



CHAPTER 10A

HISTORIC PRESERVATION

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SECTION 1050. PURPOSES

The purposes of this Chapter are:

- A.** To promote the educational, cultural, economic and general welfare of the public through the conservation, preservation, protection and regulation of historic resources within the City of Tulsa.
- B.** To safeguard the cultural, social, political and architectural heritage of the City by conserving, preserving and regulating historic preservation districts.
- C.** To conserve, preserve and enhance the environmental quality and economic value of historic preservation districts.
- D.** To strengthen the City's economic base by promotion of conservation and reuse of the City's historic resources.
- E.** To promote the development of the community in accordance with the Comprehensive Plan and Historic Preservation Plan.

SECTION 1051. DEFINITIONS

The following terms shall, for the purpose of this Chapter, have the meanings indicated in this section:

- A. Arts Commission:** The Arts Commission of the City of Tulsa.

B. Certificate of Appropriateness: The official document issued by the Preservation Commission authorizing work within a Historic Preservation District.

C. Design Guidelines: The criteria which shall be used to guide the Preservation Commission in review of an application for a Certificate of Appropriateness.

D. Historic Preservation District: A supplemental zoning district consisting of a building, structure, or site, or an area containing buildings, structures, or sites that is a historic resource.

E. Historic Resource: A building, structure, or site, or, an area containing a concentration, linkage, or continuity of buildings, structures, or sites which are generally 50 years or older and which contain one or more of the following attributes:

1. That it has significant character, interest, or value as part of the historical development, history, or cultural heritage of the city, state, or nation; or,
2. That it has significance as the site of a historic event in the past of the city, state, or nation; or,
3. That it is associated with a person, or group of persons, who played a significant role in the historical development, history, and cultural heritage of the city, state, or nation; or,
4. That it is the embodiment of distinguishing characteristics, design, details, materials or craftsmanship which represent a historically significant architectural or engineering innovation, type, style or specimen; or
5. That it portrays the environment in an era of history characterized by a distinctive architectural, engineering, or construction style; or
6. That it represents a significant and distinguishable entity of historical importance whose components may lack individual distinction; or
7. That it has yielded and is likely to yield, information important in prehistory or history; or
8. That it meets the criteria for listing on the National Register of Historic Places.

F. Planning Commission: The Tulsa Metropolitan Area Planning Commission (TMAPC).

G. Preservation: The adaptive use, conservation, protection, reconstruction, rehabilitation, restoration, or stabilization of a historic resource.

1. **Adaptive Use:** The restrained alteration of a historic 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:** The sustained appearance of a resource essentially in its existing state.
3. **Protection:** The security of a historic resource as it exists through the establishment of the mechanisms of this Chapter.
4. **Reconstruction:** The process of recreating or reproducing by new construction all or part of the form and detail of a vanished historic resource as it appeared at a specific period in time.
5. **Rehabilitation:** The process of recreating a historical 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 historic resource.
6. **Restoration:** The process of accurately recovering all or part of the form and detail of a historic 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:** 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 historic resource.

H. Significant Characteristics of a Historic Resource : Those characteristics which are important to the historic resource by design or location, and include, but are not limited to materials, detail, height, orientation, proportion, rhythm, scale, setback, setting, shape, and workmanship.

1. **Materials:** The physical elements of a building, structure, site, or area which creates an aesthetic and structural appearance of the resource, including characteristics such as texture, form, composition, and style.
2. **Detail:** Aspects of a building, structure, site or area which, due to particular treatment, draw attention to certain parts or features of the building, structure, site, or area.

3. **Orientation:** The position of a building, structure, site, or area relative to a particular point in which it is viewed or in relation to other fixed elements in the environment.
 4. **Proportion:** The visible relationship and order established between buildings, structures, sites or areas, their individual parts to one another, as well as between the parts and the whole.
 5. **Rhythm :** The regular pattern or harmonious recurrence of lines, shapes, or forms, such elements occurring within or between buildings, structures, sites or areas; including, but not limited to, windows, doors, roofs, porches, driveways, sidewalks, setbacks and heights.
 6. **Scale:** The size of the parts of a building, structure, site or area in relationship to one another and to the human figure.
 7. **Setback:** The location of a building or structure as it relates to the street and other buildings and structures around it.
 8. **Setting:** The surrounding buildings, structures, landscaping and familiar features which provide a visual aesthetic or perceptual quality to historic resources.
 9. **Shape:** The physical configuration of a building, structure, site or area, established by its form, surfaces, edges, height, width, and depth.
 10. **Workmanship:** A level of quality exhibited in the construction, detailing, or design of a historic resource.
- I. Work:** Any changes to an existing building, structure, or lot, or any portion thereof, including but not limited to, the erection, construction, reconstruction, renovation, alteration, painting, removal, or demolition of a building, structure, or lot, irrespective of whether or not a building permit is required.

SECTION 1052. TULSA PRESERVATION COMMISSION

A. Creation

There is hereby created a Tulsa Preservation Commission, hereinafter referred to as "Preservation Commission".

B. Composition

The Preservation Commission shall be a 15 member commission composed of three groups; the Professional Group, the Community Group, and the Ex Officio Group. A description of the membership and their qualifications are as follows:

1. The Professional Group shall be composed of seven members as follows : One member shall be a Licensed Architect, one member shall be an Urban Planner or Licensed Landscape Architect, one member shall be a Commercial or Residential Developer or Builder, one shall be a Licensed Real Estate Broker, one member shall be a person actively engaged in banking or finance, one member shall be a Historian or Architectural Historian possessing special skills, experience, and study in historical research, and one member shall be an employee of or an elected board member of the Tulsa Public Schools.
2. The Community Group shall be composed of six members as follows: Residents of the City of Tulsa who own property and reside in areas identified in the Tulsa Historic Preservation Plan Report, September 1980, or as amended, provided however, one of the six members shall be an owner of a nonresidential structure identified in said Report.
3. The Ex Officio Group shall be composed of two members as follows: A member of the Arts Commission and Planning Commission.

C. Appointments

The members of the Professional Group and the Community Group of the Preservation Commission shall be appointed by the Mayor subject to approval by the City Commission. Members should be appointed from a list of three nominees solicited from the appropriate organizations related to the position being filled, such as: architectural, landscape architectural, planning, building and real estate organizations; neighborhood associations, Downtown Tulsa Unlimited, and other organizations with interests related to the positions being filled.

The Ex Officio Members shall be appointed by their respective commissions to serve on the Preservation Commission.

D. Terms

Terms shall be for three years, except that initial terms shall be staggered as follows: two Professional Group members and two Community Group members shall serve for a one year term, two Professional Group members and two Community Group members shall serve for a two year term and three

Professional Group members and two Community Group members shall serve a three year term. All members shall serve until their successor takes office.

The Ex Officio members shall serve terms equal to their terms on the respective commission.

E. Vacancies

In the event of a vacancy occurring in the membership of the Preservation Commission for any reason, an appointment shall be made in the same manner as regular appointments.

F. Compensation

Members of the Preservation Commission shall serve without compensation.

G. Chairman, Vice-Chairman, and Secretary

The Preservation Commission shall annually elect from its appointed members a Chairman, Vice-Chairman and Secretary. Vacancies shall be filled in similar manner as regular election.

H. Rules of Procedure

The Preservation Commission shall make and adopt regulations for the conduct of its business.

I. Meetings

The Preservation Commission shall meet at least once a month for the purpose of transacting its business and duties as set forth in this Chapter; provided however, in fulfilling its duties related to Certificate of Appropriateness applications, the Preservation Commission shall hold at least one additional meeting a month, as required, and such additional meeting shall be held no greater than 14 days after the required meeting of the month.

All meetings, deliberation, and voting of the Preservation Commission shall be open to the public. The Preservation Commission shall keep minutes of its proceedings, showing the vote of each member upon all actions, or if failing to vote, indicating that fact, and shall keep records of its examinations and other official actions, all of which shall be filed in the Department of City Development and shall be a matter of public record.

J. Quorum

Seven members of the Preservation Commission shall constitute a quorum for the transaction of business, except that in the matter of Certificate of Appropriateness reviews and action, there shall be at least four members, of the seven, from the Professional Group in the quorum.

K. Minimum Vote

Issues shall be decided by a simple majority of votes by those members present.

L. Conflict of Interest

Members of the Preservation Commission to whom some private benefit, directly or indirectly, may come as a result of a public action taken by the Preservation Commission, should not be a participant in that action. The possibility, not actuality, of a conflict should govern. The individual experiencing a conflict of interest shall declare his interest, and abstain from voting on the matter. The individual should not discuss the matter with a fellow member or member of the City Commission or Planning Commission for the purpose of influencing a decision thereof.

M. Staff

The Department of City Development shall provide staff to the Preservation Commission to assist in the performance of its duties.

N. Powers and Duties

Unless otherwise specified in this Chapter, the duties of the Preservation Commission shall be:

1. Prepare, or cause to be prepared, a comprehensive inventory of historical resources within the City of Tulsa and update said inventory as deemed necessary.
2. Prepare, or cause to be prepared, proposed Historic Preservation Zoning Map Amendments or other amendments to the Tulsa Historic Preservation Plan to be recommended to the Planning Commission for public hearing and adoption as part of the Comprehensive Plan for the City of Tulsa.
3. Prepare findings relating to, and make recommendations on, Zoning Map Amendments as set forth in Section 1054 of this Chapter.

- 4.** Promulgate Design Guidelines as are necessary for the review and approval of applications for Certificate of Appropriateness and to inform residents, property owners, and the general public of those Guidelines. Design Guidelines shall relate to the significant characteristics of the historic resource(s) being proposed for "HP" designation. The Design Guidelines shall be developed by the Preservation Commission and shall include review and input of the property owner(s) or agents, the District Planning Teams, and other parties directly affected by the proposed designation. Such Design Guidelines shall be subject to approval and adoption by the City Commission, upon the holding of a public hearing by the Planning Commission, and the recommendation of the Preservation Commission and Planning Commission.
- 5.** Act upon applications for Certificates of Appropriateness and perform other duties as set forth in Section 1055.
- 6.** Make recommendations to the City Commission concerning grants and programs from federal and state agencies, private groups and individuals and the utilization of budgetary appropriations to promote the preservation of historic resources in the City of Tulsa. Coordinate and oversee such programs and projects as may be directed by the City Commission.
- 7.** Recommend to the City Commission the need for employing staff and making contracts with professional and technical experts as may be required for the furtherance of Preservation Commission work.
- 8.** Increase public awareness of the historic resources in the City of Tulsa and disseminate information to the public concerning historic resources in the City of Tulsa deemed worthy of preservation. Provide notification, as effectively as possible, to property owners within HP Zoning Districts of designation and requirements of such designation. Advise and disseminate information to property owners on the preservation, conservation, protection, enhancement, perpetuation, and use of historic resources.
- 9.** Place, or cause to be placed, monuments, markers, or other identifying elements at locations of historical resources as funds are available.
- 10.** Coordinate, comment on and make recommendations to the appropriate body concerning actions undertaken by other City, State, and Federal agencies with respect to the effect of such actions upon the historical resources in the City of Tulsa.

11. Consider methods other than those provided for in this Chapter for encouraging and achieving preservation of historic resources in the City of Tulsa and make appropriate recommendations to the City Commission and to other bodies and agencies, both public and private.

12. Prepare, or cause to be prepared, studies and reports, and undertake other preservation related tasks as may be deemed appropriate.

13. Prepare, or cause to be prepared, in accordance with the goals and objectives set forth for neighborhood conservation in the Comprehensive Plan of the Tulsa Metropolitan Area, programs and plans designed to implement neighborhood stabilization, revitalization, and conservation in those neighborhoods of the City of Tulsa that are fifty years or older which may lack significance according to the criteria in Section 1054, yet represent valuable resources to the City of Tulsa.

14. Perform any other duties and functions imposed by this Chapter or which may be specified by the City Commission.

SECTION 1053. HISTORIC PRESERVATION DISTRICT PROVISIONS

A. General Provisions

The Historic Preservation District is a supplemental zoning district having the designation HP.

B. Permitted Uses

Property located within a Historic Preservation District may be used for the purposes permitted within the general zoning district in which located.

C. Historic Preservation District Regulations and Exemptions

Within a Historic Preservation District, work, as defined in this Chapter, shall not commence unless a Certificate of Appropriateness has been first issued; provided however, that work related to the following shall not require a Certificate of Appropriateness:

1. Ordinary maintenance and repair which shall include the removal, installation, or replacement of guttering; the removal or replacement of roof covering with like material; and the application of any paint color to non-masonry surfaces.
2. Interior of buildings and structures.

3. Portions or parts of buildings, structures, or sites not visible from adjoining streets.
4. Accessory structures or buildings, such as storage sheds, garages, decks, patios, fencing, swimming pools and pool houses that are not part of the primary structure, provided however, such structures and buildings are not located in front yards.
5. Installation of radio or television antenna.
6. General landscape maintenance and planting of new organic materials.
7. Work required for temporary stabilization of a building or structure due to damage.

SECTION 1054. HISTORIC PRESERVATION DISTRICT - ZONING MAP AMENDMENTS

A. General

The City of Tulsa may establish, amend, or repeal a "HP" Historic Preservation Zoning District according to the following criteria and procedures, provided however, Design Guidelines for a proposed "HP" Zoning District shall be adopted prior to or concurrent with the mapping of an "HP" Zoning District.

B. Criteria for Historic Preservation District - Zoning Map Amendments

A building, structure, site or area containing buildings, structures or sites which are generally 50 years or older, may be zoned HP if it meets one or more of the following criteria:

1. That it has significant character, interest, or value as part of the historical development, history or cultural heritage of the city, state, or nation; or
2. That it has significance as the site of a historic event in the past of the city, state or nation; or
3. That it is associated with a person, or group of persons, who played a significant role in the historical development, history or cultural heritage of the city, state, or nation; or

4. That it is the embodiment of distinguishing characteristics, design, details, materials or craftsmanship which represent a historically significant architectural or engineering innovation, type, style or specimen; or
5. That it portrays the environment in an era of history characterized by a distinctive architectural, engineering, or construction style; or
6. That it represents a significant and distinguishable entity of historical importance whose components may lack individual distinction; or
7. That it has yielded, or is likely to yield, information important in prehistory or history; or
8. That it meets the criteria for listing on the National Register of Historic Places.

C. HP Zoning Map Amendments Initiated by Application

Amendments by application may be initiated in the following manner:

1. Any person, corporation, partnership, association, or any combination thereof having a legal and equitable interest in or to real property may file an application for an HP zoning classification on such property in accordance with the provisions of section 1703.A.
2. An application shall, include in addition to those items contained in Section 1703.A, information descriptive of the building, structure, site or area and its relationship to the historical development, history, or cultural heritage of the City of Tulsa, a statement of the criteria felt to have been met as set forth in this Chapter, and may include photographs, publications about the subject building, structure, site, or area, and any information deemed worthy for proper consideration. Such information and application shall be upon forms established by the Preservation Commission and the Planning Commission.

D. HP Amendments Initiated by Planning Commission

In any instance, the Planning Commission, upon its own motion may, or on the written request of any person or the Preservation Commission may, or at the direction of the City Commission shall, hold a public hearing, giving notice thereof, of a proposed map amendment. After holding the public hearing, the Planning Commission shall within 15 days transmit its report and recommendation to the City Commission.

E. Preservation Commission Action on HP Zoning Map Amendments

The Preservation Commission shall prepare, or cause to be prepared, a report and recommendation concerning a proposed HP zoning map amendment. The report and recommendation shall include specific findings as to whether the proposed amendment is consistent with the criteria for designation as set forth in this Chapter. A map shall be prepared showing the boundaries of the proposed map amendment, including all lots therein, and identifying those properties whose owners may have indicated support or opposition to such amendment. Property owners may indicate their support or opposition at informal informational meetings, at public hearings, or in writing to the Preservation Commission or Planning Commission. The report, recommendation, map, and other pertinent information shall be forwarded to the Planning Commission prior to the public hearing.

F. Notice Required on HP Zoning Map Amendments

The Planning Commission shall give notice of public hearing on any proposed HP zoning changes as follows:

- 1.** At least 20 days notice of the date, time, and place of the hearing by publication in a newspaper of general circulation in the City of Tulsa. Said notice shall include a map of the area to be affected which indicates street names or numbers, streams, or other significant landmarks in said area.
- 2.** At least 20 days notice by posting on designated properties within the area affected by the proposed zoning reclassification. The sign and the lettering thereon shall be of sufficient size so as to be clearly visible and legible from the public street or streets toward which it faces and shall state:
 - a.** The date, time and place of the public hearing; and
 - b.** Who will conduct the public hearing; and
 - c.** The present zoning of the property and the supplemental HP zoning sought by the applicant; and
 - d.** The proposed HP designation of the property; and
 - e.** Other information as may be necessary to provide adequate and timely public notice.
- 3.** At least 20 days notice by mailing written notice to all property owners included in the proposed change. The notice shall contain:
 - a.** A map of the area proposed for HP amendment; and
 - b.** The present zoning of the property and the supplemental HP zoning sought by the applicant; and
 - c.** The date, time and place of the public hearing.

d. A statement that "work" generally requires a Certificate of Appropriateness.

G. Planning Commission Action on HP Zoning Map Amendments

After notice and public hearing, the Planning Commission shall vote to:

1. Recommend to the City Council that the application be approved as submitted, or as amended, or be approved subject to modification; or
2. Recommend to the City Council that the application be denied.

An application recommended for approval, or approval subject to modification shall be transmitted with the report and recommendation of the Planning Commission and the Preservation Commission to the City Council within 15 days from the date of Planning Commission action.

An application recommended for denial, shall not be considered further, unless the applicant within 15 days from the date of the Planning Council action, files a written request with the City Clerk for a hearing by the City Council. The request for hearing shall be accompanied by the payment of a \$15.00 fee. Upon notice of such request, the Planning Commission shall forthwith transmit the application and its report and recommendation, including all material and minutes received from the Preservation Commission, to the City Council.

In the event the Planning Commission arrives at a tie vote, the application shall be transmitted with a report and notation of the tie vote, to the City Council within 15 days from the date of the Planning Commission action.

H. Appeal by Preservation Commission

The Preservation Commission may appeal the denial of an amendment by the Planning Commission by following the procedures set forth in Section 1054.G.

I. City Council Action on HP Zoning Map Amendments

The City Council shall hold a hearing on each application transmitted from the Planning Commission and on any proposed Zoning Map amendment initiated pursuant to Section 1054.D. The City Council shall approve the application as submitted, or approve the application subject to modification, or deny the application. Prior to the hearing on the proposed rezoning ordinance before the City Council, the applicant shall remit to the office of the City Clerk a \$50.00 publication fee. In case of a protest against such zoning change filed at least three days prior to said public hearing by the owners of 20% or more of the area of the lots included in such proposed change, such amendment shall not become

effective except by the favorable vote of three-fifths of all the members of the City Council.

J. Recording of HP Zoning Map Amendments

The Secretary of the Preservation Commission should file or cause to be filed, a copy of the HP zoning map Amendment ordinance and map in the office of the County Clerk.

SECTION 1055. CERTIFICATE OF APPROPRIATENESS (COA)

A. General Provisions

The Preservation Commission shall review applications for a Certificate of Appropriateness (hereinafter designated as "COA") and may approve, approve with conditions, or deny the same in accordance with the provisions of this Chapter and the Design Guidelines.

The Preservation Commission shall transmit a copy of the COA along with a set of approved plans to the Protective Inspections Division. Protective Inspections shall not issue any permit in violation of this Chapter or inconsistent with a COA.

B. Application and Documents Required

An application for a COA shall be filed with the Protective Inspections Division upon forms established by the Preservation Commission. An application shall contain a general description of the proposed work, its location, its relationship to the structure and other additional information as required by the Preservation Commission.

An application for a COA shall be accompanied by at least two sets of plans of sufficient clarity and detail to show the nature of the work to be performed and the materials to be used. Such plans shall include:

- 1.** A site plan, if applicable, showing the location of new and existing structures on the site and their location with respect to the building line, property lines and in the case of new construction, the location of the new building or structure with respect to the front of those buildings or structures immediately adjacent to each side of the lot to be built upon.
- 2.** A floor plan, if applicable, identifying the location and limits of the proposed work.

3. Facade elevation(s), if applicable, of the proposed work in sufficient detail to identify the limits and location of the proposed work, and the existing and proposed materials to be used.
4. Any other drawings, photographs, material brochures or samples, specifications, or information that may be necessary to determine and provide for compliance with this Chapter.

C. Preservation Commission Action

The Preservation Commission in its review of COA applications shall utilize the Design Guidelines to measure the appropriateness or inappropriateness of the proposed work and shall, to the highest extent possible, strive to affect a fair balance between the purposes and intent of this Chapter and the desires and needs of the property owner.

In addition, the Preservation Commission shall review the application and shall consider:

1. The degree to which the proposed work is consistent with the Design Guidelines which have been approved and adopted by the City Commission.
2. The degree to which the proposed work would destroy or alter all or part of the historic resource.
3. The degree to which the proposed work would serve to isolate the historic resource from its surroundings, or introduce visual elements that are out of character with the historic resource and its setting, or that would adversely affect the physical integrity of the resource.
4. The degree to which the proposed work is compatible with the significant characteristics of the historic resource.
5. The purposes and intent of this Chapter.

D. Applications Involving Demolition - Stay

An application for demolition, if not approved, shall automatically be stayed for a period of 60 days, unless the Preservation Commission determines that the building or structure is:

1. Imminently dangerous to life and property; or,
2. That the building or structure does not contribute significantly to the district; or,

3. That the building or structure cannot be preserved.

During this period the Preservation Commission shall consult with the property owner and other interested parties to find alternatives to demolition. Should alternatives suitable to the property owner not be found, the COA for demolition shall automatically be approved and issued upon termination of the stay period.

Prior to the expiration of the 60 day period, the Preservation Commission may request the City Commission to extend the stay for a period not to exceed an additional 60 days. The Preservation Commission shall, by mail, notify the property owner of such request and the date for public hearing. The City Commission shall consider whether:

- a.** The Preservation Commission has presented reasonable alternatives that would preserve the structure; or,
- b.** Suitable alternatives have been found and further time is required to finalize arrangements for achieving such alternatives; or,
- c.** The property owner desires further time to search for or continue action on available alternatives.

After notice and public hearing, the City Commission shall vote to approve, approve with conditions, or deny such request to extend the stay period for an additional 60 days. Denial shall constitute automatic approval and issuance of a COA for Demolition.

During any period of the stay of demolition the property owner may use the property in question in any legal manner, except that no action shall be taken that would place the property in danger of damage or destruction.

E. Action on COA - Time Limits

If no action has been taken, due to lack of quorum or otherwise, on an application within 30 days of application receipt, the COA shall be deemed approved, except in those cases where a continuance has been requested by the applicant.

F. Appeal of Preservation Commission Action

Appeal from any decision of the Preservation Commission concerning a COA, except in the case of demolitions, may be taken to the Board of Adjustment, in accordance with the procedures and provisions of Section 1605.

G. COA Use - Time Limitation

A COA which has not been utilized within two years from the date issued shall thereafter be void, provided that the Preservation Commission has not extended the time for utilization. For the purpose of this provision, utilization shall mean that the work authorized under a COA is being diligently carried to completion.

H. Additional COA Provisions

- 1. Nonconforming Work:** Work initiated and being diligently carried to completion or work completed on any building, structure, site, or area prior to the designation as HP shall be deemed non-conforming and may continue or remain without the necessity of complying with this Chapter.

Nonconforming work completed subsequent to designation of a building, structure, site, or area as HP by a previous owner of the property shall be permitted to remain without the necessity of complying with the provisions of this Chapter.

- 2. Preliminary Design or Conceptual Plan Review:** The Preservation Commission may approve, approve with conditions, or deny a preliminary design or conceptual plan of the proposed work, provided however, that any such approval or approval with conditions shall be subject to the approval of the COA application.

- 3. Approval of COA by Preservation Commission Staff :** When such work is of a rehabilitative nature on an existing structure or building, and such work does not include new construction or alteration, and such work involves replacement of existing elements with like materials, and such work complies with the guidelines for such work, and such work will have no material effect on the building or structure, the Preservation Commission staff may issue a COA, noting "No Material Effect" and transmit the application to Protective Inspections for issuance