

REQUEST FOR ACTION: ORDINANCE

Version: 01/27/2014

AGENDA FOR: MAYOR COUNCIL AUTHORITY: TMAPC DATE: May 8, 2023
Tulsa City Clerk's Office. 596-7513 or 596-7514

FOR INFORMATION CONTACT

DEPARTMENT: TMAPC CONTACT NAME: Susan Miller
ADDRESS: 2 West 2nd St Ste. 800, Tulsa, OK 74103 TELEPHONE: (918) 579-9470

SUBJECT: ZCA-26, Zoning Code amendments

ORDINANCE TYPE: AMENDING ZONING CODE BA or CT #: _____
AMENDMENT OF ORD#: _____ TRO TITLE: _____ TRO SUBTITLE: _____ PLANNING DISTRICT: _____
ZONING #: _____ SSID: _____ PUD #: _____ PROP/NON-PROP: _____ COUNCIL DISTRICT: _____

SUMMARY:

Applicant Land Use Administrator, 2 West 2nd Street, Suite 800, Tulsa, OK 74103, phone 918 584 7526

The proposed amendments are corrective in nature and reflect the work of the Zoning Code Implementation Team (made up of Tulsa Planning Office, Development Services & City Legal). The proposed amendments to the City of Tulsa Zoning Code are in the following sections: Chapter 1 Introductory Provisions; Section 1 090 Rules of Language and Construction, Chapter 5 Residential Districts; Section 5 020 Use Regulations, Chapter 10 Mixed-use Districts; Table 10-4, Lot and Building Regulations for -P Character Zones, Chapter 15 Office, Commercial and Industrial Districts; Table 15-3 O, C, and I District Lot and Building Regulations, Section 15 030-B Table Notes, Chapter 20 Overlay Districts; Section 20 030 SA, Special Area Overlays; Chapter 70 Review and Approval Procedures; Section 70 010 Common Provisions, Table 70-1 Review and Decision-making Authority Summary Table, Section 70.010-G Hearing Procedures, Chapter 75 Administration; Section 75 020 Preservation Commission, Section 75 020-L Staff, Chapter 95 Definitions; Section 95 150 Terms Beginning with "L", Land Use Administrator

APPROVED
MAY 24 2023
Tulsa City Council

BUDGET: _____ FINANCE DIRECTOR APPROVAL: _____

FUNDING SOURCE: N/A

REQUEST FOR ACTION: All department items requiring Council approval must be submitted through the Mayor's Office.

On April 19, 2023 TMAPC voted 9-0-0 to recommend the City Council adopt the proposed amendments to the of the City of Tulsa Zoning Code

DEPARTMENT HEAD APPROVAL: [Signature]
CITY ATTORNEY APPROVAL: _____
BOARD APPROVAL: _____
MAYORAL APPROVAL: [Signature]
OTHER: _____

DATE: 5/8/23
MAY 31 2023

FOR CITY COUNCIL OFFICE USE ONLY:

COMMITTEE: UED COMMITTEE DATE(S): 5-17-23 DATE RECEIVED: _____
HEARING DATE: _____ SECOND AGENDA DATE: 5-24-23 FIRST AGENDA DATE: 5-17-23
APPROVED: _____

For City Clerk's Office Use Only (Agenda Date: MMDDYYYY; Sec #: Dept ##, Item ##, Sub-Item ##, Status: S=Synopsis)

23-360-1

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(Published in the Tulsa World

June 4, 2023)

ORDINANCE NO 25055

AN ORDINANCE AMENDING THE TULSA ZONING CODE, TITLE 42, TULSA REVISED ORDINANCES (HEREINAFTER "TITLE 42") BY AMENDING **CHAPTER 1, INTRODUCTORY PROVISIONS**, SECTION 1.090-I, PUBLIC OFFICIALS AND AGENCIES, PARAGRAPHS 4 AND 10; AMENDING **CHAPTER 5, RESIDENTIAL DISTRICTS**, SECTION 5.020, USE REGULATIONS, SECTION 5.020-A, USE CLASSIFICATION SYSTEM; AMENDING **CHAPTER 10, MIXED-USE DISTRICTS**, NOTE [1] FOR TABLE 10-4: LOT AND BUILDING REGULATIONS FOR -P CHARACTER ZONES; AMENDING **CHAPTER 15, OFFICE, COMMERCIAL & INDUSTRIAL DISTRICTS**, SECTION 15 030-B, TABLE NOTES, NOTE [6] FOR TABLE 15-3: O, C AND I DISTRICT LOT AND BUILDING REGULATIONS, AMENDING **CHAPTER 20, OVERLAY DISTRICTS**, SECTION 20.030, SA, SPECIAL AREA OVERLAYS, SECTION 20.030-A, GENERAL, AND 20 030-C UNDERLYING ZONING, AMENDING **CHAPTER 70, REVIEW AND APPROVAL PROCEDURES**, TABLE 70-1: REVIEW AND DECISION-MAKING AUTHORITY SUMMARY TABLE, AND TABLE 70-1 NOTES, AND AMENDING SECTION 70.010-G, PARAGRAPHS 1 AND 3; AMENDING **CHAPTER 75, ADMINISTRATION**, SECTION 75.020, PRESERVATION COMMISSION, SECTION 75.020-L, STAFF; AMENDING **CHAPTER 95, DEFINITIONS**, SECTION 95 150, TERMS BEGINNING WITH "L", LAND USE ADMINISTRATOR; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 1, Introductory Provisions, Section 1 090-I, Public Officials and Agencies, numbered paragraph 4, be and the same is hereby amended to delete "at the Indian Nations Council of Governments (INCOG)" in the reference to the Tulsa Planning Office and to read as follows

4. References in this zoning code to the "planning director" are references to the director of the Tulsa Planning Office.

Section 2. That Title 42, Chapter 1, Introductory Provisions, Section 1.090-I, Public Officials and Agencies, numbered paragraph 10, be and the same is hereby amended to delete references to INCOG and to read as follows:

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10. References in this zoning code to the "land use administrator" are references to the director of the Tulsa Planning Office. In the performance of his or her duties, the land use administrator may consult with the development administrator

Section 3 That Title 42, Chapter 5, Residential Districts, Section 5 020, Use Regulations, Section 5.020-A, Use Classification System, be and is hereby amended to delete the statement that building types are listed in Table 5-2 and to read as follows

5 020-A Use Classification System

Uses are listed in the first column of Table 5-2. This zoning code classifies uses into categories and subcategories, which are defined in Chapter 35. In some cases, specific use types are listed in addition to the use categories and subcategories. Building types are also defined in Chapter 35.

Section 4 That Title 42, Chapter 10, Mixed-use Districts, Note [1] for Table 10-4: Lot and Building Regulations for -P Character Zones, be and the same is hereby amended to specify that drive aisles are not prohibited between the building and the street right-of-way and to read as follows:

[1] Parking spaces, not including drive aisles, are prohibited between building and street right-of-way (see Figure 10-2). Parking structures are subject to Section 40 280.

Section 5. That Title 42, Chapter 15, Office, Commercial & Industrial Districts, Section 15.030-B Table Notes, Note [6] for Table 15-3 O, C and I District Lot and Building Regulations, be and the same is hereby amended to provide a building setback from railroad right-of-way and to read as follows:

[6] Minimum building setback abutting freeway right-of-way or railroad right-of-way that is zoned AG, AG-R, R, or O is 10 feet.

Section 6 That Title 42, Chapter 20, Overlay Districts, Section 20 030, Special Area Overlays, Section 20 030-A, General, be and the same is hereby amended to specify that HP overlays, PI overlays and PUDs are not considered Special Area Overlays and to read as follows.

20.030-A General

This section establishes the general authority and basic procedure for establishment of SA, Special Area overlay districts. Historic Preservation Overlays (HP), Parking Impact Overlays (PI) and Planned Unit Developments (PUD) are not considered SA overlays.

Section 7 That Title 42, Chapter 20, Overlay Districts, Section 20 030, Special Area Overlays, Section 20 030-C, Underlying Zoning, be and the same is hereby amended to refer to CBD as CBD "zoning" rather than CBD "district" and to read as follows.

20 030-C Underlying Zoning

SA overlays may be approved in areas classified in any residential or nonresidential base zoning district, except the Central Business District (CBD). SA overlays may not be applied in combination with Central Business District (CBD) zoning

Section 8 That Title 42, Chapter 70, Review and Approval Procedures, Table 70-1 Review and Decision-making Authority Summary Table, and Table 70-1 Notes be and are hereby amended to add a new Note [7] specifying that certain required notice is for the planning commission public hearing and to read as follows

Table 70-1. Review and Decision-making Authority Summary Table

Procedure	Staff	Preservation Commission	Planning Commission	Board of Adjustment	City Council	Public Notice
Zoning Code Text Amendments	R	-	<R>	-	<DM>	N[7]
Zoning Map Amendments (Non-HP)	R	-	<R>	-	<DM>	N,M,P[7]
Development Plans	R	-	<R>	-	<DM>	N,M,P[7]
Site Plans	DM[1]	-	-	-	-	-
Historic Pres (HP) Zoning Map Amendments	R	R	<R>	-	<DM>	N,M,P[7]
HP Permits	R[2]	DM[2]	-	-	-	-
Zoning Code Interpretations	DM[3]	-	-	-	-	-
Spacing and Separation Distance Verification	DM[4]	-	-	-	-	-
Special Exceptions	-	-	-	<DM>	-	N,M,P[5]
Variances	-	-	-	<DM>	-	N,M
Appeals of Administrative Decisions	-	-	-	<DM>[6]	-	N,M

R = Review body (review and recommendation) | **DM** = Decision-making body (final decision to approve or deny)
 < > = Public hearing required | Hearing Notice **N** = Newspaper; **M** = Mail; **P** = Posting (signs)

Table 70-1 Notes

- [1] Unless alternative site plan review procedure/decision-maker is established by city council at time of development plan approval (see 70 050-C)
- [2] Preservation officer (staff) authorized to act on some applications (see 70 070-K)
- [3] Development administrator authorized to issue written interpretations
- [4] Development administrator authorized to verify spacing and separation distance requirements
- [5] Special notice requirements for minor special exceptions (See 70 120-E)
- [6] Appeals of administrative decisions on site plans go to the planning commission
- [7] Notice required for planning commission public hearing but not for city council public hearing

Section 9 That Title 42, Chapter 70, Review and Approval Procedures, Section 70 010-G, Hearing Procedures, numbered paragraph 1, be and the same is hereby amended to specify that the required city council public hearing may be heard under agenda classifications deemed appropriate by the city council, and to read as follows:

1. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is

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authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments. The required city council public hearing may be conducted under the council agenda classification "Authorities, Boards and Commissions" or under any other agenda classification deemed appropriate by the city council.

Section 10 That Title 42, Chapter 70, Review and Approval Procedures, Section 70.010-G, Hearing Procedures, numbered paragraph 3, be and the same is hereby amended to identify when new public hearing notice is required for rescheduled public hearings and to read as follows

3 If a public hearing requiring notice is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification

Section 11 That Title 42, Chapter 75, Administration, Section 75 020, Preservation Commission, Section 75 020-L, Staff, be and the same is hereby amended to substitute "Tulsa Planning Office" for "planning department" and to read as follows

75 020-L Staff

The Tulsa Planning Office, or such other department, division or section as directed by the mayor, must provide staff to the preservation commission to assist in the performance of its duties

Section 12. That Title 42, Chapter 95, Definitions, Section 95 150, Terms Beginning with "L", "Land Use Administrator", be and the same is hereby amended to correct the section number referred to in the definition of the term "Land Use Administrator" and to read as follows

Land Use Administrator
See Section 1 090-110

Section 13 That if any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof

Section 14. That all ordinances or parts of ordinances in conflict herewith be and the same are expressly repealed

MAY 24 2023

ADOPTED by the Council: _____, 2023.


Chair of the Council

OFFICE OF THE MAYOR

Received by the Mayor: _____, at _____.
Date Time

G.T. Bynum, Mayor

By _____
Secretary

APPROVED by the Mayor of the City of Tulsa, Oklahoma: MAY 31 2023 2023.
Date
at _____
Time



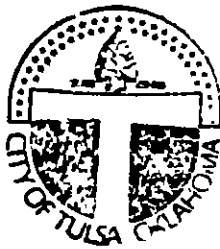
Mayor

(Seal)

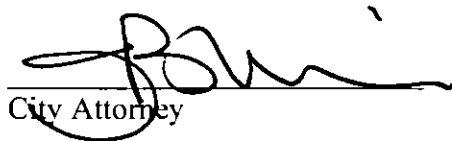
ATTEST:



City Clerk



APPROVED:



City Attorney

Prepared by Susan Miller, smiller@incog.org, 918.579.9470**Item**

Consider various amendments to the City of Tulsa Zoning Code in the following sections: Chapter 1 Introductory Provisions: Section 1.090 Rules of Language and Construction; Chapter 5 Residential Districts: Section 5.020 Use Regulations; Chapter 10 Mixed-use Districts: Table 10-4: Lot and Building Regulations for -P Character Zones; Chapter 15 Office, Commercial and Industrial Districts: Table 15-3: O, C, and I District Lot and Building Regulations, Section 15.030-B Table Notes; Chapter 20 Overlay Districts: Section 20.030 SA, Special Area Overlays; Chapter 70 Review and Approval Procedures: Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.010-G Hearing Procedures; Chapter 75 Administration: Section 75.020 Preservation Commission, Section 75.020-L Staff; Chapter 95 Definitions: Section 95.150 Terms Beginning with "L", Land Use Administrator

Background

During the development of the City of Tulsa Zoning Code, staff anticipated that clean-up items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished, and unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.

The clean-up amendments are a result of the continuing work of the zoning code implementation team. Primarily these items were identified through interactions with the public, both through the zoning and building permit processes. There are no substantive changes in this clean-up effort. Staff presented the proposed amendments at a March 22, 2023 TMAPC work session. Below is a general description of items included in this round of clean-up.

- Section 1.090-I-4 & 1.090-I-10, Land Use Administrator description adjusted to reflect City reorganization effective July 1, 2023.
- Section 5.020-A, Use Classification System - Remove "and building types" because they are not listed in Table 5-2.
- Table 10-4 Table Note 1, Change "parking is prohibited" to "parking spaces, not including drive aisles, are prohibited between building and street right-of-way."
- Table 15-3 Table Note 6, 75', Minimum building setback for IL next to AG, AG-R, R or O zoned properties is currently reduced to 10' abutting R-zoned freeway right-of-way and should also be exempt next to R-zoned railroad right-of-way.
- 20.030-A General Clarify that Historic Preservation Overlays (HP), Parking Impact Overlays (PI) and Planned Unit Developments (PUD) are not considered Special Area Overlays.
- 20.030-C, "CBD district" should be referred to as "CBD zoning".
- Table 70-1 & 70.010-G, Clarify public hearing procedures related to City Council processes.
- Definitions, page 95-11, Reference # for Land Use Administrator is incorrect, should be I10, not I9.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike-through~~/underline in Attachment I.



Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in the attachment

Attachment

- Summary of changes for zoning code amendments

Attachment I

-
1. *Section 1.090-I-4 & 1.090-I-10, Land Use Administrator description adjusted to reflect City reorganization effective July 1, 2023.*

Chapter 1 | Introductory Provisions

Section 1.090 Rules of Language and Construction

1.090-I Public Officials and Agencies

1. Unless otherwise expressly stated, all employees, public officials, bodies and agencies to which references are made are those of the City of Tulsa or individuals or agencies legally authorized to act on behalf of the City of Tulsa.
2. References in this zoning code to the "city" are references to the City of Tulsa.
3. References in this zoning code to the "city council" are references to the Tulsa City Council.
4. References in this zoning code to the "planning director" are references to the director of the Tulsa Planning Office ~~at the Indian Nations Council of Governments (INCOG)~~
5. References in this zoning code to the "planning commission" are references to the Tulsa Metropolitan Area Planning Commission.
6. References in this zoning code to the "board of adjustment" are references to the City of Tulsa Board of Adjustment.
7. References in this zoning code to the "preservation commission" are references to the City of Tulsa Preservation Commission.
8. References in this zoning code to the "preservation officer" are references to the planning director or the staff member to whom the planning director assigns responsibility for performing the preservation officer's duties under this zoning code.
9. References in this zoning code to the "development administrator" are references to the director of the City of Tulsa development services department. In the performance of his or her duties, the development administrator may consult with the land use administrator.
10. References in this zoning code to the "land use administrator" are references to the director of the Tulsa Planning Office ~~at INCOG. INCOG performs its responsibilities and duties under this zoning code pursuant to an agreement with the City of Tulsa.~~ In the performance of his or her duties, the land use administrator may consult with the development administrator

2. Section 5.020-A, Use Classification System - Remove "and building types" because they are not listed in Table 5-2.

Chapter 5 | Residential Districts

Section 5.020 Use Regulations

Principal uses are allowed in R districts in accordance with Table 5-2.

5.020-A Use Classification System

Uses are listed in the first column of Table 5-2. This zoning code classifies uses into categories and subcategories, which are defined in Chapter 35. In some cases, specific use types and building types are listed in addition to the use categories and subcategories. Building types are also defined in Chapter 35

3. Table 10-4 Table Note 1, Change "parking is prohibited" to "parking spaces, not including drive aisles, are prohibited between building and street right-of-way."

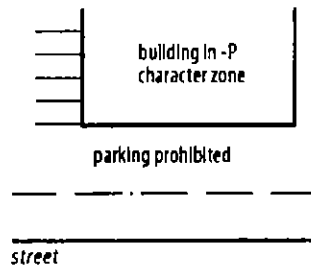
Chapter 10 | Mixed-use Districts

Table 10-4: Lot and Building Regulations for -P Character Zones

Minimum Lot Area (sq ft.)	3,500	Min. Ground Floor Ceiling Height (feet)	14
Minimum Lot Width (feet)	25	Minimum Transparency (%)	
Minimum Street Frontage (feet)	20	Ground floor	50
Minimum Open Space per Unit (sq ft.)	100	Upper floors	20
Minimum Building Setbacks (feet)		Min. Parking Setbacks (ft)(see also §55.080-C)[1]	
Street	0	Primary street	30
Abutting R district	10	Secondary street or R zoning district	10
Abutting nonresidential district	0	Nonresidential zoning district	0
Abutting alley	5	Street-facing Entrance Required	Yes
Build-to-Zone (BTZ) (minimum/maximum in feet)	0/20		
See Section 90 110 for BTZ measurement			
Primary street BTZ (%)	80		
Secondary street BTZ (%)	30		

- [1] Parking spaces, not including drive aisles, are prohibited between building and street right-of-way (see Figure 10-2) Parking structures are subject to Section 40 280

Figure 10-2: Parking Prohibited between Building and Street Right-of-Way (-P Character Zones)



4. *Table 15-3 Table Note 6, 75' minimum building setback for IL next to AG, AG-R, R or O zoned properties is currently reduced to 10' abutting freeway right-of-way and should also be exempt next to railroad right-of-way.*

Chapter 15 | Office, Commercial & Industrial Districts

Table 15-3: O, C and I District Lot and Building Regulations

Regulations	OL	OM	OMH	OH	CS	CG	CH	CBD	IL	IM	IH
Minimum Lot Area (sq. ft.)	-	-	-	10,000	-	-	-	-	-	-	-
Minimum Street Frontage (feet)	50	50	50	-	50	50	-	-	50	50	50
Maximum Floor Area Ratio (FAR)	0.40	0.50	2.00	8.00	0.50	0.75	-	-	-	-	-
Minimum Lot Area per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Min. Open Space per Unit (sq. ft.)	[1]	[2]	[2]	[3]	[2]	[2]	-	-	[2]	[2]	[2]
Building Setbacks (feet)											
Street [4]	10	10	10	10	10	10	-	-	10	10	10
From AG, AG-R, or R district	10	10[5]	10[5]	10	10[5]	10[5]	-	-	75[6]	75[6]	75[6]
From O district	-	-	-	-	-	-	-	-	75[6]	75[6]	75[6]
Max Building Coverage (% of lot)	-	-	-	-	-	-	-	-	-	-	-
Maximum Building Height (feet)	35	-	-	-	-	-	-	-	-	-	-

15.030-B Table Notes

- The following notes refer to the bracketed numbers (e.g., "[1]") in Table 15-3:
- [1] Same as required in RT district.
 - [2] Same as required in RM-2 district.
 - [3] Same as required in RM-3 district.
 - [4] Garage doors must be set back at least 20 feet or 20 feet from the back of the sidewalk, whichever is greater
 - [5] When abutting RE-, RS- or RD-zoned lot, 2 feet of additional building setback required for each foot of building height above 15 feet.
 - [6] Minimum building setback abutting freeway right-of-way or railroad right-of-way that is zoned AG, AG-R, R, or O is 10 feet.

5. *In 20.030-A, clarify that Historic Preservation Overlays (HP), Parking Impact Overlays (PI) and Planned Unit Developments (PUD) are not considered Special Area Overlays. In 20.030-C, "CBD district" should be referred to as "CBD zoning".*

Chapter 20 | Overlay Districts

Section 20.030 SA, Special Area Overlays

20.030-A General

This section establishes the general authority and basic procedure for establishment of SA, Special Area overlay districts. Historic Preservation Overlays (HP), Parking Impact Overlays (PI) and Planned Unit Developments (PUD) are not considered SA overlays.

12.5

20.030-C Underlying Zoning

SA overlays may be approved in areas classified in any residential or nonresidential base zoning district, except the Central Business District (CBD) district. SA overlays may not be applied in combination with Central Business District (CBD) zoning.

6. Table 70-1 & 70.010-G, Clarify public hearing procedures related to City Council processes.

Chapter 70 | Review and Approval Procedures

Section 70.010 Common Provisions

70.010-A Applicability

The common provisions of this section apply to all of the procedures in this chapter unless otherwise expressly stated.

Table 70-1: Review and Decision-making Authority Summary Table

Procedure	Staff	Preservation Commission	Planning Commission	Board of Adjustment	City Council	Public Notice
Zoning Code Text Amendments	R	-	<R>	-	<DM>	N[7]
Zoning Map Amendments (Non-HP)	R	-	<R>	-	<DM>	N,M,P[7]
Development Plans	R	-	<R>	-	<DM>	N,M,P[7]
Site Plans	DM[1]	-	-	-	-	-
Historic Pres (HP) Zoning Map Amendments	R	R	<R>	-	<DM>	N,M,P[7]
HP Permits	R[2]	DM[2]	-	-	-	-
Zoning Code Interpretations	DM[3]	-	-	-	-	-
Spacing and Separation Distance Verification	DM[4]	-	-	-	-	-
Special Exceptions	-	-	-	<DM>	-	N,M,P[5]
Variances	-	-	-	<DM>	-	N,M
Appeals of Administrative Decisions	-	-	-	<DM>[6]	-	N,M

R = Review body (review and recommendation) | DM = Decision-making body (final decision to approve or deny)
 <> = Public hearing required | Hearing Notice N = Newspaper; M = Mail, P = Posting (signs)

Table 70-1 Notes

- [1] Unless alternative site plan review procedure/decision-maker is established by city council at time of development plan approval (see 70 050-C)
- [2] Preservation officer (staff) authorized to act on some applications (see 70 070-K)
- [3] Development administrator authorized to issue written interpretations
- [4] Development administrator authorized to verify spacing and separation distance requirements
- [5] Special notice requirements for minor special exceptions (See 70 120-E)
- [6] Appeals of administrative decisions on site plans go to the planning commission
- [7] Notice required for planning commission public hearing but not for city council public hearing

12.6

70.010-G Hearing Procedures

1. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments. The required city council public hearing may be conducted under the council agenda classification "Authorities, Boards and Commissions" or under any other agenda classification deemed appropriate by the city council.
2. Once commenced, a public hearing may be continued by the hearing body. No re-notification is required if the continuance is set for specified date and time and that date and time is announced at the time of the continuance.
3. If a public hearing requiring notice is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification

7. *Administration, page 95-11, Section 75.020-L, reference to planning department should be changed to the Tulsa Planning Office.*

Chapter 75 | Administration

Section 75.020 Preservation Commission

75.020-L Staff

The ~~planning department~~ Tulsa Planning Office, or such other department, division or section as directed by the mayor, must provide staff to the preservation commission to assist in the performance of its duties.

8. *Definitions, page 95-11, Reference # for Land Use Administrator is incorrect, should be 1.090-I.10, not 1.090-I9.*

Chapter 95 | Definitions

Land Use Administrator
See 1.090-I9,10.

Bayles, Zalk, "absent") to recommend **APPROVAL** of the CBD zoning for Z-7710 per staff recommendation.

Legal Description for Z-7710:

Part of Lots Seven (7) and Eight (8) in Block Twenty-three (23), OWEN ADDITION to the City of Tulsa, Tulsa County, State of Oklahoma, according to the South part of the Amended Plat thereof, described as follows: Beginning on the South line of Block 23 at a point 35 feet Southwesterly from the Southeast Corner thereof; thence Southwesterly on the Southerly line of Block 23 to the Southwest Corner of said Block; thence North on the West Line of said Block 23 to the Northwest Corner of Lot Seven (7), thence Easterly to a point 15 feet West of the Northeast Corner of Lot Seven (7); thence Southwesterly to the POINT OF BEGINNING.

12. **ZCA-26** Various amendments to the City of Tulsa Zoning Code in the following sections. Chapter 1 Introductory Provisions: Section 1.090 Rules of Language and Construction; Chapter 5 Residential Districts: Section 5.020 Use Regulations; Chapter 10 Mixed-use Districts: Table 10-4: Lot and Building Regulations for -P Character Zones; Chapter 15 Office, Commercial and Industrial Districts: Table 15-3: O, C, and I District Lot and Building Regulations, Section 15.030-B Table Notes; Chapter 20 Overlay Districts: Section 20.030 SA, Special Area Overlays; Chapter 70 Review and Approval Procedures: Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.010-G Hearing Procedures; Chapter 75 Administration: Section 75.020 Preservation Commission, Section 75.020-L Staff, Chapter 95 Definitions: Section 95.150 Terms Beginning with "L", Land Use Administrator

STAFF RECOMMENDATION:

Item

Consider various amendments to the City of Tulsa Zoning Code in the following sections. Chapter 1 Introductory Provisions: Section 1.090 Rules of Language and Construction; Chapter 5 Residential Districts: Section 5.020 Use Regulations; Chapter 10 Mixed-use Districts: Table 10-4. Lot and Building Regulations for -P Character Zones; Chapter 15 Office, Commercial and Industrial Districts: Table 15-3: O, C, and I District Lot and Building Regulations, Section 15.030-B Table Notes; Chapter 20 Overlay Districts: Section 20.030 SA, Special Area Overlays; Chapter 70 Review and Approval Procedures: Section 70.010 Common Provisions, Table 70-1: Review and Decision-making Authority Summary Table; Section 70.010-G Hearing Procedures; Chapter 75 Administration: Section 75.020 Preservation Commission, Section 75.020-L Staff, Chapter 95 Definitions. Section 95.150 Terms Beginning with "L", Land Use Administrator

Background

During the development of the City of Tulsa Zoning Code, staff anticipated that clean-up items would be identified as implementation began in 2016. In early 2016, a zoning code implementation team was established and began meeting regularly to discuss situations where inconsistencies existed, clarification was needed, intent was not fully accomplished, and unintended consequences occurred. Since the effective date of the zoning code, staff has brought several rounds of general clean-up amendments through the approval process. The zoning code implementation team meets biweekly and consists of members of the Tulsa Planning Office, Development Services Department, and City Legal.

The clean-up amendments are a result of the continuing work of the zoning code implementation team. Primarily these items were identified through interactions with the public, both through the zoning and building permit processes. There are no substantive changes in this clean-up effort. Staff presented the proposed amendments at a March 22, 2023 TMAPC work session. Below is a general description of items included in this round of clean-up.

- Section 1.090-I-4 & 1.090-I-10, Land Use Administrator description adjusted to reflect City reorganization effective July 1, 2023
- Section 5 020-A, Use Classification System - Remove "and building types" because they are not listed in Table 5-2.
- Table 10-4 Table Note 1, Change "parking is prohibited" to "parking spaces, not including drive aisles, are prohibited between building and street right-of-way."
- Table 15-3 Table Note 6, 75', Minimum building setback for IL next to AG, AG-R, R or O zoned properties is currently reduced to 10' abutting R-zoned freeway right-of-way and should also be exempt next to R-zoned railroad right-of-way.
- 20 030-A General Clarify that Historic Preservation Overlays (HP), Parking Impact Overlays (PI) and Planned Unit Developments (PUD) are not considered Special Area Overlays.
- 20 030-C, "CBD district" should be referred to as "CBD zoning".
- Table 70-1 & 70 010-G, Clarify public hearing procedures related to City Council processes.
- Definitions, page 95-11, Reference # for Land Use Administrator is incorrect, should be 110, not 19.

The amendments proposed to the City of Tulsa Zoning Code, Title 42 Tulsa Revised Ordinances, are shown in ~~strike through~~/underline in **Attachment I**.

Staff Recommendation

Approval of the proposed amendments to the City of Tulsa Zoning Code as shown in the attachment

There were no interested parties wishing to speak.

TMAPC Action; 9 members present:

On **MOTION** of **WALKER**, the TMAPC voted 9-0-0(Carr, Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Zalk, "absent") to recommend **ADOPTION** of ZCA-26 per staff recommendation.

PUBLIC HEARING-COMPREHENSIVE PLAN AMENDMENTS

13. CPA-102 Nathan Cross (CD; 3) Location: South of the southeast corner of Highway 169 and East 56th Street North requesting to amend the Land Use Map designation from **Regional Center** to **Employment (Related to Z-7705)** (Staff requests a continuance to May 17, 2023)

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Carr, Zalk, "absent") to **CONTINUE** Item 13 to May 17, 2023.

14. TCCP-12 Nathan Cross (County) Location: North of the northeast corner of Highway 169 and East 56th Street North requesting rezoning from **Rural Residential/Agricultural** to **Industrial** (related to CZ-543 and PUD-867) (Staff requests a continuance to May 17, 2023)

TMAPC Action; 8 members present:

On **MOTION** of **COVEY**, the TMAPC voted 8-0-0 (Covey, Craddock, Hood, Humphrey, Krug, Shivel, Walker, Whitlock, "aye"; no "nays"; none "abstaining"; Bayles, Carr, Zalk, "absent") to **CONTINUE** Item 14 to May 17, 2023.

TULSA WORLD
AFFIDAVIT OF PUBLICATION

See Proof on Next Page

Tulsa World
315 S. Boulder Ave.
(918) 582-0921

I, Stefan Edward Pla, of lawful age, being duly sworn upon oath depose and say that I am an agent of Column Software, PBC, duly appointed and authorized agent of the Publisher of Tulsa World, a publication that is a "legal newspaper" as that phrase is defined for the city of Tulsa, for the County of Tulsa, in the state of Oklahoma, that this affidavit is Page 1 of 3 with the full text of the sworn-to notice set forth on the pages that follow, and that the attachment hereto contains the correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

PUBLICATION DATES:
4 Jun 2023

Notice ID: GUvaZLA9qkcwhBq41yNC
Publisher ID: 30928
Notice Name: ORDINANCE NO. 25055

PUBLICATION FEE: \$440.87

I state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

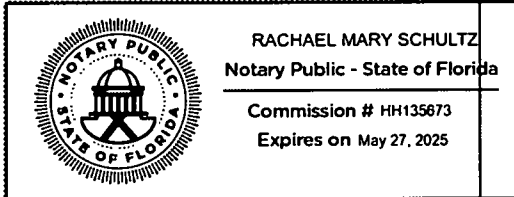
Stefan Edward Pla

Agent

VERIFICATION

State of Florida
County of Charlotte

Signed or attested before me on this: 06/05/2023



Rachael Mary Schultz

Notary Public
Notarized online using audio-video communication

AN ORDINANCE AMENDING THE TULSA ZONING CODE, TITLE 42, TULSA REVISED ORDINANCES (HEREINAFTER "TITLE 42") BY AMENDING CHAPTER 1, INTRODUCTORY PROVISIONS, SECTION 1.090-I, PUBLIC OFFICIALS AND AGENCIES, PARAGRAPHS 4 AND 10; AMENDING CHAPTER 5, RESIDENTIAL DISTRICTS, SECTION 5.020, USE REGULATIONS, SECTION 5.020-A, USE CLASSIFICATION SYSTEM; AMENDING CHAPTER 10, MIXED-USE DISTRICTS, NOTE [1] FOR TABLE 10-4; LOT AND BUILDING REGULATIONS FOR P CHARACTER ZONES; AMENDING CHAPTER 15, OFFICE, COMMERCIAL & INDUSTRIAL DISTRICTS, SECTION 15.030-B, TABLE NOTES, NOTE [6] FOR TABLE 15-3; O, C AND I DISTRICT LOT AND BUILDING REGULATIONS; AMENDING CHAPTER 20, OVERLAY DISTRICTS, SECTION 20.030, SA, SPECIAL AREA OVERLAYS, SECTION 20.030-A, GENERAL, AND 20.030-C UNDERLYING ZONING; AMENDING CHAPTER 70, REVIEW AND APPROVAL PROCEDURES, TABLE 70-1: REVIEW AND DECISION-MAKING AUTHORITY SUMMARY TABLE, AND TABLE 70-1 NOTES, AND AMENDING SECTION 70.010-G, PARAGRAPHS 1 AND 3; AMENDING CHAPTER 75, ADMINISTRATION, SECTION 75.020, PRESERVATION COMMISSION, SECTION 75.020-L, STAFF; AMENDING CHAPTER 95, DEFINITIONS, SECTION 95.150, TERMS BEGINNING WITH "L", LAND USE ADMINISTRATOR; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith.

BE IT ORDAINED BY THE CITY OF TULSA:

Section 1. That Title 42, Chapter 1, Introductory Provisions, Section 1.090-I, Public Officials and Agencies, numbered paragraph 4, be and the same is hereby amended to delete "at the Indian Nations Council of Governments (INCOG)" in the reference to the Tulsa Planning Office and to read as follows:

4. References in this zoning code to the "planning director" are references to the director of the Tulsa Planning Office.

Section 2. That Title 42, Chapter 1, Introductory Provisions, Section 1.090-I, Public Officials and Agencies, numbered paragraph 10, be and the same is hereby amended to delete references to INCOG and to read as follows:

10. References in this zoning code to the "land use administrator" are references to the director of the Tulsa Planning Office. In the performance of his or her duties, the land use administrator may consult with the development administrator.

Section 3. That Title 42, Chapter 5, Residential Districts, Section 5.020, Use Regulations, Section 5.020-A, Use Classification System, be and is hereby amended to delete the statement that building types are listed in Table 5-2 and to read as follows:

5.020-A Use Classification System
 Uses are listed in the first column of Table 5-2. This zoning code classifies uses into categories and subcategories, which are defined in Chapter 35. In some cases, specific use types are listed in addition to the use categories and subcategories. Building types are also defined in Chapter 35.

Section 4. That Title 42, Chapter 10, Mixed-use Districts, Note [1] for Table 10-4: Lot and Building Regulations for P Character Zones, be and the same is hereby amended to specify that drive aisles are not prohibited between the building and the street right-of-way and to read as follows:

[1] Parking spaces, not including drive aisles, are prohibited between building and street right-of-way (see Figure 10-2). Parking structures are subject to Section 40.280.

Section 5. That Title 42, Chapter 15, Office, Commercial & Industrial Districts, Section 15.030-B Table Notes, Note [6] for Table 15-3: O, C and I District Lot and Building Regulations, be and the same is hereby amended to provide a building setback from railroad right-of-way and to read as follows:

[6] Minimum building setback abutting freeway right-of-way or railroad right-of-way that is zoned AG, AG-R, R, or O is 10 feet.

Section 6. That Title 42, Chapter 20, Overlay Districts, Section 20.030, Special Area Overlays, Section 20.030-A, General, be and the same is hereby amended to specify that HP overlays, PI overlays and PUDs are not considered Special Area Overlays and to read as follows:

20.030-A General
 This section establishes the general authority and basic procedure for establishment of SA, Special Area overlay districts. Historic Preservation Overlays (HP), Parking Impact Overlays (PI) and Planned Unit Developments (PUD) are not considered SA overlays.

Section 7. That Title 42, Chapter 20, Overlay Districts, Section 20.030, Special Area Overlays, Section 20.030-C, Underlying Zoning, be and the same is hereby amended to refer to CBD as CBD "zoning" rather than CBD "district" and to read as follows:

20.030-C Underlying Zoning
 SA overlays may be approved in areas classified in any residential or nonresidential base zoning district, except the Central Business District (CBD). SA overlays may not be applied in combination with Central Business District (CBD) zoning.

Section 8. That Title 42, Chapter 70, Review and Approval Procedures, Table 70-1: Review and Decision-making Authority Summary Table, and Table 70-1 Notes be and are hereby amended to add a new Note [7] specifying that certain required notice is for the planning commission public hearing and to read as follows:

Table 70-1: Review and Decision-making Authority Summary Table

Procedure	Staff	Preservation Commission	Planning Commission	Board of Adjustment	City Council	Public Notice
Zoning Code Text Amendments	R	-	<R>	-	<DM>	N[7]
Zoning Map Amendments (Non-HP)	R	-	<R>	-	<DM>	N,M,P[7]
Development Plans	R	-	<R>	-	<DM>	N,M,P[7]

Site Plans	DM[1]	-	-	-	-	-
Historic Pres. (HP) Zoning Map Amendments	R	R	<R>	-	<DM>	N,M,P[7]
HP Permits	R[2]	DM[2]	-	-	-	-
Zoning Code Interpretations	DM[3]	-	-	-	-	-
Spacing and Separation Distance Verification	DM[4]	-	-	-	-	-
Special Exceptions	-	-	-	<DM>	-	N,M,P[5]
Variances	-	-	-	<DM>	-	N,M
Appeals of Administrative Decisions	-	-	-	<DM>[6]	-	N,M

R = Review body (review and recommendation) | DM = Decision-making body (final decision to approve or deny)
 <> = Public hearing required | Hearing Notice: N = Newspaper; M = Mail; P = Posting (signs)

Table 70-1 Notes

- [1] Unless alternative site plan review procedure/decision-maker is established by city council at time of development plan approval (see 70.050-C)
- [2] Preservation officer (staff) authorized to act on some applications (see 70.070-K)
- [3] Development administrator authorized to issue written interpretations
- [4] Development administrator authorized to verify spacing and separation distance requirements
- [5] Special notice requirements for minor special exceptions (See 70.120-E)
- [6] Appeals of administrative decisions on site plans go to the planning commission
- [7] Notice required for planning commission public hearing but not for city council public hearing

Section 9. That Title 42, Chapter 70, Review and Approval Procedures, Section 70.010-G, Hearing Procedures, numbered paragraph 1, be and the same is hereby amended to specify that the required city council public hearing may be heard under agenda classifications deemed appropriate by the city council, and to read as follows:

1. At required public hearings, interested persons must be permitted to submit information and comments, verbally or in writing. The hearing body is authorized to establish reasonable rules and regulations governing the conduct of hearings and the presentation of information and comments. The required city council public hearing may be conducted under the council agenda classification "Authorities, Boards and Commissions" or under any other agenda classification deemed appropriate by the city council.

Section 10. That Title 42, Chapter 70, Review and Approval Procedures, Section 70.010-G, Hearing Procedures, numbered paragraph 3, be and the same is hereby amended to identify when new public hearing notice is required for rescheduled public hearings. and to read as follows:

3. If a public hearing requiring notice is continued or postponed for an indefinite period of time from the date of the originally scheduled public hearing, new public hearing notice must be given before the rescheduled public hearing. If the applicant requests and is granted a continuance or postponement requiring renotification, the applicant must pay any costs of renotification

Section 11. That Title 42, Chapter 75, Administration, Section 75.020, Preservation Commission, Section 75.020-L, Staff, be and the same is hereby amended to substitute "Tulsa Planning Office" for "planning department" and to read as follows:

75.020-L Staff

The Tulsa Planning Office, or such other department, division or section as directed by the mayor, must provide staff to the preservation commission to assist in the performance of its duties.

Section 12. That Title 42, Chapter 95, Definitions, Section 95.150, Terms Beginning with "L", "Land Use Administrator", be and the same is hereby amended to correct the section number referred to in the definition of the term "Land Use Administrator" and to read as follows:

Land Use Administrator
 See Section 1.090-110.

Section 13. That if any section, sentence, clause or phrase of this ordinance or any part thereof is for any reason found to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance or any part thereof.

Section 14. That all ordinances or parts of ordinances in conflict herewith be and the same are expressly repealed.

ADOPTED by the Tulsa City Council, this 24th Day of May 2023

Crista Patrick, Chair of the City Council

APPROVED by the Mayor of the City of Tulsa, Oklahoma, this 31st Day of May 2023

G. T. Bynum, Mayor

ATTEST: Christina Chappell, City Clerk

APPROVED: Jack Blair, City Attorney

