

TULSA METROPOLITAN AREA PLANNING COMMISSION
Minutes of Meeting No. 1645
Wednesday, **April 8, 1987**, 1:30 p.m.
City Commission Room, Plaza Level, Tulsa Civic Center

MEMBERS PRESENT	MEMBERS ABSENT	STAFF PRESENT	OTHERS PRESENT
Carnes	Crawford	Frank	Linker, Legal
Doherty, 2nd Vice- Chairman	Draughon	Gardner	Counsel
Kempe	Rice	Setters	Jackere, Legal
Paddock, 1st Vice- Chairman		Dickey	Counsel
Parmeale, Chairman			
VanFossen, Secretary			
Wilson			
Woodard			

The notice and agenda of said meeting were posted in the Office of the City Auditor on Tuesday, April 7, 1987 at 9:15 a.m., as well as in the Reception Area of the INCOG offices.

After declaring a quorum present, Chairman Parmeale called the meeting to order at 1:34 p.m.

MINUTES:

Approval of Minutes of March 25, 1987, Meeting #1643:

On **MOTION** of **WOODARD**, the Planning Commission voted **5-0-1** (Carnes, Paddock, Parmeale, VanFossen, Woodard, "aye"; no "nays"; Wilson, "abstaining"; (Doherty, Draughon, Kempe, Rice, Crawford, "absent") to **APPROVE** the **Minutes of March 25, 1987**, Meeting No. 1643.

REPORTS:

Committee Reports:

Mr. VanFossen advised the **Comprehensive Plan Committee** met this date to discuss the procedure for the upcoming Master Drainage Plan reviews, which was presented by the Department of Stormwater Management (DSM).

Mr. Paddock advised the **Rules & Regulations Committee** was scheduling a meeting for April 15, 1987 to discuss the septic system problems in south Tulsa as they affect a revision in the Subdivision Regulations.

Director's Report:

Mr. Gardner requested Alan Jackere update the Commission as to the status of the District Court hearings in regard to the portable signs preliminary Injunction.

ZONING PUBLIC HEARING:

Application No.: Z-6153 Present Zoning: AG
Applicant: Young (Carroll) Proposed Zoning: CS, OL & RM-2
Location: NW/c of South Memorial & East 111th Street
Size of Tract: 39.87 acres, approximate
Date of Hearing: April 8, 1987
Presentation to TMAPC by: Mr. Terry Young, PO Box 3351 (583-4611)

Relationship to the Comprehensive Plan:

The District 26 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Commercial (10 acre node) and Low Intensity - No Specific Land Use.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed **CS District** is in accordance with the Plan Map at the 10 acre node. The proposed **OL District may be found** in accordance with the Plan Map for the Low Intensity portion and the proposed **RM-2 District is not** in accordance with the Plan Map for the Low Intensity portion.

Staff Recommendation:

Site Analysis: The subject tract is 39.87 acres in size and is located at the northwest corner of South Memorial Drive and East 111th Street South. It is partially wooded, gently sloping, vacant and is zoned AG.

Surrounding Area Analysis: The tract is abutted on the north by a vacant single-family dwelling that has been approved for a golf driving range, zoned AG; on the east across Memorial Drive by vacant property and portable building sales, zoned CS; on the south across 111th Street by a vacant single-family dwelling and stables, zoned AG; and on the west by a riding stables facility, zoned AG.

Zoning and BOA Historical Summary: The City of Bixby has permitted commercial zoning and development along the east side of Memorial Drive. The Board of Adjustment has approved a medium intensity use abutting the subject tract to the north.

Z-6153 Young (Carroll) - Cont'd

Conclusion: The subject tract qualifies as a 10 acre Type II Node due to its location at the intersection of a Primary and Secondary Arterial Street. Commercial zoning on the east side of Memorial would also support commercial zoning. The requested RM-2 zoning would not be consistent with either the Comprehensive Plan or Development Guidelines for the interior portion of the subject tract.

Therefore, Staff recommends **APPROVAL** of 10 acres of CS zoning (measured from the centerline of the streets) with a 300 foot wrap around buffer of RM-0 zoning along the west and part of the north with OL 330' deep on the Memorial frontage. For the balance of the subject tract, Staff recommends **DENIAL** of the requested RM-2 zoning and **APPROVAL** of RS-3 zoning in the alternative.

NOTE: Revised legal is to be furnished by the applicant.

Applicant's Comments:

Mr. Young amended the continuance request to a one week continuance (April 15th), instead of a July 8, 1987 date.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-0** (Carnes, Doherty, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Rice, Crawford, "absent") to **CONTINUE Consideration of Z-6153 Young (Carroll)** until Wednesday, **April 15, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center.

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Application No.: **Z-6154** Present Zoning: RS-3
Applicant: **Rauch** Proposed Zoning: IM
Location: 1169 North College
Size of Tract: .5 acres, approximate
Date of Hearing: April 8, 1987
Presentation to TMAPC by: Mr. Ted Rauch, 1104 North Delaware (834-2624)

Relationship to the Comprehensive Plan:

The District 3 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - No Specific Land Use and Special District 2.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed IM District is not in accordance with the Plan Map for the Medium Intensity, but may be found in accordance with the Plan Map for the Special District.

Staff Recommendation:

Site Analysis: The subject tract is approximately .5 acres in size and is located north of the northeast corner of College Avenue and Latimer Street. It is partially wooded, flat, contains a burned out dwelling and is zoned RS-3.

Surrounding Area Analysis: The tract is abutted on the north by the Burlington Northern Railroad zoned IM; on the east by vacant property zoned IM; on the south by vacant property zoned IL and on the west across College by an automobile and truck salvage operation zoned IM.

Zoning and BOA Historical Summary: IM zoning is the predominate zoning pattern in the area.

Conclusion: Although the medium intensity designation on the Comprehensive Plan does not support the IM rezoning in whole, the Special District portion and the existing IM zoning abutting the subject tract does support the request.

Therefore, Staff recommends **APPROVAL** of the requested IM rezoning.

Comments & Discussion:

Chairman Parmele advised receipt of two letters of protest on this application (from Mr. & Mrs. Henry Sievers and Mrs. Nell K. Gorecki), and submitted these as exhibits to the zoning file.

TMAPC ACTION: 7 members present

On **MOTION** of **CARNES**, the Planning Commission voted **7-0-0** (Carnes, Doherty, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Kempe, Rice, Crawford, "absent") to **APPROVE Z-6154 Rauch for IM zoning**, as recommended by Staff.

Legal Description:

IM Zoning: Lot 6, Block 1, HOMES GARDENS ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

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Application No.: Z-6155 Present Zoning: CH
Applicant: Cunningham Proposed Zoning: IH
Location: NE/c of North Utica and Pine, 1701 East Pine
Size of Tract: .91 acres, approximately
Date of Hearing: April 8, 1987
Presentation to TMAPC by: Mr. Harry E. Styron, 2442 East 21st (582-8220)

Relationship to the Comprehensive Plan:

The District 2 Plan, a part of the Comprehensive Plan for the Tulsa Metropolitan Area, designates the subject property Medium Intensity - Industrial and Corridor.

According to the "Matrix Illustrating District Plan Map Categories Relationship to Zoning Districts," the proposed IH District is not in accordance with the Plan Map.

Staff Recommendation:

Site Analysis: The subject tract is approximately .91 acre in size and is located at the northeast corner of North Utica Avenue and Pine Street. It is nonwooded, flat, contains an automobile repair/salvage facility and tire sales, and is zoned CH.

Surrounding Area Analysis: The tract is abutted on the north by a single-family dwelling, zoned RS-3; on the east by an auto repair shop and vacant property zoned CH and RS-3; on the south across Pine by a service station and on the west across Utica Avenue by a metal processing/recycling plant, zoned IM.

Zoning and BOA Historical Summary: Commercial Heavy and Industrial Moderate zoning have been approved in the area. The area surrounding the subject tract is a mixture of zoning designations including IM, CH, IL, CS, RM-1, RM-2 and RS-3.

Conclusion: Based on the Comprehensive Plan and existing zoning patterns, Staff cannot support the requested IH rezoning. Also, based on the Comprehensive Plan and RS-3 zoning east of the subject tract, Staff cannot support IM zoning. Staff can support IL zoning in the alternative. Industrial zoning east of Utica Avenue has been limited to a maximum of IL intensity which is in accordance with the Comprehensive Plan.

Therefore, Staff recommends **DENIAL** of the requested IH zoning and **APPROVAL** of IL zoning in the alternative.

For the record, if the Commission is inclined to support an auto salvage on the subject tract, IM zoning and BOA approval of a special exception would accommodate that use. IM zoning would also require an amendment to the Comprehensive Plan Map.

Applicant's Comments:

Mr. Harry Styron, attorney for the applicant, submitted photos of the subject area and a written statement outlining the request and reasons for support of IH zoning. Mr. Styron pointed out the existing use of the property was passed on to the applicant from the previous owner. He advised the applicant wished to maintain the used tire sales/repair business on the southern portion, which shields the salvage business from view on Pine Street. Mr. Styron reviewed the surrounding businesses in the area as to other commercial/industrial uses, and commented he felt the applicant's proposed use for an auto salvage would have little, if any, affect.

Mr. Paddock inquired, if the Staff recommendation were followed, if it would preclude the applicant from using the property as proposed. Mr. Styron replied that Code Enforcement indicated to the applicant that he must have the property rezoned if any salvage work was done, unless done totally inside a building. Mr. Paddock asked if Code Enforcement indicated whether IH or IM would be needed. Mr. Styron commented IH would be needed, or IM with a Special Exception from the BOA.

Ms. Wilson inquired if the auto salvage was just a sideline in that most of the revenue was from tire sales/service. Mr. Styron clarified that when the applicant took over the property, there were approximately 20 cars on the tract and he has been trying to locate the owners in order to get rid of these autos. However, the main business was buying and selling of used tires, although he did wish to continue a salvage operation.

Review Session:

Mr. Carnes confirmed there were no protestants in attendance. In reply to Mr. Doherty, Staff clarified the types of uses permitted under IM zoning. Mr. Doherty then moved for approval of IM zoning on the subject tract.

TMAPC ACTION: 8 members present

On **MOTION** of **DOHERTY**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Rice, Crawford, "absent") to **APPROVE Z-6155 Cunningham for IM zoning.**

Legal Description:

IM Zoning: Lots 13, 14, 15, 16, 17 and 18, Block 2, ELM MOTTE ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the recorded plat thereof.

PUBLIC HEARING:

TO AMEND THE CITY OF TULSA ZONING CODE TO INCLUDE ESTABLISHING A HISTORIC PRESERVATION (HP) ZONING DISTRICT & RELATED MATTERS

Comments & Discussion:

Ms. Carol Dickey, of the INCOG Staff, presented and reviewed the Historic Preservation Ordinance as drafted March 13, 1987 (attached). Ms. Dickey advised the request for this ordinance came from the citizens. She pointed out that the properties under consideration must be on the National Registry and that the HP zoning would not change the underlying zoning. Ms. Dickey stated that the areas under consideration are: Brady Heights, Tracy Park, Maple Ridge and Gillette. Ms. Dickey reviewed the history of the Neighborhood Conservation Commission (NCC), as well as the policies and standards of the National Historic Society. She stated there were approximately 1,000 homes in the Tulsa area under consideration for HP zoning. Ms. Dickey then reviewed the Certificate of Appropriateness (COA) process as a part of the proposed ordinance.

Mr. Doherty, referring to Section 7.C.3, inquired who would determine the degree of experience of the person dealing with rehabilitation as to the structural soundness, i.e. the NCC. Ms. Dickey replied the homeowner would choose his own representative. Mr. Doherty stated his concern was that the homeowner might have to go to his own expense and, in some instances, this deals with people of already limited means. Mr. VanFossen pointed out that Section C stated the homeowner may submit some of the items listed, but was not required to meet all seven items. Mr. Doherty then inquired as to the mechanics involved in the review and consideration of the zoning by the NCC. Ms. Dickey commented that the NCC would review the applications, but it was not anticipated that they would have a formal public hearing before presentation to the TMAPC. However, the NCC or its Staff may provide a comment to the TMAPC for their hearing.

In regard to the comment under "District Designation" addressing nonresponses (Section 4.B.2), Mr. Doherty asked if the nonresponse was noted as a "nay" or thrown out completely. Ms. Kempe and Chairman Parmele both commented that a nonresponse was neither "aye" or "nay". Mr. Linker advised that the requirement was worded so that it would require 2/3 of all the property owners; therefore, if the district had a nonresponse, then that would be one vote they did not have towards the 2/3. In regard to the notification process, Mr. Doherty inquired as to who bore the burden of determining the adjacent property owners, and the cost of such notification. Ms. Dickey advised that the notification for the zoning overlay hearing would go through the normal zoning process, i.e. those within 300', and the owners of the property or applicants would be responsible for the costs involved. Mr. Doherty stated that this could be a neighborhood association, but then asked if it could be the NCC. Ms. Dickey stated the NCC could possibly make an application, but that, basically, the NCC intended to support the neighborhood actions. In response to Mr. VanFossen, Mr. Gardner clarified that an applicant for zoning/rezoning was responsible for submitting the notification list to INCOG, and while INCOG handled the actual mailing, the applicant was charged an amount for postage and an amount for the zoning signs placed on the property.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Referring to Section 5, B.4 which noted the COA filing with the Department of City Development (DCD), Mr. Paddock stated this was the first time he recalled this agency being mentioned, and he inquired as to their role in this process. Ms. Dickey clarified that the DCD handles the COA applications and notifies the NCC much like INCOG handles zoning applications for the TMAPC. Mr. Paddock pointed out that under B.2 of Section 5, it stated what the applicant must submit, and to whom the information should be submitted. Under Section 3.B, Mr. Paddock commented that reference was made to a Planned Unit Development (PUD), a supplemental zoning district, and then referred to an HP District as an overlay zoning district. He questioned if there was a difference in these two type districts and, if so, why not just use supplemental zoning district. Ms. Dickey stated that the intent of this item was to indicate that the HP District could be applied to any type zoning district currently in the Zoning Code. Mr. Jackere commented that he did not see a problem with this, and added that, if the property under consideration had historical significance and met the criteria, the fact that there was a PUD on it would indicate that it was something of a more recent development and, perhaps, did not have historical significance.

In reply to Ms. Wilson, Ms. Dickey clarified "Historic District" as defined in this ordinance. In regard to the five day permit process and the HP Review Committee, Ms. Kempe inquired if this was a standing committee, or if the committee changed from case to case. Ms. Dickey explained this was a standing committee of the NCC. Ms. Kempe questioned if this committee met weekly. Ms. Dickey stated the committee would be on call whenever an application was submitted and the committee's actions would be ratified by the NCC at their next regular committee meeting. Ms. Dickey compared this process to prior approval of lot splits by the TMAPC. Ms. Wilson inquired if the HP zoning boundaries would also include zoning on the streets, as relates to infrastructure changes. Ms. Dickey stated that the HP overlay zoning would be as other zoning districts that cross streets, and would not interfere with infrastructures, etc. Ms. Wilson commented on an incident in San Antonio involving a bridge structure and related street which was under an HP designation, and the problems related to reconstruction. Ms. Dickey stated that the NCC was trying very hard not to limit the progress of development with the requirements of this ordinance.

Mr. Woodard inquired as to how old a building must be to be placed on the National Register. Ms. Dickey replied that a general standard was 50 years before a building or site could be registered, or if it had an extremely unique features or characteristics, it might be less than 50 years. In reply to Mr. VanFossen, Ms. Dickey clarified Section 3.D, District Designation. As to exterior or building fronts, Mr. VanFossen commented that he did not feel the ordinance wording on this was very clear, and he had a problem with the ratification having to go to the NCC as he felt it voided the purpose of the HP Committee's approval, and suggested this be further analyzed.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Mr. Paddock verified that reference to Section 7, in the last sentence of Section 5.B.7 was in error and, in fact, should be item E of Section 5. Mr. Carnes stated that there had been comments as to no geographic boundaries, yet four main districts were being mentioned. Ms. Dickey stated the only boundaries that would exist were those boundaries that were so placed by the National Registry, and these would be under the jurisdiction of the NCC. Mr. VanFossen clarified that this would not exclude future areas from being placed on the National Registry. Mr. Woodard asked if a site could be designated as having historical significance. Ms. Dickey confirmed this to be correct and mentioned the Creek Council Oak Tree site as an example.

Chairman Parmele remarked that during the last year there were only twelve building permit applications that would have come under review by the NCC, and he inquired as to the total cost of administration of the NCC. Ms. Dickey referred this question to Pat Connelly of DCD. Mr. Connelly advised that City Development had budgeted approximately \$15,000 for one part-time employee and, although the final negotiations with INCOG had not been made, the maximum additional would be about \$13,000. Chairman Parmele then inquired if any of the neighborhood associations or historic preservation areas bore a portion of this cost. Mr. Connelly indicated they did not as this was covered in the City budget. In regard to the 66% owner consent, Chairman Parmele asked Ms. Dickey to comment on an 80% - 90% consent rate. Ms. Dickey stated the 66% rate was included in many other State ordinances and statutes and would be an appropriate figure to use in this instance; however, there were some proponents who would like to see a smaller percent. Referring to the Design Guidelines, Chairman Parmele asked if these were to be a part of the ordinance or a part of the NCC Internal policy. Ms. Dickey stated the NCC was proposing the adoption of the Design Guidelines, after adoption of this HP ordinance, as official City policy under resolution by the City Commission. She added they had a working draft which would have to be amended, based on what was approved in the HP ordinance.

Interested Parties:

Mr. Bill Packard

752 North Denver

Mr. Packard, President of the Brady Heights Neighborhood Association, spoke in favor of the ordinance, but stated they were not in favor of the 66% approval rate, and suggested 51% as originally proposed. Mr. Packard commented that he felt this ordinance was one that was workable among the neighborhoods, City staff and other citizens of the community. He pointed out that as a Neighborhood Association (not a homeowner's association), their bylaws included property owners, residents, renters, commercial and business members, and they felt the HP overlay zoning would be beneficial to the Brady Heights area.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Ms. Lora Schultz

1216 South Owasso

Ms. Schultz, President of Tracy Park Homeowner's Association, also spoke in favor of the proposed ordinance and submitted a letter from Ms. Fran Pace, Chairman of the District 4 Citizen Planning Team, who stated she felt a strong historic preservation ordinance was long overdue. Ms. Schultz stated approval of this ordinance would "legislate good taste".

Mr. Grant Hall

1202 East 18th Street

Mr. Hall, Zoning Chairman of the Maple Ridge Association, reviewed the background of work done among the four areas under consideration as to efforts in getting this HP ordinance process started. Mr. Hall added the Association was supportive of the 51% majority approval, and requested this ordinance be accepted.

Ms. Sharry White

1518 South Gillette

Ms. White, of the Gillette Neighborhood Association, briefed the Commission as to work done to get this particular neighborhood on the Historical Register, but pointed out that this registration offers no protection. Ms. White stressed that the HP zoning would require an application and would not be imposed on anyone. She reiterated that this ordinance was originated and requested by the groups of citizens that would be affected by it, which was only 1% of the housing market in Tulsa. Ms. White submitted a petition with 85% of the homeowners in her district requesting approval of the ordinance. In reply to Mr. Doherty, Ms. White stated agreement with the 51% approval as outlined in the federal guidelines.

Ms. Wilson asked Ms. White to comment on the name "Neighborhood Conservation" Commission, and if she considered neighborhood preservation more important than historic preservation. Ms. White stated she felt these were equal as to importance, but she did not see anything sacred as to the name "Neighborhood Conservation" Commission. Ms. Wilson commented that in reading the ordinance, the real focus and the real intent and purpose was historic preservation, and if this was the intent, it seemed "Historic Preservation" Commission might be more appropriate. Ms. White remarked that the thinking at that time was probably that historic preservation was a part of neighborhood conservation in general. Ms. Dickey added that when the NCC was created in 1985, they did have a more general advisory purpose related to neighborhood conservation. Ms. Wilson stated that this new revised ordinance focused on historic preservation. Ms. Dickey advised this ordinance would not change the existing ordinance, but would merely enhance it.

Mr. Rick Braselton

1525 South Yorktown

Mr. Braselton, President of the Gillette Neighborhood Association, stated he was also an architect and builder of three of the twelve permits applied for in a Historical Preservation area. Mr. Braselton read a letter submitted on behalf of the Gillette Neighborhood Association in support of the HP ordinance.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Mr. Matthew Livingood

4429 East 59th Place

Mr. Livingood, President of Preservation Tulsa, Inc., submitted a letter of support on behalf of this organization made up of architects, designers, attorneys and individuals dealing with preservation efforts. In regard to Ms. Wilson's statement about a San Antonio bridge project, he stated that as an attorney in preservation matters, this project probably involved federal monies dealing with a historical site. Mr. Livingood stated that in order for preservation to be effective, it must be the product of a number of balances: between Federal and local efforts; between incentives and regulations; and between public and private efforts. He stated this ordinance extended efforts to fulfill these balances and, therefore, requested approval of the ordinance.

Mr. Ed Kaplan

1639 South Pecan, BA

Mr. Kaplan advised he was a Board Member of the Builders Association of Metropolitan Tulsa, as well as Vice Chairman of the NCC. Mr. Kaplan read a letter of endorsement issued by the Board of Directors of the Builders Association. As an independent businessman doing remodeling and design work in the subject areas, he briefed the Commission on various examples of client's remodeling works in progress and advised that a common request was to preserve the architectural integrity of the exterior of their homes. In regard to the Design Guidelines, Mr. Kaplan stated he felt the NCC has put together a set of guidelines that accomplish the needs and desires of the citizens of this community, yet remain practical. In reply to Mr. Paddock as to the percentage required for consent of an HP designation, Mr. Kaplan stated he would go along with the requests as expressed by the neighborhood associations of a simple majority.

Ms. Kathleen Page

2534 South Columbia Place

Ms. Page, President-Elect of the American Institute of Architects, advised that the AIA passed a resolution at its March meeting in support of this HP ordinance. Ms. Page commented that the members of AIA were concerned that their clients would be restricted from development permitted under the current zoning and building codes. She stressed that this ordinance would not restrict development, and they were hopeful that the NCC would meet on a regular basis so as to be able to process COA's concurrently with other building permits.

Mr. Joe Coleman

2645 East 41st Street

Mr. Coleman, an Architect and a Member of the Arts Commission, stated he has met recently with the NCC in regard to preservation of the Art Deco heritage of the city. Mr. Coleman commented that there was no question Tulsa needed an HP guideline, and he felt the NCC was the proper agency to handle this need. Mr. Coleman remarked that he felt that development, to some degree, might be discouraged if the ordinance was worded in prohibitive terms, and suggested more permissive wording. He requested the TMAPC act cautiously, but give thought to guidelines that offer some flexibility.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Mr. T.D. Williamson

1132 East 20th Street

Mr. Williamson, Chairman of the NCC, advised he has been a resident of Maple Ridge since 1948. Mr. Williamson admitted the proposed ordinance still needed some refinement and requested the TMAPC consider the statements made this date and meet again, based upon a better understanding of the type of instrument that would be beneficial to the neighborhoods, useful to business and the real estate industry. In reply to Ms. Wilson regarding the percentage of approval, Mr. Williamson suggested this situation use the democratic process of a simple majority.

Mr. Herb Fritz

252 East 27th

Mr. Fritz, Chairman of the District 6 Citizen Planning Team and a registered architect, advised that the Maple Ridge and Gillette historic neighborhoods were a part of this district. Mr. Fritz commented that in 1986 22% of all the rezoning/PUD cases and 18% of all the BOA cases were in this district, most of which were in the older areas of the district. He stated that the District 6 Planning Team has reviewed this ordinance and voiced its support for approval. Mr. Fritz agreed with the suggested 51% approval percentage.

Mr. Charles Norman

909 Kennedy Building

Mr. Norman stated that he was asked by the developer of the northwest corner of East 15th Street and South Peoria to monitor these meetings, and he was pleased to hear that this area was not intended to be a part of a historic district ordinance, even though the ordinance would not prohibit the proposed development. He proposed there be a separate approval procedure for nonresidentially zoned properties, in order that each group of properties might be represented fairly in the petition process. Mr. Norman stated concern as to the definition of property owners and felt consideration should be given to area petitions, rather than ownership. He stated, for example, that an owner of a 50' lot should not be given the same weight as the owner of a one acre lot.

Mr. Norman also stated concerns as to the demolition provisions and suggested there be a clear cut off, as a property owner should have the right to demolish the property at some specific point in time. In regard to the definition of historic places, Mr. Norman commented that he felt this primarily related to older, well preserved areas, but he felt there were numerous other neighborhoods in the City possessing historical significance that may not have the funds to go through the national historic registry procedure. He stated that being on the National Register should not be a precondition to the establishment of a historic district and that the City should retain its own right to determine what was or was not historic. Mr. Norman voiced opposition to any further intervention of the government in the design process, which has been supported by his architectural clients.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Ms. Wilson, in regard to the demolition issue, asked Mr. Norman if he had a problem with the 45 day waiting period to find some "suitable alternative". Mr. Norman stated that he had no problem with the 45 days, but that if the NCC could not find a suitable alternative that was acceptable to the property owner, then the owner should be allowed to demolish the property. Otherwise, there could be endless discussion as to a definition of "suitable alternative". In reply to Mr. Doherty, Mr. Norman suggested that a provision be made clarifying that, should the owner not agree to some proposal within 45 days, the permit shall be issued.

Mr. Paddock requested Mr. Norman discuss his thoughts as to adding other areas in the City that might qualify. Mr. Norman noted there were areas that were representative, by continuity, of preservation by the private sector and would probably represent areas where this ordinance was needed the least, while there were still other areas with more change occurring which presented a greater opportunity for preservation. He stated he would favor a much more targeted aspect, such as on a specific site, building, structure or landmark basis, and he did not feel these areas should be sent to Washington (National Registry) for someone else to decide eligibility, as the citizens of Tulsa should be allowed to decide this.

Chairman Parmele asked Mr. Norman his opinion as to the percentage that should be required for approval. Mr. Norman stated he felt this should be high because this deals with regulatory restrictions on property that were contrary to the basic approach that a homeowner was allowed to paint, design or modify their home in any way they chose as long it was done in way that caused no harm to themselves or neighbors. He added that, to take away this basic right, required very careful consideration, and if a petition method was to be used, he felt it should require at least 66%, preferably 75%.

Ms. Dickey interjected that the provision as to color change had been deleted from the ordinance, as the ordinance now deals only with surfaces that had not already been painted. Mr. Norman indicated his concern was with the definition of "ordinary maintenance and repair" which refers to "such work will not noticeably change the exterior appearance". Ms. Dickey stated that, after review by the City attorneys, the language would be consistent throughout the ordinance, as the intent was not to include color change. She also pointed out that it was not the NCC's intent to include the Cherry Street development north of 15th Street as a part of this process.

Mr. Whit Mauzy

1532 South Gillette

Mr. Mauzy clarified with Ms. Dickey that the ordinance would only apply to those properties that had already been designated as having historical significance, which could include all or a portion of a neighborhood. Mr. Mauzy commented his concern was that this designation might be placed on an entire neighborhood where some of the residents did not realize they had this designation.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Mr. Roy Johnsen

324 Main Mall

Mr. Johnsen advised he was appearing on behalf of the Urban Affairs Committee of the Metropolitan Tulsa Board of Realtors (MTBR) and he submitted a letter addressing their concerns. Mr. Johnsen requested the hearings be continued to allow time for further study of the drafted ordinance. He reviewed the purpose of the Urban Affairs Committee and stated they share concerns as to the severity of the restrictions that could possibly be imposed without consent of the property owners. In this regard, Mr. Johnsen stated the Committee suggested the each property owner should first give written consent as to inclusion of his property within an HP District, but should this not be acceptable, at least 90% of the owners affected should submit written consent. Mr. Johnsen reviewed other concerns and suggestions of the Urban Affairs Committee, which included: NCC review shall be mandatory, but their actions and/or recommendations should be advisory only; exclusion of properties not located within single-family zoned districts; TMAPC review of the Design Guidelines, and that adoption and amendment of the Guidelines follow customary zoning public hearing procedures. Mr. Johnsen pointed out using a percentage of the property owners as the denominator of requisite consent could present a problem in that a large estate would have the same vote as a property owner of a 50' lot, and that a property owner may, in fact, own more than one property. He agreed with Mr. Norman's comments in that a property owner should have the right to proceed with demolition, should the NCC and owner not agree on a "suitable alternative" within the 45 day period.

Mr. Johnsen advised that the Committee felt Paragraph E of the ordinance seemed redundant and, for clarity, Paragraph A should be amended to read, "to promote the preservation, protection and regulation....". Mr. Johnsen suggested the ordinance further clarify that the HP designation should be considered and voted on separately for each of the general underlying zoning districts, and also suggested that a nonresponse be deemed a negative vote. In regard to the COA process, Mr. Johnsen stated that there should be a provision protecting an innocent buyer from an injunction or fine, in that a zoning restriction customarily does not appear on an abstract, and a new purchaser would have no way of knowing if there had previously been any alterations that needed NCC review. He commented that he was hopeful the City Legal Department would give this their close review as there appeared to be several inconsistencies in the language of this ordinance.

Mr. Doherty asked Mr. Johnsen what mechanics would he propose that would apply city-wide in regard to implementation of the consent percentage. Mr. Johnsen suggested using the square footage of lots or dwelling units; however, there could be a situation where one owner had ten lots, and under the current language, this owner would have one vote. In reply to Mr. Carnes, Mr. Johnsen stated he felt that, by placing a high percentage on the consent requirement, it reduced the aversion of such a severe restriction being imposed. In regard to the exclusion of nonresidential properties, Ms. Wilson commented that the issue of HP zoning had been

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

determined as being applicable throughout the City whether CS, CH or Industrial, should a property owner want this. Mr. Johnsen stated that, in a commercial area, there were issues such as dealing with the appropriateness of the exterior structure, that were much harder to deal with, in that the history of the area may not be in jeopardy. As an example, Mr. Johnsen remarked that there could be a commercial area that felt that they had developed some architectural continuity, and they could expand the boundaries to, arbitrarily, include a proposed use down the street.

In response to Ms. Dickey, Mr. Johnsen commented that he did not feel the intent of the ordinance coincided with the drafted language of the ordinance. It was pointed out that the ordinance currently stipulates that those areas that have the required national designation and contain more than one existing zoning classification will be reviewed separately for the HP zoning. Mr. Paddock stated, in regard to Mr. Johnsen's suggestion that this HP designation be indicated on an abstract, that a PUD supplemental zoning was not noted on the abstract, only the covenants. Discussion followed on the issue of how best to handle this situation so as to inform a prospective buyer that he was purchasing a home within an HP district. The TMAPC further reviewed and clarified the suggestions and concerns of the Urban Affairs Committee with Mr. Johnsen.

Mr. T.D. Williamson, noting that the NCC was agreeable, suggested it might be purposeful in expediting the refinements of this ordinance, if a task force were authorized by the TMAPC in order to meet with the Urban Affairs Committee before coming back to a public hearing.

Additional Comments & Discussion:

Chairman Parmele stated there were three choices before the TMAPC regarding this issue: 1) make a decision this date; 2) continue the public hearing to a date certain to allow time for review of the information received this date; or 3) close the public hearing and continue the TMAPC review session, at which time the public would be allowed to attend, but not speak. Ms. Kempe suggested that, in order to allow the public another chance to speak, the public hearing be continued for study and revision purposes. Mr. Doherty stated agreement to the continuation of the public hearing.

Mr. Paddock commented he felt there were two separate things involved, one having to do with the designation of the HP districts by a zoning action, and the other having to do with the administration of such districts with people wishing to make changes within their homes. In response to Mr. Carnes, Mr. Paddock added that he did not feel that the TMAPC should be burdened with administrative tasks that might be involved with applications for permits to do something to one's property. In regard to the Design Guidelines, Mr. Paddock stated that this Commission had an advisory role and these should not be proposed directly to the City Commission by the NCC.

PUBLIC HEARING: Historic Preservation Ordinance - Cont'd

Ms. Kempe moved for a continuation of the public hearing and that the Rules & Regulations Committee, with Legal Counsel and some of the NCC representatives, meet to work toward a finalization of the ordinance draft. Mr. Paddock advised that the earliest the Rules & Regulations Committee could meet on this topic would be two weeks from this date. Therefore, Staff advised that May 6th or May 13th would be an appropriate continuance date, as the TMAPC does not have a meeting scheduled for April 29th (the fifth Wednesday). Ms. Kempe amended her motion for a continuance to May 6th.

TMAPC ACTION: 8 members present

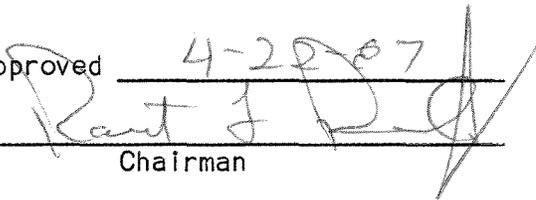
On **MOTION** of **KEMPE**, the Planning Commission voted **8-0-0** (Carnes, Doherty, Kempe, Paddock, Parmele, VanFossen, Wilson, Woodard, "aye"; no "nays"; no "abstentions"; (Draughon, Rice, Crawford, "absent") to **CONTINUE** Consideration of the Public Hearing to amend the City of Tulsa Zoning Code to include establishing a Historic Preservation (HP) Zoning District and related matters until Wednesday, **May 6, 1987** at 1:30 p.m. in the City Commission Room, City Hall, Tulsa Civic Center, and **REQUEST** a meeting of the Rules & Regulations Committee, before the May 6th hearing, to further review the HP ordinance draft.

Chairman Parmele requested the Rules & Regulations Committee meet April 22nd, and members of the NCC, City Development, Urban Affairs Committees, City Legal and any other parties that wished to provide input, be so advised. He also requested the TMAPC members notify the Rules & Regulations Committee members of any key areas of concern.

There being no further business, the Chairman declared the meeting adjourned at 4:38 p.m.

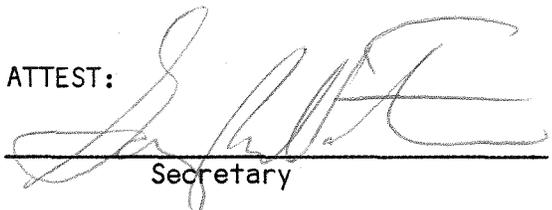
Date Approved _____

4-22-87



Chairman

ATTEST:



Secretary

ORDINANCE NO.

AN ORDINANCE CREATING A HISTORIC PRESERVATION DISTRICT AS A SUPPLEMENTAL ZONING DISTRICT; BY REQUIRING A CERTIFICATE OF APPROPRIATENESS FOR ANY DEVELOPMENT, CONSTRUCTION, RECONSTRUCTION, ALTERATION OR DEMOLITION OF PROPERTIES SO DESIGNATED; PROVIDING FOR APPEALS FROM THE ISSUANCE OR DENIAL OF A CERTIFICATE OF APPROPRIATENESS; BY PROVIDING FOR SEVERABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the natural and historic features within certain areas of the City of Tulsa represent some of the finest and most valuable resources of the City and such resources are the embodiment of the heritage of the people of the City of Tulsa;

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TULSA, OKLAHOMA:

SECTION I PURPOSE

It is the purpose of this ordinance:

- A. To promote the creation of historic zoning districts for the educational, cultural, economic, and general welfare of the public through the preservation, protection, and regulation of buildings, sites, monuments, structures, and areas of historic interest or importance within the City of Tulsa.
- B. To safeguard the heritage of The City by preserving and regulating historic districts which reflect elements of its culture, social, political and architectural history;
- D. To foster economic development;
- E. To promote the use of historic preservation districts for the culture, prosperity, education, and welfare of the people of The City and visitors to The City;

SECTION 2 DEFINITIONS. As used in this chapter:

- A. Architectural resources shall mean districts, structures, buildings, monuments, sites, and landscaping that possess local interest or artistic merit, or which are particularly representative of their class or period, or represent achievements in architecture, engineering technology, design, or scientific research and development.
- B. Archeological resources shall mean areas or locations occupied as residences or utilized by humans (historic or prehistoric) for a sufficient length of time to construct features or deposit artifacts, which may remain in greater or lesser degrees of preservation and order and which may lend to the increase of knowledge of man about his own development.
- C. Certificate of Appropriateness shall mean the official document issued by the Historic Preservation Committee of the Neighborhood Conservation Commission (NCC) approving any application for permission to construct,

erect, demolish, relocate, reconstruct, restore, or alter any structure within a Historic Preservation Zoning District.

- D. Height the vertical distance measured from the average ground elevation at the building wall to the highest horizontal point of the structure.
- E. Historic District shall mean a geographically definable area with a concentration or linkage of significant sites, buildings, structures, or monuments that are unified historically, architecturally, or archeologically.
- F. Historic Preservation Committee shall mean a Committee of the Neighborhood Conservation Commission as established by the NCC and consisting of the following NCC members; the architect, the person actively engaged in commercial or residential development, one of the neighborhood representatives, the landscape architect or community or urban planner, and one additional NCC member of the professional organizations.
- G. Historical resources shall mean sites, districts, structures, buildings, or monuments that represent facets of history in the locality, state or nation; places where significant historical or unusual events occurred; places associated with a personality or group important to the past.
- H. Landmark shall mean an individual structure, building, site, or monument which contributes to the historical, architectural, or archeological heritage of The City of Tulsa.
- I. Neighborhood Conservation Commission as created by Ordinance #16468 shall be referred to within this ordinance as the NCC.
- J. Ordinary maintenance and repair shall mean any work for which a building permit or any other City permit or certificate is not required, where the purpose of such work is stabilization, and where such work will not noticeably change the exterior appearance of the property. Any work not satisfying all of the above requirements shall not be considered ordinary maintenance and repair. The application of paint to previously unpainted brick or masonry or other unpainted surfaces shall not be considered ordinary maintenance and repair, nor shall the construction or enlargement of a driveway or parking area be considered ordinary maintenance and repair.
- K. Preservation shall mean the adaptive use, conservation, protection, reconstruction, restoration, rehabilitation, or stabilization of sites, buildings, districts, structures, or monuments significant to the heritage of the people of Tulsa.
 - (1) Adaptive use shall mean the restrained alteration of a historical or architectural resource to accommodate uses for which the resource was not originally constructed, but in such a way so as to maintain the general historical and architectural character.
 - (2) Conservation shall mean the sustained use and appearance of a resource essentially in its existing state.

- (3) Protection shall mean the security of a resource as it exists through the establishment of the mechanisms of this section.
- (4) Reconstruction shall mean the process of recreating or reproducing by new construction all or part of the form and detail of a vanished resource as it appeared at a specified period in time.
- (5) Rehabilitation shall mean 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 noticeably changing the exterior appearance of the resource.
- (6) Restoration shall mean the process of accurately recovering all or part of the form and detail of a resource and its setting as it appeared at a particular period of time by means of the removal of later work and the replacement of missing earlier work.
- (7) Stabilization shall mean the process of applying measures designated to halt deterioration and to establish the structural stability of an unsafe or deteriorated resource while maintaining the essential form as it presently exists without noticeably changing the exterior appearance of the resource.

L. Significant characteristics of historical or achitectural resources shall mean those characteristics which are important to or representative of the historical, architectural, or cultural quality and integrity of the resource and its setting, and which include, but are not limited to building material, detail, height, mass, proportion, rhythm, scale, setback, setting, shape, street accessories, and workmanship.

- (1) Building materials shall mean the physical characteristics which create the aesthetic and structural appearance of the resource, including but not limited to a consideration of the texture and style of the components and their combinations, such as brick, stone, shingle, wood, concrete or stucco.
- (2) Detail shall mean architectural aspects which, due to particular treatment, draw attention to certain parts or features of a structure.
- (3) Proportion shall mean the relative physical sizes within and between buildings and building components.
- (4) Rhythm shall mean a regular pattern of shapes, including, but not limited to, windows, doors, projections, and heights, within a building, structure, or monument, or a group of same.
- (5) Scale shall mean the harmonious proportion of parts of a building, structure, or monument to one another and to the human figure.
- (6) Setting shall mean the surrounding buildings, structures, or monuments, or landscaping which provide visual aesthetic, or

auditory quality of the historic or architectural resources.

- (7) Shape shall mean the physical configuration of structures, or monuments and their component parts including, but not limited to, roofs, doors, windows, and facades.
- (8) Street accessories shall mean those sidewalks or street fixtures which provide cleanliness, comfort, direction, or safety, and are compatible in design to their surroundings, and include, but are not limited to, trash receptacles, benches, signs, lights, hydrants, and landscaping, including but not limited to trees, shrubbery and planters.
- (9) Structure shall mean anything constructed or erected, the use of which requires permanent location on the ground or which is attached to something having a permanent location on the ground. This includes, but is not limited to, buildings, fences, walls, driveways, sidewalks, and parking areas.

M. Tulsa Metropolitan Planning Commission shall be referred to within this ordinance as Planning Commission.

SECTION 3 "HP" HISTORIC PRESERVATION ZONING DISTRICT

- A. Creation. There is hereby created the "HP" Historic Preservation Zoning District.
- B. General Provisions and description. The "HP" Historic Preservation District and its regulations may be applied to property located in any other zoning district, whether residential, office, parking, commercial, industrial, corridor, PUD or agricultural, in accordance with the provisions of this Ordinance. The "HP" Historic Preservation District is an overlay zoning district and the regulations imposed by such district shall be in addition to the regulations of the underlying zoning district applicable to the subject parcel.
- C. District Identification. Tracts, buildings or sites designated by the City Commission as being within the "HP" Historic Preservation District shall be identified on the Official Zoning Map of The City and in other official writings by the suffix "HP".
- D. District Designation. Those National Register Historic Districts which contain more than one existing zoning classification shall be reviewed and considered for Historic Preservation Designation separately for each zoning classification.
- E. District Regulations. The following regulations shall be applicable to all properties within the "HP" Historic Preservation District
 - (1) The erection, moving, demolition, reconstruction, restoration, or alteration of any structure is prohibited unless a Certificate of Appropriateness is granted by the NCC Historic Preservation Committee.
 - (2) All structures and grounds shall be maintained in keeping with the

historical nature of the site designated.

- F. Ordinary Maintenance or Repair. Nothing in this section shall be construed to prevent ordinary maintenance or repair of any structure as those terms are defined herein.
- G. Permitted Uses. Property located within the "HP" Historic Preservation District may be used for any purpose permitted within the basic zoning district in which such property is located, subject to compliance with all regulations imposed by such basic zoning district and subject to compliance with all provisions of this article.

SECTION 4 HISTORIC PRESERVATION ZONING DISTRICT DESIGNATION PROCESS

A. Procedure:

- (1) Upon final completion of the petition of property owners the applicant shall make formal application to the Planning Commission for the "HP" Historic Preservation Zoning District designation. Application for this zoning designation shall be pursuant to the requirements and procedures as stated in the City of Tulsa Zoning Code, Chapter 17, and shall include the petition of property owners as required in this section.
- (2) The Planning Commission shall notify the NCC that an application for "HP" designation has been received and the date set for public hearing.
- (3) The NCC shall as a part of every such designation or amendment of a designation state in written form the attributes of the area or site for designation as such attributes relate to and comply with the review criteria for district designation as provided in this section and present its recommendation for designation to the Planning Commission.
- (4) The NCC may solicit and present expert testimony or documentary evidence regarding the historical, and architectural and archeological, or cultural importance of the property proposed for designation.
- (5) The NCC shall have the authority to recommend the amendment or repeal of any designation of a site, structure, building, district, or monument in the same manner and according to the same procedure as provided herein.

B. District Designation. Criteria. An area, site, structure, district, or monument may be designated for preservation and thus may be included within the Historic Preservation District if such possesses the following attributes within the categories below, to-wit:

- 1. The site, structure, district or monument has previously been placed on the National Register of Historic Places.
- 2. Designation of districts having more than three property owners shall receive a majority of approval for designation. A majority

shall be two-thirds (2/3) of the total property owners within a district. The applicant requesting "HP" designation shall prepare, or cause to be prepared, a list of all property owners within the proposed district identifying their approval or disapproval of "HP" designation. All non-responses shall be noted as such.

SECTION 5 CERTIFICATE OF APPROPRIATENESS

A. Certificate of Appropriateness: When Required. A Certificate of Appropriateness (COA) shall be required in the following instances before the commencement of work upon any structure or site located within the "HP" Historic Preservation District to-wit:

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

B. General Provisions and Procedures:

- (1) No building permit shall be issued for any structure or site located within the "HP" Historic Preservation District until the application for such permit has been reviewed by the NCC Historic Preservation Committee and a Certificate of Appropriateness issued by the NCC Historic Preservation Committee.
- (2) The applicant for a COA shall submit with his application (2) two sets of plans in addition to those required by the Protective Inspections Department for a building permit, provided that the plans submitted include the following information;
 - a. a plot plan, if applicable, showing the location of new and existing structures on the site and their location to the building line, property lines and in the case of new structures on a previously vacant lot the location of the new structure with respect to the front of those houses or structures immediately adjacent each side of the lot being built upon.
 - b. a floor plan of the proposed work, if applicable, identifying the location and limits of the new work.
 - c. elevations, if applicable, of the existing or new structure in sufficient detail to identify the limits, location, and the proposed materials to be used in the proposed work.
 - d. any other drawings, photographs or information the applicant

may wish to provide that will provide sufficient information to review the compliance with the COA requirements.

- (3) The applicant may request a preliminary design review meeting with the NCC or the Historic Preservation Committee to review the proposed work, applicable COA Design Guidelines and the preliminary compliance or non-compliance of the work with the intent of the COA Design Guidelines. The minutes of the preliminary design review shall be kept and the applicant provided a copy for his record. The applicant may also consult with the Historic Preservation Committee during the final review of the COA application.
- (4) The Historic Preservation Committee shall meet within 5 working days after notification from the Department of City Development of a filing of an application for a COA.
- (5) The Historic Preservation Committee shall review the application, the data submitted according to the standards herein specified, and shall determine whether the proposed work is of a nature which will adversely affect any historic or architectural or archeological resource and whether such work is appropriate and consistent with the spirit and intent of this chapter. Upon review of the data provided, the Historic Preservation Committee shall approve, approve with conditions, or deny the application. Action of the Historic Preservation Committee shall be placed on the agenda of the next NCC regular meeting for ratification.
- (6) Upon approval, or approval with conditions of an application the Historic Preservation Committee shall notify the Protective Inspections Department stating the basis upon which approval or approval with conditions was made. Upon failure of the Historic Preservation Committee or the NCC to take final action within 30 days after the receipt of the application, the case shall be deemed approved, except when mutual agreement has been reached for an extension of the time limit by both parties.
- (7) In the case of denial of a COA application, the Historic Preservation Committee shall state the reasons for denial in a written statement to the applicant. Notice of the denial and the written statement shall also be transmitted to the Protective Inspections Department. Denial of a COA application may be appealed as set forth in Section 7.

C. Certificate of Appropriateness: Demolitions

- (1) General Provisions. No structure or site within any "HP" Historic Preservation District shall be demolished or removed unless such demolition shall be approved by the NCC and a Certificate of Appropriateness for such demolition shall be granted. Applications for demolition permits shall be filed with the NCC staff.

In determining whether demolition shall be permitted, the NCC shall consider:

- a. whether the property is in such poor condition that it is not feasible to preserve or restore it;
 - b. architectural and historical significance of the property.
- (2) In the event the NCC decides not to issue a Certificate of Appropriateness for demolition no permit for demolition shall be issued for forty-five days to allow the Neighborhood Conservation Commission to consult with civic groups, public agencies, private organizations, and individuals for alternatives to demolition. If, after forty-five days, no suitable alternative to the property owner is found, the NCC will issue to the applicant a Certificate of Appropriateness for demolition.

D. Certificate of Appropriateness: Archeological Resources

- (1) Development of a property containing a designated archeological 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. Archeological resources shall be protected from inappropriate or improper digging by demonstration by the applicant that the appropriate permits and standards are met for study as set by the Oklahoma Historic Society and Secretary of Interior Guidelines for Archeological Documentation.
 - b. Any discovered materials shall be properly recorded, reported, stored, or exhibited according to the standards set by the Oklahoma Historic Society, and Secretary of Interior Guidelines for Archeological Documentation.
 - c. All development affecting the designated archeological resource shall provide for the permanent preservation of the resource or provide for the completion of the necessary work as recommended by a qualified archeologist.
 - d. Prior to the hearing by the NCC for issuance of the COA, the applicant or the NCC shall cause to have presented the comments and recommendations of a qualified archeologist with respect to the NCC resource under consideration and the application which would affect it.

E. Certificate of Appropriateness: Review Criteria

- (1) The NCC shall establish Design Guidelines which shall form the criteria to be used in the review of Certificates of Appropriateness.
- (2) The NCC shall develop the Design Guidelines and make recommendation to the City Commission for adoption by resolution.

- (3) It is not the intent of this section to limit new construction to any one period or architectural style, but to establish a set of criteria to preserve the integrity of historic and architectural resources and to insure the compatibility of new work constructed within the historic districts.
- (4) In all cases the NCC shall be guided by the following criteria;
 - a. The NCC Certificate of Appropriateness Design Guidelines.
 - b. The Standards of Rehabilitation and Guidelines for Rehabilitating Historic Buildings as adopted by the Secretary of the Interior of the United States, three copies of which are on file in the Office of the City Auditor and made part hereof by reference.
 - c. The purpose and intent of this Chapter.
- (5) The NCC shall develop such guidelines and materials as it may find necessary to supplement the provisions of the section and to inform owners, residents, design and building professionals, and the general public of those techniques and requirements considered most proper for undertaking work relating to historic and architectural resources.

F. Certificate of Appropriateness: Time Limits

- (1) All work approved by the Certificate of Appropriateness shall commence within six (6) months of the issuance of the Certificate of Appropriateness and shall be completed within two (2) years of its issuance.
- (2) If a building permit is required to fulfill the terms of the Certificate of Appropriateness, application for the building permit shall be made within six (6) months of the issuance of the Certificate of Appropriateness. After application and approval of the building permit is made, construction shall commence and be completed according to the terms of the building permit.

SECTION 6 ADDITIONAL PROVISIONS

- A. NCC Review. All matters affecting the Historic Preservation District shall be reviewed and considered by the NCC prior to final action by the Planning Commission, the Board of Adjustment or the City Commission.
- B. Taxes. Nothing in this section shall be construed as reason for an increased valuation of property for purposes of ad valorem taxation because of historical designation.
- C. Property Owned by Public Agencies. The requirements, provisions, and purposes of this section shall apply to all property owned by The City of Tulsa or any other public agency; provided, however, designation pursuant to this section shall not affect the validity of prior actions of the City Commission approving plans, programs or authorizations for

public trusts, agencies or authorities of The City without an express amendment of such plan, program or authority.

- D. Advisor to the City Commission. The NCC shall have the opportunity to advise the City Commission concerning provisions in the building, electrical, mechanical and residential housing codes which affect preservation work.
- E. Appeals. Any person aggrieved by a decision of the NCC shall have such right of appeal as may otherwise be provided by law. An appeal from any decision of the NCC concerning a Certificate of Appropriateness may also be taken by any aggrieved person to the City Commission by filing with the City Auditor and the NCC within ten (10) days from the date of such decision, a notice of appeal which notice shall specify the grounds of such appeal. A hearing on the appeal shall be heard by the Board of Commissioners not later than thirty (30) days from the date of filing said notice of appeal.

SECTION 7 CERTIFICATE OF ECONOMIC HARDSHIP

From time to time, meeting the provisions of this ordinance may cause economic hardship for low income homeowners wanting to make exterior improvements to their homes. In each case, notwithstanding any of the provisions of the ordinance to the contrary, the NCC may issue a Certificate of Economic Hardship to allow the performance of work for which a Certificate of Appropriateness has been denied. The issuance of a Certificate of Economic Hardship shall be made under the following procedures, to-wit:

- A. Application to the NCC for a Certificate of Economic Hardship shall be made in writing to the NCC within 10 days after notification of Certificate of Appropriateness denial.
- B. Applicants claiming economic hardship shall be required to apply to the Department of City Development, Operations Division, to determine eligibility for rehabilitation assistance. The eligibility for and availability of financial assistance shall be considered by the NCC in making its decision.
- C. An applicant for a Certificate of Economic Hardship may submit any or all of the following information in order to assist the NCC in making its determination on the application:
 - 1. Estimate of the cost of the proposed redevelopment, alteration, reconstruction, restoration, demolition or removal and an estimate of any additional costs that would be incurred to comply with the recommendations of the NCC for changes necessary for the issuance of a Certificate of Appropriateness.
 - 2. Estimated market value of the property in its current condition; after completion of the proposed redevelopment, alteration, reconstruction, restoration, demolition or removal; after any changes recommended by the NCC; and, in the case of a proposed demolition, after renovation of the existing property for continued use.

3. A report from a licensed architect or engineer with experience in rehabilitation as to the structural soundness of any structure on the property and their suitability for rehabilitation.
 4. In the case of demolition or removal, an estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the existing structure on the property.
 5. Amount paid for the property, the date of purchase, and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer.
 6. If the property is income producing, the annual gross income from the property for the previous two years; itemized operating and maintenance expenses for the previous two years; and depreciation deduction and annual cash flow before and after debt service, if any during the same period.
 7. Any other information considered necessary by the applicant or by the NCC to make a determination as to whether the property does yield or may yield a reasonable return to the owner.
- D. The NCC shall within 30-days of receiving a formal written request for a Certificate of Economic Hardship, review all material provided by the owner, investigate plans and make recommendations to allow for a reasonably beneficial use or a reasonable economic return. Recommendations may include, but not be limited to: a relaxation of the provisions of the ordinance and/or financial assistance.
- E. If at the end of the 30 day work period, the NCC finds that without approval of the proposed work, the property cannot be put to a reasonably beneficial use or the owner cannot obtain a reasonable economic return therefrom, then the NCC shall issue a Certificate of Economic Hardship approving the work. If the NCC finds otherwise, it shall deny the application for a Certificate of Economic Hardship.

SECTION 8 VIOLATIONS

Any person, firm, or corporation violating or permitting the violation of any provision of this ordinance or failing to comply with any of its requirements, including violation of conditions of approval for Certificates of Appropriateness, shall be deemed guilty of a misdemeanor punishable by a fine of not more than Five Hundred Dollars (\$500.00). Each day that a violation continues shall be deemed a separate offense.

Nothing herein contained shall prevent the City of Tulsa or its authorized official from taking other action, authorized by law, to remedy any violation.

SECTION 9 SEVERABILITY

If any section, subsection, paragraph, subparagraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 10 DECLARATION OF EMERGENCY

That an emergency is hereby declared to exist for the preservation of the public peace, health and safety, by reason whereof this Ordinance shall take effect immediately from and after its passage, approval and publication.

PASSED, with the emergency clause ruled upon separately and approved this _____ day of _____, 1986.

Mayor

ATTEST:

City Auditor

APPROVED:

City Attorney