

(Published in the Journal Record 13th day of February, 2019)

**ORDINANCE NO. 26,085**

**ORDINANCE RELATING TO ZONING AND PLANNING CODE, AMENDING CHAPTER 59 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2010, AMENDING ARTICLE IV ADMINISTRATIVE PROCEDURES SECTION 4250.3 DOWNTOWN DESIGN REVIEW, RELATING TO EXPIRATIONS FOR CERTIFICATES OF APPROVAL, STAFF REVIEW IN THE COTTAGE DISTRICT, AND ADOPTING SUPPLEMENTAL GUIDELINES; AMENDING SECTION 4250.5 URBAN DESIGN REVIEW ADOPTING SUPPLEMENTAL GUIDELINES AND AMENDING ARTICLE VII, SPECIAL PURPOSE DISTRICTS, SECTION 7200.1 DOWNTOWN DESIGN DISTRICTS (DBD, DTD-1, DTD-2) RELATING TO EXPIRATION FOR CERTIFICATES OF APPROVAL, FENCING REQUIREMENTS AND THE STREETScape MASTER PLAN; TABLE 7200.2 DOWNTOWN DESIGN DISTRICTS BULK STANDARDS REGARDING BUILDING HEIGHTS ALONG AUTOMOBILE ALLEY, AND SECTION 7200.3 DOWNTOWN TRANSITIONAL DISTRICT, LIMITED (DTD-1) REGARDING FRONT AND SIDE YARD SETBACKS AND GROUND FLOOR LEVELS; AND AMENDING SECTION 7300.8 NEIGHBORHOOD CONSERVATION DISTRICT TRACT 5 REGULATIONS BY DELETING DUPLICATE DESIGN REVIEW CRITERIA.**

**ORDINANCE**

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

**SECTION 1.** That Chapter 59, Article IV, Sections 59-4250.3 and 59-4250.5 of the Oklahoma City Municipal Code 2010, is hereby amended to read as follows:

**CHAPTER 59**

**PLANNING AND ZONING CODE**

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**ARTICLE IV. ADMINISTRATIVE PROCEDURES**

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§ 59- 4250. DISCRETIONARY REVIEW PROCEDURES

\* \* \*

4250.3 Downtown Design Review

- A. Establishment. The City of Oklahoma City hereby establishes the process for granting downtown design review Certificates of Approval. Certificate of Approval requirements can be found in Section 7200.1 of this chapter.
- B. Reserved.
- ~~B. Expirations for Certificates of Approval. Any Certificate of Approval granted by the Downtown Design Review Committee or Staff shall expire two years from date of issuance.~~
  - ~~(1) Exceptions:~~
    - ~~(a) Temporary Signs – Large Display Banners and Supergraphics shall expire six weeks from the date of issuance or one week following the end of the special event referenced by the signage.~~
    - ~~(b) Projection Image Signs shall expire six weeks from date of issuance or one week following the end of an event related to the signage.~~
    - ~~(c) Temporary Construction Staging Areas, Off Site shall expire one week after completion of the construction project related to the Certificate of Approval.~~
- C. Committee Recommendations and Review.
  - (1) On parcels of land located within the Downtown Design Districts and the Scenic River Overlay Design District, design review and the issuance of Certificates of Approval shall be the responsibility of the Riverfront Design Committee or staff and shall be subject to the design review standards and guidelines of the Scenic River Overlay Design District and the Downtown Design District. If a conflict exists, the Overlay shall govern.
  - (2) Within an area of the DTD-1 District known as the Cottage District, design review and issuance of Certificates of Approval shall be the responsibility of the Urban Design Commission and shall be subject to the design review standards of the Downtown Design District. The Cottage District is defined in Section 59-7200.3.B (1) (a).
    - (a) Within the Cottage District, Staff may review and issue Certificates of Approval according to Section 59-7200.1.C. (3)
  - (3) The Downtown Design Review Committee shall have the opportunity to comment upon and provide recommendations on actions proposed to other City boards, committees, and commissions with respect to the effect of such actions upon the District, except for buildings for which a Notice of Violation for dilapidation has been sent by the City.

- (4) The Downtown Design Review Committee may adopt additional design guidelines, policies and procedures to aid in their design review responsibilities. Said guidelines and policies may supplement the design guidelines established in this section, but not contradict them. The Committee has adopted the following supplemental guidelines:
- (a) Building Conservation & Rehabilitation Guidelines for Oklahoma City.
  - (b) Downtown Development Framework (Design Framework Guidelines only).

These supplemental guidelines and any amendments thereto are hereby adopted by reference as if set out at length herein. Copies of the same are on file in the office of the City Clerk and are also available in the Planning Department. Where discrepancies exist between the supplemental guidelines and other guidelines established in this section, the guidelines established in this section shall take precedence.

\* \* \*

- (7) Staff may refer any case eligible for administrative approval to the Downtown Design Review Committee (or, within the Cottage District, to the Urban Design Commission) for consideration.
- (8) Submissions for Murals and any subsequent modifications to Murals must be approved by the Arts Commission prior to review by the Downtown Design Review Committee or staff.

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#### **4250.5. Urban Design Review.**

- A. Establishment and Purpose. The City of Oklahoma City has previously established the process for granting Certificates of Approval.
- B. Authority and Execution. The Urban Design Commission shall review and take action on applications for Certificates of Approval.
- C. Supplemental Guidelines. In addition to the Design Guidelines found in Section 59-13700 of this chapter, said design guidelines may be supplemented by more detailed guidelines expanding on the basic design principles contained herein. Such supplemental guidelines shall be adopted by the Urban Design Commission in accordance with the regulations of this chapter, and shall be made available to the public upon request and shall be provided to applicants for Certificates of Approval at the time of application. The Commission has adopted the following supplemental guidelines:
  - (1) Building Conservation & Rehabilitation Guidelines for Oklahoma City.
  - (2) Downtown Development Framework (Design Framework Guidelines only).

These supplemental guidelines and any amendments thereto are hereby adopted by reference as if set out at length herein. Copies of the same are on file in the office of the City Clerk and are also available in the Planning Department. Where discrepancies exist between the supplemental guidelines and other guidelines established in this section, the guidelines established in this section shall take precedence.

\* \* \*

**SECTION 2.** That Chapter 59, Article VII, Sections 59-7200.1, Table 7200.2, and 59-7200.3, of the Oklahoma City Municipal Code 2010, is hereby amended to read as follows:

\* \* \*

**§ 59-7200. Downtown Design Districts**

**7200.1 Downtown Design Review Districts (DBD, DTD-1, DTD-2)**

\* \* \*

C. Certificate of Approval Required.

\* \* \*

- (4) Revisions to Certificates of Approval.
  - (a) Staff may approve plans previously approved by staff or the Downtown Design Review Committee which require minor revisions that impact less than 20 percent of the site or building, provided that the revisions maintain conformance with Regulations and meet the intent of the Criteria and any conditions associated with the approval.
  - (b) Staff may approve minor revisions to an unexpired Certificate of Approval without additional fee provided the following conditions are satisfied:
    - 1. No more than five percent of the site or building is modified from the original Certificate of Approval;
    - 2. Revisions do not significantly alter the work previously approved;
    - 3. Revisions are in conformance with regulations and meet the intent of the guidelines; and
    - 4. Revisions are consistent with any conditions associated with the original Certificate of Approval.

(5) Expirations for Certificates of Approval. Any Certificate of Approval granted by the Downtown Design Review Committee or Staff shall expire two years from date of issuance.

(a) Exceptions:

(1) Temporary Signs - Large Display Banners and Supergraphics shall expire six weeks from the date of issuance or one week following the end of the special event referenced by the signage.

(2) Projection Image Signs shall expire six weeks from date of issuance or one week following the end of an event related to the signage.

(3) Temporary Construction Staging Areas, Off-Site shall expire one week after completion of the construction project related to the Certificate of Approval.

\* \* \*

F. Development Regulations. Table 7200.2 establishes yard and bulk regulations for the Downtown Design Districts.

\* \* \*

(8) Fencing. Fences shall comply with the requirements listed below:

(a) Prohibited Fences;

1. Chain link for street frontages ~~of non-residential uses~~;  
Ribbed steel, vinyl, aluminum, or plywood panels; and

3. Electrified, barbed, hog, or chicken wire; or single-strand wire fencing over two and one-half feet in height.

(b) Front yard fences. A front yard fence shall be defined as a fence located within the front yard area between the primary street frontage property line and the front wall of all structures or in front of the front wall of the main building on the site.

~~1. The front yard fence shall be a decorative type open fence of wood picket, split rail wood fencing, or ornamental metal pickets (including ornamental iron, galvanized steel, aluminum, or similar material having the appearance of traditional wrought iron).~~

~~2.1.~~ The height of all front yard fences shall not exceed four feet with the exception of ornamental metal picket fencing which shall be permitted up to six feet in height for non-residential uses.

~~3. Picket width and separation shall comply with the following:~~

~~i. For ornamental metal picket fencing four feet or less in height, the maximum picket width shall not be less than one inch and the minimum separation of pickets shall not be less than two and one-half inches. Spiked caps or spears shall not be used.~~

~~ii. On ornamental metal picket fences in excess of four feet in height, minimum separation of pickets shall not be less than six inches above the first four feet in height of the fence.~~

~~iii. For wood picket fencing the maximum picket width shall be three and one-half inches and the minimum separations of the pickets shall be three and one-half inches.~~

~~4. Support posts for ornamental metal fencing shall be metal or masonry columns and shall be spaced so that visibility is not obstructed so as to present a hazard to pedestrians or vehicular traffic.~~

(c) Side and Rear Yard Fences. A side and rear yard fence shall be a fence located within the side and rear yard as defined in § 59-2150, Yard, Rear; Yard, Side; and illustrated in Figure 2000.7.

1. No such fence shall exceed eight feet in height.

~~— Fencing materials shall consist of open ornamental metal pickets, slatted wood panels, wood pickets, or masonry.~~

~~3. Ornamental metal fences shall be allowed to include masonry columns as referenced for Front Yard Fences.~~

~~4. Sizes and spacing for pickets on ornamental metal and wood picket fencing shall comply with regulations for Front Yard Fences.~~

G. Development Guidelines.

\* \* \*

(5) Pedestrian Circulation and Amenities.

~~Streetscapes are established within the DBD, DTD-1, and DTD-2 Districts to create an attractive and animated sidewalk environment and to foster safe and efficient pedestrian movement. Streetscapes should be in conformance with the Downtown Oklahoma City Streetscape Master Plan to ensure a well designed and unified streetscape treatment within the district.~~

\* \* \*

(9) Demolition

\* \* \*

(10) Fencing. Fences should comply with the guidelines listed below:

(a) Front yard fences.

1. The front yard fence should be a decorative-type open fence of wood picket, split-rail wood fencing, or ornamental metal pickets (including ornamental iron, galvanized steel, aluminum, or similar material having the appearance of traditional wrought iron).

Picket width and separation should comply with the following:

- a. For ornamental metal picket fencing four feet or less in height, the maximum picket width should not be less than one inch and the minimum separation of pickets should not be less than two and one-half inches. Spiked caps or spears should not be used.
  - b. On ornamental metal picket fences in excess of four feet in height, minimum separation of pickets should not be less than six inches above the first four feet in height of the fence.
  - c. For wood picket fencing the maximum picket width should be three and one-half inches and the minimum separations of the pickets should be three and one-half inches.
3. Support posts for ornamental metal fencing should be metal or masonry columns and shall be spaced so that visibility is not obstructed so as to present a hazard to pedestrians or vehicular traffic.

(b) Side and Rear Yard Fences.

1. Fencing materials should consist of open ornamental metal pickets, slatted wood panels, wood pickets, or masonry.

Ornamental metal fences may be allowed to include masonry columns as referenced for Front Yard Fences.

3. Sizes and spacing for pickets on ornamental metal and wood picket fencing should comply with guidelines for Front Yard Fences.

\* \* \*

TABLE 7200.2: DOWNTOWN DESIGN DISTRICTS BULK STANDARDS			
BULK STANDARDS	DBD	DTD-1	DTD-2

Minimum Lot Size	None	None	None
Minimum Lot Width	None	None	None
Maximum Height	None <sup>7</sup>	None <sup>1,6</sup> 3 stories or 50 ft <sup>2</sup>	None <sup>1</sup>
Minimum Height <sup>4</sup>	3 stories or 50 ft on all street frontages	2 stories or 30 ft on all street frontages	2 stories or 30 ft on all street frontages
YARDS (Additional applicable yard regulations are found in Section 59-12100.3)			
Front and Side Yard <sup>3, 5</sup>	None, however, for new construction a Build-To-Line along street frontages is established as follows: <ul style="list-style-type: none"> <li>• The first two floors of new construction shall be placed at or within 10 ft of the street right-of-way.</li> <li>• Up to forty percent of the building on the primary street-frontage may be recessed to allow for entryways, plazas, or similar design features.</li> <li>• Where any setback from the Build-To Line is not a hardscaped plaza or entryway, a landscaped area shall be installed.</li> </ul>		
Rear Yard	None	None	None

FOOTNOTES: TABLE 7200.2

<sup>1</sup> There are specific locations within the DTD-1 District, found in Section 59-7200.3.C(1)(a), and within the DTD-2 District, found in Section 59-7200.4.C(1)(a), where exceptions to the maximum height apply.

<sup>2</sup> Applies within the specific area of the DTD-1, known as the "Cottage District", as defined in Section 59-7200.3.B(1)(a).

<sup>3</sup> Exceptions to setback / build-to lines within the Downtown Design Districts are found in Section 59-7200.1.F(1)(b) and in 59-7200.3.C. (2) for the area known as the "Cottage District".

<sup>4</sup> Exceptions to minimum height within the Downtown Design Districts are found in Section 59-7200.1.F(1)(a).

<sup>5</sup> Where a platted building line exists that requires a greater setback than the DBD, DTD-1 or DTD-2 Districts, the setback/build-to regulations of the zoning district shall be enforced. Enforcement of this regulation does not remove the platted setback from the plat, but allows for the issuance of a building permit with an encroachment on the platted setback.

<sup>6</sup> Chimneys, cooling towers, elevator shafts, bulkheads, broadcasting or receiving antennas, towers, fire towers, tanks, water towers, ornamental towers and spires, wireless towers, and necessary mechanical appurtenances

shall be excluded from the measured height of a building. These accessory features may be erected to a height not exceeding 15 feet above the applicable permitted maximum height for that building and shall not be considered a building story.

<sup>7</sup> The maximum building height along both sides of Broadway Avenue, extending to the north/south alley ways running on both sides of Broadway Ave, and from the north side of NW 6<sup>th</sup> St to the south side of W Park Place shall be 80 ft. The maximum building height along both sides of Broadway Avenue, extending to the north/south alley ways running on both sides of Broadway Ave, and from the north side of NW 4<sup>th</sup> St to the south side of NW 6<sup>th</sup> St shall be 140 ft.

\* \* \*

**7200.3. Downtown Transitional District, Limited (DTD-1).**

\* \* \*

- C. Development Regulations. Table 7200.2 establishes yard and bulk regulations for the DTD-1 District with the following exceptions:

\* \* \*

(2) Setbacks.

(a) Within the area known as the "Cottage District"

1. For new ~~Single Family Residential (59-8200.14) and Two Family Residential (59-8200.16)~~ construction, the front yard setback, or front and side yard setbacks for corner lots, shall be within the range of existing ~~Single Family and Two Family Residential~~ building setbacks on the same side of the street on the same block. The setbacks shall be measured from the plane of any structural element closest to the right-of-way, including enclosed entries and covered porches of either of the first two levels of the building(s).
2. Where less than two ~~Single or Two Family Residential~~ structures are located on that same side of the street on the same block, the front yard setback, or front and side yard setbacks for corner lots shall be a maximum of ~~25~~ 20 feet from the street frontage property line.

- D. Development Guidelines. The following additional guidelines are applicable to the area known as the "Cottage District," as defined in Section 59-7200.3.B (1) (a).

- (1) The following permitted uses: Single-Family Residential (59-8200.14); Two-Family Residential (59-8200.16); Three- and Four-Family Residential (59-8200.15); and Multiple-Family Residential (59-8200.12), are subject to:

- (a) Garages. Where alleys are accessible, front-facing garages should not be permitted, rather access should be provided from the alley. In instances of detached garages, access should be behind the rear wall of the house.
- ~~(b) Floor Level. All floor levels should be elevated a minimum of 24 inches above grade on the front side of the residence, thereby creating a walk-up front door.~~

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**§ 59-7300. Neighborhood Conservation District.**

**7300.1. NC Neighborhood Conservation District.**

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**7300.8 Neighborhood Conservation District Tract 5 Regulations.** In case of a conflict, the regulations established in Section 59-7300 of this article, which are applicable to Tract 5, would supersede those regulations established in Section 59-13700 Urban Design District.

\* \* \*

~~C. Design Review for NC Tract 5.~~

- ~~(1) Justification. Because of its historic role as one of the City's earliest commercial districts, and because its architectural type and elements represent a style unique to the past, a design review process is established to aid in the preservation of NC Tract 5.~~
- ~~(2) Requirement for Certificate of Appropriateness. A Certificate of Appropriateness shall be required in the following instances before the commencement of work upon any structure or site within NC Tract 5:~~
  - ~~(a) Whenever such work requires a sign, building, sidewalk, driveway or fence permit issued by the City.~~
  - ~~(b) Whenever such work includes the erection, moving, demolition, reconstruction, restoration or alteration of the exterior of any building.~~
  - ~~(c) When such work includes the application of paint to a previously unpainted brick or masonry exterior surface of a building, or whenever such work involves the changing of the color of paint of a previously painted exterior surface of a building.~~
  - ~~(d) Whenever such work includes the changing of the material on the exterior surface of a building.~~
  - ~~(e) Whenever such work includes the construction or enlargement of a driveway or parking area, or pedestrian pathway.~~

- ~~(f) Whenever such work includes the attachment of any type of appurtenance, or mechanical or electrical equipment, to the exterior surface of a building.~~
- ~~(g) Whenever such work involves the placement outdoors of any type of street furniture, traffic or street signs, unless these signs are temporary ones to warn of a hazardous condition, or traffic signals. Street furniture shall include benches, tables, trash receptacles (but not dumpsters), picnic tables, playground equipment, kiosks, bus benches, bus shelters, mailboxes and streetlights.~~
- ~~(h) Whenever such work includes the construction of a wall, berm, fence or any type of outdoor landscaping other than normal maintenance.~~
- ~~(i) Whenever such work involves the addition or alteration of an awning or canopy.~~

~~D. General Provisions and Procedures for Certificate of Appropriateness. No building, fence, sign, sidewalk, driveway or demolition permit shall be issued by the Director for any structure or site located, wholly or partially, within NC Tract 5 until the application for such permit has been reviewed by the Historic Preservation Commission and a Certificate of Appropriateness is approved by the Historic Preservation Commission. Any property owner in the District may appeal the decision of the Historic Preservation Commission to the Board of Adjustment.~~

~~E. Design Regulations for NC Tract 5:~~

- ~~(1) For each structure, roofing materials visible from the street shall be clay tiles the exterior of the wall of each building shall be finished in stucco.~~
- ~~(2) Light reflective or colored glass windows for buildings shall not be allowed.~~
- ~~(3) Aluminum windows and doors shall not be permitted. However, storm windows, which are placed outside an ordinary window, do not have to be made of wood.~~
- ~~(4) Awnings or canopies shall be made of cloth.~~

~~F. Design Guidelines for NC Tract 5. In addition to the design regulations outlined in Paragraph D above, the Historic Preservation Commission shall use the following guidelines in their review of applications for Certificates of Appropriateness for NC Tract 5:~~

~~(1) General Characteristics. This district lines a curvilinear street. The Spanish Revival Style is dominant, with heavy use of tile roofs and stucco façades. Spanish adobe-type buildings also exist in stucco, with simple lines and parapet roofs. Some of the newer buildings have failed to follow either of the architectural styles. Remodeling of a few of the older buildings has hidden the major elements of the original architectural style. The buildings are no more than two stories in height. Uniform building setback contributes to visual continuity of the district. Most of the parking is either on the street or in the rear of the structures.~~

~~(2) Rehabilitation/Remodeling:~~

~~(a) Buildings in the Spanish Revival Style:~~

~~1. Façades should be retained.~~

~~— Existing windows should be retained.~~

~~3.— Tile roofs should be retained.~~

~~4.— Architectural features, such as enriched cornice window heads and enriched corbels, should be retained.~~

~~(b) All Other Buildings.~~

~~1.— All remodeling or rehabilitation of exteriors should ensure the integrity of the building, but should not conflict with the overall architectural character of the district.~~

~~— Spanish Revival façades that have been hidden since original construction should be restored if a building permit is required for any façade rehabilitation work.~~

~~3.— Accessory buildings should generally be compatible with the other structures on the street.~~

~~(3) New Construction.~~

~~(a) All building designs should be compatible with the major elements of the Spanish Revival Style or architecture. Stucco buildings with clay tile and/or parapet roof treatments are encouraged.~~

~~(b) All buildings should be no more than two stories in height and consistent in height with the other buildings on the block.~~

~~(c) Off-street parking should include landscaping and/or berms to enhance the appearance of the parking area.~~

~~(d) The demolition of existing Spanish Revival buildings, or elements thereof, is discouraged.~~

~~(e) Mechanical or electrical equipment placed on a roof should be hidden so it cannot be seen from street level.~~

~~(4) Signs.~~

~~(a) Professional constructed, painted or printed signs are encouraged.~~

~~(b) Fluorescent luminaries with plastic faces are generally not acceptable.~~

~~(c) For those buildings with multiple tenants, one sign for all tenants is encouraged.~~

~~(d) All parking lot signs and street signs should be coordinated in terms of style, size and materials.~~

~~(5) Street Furniture. Street furniture should be coordinated in terms of style and color, and be compatible with the character of the area.~~

~~(6) Awnings and Canopies. The style and color of awnings and canopies should be compatible with the architectural style and character of the area.~~

~~(7) Landscaping.~~

~~(a) Low maintenance landscaping is encouraged.~~

- ~~(b) The species, height and location of landscaping should be used to aid in the circulation of cars and people.~~
- ~~(c) Plants should be selected on the basis of height and density of both their immature and mature stages of development.~~
- ~~(d) Trees with low growing branches should be avoided.~~
- ~~(e) Trees that drop gum, excessive amounts of moisture, blossoms, seeds or pods should be avoided.~~
- ~~(f) The purpose of parking area landscaping is to improve the appearance of parking areas and assure safety through visibility.~~

\* \* \*

**INTRODUCED AND READ** in the open meeting of the Council of The City of  
Oklahoma City, Oklahoma, this 15th day of January, 2019.

**PASSED** by the Council of The City of Oklahoma City, Oklahoma on this 12th day  
of February, 2019.

**SIGNED** by the Mayor of The City of Oklahoma City, Oklahoma on this 12th  
day of February, 2019.

**ATTEST:**

Frances Kersey  
City Clerk

s/b David Holt  
MAYOR