

ORDINANCE NO. 1372

AN ORDINANCE OF THE CITY OF DEL CITY, OKLAHOMA AMENDING CHAPTER 16 (PLANNING AND DEVELOPMENT) OF THE DEL CITY CODE OF ORDINANCES; ESTABLISHING THE STORYBOOK RANCH PRESERVATION DISTRICT; SETTING BOUNDARIES FOR THE DISTRICT; DEFINING CERTAIN TERMS; ESTABLISHING DESIGN REGULATIONS AND AUTHORIZING CREATION OF A DESIGN GUIDE; DESIGNATING THE PLANNING COMMISSION AS PRESERVATION BOARD; ESTABLISHING A CERTIFICATE OF APPROPRIATENESS AND PROCEDURES FOR APPLICATION AND APPROVAL THEREFOR; DESIGNATING THE BOARD OF ADJUSTMENT AS APPEALS BOARD AND ESTABLISHING APPEAL PROCEDURES; DEFINING VIOLATIONS AND SETTING PENALTIES THEREFOR; DECLARING REPEALER; PROVIDING FOR SEVERABILITY; DECLARING AN EMERGENCY.

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

Section 1: REVISION OF CHAPTER 16 (PLANNING AND DEVELOPMENT). Chapter 16 (Planning and Development) is amended to add the following and renumber as necessary:

Article VII. - Storybook Ranch Preservation District

Sec. 16-230. District established.

An architectural preservation district is hereby established for certain areas of the city that represent a complete neighborhood of "Storybook Ranch" style homes. The purpose of this district is to preserve and restore the appearance of those homes and to use this architectural resource as a catalyst for positive development and redevelopment in this area. Features of this district include public infrastructure improvements, design guidelines and review procedures for new and existing structures, and other targeted programs designed to increase home ownership and overall quality of life.

Sec. 16-231. District boundaries.

The district shall include all residential structures within the boundaries as shown on the following map:



- (4) Unique architectural features are features common to the Storybook Ranch architecture style, including but limited to, low-pitched roofs, curved ridge lines, wide eaves, attached garage, horizontal rambling profile, dovecotes, porch overhangs, columns, wainscoted brick, scrolled or scalloped trim, knee brackets, diamond-paned muntins, exposed rafter tails, wall dormers, bay windows, window boxes, complimentary paint schemes, embellished window casings and/or decorative trim boards.

Sec. 16-233. Design regulations and detailed standards.

All new construction and alterations to existing residential structures within the district shall be in a manner consistent with the Storybook Ranch style of architecture that was used for nearly all residential structures built during initial development of the subdivisions located within the boundaries of the district.

The Planning Commission shall develop a Design Guide for new construction and alterations to existing residential structures within the district. This Design Guide shall be consistent with the general regulations set forth in this section but shall be more detailed in nature and shall include example paint colors, brick products, roofing material products and other pre-approved material specifications as appropriate to facilitate expedient approval of applications. This Design Guide shall be specific enough to allow for expeditious approval of a Certificate of Appropriateness for those wishing to construct or alter property within the district but shall also provide a mechanism for approval of alternative design concepts that are in keeping with the Storybook Ranch style of architecture and that are not in conflict with these general principles. This Design Guide shall be approved by resolution of the Planning Commission and shall be filed with the City Clerk. From time to time, the Planning Commission may alter this Design Guide by approving amendments by resolution and filing the updated document with the City Clerk.

The following design regulations shall form the basis of these detailed standards:

1. New residential structures.

New residential structures shall be designed as Storybook Ranch homes. Design features common to Storybook Ranch homes shall be employed to the maximum extent feasible.

2. Existing residential structures.

Modifications to existing residential structures shall not cause departure from the original Storybook Ranch architecture. Modifications may not remove any design feature common to Storybook Ranch homes. Features previously removed shall be restored, with the level of restoration required being commensurate with the extent of the modification.

Additions to the original footprint of the structure are permitted but must be in keeping with the original architecture.

Garage conversions are not permitted.

Existing structures within the district that were originally constructed in an architectural style other than Storybook Ranch shall comply with applicable design and property maintenance standards. New structures on these lots shall be designed as Storybook Ranch homes.

3. Exterior colors.  
Exterior paint colors shall be in keeping with the Storybook Ranch style. Trim shall be painted a different color from the primary paint color of the structure exterior. Primary paint colors and trim colors shall be complimentary and period-appropriate. Structures shall be repainted whenever the paint becomes chipped, faded or otherwise damaged.
4. Windows and doors.  
Windows and doors should be in keeping with the Storybook Ranch style. Sizes, shapes and colors shall be period-appropriate and consistent with the overall color and appearance scheme. Windows and doors shall be repaired or replaced when they become dilapidated or in disrepair.
5. Exterior materials.  
Exterior masonry and siding shall be in keeping with the Storybook Ranch style. Use of these materials and material color shall be period-appropriate and consistent with the overall color and appearance scheme. Brick shall not be painted. Exterior materials shall be repaired or replaced when they become dilapidated or in disrepair.
6. Roofs.  
Roofs shall be in keeping with the Storybook Ranch style. Roofing materials shall be composite shingles in a color that is period-appropriate and consistent with the overall color and appearance scheme. Architecturally-styled composite shingles are permitted if appropriate to the overall appearance scheme. Alternative roofing materials shall not be permitted.
7. Accessory structures and appurtenances.  
New and replacement carports are prohibited.  
New and replacement patio covers or awnings are permitted only if they are located such that they are not visible from the street.  
New and replacement accessory buildings larger than one hundred forty four (144) square feet are prohibited. New and replacement accessory buildings not exceeding 144 square feet are permitted only if a) they are located such that they are not visible from the street or b) if they are designed with an exterior appearance matching that of the primary structure.  
New and replacement storm shelters are permitted only in the rear yard.  
Accessory structures and appurtenances shall be repaired or replaced when they become dilapidated or in disrepair.
8. Fences.  
All residential lots are to be fenced along rear and side property lines to the front corner of the primary structure. Fencing type shall be wood stockade or decorative wood and shall not exceed six (6) feet in height. Posts shall be wood or metal and shall be located on the inside of the fencing material such that they are not visible from outside of the property. At least one gate shall be installed adjacent to the primary structure. Fences shall be repaired or replaced when they become dilapidated or in disrepair. Any

property not having a fence shall be required to install a fence as part of any major alteration. Alternative fencing materials shall not be permitted.

9. Paving.

Additions to driveways shall conform to the original orientation of the original driveway. Driveway expansion is permitted up to twenty-four (24) feet of total width. Driveways and sidewalks shall be repaired or replaced when they become dilapidated or in disrepair. Any property not having a sidewalk shall be required to install a sidewalk as part of any major alteration.

10. Landscaping.

All residential lots are to include landscaping including hedges and a specimen tree located in the front yard. Grass is to be maintained on all non-paved areas. Any property not having this required landscaping, except for grass, shall be required to install landscaping as part of any major alteration. Any property with deficiencies in grass cover shall remedy these deficiencies as part of normal property maintenance.

Sec. 16-234. Certificate of appropriateness.

Before making any modification that impacts the exterior of a structure located within this district, the property owner must obtain a Certificate of Appropriateness (CoA). The applicant shall apply for a CoA in a manner approved by the Building Official. Applications must include any supporting documentation required by the Building Official before they will be considered complete. Once complete, the application will be scheduled for administrative action or a Planning Commission hearing as provided for in this Article. A CoA (or waiver thereof) does not replace any required permits but serves as a prerequisite to permit issuance. There is no fee for application for or issuance of a CoA.

A Certificate of Appropriateness is waived for the following exterior modifications:

1. Repainting, provided that there is no change in color.
2. Repair of damaged or rotted trim, siding or masonry, provided that there is no alteration to the exterior appearance.
3. Removal of a carport, patio cover, awning or storm shelter, provided that the removal does not result in damage that is inconsistent with these regulations.
4. Repair or replacement of a fence, provided that there is no change in materials or size.
5. Repair to or repaving of an existing driveway or sidewalk.
6. Replacement of windows or doors, provided that there is no alteration to the exterior appearance.
7. Replacement of roofing materials, provided that there is no change in color or material type.
8. Repair to existing landscaping.

The Building Official may waive the requirement for a Certificate of Appropriateness, provided that such a waiver results in work consistent with these regulations.

Sec. 16-235. Review procedures - minor alterations.

Applications for a Certificate of Appropriateness for minor alterations will be reviewed by the Building Official. The Building Official may approve, approve with modifications, or deny such an application or may forward it to the Planning Commission for review.

Sec. 16-236. Review procedures – major alterations.

Applications for a Certificate of Appropriateness for major alterations (including new construction) and applications for minor alterations that are forwarded by the Building Official or on which an appeal of the Building Official's determination has been requested will be reviewed by the Planning Commission, serving as Preservation Board. The Planning Commission may, after holding a public hearing, approve, approve with modifications/conditions, or deny such an application.

Sec. 16-237. Vacant and abandoned structures.

In the event that a property is vacant for a period of one year or more, it shall not be occupied until it comes into compliance with these regulations, including restoration of unique architectural features, repainting in period-appropriate colors, and restoration of landscaping.

Sec. 16-238. Application of existing regulations.

Nothing contained within this Article shall relieve any person from any obligation under existing development, code-enforcement or building regulations, including but not limited to zoning and subdivision regulations and adopted building regulations. The provisions of this article shall control within the geographic boundaries established herein when they are more restrictive and/or more specific than other adopted regulations. Existing regulations regarding exterior coverage by brick or masonry may be relaxed in order to more fully match the appearance of the Storybook Ranch style, provided that this departure is approved by the Planning Commission. Nothing contained within this Article shall serve to alter the procedures for abatement of a nuisance or prosecution of code-enforcement violations.

Sec 16-239. Correction notices.

Upon observing a violation of these regulations, the Building Official or designee may issue a written correction notice to the property owner and/or other responsible party requiring appropriate corrections. This correction notice may include a stop work order, an order to restore property appearance, an order to correct property maintenance issues, or a directive to take any other action necessary to achieve compliance with these regulations.

Sec. 16-240. Appeals.

A final decision of the Building Official made pursuant to an application for Certificate of Appropriateness may be appealed to the Planning Commission, which shall hear the application as if it were an original application. There shall be no fee for this appeal.

A final decision of the Planning Commission may be appealed to the Board of Adjustment, which will hold a public hearing and render a decision as to whether the Planning Commission decision was arbitrary and capricious. The Board shall not substitute its judgment for that of the Planning Commission in an instance in which the Planning Commission exercised reasonable discretion. In the event an appeal is granted, the Board shall grant relief that is the minimum necessary and shall issue a CoA with appropriate conditions to reflect minimum necessary relief. In lieu of granting a CoA, the Board may return the case to the Planning

Commission for further action. The Board shall stay the issuance of any CoA granted on appeal for a period of at least thirty (30) days to allow the City the chance to pursue additional remedies. The fee for an appeal to the Board of Adjustment shall be one hundred (100) dollars.

Application for appeal must be filed with the Building Official no later than ten (10) days following the issuance of a final written decision on the application. An application for appeal must be completed in full and must include all documentation required by the Building Official in order to be considered timely. All applications for appeal must be accompanied by a recordable instrument that shall run with the land and that shall indemnify the City in any future action arising out of the issuance of a CoA that is inconsistent with the adopted design regulations.

Sec. 16-241. Violation and penalties.

Any person, including a property owner, property manager, occupant or contractor, causing or permitting the exterior appearance of a structure to be modified without a required Certificate of Appropriateness or any person failing to comply with a correction notice issued pursuant to these regulations constitute a violation of city code. The penalty for such a violation, upon conviction thereof, shall be a fine or deferral fee in lieu of fine of not more than seven hundred fifty dollars (\$750.00) and costs and/or imprisonment for not more than sixty (60) days and costs.

Section 16-242. Venue for Prosecution.

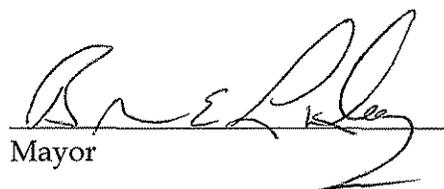
Prosecution of violations of the provisions of this article shall be in the City's Environmental Court unless transferred subject to the provisions contained within this code.

Section 2: REPEALER. All former Ordinances or parts of Ordinances conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 3: SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court of competent jurisdiction, said portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance.

Section 4: EMERGENCY. It being immediately necessary for the preservation of public health, peace and safety of the City of Del City and the inhabitants thereof, and emergency is hereby declared to exist by reason whereof, this Ordinance shall be in full force and effect from and after its passage and approval, as provided by law.

PASSED AND APPROVED and the emergency clause voted upon separately and passed and approved, this 16<sup>th</sup> day of JUNE, 2014.

  
Mayor

ATTEST:

Carol Nolle

City Clerk

Reviewed this 16 of June, 2014.

Jan Fried

City Attorney