

120:10-5-25. Reasonable accommodation permit

(a) **Purpose.** The purpose of this section is to provide a process to allow a conditional use, through a reasonable accommodation permit ("RAP"), by which a halfway house owner or operator may seek from the Commission an accommodation; or, exception to the Commission's rules, policies, practices, or services when such accommodation may be necessary to afford disabled persons an equal opportunity to use and enjoy a dwelling. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability as defined in The Americans with Disabilities Act. Any person who owns, manages, or operates a halfway house for disabled persons and seeks to operate such a facility in a residential district or in an area where residential uses are provided for in specific Master Plan districts, shall obtain a RAP from the Commission. No person shall operate a halfway house without first having obtained such a permit.

(b) **Application contents.** An application for a RAP in a residential district or in an area where residential uses are provided for in specific plan districts shall be in writing on forms provided by the Commission. The applicant shall show the location and intended use of the site, the names of all property owners, the existing land uses within 300 feet, and any other materials pertinent to the request the Commission may require.

(c) **Notice and public hearing.** The Commission shall hold one or more public hearings on the application. The Commission shall mail written notice to the applicant and affected property owners at least 10 days prior to the hearing. The contents of the written notice of public hearing shall contain:

- (1) a description of the location of the project site and the purpose of the hearing;
- (2) a statement of the time, place and purpose of the public hearing; and,
- (3) a statement that any interested person or authorized agent may appear and be heard.

(d) **Public hearing.** The Commission shall hear testimony of Commission staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.

(e) **Criteria.** The Commission shall consider the following criteria before approving or conditionally approving an application for a RAP in a residential district or in an area where residential uses are provided for in specific Master Plan districts. The Commission shall determine:

- (1) if the requested accommodation would require a fundamental alteration in the nature of the Commission's zoning program;
- (2) if the use will be compatible with the character of the surrounding neighborhood; and,
- (3) if the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an over-concentration of halfway houses in the vicinity of the proposed use.

(f) **Alternative accommodations.** Upon review of the criteria required in (e) of this section, the Commission may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant, when:

- (1) The requested accommodation is requested by or on behalf of one or more individuals with a disability protected under the fair housing laws.
- (2) The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

(3) The absence of the accommodation may deny the individual or individuals with a disability an equal opportunity to enjoy the housing type of their choice.

(4) The requested accommodation will not result in a fundamental alteration in the nature of the Commission's zoning program, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

(5) The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

(6) In the case of a halfway house, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

(g) **Fundamental ~~alteration~~ alteration of zoning program.** . The Commission shall have forty-five (45) days from receipt of an application for a RAP to conduct its investigation to assist the Commission in making the determination whether the requested RAP would require a fundamental alteration in the nature of the Commission's zoning program. The Commission may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the Commission's zoning program:

(1) Whether granting the requested accommodation would substantially undermine any express purpose of the Commission's Master Plan.

(2) Whether the use conforms to all applicable provisions of the Commission's statutes, rules, and regulations.

(3) Whether the property and existing structures are physically suited to accommodate the use.

(4) Whether the requested accommodation would fundamentally alter the character of the neighborhood.

(5) Whether the use will be compatible with the character of the surrounding neighborhood, and the addition or continued maintenance of the use will not contribute to changing the residential character of the neighborhood, such as creating an overconcentration of halfway houses in the vicinity of the proposed use.

(6) The existence of substandard physical characteristics of the area in which the use is located such as lot widths, setbacks, narrow streets, limited available parking, short blocks, and other substandard characteristics which may occur within the District.

(7) Whether arrangements for delivery of goods are made within the hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(8) Whether arrangements for commercial trash collection in excess of usual residential collection are made within hours that are compatible with and will not adversely affect the peace and quiet of neighboring properties.

(9) Whether the accommodation would result in a substantial increase in traffic or insufficient parking.

(10) Whether the facility includes sufficient on-site parking for the use, and traffic and transportation impacts have been mitigated to a level of insignificance.

(11) Whether the operation of buses and vans to transport residents to and from off-site activities does not generate vehicular traffic substantially greater than that normally generated by residential activities in the surrounding area.

(12) The proximity of the use location to schools, child care facilities, parks, other halfway houses, outlets for alcoholic beverages and any other uses which could be affected by or affect the operation of the subject use;

(13) In the case of a halfway house, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

(h) Operational Standards.

(1) The property shall be operated in compliance with the Commission's rules and regulations and all applicable state and local laws, in addition to the management and operating plan and rules of conduct submitted as part of the RAP application or, as set forth in the conditions of approval for the RAP. All buildings shall be maintained in compliance with building maintenance and safety codes for residential property. Each ~~such~~ plan shall provide a phone number ~~at which~~ where the operator ~~may~~ can be contacted at all times.

(2) The following standards apply to uses granted a RAP pursuant to these rules:

(A) Halfway houses shall not be located within 1,000 feet measured from the property lines, in the direction of any other existing halfway houses; however, the Commission shall retain the discretion to apply any degree of separation of uses which it deems appropriate in any given case.

(B) There shall be no more than two residents per bedroom, ~~plus one additional resident.~~ Any residence manager residing on the premises shall be provided with a separate bedroom or living quarters. ~~Notwithstanding, upon request by the applicant for additional occupancy,~~ the Commission has discretion to set occupancy limits based upon the evidence provided by the applicant that additional occupancy is appropriate at the site. In determining whether to set a different occupancy limit, the Commission shall consider the characteristics of the structure, whether there will be an impact on traffic and parking and whether the public health, safety, peace, comfort, or welfare of persons residing in the facility or adjacent to the facility will be affected.

(C) Any halfway house use shall only be carried out in the main dwelling. No servant's quarters, garage apartment or accessory living unit shall be used for housing residents in the program. However, accessory living units may be used to provide living quarters for a residence manager. The Commission shall retain the discretion to grant exceptions to this subparagraph upon application by a halfway house owner or operator.

(D) Only rooms designed and intended for use as sleeping quarter may be used to house residents in the halfway house. No room in the main dwelling shall be converted to increase occupancy for this use. Any room used for the purposes of sleeping quarters must meet HUD standards.

(i) Expiration, violation, discontinuance, and revocation of RAPs.

(1) **Expiration.** Any RAP approved in accordance with these rules shall expire within 24 months from the effective date of approval or at an alternative time specified as a condition of approval unless:

- (A) A building permit has been issued and construction has commenced;
- (B) A certificate of occupancy has been issued;
- (C) The use is established; or,
- (D) A time extension has been granted.

(2) **Violation of Terms.** Any RAP approved in accordance with these rules may be revoked if any of the conditions or terms of ~~such~~ the reasonable accommodation are violated, or if any law or rule or regulation is violated in connection herewith.

(3) **Discontinuance.** A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for 180 consecutive days.

(A) If the persons initially occupying a residence vacate, the reasonable accommodation shall remain in effect only if the Commission determines that:

- (i) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Zoning Code, and
- (ii) the accommodation is necessary to give other disabled individuals an equal opportunity to enjoy the dwelling.

(B) The Commission may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within 10 days of the date of the Commission's request shall constitute grounds for discontinuance by the Commission of a previously approved RAP.

(j) **Revocation of RAPs.**

(1) **Duties of the Commission.** Upon determination by the Commission that there are reasonable grounds for revocation of a RAP, a revocation hearing shall be set by the Commission.

(2) **Notice and public hearing.** Notice shall be given in the same manner required for a public hearing to consider approval. Notice shall be mailed to the applicant at least 10 days prior to the hearing.

(3) **Contents of Notice.** The notice of public hearing shall contain:

- (A) A description of the location of the project site and the purpose of the hearing;
- (B) A statement of the time, place, and purpose of the public hearing;
- (C) A statement that any interested person or authorized agent may appear and be heard.

(4) **Hearing.** The Commission shall hear testimony of Commission staff and the applicant, if present. At a public hearing, the testimony of any other interested person shall also be heard. A public hearing may be continued without additional notice.

(5) **Required findings.** The Commission shall revoke the permit upon making one or more of the following findings:

- (A) That the permit was issued on the basis of erroneous or misleading information or misrepresentation;
- (B) That the applicant has made a false or misleading statement of a material fact or an omission of a material fact in the application for the permit.
- (C) That the terms or conditions of approval of the permit have been violated or that other laws or regulations have been violated;
- (D) That there has been a discontinuance of the exercise or the entitlement granted by the permit for 180 consecutive days.

(6) **Decision and notice.** Within 10 days of the conclusion of the hearing, the Commission shall render a decision and shall mail notice of the decision to the applicant.

(7) **Effective date.** The decision to revoke a RAP shall become final 10 days after the date of the decision, unless appealed to the district court.

(8) **Rights of appeal.** Appeals to the district court shall be as prescribed by 73 O.S. § 83.9.

(k) Use Permits to Continue Nonconforming Use.

Any person whose use of property in a residential district has been rendered nonconforming by adoption of this section may ~~seek the approval of a conditional use by means of a RAP to continue the use so long as the application for that permit is completed and filed within 90 days following the effective date of this section. If any such person fails to file such an application for a RAP within the 90-day period, such a permit to continue the use may not be sought or issued.~~ continue said use as a halfway house, but said use may not be extended or structurally altered unless a RAP is submitted and approved prior to the use being extended or structurally altered.

120:10-5-26. Validity

If any section, paragraph, subdivision, clause, phrase or provision of Part 5 of this Subchapter is judged invalid or held unconstitutional, it shall not affect the validity of Part 5 as a whole or part, other than the part decided to be invalid or unconstitutional.

120:10-15-16. Provisions for Oklahoma Health Center Signage [NEW]

(a) The high density and intensity of the Oklahoma Health Center and the recommendations of the OHC Master plan for a future development focus on construction of larger more prominent structures with parking garages. The potential for an increase in the campus population and higher concentration of structures within the confines of the subdistrict creates a need to specify certain types of signage for the Health Center Sub-district. Signage design standards should be aesthetically compatible to building materials, appropriate to landscaping and non-impacting to pedestrian connections. Logos and other identification themes related to specific entities should be considered in the design of all identification and on site directional signage. To assist motorist traveling along the street in locating their destination placement, height, visibility and readable signage text are important considerations. The use of a graphic system including directional and wayfinding signage is essential in identifying destinations from distant locations such as major thoroughfares, intersections, parkways or gateways. In designing signage factors such as size, location, color, existing landscape/streetscape and maneuvering around necessary obstructions such as configuration of streets, existing structures, lighting, traffic and other government approved safety/warning signals should also be addressed. No sign shall be installed in any location that impedes vehicular traffic or interrupts pedestrian movement. These regulations will address signage issues specific to the Oklahoma Health Center and only applicable in the Health Center District (HC), Health Center Commercial District (CHC), and the Mixed Use Overlay Zoning District, Health Center Commercial (MXD-1).

(b) All signage installed in the “HC” zoning districts shall be in compliance with all other applicable Sections of this Chapter. The location, installation, and number of signs permitted must be in compliance with this Subchapter. Any sign not defined but permissible in the zoning district and defined in Subchapter 15 of this Chapter may be permitted in the HC zoning districts.

(c) **Definitions.** The following signage definitions apply only to the zoning districts listed in 120:10-15-16 (a) of this Subsection:

“**Light pole banner sign**” means a rectangular substrate sign suspended from brackets mounted on a permanent decorative light pole designed to be used as a directional/locator sign, form of temporary advertising display, or to identify a neighborhood association or other district organizations. This type sign is only permitted in off-street parking lots. The Commission shall determine the number permitted based on the location and size of the lot and the off-street parking lot lighting standards of the City of Oklahoma City.

“**Building mounted identification signage**” means letters and/or logos that identify the facility that are also defined as the sign face area. The overall dimension of the sign face area shall be measured vertically at the highest point of the tallest character or logo and horizontally at the longest line of text. Building mounted signs shall cover no more than 25% of building wall or building section on which it is installed.

“**Campus/Complex directional signage system**” means a system of large usually post mounted 2-sided signs strategically placed in the most visible locations within the street right-of-way containing a message system that directs, locates, and identifies a unified complex of buildings, structures, and functions. Signage may be lit from an internal source or indirectly lit.

“**Decorative, insignia, and flags means**” flags, emblems, and insignias of the United States, the State, and municipal and other bodies of established government, or flags which display the recognized symbol of a school, nonprofit and/or non commercial organization.

“**Ground mounted signage means**” a sign installed on the ground or mounted to a base attached to the ground that may be installed at a height 2 feet above the top of the second story

level of the main building measured at the highest elevation of the site on which the sign will be located. The sign height may be increased based on the height of the building.

“Internal directional signage” means a group of signs containing letters and/or logo providing directions to specific locations within a complex of buildings or a mixed use building.

“Kiosk” means a freestanding prefabricated structure that may be partially enclosed constructed of weather sustainable materials used for the purpose of advertising or displaying information and providing a vehicular and pedestrian navigation system including interactive displays directing persons to specific destinations within the Oklahoma Health Center and providing information regarding Health Center or other community events. This type signage is only permitted in strategic locations in the Health Center (HC) and Health Center Commercial (CHC) zoning districts.

“Mixed used building signage” means signage used to identify multiple tenants or multiple functions within one structure. Identification of the primary user may occupy the majority of space on the sign face all other identification text shall be installed horizontally on a single sign face or on individual panels, identical in size with one line of text characters and logos identifying each individual tenant or function. A building under single ownership with multiple functions signage may identify each use on one sign located at the entrance to the building or at the location most visible from the street.

“Monument sign means” an architecturally designed sign preferably constructed of concrete, rock, stone, or other masonry material used to identify a campus or complex of buildings of common or uncommon ownership. The dimensions of the sign shall be determined by the Commission based on the proposed location and the size of the complex. Additional landscaping may be required.

“Regulatory sign” means an informational sign that may be pole mounted or mounted and fastened flat against a building wall that is used to provide a warning regarding health and safety issues. These type signs can be no larger than 2 square feet in area or 24 inches in diameter.

(d) Landscape area required.

(1) All ground mounted identification signage shall provide a landscaped area containing one square foot of plantings for every 2 square feet of the sign base or a fraction thereof located within 10 feet of the base of the sign. Turf grass shall not be used to satisfy this requirement.

(2) Landscape planting can include but is not limited to, ground cover, ornamental grasses, flowering plants, shrubs or miniature trees planted along the base of the sign spaced at a distance that will allow plantings to achieve full growth potential. Planted at a height that at maturity will not interfere with the visibility and readability of the sign message. All plants must be compatible to the Oklahoma City environment.