means the changing or remodeling of a building, structure or site that does not add to or otherwise increase the physical size or floor area of the main building on the site.

"Automobile" means a self-propelled mechanical vehicle designed for use on streets and highways for the transport 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 portion of a building story having more than one-half of its height below grade. A basement shall be considered a story for the purpose of height regulations, only if more than one-half of its height is above grade or if the level of the first floor is more than eight feet above the established grade at any point.

"Boarding house" means a building, where, for compensation and by prearrangement for definite periods, lodging is provided for three (3) or more persons, provided that such persons are unrelated or are not living together as a family. The maximum number of persons permitted to live in a boarding house shall not exceed fifteen (15) persons.

"Building" means a more or less enclosed permanent structure intended for occupancy 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 Coverage Ratio" means a mathematical expression determined by dividing the total footprint area of all buildings on a site by the area of the lot on which the buildings are located as: $\text{Building Coverage Ratio} = \text{Total Area of Building Footprint(s)} / \text{Total Area of Lot}$.

"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 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.

"Chemical dependence treatment center, residential" means a residential facility where unrelated persons reside temporarily and are evaluated and provided treatment by a staff of professionals while recovering from drug addiction, alcoholism, or psychological illness resulting from chemical substance abuse.

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

"Child care facility" means a facility operated by a person, public or private institution where, for compensation and definite time periods, children under the age of thirteen (13) years, not of common parentage, for care apart from their parents, legal guardians or

custodians, are received and provided care; the program may or may not include educational, recreational, and social activities.

"Child care home" means a private residence where, for compensation, the owner/occupant receives five (5) or less children for care, and is operated in a manner that preserves the home as a primarily residential use and will not change the character of the residence.

"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 evaluates and provides 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 buildings 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 and no counseling or treatment is provided on the premises. This definition does not include "halfway house or sober houses" as defined by the Americans with Disabilities Act.

"Dry cleaning" or **"self-service laundry"** 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 one or more families, but not including house trailers, mobile homes, or travel trailers.

"Dwelling, accessory" means a second dwelling that is subordinate to the principal dwelling on an owner-occupied parcel in a RD-1 or RD-2 district and is occupied by no more than one person; accessory dwellings are located to the rear of the rear building line of the main building and have a floor area of 50% or less of the floor area of the main building on the parcel.

"Dwelling, attached" means a residential building sharing one 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 one family.

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

"Dwelling" or "row house" or "townhouse" means one of a series of houses constructed in an unbroken row, sharing one or more of its sidewalls with a neighbor; each unit has a separate outdoor entrance and is designed to be occupied by one 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 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 or marriage, including adopted children, or a group of, not to exceed, five persons (not related by blood or marriage), occupying the premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding house, group home or hotel.

"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: Floor Area Ratio (FAR) = Gross Floor Area of Building(s) / Total Area of Lot

"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")

"Group home" means a dwelling where the occupants reside temporarily and are furnished with independent sleeping and living quarters, shared or individual kitchens and dining facilities in an environment that provides a group setting of social contact, mutual support and assistance. Medical or psychological treatment may be provided on the premises. Compensation for living quarters may or may not be required.

"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. **"Extended stay facility"** means a residential type facility usually operated by a philanthropic organization that provides short term, temporary living quarters with meals or kitchen facilities for families of patients receiving treatment, and /or ambulatory outpatients; the operator may receive compensation for services.
- D. **"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.
- E. **"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.
- F. **"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.
- G. **"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.
- H. **"Health Sciences Center Facilities"** means all of or any part of the University of Oklahoma's College of Medicine and other colleges.
- I. **"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.
- J. **"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.
- K. **"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.
- L. **"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.

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

"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 at the home;
- 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, intermediate care facility, 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.

"Juvenile treatment center, residential" means a public, quasi-public or private facility that may require onsite security or supervision, where unrelated juveniles 18 years of age or younger are placed, whether it be voluntarily or involuntarily, and reside temporarily primarily for the purpose of rehabilitation, whether programs are operated for the treatment or counseling of but limited to chemical dependence, abuse, neglect, truancy, delinquency, behavioral or emotional problems and education is typically a vital part of the program.

"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 legal defined boundary or limit of a parcel of land.

"Main building" means a structure constructed on the lot for occupation by the principal use.

"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 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 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 Deck" means a permanent structure for the use of parking automobiles with two (2) above ground floors of parking spaces.

"Parking Garage" means a permanent structure for the use of parking automobiles with more than two (2) above ground floors of parking spaces.

"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.

"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.

"Planned unit development (PUD)" means a development planned in accordance with the provisions of Section 120:10-5-11.1 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 and/or its political subdivisions.

"Public school" means an institution dedicated to educating children and supported by public funds.

"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.

"Recreation vehicle space" means a portion of land within a parking facility designed to accommodate one recreational vehicle or travel trailer.

"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, where 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.

"Transitional living facility" means a facility that provides temporary housing and shelter for an extended period to persons who are temporarily homeless due to natural disaster or economic instability and generally integrated with social service and counseling programs for transition to self-sufficiency.

"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; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

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. Single Family Residential District (RD-1)
- B. Low Density General Residential District (RD-2)
- C. Low Rise General Residential District (RD-3)
- D. High Rise General Residential District (RD-4)
- E. Historic Preservation District (HP)

(2) Commercial

- A. Neighborhood Commercial District (CN)
- B. Office Commercial District (CO)
- C. Health Center Commercial District (CHC)

(3) Industrial

- A. Restricted Light Industrial District (I-1)
- B. Light Industrial District (I-2)

(4) Other

- A. Public District (P)
- B. Health Center (HC)

(5) Overlay Districts

- A. Historical Landmark District (HL)
- B. Alcoholic Beverage Consumption, Restaurant-with-Limited Alcohol (ABC-1)
- C. Alcoholic Beverage Consumption, Restaurant-with-Alcohol (ABC-2)
- D. Alcoholic Beverage Consumption, Club-with-Alcohol (ABC-3)
- E. Planned Unit Development (PUD)
- F. Mixed Use Overlay District-1, Health Center Commercial (MXD-1)
- G. Mixed Use Overlay District-2, Limited Health Center Commercial (MXD-2)

[Source: Amended at 25 Ok Reg 2143, eff 7-11-08; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

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

Where uncertainty exists with respect to the boundaries of any zoning districts listed in OAC 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 rights-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: Amended at 34 Ok Reg 819, eff 9-11-17]

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]

120:10-3-20. Single Family Residential District (RD-1)

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

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

- (1) Single-family detached dwelling.
- (2) Church.
- (3) Park or playground, public school or an educational institution having a curriculum the same as ordinarily given in public schools, and having no rooms regularly used for housing and sleeping.
- (4) Accessory buildings which are not a part of the main building, including a private garage or servant's quarters, when located not less than five (5) feet away from any side lot line, or accessory buildings which are part of the main buildings, including a private garage or servant's quarters.
- (5) Home occupation in accordance with OAC 120:10-5-22.
- (6) Temporary buildings for uses incident to construction work, which building shall be removed upon completion or abandonment of the construction work.
- (7) Bulletin board or sign, not exceeding twelve (12) square feet in area appertaining to the lease, hire or sale of a building or premises, which board or sign shall be removed as soon as the premises are leased, hired or sold.

(c) **Conditional Uses Permitted on Review.** The following uses may be permitted on review in accordance with the provisions contained in OAC 120:10-13-19:

- (1) Accessory dwelling unit.
- (2) Swimming pool.
- (3) Public utilities.
- (4) Child care home in accordance with the provision in OAC 120:10-5-21.
- (5) Convalescent home or rest home.
- (6) Drilling rigs, tanks and other necessary appurtenances to a producing oil well.
- (7) Off-street parking lots associated with public or commercial uses as regulated under the provisions contained in Subchapter 7 of this Chapter.

(d) **Height Regulations.** Except as hereinafter provided in 120:10-5-2.1, no building shall exceed two and one-half (2 1/2) stories or thirty-five (35) feet in height.

(e) **Area Regulations.**

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

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

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

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

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

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

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

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

(f) **Storage of Building Materials.** Outside storage of building or other materials or supplies for a time period over 60 days is prohibited.

[Source: Amended at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

120:10-3-21. Low Density General Residential District (RD-2)

(a) **General Description.** Low Density General Residential District (RD-2) is a residential district intended to provide for a slightly higher population density than an RD-1 district. It is intended to preserve and stabilize those neighborhoods characterized by a mixture of

residential structures by allowing the conversion and infill development under specific conditions whereby existing neighborhood scales maintained. These areas are intended to be defined and protected from the encroachment of uses not performing a function appropriate to the residential environment. Internal stability, attractiveness, and efficiency are encouraged by providing for adequate light and air for residences and related facilities and through the consideration of the proper functional relationship and arrangement of each element.

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

- (1) Any uses permitted in an RD-1, Single Family Residential District.
- (2) Two-family dwelling.
- (3) Garage apartment, provided, however, that the building be setback at least ten (10) feet from all lot lines.
- (4) Accessory buildings and uses customarily incidental to any of the uses in (1) through (3) of this Section when located on the same lot.

(c) **Conditional Uses Permitted on Review.** Any conditional uses permitted on review in an RD-1, Single Family Residential District in accordance with the provisions contained in OAC 120:10-3-20, and three-family dwelling.

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

(e) **Area Regulations.**

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

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

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

(2) **Side yard.** Except as hereinafter provided in OAC 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 five (5) feet. On any corner lot a building shall be setback from the street line of the intersecting street a distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

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

(4) **Intensity of Use.**

(A) A lot occupied by a single family dwelling shall contain not less than six thousand (6,000) square feet.

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

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

(6) **Limit on Building.** Not more than one main building shall be constructed on any one lot, except that a garage apartment may be constructed on any lot with a single-family dwelling provided the area requirements set forth in (e) of this Section are complied with.

(f) **Storage of Building Materials.** Outside storage of building or other materials or supplies for a time period over 60 days is prohibited.

[Source: Added at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

120:10-3-22. Low Rise General Residential District (RD-3)

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

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

(1) Any use permitted in the RD-2, Low Density General Residential District.

- (2) Townhouse.
- (3) Three-family residence.
- (4) Multiple-family residence.
- (5) Boarding or rooming house.
- (6) Accessory buildings and uses when customarily incident to any of the uses in (1) through (5) of this Section when located on the same lot.

(c) **Conditional Uses Permitted Upon Review.** The following uses may be permissible on review in accordance with the provisions contained in 120:10-13-19.

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

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

(e) **Area Regulations.**

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

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

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

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

(2) **Side Yard.** Except as hereinafter provided in OAC 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 five (5) feet. On any corner lot a building shall be setback from the street line of the intersecting street a

distance of fifteen (15) feet in case such lot is back to back with another corner lot, and twenty (20) feet in every other case.

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

(4) **Intensity of Use.**

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

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

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

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

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

(f) **Storage of Building Materials.** Outside storage of building or other materials or supplies for a time period over 60 days is prohibited.

[Source: Added at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

120:10-3-23. High Rise General Residential District (RD-4)

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

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

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

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

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

(c) **Conditional Uses Permitted on Review.** Any use permitted on review in an RD-3, Low Rise General Residential District, in accordance with the provision contained in OAC 120:10-13-19 and Day Care Centers in accordance with the provisions contained in OAC 120:10-5-21.

(d) **Height Regulations.** Except as hereinafter provided in OAC 120:10-5-3.1, no building shall exceed three (3) stories or forty-five (45) feet in height.

(e) **Area Regulations.**

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

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

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

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

(2) **Side Yard.**

(A) Side yards shall have a minimum width of five (5) feet for buildings not exceeding two and one-half (2-1/2) stories in height. There shall be a side yard of ten (10) feet on each side of all buildings greater than 2-1/2 stories except as otherwise provided in OAC 120:10-5-4.1.

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

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

(4) **Lot Width.**

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

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

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

(5) Intensity of Use.

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

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

(f) **Storage of Building Materials.** Outside storage of building or other materials or supplies for a time period over 60 days is prohibited.

[Source: Added at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

120:10-3-24. Neighborhood Commercial District (CN)

(a) **General description.** The Neighborhood Commercial District (CN) is intended to provide locations for 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 a Low Rise General Residential District (RD-3).

(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
- (C) Antique Shop.
- (D) Automobile service station, but not including body shops or junk yards.
- (E) Bakery goods store.
- (F) Bank or credit union.
- (G) Barber shop or beauty salon.
- (H) Book or stationery store.
- (I) Dry cleaner, provided cleaning and pressing is not conducted on the premises.
- (J) Drug store
- (K) Dairy products or Ice Cream store.
- (L) Delicatessen.
- (M) Electronics store.
- (N) Food store.
- (O) Funeral home, parlor or mortuary.
- (P) Gift shop.
- (Q) Jewelry store.
- (R) Key shop.
- (S) Messenger or Telegraph Service.
- (T) Office.
- (U) Off-street parking lot.
- (V) Painting and Decorating shop.
- (W) Pet shop.
- (X) Photographer or Artist studio.
- (Y) Restaurant, but not including drive-in restaurant.
- (Z) Sales or Showroom.

(AA) Self-service laundry or dry cleaner.

(BB) Shoe Repair shop.

(CC) Tailor shop.

(DD) Theatre.

(3) Accessory buildings and uses associated with 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 enclosed buildings. No material or goods offered for sale or stored in connection with the uses enumerated in this Section shall be displayed or stored outside of a building.

(c) **Conditional uses permitted on review.** The following uses may be permitted upon review in accordance with the provisions of OAC 120:10-13-19:

(1) Any use permitted on review in a High Rise General Residential District (RD-4).

(2) Any other retail establishment serving the Zoning District in a manner that, in the opinion of the Commission, is similar in character to the uses permitted in this Section and is not more obnoxious or detrimental to the area in which it is located.

(d) **Height regulations.** Except as provided in OAC 120:10-5-3.1, no building shall exceed 2-1/2 stories or 35 feet in height.

(e) **Area regulations.** Except as provided in OAC 120:10-5-4.1, the provisions of this subsection shall apply to all property located in the Neighborhood Commercial (CN) zoning district.

(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 one side of the street between 2 intersecting streets is improved with buildings, all of which have observed an average setback line of greater than 25 feet, and no building varies more than 6 feet from this average setback line, then no building shall be constructed closer to the street line than the minimum setback so established by the existing buildings; but this district shall require a front yard of a depth greater than 75 feet.

(2) Side yard.

(A) For dwellings, there shall be a side yard on each side of the building 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 if the lot is back to back with another corner lot, and 20 feet in every other case.

(B) For uses other than dwellings, no side yard shall be required. For uses adjacent to a dwelling district there shall be a side yard of not less than 10 feet, and on all corner lots there shall be a side yard of not less than 20 feet.

(3) Rear yard. 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. In all other cases, a rear yard shall not be required except where a lot abuts 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 Low Rise General Residential District (RD-3). A lot occupied by a multiple-family dwelling of four (4) units shall not be less than 10,100 square feet in area. For each additional dwelling unit, 1,700 square feet shall be added.

(5) Coverage. 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 area on corner lots. In no case shall the gross floor area of main and accessory buildings exceed the total area of the lot.

(f) Off-Street Parking. All off-street parking facilities shall be designed and constructed in accordance with Subchapter 7 and Subchapter 17 of this Chapter.

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

120:10-3-25. Office Commercial District (CO)

(a) General description. The Office Commercial District (CO) is intended to provide a place for 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 an Office Commercial District (CO), 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 typically associated with the uses permitted in this Section.

(c) **Conditional uses permitted on review.** The following uses may be permissible on review in accordance with the provisions listed in OAC 120:10-13-19:

(1) Any uses permitted in a High Rise General Residential District (RD-4).

(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 OAC 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.

(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.

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

120:10-3-26. 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, residential, office 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 120:10-15-3 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.** No building adjacent to residentially zoned property shall exceed 3 stories or 40 feet in height.

(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.

(g) **Off-Street Parking.** All off-street parking facilities shall be designed and constructed in accordance with Subchapter 7 and Subchapter 17 of this Chapter.

[Source: Added at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

120:10-3-27. 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 for sale on or off the premises. All storage, operations, and processes must be entirely enclosed within a structure and shall not generate industrial wastewater or airborne emissions nor produce any 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) Athletic equipment manufacturer.
- (B) Automobile accessory, sales and repair.
- (C) Bakery.
- (D) Bottling works.
- (E) Book binderies.
- (F) Candy manufacturing.

(G) Club with alcohol [See OAC 120:10-5-12.1]

(H) Engraving plant.

(I) Electrical equipment assembly.

(J) Instrument and meter manufacturing.

(K) Jewelry and watch manufacturing.

(L) Laboratories, experimental and research.

(M) Laundry and dry cleaning establishment.

(N) Leather goods fabrication.

(O) Optical goods manufacturing.

(P) Paper products manufacturing.

(Q) Personal storage facility.

(3) Any other light industrial use which, in the opinion of the Commission, is similar in character to the uses permitted by 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.** All buildings shall be set back from the street right-of-way line to comply with the following requirements:

(A) The minimum depth of a 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 observing an average set back line of greater than 25 feet and no building varies more than 6 feet from this average setback line, then no building shall be constructed closer to the street line than the minimum setback line established by the existing buildings. This district shall not require a front yard with a depth greater 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) For dwellings, there shall be a side yard on each side of the building 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 cases that a lot is back to back with another corner lot; and 20 feet in every other case.

(B) For uses other than a dwelling, no side yard shall be required, with the exception of a lot with a side adjacent to a dwelling district, which shall have a side yard of not less than 10 feet on interior lots; and, all corner lots shall have a side yard of not less than 20 feet.

(3) Rear yard. A rear yard shall not be required except where a lot abuts a dwelling district, in which case there shall be a rear yard of not less than 15 feet.

(4) Intensity of use.

(A) A lot occupied by a single family dwelling shall contain no less than 6,000 square feet.

(B) A lot occupied by a two-unit dwelling or single family dwelling with garage apartment shall contain no less than 6,000 square feet.

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

(e) Off-Street Parking. All off-street parking facilities shall be designed and constructed in accordance with Subchapter 7 and Subchapter 17 of this Chapter.

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

120:10-3-28. 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. All operations and processes must be entirely enclosed within structure, generating no objectionable odor, noise, glare, vibrations, smoke or dust associated with the industrial operation. Outdoor storage of goods and products is permitted as long as the stored items are screened by walls, fences or permanent landscape plantings at a height that prohibits visibility from public streets or adjacent lots at ground level.

(b) **Uses permitted.** Property and buildings in an I-2, Light Industrial District, shall be used only for the following purposes:

(1) Any use permitted in the I-1, Restricted Light Industrial District.

(2) Any of the following uses:

(A) Building materials sales.

(B) Contractor's equipment storage yard, or rental or sale of construction equipment.

(C) Feed and seed.

(D) Fuel station.

(E) Freight truck yard or terminal.

(F) Public utility service or transformer station.

(3) The following uses when conducted within a completely enclosed building.

(A) The manufacture, compounding, packaging or treatment of products which includes, but is not limited to, bakery goods, candy, cosmetics, dairy products, perfume, and pharmaceuticals.

(B) The manufacture, compounding, assembling or treatment of articles or merchandise from the following previously prepared materials: bone, cellophane, canvas, cork, feathers, glass, hair, leather, paper, plastics, precious or semi-precious materials or stone, shell, textiles, tobacco, and paint not utilizing a boiling process.

(C) The manufacture of pottery and figurines or other similar ceramic products, using only previously pulverized clay, and kilns shall be fired only by electricity or gas.

(D) The manufacture and maintenance of advertising signs or structures, and light sheet metal products.

(E) Manufacture of musical instruments, toys, novelties, and rubber and metal stamps.

(F) Assembly of electrical appliances, electronic instruments and devices, and radios, including the manufacture of small parts only.

(G) Laboratories: experimental, photo, film or testing.

(4) Buildings, structures and uses accessory and secondary to any of the uses permitted by this Section.

(5) Any other light industrial use, building or structure which, in the opinion of the Commission, is similar in character to those 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.** 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 required yard. In no case shall any building or structure exceed the height limitation set forth in OAC 120:10-5-3.1 of this Chapter.

(d) **Area regulations.**

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

(A) The minimum depth of a front yard shall be 25 feet.

(B) If 25% or more of the lots on 1 side of the street between 2 intersecting streets are improved with buildings, all observing an average set back line of greater than 25 feet and no building varies more than 6 feet from this average setback line, then no building shall be constructed closer to the street line than the minimum setback line established by the existing buildings. This district shall not require a front yard with a depth greater 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) For dwellings, there shall be a side yard on each side of the building having 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 a lot is back to back with another corner lot; and 20 feet in every other case.

(B) For uses other than a dwelling, no side yard shall be required, unless the side of a lot is adjacent to a dwelling district then there shall be a side yard of not less than 10 feet on interior lots; on all corner lots there shall be a side yard of not less than 20 feet.

(3) **Rear yard.** A rear yard shall not be required except where a lot abuts 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 High Rise General Residential District (RD-4).

(A) A lot occupied by a single family dwelling shall contain no less than 6,000 square feet.

(B) A lot occupied by a two-unit dwelling or single family dwelling with garage apartment shall contain no less than 6,000 square feet.

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

(e) **Off-Street Parking.** All off-street parking facilities shall be designed and constructed in accordance with Subchapter 7 and Subchapter 17 of this Chapter.

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

120:10-3-29. Public District (P)

(a) **General description.** The Public District (P) is a special high density zoning district where property and buildings shall only be used for the purposes designated in the Master Land Use Plan as officially adopted by the Commission. The principal use of land is reserved for state government and state government uses. For the purpose of these regulations there is hereby created a State Capitol Complex Subdistrict.

(b) **Uses permitted.** Property and buildings shall only be used for the following purposes:

(1) Any public administration use as defined in OAC 120:10-1-3.

(2) Any park or recreational use permitted pursuant to rules promulgated by the Oklahoma Office of Management and Enterprise Services for the State Capitol Park [See 74 O.S. §1811.4].

(c) **Height regulations.** All buildings and structures shall be constructed in accordance with the height regulations established in OAC 120:10-5-3.1 and the recommendations of the Master Land Use Plan.

(d) **Intensity of use.** Buildings and structures shall not exceed a 1.0 floor area ratio or a .25 building coverage ratio as defined in OAC 120:10-1-3

(e) **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, statuary and public art displays.** All plans for temporary or permanent monuments, memorials, statuary and similar structures 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: Added at 34 Ok Reg 849, eff 9-11-17]

120:10-3-30. Health Center District (HC)

(a) **General Description.** 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 building 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.** The following uses may be permitted upon review in accordance with OAC 120:10-13-19: Any other institutional, residential, office or commercial activity supporting the Health Center District (HC) which, in the opinion of the Commission, is similar in character to those listed in Subsection B of this Section and is not detrimental to the area in which it is located.

(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.** It is the intent of these regulations that the floor area ratio requirements of the uses be adequate for the proper functioning of each and every use. No specific regulations are established.

(f) **Building coverage ratio.** The building coverage ratio shall be a maximum of .5.

(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 cannot meet the Health Center (HC) District requirements, the Commission may consider granting a variance to the existing requirements for any use or conditional use permitted in this district.

(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 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. The Commission may grant a variance based upon the recommendations of the Oklahoma Health Center Master Plan.

(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.

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

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

SUBCHAPTER 5. GENERAL DISTRICT PROVISIONS AND ADDITIONAL ZONING REGULATIONS

PART 1. GENERAL PROVISIONS

120:10-5-1.2. District group classification

Whenever the terms "R", "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. "R" shall include Single Family General Residential (RD-1), Low Density General Residential (RD-2), Low Rise General Residential (RD-3), RD-4 High Rise General Residential (RD-4). "H" shall include Historic Landmark District (HL) and Historic Preservation District (HP). "C" shall include Neighborhood Commercial District (CN), Office Commercial District (CO) and Health Center Commercial District (CHC).

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-2.1. Conditions of a more restricted district applied

Unless otherwise specified, whenever a specific district regulation permits a use permitted in a more restrictive district, the use shall be subject to the regulations of the more restrictive district.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Amended at 28 Ok Reg 2216, eff 7-25-11]

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 District, as approved by the Commission.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

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 space for any other building or structure.

(2) **Minimum requirement.** In residential districts, a minimum of 25 percent of the lot shall be maintained as open space with no buildings, parking or impervious surfaces.

(3) **Fences and walls.** Fences, walls and hedges in residential districts may be permitted in any required yard or along the edge of any yard. For residentially-zoned or used property, 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.

(4) **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.

(5) **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.

(6) **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.

(7) **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.

(8) **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.

(9) **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.

(10) **Residential building 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.

(11) **No restriction on public 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; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 35 Ok Reg 890, eff 9-14-18]

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 that includes a dwelling or on any lot in any residential district, except in accordance with the following provisions:

(1) Not more than one (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 liquefied petroleum products be permitted.

(2) Not more than one (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; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-8. Commercial dumpsters and trash receptacles

No commercial dumpster or trash receptacle shall be located or stored in the front yard area or in the street-right-of-way. Except for periods of unloading, all commercial dumpsters, residential dumpsters and trash receptacles shall be stored behind the front

yard building line in areas that are not visible from the street. These areas shall be appropriately screened by use of a sight proof fence or plantings at a height adequate to hide the dumpster or receptacle from view on all sides.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

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]

120:10-5-9.2. Dilapidated structures

Structures within the Capitol - Medical Center Improvement and Zoning District shall be declared to be dilapidated under the following procedures:

- (1) The City of Oklahoma City will submit the property being considered for a dilapidation declaration to the Commission.
- (2) The Commission shall determine if the property in question meets the definition of a dilapidated structure, as defined in 11 O.S. §22-112(c).
- (3) The Commission shall submit a recommendation to the City of Oklahoma City based on its findings.
- (4) Upon the Commission's submittal of a recommendation to declare a structure dilapidated, the city of Oklahoma City shall follow its established procedures for declaring a structure dilapidated and addressing any threats to the health, safety and welfare of the public, pursuant to 11 O.S. §22-112.
- (5) Demolition of dilapidated structures shall follow established rules requiring an approved Certificate of Appropriateness and/or building permit from the Commission, as appropriate.

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

PART 3. SPECIAL DISTRICTS

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 HL district is intended to be an overlay zoning district and the regulations imposed by this Section shall be in addition to the regulations of the underlying district. The overlay district and its regulations may be applied to property located in any zoning district.

(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, rehabilitation or alteration, as defined in Subchapter 11 of this Chapter, of any structure or area 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 only those purposes, permitted within the basic zoning district in which the property or area is located, subject to compliance with all regulations imposed by the basic zoning district all provisions of this Section.

(e) **Historic Preservation Guidelines.** All exterior work completed on structures or sites must be in conformance with the commission's Historic Preservation Standards and Guidelines as outlined in Appendix E.1 of this Chapter.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-10.2. Historic Preservation District (HP)

(a) **General description.** The Historic Preservation District (HP) is an overlay zoning district intended to promote and protect structures and areas designated as historical and/or architecturally significant. To maintain the character and integrity of these resources and areas, restrictive requirements governing the use of land and the preservation of structures are established in this Section. In addition, provisions are made in Subchapter 11 of this Chapter for the appointment of the 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 "HP", 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 modification of the exterior of any structure is prohibited unless a Certificate of Appropriateness has been granted by the Historical Preservation and Landmark Board of Review in accordance with OAC 120:10-11-5.1.

(2) All structures and grounds and architectural features and details shall be maintained in accordance with historic preservation standards.

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

(4) All exterior portions of the structure shall be structurally sound and the substructure and/or foundation shall be free from cracks, breaks or other damage and all building components including architectural and design features are intact and maintained.

(5) Outside storage of building or other materials or supplies for a time period over 60 days is prohibited.

(6) Advertising displays shall be prohibited. All signage must be in compliance with Subchapter 15 of this Chapter. The following types of signs are permitted in the Historic Preservation District:

(A) identification name plate placed flat against the front exterior wall of a residence, museum, art gallery or similar public building;

(B) neighborhood identification signage, historic plaques or monuments;

(C) temporary sign offering a property for sale, which is to be removed immediately upon completion of the sale; and,

(D) official government traffic, parking, informational or directional signs.

(7) All driveways shall be constructed and maintained in accordance with Subchapter 7 of this Chapter.

(8) Parking and/or operation of vehicles including, but not limited to, trailers, boats, recreational vehicles and commercial vehicles with 2 or more axles shall be on hard surfaced pavement located behind the front façade of the main building, except for periods of loading and unloading. In the case of a corner lot, these vehicles shall be screened from view of the side street adjacent to the property.

(c) **Permitted uses.** Property located in the "HP" Historic Preservation District may be used for only those purposes, permitted within the basic zoning district in which the property or area is located, subject to compliance with all regulations imposed by the basic zoning district all provisions of this Section.

(d) **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.

(e) **Ordinary maintenance and repair except as previously provided.** Work is considered ordinary maintenance and repair when the purpose of the work is stabilization or conservation as defined in Subchapter 11 and the work will not noticeably change the exterior appearance of the resource. Ordinary maintenance does not include alteration of original building materials, details, or shapes or removal or replacement of architectural elements on any structure. All other exterior work requires a Certificate of Appropriateness as outlined in Subchapter 11 of this Chapter.

(f) **Historic Preservation Guidelines.** All exterior work completed on structures or sites must be in conformance with the commission's Historic Preservation Standards and Guidelines as outlined in Appendix E.1 of this Chapter.

[Source: Added at 34 Ok Reg 849, eff 9-11-17]

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 the Single Family Residential District (RD-1) and Low Density General Residential District (RD-2).

(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; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

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.

(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.

(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.

(e) Nonconforming status.

(1) 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.

(2) Legal Nonconformance will cease if:

(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.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Amended at 28 Ok Reg 2216, eff 7-25-11]

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: Added at 25 Ok Reg 2143, eff 7-11-08]

120:10-5-14. Mixed Use Overlay District-1, Health Center Commercial (MXD-1)

(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) and Health Center (HC) zoning districts.

(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 commercial, residential, office 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 commercial, residential, office or institutional 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 two 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 among adjacent buildings and/or the surrounding area. Building materials shall harmonize with and reflect materials used in the surrounding 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 Parking 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.

(l) **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 OAC 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; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-15. Mixed Use Overlay 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 Low Density Residential (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 in accordance with OAC 120:10-5-22;
- (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 120:10-13-19.

(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.

(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 building 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 building 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 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 and all applicable regulations of the underlying zoning district.

(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 building coverage ratio shall be 50%. The remainder of land shall be used for pedestrian connectors, landscaping, off-street parking, delivery, and right-of-way.

(B) **Height regulations.** Except as provided in OAC 120:10-5-3.1, 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 the following yard 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 120:10-5-4.1(3).

(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 Subchapter 7 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 complement 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 15. 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 OAC 120:10-13-16. 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 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

PART 5. SPECIAL USES

120:10-5-19. Special uses

This Part defines certain uses that provide public services and resources in support of the local community. These low to medium intensity uses may be permitted to operate in specified low density residential districts or areas where the primary use of land is single family residential. These uses are identified as special due to additional land use restrictions and conditions that may be applied to reduce or prohibit the impact on the

character of the immediate area. In some cases, the Commission may determine to formulate a distance restriction, based on density and intensity of use, to avoid an over concentration of one or more of these type uses. It is the intent of this Part to properly integrate these uses into existing environments and to assure continued stability in the area in which they are located.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11]

120:10-5-20. Adult day care centers

(a) **Purpose.** It is the purpose of this section to establish land use regulations in medium intensity areas for a community based program providing quality daytime care for functionally impaired or physically disabled senior adults. Land use controls in this section will be imposed due to the sensitive nature of this use, the clientele served, to minimize concerns of security, traffic, and to insure a safe and stable environment.

(b) **Conditional use permit required.** The Commission shall review all applications for adult day care centers in accordance with OAC 120:10-13-19.

(c) **Zoning districts.** Adult day care centers may be permitted to locate in the following zoning districts:

- (1) High Rise General Residential District (RD-4)
- (2) Office Commercial District (CO)
- (3) Health Center Commercial District (CHC)

(d) **Submission requirements.** In addition to the requirements stated in OAC 120:10-13-19 the following documentation must be submitted for review of any proposed adult day care center:

- (1) **Floor Plan.** A floor plan, accurately drawn to scale, showing the floor space devoted to but not limited to office, social interaction, recreation, therapy, dining, meal preparation, restrooms, storage, special equipment and emergency exits.
- (2) **Program of operation.** The program of operation should detail internal basic and/or special service and any external services provided, including but not limited to physical or speech therapy, counseling, recreation and other activities; number of clients to be served; number of and titles of permanent staff members and volunteers; number of external care providers including nurses; facility hours of operation; provisions for transportation of clients; proof of legal ownership; and, if applicable, source of funding.

(3) **Exterior facility.** Safe and secure ingress and egress to the property and the structure should be provided. All sidewalks, walkways, public building entrances, and parking areas shall be handicapped accessible and constructed in compliance with the Americans with Disabilities Act.

(4) **Off-street parking.** All parking facilities associated with adult day care centers shall comply with the off-street parking requirements in Subchapter 7 and Subchapter 17. Handicapped access to the facility shall be provided in accordance with the Americans with Disabilities Act, Guidelines and Regulations. All off-street parking lots and parking areas shall be handicapped accessible and designed with adequate space available for emergency vehicles.

(5) **Mixed use building.** If an adult day care center operation is a subdivision of a larger organizational program, or located in a mixed use building, the center shall meet all of the specified requirements of the zoning district regulations.

(6) **Signage.** All signage shall be in accordance with Subchapter 15 and be reviewed and approved by the Commission prior to installation.

(7) **License and inspection required.** All centers must be licensed and inspected for compliance by the Oklahoma State Department of Health. All facilities must be inspected by the City of Oklahoma City for compliance with applicable building and other codes.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-21. Child care facilities

(a) **Purpose.** It is the purpose of this section to provide land use requirements for child care facilities as defined in OAC 120:10-1-3. Child care facilities shall qualify for inclusion in a district as conditional uses under the procedures in OAC 120:10-13-19.

(b) **Conditional use permit required.** To control factors that accompany child care facilities such as safety, noise, and traffic, a conditional use permit is required for all child care facilities. An approved conditional use permit is non-transferable and the use shall permanently cease upon the applicant's abandonment of the property or termination of the use.

(c) **Child care home.** Child care home, as defined in OAC 120:10-1-3, may be permitted in the following zoning districts:

(1) Single Family Residential District (RD-1)

(2) Low Density General Residential District (RD-2)

(3) Low Rise General Residential District (RD-3)

(4) High Rise General Residential District (RD-4)

(5) Historic Preservation District (HP)

(d) **Child care center or childhood development center.** Child care center or childhood development center, as defined in OAC 120:10-1-3, may be permitted in the following zoning districts:

(1) Neighborhood Commercial District (CN)

(2) Office Commercial District (CO)

(3) Health Center Commercial District (CHC)

(4) Health Center District (HC)

(5) Public District (P)

(e) **Submission requirements.** In addition to the requirements stated in OAC 120:10-13-19, the following documentation must be submitted for review of any proposed adult day care center:

(1) **Off-street parking.** Off-street parking lots and areas shall be designed, constructed, maintained and landscaped in compliance with the requirements in Subchapter 7 and Subchapter 17 and any other conditions the Commission determines necessary for safe access and egress.

(2) **Handicapped parking and access.** Handicapped parking shall be provided for employees and uses of child care centers in accordance with Subchapter 7. Handicapped access to the facility shall be provided in accordance with the Americans with Disabilities Act, Guidelines and Regulations.

(3) **Signage.** All signage shall be in accordance with Subchapter 15 and be reviewed and approved by the Commission prior to installation.

(4) **Outdoor play area.** Any yard area reserved for outdoor play area shall be based on the Department of Human Services requirements for child care facilities and shall be enclosed and visually screened. If the Commission determines it necessary, additional landscaping may be required to provide for the safety and protection of the occupants and the neighborhood in which the center is located.

(5) **Special exemption.** A child care center may be approved in any zoning district as a secondary use to a humanitarian or philanthropic foundation, or institution of

religion, given the suitability of the physical facility for use by large numbers of children and provided the center conforms to all other regulations requirements.

(6) **License required.** All child care facilities shall meet the safety, design facilities, equipment and other features as outlined in the licensing process for the Child Care Licensing Division of the Department of Human Services, the Oklahoma City and County Health Department, and the City of Oklahoma City.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-22. Home occupation or home based business

(a) **Purpose.** It is the purpose of this section to provide requirements for a home occupation or home based business, defined as an owner occupied dwelling designed for residential purposes where the primary use is residential with a secondary use of a professional office.

(1) No more than 40% of the floor area of the main dwelling may be dedicated to the business activities.

(2) The business use must be separated from the living quarters by a wall, floor, partition, or other permanent physical barrier.

(3) All property modified for a home occupation or home based business must have adequate space available within the dedicated floor area for storage.

(4) All properties must have adequate land available for off-street parking and delivery, pedestrian connectors, and landscaping.

(5) Material goods offered for sale in connection with the business use shall not be displayed or stored in any yard areas or outside of the building.

(b) **Restrictions.** The following restrictions apply to all home occupations or home based businesses:

(1) Home occupations shall be operated in an owner occupied dwelling by the property owner of record.

(2) Not more than 1 person, other than a family member living on the premises, is employed by the home occupation or home-based business.

(3) No display of merchandise or signs other than 1 non-illuminated nameplate, not more than 2 square feet in area or 9 inches in diameter attached to the main building.

(4) No mechanical or other equipment may be used or activity conducted that creates noise, dust, odor, or electrical disturbance beyond the confines of the lot on which the occupation is conducted.

(5) Minimal traffic that will not noticeably interrupt or change the existing neighborhood traffic pattern or impact neighborhood streets by noticeably increasing traffic.

(6) Barber shop or beauty salon, tea room, restaurant, immediate care facility, real estate office, or cabinet, metal or auto repair shop are not considered a home occupation or home based business.

(7) The home shall not be altered to attract business.

(8) No additional curb cuts shall be permitted, and no front yard area, other than the driveway providing access to a garage, shall be paved or otherwise altered or used for parking of vehicles.

(9) No business shall be conducted upon the premises where chattel, goods, wares or merchandise are created, stored, exchanged or sold, such as a shop or store.

(10) No material or equipment shall be stored outside the confines of the home.

(11) 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.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-23. Humanitarian or philanthropic foundations

(a) **Purpose.** For purposes of these regulations, a humanitarian or philanthropic foundation is 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 service the public interest.

(b) **Conditional use permit required.** The Commission shall review all applications to use property in any residential zoning district in accordance with OAC 120:10-13-19.

(c) **Restrictions.** The following restrictions apply to all humanitarian or philanthropic foundations located in any residential zoning district:

(1) Newly constructed buildings must meet the intensity and density requirements of the zoning district in which it is located and be compatible in character and design to buildings in the immediate area.

(2) Off-street parking shall be in accordance with Subchapter 7 and Subchapter 17. All off-street parking areas must be adequately screened from adjacent residential structures.

(3) Signage shall be in accordance with Subchapter 15; however, the Commission may apply additional restrictions to signage.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-24. Group living facilities

(a) **Purpose.** It is the purpose of this section to establish regulations for certain group living facilities and to properly integrate these uses into the existing environment and to assure continued stability in the areas in which they are located. In some cases, group homes while not strictly residential, can be incorporated into a residential setting. These facilities may be authorized only if the requirements of this section are met.

(b) **Conditional use permit required.** Due to the nature and multiple functions of these type uses, a conditional use permit is required for each and every facility in this section and will be reviewed in accordance with OAC 120:10-13-19.

(1) **Group living facility.** Group living facility as defined in OAC 120:10-1-3 may be permitted in the following zoning districts:

(A) Low Rise General Residential District (RD-3)

(B) High Rise General Residential District (RD-4)

(C) Neighborhood Commercial District (CN)

(2) **Chemical dependency treatment center, residential.** Chemical dependency treatment center, residential, as defined in OAC 120:10-1-3 may be permitted in the following zoning districts:

(A) Low Rise General Residential District (RD-3)

(B) High Rise General Residential District (RD-4)

(C) Neighborhood Commercial District (CN)

(D) Any Industrial District ("I")

(3) **Drug treatment center or halfway house.** Drug treatment center or halfway house, as defined in OAC 120:10-1-3, may be permitted in the following zoning districts:

(A) Low Rise General Residential District (RD-3)

(B) High Rise General Residential District (RD-4)

(C) Neighborhood Commercial District (CN)

(D) Any Industrial District ("I")

(4) **Group home.** Group home, as defined in OAC 120:10-1-3, may be permitted in the following zoning districts:

(A) Low Rise General Residential District (RD-3)

(B) High Rise General Residential District (RD-4)

(C) Neighborhood Commercial District (CN)

(5) **Juvenile treatment center, residential.** Juvenile treatment center, residential, as defined in OAC 120:10-1-3, may be permitted in the following zoning districts:

(A) Low Rise General Residential District (RD-3)

(B) High Rise General Residential District (RD-4)

(C) Neighborhood Commercial District (CN)

(6) **Transitional living facilities.** Transitional living facilities, as defined in OAC 120:10-1-3, may be permitted in the following zoning districts:

(A) Neighborhood Commercial District (CN)

(B) Any Industrial District ("I")

(c) **Additional regulations.**

(1) Residential facilities shall be constructed in accordance with the Low Rise General Residential District (RD-3) regulations for dwellings.

(2) These facilities shall be maintained and operated in such a manner they do not provide a negative impact on surrounding properties.

(3) Off-street parking shall be provided in accordance with Subchapter 7 and Subchapter 17.

(4) All signage shall be in compliance with Subchapter 15 and must be reviewed and approved by the Commission prior to installation.

(5) Any person or entity proposing any group home defined in this section shall be required to submit to the Commission for its consideration, information that includes, but is not limited to, the following:

- (A) Program of operation
- (B) Number of full time and part time staff and/or volunteers
- (C) Maximum number of occupants
- (D) Owner, operator or benefactor
- (E) Security measures
- (F) Any governmental licenses or contracts required for the operation of the facility

(6) Conditional use permits are non-transferable. Any new operation or operator on the same land or building previously used for a group home must submit a conditional use permit and all other information required. Any increase in occupancy, density, or amendments to the program of operation of a previously approved group home must be submitted to and approved by the Commission.

(7) Any group home operating at the time of the approval of this regulation is considered a legal nonconforming use and will be allowed to continue until it ceases to operate under the current ownership.

(8) Any group home that operates contrary to the approved permit and/or conditions of the approval will be considered illegal and in violation of the permit. The Commission will take the necessary action to achieve compliance or the owner will be ordered to cease the operation.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-5-25. Reasonable accommodation permit

(a) **Purpose.** The purpose of this section is to provide a process to allow a conditional use, through a reasonable accommodation permit ("RAP"), by which a halfway house owner or operator may seek from the Commission an accommodation; or, exception to the Commission's rules, policies, practices, or services when such accommodation may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability as defined in The Americans with Disabilities Act. Any person who owns, manages, or operates a halfway house for disabled persons and seeks to operate such a facility in a residential district or in an area where residential uses are provided for in specific Master Plan districts, shall obtain a RAP from the Commission. No person shall operate a halfway house without first having obtained such a permit.

(b) **Application contents.** An application for a RAP in a residential district or in an area where residential uses are provided for in specific plan districts shall be in writing on forms

provided by the Commission. The applicant shall show the location and intended use of the site, the names of all property owners, the existing land uses within 300 feet, and any other materials pertinent to the request the Commission may require.

(c) **Notice and public hearing.** The Commission shall hold one or more public hearings on the application. The Commission shall mail written notice to the applicant and affected property owners at least 10 days prior to the hearing. The contents of the written notice of public hearing shall contain:

- (1) a description of the location of the project site and the purpose of the hearing;
- (2) a statement of the time, place and purpose of the public hearing; and,
- (3) a statement that any interested person or authorized agent may appear and be heard.

(d) **Public hearing.** The Commission shall hear testimony of Commission staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.

(e) **Criteria.** The Commission shall consider the following criteria before approving or conditionally approving an application for a RAP in a residential district or in an area where residential uses are provided for in specific Master Plan districts. The Commission shall determine:

- (1) if the requested accommodation would require a fundamental alteration in the nature of the Commission's zoning program;
- (2) if the use will be compatible with the character of the surrounding neighborhood; and,
- (3) if the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an over-concentration of halfway houses in the vicinity of the proposed use.

(f) **Alternative accommodations.** Upon review of the criteria required in (e) of this section, the Commission may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant, when:

- (1) The requested accommodation is requested by or on behalf of one or more individuals with a disability protected under the fair housing laws.
- (2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The absence of the accommodation may deny the individual or individuals with a disability an equal opportunity to enjoy the housing type of their choice.

(4) The requested accommodation will not result in a fundamental alteration in the nature of the Commission's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(6) In the case of a halfway house, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(g) **Fundamental alteration of zoning program.** The Commission shall have forty-five (45) days from receipt of an application for a RAP to conduct its investigation to assist the Commission in making determination whether the requested RAP would require a fundamental alteration in the nature of the Commission's zoning program. The Commission may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the Commission's zoning program:

(1) Whether granting the requested accommodation would substantially undermine any express purpose of the Commission's Master Plan.

(2) Whether the use conforms to all applicable provisions of the Commission's statutes, rules, and regulations.

(3) Whether the property and existing structures are physically suited to accommodate the use.

(4) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(5) Whether the use will be compatible with the character of the surrounding neighborhood, and the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an overconcentration of halfway houses in the vicinity of the proposed use.

(6) The existence of substandard physical characteristics of the area in which the use is located such as lot widths, setbacks, narrow streets, limited available

parking, short blocks, and other substandard characteristics which may occur within the District.

(7) Whether arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(8) Whether arrangements for commercial trash collection in excess of usual residential collection are made within hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(9) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(10) Whether the facility includes sufficient on-site parking for the use, and traffic and transportation impacts have been mitigated to a level of insignificance.

(11) Whether the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding area.

(12) The proximity of the use location to schools, parks, other halfway houses, outlets for alcoholic beverages and any other uses which could be affected by or affect the operation of the subject use;

(13) In the case of a halfway house, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(h) Operational Standards.

(1) The property shall be operated in compliance with the Commission's rules and regulations and all applicable state and local laws, in addition to the management and operating plan and rules of conduct submitted as part of the RAP application or, as set forth in the conditions of approval for the RAP. All buildings shall be maintained in compliance with building maintenance and safety codes for residential property. Each plan shall provide a phone number where the operator can be contacted at all times.

(2) The following standards apply to uses granted a RAP pursuant to these rules:

(A) Halfway houses shall not be located within 1,000 feet measured from the property line, in the direction of any other existing halfway houses; however, the Commission shall retain the discretion to apply any degree of separation of uses which it deems appropriate in any given case.

(B) There shall be no more than two residents per bedroom. Any residence manager residing on the premises shall be provided with a separate bedroom or living quarters. the Commission has discretion to set occupancy limits based upon the evidence provided by the applicant that additional occupancy is appropriate at the site. In determining whether to set a different occupancy limit, the Commission shall consider the characteristics of the structure, whether there will be an impact on traffic and parking and whether the public health, safety, peace, comfort, or welfare of persons residing in the facility or adjacent to the facility will be affected.

(C) Any halfway house use shall only be carried out in the main dwelling. No servant's quarters, garage apartment or accessory living unit shall be used for housing residents in the program. However, accessory living units may be used to provide living quarters for a residence manager. The Commission shall retain the discretion to grant exceptions to this subparagraph upon application by a halfway house owner or operator.

(D) Only rooms designed and intended for use as sleeping quarter may be used to house residents in the halfway house. No room in the main dwelling shall be converted to increase occupancy for this use. Any room used for the purposes of sleeping quarters must meet HUD standards

(i) Expiration, violation, discontinuance, and revocation of RAPs.

(1) Expiration. Any RAP approved in accordance with these rules shall expire within 24 months from the effective date of approval or at an alternative time specified as a condition of approval unless:

(A) A building permit has been issued and construction has commenced;

(B) A certificate of occupancy has been issued;

(C) The use is established; or,

(D) A time extension has been granted.

(2) Violation of Terms. Any RAP approved in accordance with these rules may be revoked if any of the conditions or terms of the reasonable accommodation are violated, or if any law or rule or regulation is violated in connection herewith.

(3) Discontinuance. A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.

(A) If the persons initially occupying a residence vacate, the reasonable accommodation shall remain in effect only if the Commission determines that:

(i) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Zoning Code, and

(ii) the accommodation is necessary to give other disabled individuals an equal opportunity to enjoy the dwelling.

(B) The Commission may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within 10 days of the date of the Commission's request shall constitute grounds for discontinuance by the Commission of a previously approved RAP.

(j) Revocation of RAPs.

(1) **Duties of the Commission.** Upon determination by the Commission that there are reasonable grounds for revocation of a RAP, a revocation hearing shall be set by the Commission.

(2) **Notice and public hearing.** Notice shall be given in the same manner required for a public hearing to consider approval. Notice shall be mailed to the applicant at least 10 days prior to the hearing.

(3) **Contents of Notice.** The notice of public hearing shall contain:

(A) A description of the location of the project site and the purpose of the hearing;

(B) A statement of the time, place, and purpose of the public hearing;

(C) A statement that any interested person or authorized agent may appear and be heard.

(4) **Hearing.** The Commission shall hear testimony of Commission staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.

(5) **Required findings.** The Commission shall revoke the permit upon making one or more of the following findings:

(A) That the permit was issued on the basis of erroneous or misleading information or misrepresentation;

(B) That the applicant has made a false or misleading statement of a material fact or an omission of a material fact in the application for the permit.

(C) That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;

(D) That there has been a discontinuance of the exercise or the entitlement granted by the permit for 180 consecutive days.

(6) **Decision and notice.** Within 10 days of the conclusion of the hearing, the Commission shall render a decision and shall mail notice of the decision to the applicant.

(7) **Effective date.** The decision to revoke a RAP shall become final 10 days after the date of the decision, unless appealed to the district court.

(8) **Rights of appeal.** Appeals to the district court shall be as prescribed by 73 O.S. § 83.9.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11]

120:10-5-26. Validity

If any section, paragraph, subdivision, clause, phrase or provision of Part 5 of this Subchapter is judged invalid or held unconstitutional, it shall not affect the validity of Part 5 as a whole or part, other than the part decided to be invalid or unconstitutional.

[Source: Added at 28 Ok Reg 2216, eff 7-25-11]

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

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

(a) The rules in this subchapter are based upon use and apply to all off-street vehicle parking and loading in each zoning district.

(b) Whenever the intensity of use of a building or structure is increased, required off-street parking and/or loading facilities shall be expanded to provide for the intensity of use.

(c) Whenever a change in use occurs that requires an increase in the parking spaces required, the off-street facility shall be modified in accordance with this subchapter.

[Source: Amended at 23 Ok 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 dimensions of 9' by 20'.

(3) A compact parking space shall have dimensions 7'-5" by 15'.

(4) A curb space parking space shall have dimensions of 8'-5" by 22'.

- (5) A bus or recreational vehicle parking space shall have dimensions of 9' by 40'.
- (6) A handicapped accessible parking space shall have dimensions of 13' by 20'.
- (7) Off-street loading space shall be at least 12' in length and 30' in width with a 15' 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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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 the front yard setback 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.

(9) The maximum driveway width in the front yard area for the RD-1 and RD-2 districts is 12 feet. The maximum driveway width in the front yard area for the HP district is 10 feet. The maximum driveway width in the front yard area for all other zoning districts is 24 feet.

(10) Off-street parking areas shall not be permitted in the yards of property used for residential purposes.

(11) 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.

(12) Whenever a parking lot is located in a residential district, no parking shall be permitted within the front yard setback of interior and corner lots.

(13) Common driveways and other shared access facilities shall not be altered without prior written permission of all owners utilizing the shared facilities, with such being provided to the commission prior to issuance of any permits. Shared access facilities shall remain clear and passable by all using parties at all times.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 35 Ok Reg 890, eff 9-14-18]

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 space 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% 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 Self Service Laundry:** 3 parking spaces, plus 1 parking space for each 200 square feet of area used by the public.

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

(18) **Fraternity/Sorority House:** 1 parking space for each 200 square feet of rooms designed for sleeping, plus 1 parking 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 5,000 square feet over 20,000 square feet in the building.

(24) **Intermediate care facility:** 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.

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

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

(27) **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.

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

(29) **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.

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

(31) **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.

(32) **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.

(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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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]

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

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

(1) All off-street parking facilities shall be designed and constructed in compliance with this Subchapter.

(2) All off-street parking facilities shall be landscaped in compliance with Subchapter 17.

(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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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 state 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 private or quasi-public 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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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 15.

(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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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

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.

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

SUBCHAPTER 11. HISTORICAL PRESERVATION AND LANDMARK BOARD OF REVIEW

120:10-11-1.1. Definitions

The following words and terms, when used in OAC 120:10-5-10.2, OAC 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.

"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; Amended at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]

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 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; Amended at 34 Ok Reg 849, eff 9-11-17]

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:

- (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 a successor takes office. Members may be appointed to fill the remainder of vacant terms.

[Source: Added at 26 Ok Reg 2819, eff 6-22-09 (emergency); Added at 27 Ok Reg 912, eff 5-13-10; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

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 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 this Subchapter, all duties and responsibilities assigned to the Board of Review by this Subchapter 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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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 the 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 the review, along with any resolutions for actions as considered appropriate, to the Zoning Commission.

(14) The Commission 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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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, moving, demolition, or alteration 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 Commission or an application of the owner(s) of the parcel to be designated or their authorized agents. Any such application shall be made upon forms or pursuant to standards set by the Commission for this purpose.

(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 construction, moving, demolition, or reconstruction of any structure in a Historic Preservation or Historical Landmark district, the Board of Review shall give public notice of the meeting to consider the application to every property owner within 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 10 days after the approval by the 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 that result from such designation. The Director of the Commission shall also officially notify the Board of all approvals or disapprovals of designations at the next regular meeting of the Board following such 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 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; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 35 Ok Reg 890, eff 9-14-18]

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]

120:10-11-8.1. 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 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 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 2 copies of all detailed plans, elevations, perspectives and specifications and the Director of the Commission shall forward to the Board such application for a building permit within 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. 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 Subchapter 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 Commission concerning provisions in the building housing codes and other codes which affect preservation work.

(5) It is not the intent of this Subchapter 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 Subchapter.
- (2) The Historic Preservation Standards and Guidelines in Appendix E.1 of this Chapter.
- (3) The degree to which the proposed work may destroy or alter all or part of the resource.
- (4) 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.
- (5) 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.
- (6) 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; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-11-9.1. Miscellaneous provisions

- (a) **Minimum maintenance.** Designated landmarks, or structures, buildings, or monuments within landmark districts shall be maintained to meet the minimum requirements of codes 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 Commission.

(d) **Demolitions.** No structure or site within any HL, Historical Landmark 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 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 or the HP, Historic Preservation District, to-wit:

(1) The purpose and intent of this Subchapter.

(2) The degree to which the proposed removal of the historical resource would serve to destroy the integrity and continuity of the Historical Landmark 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; Amended at 28 Ok Reg 2216, eff 7-25-11]

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]

120:10-11-11.1. 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

120:10-13-13. Commission authority

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.

[Source: 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, building or parking area 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 OAC 120:10-1-3 or is for new construction that will not expand the floor area of a main building on a site, and is in conformance with the regulation requirements, the Director is authorized to issue the permit. If the building permit is for new construction or expansion of a main building on a site, 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.

[Source: Added at 27 Ok Reg 1733, eff 6-25-10; Amended at 34 Ok Reg 849, eff 9-11-17]

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.

[Source: 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 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 procedures established in 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.

[Source: Added at 27 Ok Reg 1733, eff 6-25-10; Amended at 28 Ok Reg 2216, eff 7-25-11]

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.

[Source: 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.

[Source: 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 300 feet (the notice area), and any other material pertinent to the request the Commission may require.

(B) The Commission shall hold one 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 six members of the Commission.

(2) In considering all requests and rulings made under 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.

[Source: Added at 27 Ok Reg 1733, eff 6-25-10; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17]

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.

[Source: 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.

[Source: 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.

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

SUBCHAPTER 15. SIGNAGE REGULATION

120:10-15-1. Purpose

In order to maintain aesthetic quality within the district, regulations and policies for green space, public rights-of-way, 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.

"Billboard" (including poster and panel types) means a non-accessory sign or sign structure upon which advertising may be posted, painted, or affixed, and which is primarily designed for the rental or lease of the sign space for advertising not related to the use of the property upon which the sign is located.

"Building-mounted 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. Building-mounted signs shall not project more than one foot from the surface of the wall.

"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.

"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.

"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.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08; Amended at 34 Ok Reg 849, eff 9-11-17]

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 120:10-5-3.1. 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 120:10-5-4.1(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; Amended at 35 Ok Reg 890, eff 9-14-18]

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 Public District (P) 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; Amended at 34 Ok Reg 849, eff 9-11-17]

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) Billboards are prohibited in the Capitol - Medical Center Improvement and Zoning District.

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

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

(e) 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.

(f) Any billboard existing at the time of the approval of this regulation is considered a legal nonconforming use.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-15-11. Limitation Per Site

One principal ground-mounted sign per street frontage and one principal building-mounted 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; Amended at 34 Ok Reg 849, eff 9-11-17]

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 principal ground-mounted signs. The Commission will review and approve all landscaping for signage.

(b) All principal ground mounted signage shall provide a landscaped area containing one square foot of plantings for every 2 square feet of the sign base or a fraction thereof located within 10 feet of the base of the sign. Turf grass shall not be used to satisfy this requirement.

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

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

(e) 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.

(f) Plant selection should be made considering plant height at maturity to ensure that plants will not interfere with the readability of the sign.

[Source: Added at 23 Ok Reg 1642, eff 6-11-06; Amended at 25 Ok Reg 2143, eff 7-11-08; Amended at 34 Ok Reg 849, eff 9-11-17]

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]

120:10-15-16. Provisions for Oklahoma Health Center Signage

(a) The high density and intensity of the Oklahoma Health Center and the recommendations of the OHC Master plan for a future development focus on construction of larger more prominent structures with parking garages. The potential for an increase in the campus population and higher concentration of structures within the confines of the subdistrict creates a need to specify certain types of signage for the Health Center Sub-district. Signage design standards should be aesthetically compatible to building materials, appropriate to landscaping and non-impacting to pedestrian connections. Logos and other identification themes related to specific entities should be considered in the design of all identification and on site directional signage. To assist motorist traveling along the street in locating their destination placement, height, visibility and readable signage text are important considerations. The use of a graphic system including directional and wayfinding signage is essential in identifying destinations from distant locations such as major thoroughfares, intersections, parkways or gateways. In designing signage factors such as size, location, color, existing landscape/streetscape and maneuvering around necessary obstructions such as configuration of streets, existing structures, lighting, traffic and other government approved safety/warning signals should also be addressed. No sign shall be installed in any location that impedes vehicular traffic or interrupts pedestrian movement. These regulations will address signage issues specific to the Oklahoma Health Center and only applicable in the Health Center District (HC), Health Center Commercial District (CHC), and the Mixed Use Overlay Zoning District, Health Center Commercial (MXD-1).

(b) All signage installed in the "HC" zoning districts shall be in compliance with all other applicable Sections of this Chapter. The location, installation, and number of signs permitted must be in compliance with this Subchapter. Any sign not defined but permissible in the zoning district and defined in Subchapter 15 of this Chapter may be permitted in the HC zoning districts.

(c) **Permissible Signs.** The following sign types are permissible in the zoning districts listed in OAC 120:10-15-16 (a) of this Subsection, in addition to signage permissible under OAC 120:10-15:

(1) **"Light pole banner sign"** means a rectangular substrate sign suspended from brackets mounted on a permanent decorative light pole designed to be used as a directional/locator sign, form of temporary advertising display, or to identify a neighborhood association or other district organizations. This type sign is only permitted in off-street parking lots. The Commission shall determine the number permitted based on the location and size of the lot and the off-street parking lot lighting standards of the City of Oklahoma City.

(2) **"Building mounted identification signage"** means letters and/or logos that identify the facility that are also defined as the sign face area. The overall dimension of the sign face area shall be measured vertically at the highest point of the tallest character or logo and horizontally at the longest line of text. Building mounted signs shall cover no more than 25% of building wall or building section on which it is installed.

(3) **"Campus/Complex directional signage system"** means a system of large usually post mounted 2-sided signs strategically placed in the most visible locations within the street right-of-way containing a message system that directs, locates, and identifies a unified complex of buildings, structures, and functions. Signage may be lit from an internal source or indirectly lit.

(4) **"Decorative, insignia, and flags means"** flags, emblems, and insignias of the United States, the State, and municipal and other bodies of established government, or flags which display the recognized symbol of a school, nonprofit and/or non commercial organization.

(5) **"Ground mounted signage means"** a sign installed on the ground or mounted to a base attached to the ground that may be installed at a height 2 feet above the top of the second story level of the main building measured at the highest elevation of the site on which the sign will be located. The sign height may be increased based on the height of the building.

(6) **"Internal directional signage"** means a group of signs containing letters and/or logo providing directions to specific locations within a complex of buildings or a mixed use building.

(7) **"Kiosk"** means a freestanding prefabricated structure that may be partially enclosed constructed of weather sustainable materials used for the purpose of advertising or displaying information and providing a vehicular and pedestrian navigation system including interactive displays directing persons to specific destinations within the Oklahoma Health Center and providing information

regarding Health Center or other community events. This type signage is only permitted in strategic locations in the Health Center (HC) and Health Center Commercial (CHC) zoning districts.

(8) **"Mixed used building signage"** means signage used to identify multiple tenants or multiple functions within one structure. Identification of the primary user may occupy the majority of space on the sign face all other identification text shall be installed horizontally on a single sign face or on individual panels, identical in size with one line of text characters and logos identifying each individual tenant or function. A building under single ownership with multiple functions signage may identify each use on one sign located at the entrance to the building or at the location most visible from the street.

(9) **"Monument sign means"** an architecturally designed sign preferably constructed of concrete, rock, stone, or other masonry material used to identify a campus or complex of buildings of common or uncommon ownership. The dimensions of the sign shall be determined by the Commission based on the proposed location and the size of the complex. Additional landscaping may be required.

(10) **"Regulatory sign"** means an informational sign that may be pole mounted or mounted and fastened flat against a building wall that is used to provide a warning regarding health and safety issues. These type signs can be no larger than 2 square feet in area or 24 inches in diameter.

(d) Landscape area required.

(1) All ground mounted identification signage shall provide a landscaped area containing one square foot of plantings for every 2 square feet of the sign base or a fraction thereof located within 10 feet of the base of the sign. Turf grass shall not be used to satisfy this requirement.

(2) Landscape planting can include but is not limited to, ground cover, ornamental grasses, flowering plants, shrubs or miniature trees planted along the base of the sign spaced at a distance that will allow plantings to achieve full growth potential. Planted at a height that at maturity will not interfere with the visibility and readability of the sign message. All plants must be compatible to the Oklahoma City environment.

[Source: Added at 29 Ok Reg 1697, eff 7-26-12; Amended at 34 Ok Reg 849, eff 9-11-17]

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.

"Gross paved 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; Amended at 34 Ok Reg 849, eff 9-11-17]

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 gross paved area within the lot.

(1) In no case shall the owner be required to provide landscaped areas that exceed 15 percent of the gross 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; Amended at 34 Ok Reg 849, eff 9-11-17]

120:10-17-4. Landscape plan required

(a) Any off-street parking lot with a total of 10 or more parking spaces, whether primary or accessory in use, in any zoning district, is subject to the requirements in this section. (b) All landscape plans must comply with the mandatory provisions of this section. This section shall only apply to "I" zoning districts when the parking facility adjoins or is adjacent to residentially zoned or used property.

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

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

- (1) Project name, street address, legal description, name and address of the person or firm preparing the plan;
- (2) A vicinity map showing the location of the lot lines, property lines, and dimensions of the building site, signage and the street yard;
- (3) The location of significant drainage features; the location and widths of existing and proposed streets and alleys, utility easements, driveways, and sidewalks on or adjacent to the lot;
- (4) Identification, location and dimension of required plant materials, screening, and off-street parking and loading spaces within the street yard;
- (5) Description of plant materials shown on the plan, including names common and botanical, quantities, containers or caliper sizes at installation, heights, spread, and spacing. The plan may designate alternative species. All plantings must be compatible to the Oklahoma City environment;
- (6) Installation schedule of required landscaping and irrigation or other watering system;
- (7) Description of proposed watering method;
- (8) Location size and type of existing trees and the method of preservation; and,
- (9) If applicable, proposed soil stabilization practices, and specifications of ground plane treatment as either turf or ground cover.

[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 that abut the street yard 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 healthy trees that are 2.5 inches or more in caliper as measured at a height 36 inches above ground level may be counted for landscape requirements, if they will be retained.

(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.

(g) New or reconfigured surface parking areas shall provide the following landscaped elements:

(1) Front yard buffer (Appendix D.1, A). All parking areas abutting a public right-of-way or future street shall provide a front yard buffer at least 10 feet deep from the sidewalk, consisting of shrubbery, hedges, trees, decorative walls or fences, which creates a visual screen at least three feet high; does not apply to internal driveways, or alleys.

(2) Front yard perimeter bulb-out (Appendix D.1, B). All parking areas abutting a public right-of-way or future street shall provide bulb-outs so that there are not more than 15 continuous parking spaces in a row uninterrupted along that frontage. The bulb-out should be equal in depth to the parking spaces, a minimum of nine feet wide, which includes flowers, shrubs, grass and/or trees where not more than 50% of the ground cover is mulch or gravel.

(3) End-of-row bulb-out (Appendix D.1, C). A landscaped bulb-out should be located at the end of any perimeter parking row abutting a traveled lane. The bulb-out should be equal in depth to the parking space, a minimum of nine feet wide, which includes flowers, shrubs, grass and/or trees where not more than 50% of the ground cover is mulch or gravel.

(4) Internal landscaped island (Appendix D.1, D). Internal parking rows should provide landscaped islands at either end of the rows. The islands shall be equal in length to the rows and at least nine feet wide, or of equivalent size if an irregular shape is necessary. Islands shall include at least two trees with shrubs, flowers, grass or other plantings so that not more than 50% of the ground cover is mulch or gravel.

(5) Intermediate landscaped island (Appendix D.1, E). Internal parking rows should provide intermediate landscaped islands so that there are not more than 12 continuous parking spaces in a row uninterrupted. Islands shall be landscaped the same as internal landscaped islands.

(6) Enhanced parking median (Appendix D.1, F). Larger parking lots which contain multiple rows of parking should provide an enhanced parking median so that there are not more than six rows of parking uninterrupted. Enhanced landscaped medians may be of two different types, landscaped or pedestrian.

(7) Landscaped medians shall separate the rows of parking on either side with a continuous six-foot-wide landscaped band which includes additional landscaping and trees no less than every 30 feet.

(8) Pedestrian medians shall separate the rows of parking on either side with a continuous six-foot-wide pedestrian sidewalk - flush to grade - which leads toward building entry areas and connects to perimeter sidewalks with crosswalks.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06; Amended at 34 Ok Reg 849, eff 9-11-17]

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 also comply with the rules for State Capitol Park as established in OAC 260:60.

(d) Any off-street parking area that is expanded, reconfigured or newly constructed shall comply with the requirements of OAC 120:10-17.

[Source: Added at 23 Ok Reg 2931, eff 7-13-06; Amended at 28 Ok Reg 2216, eff 7-25-11; Amended at 34 Ok Reg 849, eff 9-11-17; Amended at 35 Ok Reg 890, eff 9-14-18]