



# MEMORANDUM

The City of  
**OKLAHOMA CITY**

Council Agenda  
Item No. VIII. D.  
5/1/07

TO: Mayor and City Council

FROM: James D. Couch, City Manager *JDC*

Ordinance relating to zoning amending Chapter 59, Article IV, Section 59-4200 of the Oklahoma City Municipal Code, 2002, as amended, by amending the Historic Preservation Regulations to provide procedures for hearing before the Historic Preservation Commission on applications for Certificates of Appropriateness; and to provide that appeals from the Historic Preservation Commission to the Board of Adjustment shall be on the record.

**Purpose** On December 14, 2006, the Planning Commission referred this proposed ordinance to the Historic Preservation Commission. On February 7, 2007, the Historic Preservation Commission recommended approval of the ordinance amendment.

**Background** The proposed amendment establishes new procedures for public hearings before the Historic Preservation Commission. They include a requirement that the hearing be video recorded, all persons giving testimony be sworn upon their oath, and that the Chairman will admit all authentic and reasonable material into evidence and that such evidence be retained as a part of the Commission's record in the case.

Additionally, the amendment provides that appeals to the Board of Adjustment from decisions of the Historic Preservation Commission be solely upon the record of the proceedings in the case before the Commission.

The proposed ordinance amendment was heard and recommended for approval by the Planning Commission on March 8, 2007.

**Review** Planning Department and Municipal Counselor's Office

**Recommendation:** The ordinance be adopted.

**City Council Action  
Financial Impact Report**

**Title of Item:** Ordinance relating to zoning amending Chapter 59, Article IV, Section 59-4200 of the Oklahoma City Municipal Code, 2002, as amended, by amending the Historic Preservation Regulations to provide procedures for hearing before the Historic Preservation Commission on applications for Certificates of Appropriateness; and to provide that appeals from the Historic Preservation Commission to the Board of Adjustment shall be on the record.

**Originating Department:** Planning Department

**Description of Impact:**

On December 14, 2006, the Planning Commission referred this proposed ordinance to the Historic Preservation Commission. On February 7, 2007, the Historic Preservation Commission recommended approval of the ordinance amendment.

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**Summary of Impact**

**a. Cost to City Organization (include indirect costs):** Additional staff time required to process applications for an appeal to The Board of Adjustment.

**b. Cost to Citizens:** None.

**c. Cost to Business Community:** None.

**d. Revenue Produced:** None.

**Source of Funds**

**Fund Name:**

**Agency Name:**

**Department Head Signature:** 

**Date:** 4-7-07

<b>Date Submitted to OMB:</b> 3/15/07	
<b>OMB Review Completed by:</b> <i>WJL</i>	<b>Date:</b> 3/16/07

## MINUTES

Oklahoma City Planning Commission

March 8, 2007

34. Ordinance relating to zoning amending Chapter 59, Article IV, Section 59-4200 of the Oklahoma City Municipal Code, 2002, as amended, by amending the Historic Preservation Regulations to provide procedures for hearing before the Historic Preservation Commission on applications for Certificates of Appropriateness; and to provide that appeals from the Historic Preservation Commission to the Board of Adjustment shall be on the record.

Staff was present. There were no protestors present.

Commissioner Williams moved to approve Item 34. Commission Hensley seconded the motion. Ayes: Yoeckel, Hensley, George, Washington, Bright, Williams, and Gales. Nos: Powers. Absent: Allen. **ORDINANCE AMENDMENT RECOMMENDED FOR APPROVAL.**

**STAFF REPORT**  
**Planning Commission**  
**March 8, 2007**

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**A. BACKGROUND**

On December 14, 2006, the Planning Commission referred this proposed ordinance to the Historic Preservation Commission. On February 7, 2007, the Historic Preservation Commission recommended approval of the ordinance amendment.

The proposed amendment establishes new procedures for public hearings before the Historic Preservation Commission. They include a requirement that the hearing be video recorded, all persons giving testimony be sworn upon their oath, and that the Chairman will admit all authentic and reasonable material into evidence and that such evidence be retained as a part of the Commission's record in the case.

Additionally, the amendment provides that appeals to the Board of Adjustment from decisions of the Historic Preservation Commission be solely upon the record of the proceedings in the case before the Commission.

**B. RECOMMENDATION**

Approval of proposed amendment.

jc

(Published in The Journal Record \_\_\_\_\_, 2007)

ORDINANCE NO. \_\_\_\_\_

ORDINANCE RELATING TO ZONING AMENDING CHAPTER 59, ARTICLE IV, SECTION 59-4200 OF THE OKLAHOMA CITY MUNICIPAL CODE, 2002, AS AMENDED, BY AMENDING THE HISTORIC PRESERVATION REGULATIONS TO PROVIDE PROCEDURES FOR HEARING BEFORE THE HISTORIC PRESERVATION COMMISSION ON APPLICATIONS FOR CERTIFICATES OF APPROPRIATENESS; AND TO PROVIDE THAT APPEALS FROM THE HISTORIC PRESERVATION COMMISSION TO THE BOARD OF ADJUSTMENT SHALL BE ON THE RECORD.

ORDINANCE

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

SECTION 1. That Chapter 59, Article IV, Section 59-4200 of the Oklahoma City Municipal Code, 2002, as amended, is hereby amended to read as follows:

**Chapter 59**

**ZONING**

\* \* \*

**ARTICLE IV. SPECIAL REGULATIONS**

\* \* \*

**§ 59-4200. Historic Preservation regulations.**

\* \* \*

**§ 59-4200.7. Certificate of Appropriateness Process.**

A. Certificate of Appropriateness:

\* \* \*

(5) Certificate of Appropriateness: Procedures for Hearings before the Commission.

(a) All hearings before the Commission to consider and/or act

- (a) All hearings before the Commission to consider and/or act upon an application for a certificate of appropriateness shall be video-recorded in their entirety. Such video-recording shall be maintained by the Historic Preservation Officer for a period of not less than sixty (60) days following the final decision of the Commission on the application.
- (b) All persons wishing to appear as a witness before the Commission to give testimony in support of, or in opposition to, an application for a Certificate of Appropriateness shall be first sworn upon their oath.
- (c) The Chairman of the Commission shall admit into evidence all exhibits offered by witnesses in support of, or in opposition to, an application for a Certificate of Appropriateness, which the Chairman determines to be authentic and reasonably material and relevant to the application. All exhibits admitted into evidence shall be numbered and marked sequentially by the Historic Preservation Officer and shall be retained as a part of the Commission's record in the case.

\* \* \*

**Section 59-4100.8. Miscellaneous Provisions.**

\* \* \*

F. Appeal to Board of Adjustment:

\* \* \*

- (2) *Method of Appeal.* All appeals to the Board shall be taken within ten days from the date of the decision by filing a notice of appeal with the Clerk of the Board of Adjustment and by paying the required filing fee at the time the notice is filed. The notice shall specify the grounds for the appeal. All appeals shall be solely upon the record of the proceedings in the case before the Commission and no additional evidence shall be allowed; provided, argument in support of, or in opposition to the appeal may be allowed at the discretion of the Board. Upon receipt of notice of appeal, the Clerk shall forthwith transmit to the Board all papers and other materials constituting the record in the case, including the video-recording of the proceedings before the Commission and all exhibits admitted into evidence together with the written decision, ruling or order of

by the Clerk of the Board of Adjustment in the regular course of business.

**INTRODUCED** and **READ** in the open meeting of the Council of The City of Oklahoma City this 10<sup>th</sup> day of April, 2007.

**PASSED** by the Council of The City of Oklahoma City this \_\_\_\_ day of \_\_\_\_\_, 2007.

**SIGNED** by the Mayor of The City of Oklahoma City this \_\_\_\_ day of \_\_\_\_\_, 2007.

ATTEST

\_\_\_\_\_  
MAYOR

\_\_\_\_\_  
CITY CLERK

**REVIEWED** for form and legality this 22<sup>nd</sup> day of March, 2007.

*Paul Burns*  
ASSISTANT MUNICIPAL COUNSELOR